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Sentence Overturned in Osipova Case

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CORRECTION APPENDED

A Smolensk court on Wednesday overturned a controversial 10-year prison sentence for the wife of a political activist and has ordered a new trial in a case that had become a hot-button political issue and the focus of protest.

The ruling was announced shortly after President Dmitry Medvedev called Taisia Osipova's sentence on drug charges "too harsh" for a woman sick with diabetes, who also has a 5-year-old daughter.

While the Smolensk regional court overturned the sentence for the 28-year-old Osipova — the wife of a political activist for the unregistered opposition group The Other Russia — it ordered that she remain in jail until March 15, despite the protest of her lawyers.

In televised comments, a judge in the case said the court decided to overrule the sentence as it "did not correspond with the essence of the case" and ordered that a new trial be held

by different judges.

Experts said a retrial in Osipova's case might be a goodwill gesture by Medvedev months before he steps down as president, while it also brings anecdotical evidence on the state of the country's court system.

Osipova's defense team had argued that the case against her was politically motivated and that drugs had been planted on her to pressure her husband Sergei Fomchenkov, a key member of the group that has been barred from registering as a political party.

The case had drawn widespread public outcry from opposition activists who staged numerous protests near Moscow metro stations demanding that she be freed.

Osipova suffers from diabetes and appeared weak and pale during court hearings last year. Her lawyers said it would be difficult for her to survive 10 years in prison.

She had pleaded not guilty, insisting that the drugs had been planted on her by an acquaintance, Marina Khovrenkova, a drug addict who was also a police informant.

Osipova's defense team also believed that Khovrenkova had been a "secret witness" that police used to bring charges against Osipova.

The ruling on Thursday came three weeks after Medvedev was asked about the case at a meeting with journalism students at Moscow State University. Responding to questions from the audience, Medvedev said he would ask prosecutors to review her case.

Medvedev said — in his personal opinion — Osipova's 10-year sentence seemed "too long."

Medvedev said at the time that he would be ready to consider Osipova's application for parole, but her defense turned down the offer as it would require her to admit guilt under Russian law.

Osipova, who was involved in political activity in the early 2000s as a member of the banned National Bolshevik Party, was arrested in November 2010 after police said she tried to sell 4 grams of heroin to an agent and that nine grams of the drug were found in her Smolensk home.

An Interior Ministry spokesperson told Interfax that the case was built around witnesses' testimony, lab reports and searches conducted at her apartment.

Osipova's lawyer, Natalya Shaposhnikova, told The Moscow Times at the time of the trial that investigators based their evidence on reports by pro-Kremlin Nashi youth activists who had been used by police investigators to track opposition activities.

Shaposhnikova noted that while conducting the search at Osipova's house, police from the anti-extremism unit also searched her husband's Moscow apartment.

The Other Russia head Eduard Limonov told The Moscow Times that he had mixed feelings about the court's decisions.

"The fact that the previous sentence was overturned might only result in her being resentenced to time already served, but we state that she is innocent and investigators who have put her in jail should be punished," Limonov said.

He was echoed by human rights activist Lev Ponomaryov, who said the court has done the "minimum" required in Osipova's case.

"They had an option to set her free, or at least place her under house arrest, but they haven't done it," he said by telephone.

Olga Romanova, a journalist and public activist, wrote on the Forbes website Wednesday that the attention brought by Medvedev to Osipova's case is directly connected to the wave of public protests in Moscow.

Romanova was in charge of submitting a list to the presidential administration of 40 inmates —including Osipova — believed to be political prisoners following the Feb. 4 opposition rally in Moscow.

Ponomaryov said Medvedev's goodwill gesture was proof that Russia's court system is "orchestrated."

"That is illustrated by the fact of the president's interference in the case," he said.

Correction: An earlier version of this article stated that Osipova was arrested on accusations of trying to sell 4 kilograms of heroin. In fact, Osipova was charged with trying to sell 4 grams of the drug.

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