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Jailing of Pregnant Mother of 4 Sparks Protest

By Alexandra Odynova

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Kruglova's husband and four children posing for the camera, in an undated photo from her web site.

A mother of four who is pregnant with a fifth child has become a cause celebre after a court jailed her for three years even though it could have waived the sentence under a legal provision allowing leniency for mothers with young children.

Former Yukos lawyer Svetlana Bakhmina, a mother of three who failed to receive leniency when jailed on politically tinged charges in 2006, is spearheading a campaign to secure the release of the mother, Yulia Kruglova, a regional director for a Dutch-owned insurance company who was jailed in July on embezzlement charges.

The campaign has won the support of children's ombudsman Pavel Astakhov and the Public Chamber. Even prosecutors have filed an appeal.

"I was so amazed by the story that I decided to help," Bakhmina said in a telephone interview.

It is not unusual for a mother to be sent to prison in Russia, but Kruglova, a mother of four little children, was ordered by a judge to immediately start serving three years in prison just two months before her fifth child was supposed to be born by Caesarean section.

Kruglova, 36, who ran the Oranta insurance company's Tolyatti branch, was found guilty of embezzling 16 million rubles ($520,000) from the company and ordered jailed by Tolyatti's Central District Court on July 19.

The mother, who is now hospitalized in a prison clinic, is scheduled to undergo a Caesarean section on Sept. 20.

Three days before that, on Sept. 17, the Samara Regional Court is scheduled to consider separate appeals from prosecutors, who want the prison sentence lifted, and Kruglova's lawyers, who want the mother moved to a better-equipped hospital outside the prison.

Astakhov, who in addition to serving as children's ombudsman is a prominent lawyer, said he would travel to the Samara region next week to try to intervene in the case.

"I think that even if a crime is proven, the children's fate can't be put on the same level as the money, even all the money in the whole country," Astakhov said by telephone Wednesday.

He noted that Kruglova was charged with an economic crime — an area where President Dmitry Medvedev has softened penalties this year.

The case against Kruglova was filed by Oranta, which was founded in 1995 and acquired by the Netherlands-based Eureko Insurance Group after Kruglova's arrest. Oranta declined to comment on the case Wednesday. “We rely on the court to rule a just decision, and we can’t comment on the pending case because we don’t want to put pressure on the court through public opinion and mass media,” it said in an e-mailed statement.

Oranta filed the case in 2008, accusing Kruglova of falsifying expenses the previous year and pocketing 16 million rubles in company funds. It asked the court to sentence Kruglova to seven years in prison, Bakhmina said.

In her closing speech to the court, Kruglova maintained that she had never stolen anything from the company and that the case against her was falsified.

The judge, Irina Kharkhan, ruled that her children could be cared for by their father and grandmother.

Kharkhan could not be reached for comment on her ruling Tuesday and Wednesday.

The Criminal Code allows judges at their discretion to delay the sentences of pregnant women or mothers with small children until the child reaches 14. Moreover, a court can revoke the sentence altogether if the convict does not commit any crimes in the interim.

Bakhmina, who herself was paroled last year after spending more than four years in prison and giving birth to a third child in a prison hospital, initiated the campaign for Kruglova after hearing about it from a LiveJournal friend.

Bakhmina said she sent written appeals and made phone calls to Oranta's office in Russia but to no avail.

"The only message I got was from their parent company in the Netherlands, Eureko, saying that the case is not relevant to them because it dates back to 2007, before Oranta was purchased," Bakhmina said.

She conducted her own investigation — including interviews with former Oranta employees — which she said found that Kruglova might be a scapegoat.

Bakhmina highlighted the case on her LiveJournal blog and called for other people to come forward to support the mother's release.

Shortly afterward, in early August, a Tolyatti prosecutor, Dmitry Golenkov, appealed to the court to replace the prison sentence with a penalty that did not involve incarceration.

After his intervention, state-run media joined the loud public outcry, incidentally putting Bakhmina's name in a positive light for the first time since the beginning of the state's legal assault against Yukos and its former owner Mikhail Khodorkovsky in 2003.

The Public Chamber this week pressed local prison officials to transfer Kruglova from the prison hospital to a regular one by early September.

Public Chamber members are planning to appeal to the Samara regional court's top judge, Lyubov Drozdova, asking that she postpone Kruglova's sentence until her soon-to-be-born child turns 14, as prescribed by the Criminal Code, said Maria Kannabikh, a senior member of the Federal Prison Service's public council.

"We are not saying that she is innocent. We just see that the rights of her children are being strongly violated," Kannabikh said by telephone.

She said the prison warden has given her a personal promise to transfer Kruglova to a regular hospital before the scheduled birth.

Doctors have advised that the child be born by Caesarean section, just like Kruglova's previous four children, and advised against performing the operation in the prison hospital because of possible complications.

A weeping Kruglova said in televised comments from the prison hospital that she was so depressed that she could not even talk to her unborn baby.

"I don't think that the state gains any benefit in isolating me from my children," Kruglova said in a recent interview with Channel One state television.

Highlighting the arbitrariness of the law, just a month after Kruglova's conviction, an Irkutsk court sentenced the daughter of a local official to three years in prison for killing a pedestrian and injuring another in a traffic accident — but ruled that she would not begin serving the sentence until 2024 when her infant son turns 14.

The accident, in which the daughter of the chairwoman of the Irkutsk regional election

committee said she lost control of her car after mixing up the gas and brake pedals, sparked considerable anger after surveillance camera footage emerged that showed the woman examining her car and then making a phone call rather than showing concern for the pedestrians.

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