

“An Attempt at Extrajudicial Killing in the Name of the Court”
Press Conference with Lawyers for Mikhail Khodorkovsky
June 15, 2005
Mikhail Khodorkovsky Press Center

“I am used to respecting justice, the thing I have been serving for 50 years,” said Genrikh Padva, lawyer for Mikhail Khodorkovsky, adding that the sentence produced by the Meshchansky Court had nothing to do with justice. According to the lawyer, the trial was an extrajudicial killing in the name of the court. He pointed to the preplanned actions of the court which did not deem it necessary to refute the evidence and documents submitted by the defense. Instead, the court confined itself in all cases to the statement: “the court takes a critical view of the documents (evidence, witnesses) of the defense and does not admit them.” According to Genrikh Padva, all the episodes imputed to their clients lacked either the event itself, the corpus delicti, or proof of Khodorkovsky’s and Lebedev’s involvement in the events criminated to them.

The lawyer also stated that the ruling of the Meshchansky Court on the discontinuation of the criminal case against Khodorkovsky and Lebedev with regard to ownership of OAO Apatit shares was absurd. The ruling found both defendants guilty of embezzlement of the shares, violating both the Criminal Procedure Code and the Constitution as only a court sentence can recognize a person’s guilt.

Speaking from his experience, Genrikh Padva said the attorneys’ appeals against the Meshchansky Court sentences would not be considered earlier than fall 2005. The case, however, is still outstanding, and he would not venture to make any forecasts.

Konstantin Rivkin, lawyer for Platon Lebedev, also drew attention to the numerous violations of the law that riddled the case. The lawyer gave examples of the evidence the court did not “take critically”. They include the American Express cards which are considered proof in the charge of personal income tax evasion, although they are nowhere to be found in the case. Rivkin also noted the letter which, according to the prosecutor, proved that Lebedev managed cash flows but is signed by someone other than Lebedev. The court did not pay attention to such details and cited this and similar “evidence” in its decision.

Defense attorney Anton Drel addressed some of the case-related myths circulated in the mass media. He said one such myth is that the sentence of the Meshchansky Court is an example of the conflict between business and the authorities. The lawyer argued that it is an example of the conflict between business and criminal bureaucracy, in which asset stripping serves interests other than those of the state’s. He also stressed that his clients always followed existing laws, that YUKOS was burdened with debts when Mikhail Khodorkovsky bought it, that no law prohibited funding opposition parties.

Yuri Schmidt also mentioned mass media coverage and said that state channels ran a number of “abominable TV programs”. This signals the authorities “cannot simply put Khodorkovsky behind bars for a long time (with the prospects of keeping him even longer), they need to compromise, crush and morally destroy him.”