

No Jail Possible for Thieves, Managers

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Thieves, hooligans and shady businessmen now have a chance to legally avoid jail after President Dmitry Medvedev [signed](#) a law banning minimal prison sentences for 68 criminal offenses.

The move, touted as a step toward liberalization of notoriously tough criminal legislation, may slash the prison population by one-third, Justice Minister Alexander Konovalov said in October.

But analysts said judges might still stick to harsher punishments, either due to pressure from prosecutors or to avoid accusations that they were bribed by defendants.

The new law, which Medvedev signed Monday, was not available Tuesday on the web site of either the Kremlin or the government's mouthpiece, Rossiiskaya Gazeta, but Konovalov [said](#) at a Kremlin meeting in October that the law covers theft and robbery, among others.

Business-related crimes, including fraud, illegal banking, money laundering and stock

machinations, as well as illegal wiretapping and hooliganism, are also covered, Vesti.ru [said](#) Tuesday.

The bill does not cancel maximum prison sentences, which leaves it a judge's discretion whether to put an offender behind bars. Previously, jail terms in these cases were mandatory.

The law also gives judges a greater say on types of punishment on certain crimes, allowing fines and community service work arrest instead of prison terms, the Kremlin said on its web site Monday.

The law will allow judges to "take a more differentiated approach to issuing the verdict," the Kremlin said.

Medvedev, who ordered the drafting of the legislation, called it in October "radical enough" and said it would make punishments "more fair."

But lawyer and Public Chamber member Yelena Lukyanova told The Moscow Times on Tuesday that there were no guarantees that the law will work.

"Only the full replacement of court personnel who are corrupt and completely shameless can help," Lukyanova said.

Judges have been reluctant to issue lenient verdicts for fear of being suspected of graft, said Mikhail Fedotov, head of the Kremlin's human rights council, Interfax reported Monday.

Prominent lawyer Vladimir Zherebenkov was more hopeful, saying in a telephone interview that "not all judges depend on the prosecutors," who always ask for prison terms for defendants.

The judges will apply the law, even if "cautiously at first," Zherebenkov said.

He praised the law, saying prison sentence serves no good purpose, because it is next to impossible for convicts — who do time on taxpayers' money — to return to normal life after their release.

The move may also spell a welcome reversal of a trend in which legislators have steadily increased prison terms for various crimes over the past decade, Zherebenkov said.

Veteran human rights activist Lyudmila Alexeyeva praised the law, calling current legislation "too harsh," Interfax said. But she warned that the law could fail if judges were not independent — as the public widely believes is the case.

About 820,000 prisoners are housed in Russian prisons, according to Federal Prison Service figures for 2009, the latest year that data have been compiled. Of those, more than 346,000 are repeated offenders and more than 105,000 are serving terms upward of 10 years.

The Russian prison system is notorious for harsh detention conditions and abysmal health care. The Prosecutor General's Office reported last month that 4,423 people died in custody in 2010, a 9 percent year on year increase.

The prison system is undergoing a reform, a process that has intensified after the death of Hermitage Capital lawyer Sergei Magnitsky, who died of health problems in pretrial detention in 2009.

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