

AMNESTY INTERNATIONAL

Public Statement

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Russian Federation: On the conviction of Mikhail Khodorkovskii and Platon Lebedev

Amnesty International is concerned that today's convictions of Mikhail Khodorkovskii and Platon Lebedev follow an investigation and trial that included violations of fair trial standards. Both men have been found guilty of charges including of tax evasion and fraud and sentenced to nine years' imprisonment. Their lawyers are preparing an appeal.

The organization calls on the Russian authorities to ensure that the appeals procedure is competent, independent and impartial, and that the hearing takes place within a reasonable time, in line with international standards of fair trial. The organization will be monitoring the course of the appeals process, as well as submissions to international human rights mechanisms. If new charges are brought against Mikhail Khodorkovskii, Platon Lebedev or other former YUKOS associates, Amnesty International will follow progress of the investigation.

Amnesty International previously set out its concerns about principles of fair trial and provision of medical treatment in detention in the cases of Mikhail Khodorkovskii, Platon Lebedev and other individuals associated with the oil company YUKOS in a public statement on 11 April. Amnesty International also raised these concerns with the Ministry of Justice and the Procurator General of the Russian Federation and 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.

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.

There is a widespread perception among the defendants' lawyers, many Russian human rights organizations and other analysts that the prosecutions were politically motivated. Whether or not the charges are politically motivated, 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 these rights in all cases without discrimination.

On 16 May police allegedly arbitrarily detained supporters of Mikhail Khodorkovskii who had complied with police instructions to stop demonstrating outside the court building in Moscow at 2pm by taking down their placards, but had remained in the area. Police allegedly roughly dragged demonstrators

to a police bus, and used fists and batons to hit those individuals who resisted arrest. There were further reports of arbitrary detentions of supporters of Mikhail Khodorkovskii on 17 May. While the state has the right to regulate public meetings and demonstrations, Amnesty International urges the Russian authorities to ensure that the right of all sides peaceably to demonstrate is impartially respected and fulfilled by all state officials, including the police. The reported use of force by the police to disperse the demonstrators, and allegations of arbitrary detention and ill-treatment by the police should be effectively investigated. Anyone identified as responsible for any violations found in the course of investigations should be brought to justice in accordance with international standards.