

EUROPEAN COURT FINDS GRAVE VIOLATIONS OF FUNDAMENTAL HUMAN RIGHTS IN FIRST KHODORKOVSKIY CASE

Strasbourg, 31 May 2011 - Today, the European Court of Human Rights published its judgment with respect to Mikhail Khodorkovskiy's first application concerning his unlawful arrest and unlawful detention both before and during his first trial in the Meshchansky Court. The application was lodged in February 2004 and although it was given priority status by the Court, the judgment has only now been delivered.

The ECtHR has found grave violations of Mikhail Khodorkovskiy's fundamental rights which the Russian Federation must now redress. The European Court said that he had been subjected to

- degrading prison conditions (contrary to Article 3)
- inhuman and degrading conditions in the court room throughout his first trial between 2004 and 2005 (contrary to Article 3)
- his arrest at gunpoint in Novosibirsk on 25 October was fundamentally unlawful (contrary to Article 5)
- his detention thereafter was not justified by compelling reasons outweighing the presumption of liberty (contrary to Article 5)
- the domestic courts did not provide Mr Khodorkovskiy with fair hearings when reviewing his detention (contrary to Article 5).

“The Court has found numerous violations of Mikhail Borisovich's fundamental rights during his arrest and detention. This shows that the treatment that he

received from the very start was unlawful and that from then on he has been subjected to degrading and humiliating treatment. This is an important step in finally securing the vindication of his rights” said Mikhail Khodorkovskiy's lawyer, Karinna Moskalenko.

She said that she would be discussing with her client the Court's supplementary findings declining to find that there was political motivation because the Court said that its standard of proof was "*very high...which requires an incontrovertible and direct proof.*" She noted that the evidence on political motivation had significantly increased since the first application and indeed only last week Amnesty International had designated Khodorkovskiy as a Prisoner of Conscience.

The Court awarded €10,000 in damages (the deliberately modest sum that was claimed by Mr Khodorkovskiy) and the whole of the costs that had been claimed by Mikhail Khodorkovskiy. Mikhail Khodorkovskiy stated that he intends to give this money to charity. His primary concern has been to secure the vindication of his fundamental human rights which has now been achieved through the findings of the Court that from the very start his detention was unlawful and tainted and that thereafter he was detained in inhuman and degrading conditions.

The European Court of Human Rights has considered only the first of the applications Mikhail Khodorkovskiy has registered with it. The second application, which concerns violations during the first trial and the decision to send him to eastern Siberia to serve his sentence, has already passed the communication stage, and an Admissibility Decision on it is likely later this year.

KHODORKOVSKIY ECHR TEAM