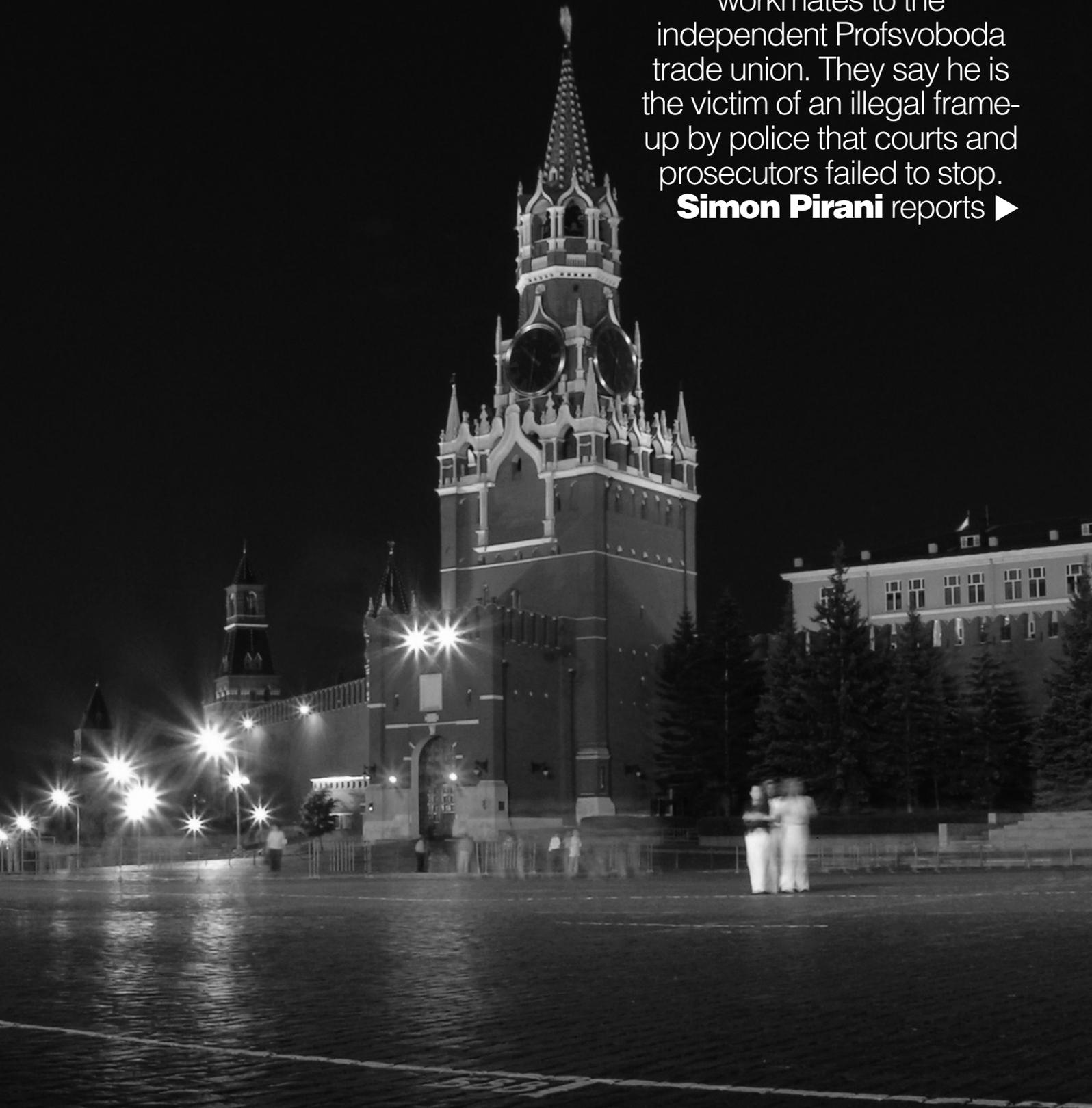


# MOSCOW CA



# CALLING

Valentin Urusov is serving a six-year sentence for possession of drugs at a penal colony in Yakutia, east Siberia. He is a Russian miner. His supporters say he was jailed after recruiting workmates to the independent Profsvoboda trade union. They say he is the victim of an illegal frame-up by police that courts and prosecutors failed to stop. **Simon Pirani** reports ►





Urusov's is the first case of a trade unionist being punished following trumped

## FREE Valentin Urusov

**C**ampaigners say the drugs charges against Urusov were fabricated by police officers who arrested him in September 2008. The frame-up appears to have been encouraged by managers at the Alrosa diamond mining company, where Urusov worked as an electrician and organised colleagues to fight to improve wages and conditions.

Supporters earlier this year warned that Urusov's life could be in danger, after he went to hospital with a kidney problem and complained of intimidation by prison authorities.

Leading Russian human rights activists, including Lev Ponomarev, Liudmila Alekseeva and parliamentary deputy Oleg Shein, have joined a campaign in Urusov's defence. Trades unionists in Germany, France, the UK and other countries, responding to an international appeal by activists in Moscow, have urged the Russian authorities to review the case.

The refusal by prosecutors to address detailed claims by Urusov's lawyers that evidence was fabricated against him is a key issue.

When Ian Lavery, president of the UK mineworkers' union, wrote to Russian president Dmitry Medvedev about the case, officials from the federal prosecutor's office replied that the defence lawyers' assertions that 'unlawful methods' were used in the investigation 'have been checked and are not confirmed'.

Lavery has asked the federal prosecutor's office for more details. But campaigners in Russia note that the Mirinsky district court convicted Urusov without prosecutors considering his lawyers' rebuttal of police evidence, as they are required to by law. Urusov was convicted in December 2008, freed by the Yakutia Supreme Court in May 2009 on procedural grounds, but had his conviction upheld at Mirinsky in June 2009.

### Lawyers' claims of a frame-up

Urusov was arrested after leaving his home in

Udachny on 3rd September 2008. In the preceding weeks, he and other activists had recruited 1,000 workers at the Aikhalo-Udachny ore processing plant to the Profsvoboda trade union. After a collective hunger strike and several mass meetings, the workers won an assurance from management that collective agreements governing wages and conditions would be amended by a joint commission – which was due to meet two days later, 5th September, but never did.

Urusov states that, as he left his home, three men in plain clothes shouted to him to stop, and, fearing an assault by thugs, he ran away. They caught him, handcuffed him and forced him into a car. Only then did they identify themselves as drugs squad officers. They drove him 60 kilometres out of Udachny village to an isolated wooded area.

Urusov says his assailants fired guns near his head, forced him under threat of death to write a confession that he possessed drugs, beat him with sticks, placed a package containing cannabis resin in his coat pocket and pushed a substance under his fingernails, which he later learned was traces of cannabis designed to incriminate him.

When Urusov was convicted – on the grounds that he had had 66.3 grams of cannabis resin in his pocket – the court ignored his version of events, his lawyers say.

A central plank of the defence's argument is that N.A. Zeinalov, the Udachny prosecutor who brought Urusov to trial, failed to check Urusov's version of events, and the Mirinsky district court failed to take account of it in convicting him. Urusov's lawyers argue that this is a breach of paragraph 302 of the criminal code, which requires that convictions not be based on 'presumptions', and that 'all versions of events' must be properly investigated.

Yevgeny Chernousov, a Moscow-based lawyer who represented Urusov at his first trial, in a memorandum supporting his appeal,

pointed out a string of procedural failures, including:

The court took no account of evidence given by G.A. Soloveva, a community activist who said Urusov had been active in anti-drugs campaigning, and of Urusov's mother, who said her son was being victimised for trade union activity;

The court failed to check whether the arresting officers had followed standard procedures, such as registration of receipt of information about Urusov's alleged possession of drugs;

The court accepted presumptions made about Urusov's supposed drugs use by the arresting officers, on the basis of unspecified 'operational information', but heard no evidence from medical professionals or Urusov's work colleagues that he used drugs;

The court did not ask why S. Rudov, who organised Urusov's arrest, had travelled 600 kilometres from the Mirinsky district to Udachny to carry out the arrest; and why standard practices such as inclusion of a forensics expert in the arresting group and recording of the arrest by camera and/or video were not followed;

The court did not question how the officers gained access to Urusov's home and his storage space at work, where they claim to have 'found' drugs; Urusov's claim that they stole his keys and undertook the searches in his absence and without his permission were not considered;

The packaging in which the cannabis resin was contained was not correctly handled by police or subjected to proper forensic testing;

The court's decision made no mention of the fact that the administrative report of Urusov's arrest was drawn up long afterwards and at a different geographical location, which the defence says was necessary to the police for the fabrication of evidence.

Chernousov concluded that the differences between Urusov's claims and those of the arresting officers had not been reconciled, and



## up charges for a serious offence and consequent long-term imprisonment

that the court had thereby breached the principle of ‘innocent until proven guilty’ as set out in paragraph 49 of the constitution of the Russian federation and paragraph 14 of the criminal code.

On 12th May 2009, after Chernousov published his memorandum, the Supreme Court of the Sakha republic rejected the Mirinsky court’s decision on the case, freed Urusov on bail and sent the case back to Mirinsky for reconsideration. On 27th June 2009 the Mirinsky court upheld the original decision and sent Urusov to a penal colony.

S. Rudov, the senior arresting officer, had meanwhile himself been arrested and imprisoned in connection with a separate case, in which he was accused of involvement in a corrupt property-acquisition scheme. Urusov’s lawyers had intended to take proceedings against the arresting officers for the illegal method used against their client.

### Union accusations against company and local authorities

Urusov’s allegations of illegal police intimidation look even graver when taken together with evidence given by union leaders pointing to the likely involvement in the case of the Alrosa diamond company management, local authorities and the FSB security services.

The core accusation of such involvement by Sotsprof union federation leader Sergei Khramov, has to be seen in the context of trade unionism in the former Soviet Union. Sotsprof, to which Urusov’s Prosvoboda organisation was affiliated, is one of a number of small ‘independent’ unions formed in the 1990s by activists dissatisfied with the larger ‘official’ unions that evolved directly out of Soviet unions.

In Soviet times these ‘traditional’, or ‘official’ unions were effectively part of the state structures. Their officials negotiated labour contracts with little workplace consultation, and threatened, spied on and helped the police

to repress workers who dissented. The miners’ strikes of 1989-90, at the very end of the Soviet period, gave rise to the first substantial “independent” unions.

Two decades later the picture is more complex, and workers’ battles are conducted through both “traditional” and “independent” unions. But there are vestiges of the Soviet-era relationships, and nowhere more so in Yakutia, a huge, distant republic for which diamond mining is the key source of wealth. Khramov alleges that “traditional” union officials, who have remained as close to managers as they were in Soviet times, ratted on Urusov and his workmates because, in the course of their fight for better wages and conditions, they formed an “independent” workplace organisation.

Khramov, writing to parliamentarians in February 2009, quoted a letter from Pavel Tretyakov, leader of the “official” diamond miners’ union Profalmaz to Yakutia governor Vyacheslav Shtyrov, who moved into the governor’s office after a spell as Alrosa general director. Tretyakov, who is also a regional parliamentary deputy for the pro-government party United Russia, wrote on 26th August 2008, that “various persons” had “penetrated” the Alrosa workforce to “push people to illegal actions (strikes, hunger strikes)” ... and complained that law enforcement agencies had not cracked down on these troublemakers hard enough.

The next day, Shtyrov issued a decree (no. 1-5818-27/08), ordering his administration, together with Alrosa management to “prepare concrete material about particular facts, persons and actions” on the basis of which the law enforcement agencies could act. A letter from his deputy, Ildar Sultanov, proposed that to implement this decree a commission be set up comprising representatives of the procuracy, the militia, the Federal Security Service (FSB) and the “official” trade union. Within a week, Urusov had been arrested. In the months that followed, 13 other activists were dismissed

from Alrosa, ripping the heart out of the rank-and-file workers’ organisation.

### The campaign

While trade unionists in post-Soviet Russia have often faced beatings and intimidation by company security guards or local police, and dismissal from work, Urusov’s is the first case of an activist being punished following fabricated charges for a serious offence and consequent long-term imprisonment. Trade unionists and human rights campaigners in Russia thus see it as a pivotal case.

Once the Mirinsky court jailed Urusov for the second time, activists in Russia in a wide range of unions held meetings and street protests in his defence, and appealed to trade unions internationally to take up the case with Russian president Dmitry Medvedev. Trades unionists in several countries have lobbied the Russian embassies. In Britain, the NUM is appealing to other British unions to join its protests, and a support group has been established in London. In France a group of writers, artists and intellectuals has been formed to support Urusov.

In the first instance, people are asked (i) to write Russian president Dmitry Medvedev to ask him to review Urusov’s case, and to copy the correspondence to [free.urusov@gmail.com](mailto:free.urusov@gmail.com) and [info@ikd.ru](mailto:info@ikd.ru), and (ii) to urge their trade unions at national level to follow the NUM in taking up the case. ■

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More information from [free.urusov@gmail.com](mailto:free.urusov@gmail.com). Campaign materials and updates available on the Free Valentin Urusov page on Facebook (you don’t have to join Facebook to see it) [www.facebook.com/group.php?v=wall&gid=172737769104](http://www.facebook.com/group.php?v=wall&gid=172737769104).