

European Court Finds Yukos Trial Not Politically Motivated, but in Violation of Human Rights

By [The Moscow Times](#)

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The European Court of Human Rights in Strasbourg found that the 2005 trial of former Yukos head Mikhail Khodorkovsky and his business partner Platon Lebedev was not politically motivated, though it did violate seven articles of the European Convention.

The court of seven judges decided on 14 of violations brought by the two men, coming to a unanimous conclusion in each. It found no violation in the partiality of the judge, the application of the relevant laws, or the motivations of the trial.

However, the court did say that several of the petitioners' rights had been violated, finding that the Russian court did not respect the defendants' lawyer-client confidentiality, rejected appropriate evidence, harassed the defense lawyers and arbitrarily made Khodorkovsky pay over 17 billion rubles (\$525 million) in back taxes for the company after he had been

convicted.

Making Khodorkovsky serve his prison term in a far-off penal colony was found to have been a violation of his family rights, as it makes visits from relatives very difficult.

Lebedev had separately complained that his treatment during pre-trial detention and during the trial, when he was held in an iron cage, was degrading. The court found no violation in his pre-trial detention, but said holding Lebedev, a non-violent offender, in an iron cage during the proceedings was humiliating and excessive. The court also found that the length of Lebedev's detention and the delay in his proceedings were violations.

The court ordered Russia to pay Khodorkovsky 10,000 euros (\$13,000) and rejected Lebedev's claims for damages.

In 2007 and 2011 the court made decisions in the first complaints of Lebedev and Khodorkovsky's respective cases. In both instances the court also found violations of the petitioners' rights and ordered Russian authorities to pay them 20,000 euros (\$26,500), RIA Novosti reported. The complaints current being considered were made in 2005 and 2006.

In a second trial in 2010 a Moscow court sentenced Khodorkovsky and Lebedev to 14 years imprisonment, though the sentence was later reduced to 11 years.

The Russian Supreme Court is scheduled to hear an appeal in Khodorkovsky's case on Aug. 6.

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