

**Commission on Security and Cooperation in Europe**  
**April 27, 2018 Hearing**  
**“The Long Arm of Injustice: Did A UN Commission Founded To Fight Corruption Help The Kremlin Destroy A Russian Family?”**

**WILLIAM BROWDER**  
(CEO HERMITAGE CAPITAL MANAGEMENT & LEADER OF THE MAGNITSKY  
CAMPAIGN),

**ANSWERS**  
TO REP. JAMES P. MCGOVERN (MA) QUESTIONS  
**FOR THE RECORD**

May 9, 2018

Dear Co-Chairman Smith,

Thank you for the opportunity to testify at the hearing on, “The Long of Injustice: Did A UN Commission Founded To Fight Corruption Help The Kremlin Destroy a Russian Family?” on April 27, 2018.

I am providing answers to follow-up questions submitted by Rep. James P. McGovern.

The question that was asked was: -

1. *You have publicly stated that “CICIG worked together with VTB Bank to persecute the Bitkovs.” Are you in possession of material evidence to substantiate your allegation?*

In response to this question, I have prepared a timeline that shows the overall Russian persecution of the Bitkov family – which is attached. Within this timeline there are six specific pieces of evidence that show that CICIG worked together with VTB Bank to persecute the Bitkov family.

- November 13, 2014  
**VTB complaint** against the Bitkovs is accepted by **CICIG**  
  
*“At the hearing, Judge Galvez decided to join the process with the VTB Bank”<sup>1</sup>*
- January 21, 2015  
VTB issued a press statement praising *“the coordinated actions of VTB Bank and CICIG”*, which led to the detention of the Bitkov:  
  
*“Thanks to the coordinated actions by VTB Bank and CICIG in Guatemala Igor and Irina Bitkov have been detained.”<sup>2</sup>*
- January 22, 2015  
**CICIG argued in Court for VTB to be allowed to join the proceedings** against the Bitkovs

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<sup>1</sup> CICIG press release: <http://www.cicig.org/index.php?mact=News.cntnt01.detail.0&cntnt01articleid=579&cntnt01returnid=105>

<sup>2</sup> VTB press statement <https://ria.ru/world/20150121/1043492385.html>

CICIG's Attorney: González Orellana Intervention in court:

*"In first place, Mr. Judge, the Attorney representing the **VTB Bank**, actually has a derivative competence from events that actually occurred in Russia, and that they, following up on those events occurred in Russia, the people who are avoiding justice in that country came to Guatemala, and committed other crimes, and none of those offenses can be left in impunity.*

*"The fact that they are, now, represented as aggrieved. Having and presenting in this hearing the civil capacity of the **VTB Bank** over its rights that were violated for the crimes committed in the country of Russia, gives them the competence that they present their selves as temporary co-complainants in the present case.*

*"For this reason, Mr. Judge, we consider that both the events in Russia and in Guatemala have a relationship as well as there are being presented some documents that prove its legal status and that allows it to defend the rights of the bank's interests in Guatemala.*

*Therefore this representation considers that with the latest reforms in the Code of Criminal Procedure and in relation to the aggrieved person, you should consider to accept as an **adhesive co-complainant** ..."*<sup>3</sup>

- January 26, 2015

The leading Russian business newspaper, Kommersant, reports that **VTB lawyers involved CICIG** in the Bitkovs' case:

*"In December of last year [2014], **VTB lawyers involved in the CICIG investigation** acting under UN auspices. This organization requested all information about the Bitkov couple from its Guatemalan branch, first having notarised all documents at the Guatemalan embassy in Moscow."*<sup>4</sup>

- December 14, 2017

**VTB and CICIG filed an appeal seeking to annul the Appeals Court decision (the Amparo) in the Bitkovs' favour**

- April 25, 2018

The Constitutional Court of Guatemala upheld the Appeals Court decision in favour of the Bitkovs, and rejected the appeals from **(i) VTB and (ii) CICIG**. The Bitkovs case was sent for re-consideration by the first instance criminal court that originally sent them to trial<sup>5</sup>

Yours sincerely,

William Browder  
Head of the Global Magnitsky Justice Campaign

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<sup>3</sup> Audio File link - <https://m.soundcloud.com/support-the-bitkovs-official-channel/cicig-pide-al-juez-galvez-que-banco-ruso-sea-querellante-contra-familia-bitkovs>

<sup>4</sup> Kommersant article - **VTB Search** <https://www.kommersant.ru/doc/2653947>

<sup>5</sup> Court Order - <http://www.cc.gob.gt/2018/04/26/resolucion-6098-2017-acum-6130-2017-caso-bitkov/>

## VTB's Persecution of the Bitkovs in Guatemala - Timeline

Date	Action	Source
Apr 2009	The Bitkov family engaged a law firm in Guatemala, Cutino Associates, to obtain ID and residence documents in Guatemala	The Bitkovs lawyers
Apr 2009	The Bitkov family came to Guatemala	The Bitkovs lawyers
Apr 2009	Guatemalan passport agency (RENAP) issued new IDs to the Bitkov family (Igor, Irina and Anastasia), with fees paid by Cutino Associates using Cutino Associates' corporate credit card	The Bitkovs lawyers
<b>3 June 2013</b>	<b>VTB Bank Chairman Andrei Kostin</b> issued a Power of Attorney to Henry Comte, a founding partner of Comte & Font law firm & Alternative Judge of the Constitutional Court of Guatemala	2013 VTB POA <a href="http://legalsa.com/index.php/henry-comte/">http://legalsa.com/index.php/henry-comte/</a> and <a href="https://en.wikipedia.org/wiki/Constitutional_Court_of_Guatemala">https://en.wikipedia.org/wiki/Constitutional Court of Guatemala</a>
2 Dec 2013	<b>VTB Bank filed a Complaint</b> against the Bitkovs for falsification of documents and money laundering	2013 12 02 - VTB Complaint; CICIG Press release: <a href="http://www.cicig.org/index.php?mact=News,cntnt01,detail,0&amp;cntnt01articleid=890&amp;cntnt01returnid=105">http://www.cicig.org/index.php?mact=News,cntnt01,detail,0&amp;cntnt01articleid=890&amp;cntnt01returnid=105</a>
8 July 2014	<b>VTB Bank Chairman Andrei Kostin</b> issued a further power of attorney to Henry Comte	2014 VTB POA
13 Nov 2014	<b>VTB complaint</b> against the Bitkovs is accepted by <b>CICIG</b>	CICIG press release: <a href="http://www.cicig.org/index.php?mact=News,cntnt01,detail,0&amp;cntnt01articleid=579&amp;cntnt01returnid=105">http://www.cicig.org/index.php?mact=News,cntnt01,detail,0&amp;cntnt01articleid=579&amp;cntnt01returnid=105</a>
15 Jan 2015	The court issued a warrant for the Bitkovs' arrest.	CICIG press release <a href="http://www.cicig.org/index.php?mact=News,cntnt01,detail,0&amp;cntnt01articleid=890&amp;cntnt01returnid=105">http://www.cicig.org/index.php?mact=News,cntnt01,detail,0&amp;cntnt01articleid=890&amp;cntnt01returnid=105</a>
21 Jan 2015	VTB issued a press statement praising " <i>the coordinated actions of VTB Bank and CICIG</i> ", which led to the detention of the Bitkovs:  <i>"Thanks to the coordinated actions by VTB Bank and CICIG in Guatemala Igor and Irina Bitkov have been detained."</i>	VTB press statement <a href="https://ria.ru/world/20150121/1043492385.html">https://ria.ru/world/20150121/1043492385.html</a>
<b>22 Jan 2015</b>	<b>CICIG argued in Court for VTB to be allowed to join the proceeding</b> against the Bitkovs	Audio File link - <a href="https://m.soundcloud.com/support-the-bitkovs-official-channel/cicig-">https://m.soundcloud.com/support-the-bitkovs-official-channel/cicig-</a>

	<p>CICIG’s Attorney: González Orellana Intervention</p> <p><i>“In first place, Mr. Judge, the Attorney representing the <b>VTB Bank</b>, actually has a derivative competence from events that actually occurred in Russia, and that they, following up on those events occurred in Russia, the people who are avoiding justice in that country came to Guatemala, and committed other crimes, and none of those offenses can be left in impunity.</i></p> <p><i>“The fact that they are, now, represented as aggrieved. Having and presenting in this hearing the civil capacity of the <b>VTB Bank</b> over its rights that were violated for the crimes committed in the country of Russia, gives them the competence that they present their selves as temporary co-complainants in the present case.</i></p> <p><i>“For this reason, Mr. Judge, we consider that both the events in Russia and in Guatemala have a relationship as well as there are being presented some documents that prove its legal status and that allows it to defend the rights of the bank’s interests in Guatemala. Therefore this representation considers that with the latest reforms in the Code of Criminal Procedure and in relation to the aggrieved person, you should consider to accept as an <b>adhesive co-complainant</b> ...”</i></p>	<p><a href="#">pide-al-juez-galvez-que-banco-ruso-sea-querellante-contra-familia-bitkovs</a></p>
26 Jan 2015	<p>The leading Russian business newspaper, Kommersant, reports that <b>VTB lawyers involved CICIG</b> in the Bitkovs’ case:</p> <p><i>“In December of last year [2014], <b>VTB lawyers involved in the CICIG investigation</b> acting under UN auspices. This organization requested all information about the Bitkov couple from its Guatemalan branch, first having notarised all documents at the Guatemalan embassy in Moscow.”</i></p>	<p>Kommersant article - <b>VTB Search</b> - <a href="https://www.kommersant.ru/doc/2653947">https://www.kommersant.ru/doc/2653947</a></p>
30 Apr 2015	<p>Irina Bitkova filed a demand against VTB Bank seeking for VTB to support its claim with documents</p>	<p>Bitkovs’ filing (“Memorial de Provocación de Demanda”)</p>
19 Jun 2015	<p><b>VTB Bank declined to proceed with its claim against the Bitkovs</b> stating that events took place in Russia</p>	<p>Court filing (“Declinatoria Interpuesta”)</p>
26 Aug 2015	<p><b>VTB Bank Chairman Andrei Kostin</b> issued a further power of attorney to Henry Comte</p>	<p>2015 VTB POA</p>
30 Jan 2017	<p>The Bitkovs filed an appeal against VTB’s role in the case against them</p>	<p>The Bitkovs lawyers</p>
2 May 2017	<p><b>VTB was excluded as a plaintiff</b> by the Appeals Court in the case against the Bitkovs stating that events alleged by VTB took place in Russia</p>	<p>Court decision</p>
19 Oct 2017	<p>The Appeals Court granted an Amparo (constitutional protection) in favour of the Bitkovs stating that the case concerns alleged administrative, not criminal, violations</p>	<p>Court decision</p>

29 Nov 2017	<b>VTB Bank Chairman Andrei Kostin</b> issued a further power of attorney to Juan Salguero	2017 VTB POA
6 Dec 2017	Although <b>VTB Bank</b> had already been excluded from the criminal proceedings, it <b>showed up in the courtroom</b> and before the beginning of the debate, the President of the Court requested them to leave	Video File - <a href="https://www.youtube.com/watch?v=1e8fzr3azfM&amp;feature=youtu.be">https://www.youtube.com/watch?v=1e8fzr3azfM&amp;feature=youtu.be</a>
14 Dec 2017	<b>VTB filed an appeal seeking to annul the Appeals Court decision (the Amparo) in the Bitkovs' favour</b>	<b>VTB Appeal</b>
14 Dec 2017	<b>On the same day, CICIG filed an appeal seeking to annul the Appeals Court decision (the Amparo) in the Bitkovs' favour</b>	<b>CICIG Appeal</b>
4 April 2018	VTB Chairman, Andrei Kostin, published a statement in The Wall Street Journal, stating that:  <i>"The VTB's action relating to the Bitkov family is an example of standard procedure in resolving serious financial business disputes through the available legal channels..."</i>	VTB's letter in WSJ <a href="https://www.wsj.com/articles/guatemalan-case-against-the-bitkovs-is-just-1522872349">https://www.wsj.com/articles/guatemalan-case-against-the-bitkovs-is-just-1522872349</a>
25 Apr 2018	The Constitutional Court of Guatemala upheld the Appeals Court decision in favour of the Bitkovs, and rejected the appeals from <b>(i) VTB and (ii) CICIG</b> . The Bitkovs case was sent for re-consideration by the first instance criminal court that originally sent them to trial	Court Order: <a href="http://www.cc.gob.gt/2018/04/26/resolucion-6098-2017-acum-6130-2017-caso-bitkov/">http://www.cc.gob.gt/2018/04/26/resolucion-6098-2017-acum-6130-2017-caso-bitkov/</a>
9 May 2018	The first instance criminal court holds a new hearing in the Bitkovs case as mandated by the Constitutional Court	