

# internationales literaturfestival berlin

Correspondence

Conversation of writer Grigory Chkhartishvili (B. Akunin) with Mikhail Khodorkovsky

**G.Ch.** The most painful image from what has happened is how the trial went. In fact, why don't we start with the trial and the judges.

It seems to me that in Russia today has arrived an epoch of the personal liability of a person for his conduct. The choice – to participate in something dirty or not – is something every body has. During the times of the Great Terror, the judge and the procurator put their stamps on the guilty verdict out of fear for their own life. During the times of Brezhnev, by refusing to convict a dissident, they would have risked finding themselves in a jail or a nuthouse. Now we're only talking about a career. You can take off the robe and join the bar. And this means that the choice is not at all that dramatic, and there are no justifications whatsoever for meanness. The YUKOS affair – is the most shameful page in the history of the post-Soviet judiciary. It, without a doubt, belongs in the history textbooks. Not only the names of those convicted will make it in, but also the names of the “top students” from the judicial/procuratorial workshop, as this happened with the never-to-be-forgotten judge Savelieva, who publicly berated the parasite Iosif Brodsky. What do you think about the people who actually conducted the investigation, presented the charges, issued the verdict? I was at your trial, at Alexanyan's trial, and just kept looking at their faces. What's going on inside them? For me, it's a mystery why they're not thinking about how it won't be very long at all before their own children are ashamed of them. What kind of special people are they, what makes them tick?

**M.Kh.** When people talk about how Russia has changed since the Soviet times, I recall the trial. This will sound silly, but the trial became for me an opportunity to see and to re-evaluate my colleagues, my fellow citizens. You want to hear [me talk] about procurator Shokhin, about judge Kolesnikova? These are petty bureaucrats, who would never have been put in such a trial if there weren't enough *kompromat* against them to hang them with. «Novaya Gazeta» wrote about Kolesnikova; she was “hanging” on a complaint lying without a response in the Procuracy General throughout the entire trial. On an analogous complaint, her colleagues got 12 years each (a question relating to an apartment). It's not for me to judge how true this is, but I think Kolesnikova knew better than I that the truth in such a situation is meaningless. As concerns Shokhin, his problems are understandable too. The fact that he decided not to stand up against the superiors, but to creatively lie in court (about which I declared there) – unfortunately, this is an unavoidable consequence of the one-hand-washes-the-other/everybody-covers-for-everybody-else system in which he exists. Now they're trying to demolish it a tiny bit, and inside the procuracy there are many people who would like to be independent and can be that way because they're educated, they're needed, and there isn't any *kompromat* [on them]. Many, but not all. Today's *nomenklatura* is based on there being *kompromat*, i.e. the opportunity to annihilate someone who “lashes out”. Is this good? Yes, of course, it's abominable. What is taking place is the advancement upwards of the most “sullied” ones, projecting “downwards” and into society their distorted moral principles. But what can you say about them? Pitiful, miserable people, who in their old age will be scared of death. What struck me in the trial was something else. The prosecution had interrogated more than fifteen hundred people. Many with threats of bringing charges against them (with some they did). They hand-picked just over 80 for the trial. And these

people, who were completely justifiably afraid for their own fate, did not take sin upon the soul.

Nobody – I emphasize, nobody – gave testimony against me and Platon. And some even decided to speak out in our defense. This is witnesses for the prosecution, hand-picked out of those who could have considered themselves to have been wronged by us. I can not help recalling former director of «Apatit» Anatoly Pozdnyakov, former governor of Murmansk Oblast Yevgeni Komarov, and indeed many – dozens of people who, being found under the strongest of pressure refused to go against the conscience. And by the way, among them were also employees of the procuracy, who refused to lie on the order of their superiors (I don't know if makes sense to bring up their names now). We're living in a completely different country after all. Yes, there's still enough ruffraff to go around, but there are already more citizens – real citizens – and a further process of transforming the horde into a community of citizens is taking place. Putin's greatest mistake is that he, wittingly or unwittingly, put the brakes on this process, the process of the establishment of a civil society. Now there are hopes for the resumption of this process, which makes me happy. Maybe my words do sound silly.

**G.Ch.** But why did you agree in the first place to participate in the trial, in what was always going to be a profanation of justice? Would it not have been more proper to declare right from the start: "Do with me what you will, I don't believe in the objectivity of your court and do not intend to help you play your game"? Or did you have some kind of illusions?

**M.Kh.** You're going to laugh, but I turned out to be quite a naïve person. That is, I didn't have doubts that the procuracy would be able to hold me long in jail, but I didn't believe until practically the very end that the court would be able to issue a guilty verdict without evidence and, most importantly, in defiance of obvious facts – and in an open trial, no less. I considered that a court is still a court; it can, and it will, play along with the prosecutors, but it can not directly violate the law... Turns out, it sure can, and how. No, at first everything was decent enough, but in the beginning of 2005, someone called someone in someplace, and that's when I understood – there's nothing to discuss with these people. But there remained society, investors, my colleagues, the employees of the company, and I had the duty to explain to them that they had worked not in a criminal group, but in a normal company, which found itself in a grindstone not simply out of political motives, but – and here's the main thing – on charges of crimes that never were. And, judging by the fact that [employers] both here and abroad are happy to hire all the YUKOS employees, I have succeeded in this.

**G.Ch.** Let's turn the clock back. By the moment when the power adopted the final decision: to lock [you] up. With whom haven't I talked on this topic in the intervening years. Everyone was preoccupied and to this day is preoccupied [by the question of] what was the true reason for Putin's personal war against you. I've gotten to hear the most varied of hypotheses. It is noteworthy that nobody, not one person of those with whom I have discussed this, took the official hypothesis seriously: that YUKOS was supposedly unlawfully grabbing someone else's property, was maliciously evading taxes, and that's why they've locked all those good-for-nothings up. First, YUKOS itself was snatched right before everybody's eyes, without any embarrassment. Second, many had heard that YUKOS was paying more taxes into the treasury than

«Rosneft» – the company that gobbled it up – does today, even though oil has become four times more expensive in this time. “This isn’t what they locked Khodorkovsky up for” – such was the general voice. I will now enumerate the prevailing hypotheses for you, and you say which one of them is closer to the truth. The theory of what happened that’s maximally close to the official one (let’s call it Version 1) looks something like this. All the oligarchs of the 1990s amassed wealth in an unrighteous way. They had gotten access to the subsoil from the state and therefore were supposed to have observed certain conventions in relations with the power. But Khodorkovsky, having accumulated billions, violated this unspoken understanding and began to behave like an independent socio-political force. His example could have been picked up by other billionaires, and Russia once again would have ended up in a dim and restless time of “sevenbanker-ness”. Yes, Putin applied unlawful and dishonest methods towards Khodorkovsky, but he could not have acted any other way. The oligarchs had to be scared a bit and brought into line. Version 2, the romantic one, was narrated to me by one Splendidly Informed Lady. Supposedly at a meeting of Putin with oligarchs you alone dared to appear without a necktie, in a turtleneck, and The Guarantor [Putin], very sensitive to signs of external obeisance, supposedly said: “For Bush, he, I’ll bet, would have put on a tie”. And deep inside he felt this as a mortal affront. That same lady said: “Andin general, He can’t stand tall men”. (This last is obvious hog wash. If that’s the case, then Mikhail Prokhorov would need to be locked up). Version 3 (narrated to me by one Person of State). Competent organs reported to the president that Khodorkovsky is planning to invest billions in “orange” scenarios. For the sake of public tranquillity the president adopted a heavy – but the only right – decision. Version 4 – my own. I can easily imagine that a 40-year-old person, at one time having set himself the ambitious task of becoming the most successful entrepreneur of the new Russian economy, at some moment suddenly realized that, broadly speaking, “money can’t buy happiness”. So I’ve become the richest, now what? Lots of strength, half a lifetime still ahead, and you want to do something truly large-scale: for example, to help Russia to finally become a civilized, competitive country. And this drive got someone mighty worried. Which of the hypotheses is closer to the truth? What really happened?

**M.Kh.** At first, probably, the power simply wanted to have *kompromat* on influential business groups, but then more radical plans appeared. It must be said, a talk with the president about the rules of the game did take place. During the time of this talk (in 2000) Putin said that he expects that the biggest companies won’t be used for the resolution of political tasks. And we all (I among them) declared that we support this position. Business structures have to be outside politics, because on them depends the provision of the population with critically important good and services. It should be noted that [this] obligation YUKOS carried out to the end, although the Procurator-General did everything to disrupt deliveries (including the arrest of operational property and accounts). That entrepreneurs not participate in politics in a personal capacity or through lobbying was never spoken of. Indeed, until 2003 both the administration of the president and the government knew from us ourselves, whom we’re helping, what questions we’re lobbying. Everything changed in 2003. You could make guesses as to why – either because of the elections getting close, or because of the informational policy of representatives of the *siloviki* wing close “to the

body”, or simply that the Kiplingesque “Water Truce” had ended. One way or the other, the trend changed drastically and without any preliminary discussions. It must be said frankly that by that moment certain changes that had been accumulating during the course of 2001-2002 had also taken place in my position, The main thing is that the logic of the development of international business demanded disclosing all confidential financial information to investors, demanded maximal predictability of the business environment, that is the legislative securing of all the most important aspects of the activity of companies. In general, modern business demanded modern social relations, and we started consistently striving to achieve them. Not “in general”, but as concerns our specific industry. We succeeded in pushing through into the law on pipeline transportation – so-called “equal access to the pipe”, i.e. quotas, which before had been “creatively” established quarterly by officials, obtained a clear-cut legislative securing. We were able to carry through the legislative securing of the scale of customs duties – this was yet another “mass feeding trough” – and a few other analogous anti-corruption amendments to legislation. Moreover, the amendments were carried though not “behind the scenes”, but in open parliamentary hearings. Once at an open deliberation at Prime Minister Mikhail Kasyanov’s I even had to propose to four ministers to concretely disclose the mechanism of their interest in preserving the old status quo. They publicly refused, and the objections were withdrawn. That is, I want to say, this was a very real fight. Of course, the methods, compared with today’s, were vegetarian, but there were quite a few discontented people. However, others immediately tried to take the place of the one group of corruptioneers. I understood that without political support at the very top nothing would work out. And it was decided to place the question of corruption at the president’s. The topic was supported by Voloshin and – you’ll be amazed – Medvedev, who, being then the deputy head of the administration of the president, was preparing the deliberation with the Union of Entrepreneurs and Industrialists [RSPP]. Apparently, the question had come to a head not only for the RSPP. The deliberation ended up being loud. This was 19February 2003. Then I talked about the gigantic corruption market in the country – 30 bln dollars, that is 10% of GDP. (By the way, at the beginning of 2008 the deputy procurator-general is naming a figure of 240 bln dollars – that is 20% of GDP already.) Soon after that, in March, the “steamroller” started up. And they threw everything they had into it. For example, at elections large companies always helped the deputies from their territories, the parties (both by obligatory allocation, and at their own discretion). I, in consequence of the process of disclosure of information in the company, decided to cease the non-public support, to make it open and personal. That is, I supported SPS and «Yabloko» not “on the sly”, but publicly, and not from the company’s money, but from my own, personal, having previously paid taxes. Moreover, some others of my colleagues just as openly supported those who to them were politically closer. This is a completely civilized practice, and at first many officials deemed it correct. However, after February of 2003 another interpretation was given – “preparation for a seizure of power”.

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