

# Mikhail Khodorkovsky

By Robert R. Amsterdam

The Kremlin this week showed that democracy, human rights and the rule of law are dead in Vladimir Putin's Russia. With extraordinarily cynical timing, new charges—this time, money-laundering—were brought against Mikhail Khodorkovsky, who once ran Russia's largest oil company, Yukos. These charges have nothing to do with upholding Russia's laws. They have everything to do with the fact that Mr. Khodorkovsky would have been eligible for parole later this year, having served half his eight-year sentence on a politically motivated tax evasion conviction handed down in 2005. Another show trial will surely propel the machinery of so-called justice toward another preordained guilty verdict.

The fresh case means that Mr. Khodorkovsky will be unable to support democratic opposition parties in December's Duma elections or the 2008 "presidential coronation." And it means that the Kremlin will continue to wield pervasive control over the energy sector in which he had done so much to promote market-based competition and growth.

Before his arrest in 2003, Mr. Khodorkovsky set out his vision for Russia. He encouraged the development of civil society and the growth of alternative political parties. He worked to provide schools across with access to the Internet and supported charitable and cultural programs. He publicly confronted the president about the need to stamp out corruption in Russia.

When it became clear that the state did not share his vision and was not going to tolerate dissent, Mr. Khodorkovsky did not flee. He cooperated with the justice system—convinced of his innocence, and convinced, also, that he could challenge what seemed to be an attempt by corrupt officials to intimidate him. He did not foresee how ruthlessly the law would be disregarded in the Kremlin's drive to crush him. Nor did anyone quite foresee the blatant theft of Yukos assets.

By jailing Mr. Khodorkovsky and stealing Yukos, the Putin regime cleared the energy sector of any competitors. It enabled the Kremlin to use energy as a political weapon against Russia's immediate neighbors and the whole of Europe. Mr. Khodorkovsky and his company, in other words, had to be destroyed for Mr. Putin's non-market, state corporatism and energy imperialism to thrive. So now, no one will build competing pipelines; no one will advocate the breakup of state monopolies; no one will promote the corporate governance and transparency that are anathemas to the state-owned enterprises. The new charges against Mr. Khodorkovsky are, in fact, intended to provide a smokescreen for the Russian government's illegal sale, later this year, of the remaining assets of Yukos, valued at \$33 billion, to those very companies.

The Russian regime has lost the moral authority to dispense justice. Its exploitation of prosecutorial and regulatory powers, though shielded by state immunity, has become criminal. Selective enforcement of tax and environmental laws is

the favored means of stealing assets from both domestic and foreign owners. Extortion is entrenched as a method of acquisition by the state.

The Yukos saga was followed late last year by the shakedown of Royal Dutch Shell at its Sakhalin-2 project. With each such case, the Kremlin is less concerned about even keeping up pretenses. Moscow calculates it has space to maneuver around legal and moral obligations, whether with respect to existing treaties, or negotiations over developing the giant Shtokman gas field, or its commitments to supply gas and oil dependably without political interference.

When Mr. Khodorkovsky was interrogated about the new charges, he declared that he had no faith in Russian justice, and that he will refuse to cooperate with the prosecutors in another politically driven farce of a trial. This week he appealed to the world not for himself but for all Russians: "Their only chance is the timely voluntary

transfer of power in Russia by the means of honest, fair and transparent elections. . . . [The new president] should have nothing in common with the giant corruption machine that has paralyzed Russia."



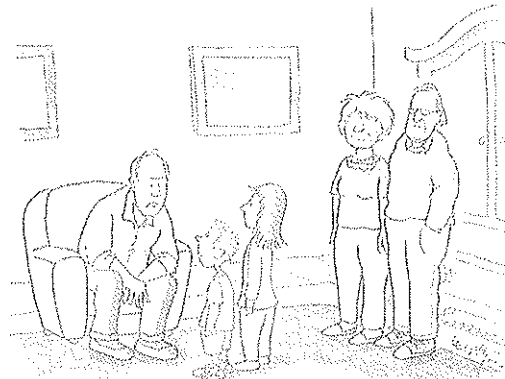
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Even in a Siberian gulag, Mr. Khodorkovsky has the courage to say: *Enough!* His fate is far more important than most people in the West realize. Some Western leaders such as Angela Merkel of Germany and José Manuel Barroso of the European Commission have raised his case with the Russian president. The dictatorial feathers were not ruffled and both were summarily brushed off. And so, another Khodorkovsky trial will soon be upon us. Let's be sure that this time we all recognize that Mikhail Khodorkovsky's fight is for the future of Russia and its relationship with the rest of the world.

*Mr. Amsterdam is international defense counsel for Mikhail Khodorkovsky, and is based in London after being deported from Russia.*

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