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Political sentence for Khodorkovsky and Lebedev

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On 30 December, the Moscow Court sentenced Mikhail Khodorkovsky, the former head and major shareholder of the Yukos oil group, and Platon Lebedev, that company's former deputy head, to 13½ years in prison, finding them guilty of the misappropriation of 218 million tonnes of crude oil and of money laundering. The harsh sentence (the prosecutor had requested 14 years) was expected, and means that Khodorkovsky and Lebedev may not be released until October 2017. The court did take into account the 8-year sentence which they have been serving since 2003.

There is no doubt that Khodorkovsky and Lebedev have been punished on the political orders of some of the authorities, most notably Prime Minister Vladimir Putin; they are afraid of Khodorkovsky's opposition activity and his popularity among many representatives of the Russian elite. The trial exposed a range of the problems existing in Russia, from a judicial system which is effectively at the Kremlin's disposal, to the way in which the government deals with its political opponents.

The 'Khodorkovsky case'

Mikhail Khodorkovsky and Platon Lebedev were arrested in 2003 on charges of tax evasion, embezzlement and the appropriation of property. In May 2005, they were sentenced to nine years in prison (after a few months the sentence was reduced to 8 years), and Yukos was bankrupted and sold off. The main reasons for the trial were Khodorkovsky's political activities and the government's desire to take over Yukos, the largest oil company in Russia. At the same time, the 'Khodorkovsky case' was one of the most important events in Russia in recent years, and marks a turning point in the evolution of the Russian political-economic system, as it defines the monopolisation of power in Russia by Vladimir Putin and his entourage, who have taken *de facto* control over the strategic petroleum sector.

Preparations for the next investigation into Khodorkovsky and Lebedev had already begun in 2005, and in March of 2009 they were formally put on trial again. This time they were accused of stealing 350 million tonnes of petroleum extracted by Yukos (this figure was then reduced to 218 million tonnes). From the outset, lawyers, the Russian opposition, human rights defenders in Russia and abroad, deemed the trial to be a politically-motivated farce, and stated that the charges were absurd and contradicted the previous judgement. Although some of the allegations against Khodorkovsky in the first trial might have been justified (Yukos, like other big Russian companies, exploited tax law loopholes to partially evade payment), this second trial displayed the manifest bias of the court, which rejected

nearly all the evidence for the defence while clearly working for a conviction.

Prime Minister Putin himself also made several statements on the 'Khodorkovsky case'; during a television interview with the Russian public on 16 December 2010, he stated that "a thief should sit in prison". This demonstrated the determination of part of the government to extend the conviction, regardless of the loss of face and prestige for Russia around the world. As a result, on 27 December the Moscow Court found the former head of Yukos guilty, and on 30 December sentenced him to 13½ years in prison .

The harsh sentence on Khodorkovsky and Lebedev brought forth a wave of international criticism. Concern about the state of the judiciary in Russia was expressed by the USA, the United Kingdom and the European Union. The German Chancellor, Angela Merkel, stated that the trial had political motives. All the major international human rights organisations met the ruling with indignation.

The significance of the sentence

1. Mikhail Khodorkovsky was sentenced on the direct political orders of some of the ruling elite, most notably Prime Minister Putin. These people fear that his release might complicate the political situation before the presidential elections in 2012. In recent years Khodorkovsky has become a symbol of opposition to the authorities, and despite his imprisonment, he has often spoken about the most important matters for Russia, harshly criticising the policies of the present ruling camp. As a result, he has grown into the role of informal leader of the Russian opposition, and when he leaves prison he could even become its formal leader. Although a large part of the Russian public have expressed negative opinions about Khodorkovsky, seeing him as one of the symbols of the 'wild capitalism' of the 1990s, he enjoys popular support among some of the Russian elite, and even some senior government officials have distanced themselves from the allegations against him. This has been shown by testimonies favourable to Khodorkovsky made by the Industry Minister Viktor Khristienko and the head of Sbierbank German Gref; these followed previous statements from the Finance Minister Aleksei Kudrin and the current assistant to President Medvedev, Arkady Dvorkovich. For these reasons, Khodorkovsky's conviction also serves as a signal to the elite that shows the strength and determination of the country's true decision-makers. It cannot be ruled out that in the coming years, they will recognise that Khodorkovsky still poses a threat to the government (for example, in connection with the presidential elections scheduled for 2018), and this will lead to yet another trial against him.

2. Khodorkovsky's trial has exposed the current state of Russia, including the following aspects of it: the judicial system is fully dependent on the government, and appears to issue judgements in accordance with political orders; the situation of the Russian media: Khodorkovsky's trial was only mentioned by a few television stations, whose comments were in line with the guidelines laid down by the authorities; the treatment of political opponents, who are considered dangerous to the ruling camp's hold on power. The 'Khodorkovsky case' has also shown that the most important decision-maker and the seat of power in Russia remains Prime Minister Putin. President Dmitri Medvedev, despite

declaring the need for modernisation and reform (including in the judicial system), has been pushed into the background, and has had no effect on the result of the ‘Khodorkovsky case’.

3. This sentence has had a negative impact on the international image of Russia, and it strikes a blow at President Medvedev’s declared efforts to modernise and promote a "new face of Russia." It may also be expected that the ‘Khodorkovsky case’ will remain an issue of concern to worldwide public opinion in the coming years; this could include the charges against the Russian government which have been brought by former Yukos shareholders, and are due to be discussed by the European Court of Human Rights in Strasbourg and the Permanent Court of Arbitration at the Hague.