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Spanking Case Resurfaces 8 Years Later

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Prosecutors say Yulia Privedennaya is guilty of organizing an illegal armed formation, beating minors and holding them hostage. Privedennaya's lawyer says the prosecutors won't even be able to get the spanking charges to stick.

Last month, Privedennaya, 34, was arrested just outside Moscow by Federal Security Service and police officers in a sting operation connected with an arrest warrant issued in a seemingly forgotten case from 2000.

The arrest raises new questions about the fairness of Russia's judicial system and the arbitrary application of the law by law enforcement agencies.

Privedennaya's lawyer, Mikhail Trepashkin, a former FSB officer turned human rights champion and critic of the authorities, said he filed an appeal in Moscow's Meshchansky District Court on Wednesday to have the arrest warrant revoked.

The case goes back to a police raid on a commune that Privedennaya belonged to in December

2000. The commune, south of Moscow, was run by a utopian group devoted to improving humanity through poetry. The raid turned up five teenagers with badly bruised buttocks and several legally registered hunting rifles belonging to some of the commune's adult members.

Two female leaders of the commune then were found guilty of the charges, despite the legal ownership of the guns and testimony from the four teens that neither of the defendants had abused them. They said they had punished themselves for breaking commune rules.

The women were sentenced to six and eight years, respectively, on the same charges Privedennaya faces, although the sentences were later reduced by the Supreme Court. Two male leaders of the same group were sent to mental hospitals for five years after court-appointed experts said they suffered from a mania to "pursue public prosperity."

The members of the group, named PORTOS -- the Russian acronym for Poetic Alliance for Developing the Theory of Public Happiness, and also the Russian form of the name of one of Alexander Dumas' musketeers -- believe in collective labor, abstain from alcohol, drugs, tobacco and using foul language, and write poems, said Tatyana Lomakina, one of the two women convicted in 2002, who ultimately served four years and two months in jail.

Privedennaya faces a sentence of up to 25 years if convicted.

Yulia Zhukova, a spokeswoman for the Investigative Committee with the Moscow region branch of the General Prosecutor's Office, said Thursday that the investigation into PORTOS had been suspended in 2001, and she was unaware when it was revived or why.

Her arrest order was issued by prosecutors in 2001, before the adoption of a new Criminal Procedure Code requiring arrest warrants to be confirmed by the courts. As a result, Privedennaya has been kept in the Moscow region town of Kolomna since her May 22 arrest and has yet to be brought before a judge.

Several high-profile human rights activists have also petitioned investigators, asking for Privedennaya's release and offering guarantees that she would appear before investigators when summoned.

Trepashkin suggested that police nabbed Privedennaya to improve their arrest statistics. She has not been in hiding and often attended opposition rallies in Moscow, Trepashkin and Lomakina said. "This is an absolutely artificial crackdown because Privedennaya was not mentioned at all in the earlier PORTOS cases heard by the courts," Trepashkin said.

He also pointed out that the charge of organizing an illegal armed formation, which was introduced into the Criminal Code in 1995 in order to make prosecuting Chechen rebels easier, doesn't apply, as PORTOS members owned their weapons only for personal protection.

PORTOS was first registered in 1993. Lomakina said the 40-member group decided not to reregister when the Justice Ministry demand that public organizations do so in 2006.

Lyudmila Alexeyeva, head of the Moscow Helsinki Group, called PORTOS a "pathetic" group.

"This is why PORTOS irritates law enforcement agencies so much," she said. "It is easier for them to understand skinheads and other violent groups than these very unusual people."

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