

Strasbourg Court Rejects Sutyagin's Spy Trial

By [Nikolaus von Twickel](#)

May 03, 2011

The  **Moscow Times**

The European Court of Human Rights handed a landmark victory to a former arms control researcher freed in a U.S. spy swap last year, ruling that he was detained for too long and denied a fair trial in 2004.

The court also ordered the Russian government to pay the former researcher, Igor Sutyagin, damages of 20,000 euros (\$29,600).

The decision, [published](#) on the court's web site Tuesday, was welcomed by rights activists, and Sutyagin's lawyer said it would be used for an appeal to overturn his client's conviction on espionage charges.

But Sutyagin himself said that while the ruling was just, it came much too late. "It makes me very sad when I think of those colleagues who languish in prison after similar trials in my country," he said in a telephone interview from London, where he has lived since his release

last year.

After spending 11 years behind bars, Sutyagin was freed in July together with three other Russians convicted of espionage in exchange for Anna Chapman and nine other Russian deep cover agents arrested in the United States. The former scholar at the USA and Canada Institute was arrested in October 1999 on charges of selling information on nuclear submarines and missile warning systems to a British company that the Federal Security Service claimed was a CIA cover.

Sutyagin has consistently maintained his innocence, though as part of the spy swap deal he admitted his guilt and was subsequently pardoned by President Dmitry Medvedev. He [told](#) The Moscow Times last year that he made the admission under duress.

The Strasbourg-based court said Tuesday that Russia had denied Sutyagin of his fundamental rights by detaining him too long before trying him in an unfair trial.

It said that criminal proceedings lasted four years and nine months and that the courts had considered no measure "other than detention as a possibility to ensure his appearance at the trial."

A Moscow court sentenced Sutyagin to 15 years in prison in 2004.

Sutyagin's case was first filed at the Strasbourg court in 2002, nine years ago. The court has cited overload for the long wait for rulings.

The court on Tuesday also concluded that doubts about the independence and impartiality of the trial were justified because the presiding judge was abruptly replaced in fall 2003 and Sutyagin later unsuccessfully tried to find out the reason for the decision.

"There had, therefore, been a violation of Article 6 § 1 because the trial court had lacked independence and impartiality," the court said.

Significantly, the decision was adopted unanimously by a seven-member panel of judges that included Russian Judge Anatoly Kovler, who has often made dissenting judgments in the past.

Human rights activists said the ruling officially confirmed that Sutyagin's sentence was fabricated and that he was being persecuted by the Federal Security Service, or FSB.

"This shows that he was not sentenced because he violated the law but because a state organization — in this case the FSB — wished to punish him," said Ernst Chyorny, the secretary of the Public Committee for the Protection of Scientists, who campaigned for Sutyagin's release.

Sutyagin's lawyer Anna Stavitskaya said the ruling was of fundamental importance and would be used to get his conviction overturned.

"After the decision comes into force we will make an appeal to the Supreme Court," she told The Moscow Times.

The Strasbourg ruling becomes final if no party complains within three months of its

publication.

It was unclear Tuesday whether the government would appeal, but Stavitskaya said it was likely. "As a rule, this is done on the last possible day. Therefore, we can expect the complaint on Aug. 2," she told the RAPSI legal news service.

The FSB made no comment about the ruling Tuesday.

Federike Behr, a researcher with Amnesty International's Moscow office, said that while the ruling confirmed rights campaigners' concerns about the country's justice system, it remained to be seen whether Sutyagin's case could be overturned.

"We hope for a new trial that will result in the publication of the full verdict," she said by telephone, noting that the trial had been closed to the public.

Sutyagin, meanwhile, said he had no high hopes and feared the same fate as jailed tycoon Mikhail Khodorkovsky if he returned to Russia.

"I very much like to return, but not to prison. The example of Khodorkovsky shows me that you can be sentenced twice for the same thing," he said.

Khodorkovsky was sentenced last December to six more years in prison after being convicted of stealing some 200 million tons of oil from his former company Yukos. He was sentenced in 2005 on charges that Yukos evaded taxes on the same oil he was later accused of stealing.

Both trials were condemned by Kremlin critics as politically motivated.

Stavitskaya said theoretically it should be safe for Sutyagin to return. "Legally he has every right to come back, but if you take into account the lawlessness [in the country], it is hard to tell if it is safe," she said.

Original url:

<https://www.themoscowtimes.com/2011/05/03/strasbourg-court-rejects-sutyagins-spy-trial-a6743>