

PUBLIC

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Health concern/ unfair trial

RUSSIAN FEDERATION

Vasilii Georgievich Aleksanian (m), aged 36

Lawyer Vasilii Georgievich Aleksanian, a former vice-president of the Russian oil company YUKOS, is seriously ill with AIDS because he is being denied adequate medical treatment in detention.

Vasilii Aleksanian was detained on 6 April 2006 and has been kept in pre-trial detention in Moscow since then. He had worked for YUKOS for several years before becoming vice-president in March 2006 at a time when the company was about to be dissolved. He is accused of embezzlement and tax fraud. The Russian General Prosecutor's Office is due to hand the case over to a court in Moscow by 2 March.

In October 2006, Vasilii Aleksanian was diagnosed as infected with HIV. This diagnosis was subsequently made public by a prosecutor in January 2008, in breach of confidentiality. In October 2006, his doctors recommended that he could remain in pre-trial detention if he received antiretroviral drugs and other appropriate treatment to stop his health from deteriorating. According to his lawyer, Vasilii Aleksanian never received such treatment. On 23 October 2007, several medical experts, including a doctor from the pre-trial detention centre, assessed his condition and found that he was in need of immediate treatment as an in-patient in a specialist hospital. At that time the experts found that the pre-trial detention centre could not provide the necessary treatment and recommended he be transferred to a public hospital.

Vasilii Aleksanian petitioned the European Court of Human Rights to intervene, and on 27 November 2007, the European Court ordered the Russian authorities to transfer him to a specialist hospital and to inform the Court about the treatment he has received so far. As the Russian authorities did not respond to this order, the European Court repeated its appeal on 6 December and set a deadline of 10 December for Vasilii Aleksanian to be transferred to a hospital. The Russian authorities again failed to hospitalize Vasilii Aleksanian and provided inadequate information to the Court about his treatment, so on 21 December, the European Court repeated its call for a third time and stated it would consider it a violation of the right to life and the right not to be tortured or subjected to inhuman and degrading treatment by the Russian Federation (Articles 2 and 3 of the European Convention for Human Rights), should Vasilii Aleksanian die in detention or should his condition deteriorate due to lack of treatment.

Vasilii Aleksanian has now reportedly been diagnosed with tuberculosis, a cataract to his eyes, a tumour in his kidney, an infection of his lymph nodes, and also heart problems. Under Russian law, a person diagnosed with such serious health problems should not be kept in pre-trial detention.

Preparations for the trial of Vasilii Aleksanian are underway. From 20 December 2007 to 15 January 2008, Vasilii Aleksanian was expected to acquaint himself with the details of the case against him. Prosecutors considered him to be fit for this, even though he reportedly constantly had a high temperature and a prosecutor had to read the documents to him as he is nearly blind. As this was a slow process, Vasilii Aleksanian asked for the time available to read the documents to be extended. According to his lawyers, a judge denied this request, saying that he was misusing his right to read the case documents, as he had insisted on breaks and days of rest during this procedure.

In a hearing at the Supreme Court of the Russian Federation on 16 January, in which the court was to consider Vasilii Aleksanian's appeal against the extension of his pre-trial detention, a prosecutor from the Office of the General Prosecutor announced that Vasilii Aleksanian is suffering from HIV/AIDS. This was

done in breach of Vasilii Aleksanian's right to confidentiality. He has since given permission to publish this information.

RECOMMENDED ACTION: Please send appeals to arrive as quickly as possible, in Russian or your own language:

- urging the Russian authorities to transfer Vasilii Georgievich Aleksanian immediately to a specialized hospital for HIV /AIDS patients where his illness can be treated adequately;
- calling on the authorities to comply with the European Court of Human Rights' ruling that all necessary action should be taken to safeguard the health of Vasilii Aleksanian, and to inform the Court about his treatment;
- expressing concern that if Vasilii Aleksanian's trial proceeds while he is in such poor health, he will not be able to participate effectively, in breach of international fair trial standards;
- calling for his trial to be postponed until his health allows him to participate in the legal process.

APPEALS TO:

Vladimir Vladimirovich Putin
President of the Russian Federation
Ul. Ilinka. 23
103132 Moscow
Russian Federation

**Email: please go to http://kremlin.ru/eng/articles/send_letter_Eng1a.shtml
and post your message there.**

Salutation: Dear President

Minister of Justice of the Russian Federation
Vladimir Vlasilievich Ustinov
Ministry of Justice of the Russian Federation
Ul. Zhitnaia 14
119 991 Moscow GSP1
Russian Federation

Fax: + 7 495 955 57 79

Salutation: Dear Minister

COPIES TO:

Vladimir Petrovich Lukin
Ombudsperson for Human Rights of the Russian Federation
Miasnitskaia ul. 47
107084 Moscow
Russian Federation

Fax: + 7 495 607 53 37 (You may hear a Russian answering machine; please wait for the beep before sending your fax)

Yurii Yakovlevich Chaika
Prosecutor General of the Russian Federation
Office of the Prosecutor General of the Russian Federation
Ul. Bolshaia Dmitrovka 15a
125 993 Moscow
Russian Federation

Fax: +7 495 692 1725 (fax may be switched off outside of office hours (four hours ahead of GMT))

and to diplomatic representatives of the Russian Federation accredited to your country.

PLEASE SEND APPEALS IMMEDIATELY. Check with the International Secretariat, or your section office, if sending appeals after 29 February 2008.