

INFORMATION AGENCY “FOR HUMAN RIGHTS”

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CHRONICLE OF POLITICAL PERSECUTION IN PRESENT DAY RUSSIA

News, statements, appeals, analysis, commentaries

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Anti-Constitutional Law “against NGO” has come into force

IA “For Human Rights calls attention to the commentary of Executive Director of All-Russian Nongovernmental Movement “For Human Rights” Lev Ponomarev in connection with the promulgation of the Law “On NGO”.

«Human rights human rights advocates are being pushed out into dissidents»

Wonder has not happened, and the guarantor of the home Constitution signed the scandalous Federal Law **“On introducing changes in some legislative acts of the Russian Federation»**, which is named the law On NGO (or rather the law Against NGO). The law was published at the moment the head of the German government left Moscow, as in the best Russian traditions The law was published in *“Rossiyskya gazeta”* (<http://www.rg.ru/2006/01/17/nko-poryadok-dok.html>), but they “felt ashamed” of putting it on <http://www.kreml.org/>

As the law was approved after the Public Chamber of the RF, opposing it, started to work, so the Kremlin itself showed its attitude to this Chamber as to the decoration.

In spite of authorities’ assurances, including the Russian President’s, the law had not lost its anti-constitutional, anti-democratic character even after correcting. In the first variant it was in reality the law “on prohibition of the civil society”, the law of rough totalitarian subordination of the civil life. It was worked so clumsily, and I would even say so aggressively, that it was evident that variant was created to bargain. After the joined appearances of human rights advocates and the same concerted indignation in the democratic countries, the authorities pretended that they were bringing the law to conformity with democratic and international legal norms.

In fact, now the law has stopped to look a cudgel, “stifling the entire third sector” without distinction. It has turned into the dagger for dotty stabs to human rights and ecological organizations. But he has kept its anti-constitutional character in this state as well.

The Kremlin’s aim is evident; it is “to suspend” the non-governmental organizations and “to block oxygen” to the most active ones. As today human rights advocates and ecologists have again appeared at the front line of defenders of human rights and true civil interests. Having started the campaign against human rights advocates, the Kremlin repeatedly blamed them for politization, for dependence on western funds. In fact, the presumption of innocence in high treason has been broken with respect to human rights advocates and ecologists. They are being shoving back to the sphere of “social help”, while the violation of civil, political, social, economical and cultural human rights has turned into the great social problem in our country. The state organs do not defend the rights and freedoms of the citizens but they are the origin of their violations very often. The well-directed policy of limitation of human rights and democratic freedoms has been carried out for six years. And when the human rights advocates, the civil society put the question about the origin of human rights violation, repudiate the ideology of democracy liquidation under the pretext of “defense of stability and state security”, it is natural that they become the subjects of policy, appear as a non-Party opposition.

It is necessary to mark that the human rights advocates has achieved the great extend of professionalism in relief action to citizens, created the effective system of legal assistance. The destruction of the mechanisms of grant financing from the West (Khodorkovsky’s case has taught the Russian sponsors a lesson) will bring back some human rights advocates “to the kitchen” and push off the others to the sphere of only enlightening and social work. At that, many scores and hundreds of thousands of Russian citizens will be deprived of the last hope for the real legal assistance. The dialogue between the state and the human rights advocates will finally turn into a wrangle and the certain part of civil activists will be pushed into political dissidents...

I also want to pay attention to some rough violations of the fundamental human rights that are in the law.

First of all, the huge categories of citizens lose their fundamental right to the freedom of associations. *Art. 19 (The demands made to founders, members and participants of non-*

governmental associations): “There cannot be a founder, member, participant of a non-governmental association:... 4) a person regarding which there has been stated by the court decision having come into force that his actions contained the signs of extremist activity; 5) a person being kept in prison under the sentence”.

It means that the prisoners are unable to take part in the activity of human rights organizations, but there is coming a great amount of addresses from prisoners with asking for help to form official departments or branches of human rights associations (formal and informal) in the colonies. It means that those who are convicted in kindling of international and religious animosity (it is a fashionable chip of the Procuracy to institute criminal proceedings under the Art. 282), even if they are not deprived of freedom, are staggered in rights. *Art. 1 ...* “On the territory of ZATO (closed administrative territorial formation) there is not allowed creation and activity of organizations which founders are foreign citizens, persons without citizenship and foreign organizations, foreign non-commercial non-governmental organizations, branches of foreign non-commercial non-governmental organizations and also the activity of international organizations (associations)”. Thus, an inhabitant of ZATO (where the ecological accident prevention and ensuring of human rights are the most problematic according to the comprehensible reasons) has lost the right to enter international (including those joined people inside CIS) human rights or ecological organizations and these organizations cannot defend people and public interests there in their turn. At the same time, the organizations with foreign investments are admitted in ZATOs!

Secondly, bureaucracy receives fantastic possibilities for despotism, ideological and political control. It is not only constant and meticulous control of civil structures’ activity, prescribed by the new law. There appears bureaucracy’s right to out-of-court demand to foreign funds to deprive this or that organization of grant support. There appears the right to reject a registration in case “the name of public association insults morals, national and religious feelings of citizens” (Art.23). Thus, there opens a legal opportunity to prohibit anti-clerical organizations and, for example, organizations for the defense of sexual minorities’ rights.

Thirdly, the law attaches the legal concept to such publicist expressions as “national unity”, “originality”, “cultural heritage” and “national interests” – everything concerns the Russian Federation. Thus, with adoption of the law the RF will get “originality” guarded by the law! (Art.9 “A foreign non-commercial organization can be refused in putting the data about its branch or representatives to the register under the following grounds: ...4) if the aims and tasks of creation of a branch or representative office of a foreign non-commercial non-governmental organization threatens the sovereignty, political independence, territorial inviolability, *national unity and originality, cultural heritage and national interests* of the Russian Federation”). There are a few doubts that the bureaucracy will show their worth in the defense of originality from foreign influence with all their might.

*L.A. Ponomarev, Movement “For Human Rights”
17 January 2006.*

« Amnesty International »: the new law suppresses the independent civil society

Consequence international organization “International Amnesty” has spread a press-release, where it directly stated that the adopted new law suppresses the independent civil law in the Russian Federation

«Amnesty International» regrets that the President Putin has approved polysemantic amendments to the laws regulating the activity of non-governmental and non-commercial organizations in Russia. The new law was published in *Rossiyskya gazeta*, it is an official organ of the country government on January 17, 2006, and it will come into force in three months from the date of publication.

«Amnesty International» does not oppose the measures of guaranteeing the clarity and accountability of non-governmental organizations. However, the given law grants a superfluous power on the control of organizations' work and making decisions about their registration or closure», claimed Nicola Duckworth, the Director of the Europe and Central Asia Programme. «The increased powers of scrutiny could be abused».

In spite of the fact that there were introduced some changes in the law under the influence of protests of native and international community, there are still regulations which cause the serious anxiety around freedom of associations in Russia. During the drawing up of many regulations there were not taken into consideration censorious remarks being in the proposals of the European Council experts. In the law there are preserved the regulations which were considered by the experts as “disproportionate”, “unduly restrictive” and “indistinctive” as the correspondence to the international standards.

For example, the authorities will have the right to reject a registration in case “the name of public association insults morals, national and religious feelings of citizens”. They also will possess unlimited power to send representatives to any actions carried out by any Russian or foreign non-commercial organization, and they will not be bound to have reasons to think that a violation of the Russian legislation can take place. They will also possess an unexampled power to check the sources of financing and planned and factual spending of bankroll.

‘The work of public organizations of all directions – in so different spheres as environmental protection, education and human rights - will be labored. Russia should encourage the civil society and not suppress it’, said Nicola Duckworth.

“This question is neither a political one, nor an intervention in internal affairs of Russia. Russia must observe the obligations undertaken in the ranks of signed international standards in the sphere of human rights”.

IA IKD

Source: «Amnesty International»

Initiative group “Common Action”

*To the organization Amnesty International
To the International Helsinki Federation
To “Human Rights Watch”
To the organization “Freedom House”
To the International League of Human Rights
To the International Federation of Human Rights
To the American League of Civil Freedoms
To Greenpeace*

Appeal of the participants of the Initiative Group “Common Action” to human rights and ecological organizations

Dear Colleagues!

In the July of 2006 the next summit of the Great Eight is to be carried out. During the last years these summits have really defined not simply the global policy but political, social – economical atmosphere on the planet itself. The Great Eight consists of the biggest industrialized powers of the world, having proclaimed its devotion to humanistic and democratic valuable, to the principles of absolute priority of personal rights and freedoms. It is the real devotion of the Great Eight states to the proclaimed by them principles of guaranteeing and defense of human rights and fundamental freedoms that defines the worldwide tendency in this sphere.

We propose you to address the participants of the summit and also to all branches of power of the states, members of the Great Eight, with the common open appeal on the situation with human rights and freedoms.

The necessity of such an appeal is caused by the fact that for at least four years, unfortunately, there has been carried out the real attack on civil and political rights from the direction of state structures of some Great Eight states; there has been happening a serious recoil from the high humanistic and democratic standards, elaborated by international legislation and native legislation of the western countries in the previous decades.

The main pretext for this recoil has become “the struggle against the international terrorism”. It is absolutely unacceptable for us to discharge any terror, application of violence with a view of political struggle. We consider the terrorism as one of the most disgusting crimes and any of its apologies as unworthy ideological speculations. But at that, we think it principally important to mark the undoubted fact that the states have permitted themselves to return to the psychological atmosphere of and political practice of the times of the Cold War heat for the sake of struggle against the terrorism

There has simultaneously been appearing the global concentration of commercial-industrial corporations and the struggle for the economic growth at any price has brought to a next round of pitiless attack at the nature.

All the above-named negative factors are gathered in Russia as in focal point. The weakness of the Russian democratic institutions has created the conditions that authoritarian tendencies, spreading of special services’ dictate has become apparent in hypertrophied view in our country. In Russia there is practically being completed the formation of one-party police-ridden system of state – corporate type. The independence of courts has been liquidated at a great extend. There are going on show political trials under the regime’s opponents and the victims of “spy scare”. The political and ideological censorship has been established in the main mass media. The war in Chechnya has brought to the turning of the Northern Caucasian region into the area of partisan war. Tortures and torments has become the practice of investigating organs and administrations of prisons. Tortures and executions without any trial are especially typical for the regions of the North Caucasus. The Kremlin has secretly grown semi fascist youth organizations, assault detachments for the force actions against the democratic and left opposition.

The Russian non-governmental organizations experience the growing pressure, the top bureaucracy, including the President Putin, insult them publicly, in fact accusing of acquiescence for detection of foreign intelligence services and hostile to Russia forces. This pressure upon NGO has allowed to drastically limiting the possibilities for an independent ecological monitoring, for legal actions for human rights and public interests defense.

We consider it very important that there should exist the system of unite actions of human rights and ecological organizations, along with the system of political – economical interactions of the most powerful countries. That is why we are addressing you with the proposal to discuss the main questions of observance of human rights and fundamental freedoms in the Great Eight countries and work out the common position. **This common position must be formulated in the common appeal to the three branches of power of the states, members of the summit, beforehand, so that the problem of defense of human rights and democratic freedoms I the Great Eight countries may be included in the agenda of the summit.**

It is possible to carry out consultative meetings in the ranks of appeal preparation.

We understand that the problem of direct and masked ignorance of human rights (always for the sake of some supreme interests) is the common illness of the modern society, but at that, we think the international human rights community should pay special attention to Russia. And it is not only because the state of human rights and democracy is the most crucial in our country in comparison with all countries of the Great Eight, but also because the anti-democratic Putin’s policy has become a peculiar temptation for the leaders of the West. It was Putin who demonstrated that it is so simple to combine the grossest violations of human rights and freedoms, even the fundamental norms of the humanitarian law and at the same time continue to be regarded as a legal and democratic state. It is impossible to ignore the Russian quick return to the totalitarianism on the assumption of political, economical and any other considerations. As the Chechen war and the creation of the regime of the “law dictate” in Russia has served as a

peculiar signal to the beginning of cutting down the western democracy, so the joint international struggle for the human rights in Russia may serve as a linchpin which will start to raise the western societies as well.

With respect,

L.M. Alexeeva, the Head of Moscow Helsinki Group;
A.V. Babushkin, Non-governmental Charity Committee
"For Human Rights";
S.A. Gannushkina, Non-governmental Charity Committee
"Civil Assistance";
A.G. Karetnikova, Anti-war Club;
O.V. Oyyin, Fund "Glasnost";
L.I. Grafova, International movement "Forum of migrants organizations";
L.A. Ponomarev, the all-Russian movement "For Human Rights";
Sergey Sorokin, Movement against Violence;
E. I. Chyerny, Coalition "Ecology and Human Rights";
A.V. Yablokov, Social Ecological Union;
G.P. Yakunin, Committee for the Defense of Liberty of Conscience

The former colonel of FSB Trepashkin has been put into an unheated punishment isolator at 35°C below zero for "raising his voice"

The former colonel of FSB Mikhail Trepashkin, sentenced for disclosure of State secret, has been put into a punishment isolator (ShIZO) in the colony-settlement of Nizhny Tagil again.

“Trepashkin was put into the ShIZO again because he raised his voice demanding due medical treatment from the doctor. He was asked to give explanations and then was put into the punishment isolator”, informed Trepashkin’s lawyer Elena Liptzer. At that the lawyer pointed that Mikhail Trepashkin has a bronchial asthma and at the moment it is “at the stage of exacerbation”, informed “*Interfax*”.

“ShIZO is in a new building that is not heated. The cot, as it should be, is downloaded only for the night and all the other period of time Trepashkin has to sit on the radiator not to finally freeze to death. When he was put into the isolator he was put on all the things he had but it does not help”, claimed the lawyer.

Moreover, according to meteorologists, it is expected from 30 to 42°C of frost in Nizhny Tagil in the next three days. According to Elena Liptzer’s data, Trepashkin is put in the ShIZO exactly for the three days. “We will file complaints and I also want to inform the European Court, where there has already been Trepashkin’s complaint, about everything”, said Liptzer.

Trepashin was already put into the ShIZO in September, 2005, reminds *RIA "Novosti"*...

NEWSru.com

The hunger-stricken man has gained his ends: PACE has attended to Chechnya

On January 18, in Strasburg, there was stopped the action of a human rights advocate from Chechnya after the Chairman of PACE Gunter Schwimmer [sic] himself informed the hunger-stricken that the situation in Chechnya would be taken up at the Commission.

- The situation in Chechnya would be taken up at the Commission of PACE; this is said in the letter which the Chairman of PACE Gunter Schwimmer (*read* the General Secretary of the Council of Europe Walter **Schwimmer**) gave to the hunger-stricken Ibragimov, while visiting him in person at home, along with journalists.

It is even more than the President of the International Association S-A. Ibragimov was demanding, as the result he stopped his hunger strike. S-A. Ibragimov will personally take active part in promotion and work of the Commission, with approval of the General Secretary of the PACE.

Ibragimov said: "They had done more than they were expected. Today there has happened the radical overturn in the consideration of the Chechen question from the positions of norms of the international law". The deputies of the Euro parliament from Brussels are planning to meet S-A. Ibragimov, as well.

Let us remind that the not limited in time hunger strike as a protest of the President of the International Association "Peace and Human Rights" Said-Amin Ibragimov began at a building of PACE in Strasburg on December 10, 2005. From time to time the Chechen refugees from different European countries and European and American human rights advocates, supporting their demands, joined it.

The demands of the action are to take measures corresponding to the international obligations in order to stop the war in Chechnya and to admit the fact of gross violations of human rights and freedoms in Chechnya at the official level, with the following legal actions".

*IA IKD (Informational Agency Institute "Common Action"
According to materials of the Caucasus centre*

The continuation is bound to follow

The struggle of the former Baku refugees, tenants of the hotel "Yuzhny", for the right not to freeze down at the Moscow frost of 30°C has ended with nearly fairy success.

The initiative group of Baku refugees under the leadership and defense of the young, energetic human rights advocate Eugenie Bobrov made the law-enforcement organs fulfill their functions; it was made with the help of all legal methods, including the attempt to block the traffic along Novokuznetskaya Street at the building of Moscow Procuracy.

The doors of the hotel were again closed for 36 Baku refugees who had been accommodated there in 1990 already; the running water and electric light were switched off. Moreover, the Moscow Procuracy initiated a criminal case according to the fact of arbitrary actions of the hotel "Yuzhny" administration

Epiphany tale, however, does not end in that. There arises the question as in Carl Peterson's poem "The Little Orphan":

*"There was going along the street a little boy
Got blue and shivering.
My God! The little boy was saying,
- I am cold and want to eat;
Who will warm and feed me,
Kind God, me, an orphan?"*

And there is nobody to warm the former refugees. There is the court decision that they cannot be evicted from the hotel without giving any other habitation. So, the Baku refugees have the right to be given habitation, it is to some extent a High Law which is never followed by our executive power. The trouble is that this right does not correspond to the obligation of any certain organ to give this habitation.

The certificates of a refugee, which were once given to them, have been declared the documents of unstated standard. After long trial processes the Baku refugees had been declared Russian citizens but they did not get the status of forced migrants. Thus, the Federal Migration Service of Russia does not have any grounds to take them for its maintenance. Moscow does not admit Baku refugees as constant inhabitants and does not include in housing registration. But even if it has included, the waiting list is hardly moving now.

The problem of Baku refugees started to be settled by the Governmental Commission on Migratory Policy, established in 2002, disturbed by untiring human rights advocates (Lydia

Grafova and me were the members of the Commission). On behalf of Moscow government there were prepared the proposals to provide them with habitation in January, 2004. The proposals were considered unacceptable by the Commission and several departments were asked to find the solution of this very prolonged problem up to the next session. But there the Governmental Commission was liquidated by the Governmental Decree No. 215 on April 16, 2004. The Decree No. 215 destructed altogether 146 coordinative and consultative organs, where the society and power meet with each other as equals. The functions of the abolished organs were passed to nobody, no explanations of such reforms followed. The Baku refugees were again forgotten.

Certainly, the owners of the hotel should not have ridden roughshod. They should have understood that purchasing the hotel, they take the responsibility for the people who have been living on the non-commercial ground there for 15 years. The new owners are most likely, as they were told, to rely on crime right: on the contacts enough to push out the undesirable tenants, to arrange them "the second Baku".

The human rights advocates ruined their plans. For how long? It is evident that the hotel is not the place for a long-term habitation of the people who prepare food, wash, get married, give birth to children, and die.

The question of settling the Baku refugees is still open. The Federal and Moscow authorities do not want to take the responsibility for the handful of people, Russian citizens, whose problem should have been solved many years ago.

It can be done even now. It will be much cheaper than to keep them in the hotel losing its profit because of that. To my mind, one of the opportunities is that Moscow may sell some amount of flats to the owner of the hotel at cost. Maybe, the Baku refugees themselves partially, at any rate some of them, could make their contribution or find sponsors.

But the full stop should be put in this case some day.

*Svetlana Ganushkina,
The Chairman of Committee
"Civil Assistance",
Member of the Council at the President of the RF
For Assistance in Development of Civil Society Institutes and Human Rights*

Portal "Human Rights in Russia"

HRW about human rights in Russia

International human rights organization Human Rights Watch (HRW) has published Annual Report on the situation with human rights observance in the world, informs Reuters.

In particular, it is said in the Report that the western countries, that have always been the bastion of democracy, not only fail to cut short such violations in other countries but else tolerate them on their territory.

Meanwhile, as it is stated in the Report, the members of European Union shut their eyes to the violations tolerating by the states, considered allies in the struggle against terrorism or considered profitable economical partners, "*Grani*" stressed the thesis of the Report of the HRW in its publication.

The European leaders are guided by any you like considerations but not by the interests of human rights defense in the relations with such countries as China, Russia and Saudi Arabia, marked the authors of the Report.

In the Report it is also pointed that the countries where the democratic institutes are not so developed as in the West, use the "war on terrorism" as a cloak to struggle against political opponents, stick the label of "Islamic terrorists" on them. Russia, Uzbekistan and China are among the countries accepting such violations

“*Commersant*” writes that for the first time in its report, the HRW has blamed the leaders of the Western Europe for shutting their eyes to the human rights violations in Russia as they did not want to quarrel with the President Putin.

Analyzing the situation in Chechnya, the authors of the Report point that “events in 2005 demonstrated the continuing inability of the Russian government to bring peace to Chechnya and its neighboring regions. The conflict continues to claim civilian lives every day”. The reporters also express the distrust to the Russian official people and sources saying about returning of Chechnya to peace and stability.

HRW blames Moscow for the intentional “Chechenization” of the conflict”, a result of which, according to the international human rights advocates’ opinions, is “pro-Moscow Chechen forces under the command of Ramzan Kadyrov have played an increasingly active role in the conflict”. According to the Report authors the continued kidnapping is “the crime against the mankind”, nevertheless “the Kremlin not only tolerates these practices but has effectively endorsed them by naming Ramzan Kadyrov deputy prime minister of Chechnya and bestowing a Hero of Russia award on him”.

The Report, published annually by *Human Rights Watch*, occupies 532 pages this year. The data about the state of human rights in 70 countries of the world are summarized in the research. The part of the Report devoted to Russia will be published on the portal *HRO.org* in the nearest future.

Portal «Human Rights in Russia»

Great image almighty

(Daniel 2, 31-35)

The discovery and interpreting of Nebuchadnezzar's Dreams

21.2, 31. Thou, O king, sawest, and behold a great image. This great image, whose brightness was excellent, stood before thee; and the form thereof was terrible.

32. This image's head was of fine gold, his breast and his arms of silver, his belly and his thighs of brass,

33. His legs of iron, his feet part of iron and part of clay.

34. Thou sawest till that a stone was cut out without hands, which smote the image upon his feet that were of iron and clay, and brake them to pieces.

35. Then was the iron, the clay, the brass, the silver, and the gold, broken to pieces together, and became like the chaff of the summer threshing floors; and the wind carried them away, that no place was found for them: and the stone that smote the image became a great mountain, and filled the whole earth.

Great image almighty
With huge epaulets
And dark-blue piping.
Head, rib,
Gold
And silver
Belly is brass
And the genua are iron.
Is the evil unlikely to clink,
If the evil
As a jelly
Tearfully

Has come off?

Only remain
On the pedestal
The feet of clay
Hard and long

So, have not Daniel's dreams
Come true
If the clay of the throne
Has not been touched?
If we create for ourselves and for the world
A latter-day idol?
If the great-power crown
Is again hovering
Above the throne
And it is not rusty?

We again construct
We are again in line,
Columns are
Clones
"Nashyi" ("Ours")
Are at march
Under old-new
Monarchical
Pomp-hymn
Marches
And again there are efforts
That the pipings will be blue.

But nothing
Can change
Either times or term
The prophet's word will be fulfilled.

Under the crackle of a drummer
We are again at march
But everything slips
To grotesque and caricatures.

Remake-unfinished building
The way is known, simple,
The idol's lot is
The destiny of an unfinished construction –
The tap
Of a thrown glass
On the stone.

The image
Under cancan
Will drop into "no" –

Internet,
Turning into hash.

20.01.06

Priest Gleb Yakunin

Orenburg: scores of prisoners are refusing medical treatment in protest

According to the information of Orenburg Oblast Public Organization "Assistance and Defense" (contact telephone numbers (83532)31-18-41, (83532)56-02-51), the prisoners, suffering from AIDS and tuberculosis, of the minimum-security correctional labor facility UK-25/4; 2, ul. Tekhnicheskaya, Orenburg; the warden is Andrei Vladimirovich Korotkov, phone (83532)36-49-00, standby unit, phone (83532)36-49-02) have been carrying out the mass action of protest against Illegal activities of the administration since January 12. The application to the human rights organization was signed by 113 people.

The prisoners have been refusing to take medicine and medical procedures. The reason of the protest action is that on January 12, during the planned search, the prisoners' belongings were made worthless: bed-clothes, pillows and mattresses were torn, personal things were withdrawn or made worthless, and the food stocks were stamped on. The sick prisoners are threatened to be put in the ShIZO (it is at this frost). Should the administration fail to return the personal belongings to the prisoners or put any participant of the protest action in the ShIZO, the prisoners intend to announce a hunger strike (refusal to take food).

Additional information can be got on the phones (495)202-22-24, 291-62-33 (ask to switch to 2) or (495)228-54-31.

Sore spot

Federal Service for Execution of Punishments is struggling for its business reputation

The Khamovnichesky District Court of the City of Moscow will return to the examination of the suit of the defense of honour, dignity and business reputation of Moscow Department of the Federal Service for Execution of Punishments (UFSIN). Defendants of this suit are Mikhail Khodorkovsky and Platon Lebedev's lawyers, the telechannel REN TV and the journalist Marianna Maximovskaya as well.

First hearings of the case were a month ago, but no good came of the full court examination at that time as the Khodorkovsky and Lebedev's lawyers were absent because of good reason. The main question asked by experts on the eve of new hearings is what UFSIN engaged in this process dubious from the point of view of judicial perspectives for.

Let us remind the fact of the matter. Last August the administration of SIZO "Matrosskaya Tishina" put Platon Lebedev into the secure lock-up on inner department bases. Mikhail Khodorkovsky started a dry hunger strike in solidarity with the sick friend. During some period of time Khodorkovsky was keeping back his hunger strike even from his lawyers. When the information about the action leaked out the walls of "Matrosskaya Tishina", non-governmental journalists considered it possible to speak about it much enough and in details. Marianna Maximovskaya told about the extraordinary event in "Matrosskaya Tishina" in her programme on REN TV on August 27. The prisoners' lawyers Yuri Schmidt and Yevgeny Baru took part in the programme. Now the facts and opinions have become the point at court issue.

So, in particular, UFSIN considered it hurt by the lawyer Yuri Schmidt's supposition that there "could be specially sent scoundrels" among Mikhail Khodorkovsky's cellmates. In the UFSIN's suit the lawyer remark got the following interpretation: "Making such propositions, the defendant points out directly that the people surrounding Khodorkovsky are scoundrels, thus the

defendant violates the Constitutional rights of the prisoners to equality (Art. 19 of the Constitution RF), put the interests of one person above the interests of other people”.

If not to suppose almost fantastic thing that the UFSIN’s suit appeared in connection with the great “Yukos case”, then it can be supposed that the case appeared just on the ground of Yuri Schmidt’s utterance about scoundrels. The aim is simple and PR enough: to make from the proper prisoner Khodorkovsky a snob and a man who hires the best lawyers to put his interest above the interests of other people. The contingent of Krasnokamensk colony is sure to dislike this supposition and, consequently, the conditions of Khodorkovsky’s completion are to become more difficult. In this connection, the question if the UFSIN can wish additional problems to Khodorkovsky is natural. And why not. Nevertheless the responsibility for the illegal Khodorkovsky’s sending in Chita Oblast is on the very UFSIN, which did not worry about its business reputation so zealously...

UFSIN demands that Marianna Maximovskaya should make refutation of the information of the very fact about Mikhail Khodorkovsky’s hunger strike on the air. According to the penitentiary department, there was no hunger strike as Mikhail Khodorkovsky did not inform the administration of SIZO. In order not to be at law with the UFSIN for no reason (at any rate no side can have convincing proofs of the hunger strike or its absence), Mariana Maximovskaya has already proposed to summons Mikhail Khodorkovsky as a witness so that he may tell how it was going on in reality. However, having uttered the readiness to file the corresponding appeal, Maximovskaya doubted that the court would take such a step.

The question how much business reputation the UFSIN should have is ambiguous even from the formal-juridical point of view. From the position of the common sense of the state organization carrying out sad Kolyima questions, to have business reputation is completely counter-indicative. If, let us say, the mentioned business reputation suffers, it will be supposed that the UFSIN clients (prisoners, evidently) will turn their back on it and the business partners (Procuracy and Courts, evidently) will lose the previous confidence.

It seems that the UFSIN has not got a united opinion about its business reputation, otherwise it is unlikely to prove the perfection of the business reputation with the help of the argument: if there is no allowance for a hunger strike, so there is no hunger strike. Moreover, the UFSIN desire to limit the presence of photo and video cameras at the trial, where the question of reestablishing of the hurt good name is being solved, seems strange. Additional losses of reputation can be expected because of all these methods. The fear of the loss of reputation has stopped nobody in the untwisting of the “Yukos case” though yet.

*Author: Nikolay Semyonov,
Source: NOVYIYE IZVESTIYA*

Kremlin is still afraid of Khodorkovsky

The former head of Yukos has been isolated from the public life even more.

Round the Mikhail Khodorkovsky’s presence in Krasnokamensk colony there appear more and more misunderstandings which can hardly be explained from the point of view of the common sense and law. The complaint on the Khodorkovsky’s illegal sending to Chita Oblast has recently disappeared mysteriously.

I do not believe in any coincidences and I am absolutely sure that this is just another intent of the same forces which persecute Khodorkovsky and his lawyers. And this confirms once again that in this case there is no criminal component but there are just political interests.

The Federal Service for Execution of Punishments shows the unique inventiveness in its striving for put Khodorkovsky in the complete information vacuum. A lawyer, as it is known, has the right to acquaint the defendant with all the documents on the case: projects of appeals, statements, and standard documents. There is also no prohibition to acquaint the prisoner with the news of public and political life.

Nevertheless, the administration of the Krasnokamensk colony tries to ration Khodorkovsky out information in dribs and drabs, grossly violating his rights, I am sure that it is done not up to its initiative. The appointment with the lawyers, as it is known, is carried out in the premise which is divided in two with thick cellular bars separated from the surface of the table in half a centimeter. As a colleague of mine said, now the part of the premise where Khodorkovsky is usually situated is deprived of light. That is why it is impossible to show him any documents. It is only possible to read them out aloud.

I can assert at a great extent that there is organized listening in the room. I can see no other reasons for the liquidation of the light.

Khodorkovsky's meetings with the lawyer are still going on after the 8-hour working day. The administration of the colony refers to the order of the Minister of Justice. But the order itself is illegal, as it contradicts the Federal law. The appeal to the Supreme Court has been filed apropos of this.

The administration of the colony has recently delayed Khodorkovsky's meeting with his wife, having accounted for the repair of the premise. I will not confirm that the reason of delay is far-fetched. However, you can presuppose that this is another one way of influence on the prisoner's mind and a punishment not provided by the law. Now Khodorkovsky has to obtain the cancellation of the penalty imposed recently and completely groundlessly, in order to be transferred to the less tight conditions of keeping. I am sure that the ground had been specially looked for to impose a penalty and thereby to rob Khodorkovsky of the right to conditional early relief (release on parole) in future.

The head of UFSIN Yuri Kalinin alleges that there were no places in the colonies not far from the Moscow Oblast that absolutely contradicts the reality. And this will be proved in the court. Of course the head of the UFSIN himself is not the enemy to Khodorkovsky, he just follows directions. The Kremlin is still afraid of Khodorkovsky. It is afraid of his words, articles, commentaries. He has not deserted this country as many other have done. Now he could be living on an own island in a warm sea. However, he has remained devoted to this country and today he has completely been switched off the life because of the fear of him and hatred of him.

Let the people who do not know the matter blame me for blasphemy, I do not draw direct parallels, but I can say that the Kremlin was afraid and hated only Andrei Sakharov to the same extend, it did not dare to put him into prison but it invented the exile to the town closed for foreigners. If the Kremlin had issued the challenge to achieve the whole isolation of Khodorkovsky, it has been achieved. But it is early to be happy.

It will become clear very soon what damage of country and legislative system's authority has been done as a result. Now it is very difficult to prove to people the Khodorkovsky's innocence, as in Russia a favourite ground works against all argumentation, it says that a man cannot have got so rich honestly for such a short period of time. Only that who has gained the understanding of the legal side of the case can appreciate the power of defense arguments at their true value and compare them to the helplessness of the prosecution. But there are few those people. But the Kremlin brought eggs to the wrong market.

Such things as Khodorkovsky's sending to the most out-of-the-way colony, disgraceful goings-on happening there, disappearance of the appeal and so on, can be estimated even by people who have not got the full information and who are not ready to compose any opinion on the merits of the case. I am sure that any lawlessness existing in this case now will be thrown into the scale of justice in favour of Khodorkovsky and Lebedev in the end.

Any obstacles we are meeting will be interpreted by the Russian and international community only in favour of law. And I am sure that everything will fall into its place when the case has been taken and considered by the European Court of Human Rights.

*Author: Yuri Schmidt,
Source: NEZAVISIMAYA GAZETA*

Yuri Markovich Schmidt is a legal expert, lawyer of the Bar of the City of Saint Petersburg, the Chairman of the Russian Lawyers' Committee in the Defense of Human Rights.

The reprimand to Khodorkovsky is to be studied in the court

Mikhail Khodorkovsky being in the tight security colony of the settlement of Krasnokamensk occupies a "special" position there. In spite of the fact that the ex-head of the Yukos and more than once the wealthiest person of Russia is taking up the same job fulfilled by all the prisoners, he is constant at violating the regime and routine, according to the administration's opinion.

So, not long ago, he was imposed a penalty in the form of a reprimand as the prisoner illegally left his working place at a sewing machine (and Mikhail Khodorkovsky is a student of a sewer in the colony). Khodorkovsky's lawyer Natalie Terekhova considers this sanction illegal and she has already filed the appeal in the court of Krasnokamensk.

"The appeal was filed for the colony administration's decision of December 14, 2005 about the imposing the penalty in the form of a reprimand on Khodorkovsky", said Terekhova. According to the lawyer's opinion, this decision was adopted illegally. According to her, Khodorkovsky really left his place but he did not go out of the territory of the sewing factory. He just went to find a mechanic-repairman, and this cannot be estimated as the abandonment of the working place.

Many people can think that such a penalty as a reprimand is a trifle. In reality, everything is much more serious. According to Mikhail Khodorkovsky's lawyers, it can seriously influence on his sojourn in the colony, For example, it can adversely affect during taking the decision of Khodorkovsky transference to the less tight conditions of keeping or during considering the question of release on parole.

It was reported earlier that the employees of the colony are keeping an eye on nearly every step of the elite prisoner. So, a constant jailer was appointed to look after the 8th detachment, the member of which is Mikhail Borisovich, in December already. There is nothing of that kind in other detachments. The secrete jailor appears nearby Khodorkovsky outside the normal working hours, persistently follows him wherever he goes, naming him the object of observation on the portable two-way radio.

Such attention to the personage of the famous prisoner is quite explicable. Besides the colony "has flourished" with the appearance of such a prisoner there, now its name unknown some months ago appears daily on the pages of newspapers and magazines. Moreover, FSIN tries anyhow to cut information flow about Khodorkovsky's stay in the places "not so far" and all negative news are leaking out into the press. For example the news about the fact that Khodorkovsky was not allowed meeting his wife or about imposing different penalties. As it is known anti-advertisement is the best advertisement. And now practically every second Russian shows interest in the condition of Mikhail Khodorkovsky's keeping in the colony and feels sorry for him humanly. On the whole, it can be said that the colony of Krasnokamensk is making a very effective PR for itself.

*Svetlana Podenok
Utro.ru*

It is warm in the colonies where there are Khodorkovsky and Lebedev

The normal heat supply is organized in the correctional facilities where Mikhail Khodorkovsky and Platon Lebedev are serving their sentence, as it was reported in the press-bureau of the Federal Service for Execution of Punishments (FSIN) on Wednesday.

"The correctional facilities of Krasnokamensk of Chita Oblast (where Khodorkovsky is being kept) and of the settlement of Kharp of Yamal- Nenetsky Avtonomny Okrug (Autonomy

Region) (where Lebedev is being kept) are supplied with heat in the established order in spite of the frosts”, marked the representative of FSIN

Meanwhile, the temperature is 32°C below zero in the settlement of Krasnokamensk where Khodorkovsky is being kept and the thermometer showed 40°C below zero in the settlement of Kharp of Yamal - Nenetsky Avtonomny Okrug where Lebedev is being kept, according to Mikhail Khodorkovsky's press-center.

At the same time, according to FSIN data, all the prisoners and personal of one of colonies of Magadan Oblast were to be evacuated in other facilities of the region because of the heat system damage, informed *“Interfax”*.

“In connection with the sharp fall of temperature, break of a power transmission line wire the main pumps in the facility's boiler-house got disabled in a correctional facility of Amur Oblast, that brought to the stopping of heat supply on January 8”, says the FSIN report. “As the result of taken measures the pumps have been replaced, the heat supply through the main lines has been restored, the restoring of heat supply through other lines is going on”, the report marks.

According to FSIN data, the correctional facility is working in normal conditions at the present moment. The convicts are provided with warmth, water, hot meal. The bathhouse and canteen are in order; they marked in the press-bureau.

Newsru.com

The Russian Federation is invited to the bar in the American Court

“Yukos case” gets the continuation

What have we come to! Russia is preparing to preside in the most elite club – “Great Eight”, but besides legal experts, representing American shareholders of Yukos, are composing service of summons the receiver of which is none else but the Russian Federation.

There was such a film “The investigation has finished, forget it”. Somebody can decide that its expressive title describes the situation with Yukos case: the court sessions are over, the tax debts are defined, Yuganskneftegas has changed its owner, the convicts are put into prison, that's all.

It turns out that is not all. “The second front” has been opened in the Yukos case. It was done in the USA. To tell the truth, its opening looked like a childish tag game: somebody ran after that who was running away to tag him with the service of summons. However, the players themselves understood at once that what they were doing was not a game at all.

Otherwise, the Russian Ministers, at first Victor Khristenko, and then Alexei Kudrin, having found themselves in the USA would not have showed such energy evading the summons without any result. The Russian official are aware that the perspective to be defendants in the American court on the suit of accusations of the deprivation of American shareholders of Yukos their property without any proper compensation promises nothing good.

The American lawyers are ready to send the summons to the defendant No. 1, the Russian Federation, with the help of the State Department of the USA, told Thomas Johnson to *“Gazeta”* (read page 5).

The action is great, but rather symbolic. The suit to the Russian state has zero perspectives, as Valerie Tutyikhin, partner of the legal advice company “John Tainer and Partners”, specialist in international law prognoses.

Zero perspectives of the suit are because of sovereign immunity of the Russian state. The analogical persecutions from the side of the Swiss firm *Noga* brought only to temporary successes because the Russian officials were fool enough to relinquish the sovereign immunity at the composing of the agreement.

But private defendants – Ministers – are evidently experiencing the syndrome of deficit of such sovereignty. They are full participants of the civil circulation in contrast to the state.

However, Michael Goldberg, another American lawyer, representing Victor Khristenko's interests in the USA considers that the Washington trial will end as the Houston one. He is sure

that the court will come to the conclusion that this case is out of its competence and the American judicial system will be able to examine it neither as a whole nor in parts.

Well, it has been known for a long time that how many lawyers so many opinions, even if they argue abstractedly. And here the clients of the two American lawyers have got diametrically opposite aims. It remains only to wait the development of the events in the court.

*Author: Galina Antonova,
Source: GAZETA*

Khodorkovsky's lawyer filed a duplicative appeal

The lawyer Yuri Schmidt filed a duplicative appeal on the ex-head of Yukos Mikhail Khodorkovsky's sending to the colony of Chita Oblast. "Today I have again filed an appeal on the actions of the Federal Service for Execution of Punishments that sent Mikhail Khodorkovsky to the colony of Chita Oblast in the Zamoskvoretsky Court of the City of Moscow. It was accepted without any problem", said the lawyer on Tuesday.

The analogical appeal filed by him earlier disappeared, according to the lawyer. Schmidt sent the appeal on Khodorkovsky's sending to the minimum-security colony of the settlement of Krasnokamensk in the Zamoskvoretsky Court of the City of Moscow on January 10... But it appeared neither in the chancellery of the Court nor in the dispatch office. "Today I have filed all the documents in the Court for the second time. I managed to prove that everything was sent in time. Here is the post's fault as the documents were not delivered", added Schmidt. He thinks that his appeal should be combined with the head of MFO "Menatep" Platon Lebedev's appeal by the Court. "In the Court there are to be investigated the same documents and proofs, the same people are to be called, that is why it is more expedient to combine the appeals", explained the defendant.

...He marked that the term of filing an appeal on sending of his defendant to Chita Oblast ended on January 15. "However, we did not violate the terms, the appeal was sent even on January 10", said the lawyer earlier. Khodorkovsky's press-center specified that in the appeal the defendant asks "to declare the decision of the FSIN RF and UFSIN of the City of Moscow to send Khodorkovsky to serve the sentence in the form of deprivation of liberty in the correctional colony IK-10 in Chita Oblast as illegal"...

Strana.ru

New application to the Strasburg Court about unfair court examination of Pichugin's case

The lawyers of the former employee of the Security Service of the NK Yukos Alexei Pichugin have filed another application on unjust court examination to the European Court of Human Rights

"We have filed another application to the European Court on the violation of the Art. 6 of the European Convention on Human Rights, guaranteeing the right to the just court examination", stated Pichugin's lawyer Xenia Kostromina.

The defense considers that this Pichugin's right was violated, according to the lawyer.

Kostromina stressed that she asked the Court to combine a new application with that one filed at the end of 2003. The lawyers informed about the illegal and groundless holding of their client in custody in that application.

Pichugin's right guaranteed by the Art.3 of the European Convention (not to be tortured or disgracefully or violently treated) was also violated, according to the lawyers.

Earlier another Pichugin's lawyer Tatiana Akimtseva informed that the application connected with "the Procuracy refusal to carry out an immediate medical examination of her client and with refusal to provide immediate medical help to Pichugin" as well.

The lawyers insisted on providing the immediate medical examination affirming that there were used unlawful methods of influence, namely psychotropic remedies regarding their client.

Let us remind that the Moscow City Court sentenced Pichugin to 20 years of the deprivation of liberty, having brought in a verdict of guilty in double assassination and in attempt upon smb's life on March 30, 2005.

Meanwhile, Pichugin was accused of other three episodes also connected with assassinations and attempts, in particular, of the assassination of Nefteyugansk mayor Vladimir Petukhov, attempt at the business Nikolay Ryibin and the former employee of NK Yukos Nikolay Kolesov after the sentence had been pronounced.

Newsru.com

Khodorkovsky's lawyer has stood up to defend his client from the newspaper *Zhizn* (*Life*)

Yuri Schmidt, lawyer of the former head of NK Yukos Mikhail Khodorkovsky, has written an open letter to the Newspaper Zhizn. The full text of this letter is on the site "Press-center"

Юрий Шмидт, адвокат бывшего главы НК "ЮКОС" Михаила Ходорковского, написал открытое письмо газете "Жизнь". Полный текст этого письма размещен на сайте "Пресс-центр Михаила Ходорковского".

In his letter Schmidt marked "low moral standards of the newspaper staff", saying that the "newspaper had several times obtained and published photographs of Mikhail Khodorkovsky taken with a hidden camera in the remand prison and [correctional facility] IK-10" and explaining that his "lawyers, had kept silent, considering it below our dignity to respond in any way to the abominations published" but recently the situation had become dangerous for their client.

So the article "Khodorkovsky Snitches on Convicts" was published in the newspaper *Zhizn* on December 14, 2005, where it was said that "Mikhail Khodorkovsky asked the administration for protection against prison "godfathers," which led to a three-day incarceration of two poor bastards". Schmidt stressed that the article was not only a pack of lies but it was dangerous.

"But it's not about the published article being a pack of lies, telling tales out of school being as alien to Mikhail Borisovich, the strong and proud man that he is, as any pleas for assistance", pointed Schmidt, "Do you need to be told what happens to stooges there? But maybe that is exactly what you set out to achieve? Or were you conned into it by those who dream about doing away with Khodorkovsky by using others? I warn you: if - God forbid! - something should happen to him, the responsibility will be yours and yours alone. This I promise you".

Schmidt demands that *Zhizh* should publish his letter with refutation without delay word otherwise he threatened to use legal means.

Lenta.ru

Kasyanov wants to become a Soros

Ex-prime minister is creating the Fund of Assistance to the Russian non-governmental organizations

As Mikhail Kasyanov press-secretary Tatiana Razbash informed, the ex-premier is carrying out the job to create non-governmental unities at the moment. *NG (Nezavisimaya Gazeta)* managed to recognize from the source of Kasyanov's surroundings, the matter concerns the creation of the structure that should take the task of supplying native non-governmental organizations with financial resources.

According to the source, several representatives of the Russian business expressed the readiness to finance the ex-premier's project, but on terms of anonymity. The political scientists, with whom the correspondent of *NG* talked, consider that native businessmen are ready to back up the oppositionist even in spite of the Yukos case. It can be said with all evidence that

business's displeasure of Putin's regime is increasing", thinks the Director of the group "Mercator" Dmitry Oreshkin, "I think that the businessmen are ready to help Kasyanov and even with great pleasure but will do it secretly".

<...>

*Author: Natalie Melikova,
Source: NEZAVISIMAYA GAZETA*

Friends, if you do not wish to receive these newsreels, please, advise us.