

109TH CONGRESS
1ST SESSION

S. RES. 322

Expressing the sense of the Senate on the trial, sentencing, and imprisonment of Mikhail Khodorkovsky and Platon Lebedev.

IN THE SENATE OF THE UNITED STATES

NOVEMBER 18, 2005

Mr. BIDEN (for himself, Mr. MCCAIN, and Mr. OBAMA) submitted the following resolution; which was considered and agreed to

RESOLUTION

Expressing the sense of the Senate on the trial, sentencing, and imprisonment of Mikhail Khodorkovsky and Platon Lebedev.

Whereas the United States supports the development of democracy, civil society, and the rule of law in the Russian Federation;

Whereas the rule of law and the guarantee of equal justice under the law are fundamental attributes of democratic societies;

Whereas the trial, sentencing, and imprisonment of Mikhail Khodorkovsky and Platon Lebedev have raised troubling questions about the impartiality and integrity of the judicial system in Russia;

Whereas the Department of State 2004 Country Report on Human Rights Practices in Russia stated that the arrest of Mr. Khodorkovsky was “widely believed to have been prompted, at least in part, by the considerable financial support he provided to opposition groups;”

Whereas Secretary of State Condoleezza Rice has remarked that the arrest of Mr. Khodorkovsky and the dismantling of his company have “raised significant concerns” about the independence of the judiciary in Russia;

Whereas the independent non-governmental organization Freedom House has asserted that the conviction of Mr. Khodorkovsky “underscores the serious erosion of the rule of law and growing intolerance for political dissent in Russia”;

Whereas upon concluding an investigation of the facts surrounding the case of Mr. Khodorkovsky and Mr. Lebedev, the Human Rights Committee of the Parliamentary Assembly of the Council of Europe determined that the two men were “arbitrarily singled out” by the Russia authorities, violating the principle of equality before the law;

Whereas in May 2005, a Moscow court sentenced Mr. Khodorkovsky to serve 9 years in prison;

Whereas Article 73 of the Russian Criminal Penitentiary Code stipulates that except under extraordinary circumstances, prisoners serve their terms of deprivation of liberty on the territory of subjects of the Russian Federation where they reside or were convicted;

Whereas on or about October 16, 2005, Mr. Khodorkovsky was sent to prison camp YG 14/10 in the Chita Region of Siberia;

Whereas on or about October 16, 2005, Mr. Lebedev was sent to penal camp number 98/3 in the arctic region of Yamal-Nenets;

Whereas the transfer of Mr. Khodorkovsky and Mr. Lebedev constitutes an apparent violation of Russia law and hearkens back to the worst practices and excesses of the Soviet era;

Whereas a broad coalition of human rights advocates and intellectuals in Russia have appealed to Vladimir Lukin, the Human Rights Commissioner of the Russian Federation, to investigate and rectify any abuse of Russia law associated with the transfer of Mr. Khodorkovsky and Mr. Lebedev; and

Whereas the selective disregard for the rule of law by officials of the Russian Federation further undermines the standing and status of the Russian Federation among the democratic nations of the world: Now, therefore, be it

1 *Resolved*, That it is the sense of the Senate that—

2 (1) the criminal justice system in Russia has
3 not accorded Mikhail Khodorkovsky and Platon
4 Lebedev fair, transparent, and impartial treatment
5 under the laws of the Russian Federation;

6 (2) the standing and status of the Russian Fed-
7 eration among the democratic nations of the world
8 would be greatly enhanced if the authorities of the
9 Russian Federation were to take the necessary ac-
10 tions to dispel widespread concerns that—

1 (A) the criminal cases against Mr.
2 Khodorkovsky, Mr. Lebedev, and their associ-
3 ates are politically motivated;

4 (B) the transfer of Mr. Khodorkovsky and
5 Mr. Lebedev to prison camps thousands of kilo-
6 meters from their homes and families rep-
7 represents a violation of the norms and practices
8 of Russia law; and

9 (C) in cases dealing with perceived political
10 threats to the authorities, the judiciary of Rus-
11 sia is an instrument of the Kremlin and such
12 judiciary is not truly independent; and

13 (3) notwithstanding any other disposition of the
14 cases of Mr. Khodorkovsky and Mr. Lebedev, and
15 without prejudice to further disposition of same, Mr.
16 Khodorkovsky and Mr. Lebedev should be trans-
17 ferred to penal facilities with locations that are con-
18 sonant with the norms and general practices of Rus-
19 sia law.

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