

FACT SHEET No. 2

PERSONS DEEMED GUILTY BY THE HELSINKI COMMISSION IN THE DEATH OF S. MAGNITSKY WHO PARTICIPATED IN A. YEGANYAN'S CRIMINAL PROCEEDINGS.

Alexei Anichin

Chief of the Investigative Committee of the Russian Ministry of Internal Affairs

In the case of Magnitsky (according to the meeting of the Helsinki Committee, Appendix No. 1)

Sanctioned the initiation of a criminal case against 37-year-old lawyer Sergei Magnitsky. Gave orders to officers of the Ministry of Internal Affairs—whom Magnitsky the lawyer had accused of embezzling 230 million dollars—to arrest Magnitsky a month after Magnitsky had testified. Rejected all claims and appeals received from Magnitsky during Magnitsky's 12-month stay in prison without trial. Denied Magnitsky's appeal to remove from Magnitsky's case officers of the Ministry of Internal Affairs whom Magnitsky had testified against and whom he had accused of embezzling 230 million dollars.

In the case of Yeganyan

Immediate supervisor of the Chief of the Investigative Committee of the Russian Ministry of Internal Affairs Natalya Vinogradova and the investigator Pavel Zotov, and responsible for the content and implementation of the procedural decisions made by them, in particular for the arrest of Armen Yeganyan.

Alexander Matveyev

Deputy Chief of the Investigative Committee of the Russian Ministry of Internal Affairs

In the case of Magnitsky (according to the meeting of the Helsinki Commission, Appendix No. 1)

Triggered the prolongation of the criminal case against Sergei Magnitsky and other lawyers and the directors of the Hermitage, even after Magnitsky's death, and continues to oversee it even today.

In the case of Yeganyan

Affirmed investigator Pavel Zotov's decision to initiate a motion before the trial to arrest Yeganyan, who was detained without due cause. Oversees the investigation of the criminal case against Armen Yeganyan.

Natalya Vinogradova

Deputy Director of the Department of Property and Financial Crimes of the Investigative Committee of the Russian Ministry of Internal Affairs

In the case of Magnitsky (according to the meeting of the Helsinki Commission, Appendix No. 1)

Immediate supervisor of the investigator Silchenko, who repeatedly refused to examine Magnitsky's claims that the case against him was fabricated. Coordinated the sentence and taking into custody of Magnitsky with the FSB, in accordance with the investigation published by the *New Times* magazine.

In the case of Yeganyan

Immediate supervisor of the investigator Pavel Zotov, who handled criminal case No. 346847 against Armen Yeganyan. Responsible for the arrest of Armen Yeganyan.

Andrei Pechegin

Deputy Chief of the department responsible for oversight of investigations of the Russian Prosecutor General's Office

In the case of Magnitsky (according to the meeting of the Helsinki Commission, Appendix No.1)

Personally denied more than 20 claims from Magnitsky on his unlawful arrest and other infractions of the law (including unlawful detention in prison, fabrication of charges, falsification of evidence, refusal of legal rights, attachment to the investigation of parties against whom accusations had been made). In breach of procedural norms, many of Magnitsky's claims were never even examined. In August 2009, Magnitsky filed a claim in court on Pechegin's use of his position to illegal ends; however this complaint had not been reviewed by a court at the time of Magnitsky's death in prison in November 2009, despite the fact that, by law, a complaint must be reviewed within five days of its filing. While Magnitsky was in custody, Pechegin denied the appeals made by many international organizations, which were demanding that Magnitsky's case be reviewed as it had been conducted in violation of the law. Furthermore, Pechegin did not review nor did he provide an explanation to the

In the case of Yeganyan

Oversees the investigation of criminal case No. 346847 against Armen Yeganyan.

prosecutor general's inquiry regarding Magnitsky's unlawful detention or the lack of an investigation into allegations that Ministry of Internal Affairs employees had embezzled 230 million dollars.

FACT SHEET No.1

FACTS OF THE CORPORATE RAID ON THE MOSCOW WINE AND COGNAC PLANT

1. Open Joint-Stock Company KiN Moscow Wine and Cognac Plant is one of the largest producers of alcoholic beverages in Russia, and is a large taxpayer (FACT SHEET No. 3).
2. In 2005, the KiN Moscow Wine and Cognac Plant was the subject of a search by employees of the Moscow Office of Tax Crimes. The aggrieved party's lawyers have reason to maintain that the search was "special ordered," inasmuch as following the search, Armen Yeganyan was advised to agree to have Kesayev "save" his company. In Russia in 2005, searches sanctioned by the Office of Tax Crimes were often "warnings" of planned raids. (APPENDIX No. 3).
3. From 2005 to 2008, law enforcement agencies initiated a few more groundless inspections of the company, forcing KiN Moscow Wine and Cognac Plant to enter into negotiations with Kesayev. The forced negotiations resulted in an agreement that Kesayev would buy the state's shares in the company's stock and would buy a portion of the plant's shares from its owners, to bring the size of its block of shares up to 50% (APPENDIX No. 4).
4. Kesayev did not fulfill his obligations to pay money to the group of KiN Moscow Wine and Cognac Plant shareholders, represented by Yeganyan., in breach of the Collaboration Contract signed with him on July 14, 2008.
5. In December 2008, criminal case No. 346847 was brought against Yeganyan under article 159, section 4 of the Russian Criminal Code (large-scale fraud), in much the same manner as the case against Magnitsky had been initiated (APPENDIX No. 5).
6. Despite the fact that the grounds on which the criminal case was initiated were clearly farfetched (APPENDIX No. 5), Yeganyan was detained and subsequently released by the court on bail of 15,000,000 rubles (approximately \$500,000).
7. At present the investigation of Armen Yeganyan is still ongoing and he remains under threat of detention and arrest.
8. Being under investigation on trumped-up charges and being in prison bring with them huge financial losses for the owner of a large company. Moreover, Yeganyan remains under serious threat of imprisonment and threats to his life and wellbeing.
9. The procedure for corporate raids involving law enforcement agencies has been carefully worked out and remains unchanged: the instigation of a fictitious criminal case, placement in detention or the threat of imprisonment, blackmail, and demands to transfer ownership to the person who ordered the attack on the company. In the case of KiN Moscow Wine and Cognac Plant, in addition to the company itself and its high level of capitalization, the initiators of the takeover were interested in acquiring control over the plot of land on which the company is located, which is of great value.
10. KiN Moscow Wine and Cognac Plant shareholders held negotiations on the possibility of acquiring shares in the company with none other than Kesayev. Inasmuch as the conflict generated by Kesayev's failure to fulfill the conditions of the Collaboration Agreement from July 14, 2008, has yet to be settled, there is reason to

believe that the criminal proceedings against Yeganyan under criminal case No. 346847 are being carried out in Kesayev's interest and with the goal of taking over the company.

11. The investigation and arrest of Yeganyan revealed the following group of officials responsible for maintaining compliance with the law during the investigation of the criminal case against him: Chief of the Investigative Committee of the Russian Ministry of Internal Affairs A. Anichin; Deputy Chief of the Investigative Committee of the Russian Ministry of Internal Affairs A. Matveyev; Deputy Director of the Department of Property and Financial Crimes of the Investigative Committee of the Russian Ministry of Internal Affairs N. Vinogradova; Deputy Chief of the department responsible for oversight of investigations of the Russian Prosecutor General's Office A. Pechegin. These individuals were responsible for maintaining compliance with the law in the investigation of the criminal case against Magnitsky, and are on the Helsinki Commission's list in the Magnitsky case.

FACT SHEET No. 3

KiN Moscow Wine and Cognac Plant

Operates in the production and sale of Russian cognac and vodka. Is a leader in the Russian cognac industry. Is a member of the KiN Group www.kingroup.ru.

In 2009, the group's turnover amounted to 7 billion rubles. (around 233 million dollars). Is one of the largest taxpayers in the Russian alcohol industry. In 2009, the group paid around 3.2 billion rubles in taxes. (around 105 million dollars).

The shareholder group, represented by Armen Yeganyan, holds 52.4% of shares in the company; 43.7% of shares belong to a company affiliated with Kesayev.