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Report: Lawyer Beaten to Death

By Natalya Krainova

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From left, Fedotov, Borshchyov and Kabanov discussing a new Magnitsky report at a news conference Monday. **Anton Golubev**

New evidence released Monday added weight to suspicions that Hermitage Capital lawyer Sergei Magnitsky was beaten to death by prison guards in 2009 and did not die from health problems as previously claimed by the authorities.

A report by Hermitage Capital, once Russia's largest foreign investment fund, found that the 37-year-old lawyer was left to die on a cell floor after suffering a brain trauma in the beating apparently ordered by prison officials.

The report, which runs at 75 pages in English and 100 pages in Russian, offers gruesome photos from the morgue that depict bad bruises on what it says are Magnitsky's wrists and legs.

The Kremlin's human rights council backed the report, but government officials maintained a stony silence, fueling long-running suspicions of a cover-up in the death of Magnitsky, who

was arrested by officials whom he had accused of stealing $230 million in government money. He died in November 2009, 11 months after his arrest on dubious tax charges.

The Kremlin's human rights council announced in its own report in July that Magnitsky was beaten before his death, but offered few details.

Monday's report, published at Russian-untouchables.com, reproduces what it says is a photocopied order from Fikhret Tagiyev, head of the Matrosskaya Tishina pretrial facility, to handcuff Magnitsky and beat him with a rubber baton.

Magnitsky had been sent that day to Matrosskaya Tishina, which has a prison hospital, from another pretrial detention center to receive treatment for "acute pancreatitis, cholecystitis and gallstones," the report said.

But "instead of hospitalizing him, a team of eight prison guards placed him in an isolation cell, handcuffed him to a bed and beat him with rubber batons," the Russian version says.

Prison officials have explained that they needed to use handcuffs because Magnitsky was "swearing, waving his hands and threatened to kill or harm himself," rights activist Valery Borshchyov told reporters Monday, Interfax reported.

But the self-harm allegations are lies, said Borshchyov, who headed the Kremlin human rights council's investigation into the death, at a news conference in Moscow also attended by rights veterans Lyudmila Alexeyeva, Kirill Kabanov and Mikhail Fedotov.

It also remained unclear how a suicide threat mandated the need for the rubber baton.

Then there is also the matter of Magnitsky's death certificate, which has been released in two versions, a Hermitage spokesman said by telephone.

The first, presented in court during a check into his death in late 2009, identified a traumatic brain injury as the cause of death, he said. But this conclusion was doctored out of a 2011 version of the same document, also presented in court, he said.

Prison officials also have said Magnitsky died on the resuscitation table, but Hermitage reiterated Monday suspicions that he was left in his cell after the beating and died before help arrived.

An ambulance from a civil psychiatric hospital was inexplicably summoned to examine Magnitsky, and the paramedics found him in his cell with the handcuffs beside him, dead for at least 15 minutes, according to a transcript of a paramedic's statement not found in the report but provided by Hermitage by e-mail.

The report indicates that Magnitsky died 63 minutes after the beating.

Hermitage also released a copy of a 2009 report by a district investigator who said a criminal case should be opened into the death. The report was apparently ignored at the time.

Newly released records of Magnitsky's court proceedings also show that he repeatedly complained to the judge of health problems. Law enforcement officials involved in the case

have, on the contrary, claimed that he never spoke about his health in the courtroom.

True to his lawyer's calling, Magnitsky actually filed more than 450 complaints from behind bars, his colleagues said in an obituary published in 2009 in Vedomosti.

The Hermitage report was presented to Investigative Committee head Alexander Bastrykin last week, prior to its public release, rights activist Borshchyov said by telephone.

Bastrykin promised to look into the report, Borshchyov said.

Bastrykin made no comment on the issue Monday.

The Magnitsky case has marred the Kremlin's image like no other in recent years, prompting accusations that corrupt officials enjoy a de facto immunity from prosecution.

Indeed, although President Dmitry Medvedev ordered a check into Magnitsky's death in 2009, it produced few visible results. Only two prison doctors have been charged in connection with the death, and several police officials whom he accused of involvement in the $230 million theft have received promotions.

Hermitage has released a string of exposes detailing multimillion-dollar assets owned by midlevel officials linked to the embezzlement case. No investigations have followed.

Hermitage has also drawn up a list of 60 officials implicated in Magnitsky's death, urging countries nationwide to introduce sanctions against them.

Legislators in Canada and several European countries are considering the sanctions, while the U.S. State Department has blacklisted dozens of officials, prompting the Russian Foreign Ministry to ban unidentified American officials from Russia in retaliation. Russian diplomats said at first that their list is longer than the U.S. one, but admitted this month that it only has 11 names.

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