The Moscow Times
30 YEARS
INDEPENDENT NEWS FROM RUSSIA

A Delicate Legal Case, But Echoes of a Smear Campaign

By Rachel Denber

September 30, 2020



Vladimir Larionov / AP / TASS

The Supreme Court in Karelia on Wednesday overturned and vastly increased the sentence in the child sexual abuse case against Yuri Dmitriyev, a researcher and rights advocate who exposed mass graves of political prisoners executed during the Stalin era. The circumstances surrounding the case strongly indicate that the charges against Dmitriyev were spurious and politically motivated.

The Karelia Supreme Court's ruling was dramatic. And atrocious. In July, a trial court had sentenced Dmitriyev to 3.5 years in a minimum-security prison.

Dmitriyev appealed the guilty verdict, and the prosecutor appealed the sentence. When the appeal hearings began on Sept. 22, Dmitriyev sought a postponement because his lawyer was recovering from an illness and could not be in court. The judges refused, and Dmitriyev rejected the services of the court-appointed attorney. On Sept. 29, the Supreme Court

sentenced him to 13 years.

This is an incredibly difficult case. The prosecution alleges that Dmitriyev produced child pornography and sexually abused his adopted daughter. Allegations of child abuse should always be taken very seriously, investigated and, where appropriate, prosecuted.

But the due process rights of the accused are also crucial to the rule of law. In Dmitriyev's case, perfectly appropriate measures to protect the child may have been misused during the trial by the authorities to pursue a prosecution to smear his reputation.

In recent years Russian authorities have sought to minimize Stalin's crimes, fostered nationalist groups that attack people dedicated to uncovering the truth about the Gulag and tarnish as "foreign agents" and "re-writers of history" independent groups that investigate abuses of the Stalin era and commemorate the victims.

Anyone on appeal for a serious crime should have the right to the attorney of their own choosing. Dmitriyev's lawyer has handled his defense for nearly four years. That the appeal hearing went forward with a lawyer who had only a few days to prepare is outrageous and further supports suspicions that the state is pursuing this case for purposes other than to protect a child.

Related article: Prominent Gulag Historian's 3.5-Year Prison Sentence Lengthened to 13 Years

The charges are based on photographs found in Dmitriyev's computer that he took of his daughter, undressed, at ages four, five, and seven and incidents of touching when she was eight years old, which the prosecution alleges were of a sexual nature. Dmitriyev and his then-wife had adopted the girl from an orphanage when she was three. In 2017, forensic experts identified by the prosecutor's office found no indications that the photographs had any pornographic content.

During the trial, Dmitriyev testified that when he and his wife adopted the child, she was emaciated and in poor health, and that he took the photos to document her growth. According to Dmitriyev's testimony, which was leaked to the Russian outlet *Novaya Gazeta*, when the girl was eight years old, he touched her to check her underwear for a related medical condition that was confirmed by the child's medical records.

Authorities in Petrozavodsk also charged him with "illegal possession of components of a firearm," because investigators had found on his property parts of an inoperative Soviet-era hunting rifle.

Dmitriyev spent one year in pretrial detention and another month at a psychiatric hospital in Moscow, where he underwent a psychiatric evaluation before being released on his own recognizance. The assessment found no signs of sexual pathology.

In April 2018, the Petrozavodsk City Court acquitted Dmitriyev of the child pornography and sexual abuse charges. It convicted him of the firearm charge and sentenced him to 30 months of probation. Acquittals in Russian criminal cases are rare, with fewer than one percent of

criminal cases ending in acquittals.

However, in June 2018, the Supreme Court of the Republic of Karelia overturned the verdict, and police rearrested Dmitriyev based on an investigator's interview with his daughter, then 12 years old, shortly after the acquittal. At that time, the girl's biological grandmother was her legal guardian, even though the girl had spent the previous nine years with Dmitriyev, and in frequent company with his two adult children and small grandchildren.

Related article: Russian Communist Unveils Stalin Statue on WWII Anniversary

According to the human rights organization Memorial, after the April 2018 acquittal the grandmother suddenly isolated the girl from Dmitriyev's family and friends. During a June 2018 interview, the state investigator asked leading questions when the grandmother was present, and appeared to pressure the girl about allegations of inappropriate touching.

As in many countries, charges of sexual abuse are heard in closed courts in Russia for the privacy and protection of the victim. We may never know what was said behind the closed doors of the court.

But it is important to consider the context in which Dmitriyev's prosecution has taken place.

Among the groups Russian authorities tagged as "foreign agents" was Memorial, one of the most high-profile investigators of Stalinist crimes and advocates for the rehabilitation of its victims. Dmitriyev had been the leader of Memorial's Petrozavodsk branch.

In 1997, as part of his research into victims of Stalin-era executions in Karelia, Dmitriyev discovered a mass grave, containing about 7,000 bodies, at Sandarmokh, the largest site in Karelia where executions took place at the height of the Great Terror in 1937 and 1938.

Dmitriyev held an annual commemoration for these victims. The event drew participants from several countries, including Poland and Ukraine.

He told friends during the six months leading up to his arrest in December 2016 that he felt he was under surveillance.

Dmitriyev's colleagues at Memorial said that in 2016, local officials received orders not to attend the Sandarmokh commemoration event. Also that year, prior to Dmitriyev's arrest, historians at Petrozavodsk State University began claiming that the graves at Sandarmokh also contained the corpses of Soviet prisoners shot by Finnish counterintelligence units during the 1940 war between the Soviet Union and Finland, and that the victims of Stalinism received outsized attention. Although there was little evidence for this theory, it resonated broadly in state and pro-Kremlin media.

In 2018, the Russian Military Historical Society began excavating the site to search for evidence to support this theory. In April 2019, in a letter requesting a Russian military history organization to excavate the execution site, the local Culture Ministry wrote that Sandarmokh was "being actively used by [foreign] countries in destructive propaganda" and "[is] becoming a consolidating factor in anti-government forces in Russia."

The nature and timing of the charges against Dmitriyev suggest that the authorities sought to smear his reputation and Memorial's. It's not too late for the Russian authorities to ensure that Dmitriyev is treated fairly. He will appeal the Sept. 29 ruling in Russia's Supreme Court.

The views expressed in opinion pieces do not necessarily reflect the position of The Moscow Times.

Original url:
https://www.themoscowtimes.com/2020/09/30/a-delicate-legal-case-but-echoes-of-a-smear-campaign-a71606