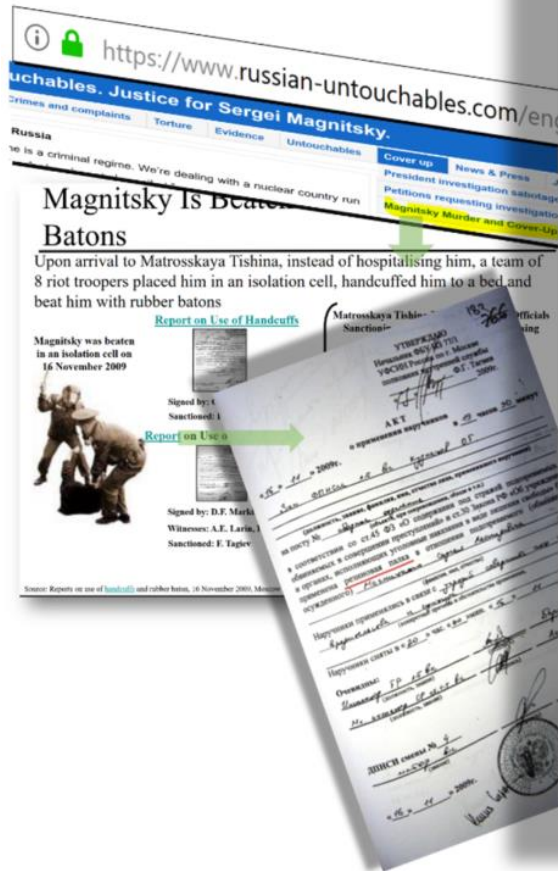


Here is a [report](#) by Michael Thau that goes into detail to prove another Browder forgery, the “baton” story.

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:

Inspector G.R. Lieut. of int. serv. (signature) Borovkov P. V.
(position, title) (signature) (S.N.P.)

Jr. Insp. O.R. Sr. Sgt. of int. serv. (signature) Larin A. E.
(position, title) (signature) (S.N.P.)

DPNSI of shift No 4

Major of int. serv. (signature) Markin F. F.
(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*.

<https://www.russian-untouchables.com/eng/>

Stop the Untouchables. Justice for Sergei Magnitsky.

Videos Magnitsky Crimes and complaints Torture Evidence Untouchables Cover up News & Press Justice Blog

Magnitsky Murder and Cover-Up Report

President investigation sabotaged and going nowhere
Petitions requesting investigation into Magnitsky's murder ig
Magnitsky Murder and Cover-Up Report

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 → [Report on Use of Handcuffs](#)

Magnitsky was beaten in an isolation cell on 16 November 2009

Signed by: O.G. Kuznetsov
Sanctioned: F. Tagiev

LINK TO D310 → [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

Source: Reports on use of [handcuffs](#) and rubber baton, 16 November 2009, Moscow Public Oversight Commission Report

18

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

Report on Use of Rubber Batons

Magnitsky was beaten in an isolation cell on 16 November 2009



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, inspector at 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

18

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.

... (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) Магницкого 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

D
IZ 77/1
n Moscow
nal service
G. Tagiev
« 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)

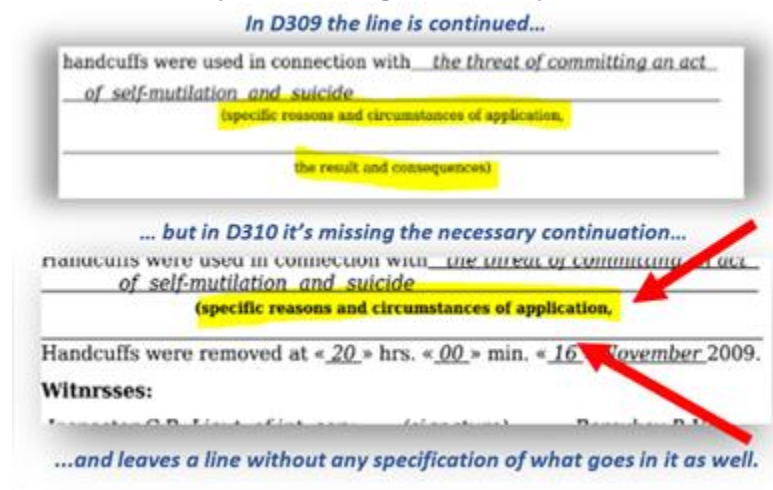
D310
in post No _____ gathering section _____
(in object, under convoy, on patrol, etc.)
in accordance with article 45 of the Federal Law «On the custody of suspects and accused of committing crimes» and article 30 of the Law of the Russian Federation «On institutions and bodies that carry out criminal 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** .

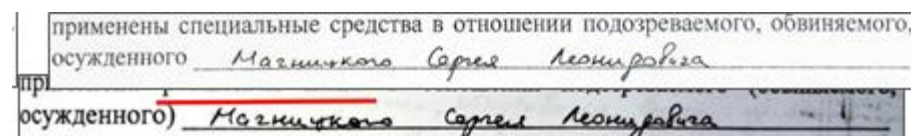
Second. Both D310 and D309 refer to the same two Russian laws as governing the application of special means they are used to report. But, these laws do not allow a

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

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

1. Viktor V. Egorov, Head of Matrosskaya Tishina Detention Centre
2. F.F. Markin, Sgt. on Duty in Head of Matrosskaya Tishina
3. G.G. Kuznetsov, Deputy Sgt. on Duty in Head of Matrosskaya Tishina
4. A.E. Larin, Inspector
5. P.V. Borovkov, Inspector
6. Sgt. Larin, Inspector
7. Sgt. Larin, Inspector
8. Sgt. Larin, Inspector
9. Sgt. Larin, Inspector
10. A.S. Soloviyev, parolee at Matrosskaya Tishina

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

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

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](#)