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Khodorkovsky Guilty, Plans Appeal

By Alexandra Odynova

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Khordorkovsky listening from his cage to the guilty verdict being read by the judge on Monday. His co-defendant Platon Lebedev's hand is seen at right. **Sergei Ponomarev**

A Moscow district court judge dashed hopes for a liberalization of the country's judicial climate Monday as he found former Yukos boss Mikhail Khodorkovsky and business partner Platon Lebedev guilty of embezzlement and money laundering in a second trial.

But while the verdict, which defense lawyers said was delivered "under pressure" from the authorities, was expected, intrigue remains over the punishment Judge Viktor Danilkin will mete out to Khodorkovsky and Lebedev.

The hearing itself was far from a triumph for the judicial system, as some reporters were barred from entering the courtroom. Khodorkovsky's daughter and wife were expelled after a break in the verdict, and police detained dozens of supporters outside.

Prosecutors have requested up to six more years for Khodorkovsky and Lebedev, whose eight-year sentences on tax evasion charges are to end in 2011. They were found guilty of stealing

some 200 million tons of oil from Yukos, once the country's largest producer.

Danilkin said the stolen oil was worth 892 billion rubles ($29.3 billion), taking a harsher stance than prosecutors, who used the same figure in their original charges but later reduced it to 824 billion rubles.

“The court ruled that Mikhail Khodorkovsky and Platon Lebedev embezzled property using their job status,” Danilkin said, reading the charges in a monotone. He said at least one count of charges was dropped because the statute of limitation had expired but did not elaborate.

Danilkin did not finish reading the verdict, and it remained unclear when he might do so. In Khodorkovsky's previous trial, the verdict took weeks to read. Vadim Klyuvgant, a lawyer for Khodorkovsky, said that, judging by the thick pile of papers on Danilkin's desk, the reading will run for at least several days.

Access to Khamovnichesky District Court was limited Monday, with court marshals barring entry to some journalists and would-be attendants who spent hours waiting outside in the December chill.

No explanation was provided for entry problems, or for why the usual video broadcast to a press room was turned off Monday.

Hundreds of Khodorkovsky's supporters rallied outside the court carrying portraits of the defendants and posters reading, "Russia without Putin."

Whistles and chants of “Freedom! Freedom!” were heard in the courtroom, but the judge appeared to take no notice — unlike police, who detained about three dozen protesters before the hearing adjourned Monday afternoon, Itar-Tass reported.

The two defendants were sitting still on a bench in the glass cage, exchanging occasional notes with their lawyers. Khodorkovsky spent time lost in thought and staring at the floor, while Lebedev read a thick book and even burst out laughing once as the judge described Yukos' alleged machinations.

Four prosecutors in blue uniforms sat motionless at empty desks with just a voice recorder facing eight gloomy-looking defense lawyers surrounded by laptops and piles of papers.

Khodorkovsky's parents were also present, looking upset and exhausted, as were his wife and daughter, Inna and Anastasia. Court marshals prevented the latter two from re-entering after a ten-minute break, saying they should not have talked during the verdict's reading, Interfax reported.

Klyuvgant said outside the courthouse that the defense would appeal regardless of the actual sentence.

“What we hear now leaves no doubt that pressure was put on the court,” he told reporters. “The court wasn't free in issuing its decision,” he said, adding that “if the court was acting independently, there would be an acquittal.”

The prosecutors declined to comment when approached by reporters.

The official web site for Khodorkovsky and Lebedev's defense was hacked early Monday, but later resumed operation.

The announcement of the verdict came after almost a two-week delay, during which Prime Minister Vladimir Putin said at his annual call-in show on Dec. 16 that Khodorkovsky is a thief involved in murders and "must sit in jail."

The crackdown on Yukos is widely seen in Russia and abroad as Putin's personal revenge for Khodorkovsky's political and business ambitions.

The new trial is also considered a test for President Dmitry Medvedev, who pledged to fight "legal nihilism." Medvedev said in an end-of-the-year televised interview Friday that state officials have no right to comment on trials before a verdict was reached, though he did not mention Putin by name.

An acquittal is needed to "satisfy the business community and the West," Igor Yurgens, head of the Institute for Contemporary Development — a think tank chaired by Medvedev — said in an interview with Kommersant published Monday.

U.S. Secretary of State Hillary Clinton criticized the verdict Monday, but stopped short of calling it a sham.

The process "raises serious questions about selective prosecution — and about the rule of law being overshadowed by political considerations. This and similar cases have a negative impact on Russia's reputation for fulfilling its international human rights obligations and improving its investment climate," Clinton said in a statement on the State Department's web site.

Inna Khodorkovskaya said in an interview with Snob magazine on Saturday that she expected her husband to stay "in prison until at least 2012," the year of presidential elections in the country.

Rights champion Lev Ponomaryov said Danilkin has "turned vicious" because he may be on his way to deliver a stricter-than-expected ruling in the case. This may have been why Khodorkovsky's relatives were barred from the courtroom.

The verdict itself was just "repeating the initial prosecutors' charges," Ponomaryov told The Moscow Times outside the courtroom.

Gazeta.ru reported that Danilkin was under pressure over the weekend, being brought by a group of Federal Security Service officials to the Moscow City Court where he spent several hours. A court spokeswoman dismissed the allegations, which were attributed to an unidentified law enforcement source.

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