The Moscow Times
30 YEARS
INDEPENDENT NEWS FROM RUSSIA

Putin Uses His Favorite Ax to Grind Navalny

By Michael Bohm

July 25, 2013



All autocracies have two things in common: They exaggerate the threats they face from leading opposition figures and take extreme, repressive measures to limit or remove those threats.

Russia is certainly no exception, and the trial and conviction of opposition leader Alexei Navalny is a case in point. Just like the Pussy Riot — or perhaps even Mikhail Khodorkovsky — convictions, the Kremlin would have been much smarter just leaving Navalny alone. By drawing public attention to the farcical Navalny trial, however, the Kremlin only humiliates itself and boosts Navalny's popularity.

First, the Kremlin launched a crude propaganda campaign against

Navalny. Then, it cooked up a sham criminal case to eliminate him as a potential political rival.

Until the Kremlin unleashed its campaign against Navalny, he was not well known in Russia. In April 2011, only 6 percent of the population even recognized his name, according to a Levada Center poll taken that month. When Levada took the same poll in March this year, this number had increased to 37 percent nationwide. After his conviction on July 18, this figure jumped to 80 percent among Muscovites, according to a VTsIOM poll on July 23.

The increase in recognition was largely because Navalny's name was mentioned more often on state-controlled television — although exclusively in a negative context. Pseudo-documentaries on television — such as NTV's "Anatomy of a Protest" — told viewers that Navalny was recruited by the CIA when he participated in Yale University's six-month World Fellows program in 2010. During his U.S. stay, we were told, Navalny received his secret mission: to lead U.S.-orchestrated protests in Russia, to be instigated in 2011 after the State Duma elections, and undermine the regime of President Vladimir Putin.

But the propaganda overkill backfired on the Kremlin. As was the case during the Soviet period, the more crude and absurd the propaganda is, the fewer people believe it — even among Putin's core electorate of conservative, working-class Russians. Perhaps the Kremlin should listen more closely to Ketchum and the other image consultants it has hired: Try a more subtle, more refined PR approach. Use a scalpel, not the customary Russian ax.

This smear campaign against Navalny intensified in late April, when his trial on embezzlement charges began in Kirov. The prosecution tried to turn the country's most prominent anti-corruption fighter into a corruptionist himself. During his annual call-in show a week after the Navalny trial opened, Putin, in a clear reference to Navalny, said: "People who battle against corruption should by crystal clean. Otherwise, [their battle] takes the form of PR and political self-promotion." Those who expose corruption, Putin added, shouldn't be corrupt themselves.

This was followed by a televised statement by Investigative Committee spokesman Vladimir Markin,, who suggested that Navalny was to blame for the criminal charges because he shouldn't have "teased" the authorities with his anti-corruption activities.

Thus, the Kremlin cooked up the KirovLes case to eliminate Navalny as a political rival and gadfly. It was also an attempt to discredit his largest corruption exposes aimed at Putin's closest allies, including leaders of United Russia, Gazprom, Transneft, VTB, Russian Railways and the Investigative Committee.

In exposing these and other schemes, Navalny was doing the job that the Investigative Committee, Audit Chamber and Prosecutor General's Office clearly should have done. But these cases were ignored because of the targets' loyalty to the Kremlin.

Notably, the government's case against Navalny was dropped twice for lack of evidence, but it was suddenly revived in July 2012 on the direct orders of Investigative Committee head Alexander Bastrykin — conspicuously, three days after Navalny exposed that Bastrykin owned undeclared real estate in the Czech Republic.

The ridiculous legal case against Navalny made even Khodorkovsky's second trial look rock-solid. Most important, the prosecutor, Sergei Bogdanov, did not establish that Navalny committed a crime.

Bogdanov tried to show that Navalny forced Vyacheslav Opalev, the director of state-controlled KirovLes, to sell timber to a middleman at below-market prices, resulting in a $500,000 loss to the Kirov regional budget. But Bogdanov produced no evidence that Navalny had threatened or coerced Opalev to sign the contract, nor did he present any evidence that Navalny even profited from the deal.

Most observers were left scratching their heads. How could the judge find Navalny guilty of embezzling $500,000 from KirovLes if there was no trace whatsoever of him receiving even a ruble from the deal? This fact alone would be enough to dismiss the case for lack of evidence. Instead, the judge handed Navalny a five-year sentence.

In reality, Navalny had a completely different role in KirovLes. He was hired by Kirov Governor Nikita Belikh in 2009 to help root out rampant corruption in the region — and he started with KirovLes and its director, Opalev, who, thanks in part to Navalny's findings, pleaded guilty to embezzlement charges in December. In a particularly cynical twist and a blatant conflict of interest, Opalev received only a suspended sentence in return for his agreement to testify against Navalny.

There were several other factors that made the Navalny case a farce. First, the judge did not allow the defense to cross-examine Opalev, nor did he allow 13 of the defense's witnesses to testify on Navalny's behalf. Second, the prosecutor relied on only three dubious witnesses: Opalev, who often contradicted himself, Opalev's daughter and a KirovLes accountant. Third, the judge's verdict, which took three hours to read, matched the prosecutor's conclusion word for word.

Finally, the agreement between the seller, KirovLes, and the buyer, a timber-trading company run by Pyotr Ofitserov, was a standard purchase agreement. Since the prosecutor did not prove there was any fraud or blackmail on Navalny's or Ofitserov's part, the judge essentially ruled that the profit earned by Ofitserov by reselling the timber at a higher price was "illegal." This incredibly twisted legal logic takes Russia back to the Soviet period, when earning a profit by reselling goods at a markup — a staple of any free-market economy — was categorized as "speculation," which carried a two-year prison sentence.

Meanwhile, a rival faction with the elite, thought to be led by presidential administration head Vyacheslav Volodin and acting Mayor Sergei Sobyanin, reportedly pressured the prosecutor and judge to release Navalny pending his appeal. They also helped Navalny register for the Moscow race, securing signatures from 110 municipal deputies from United Russia — the same party Navalny famously vilified as "crooks and thieves." The idea behind this plan was to add some legitimacy to the mayoral election by having a real opponent for once — not the usual Kremlin-friendly ones — run in a major race.

Volodin and Sobyanin clearly wanted to give Navalny the role of the straw man who would get no more than 5 percent of the vote, but they will likely get much more than they bargained for. According to a July Synovate Comcon poll, the number of Muscovites who intend to vote for Navalny has already increased to 14.4 percent. In the next six weeks before the election, Navalny could easily boost this number to 20 percent, particularly if he attracts a significant percentage of the votes that opposition candidate Mikhail Prokhorov, who withdrew from the race in June, would have gotten. Prokhorov, who collected 20 percent of the Moscow vote in the 2012 presidential election, has a similar electoral base as Navalny: young, educated, Internet-savvy and liberal voters.

Regardless of the Sept. 8 mayoral results, Navalny's five-year sentence will surely be affirmed by the appeal's court. As with Khodorkovsky, the authorities also have several other sham criminal cases against Navalny in reserve — two fraud cases involving the defunct Union of Right Forces party and the postal service — and plenty of servile prosecutors and judges to keep him in prison past 2018, if necessary.

In the end, perhaps Navalny's greatest "crime" was when, during an April 4 interview on Dozhd TV, he said, "If I become president, Putin will sit in jail." Apparently, Putin has decided that as long as he is president, Navalny will sit in jail.

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