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Lebedev to Walk Free After 10 Years

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Former Bank Menatep head Platon Lebedev at an earlier court hearing in his case, left, and President Vladimir Putin delivering a speech to officials. **Igor Tabakov**

The Supreme Court ruled on Thursday to reduce the sentence of former Yukos CEO Mikhail Khodorkovsky's business partner Platon Lebedev and immediately release him, but critics have slammed the ruling as a meaningless gesture.

Vadim Klyuvgant, one of Lebedev's lawyers, said after the hearing that the ruling was welcomed but "had nothing to do with justice."

"All the previous court rulings remain valid and even the tax penalty, which is absolutely insane, ... was not abolished despite an order of the European Court of Human Rights," Klyuvgant said.

The eight judges who heard Lebedev's case refused to lift the tax penalty of 17 billion rubles ($502 million) that Khodorkovsky and Lebedev have not paid off and that could create legal trouble for them in the future. Thursday's ruling went against a European Court of Human

Rights's decision deeming the penalty unjustified.

The move to free Lebedev comes weeks after several other high-profile prisoners — including Lebedev's former partner Khodorkovsky — were abruptly freed by President Vladimir Putin. Many observers have viewed the releases of Kremlin critics as an attempt to improve Russia's image ahead of the upcoming Winter Olympics in Sochi.

John Dalhuisen, Europe and Central Asia Program Director at Amnesty International, put Lebedev's release into the same category as that of the other released prisoners.

“The piecemeal releases of people who were imprisoned for peacefully exercising their right to freedom of expression is no substitute for an effective justice system,” Dalhuisen said.

The reexamination of Lebedev's case was prompted by a European Court of Human Rights decision issued in July saying there were multiple violations during the trial.

Rulings by the European Court of Human Rights are mandatory for implementation, and lawyers and supporters who came to Thursday's hearing expressed frustration that the Supreme Court did not implement the Court's decision. Most of them said the decision to free Lebedev, who spent more than 10 years behind bars, was predictable.

“And this is all that you can do?” a member of the crowd at the hearing shouted after the judge read out the ruling.

Khodorkovsky, who was pardoned by Putin last month and immediately moved to Germany after his release, said the financial penalty was the only reason he could not come back to Russia, since he feared that authorities would ban him from traveling abroad.

Khodorkovsky and Lebedev were arrested in 2003 on fraud and tax evasion charges and convicted to nine years in prison in 2005 in a case that was widely seen as political punishment for Khodorkovsky challenging Putin’s authority.

Five years later, the two were tried together again in a second case and convicted of stealing oil from Yukos and laundering the proceeds. In 2012, the Moscow City Court reduced their sentences from 13 to 11 years, leaving Lebedev to be freed in May 2014.

On Thursday, defense lawyers insisted on a repeal of the first verdict issued in 2005 and all the following rulings. They asked for a complete acquittal of their clients.

But the Supreme Court did not grant the request, and instead only removed fraud charges and several other minor charges that came from the first verdict.

Lawyers also told the judges sat the hearing that the amount of 17 billion rubles was already paid by Yukos' commercial papers, which were cashed in, meaning the decision to make Khodorkovsky and Lebedev pay the fee again was illegal.

Lebedev's lawyer, Alexei Miroshnichenko, said that he had exhaused all possible means to abolish the court's decision in Russian courts, since the court that reconsidered the case, the Presidium of the Supreme Court, was the supreme judicial authority.

He added that when Lebedev would be released from prison depended on how fast the court statement would be delivered to the Arkhangelsk prison where his client was being held. Another lawyer said he could be released either Thursday night or Friday.

In a joint statement, the lawyers voiced plans to continue to use all legal mechanisms available to abolish the financial penalty because it prevented Khodorkovsky from coming back to Russia.

"As long as the tax claims are in effect, an iron curtain may be put before Khodorkovsky at any moment. But he can not afford to lose his freedom to travel, for health reasons, for family circumstances, and because of strategic plans," the statement said.

After his release, Khodorkovsky received a one-year German visa and said he had still not decided what he was going to do next, but he emphasized that he would dedicate his time to helping other political prisoners in Russia, including his former Yukos colleagues.

He travelled to Israel in January to meet exiled Yukos colleagues and later went with his family to Switzerland, where his two younger sons were going back to school after the New Year's holidays.

Klyuvgant said he was in constant contact with his client but could not comment on what he was doing at the moment. Earlier, Khodorkovsky said he would decide on his future plans in February, since he needed time to be with his family.

There was no statement from Khodorkovsky concerning the Supreme Court's ruling as of Thursday evening. Khodorkovsky's mother, Marina Khodorkovskaya, told Interfax that her son would want to meet Lebedev but would only be able to do so abroad.

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