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JBI
The Jacob Blaustein Institute
for the Advancement of Human Rights



April 21, 2009

His Excellency Dmitry Medvedev
Russian Federation
Ilinka Str, No 23
103132, Moscow
Russia

Dear Mr. President:

We, the undersigned, wish to express our deep concern about the deterioration of respect for rule of law and human rights in Russia.

Among our concerns are the number of well publicized murders of journalists and others critical of the government, the tightening of restrictions on independent civil society, the alleged practice of politically motivated prosecutions, and serious flaws within the criminal justice system that undermine due process, the right to a fair trial, and freedom from torture or other cruel, inhuman, or degrading treatment.

There are many examples of these disturbing trends, and the new trial of Mikhail Khodorkovsky and Platon Lebedev is a case in point. The two businessmen are each serving eight-year sentences for fraud and tax evasion, and they are now facing new charges and a second trial.

Lawyers for Mr. Khodorkovsky and Mr. Lebedev and several courts outside Russia have alleged that their first trial was unfair, marred by procedural irregularities,

and failed to respect the basic rights of the defense. Moreover, it has been broadly reported that the prosecution of the men in the first instance was politically motivated.

The allegations of an unfair trial and violation of due process rights are corroborated by the decisions of a number of courts in other states, where cooperation was sought by the Russian authorities. The highest court in Switzerland, the Swiss Federal Tribunal Court, ordered the government not to cooperate with the Russian authorities after it concluded that the first trial was politically motivated and that there had been violations of the defendants' fair trial rights throughout the procedure.

Similarly, a British court, the Bow Street Magistrates Court in London, refused a series of extradition requests made by the Russian authorities seeking the return of Russian nationals allegedly in connection with the so-called Yukos Affair. On March 18, 2005, this court refused to extradite former Yukos employees Dmitry Maruyev and Natalia Chernysheva, and on December 23, 2005, a similar request for extradition of Yukos vice president and deputy managing chairman Alexander Temerko was denied. In each case the extradition request was rejected on the grounds that, if extradited, those accused would not receive a fair trial.

In addition, the European Court of Human Rights ruled that Russia had violated Mr. Lebedev's rights to liberty and security, under Article 5 of the European Convention on Human Rights, on five counts following Mr. Lebedev's arrest in July 2003.

Given the serious human rights concerns raised regarding this case so far, and evidenced during the first trial, we believe the presence of independent observers, including the press, to monitor the second trial of Mikhail Khodorkovsky and Platon Lebedev is vitally important in order to assess whether the rights of the defendants under Russian law and international human rights law are being met, and whether the trial is fair. Although some access has been provided, public scrutiny and accountability are an inherent part of a fair trial process, and we therefore call on the Russian government to ensure that international observers are allowed unhindered access to the courtroom where the trial is held and to permit these observers to carry out their mission without any arbitrary interference.

We are also deeply concerned about efforts that have been made by some authorities to disbar prominent human rights lawyers Karinna Moskalenko, Yuri Schmidt, and other members of the men's defense team. We urge the authorities to ensure that the defense lawyers representing Mr. Khodorkovsky and Mr. Lebedev are protected against any attempts to intimidate or harm them and that any further unwarranted attempts to disbar them are halted immediately.

We call on you to ensure that the rule of law is upheld in this trial of Mr. Khodorkovsky and Mr. Lebedev and to ensure that it meets the standards of the Russian Constitution and international law. We will continue to monitor the situation as the

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second Khodorkovsky-Lebedev trial unfolds and the government's commitment to these important principles.

Sincerely,

Amnesty International USA
Freedom House
Human Rights First
Human Rights Watch

International League for Human Rights
Jacob Blaustein Institute for the Advancement of
Human Rights, American Jewish Committee
Lantos Foundation for Human Rights and Justice