

Browder cited a forensic report which he says stated that “rubber baton was applied...to Magnitsky.” That phrase does not appear in the report.  
 (https://drive.google.com/file/d/0B6nugCIZ1LPPclZXYU1DZmNrVKE/view?pref=2&pli=1)

He wrote: “Medical Expertise No 555 states the following: “The injuries which S.L. Magnitsky had were caused resultantly from the traumatic application of the blunt hard object (objects) which is confirmed by the closed type of the trauma and their morphological manifestations in the form of the abrasions, ecchymomas, blood effusions into the soft tissues.”

However, the question put to the examiners had been about the result of Magnitsky being handcuffed: “Could the injuries found on S.L. Magnitsky’s body in the form of the abrasions on the right and left upper limbs in the area of the wrist joints, and the abrasions with the underlying ecchymoma in the area of the right and left wrist joints which appeared shortly before his death as the result of the impact of the compressing and sliding blunt hard object or objects with the limited injuring surface be caused due to applying of special equipment such as the handcuffs?”

The report concludes: “The type of the traumatic impact which caused the injuries S.L. Magnitsky had was the stroke.”

Browder’s second baton “proof” is a document that appears to be formal justification for the application of a rubber baton and handcuffs to an individual. It is a pre-printed form. The words “rubber baton” in the form are underlined in red, obviously by Browder. The specifics are handwritten.

**Batons**

Upon arrival to Matrosskaya Tishina, instead of hospitalising him, a team of 8 riot troopers placed him in an isolation cell, handcuffed him to a bed and beat him with rubber batons

Magnitsky was beaten in an isolation cell on 16 November 2009

**Report on Use of Handcuffs**  
 Signed by: O.G. Kuznetsov  
 Sanctioned: F. Tagiev

**Report on Use of Rubber Baton**  
 Signed by: D.F. Markin [sic].  
 Witnesses: A.E. Larin, P.V. Borovkov  
 Sanctioned: F. Tagiev

**Matrosskaya Tishina Detention Centre Officials Sanctioning, Administering and Witnessing Magnitsky's Beating:**

1. Filkhret G. Tagiev, Head of Matrosskaya Tishina Detention Center
2. D.F. Markov, Aid on Duty to Head of Matrosskaya Tishina
3. O.G. Kuznetsov, Deputy Aid on Duty to Head of Matrosskaya Tishina
4. A.E. Larin, Inspector
5. P.V. Borovkov, Inspector
6. Not known, Inspector
7. Not known, Inspector
8. Not known, Inspector
9. Not known, Inspector
10. A.A. Semenov, paramedic at Matrosskaya Tishina

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УТВЕРЖДАЮ  
 Начальник ФБУ №3 77/1  
 УФСИН России по г. Москве  
 полковник внутренней службы  
 Ф.Г. Тагиев  
 2009г.

А К Т  
 о применении наручников

«16» 11» 2009г. в 19 часов 30 минут

Зам. ФПНСИ А.С. Вас. Курченко О.Г.

(должность, звание, фамилия, имя, отчество лица, применившего наручники)

на посту № свободный организационный (объект, при сопровождении, обходе и т.д.)

в соответствии со ст.45 ФЗ «О содержании под стражей подозреваемых и обвиняемых в совершении преступлений» и ст.30 Закона РФ «Об учреждениях и органах, исполняющих уголовные наказания в виде лишения свободы» была применена резиновая палка в отношении подозреваемого (обвиняемого, осужденного) Магницкого Сергея Леонидовича

(фамилия, имя, отчество)

Наручники применялись в связи с ударом совершённым с целью вредоносности и угрозы (конкретные причины и обстоятельства применения)

Наручники сняты в «20» час. «00» мин. «16» 11» 2009г.

Очевидцы:  
Иванов Г.Р. 15.08.88 (должность, звание) Бурдаков П.В. (Ф.И.О.)  
М.И. инспектор О.Р. 05.05.88 (должность, звание) Ларин А.Е. (Ф.И.О.)

The name Sergey Magnitsky is handwritten, and the form signed at 7:30 PM on Nov 16, 2009, 2 hours 20 minutes before he died (the time according to the Public Oversight Committee). The reason for using these tools, also handwritten, is the "threat by Sergey Magnitsky to conduct an act of self-injury or suicide." The document also says in script that the handcuffs were removed at 8 pm, ie., 30 minutes after the form was signed. That confirms they were used.

DIMI (translator): "The document in which the words "rubber baton" are underlined in red is weird, since it does not mention rubber baton in the header or anywhere else in the body of the document except for this one place. It makes an impression of a logically consistent text (discussing the application of handcuffs), in which two random words have been inserted. I tried to find this exact form on the internet (using Google search with the Russian words "Акт о применении наручников", which represent the header of the form and I found many similar blank forms (unfilled), but not the one that was used in this pdf. It would be interesting to find out whether the form with the words "rubber baton" in only one place actually existed or is a modification made by Browder's team."

In fact, the document page is a forgery done on an altered "handcuffs permission" document. Or why would permission to use a baton be on a form for handcuffs? Nothing says the baton was actually used. If Magnitsky was handcuffed for only 30 minutes, that also contradicts Browder's story that Magnitsky was beaten for 78 minutes while cuffed. There's nothing that could support the claim of 8 guards beating Magnitsky for 78 minutes, which is the basis of the Magnitsky Acts in the US, UK and elsewhere.

Magnitsky's mother was interviewed for "The Magnitsky Act" by Andrei Nekrasov, and (according to subtitles) seems to believe that the part about batons was a mistake, some kind of clerical error.

"At first there was a document saying that handcuffs and batons were used, then they said it was a mistake -- some wrong report form was filled in, and there were no batons." – Natalya Magnitskaya



*"At first there was a document saying that handcuffs and batons were used, then they said it was a mistake -- some wrong report form was filled in, and there were no batons." – Natalya Magnitskaya*