



Hermitage Capital Management

Lutz Tillmanns
Arno Weyand
Deutscher Presserat
E-Mail: info@presserat.de
Postfach 100549
10565 Berlin

BY EMAIL & ONLINE

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Dear Madam/Sir:

We submit a complaint in relation to the article published in *Der Spiegel* on 22 November 2019, "*The Case of Magnitsky: How true is the history on which US sanctions against Russia are based?*"¹, also published in English on 26 November 2019 as "*The Case of Sergei Magnitsky: Questions Cloud Story Behind U.S. Sanctions.*"² (a screenshot 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 facts³. In addition, as described below, the media organisation acted dishonestly 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 Interior Ministry officers.
- III. Sergei Magnitsky was not a lawyer.
- IV. Major Pavel Karpov was not involved in the fraud Sergei Magnitsky denounced.

These claims are addressed below in turn:

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

Der Spiegel claims that Sergei Magnitsky was not killed intentionally and that his death was due to a routine lack of care in a Russian prison system.

*"They [Moscow Prison Oversight Commission] also interviewed the prison staffers who, instead of helping Magnitsky, **let him die**. The commission's 20-page report offered detailed insights into the sadistic, cold-hearted nature of Russia's prison system. ... the dying man began to panic. He was sedated and restrained with handcuffs. The files analyzed by the commission note the "use of a rubber baton." Magnitsky was left alone in his cell, unobserved, without a doctor. "An ill person in severe condition was effectively left without medical attention for 1 hour and 18 minutes to die," the commission wrote in its report, a chronology of merciless negligence. Yet it contains **no evidence of a targeted murder.**"*

¹ <https://www.spiegel.de/plus/russland-der-fall-magnitski-story-ohne-held-a-00000000-0002-0001-0000-000167093479>

² <https://www.spiegel.de/international/world/the-case-of-sergei-magnitsky-anti-corruption-champion-or-corrupt-anti-hero-a-1297796.html>.

³ The German Press Code reads, *Research is an indispensable instrument of journalistic due diligence. The publication of specific information in word, picture and graphics **must be carefully checked in respect of accuracy** in the light of existing circumstances. Its sense **must not be distorted or falsified** by editing, title or picture captions."* <https://www.presserat.de>.