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Supreme Court to Review Khodorkovsky's 2 Convictions

By The Moscow Times

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Supreme Court chief justice Vyacheslav Lebedev, second right, meeting with President Putin for a meeting on court reforms in 2012.

Supreme Court chief justice Vyacheslav Lebedev has ordered a review of the two criminal cases that put former oil tycoon Mikhail Khodorkovsky behind bars for a decade.

Lebedev told the presidium of judges that he oversees at the Supreme Court to reopen the books on Khodorkovsky's first 2005 trial, citing a recent decision by the European Court of Human Rights as "new circumstances" that justify returning to the case, Supreme Court spokesman Pavel Odintsov said, the legal news portal Rapsi reported.

Lebedev also cancelled the court's earlier rejection of a defense appeal to have the second, 2010 guilty verdict against Khodorkovsky and his business partner Platon Lebedev reconsidered along with all subsequent court rulings.

Lebedev gave the orders Wednesday, just five days after Khodorkovsky was released from prison under a pardon signed by President Vladimir Putin.

The Supreme Court has the right to overturn the 2005 and 2010 convictions and send the cases back to the lower courts for retrials. But the judges on the presidium could also themselves correct violations uncovered by the European Court of Human Rights, Odintsov told Kommersant.

Either way, the Supreme Court must make a decision on both cases within two months.

"I welcome the decision of the Supreme Court chairman," Khodorkovsky said on hearing that the first trial would be revisited.

"I really hope that the bureaucratic procedures will not be too long and will allow Platon Leonidovich [Lebedev] to gain freedom faster," he said.

The European Court of Human Rights ruled in July that the 2005 trial against Khodorkovsky and Lebedev, which sentenced the pair to nine years in prison for fraud and tax evasion, was tarnished by multiple violations of the defendants' rights.

The court also found that a decision compelling them to pay 17 billion rubles ($521 million) in compensation for taxes allegedly evaded by Khodorkovsky's oil company, Yukos, was without sufficient legal grounding.

In a weekend news conference in Germany, where he flew immediately after his release, Khodorkovsky named the fact that this massive debt had not yet been cancelled as the main obstacle preventing his return to Russia.

"Unfortunately, I currently have no guarantee that I could leave again on family matters. From a formal point of view, the Russian Supreme Court must confirm the decision of the European Court of Human Rights," Khodorkovsky said.

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