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KLIMMEL & ONLINE

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Dear Madam/Sir

We submit a complaint in relation to the article published in *Der Spiegel* on 27 November 2019, "The Case of Magnitsky: How true is the history on which US sanctions against Russia are based?", also published in English on 28 November 2019 as "The Case of Sergei Magnitsky: Question Cloud Over Behind U.S. Sanctions."¹ A copy of the article is enclosed.

This article contains such serious factual mistakes and false and misleading statements that it makes it contrary to the standards of the German Press Code which require accurate reporting and prohibit distortion of facts.² In addition, as described below, the media organization acted deliberately and obstructed requests for checking facts for accuracy prior to publication.

While there are numerous errors, we have addressed key false claims in the article, including:

- I. Sergei Magnitsky was not killed intentionally.
- II. Sergei Magnitsky did not testify against Russian Justice Ministry officers.
- III. Sergei Magnitsky was not a lawyer.
- IV. Major Pavel Kuznetsov was not involved in the final Sergei Magnitsky document.

These claims are addressed below in turn.

I. *Der Spiegel's* Claim: Sergei Magnitsky was not killed intentionally.

Der Spiegel's claim that Sergei Magnitsky was not killed intentionally and that his death was due to a routine lack of care in a Russian prison system:

"[The Moscow Prison Oversight Commission] also interviewed the prison staff who, instead of helping Magnitsky, <https://www.spiegel.de> The commission's 28-page report offered detailed insights into the routine, cold-hearted nature of Russia's prison system. ... the dying man began to panic. He was isolated and restrained with head-locks. The film analyzed by the commission was the 'case of a rubber hammer.' Magnitsky was left alone in his cell, unattended, without a doctor. 'In all prisons in severe condition was effectively left without medical attention for 1 hour and 28 minutes to die,' the commission wrote in its report, a chronicle of medical negligence. For it contains no evidence of a targeted murder."³

¹ <https://www.spiegel.de/international/usa/der-spiegel-was-ist-wirklich-über-sergei-magnitsky-und-gegen-russland-ausgesprochen-und-gegen-wem-berlin-a-129776.html>

² <https://www.spiegel.de/international/usa/der-spiegel-was-ist-wirklich-über-sergei-magnitsky-und-gegen-russland-ausgesprochen-und-gegen-wem-berlin-a-129776.html>

³ The German Press Code reads, "Broadcast is an independently exercised freedom of journalism that obligates. The publication of specific information in word, picture and graphics must be completely checked for respect of accuracy in the light of existing circumstances. It must **never** not be distorted or justified by adding false or proven untrue."
<https://www.presscode.de>