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Russian political activist sentenced to five years in penal colony in ‘parody’ trial

Aleksei Navalny, a popular informal opposition leader, was sentenced today to five years in a Russian prison colony after a politically motivated trial on highly questionable charges of embezzlement, Amnesty International said.

His alleged accomplice and co-defendant, businessman Petr Ofitserov, received a four-year sentence.

The organization calls for their immediate release. Any retrial must be on charges consistent with the economic facts of the case in proceedings that provide for the proper scrutiny of independent expert evidence.

“From the start there were clear indications that the criminal prosecution of Aleksei Navalny was politically motivated. The very nature of charges against him was highly questionable, and the way his guilt was supposedly proven raises serious doubts,” said John Dalhuisen, Europe and Central Asia Programme Director at Amnesty International.

“This was a parody of a prosecution and a parody of a trial. The case was twice closed for lack of evidence of a crime, before being reopened on the personal instruction of Russia’s top investigator.”

Aleksei Navalny is a popular Russian blogger and anti-corruption campaigner. Over the years he has exposed violations by several senior political figures from the ruling Yedinaya Rossiya (United Russia) party and from among those close to the Kremlin, and revealed a number of large scale embezzlement schemes, including alleged high-level corruption involving major Russian state-owned oil companies. He has actively campaigned against election fraud and the re-election of President Vladimir Putin and the United Russia party, and has been a key figure in several mass street protests in recent years.

The prosecution alleged that in 2009, when Navalny was an advisor to the Kirov Region Governor, he abused his position to impose a deal on the state-owned company Kirovles. The alleged deal resulted in an unfavourable contract being signed – at a loss to the state – to supply timber through a commercial intermediary, a company headed by Navalny’s old acquaintance Petr Ofitserov.

Aleksei Navalny and Petr Ofitserov were charged – and now have been found guilty – of “particularly grievous” embezzlement on the grounds that they defrauded the state of in excess of RUB 16 million (USD 490,000) – the full estimated market value of the timber supplied. This charge ignores the sum of around RUB 14 million (USD 430,000) which Kirovles received from the intermediary for the timber it supplied.

“The charges were based on a manifestly erroneous assessment of the loss incurred by the state, while the evidence that Navalny abused his position to force through the sale was inconclusive; none was even presented to suggest that he personally profited financially from the transaction,” said Dalhuisen.

“Navalny may or may not have used his position to secure a favourable deal for an acquaintance, but it cannot possibly be argued that he defrauded the state of the entire worth of the timber at market price, when a significant sum was still paid for it.”

The prosecution’s key witness in the case was the former Director General of Kirovles, Vyacheslav Opalyov, who himself was convicted – and received a conditional sentence – in a separate trial under charges related to the same alleged crime.

The judge declined the defence’s request that an independent expert be allowed to testify in court on whether the deal between Kirovles and the intermediary company headed by Petr Ofitserov was commercially viable or indeed an unfair deal at below market value.

“The trial of Aleksei Navalny and Petr Ofitserov cannot be seen outside the context of the political harassment of Navalny and his supporters, and appears to be linked to his campaigning against corruption and political activities in recent years,” said Dalhuisen.

“It demonstrates how the Russian authorities abuse criminal prosecutions to persecute government critics and suppress political opposition and civil activism. This fits into the broader crackdown on the freedoms of expression, association and assembly under way in Russia today.”