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Russian Federation: The case of Mikhail Khodorkovskii and other individuals associated with YUKOS

Amnesty International takes the view that there is a significant political context to the arrest and prosecution of Mikhail Khodorkovskii, former head of the YUKOS company, and other individuals associated with YUKOS.

The human rights organization recognizes the significance of the case which has been accompanied by numerous reports of violations of international fair trial standards and health concerns with regard to some of the accused. Amnesty International acknowledges the widespread perception among the defendants' lawyers, Russian human rights organizations and other analysts that the cases are politically motivated and has written to the Ministry of Justice and to the Procurator General of the Russian Federation raising concerns related to the arrest and prosecution and detention of Mikhail Khodorkovskii, Platon Lebedev, his business partner, Aleksei Pichugin, a former security official for YUKOS, Svetlana Bakhmina, a senior lawyer for YUKOS and Yelena Agranovskaia. Amnesty International has urged the Russian authorities to respect its obligations under international human rights law in these cases, including Article 14 of the UN International Covenant on Civil and Political Rights, and Article 6 of the European Convention for the Protection of Human Rights and Fundamental Freedoms. In its letters to the Ministry of Justice and the Procurator General, concerns raised by Amnesty International included reported interference in client-lawyer access and communication in the cases of Mikhail Khodorkovskii and Platon Lebedev, the closed nature of court proceedings, in particular in the case of Aleksei Pichugin, the continued detention of Mikhail Khodorkovskii and Platon Lebedev in an investigation-isolation prison (SIZO) in the investigation and trial stages, alleged shortcomings in medical care in the cases of Platon Lebedev, Aleksei Pichugin and Svetlana Bakhmina, allegations concerning the ill-treatment of Aleksei Pichugin and Svetlana Bakhmina while in detention, and the detention of Aleksei Pichugin in Lefortovo, a detention facility under the jurisdiction of the Federal Security Service (FSB).

The right to a fair trial and the right to be free from cruel, inhuman and degrading treatment and punishment are basic human rights and Amnesty International calls on states to respect this right in all cases without discrimination. Amnesty International has previously set out its concerns relating to fair trials in Russia, including lack of independence of the courts from the executive, as well as other ways in which the Russian judicial system fails to safeguard human rights standards and does not protect people from human rights violations, such as in the report *Rough Justice: The Law and Human Rights in the Russian Federation* (AI Index: EUR 46/054/2003 <http://web.amnesty.org/library/index/engneur460542003>).

Amnesty International believes that the concerns in these cases are indicative of wider problems in the criminal justice system in the Russian Federation relating to the independence of the judiciary; access to effective legal counsel; conditions of detention; and the use of torture and ill-treatment in order

to extract confessions. By raising our concerns with the Russian authorities in the context of the YUKOS-related prosecutions, we hope to further the respect and fulfilment of human rights and international fair trial standards for all in the criminal justice system in Russia.

Russian human rights organizations and individuals believe that Mikhail Khodorkovskii is being persecuted for his political activities, including for funding opposition parties. We note that a court in the United Kingdom hearing an extradition request by the Russian government in relation to Dmitri Maruev and Natalia Chernisheva recently concluded that "it is more likely than not that the Prosecution of Mr Khordorkovsky is politically motivated". Bow Street Magistrates Court, decision of 18 March 2005 to refuse extradition. The court also found that a fair trial of Dmitri Maruev and Natalia Chernisheva wanted in Russia on charges of conspiring to commit fraud, together with Mikhail Khodorkovskii, would be likely to be prejudiced by their political opinions and the opinions of those associated with them; and that moreover the charges against them were politically motivated, having been ordered by President Putin. While the Parliamentary Assembly of the Council of Europe (PACE) did not make a decisive conclusion as to what was the political motivation in these cases, we note that the PACE concluded that "the circumstances of the arrest and prosecution of leading Yukos executives suggest that the interest of the State's action in these cases goes beyond the mere pursuit of criminal justice, to include such elements as to weaken an outspoken political opponent, to intimidate other wealthy individuals and to regain control of strategic economic assets." Certainly Russian human rights groups have noted a "chilling" effect on freedom of expression and political pluralism in Russia as a result of the prosecution of these individuals.

Nevertheless, irrespective of whether or not the charges are politically motivated, the Russian authorities must ensure that Mikhail Khodorkovskii and his associates receive a fair trial which complies with Russia's obligations under the international human rights treaties to which it is a party.