

Mikhail Khodorkovsky: Final statement hold in 02/11/2010 at district court Chamowniki/ Moscow

Honourable court!

Looking back, I can recall October of 2003. My last day as a free man. Several weeks after my arrest, I was informed that president Putin had decided: I was going to have to “slurp gruel” for 8 years. It was hard to believe that back then.

Seven years have gone by already since that day. Seven years – quite a long stretch of time, and all the more so - when you’ve spent it in jail. All of us have had time to reassess and rethink many things.

Judging by the sense of the prosecutors’ presentation: “give them 14 years” and “spit on previous court decisions”, over these years they have begun to fear me more, and to respect the law - even less.

The first time around, they at least went through the effort of first repealing the judicial acts that stood in their way. Now - they’ll just leave them be; especially since they would need to repeal not two, but more than 60 decisions.

I do not want to return to the legal side of the case at this time. Everybody who wanted to understand something – has already understood everything. Nobody is seriously waiting for an admission of guilt from me. It is hardly likely that somebody today would believe me if I were to say that I stole all the oil produced by my company.

But neither does anybody believe that an acquittal in the YUKOS case is possible in a Moscow court.

Notwithstanding, I want to talk to you about hope. Hope – the main thing in life.

I remember the end of the '80s of the last century. I was 25 then. Our country was living on hope of freedom, hope that we would be able to achieve happiness for ourselves and for our children.

In some ways, this hope did materialise, in others – it did not. The responsibility for why this hope was not realised all the way, and not for everybody, probably lies on our entire generation, myself included.

I remember too the end of the last decade. By then I was 35. We were building the best oil company in Russia. We were putting up sports complexes and cultural centres, laying roads, and resurveying and developing dozens of new fields; we started development of the East Siberian reserves and were introducing new technologies. In short, - we were doing all those things that Rosneft, which ended up getting YUKOS, is so proud of today.

Thanks to a significant increase in oil production, including as the result of our successes, the country was able to take advantage of a favourable oil situation. We

felt hope that the period of convulsions and unrest – was behind us at last, and that, in the conditions of stability that had been achieved with great effort and sacrifice, we would be able to peacefully build ourselves a new life, a great country.

Alas, this hope too has yet to be justified. Stability has come to look like stagnation. Society has stopped in its tracks. Although hope still lives. It lives on even here, in the Khamovnichesky courtroom, when I am already just this side of 50 years old.

With the coming of a new President (and more than two years have already passed since that time), hope appeared once again for many of my fellow citizens too. Hope that Russia would yet become a modern country with a developed civil society. Free from the unchecked behaviour of officials, free from corruption, free from unfairness and lawlessness.

It is clear that this can not happen all by itself, or in one day. But to pretend that we are developing, while in actuality, - we are merely standing in one place or sliding backward, even if it is behind the cloak of noble conservatism, - is no longer possible, and is simply dangerous for the country.

It is not possible to reconcile oneself with the notion that people who call themselves patriots so tenaciously resist any change that puts restrictions on their feeding trough or their ability to get away with anything. It is enough to recall art. 108 of the Code of Criminal Procedure of the Russian Federation - the arrest of entrepreneurs - or the income declarations of officials. And yet it is precisely the sabotage of reforms that is depriving our country of prospects. This is not patriotism, but rather hypocrisy.

I am ashamed to see how certain persons - in the past, respected by me - are attempting to justify unchecked bureaucratic behaviour and lawlessness. They exchange their reputation for a life of ease within the framework of the system as it has evolved, a life of privileges and sops.

Luckily, not all are like that, and there are ever more of the other kind.

It makes me proud to know that even after 7 years of persecutions, not a single one of the thousands of YUKOS employees has agreed to become a false witness, to sell their soul and conscience.

Dozens of people have personally experienced threats, have been cut off from kith and kin, and have been thrown in jail. Some have been tortured. But, even after losing their health and years of their lives, people have still kept the thing they deemed to be most important, - human dignity.

Those who started this shameful case, - Biryukov, Karimov and others, - have contemptuously called us “merchants” [*«kommersanty»*], regarding us as low-lives, capable of anything just to protect our prosperity and avoid prison.

The years have passed. So who are the low-lives now? Who is it that have lied, tortured, and taken hostages, all for the sake of money and out of cowardice before their bosses?

And this they called “the sovereign’s business”! [*«gosudarevoye delo»*]

Shameful. I am ashamed for my country.

I think all of us understand perfectly well – the significance of our trial extends far beyond the scope of my fate and Platon's, and even the fates of all those who have guiltlessly suffered in the course of the sweeping massacre of YUKOS, those I found myself unable to protect, but about whom I have not forgotten, and whom I remember every day.

Let us ask ourselves: what must be going through the head of the entrepreneur, the high-class organiser of production, or simply any ordinary educated, creative person, looking today at our trial and knowing that its result is absolutely predictable?

The obvious conclusion a thinking person can make is chilling in its stark simplicity: the *siloviki* bureaucracy can do anything. There is no right of private property ownership. A person who collides with “the system” has no rights whatsoever.

Even though they are enshrined in the law, rights are not protected by the courts. Because the courts are either also afraid, or are themselves a part of “the system”. Should it come as a surprise to anyone then that thinking people do not aspire to self-realisation here, in Russia?

Who is going to modernise the economy? Prosecutors? Policemen? Chekists? We already tried such a modernisation - it did not work. We were able to build a hydrogen bomb, and even a missile, but we still can not build – our own good, modern television, our own inexpensive, competitive, modern automobile, our own modern mobile phone and a whole pile of other modern goods as well.

But then we have learnt how to beautifully display others' antiquated models produced in our country and the rare creations of Russian inventors, which, if they ever do find a use, it will certainly be in some other country.

Whatever happened with last year's presidential initiatives in the realm of industrial policy? Have they been buried? Yet they - were a real chance to kick the raw materials habit.

Why “buried”? Because what the country needs for their implementation is not one Korolev, and not one Sakharov under the protective wing of an all-powerful Beria and his million-strong armed host, but hundreds of thousands of “korolevs” and “sakharovs”, under the protection of fair and comprehensible laws and independent courts, which will give these laws life, and not just a place on a dusty shelf, as they did in their day - with the Constitution of 1937.

Where are these “korolevs” and “sakharovs” today? Have they left the country? Are they preparing to leave? Have they once again gone off into internal emigration? Or taken cover amongst the grey bureaucrats in order not to fall under the steamroller of “the system”?

We – citizens of Russia, patriots of our country – can and must change this.

How is Moscow going to become the financial centre of Eurasia if our prosecutors, just like 20 and 50 years ago, are directly and unambiguously calling in a public trial for the desire to increase the production and market capitalisation of a private company - to be ruled a criminally mercenary objective, for which a person ought to be locked up for 14 years?

If according to one verdict, a company that has paid more in taxes than anybody else in the country besides Gazprom has, it turns out, underpaid taxes, while according to a second verdict - it is obvious that there never was anything to tax in the first place - it had been stolen!

A country that tolerates a situation where the *siloviki* bureaucracy holds tens and even hundreds of thousands of talented entrepreneurs, managers and ordinary people in jail in its own interests, and not at all those of the country, instead of and together with criminals, - this is a sick country.

A state that destroys its best companies, which are ready to become global champions; a country that holds its own citizens in contempt, trusting only the bureaucracy and the special services – is a sick state.

Hope – the main engine of big reforms and transformations, the guarantor of their success. If hope fades, if it comes to be supplanted by profound disillusionment, - who and what will be able to lead our Russia out of the new stagnation?

I will not be exaggerating if I say that millions of eyes throughout the whole country, and the entire world, are watching for the outcome of this trial.

They are watching with the hope that Russia will after all become a country of freedom and of the law, where the law will be above the bureaucratic official.

Where supporting opposition parties will cease being a cause for repressions.

Where the special services will protect the people and the law, and not the bureaucracy from the people and the law.

Where human rights will no longer depend on the mood of the tsar. Good or evil.

Where, on the contrary, the power will truly be dependent on the citizens, and the court – only on law and God. Call this conscience - if you prefer.

I believe, this - is how it will be.

I am not at all an ideal person, but I am - a person with an idea. For me, as for anybody, it is hard to live in jail, and I do not want to die there.

But if I have to - I will not hesitate. The things I believe in are worth dying for. I think I have proven this.

And you, gentle opponents? What do you believe in? That the bosses are always right? Do you believe in money? In the impunity of “the system”?

Your Honour!

There is much more than just the fates of two people in your hands. Right here and right now, the fate of every citizen of our country is being decided. Those who, on the streets of Moscow and Chita, Peter and Tomsk, and other cities and settlements, are not counting on becoming victims of police lawlessness, who have set up their own business, built a house, achieved success and want for all this to accrue to their children, not to raiders in uniform, and finally, - those who want to honourably carry out their duty for a fair wage, not expecting that they can be fired at any moment by corrupt bosses under just about any pretext.

This is not about me and Platon – at any rate, not only about us. It is about hope for many citizens of Russia. About hope that tomorrow, the court will be able to protect their rights, if yet some other bureaucrats-officials get it into their head to brazenly and demonstratively violate these rights.

I know, there are people, I have named them in the trial, who want to keep us in jail. To keep us there forever! Indeed, they do not even conceal this, publicly reminding everyone about the existence of a “bottomless” YUKOS case file.

Because they want to show: they – are above the law, they will always accomplish whatever they might “think up”. So far they have achieved the opposite: out of us - ordinary people - they have created a symbol of the struggle with arbitrariness. But for them, a conviction is essential, so they would not become “scapegoats”.

I want to hope that the court will stand up to their psychological pressure. We all know how and through whom it will occur.

I want an independent judiciary to become a reality and the norm in my country, I want the phrase from the Soviet times about “the most just court in the world” to stop sounding just as ironic today as it did back then. I want us not to leave the dangerous symbols of a totalitarian system as an inheritance for our children and grandchildren.

Your Honour, I can imagine perfectly well that this must not be very easy at all for you, perhaps even frightening – and I wish you courage!

Everybody understands that your verdict in this case - whatever it will be – is going to become part of the history of Russia. Furthermore, it is going to form it for the future generation. All the names - those of the prosecutors, and of the judges - will remain in history, just like they have remained in history after the infamous Soviet trials.

M.B. Khodorkovsky