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Russian Federation: Fair trial for Khodorkovskii and Lebedev

As a second trial against former YUKOS oil company head Mikhail Khodorkovskii and his associate Platon Lebedev draws closer, Amnesty International urges the Office of the Prosecutor General to ensure their right to a fair trial in accordance with international law and standards.

Mikhail Khodorkovskii and Platon Lebedev were found guilty of charges including tax evasion and fraud in May 2005, and sentenced to nine years' imprisonment. The investigation and trial were marred by violations of international fair trial standards. On appeal, both men's sentences were reduced to eight years. New charges were filed against both men in February 2007 alleging their involvement in money laundering and embezzlement. The men's lawyers fear that the second trial will take place in Chita, a remote town in Siberia, where the two men are imprisoned.

"There are serious indications that in this case, as in the previous proceedings, the Russian authorities intend to deny Mikhail Khodorkovskii and Platon Lebedev their rights to a fair trial," Nicola Duckworth, Amnesty International's Director for Europe and Central Asia, said.

Amnesty International is concerned that the decision to hold the preliminary investigation of the new charges in Chita has hindered the two men's right to adequate time and facilities to prepare their defence. This decision means that their legal team has had to travel between Moscow and Chita. Their clients and the case files -- numbering 127 volumes -- are in Chita, yet much of the work by the legal team has to be done in Moscow.

A Moscow court ruled in March 2007 that the decision by the prosecutor's office to nominate Chita as the place of preliminary investigation was unlawful but, despite being upheld on appeal, the court's ruling is not being implemented. A decision to hold the trial in Chita, together with the alleged harassment of the legal team, would be a further blow to the men's rights to a fair trial.

"Criminal proceedings against Mikhail Khodorkovskii and Platon Lebedev must be transferred to Moscow in accordance with Russian law, the Constitution and international standards," Nicola Duckworth said.

"The rule of law must be upheld in this case, as in all criminal proceedings in Russia."

"There remains a widespread perception among the defendants' lawyers, many Russian human rights organizations and other analysts that the original prosecutions, and now the renewed criminal charges, have been politically motivated. Whether or not the charges are politically motivated, the right to a fair trial is a basic human right and Amnesty International calls on the Russian authorities to respect it in all cases without discrimination."

See: *Russian Federation: New trial against Mikhail Khodorkovskii and Platon Lebedev must meet international fair trial standards*, AI Index: EUR 46/052/2007
<http://web.amnesty.org/library/index/engneur460522007>

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For more information please call Amnesty International's press office in London, UK, on +44 20 7413 5566

Amnesty International, 1 Easton St., London WC1X 0DW. web: <http://www.amnesty.org>

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