# Hermitage Capital Management

Editor-in-Chief
Der Spiegel
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11 December 2019

Dear Madam/Sir,

We write in relation to the article published in *Der Spiegel* on 22 November 2019, "*The Case of Magnitsky: How war 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: Questioned Cloud Story Behind U.S. Sanctions*"[2]

This article contains such serious factual mistakes and false and misleading statements that it amounts to gross journalistic malpractice.

As a leading news organization with a long-term commitment to reporting the truth, it is imperative that you investigate what made such a distortion of the truth possible. We call on you to correct the mistakes and apologize to the family of Sergei Magnitsky.

While there are numerous errors, we address here five 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 documented.

We address each of these claims below.

## 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 50-page report offered detailed insights into the realistic, cold-hearted nature of Russia's prison system. ... the dying man began to panic. He was isolated 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 3 hours and 10 minutes to die," the commission wrote in its report, a chronology of merciless negligence. Yet it contains **no evidence of a targeted murder.** "

**Truth: Sergei Magnitsky was intentionally killed.**

Available evidence contained in the Moscow Prison Oversight Commission's report and released since shows that Sergei Magnitsky was intentionally killed.

[1] https://www.spiegel.de/plus/russland-der-fall-magnitsky-story-ohne-held-a-[illegible]
[2] https://www.spiegel.de/international/world/the-case-of-sergei-magnitsky-anti-corruption-champion-or-corrupt-anti-hero-a-1297795.html