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INDEPENDENT NEWS FROM RUSSIA

Ex-Convicts Regain Right to Run in Elections

By Yekaterina Kravtsova

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Alexei Navalny arriving at a court in Moscow. A Kirov court has postponed a hearing into his appeal until Oct. 16. **Maxim Shemetov**

The Constitutional Court ruled Thursday to allow people previously convicted of "serious and very serious crimes" to run for public office, in a move that may pave the way for opposition leader Alexei Navalny and former oil tycoon Mikhail Khodorkovsky to get into politics.

The ruling concerns a law signed by President Vladimir Putin last year that banned all ex-convicts — regardless of whether or not they had received a suspended sentence — from running in political elections. At that time, critics said the law went against the Constitution, and Thursday the Constitutional Court agreed, saying a ban on political campaigning was "too strict a measure to be justified by the fact that a person was convicted."

"The unlimited restriction of electoral rights is possible only for people who have been

sentenced to life in prison. In all other cases, it violates the Constitution. Corresponding amendments to the legislation must be made immediately in order to ensure that the next election be held [with the participation of people with a conviction]," the Constitutional Court said in a statement.

Lawyer Anna Stavitskaya said the court could not have made any other decision, as the law was in clear violation of the Constitution.

"It is weird that the law banning ex-convicts from running in elections was approved in the first place, because the Constitution clearly states that after criminal records are expunged a person can run in the elections, so the court could not rule any differently," she said.

Although the law was passed quite easily by the State Duma last year, many critics said it was nothing more than a Kremlin measure to keep opposition politicians from getting any ideas about running for office, specifically Navalny and Khodorkovsky.

But even with Thursday's ruling overturning the law, Navalny's and Khodorkovsky's political ambitions may still be affected by amendments introduced in July.

Amendments to the Criminal Code introduced at that time stipulate that people with convictions now must wait eight years for their criminal record for "serious crimes" to be expunged rather than the earlier term of six years — meaning Khodorkovsky would be disqualified from the 2021 parliamentary election and Navalny barred from 2024 elections.

Khodorkovsky, who was arrested in 2003 on fraud and tax evasion charges, was first sentenced to nine years in prison in 2005. Five years later, after being tried in a second case, he was convicted of stealing oil from Yukos' subsidiaries and is now set to be released next August.

According to the new amendments, he would be allowed to take part in the election only after 2022 and would not be permitted to run in the parliamentary election scheduled for 2021. In numerous interviews, however, Khodorkovsky said he had no plans to run for political office after his release.

Navalny, who gained a third of the votes in Moscow's mayoral election in September, expressed presidential ambitions earlier this year. But with the new amendments, he would be prevented from running in the next elections in 2018 and 2024.

In July, a Kirov court sentenced him to five years in prison for embezzlement, but he was released the day after his hearing in a move that analysts said signified the Kremlin's desire to allow him to run in the mayoral election to make them appear legitimate.

He appealed the conviction, and a hearing is set for next Wednesday. His conviction still may be upheld by the court.

But he seemed pleased with Thursday's ruling, writing on Twitter: "Good news, fellow convicts!"

According to Vladimir Slatinov, a political expert with the Institute for Humanitarian and Political Research, Navalny's participation in Moscow's mayoral election was a good sign

for his political career, as the fact that he was allowed to take part meant the authorities had integrated him into the legitimate political environment. The Constitutional Court's decision could be a signal for his further integration, he said.

"The Kremlin has no strategic plans and changes the legislation very quickly due to its changing political needs, making the legal system a manipulative sphere, so it is likely that the amendments to the Criminal Code will be revised soon as well," Slatinov said.

Slatinov also said the Constitutional Court's decision was not a sign that it was becoming an independent body and that its decisions still depended on the Kremlin.

"But it can make decisions opposing the authorities' decisions in issues that are not of critical importance for the Kremlin. If it approved the ban for ex-convicts, it would lose face," he said.

In July, an unidentified source in the presidential administration told Vedomosti that the amendments extending the period to expunge convictions were directed specifically at Khodorkovsy and Navalny, but the bill's initiator, United Russia deputy Mikhail Starshinov, said the legislation was targeting mainly pedophiles and rapists who often committed crimes after their convictions were expunged.

A source in United Russia told the paper at that time that the amendments served as insurance in case the Constitutional Court canceled the ban on ex-convicts running in elections.

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