

Sergei Magnitsky died of badly treated illness; no evidence he was beaten **By Lucy Komisar**

William Browder has developed fanciful lies about Russian prison guards beating Sergei Magnitsky to death. He provides no evidence because there isn't any. In fact, the only legitimate reports says Magnitsky died of badly treated illness. Let's go through the evidence.

Browder has declared, "They chained him to a bed and eight riot guards with rubber batons beat him to death." Evidence? No, a Browder fabrication.

There were two important independent reports about Magnitsky in prison and death, one by the Russian Public Oversight Commission for Human Rights Observance, an NGO charged with investigating prison conditions, and the other by Physicians for Human Rights in Cambridge, Mass, to which Browder had given documents, including the POC report. Neither claims Magnitsky was tortured or beaten or even physically abused.

The [Public Oversight Commission](#) report November 16, 2009, the death of Magnitsky's death said: 6:30 p.m. Review by the doctor on duty. Diagnosis: Acute Cholecystitis and Pancreatitis. Hospitalized to the surgery department. For dynamic monitoring and treatment. 7:00 p.m. The patient behaves inadequately. Talks to a "voice," looks disorientated, and shouts that someone wants to kill him. He condition is diagnosed as psychosis. The emergency doctor was called (order No. 904253). There are no body damages apart from traces of handcuffs on the wrists. It was planned to make an anti-spasm therapy prior to the arrival of the psychiatrist but such therapy was not possible due to the aggressive behavior of the patient.

9:15 p.m. The patient was surveyed again as his condition deteriorated. When the psychiatrist was examining the patient the latter's condition deteriorated sharply. He lost conscience. The reanimation procedure was started (indirect heart massage and ventilation of lungs using the Ambu pillow). The patient was transferred to the special room where he was received an artificial ventilation of lungs and a hormones injection. Reanimation procedure lasted 30 minutes. At 9:50pm the patient died. The [report](#).

The Physicians for Human Rights, Cambridge, Mass. also made no claims of beating. The [report](#). The death stories were invented by Browder with zero evidence.

Yes, conditions were pretty bad. The building was over 100 years old and obviously had problems. Browder claimed that the toilet in the cell overflowed, doesn't mention the inmates were moved to other cells.

Perhaps of some relevance, I read in the [NY Times](#) that the U.S. is closing part of its Guantánamo facility that still holds 40 people for decades accused and never tried for acts of Islamic terrorism. It said: "The plan to consolidate the prisoners was devised during the Trump administration, when their [former compound, Camp 7, was failing](#). Raw sewage sloshed through the tiers, the power sometimes went out and some cell doors would not close at the site." So, sewage can be a problem in even newer prisons.

The European Court of Human Rights [report](#) also did not back up Browder's claim that Magnitsky had been tortured and beaten to death.

Here are the photos, as appeared in Russian forensic [report](#), taken the day after Magnitsky's death. Not someone beaten over an hour by 8 baton-wielding thugs.



Специалист _____ (подпись) _____ (Ф.И.О.)



Though the reports said nothing about a beating, and forensic photos showed no indications of a beating, that did not stop Browder. He simply fabricated "evidence" for his gullible or politically enthusiastic audience. He faked a death certificate claim,

highlighting “closed cerebral cranial injury,” to “prove” that Magnitsky must have been beaten on his head. But look at the real death certificate, that gives the lie to Browder’s forgery.



Browder’s manipulated (deep fake) death certificate, on his website.

November 17, 2009 12:13 From: To: 6940507 p. 1 48 (v)
 From: [illegible] IZ-77/1 city of Moscow Tel: 2696186 November 17, 2009 p. 2

FBU IZ-77/1
 UFSIN of Russia for Moscow

Hospital

Death CERTIFICATE

November 16, 2009

Department: Surgery Intensive Care Ward

We, the undersigned:

Attending physician: Captain of Internal Service A.V. Gaus

Duty nurse: Sergeant of Internal Service Ye.L. Vorobyeva

DPNSI [Duty assistant chief of the investigatory isolation ward]: Major of Internal Service D.F. Markov

Senior officer: Captain of Internal Service A.P. Pluzhnikov

Controller: Trainee Private M. Romanova

We certify death of Sergei Leonidovich Magnitsky, born in 1972, at 9:50 PM on November 16, 2009.

CAUSE OF DEATH: Toxic shock syndrome. Acute cardiovascular collapse.

DIAGNOSIS: Cholelithiasis. Acute calculous cholecystitis. Acute pancreatitis.
 Pancreatonecrosis? Acute psychosis. Closed craniocerebral injury?

No signs of a violent death detected.

No teeth of a yellow metal in the oral cavity.

Traces of injections – the result of treatment conducted.

Attending physician: [signature]

Duty nurse: [signature]

DPNSI: [signature]

Senior officer: [signature]

Controller: [signature]

The real death certificate.

Magnitsky's mother (a lot more honest than her son's pseudo-defender) told forensic investigators that her son had fallen and hit his head in 1993, 16 years earlier, and suffered a concussion, which was treated. The investigators found the medical reports and included them in the forensic document Browder received, so the shameless

prevaricator knew his connection of a cranial injury to the invented Magnitsky beating was a fabrication. Here's what the forensic report said:

Abstract from the inpatient medical record – injury on 04.02.1993, admitted on February 11, 1993, discharged on February 25, 1993. Diagnosis: Closed craniocerebral injury. Medium severity brain contusion. Linear skull roof and base fracture. Injury after fall. The patient lost consciousness and vomited. At the time of admission to the Neurosurgical Department the patient's condition is satisfactory. Physically there are no abnormalities. Neurological status: general brain and light meningeal symptomatology, VII, XII nn. S., Ng expressed. Disordered statics, anisoreflexia, vegetal lability. The skull R-gram: linear fracture of the frontal bone on the right towards the base of the anterior cranial fossa. Echoencephalography: no Me deviation. Treatment... Discharged in a satisfactory condition, after considerable improvement, to be attended by the neurologist...

Examination on March 5, 1993 – approached with the complains of the headache, pains at the base of the neck, increased fatigability. The medical background includes brain concussion (with the retrograde amnesia). Since that time is disturbed with the pains in the right temporal region and at the base of the neck. The pains are of constricting type and are related to long time sitting and mental strain; periodically suffers from the pains in the right side of the neck. Objectively – a restricted and painful rotation of the head to the right. The occipital muscle points of insertion are very painful. There are active trigger points in the trapezius muscle and in the clavisternomastoid one with the radiation to the right temporal region and the eyesocket. Unit C0-C1 on the right. Diagnosis: cranialgia, extravertebral myotonic syndrome with the underlying servical spine osteochondrosis. The subsequent effect of the trauma. Therapy includes: manual therapy, laser reflex therapy, trigger area blocking measures, isometric relaxation.

Examination on 31.03.1993 - tThe patient states 50% effectiveness. Headaches are less

P 29 of forensic [report](#) 211-8-17 Medical Expert 555/10, English translation that Browder provided to Physicians for Human Rights, Cambridge, Mass.

Interesting that Browder didn't start out making the beating claim, which is specified in the [Magnitsky Act](#). Check the [text](#) of his talk at Chatham House in London or the [video](#) of his talk at San Diego Law School. Here's how that progressed.

1 Man, 5 Stories, 0 Credibility

12/15/2009 Chatham House Roundtable
<http://tinyurl.com/y99xqrlu>

“I don’t know whether they killed him deliberately or if he died of neglect”

Summer 2010, The Magnitsky Act – Behind the Scenes
<http://magnitskyact.com/>

12/6/2010 San Diego University Law
<http://tinyurl.com/y9gc4yjs>

“The put him in an isolation cell with a doctor outside the door until he died.”

12/13/2011 University of Cambridge Business School
<http://tinyurl.com/y3wqwi5s>

“They put him in a straitjacket, put him in an isolation room, & waited outside the door until he died”

7/26/17 Senate Judiciary Committee Testimony
<http://tinyurl.com/y9tadwh>

“They put him in an isolation cell, tied him to a bed, & then allowed 8 riot guards to beat him with rubber batons until he was dead”

“They put him in an isolation cell, chained him to a bed, and 8 riot guards came in and beat him with rubber batons”

Bill Browder on how Sergei Magnitsky died

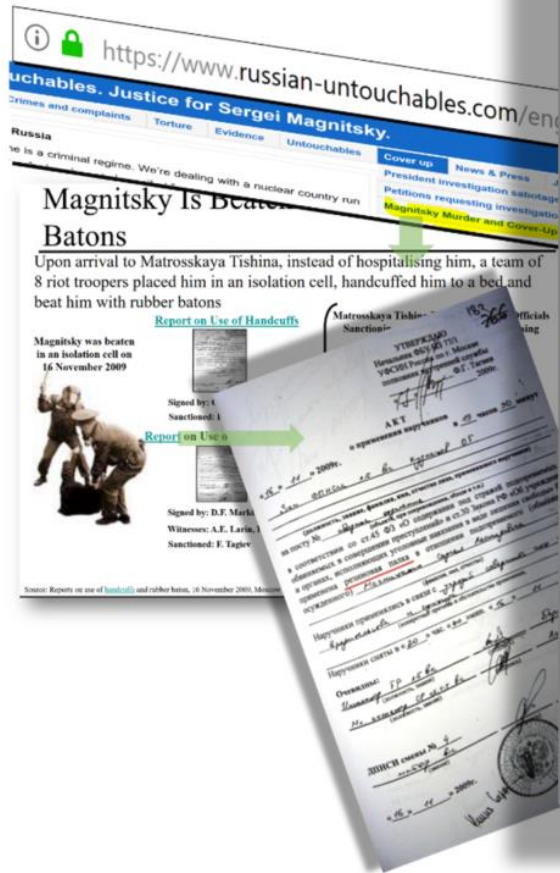
How Browder changed his stories about how Magnitsky died, graphic by Michael Thau.

As one can see, Browder said at Chatham House in 2009 that he didn’t know how Magnitsky died and at the University of Diego Law School in 2010 that he’d been put in an isolation cell and left to die.

He didn’t invent the beating till December 2011 when, with the collaboration of former State Department official Jonathan Winer, he was lobbying for the Magnitsky Act, really the William Browder Protection Act, aimed at using U.S. power to block the Russians for going after him for massive tax evasion and theft.

Here is a [report](#) by Michael Thau that goes into detail to prove another Browder forgery, the “baton” story.

Evidence that D310.pdf linked to on Russian-Untouchables website to show Sergei Magnitsky was beaten with batons is a forgery.



APPROVED
The head of FBU IZ 77/1
UFSIN of Russia in Moscow
colonel of the internal service
(signature) F. G. Tagiev
« 17 » November 2009

ACT
about the application of handcuffs

« 16 » November 2009 at 19 hours 30 minutes
Deputy DPNSI Lieutenant of the internal service Kuznetsov O. G.

(position, title, surname, name, patronymic of the person who used the handcuffs)
in post No gathering section

(in object, under convoy, on patrol, etc.)
in accordance with article 45 of the Federal Law «On the custody of suspects and accused of committing crimes» and article 30 of the Law of the Russian Federation «On institutions and bodies that carry out criminal penalties in the form of imprisonment» a rubber baton was applied to the suspect (accused, convicted) Magnitsky Sergei Leonidovich

(surname, name, patronymic)
Handcuffs were used in connection with the threat of committing an act of self-mutilation and suicide
(specific reasons and circumstances of application,

Handcuffs were removed at « 20 » hrs. « 00 » min. « 16 » November 2009.

Witnesses:

<u>Inspector G.R. Lieut. of int. serv.</u>	<u>(signature)</u>	<u>Borovkov P. V.</u>
(position, title)	(signature)	(S.N.P.)
<u>Jr. Insp. O.R. Sr. Sgt. of int. serv.</u>	<u>(signature)</u>	<u>Larin A. E.</u>
(position, title)	(signature)	(S.N.P.)

DPNSI of shift No 4

<u>Major of int. serv.</u>	<u>(signature)</u>	<u>Markin F. E.</u>
(title)	(signature)	(S.N.P.)

« 16 » November 2009

Copy correct (signature)
Seal of the Federal Pre-trial Detention Facility No. 1
(stamped over the signature)

On page 18 of a [document](#) titled, **Magnitsky Murder & Cover-Up Report** linked to on Bill Browder's [Russian-Untouchables website](#), he repeats his story that Sergei Magnitsky was beaten to death by eight riot guards armed with rubber batons and, for corroboration, links to two untranslated Russian documents:

1. [D309.pdf](#), which he calls **Report on Use of Handcuffs**.
and
2. [D310.pdf](#), which he calls **Report on Use of Rubber Baton**.

Magnitsky Is Beaten With Rubber 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

LINK TO D309

LINK TO D310

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. Fikhret 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

However, D309 merely says that Magnitsky was placed in handcuffs out of concern that he would harm himself. And D310 repeats exactly the same thing but adds that they were removed after 30 minutes and that a single rubber baton was also used without saying how or giving any other information about it.

[Links to English translations of D309 and D310.](#)

And, apart from the strange and completely uninformative reference to a rubber baton in D310, this accords exactly with the Moscow Public Oversight Commission [Report](#),

which mentions no baton but says that Magnitsky started to behave erratically and was handcuffed for thirty minutes out of concern that he would harm himself.

So, neither D309 or D310 comes anywhere close to confirming Browder's story that Magnitsky was beaten to death by eight rubber-baton-wielding riot guards. In fact, both explicitly say the opposite, namely, that he was restrained to stop him from causing harm to himself.

But, though D310 goes no way towards corroborating Browder's account, it does contain the Russian words for "a rubber baton." And that allowed Browder to falsely make it seem to those who don't read Russian but might nonetheless be capable of looking up the meaning of a few words that D310 does support his story about Magnitsky's death.

Magnitsky Is Beaten With Rubber 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 Rubber Baton

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

3. O.G. Kuznetsov, 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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D310 is linked to & the Russian words for "rubber baton" appearing in it underlined in red; creating the false impression D310 confirms Browder's story that Magnitsky was beaten to death by eight baton-wielding riot guards.

определение
(объекте, при сопровождении, обходе и т.п.)
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» был применена резиновая палка в отношении подозреваемого (обвиняемого) Мазниченко Сергея Леонидовича
(фамилия, имя, отчество)

The Russian words for "a rubber baton," appearing on D310, however, make no sense given what the rest of it says. Moreover, there are other anomalies in D310 which

indicate that it's a forgery constructed from copying parts of D309 and other documents.

Below is a list of evidence that D310 is a forgery. Each entry contains a link providing further details.

First, note that D309 and D310 have exactly the same title. The main blocks of text in D309 and D310 are also identically worded except that the phrase **special means were** in D309 is replaced by **a rubber baton was** in D310.

**D309 and D310 have
the same title.**

To be filed
(signature of Tagiev)
17 Nov 09

«APPROVED»
The head of FBU IZ - 77/1
UFSIN of Russia in Moscow
colonel of the internal service
(signature) F. G. Tagiev

REPORT
about the application of handcuffs

« 17 » November 2009

ACT
about the application of handcuffs

Apart from 2 minor punctuation/formatting changes, the main blocks of text in D309 & D310 are identical except the phrase "special means were" is replaced by "a rubber baton was".

D309
in post No _____ gathering section _____
(in object, under convoy, on patrol, etc.)
in accordance with article 45 of the Federal Law «On the custody of suspects and accused of committing crimes» and article 30 of the Law of the Russian Federation «On institutions and bodies that carry out criminal penalties in the form of imprisonment» **special means were** applied to the suspect accused, convicted Magnitsky Sergei Leonidovich
(surname, name, patronymic)
Handcuffs were used in connection with the threat of committing an act of self-mutilation and suicide
(specific reasons and circumstances of application)

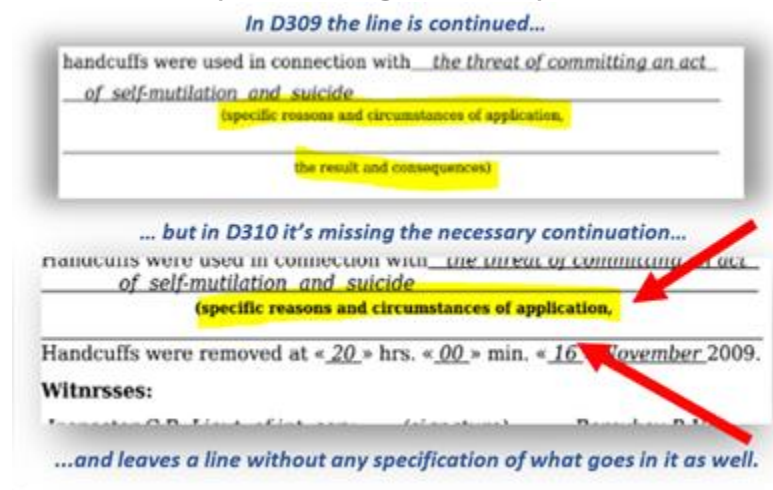
D310
in post No _____ gathering section _____
(in object, under convoy, on patrol, etc.)
in accordance with article 45 of the Federal Law «On the custody of suspects and accused of committing crimes» and article 30 of the Law of the Russian Federation «On institutions and bodies that carry out criminal penalties in the form of imprisonment» **a rubber baton was** applied to the suspect (accused, convicted) Magnitsky Sergei Leonidovich
(surname, name, patronymic)
Handcuffs were used in connection with the threat of committing an act of self-mutilation and suicide
(specific reasons and circumstances of application)

But, while D309 is perfectly coherent, that single reference to a rubber baton in D310 **makes no sense at all given the title and text it shares with D309** .

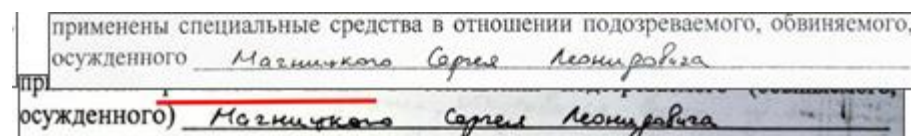
Second. Both D310 and D309 refer to the same two Russian laws as governing the application of special means they are used to report. But, these laws do not allow a

baton to be used on a prisoner to stop him from harming himself, though they do allow that handcuffs can be used in such cases. **So, the written explanation on D310 doesn't justify the use of the rubber baton it mentions.**

Third. The block of virtually identical text that both documents share ends with a comma and is missing a closing parenthesis. The sentence is completed on the next line in D309, but the **next line in D310 starts a new sentence**, leaving the previous one a fragment. This makes it look like the text on D310 was hastily copied from D309 without the copier noticing its incompleteness.



Fourth. Here's one of many examples of astonishingly similar handwritten text on D309 and D310, making it look like the latter was traced from the former.



In fact: Every single word of the handwriting on D310 by the person who allegedly filled it out appears to be traced from D309.

Fifth. The initial hand-written part on both forms indicates that each was filled out by O. G. Kuznetsov. [Kuznetsov is a common Russian name and this isn't the police officer Artem Kuznetsov whom Bill Browder accuses of stealing \$230 million from the Russian treasury.] However, Kuznetsov's signature only appears on D309. Indeed, though D310 contains lines for the signatures of three different people, **it doesn't contain any place for the person who actually filled it out to sign.**

And, while it's impossible that a form without any space for the person filling it out to sign would be in circulation, used, or accepted, the fact that D310 replaces it with a space requesting **the signatures of three other people**, turned out to be very useful for Bill Browder.

D310 has no place for the PERSON FILLING IT OUT to sign. Instead there's a PLACE FOR 3 OTHERS. This allowed Browder to create a LIST OF NAMES appearing on D309 & D310 to make it seem plausible that 8 men beat Magnitsky with Batons.

Magnitsky Is Beaten With Rubber Batons

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

Report on Use of Handcuffs

Magnitsky was beaten in an isolation cell on 16 November 2009.

Reported by: O.G. Kuznetsov, Senior Sergeant of the Federal Penitentiary Service, Matrosskaya Tishina Detention Center.

Witnessed by: D.F. Markin, Sgt. of int. serv. (S.N.F.)

Witnessed by: A.E. Larin, P.A. (S.N.F.)

Sanctioning, Administering and Witnessing Magnitsky's Beating:

1. Viktor V. Egorov, Head of Matrosskaya Tishina Detention Center
2. D.F. Markin, Sgt. of int. serv. (S.N.F.)
3. O.G. Kuznetsov, Deputy Sgt. of int. serv. (S.N.F.)
4. A.E. Larin, Inspector
5. P.V. Borovkov, Inspector
6. N.I. Markin, Inspector
7. N.I. Markin, Inspector
8. N.I. Markin, Inspector
9. N.I. Markin, Inspector
10. A.S. Soloviyev, paralelale at Matrosskaya Tishina

ACT about the application of handcuffs

APPROVED
The head of FBU IZ 77/1
UFSIN of Russia in Moscow
colonel of the internal service
(signature) F. G. Tagiyev
« 17 » November 2009

« 16 » November 2009
Deputy DPNSI Lieutenant of the internal service Kuznetsov O.G.
at 19 hours 30 minutes
in post No. gathering section
(position, title, surname, name, patronymic of the person who used the handcuffs)

(In object, under convoy, on patrol, etc.)
suspects and accused of committing crimes» and article 30 of the Law of the Russian Federation «On institutions and bodies that carry out criminal penalties in the form of imprisonment» a rubber baton was applied to the suspect (accused, convicted) Magnitsky, Sergei Leonidovich

(surname, name, patronymic)
Handcuffs were used in connection with the threat of committing an act of self-mutilation and suicide
(specific reasons and circumstances of application)

Handcuffs were removed at « 20 » hrs. « 00 » min. « 16 » November 2009.

Director G.R. Egorov, of int. serv. (signature) Borovkov P.V. (S.N.F.)
sp. O.R. Sgt. of int. serv. (signature) Larin A.E. (S.N.F.)
Sgt. of int. serv. (signature) Markin F.F. (S.N.F.)
Sgt. of int. serv. (signature)
November 2009

Copy correct (signature)
Seal of the Federal Pre-trial Detention Facility No. 1
(stamped over the signature)

Sixth. Colonel Tagiev's signature correctly appears twice on D309. But D310 is missing one of his signatures. Furthermore, his signatures on D309 differ from the one appearing on D310.

Lucy Komisar also contributed to this report.

Author [michael thau](#) Posted on [April 3, 2019](#)