

One Pussy Riot Member Freed by Moscow Court

By [Natalya Krainova](#)

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Samutseвич, center, smiling as she speaks to reporters and supporters outside the Moscow City Court building after being released Wednesday. **Sergey Ponomarev**

A Moscow court on Wednesday released one member of punk band Pussy Riot and upheld two-year prison terms for the other two members convicted of hooliganism for performing a song decrying President Vladimir Putin in Moscow's Christ the Savior Cathedral.

The Moscow City Court freed Yekaterina Samutseвич, 30, in the courtroom, to the joyous screams of about 130 spectators and reporters outside the courtroom where the band members' appeal was being heard Wednesday.

The court upheld prison terms for the two other defendants in the trial on charges of hooliganism motivated by religious hatred — Nadezhda Tolokonnikova, 22, and Maria Alyokhina, 24 — issued by Moscow's Khamovnichesky District Court in mid-August.

Hundreds of reporters and spectators converged on the court building Wednesday for the appeal hearing in a case that has prompted criticism from fellow musicians including Madonna and Paul McCartney and from Western governments. Human rights groups have also denounced the jailing and convictions of the women.

The Moscow City Court judges didn't acquit Samutsevich, instead freeing her on the basis of her lawyer's argument that her punishment should be softened because Samutsevich had only planned to take part in the performance but didn't actually participate, having been prevented from doing so by guards at the church.

Her lawyer, Irina Khrunova, said Samutsevich had barely managed to mount the solea, the raised area of the cathedral where the other members performed their song, put on a balaclava and get out a guitar before guards grabbed her and led her out of the church.

The trio was convicted partly on the basis of witness testimony citing specific movements Pussy Riot members had made during their performance on the solea that had offended them as religious believers.

The court accepted Khrunova's argument and replaced the prison term for Samutsevich with a two-year suspended sentence.

She will be on probation for two years, during which time she cannot change her place of residence without notifying the authorities, must check in with authorities once a month and must not take part in similar performances or will go to prison, judge Larisa Polyakova said.

"I want to draw your attention to this," Polyakova said, raising her voice at Samutsevich, who had let out a celebratory cry in the defendants' glass cage. "Is this clear to you?" the judge said.

"Yes," Samutsevich replied, smiling.

Mark Feigin, one of the trio's defense lawyers, told reporters outside the court building after the hearing that the more lenient sentence for Samutsevich could be a kind of "political game" that authorities were playing given that "the law didn't work" in regard to the other two defendants.

Human rights watchdog Amnesty International, which had declared the three Pussy Riot members prisoners of conscience, called the ruling a "half-measure."

"Any decision that shortens the wrongful detention of the three women is welcome. But no one should be fooled — justice has not been done today," the organization said in a statement.

Feigin had been concerned that the court could be influenced in its ruling by comments made by President Vladimir Putin in a televised interview Sunday, Putin's 60th birthday, in which the president said he approved of the two-year prison terms for the punk rockers.

Feigin called on the judges not to be guided in their decision by Putin's words.

"It is unacceptable for anyone, even the president, to influence the court," Feigin said at Wednesday's hearing.

Many of the spectators and reporters who were watching him on a television screen outside the courtroom responded to his remark with a storm of applause, raising their hands above their heads.

Wednesday's appeal hearing was originally scheduled for Oct. 1 but was delayed after Samutsevich fired her previous lawyer, Violetta Volkova, saying their views on her defense tactics had diverged. Volkova is now working on the defense of Tolokonnikova and Alyokhina along with the two other lawyers, Feigin and Nikolai Polozov.

Volkova and the two other defense lawyers supported the non-guilty pleas of all three defendants at the original trial.

The defense had maintained that their clients should face a lesser offense, the administrative charge of offending believers, which carries a maximum sentence of 15 days in jail.

Samutsevich's new lawyer, Khrunova, who appeared in her defense for the first time at Wednesday's hearing, argued that Samutsevich had committed a so-called "unfinished crime," or "inchoate crime" in legal terms, which according to criminal procedures warrants a lighter sentence than a completed crime.

Feigin told reporters after the verdict Wednesday that he didn't rule out that Tolokonnikova and Alyokhina could replace their lawyers as well in an effort to "improve their fate."

Alexei Mukhin, head of the Center for Political Information think tank, said Samutsevich's release appeared to be the first stage in a retreat by the authorities on the case.

"Law enforcement officials, the Russian Orthodox Church and the Kremlin have been up to their ears in this problem and now they are trying to extract themselves from it leg by leg like a fly from a honey jar," he said. "I think we will see other attempts to change the punishment of the other band members."

When Samutsevich exited the court building Wednesday, hugged by a male friend, about 200 reporters and supporters rushed to surround her, pushing each other forcefully.

"I'm really happy and right now I want to relax," she said as reporters tried to interview her, Interfax reported.

Samutsevich, apparently somewhat alarmed, smiled as she moved into the crowd. After walking around the courtyard for a few minutes followed by the crowd and about a dozen riot police officers, she started running with her friend toward the exit gate.

Reporters followed her to a car parked in the courtyard of a nearby apartment building and surrounded it, preventing it from driving away, for about ten minutes as the driver honked the horn.

Samutsevich's 72-year-old father, Stanislav, walked slowly with a group of reporters to the courtyard where the car of his daughter's friends was parked but didn't manage to reach

the car because of the crowd.

Lawyers for the two other defendants will file so-called supervisory appeals of Wednesday's ruling at the Moscow City Court presidium, where the defendants will maintain their non-guilty pleas. But according to judicial procedures, Wednesday's verdict took effect immediately.

The lawyers said they will also appeal to the European Court of Human Rights in Strasbourg.

Tolokonnikova and Alyokhina may be sent to prison within 10 days after they receive Wednesday's verdict in written form, in which the court's motives will be spelled out, Polozov told reporters outside the court building after the hearing. They expect to receive the written verdict later this week.

Lawyers are never told in advance where their defendants will be sent, but the band's lawyers will ask the Federal Prison Service to allow the women to serve their terms at Moscow's Detention Center 6 in the Pechatniki District in southeast Moscow, where they have been in detention since March, Feigin told reporters.

"At least their relatives would be able to visit them instead of going somewhere 600 kilometers away," Feigin said.

Media reports have said that, by procedure, defendants are sent to the nearest prisons and that the punk rockers could therefore be sent to the Moscow region town of Mozhaisk, to the Oryol region, to Mordovia or to Bashkortostan.

Staff writer Alexander Bratersky contributed to this report.

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