



Recommendation 1692 (2005)¹

The circumstances surrounding the arrest and prosecution of leading Yukos executives

Parliamentary Assembly

1. The Parliamentary Assembly, referring to its [Resolution 1418 \(2005\)](#), recommends that the Committee of Ministers, in general :

continue offering to the Russian Federation the Council of Europe's co-operation in preparing and implementing reforms of the legal and judicial system and of law-enforcement agencies, aimed in particular at further strengthening the effective independence and transparency of the courts and of their proceedings, particularly as regards the distribution of cases among judges of a given court (principle whereby the judge assigned to try a case is determined by law) ;

evaluate the extent to which progress has been achieved under past and current assistance and co-operation programmes carried out in the field of judicial reform, and inform the Assembly of the results of this evaluation and of any adaptation that may turn out to be necessary in order to achieve better results ;

urge the Russian Federation to ensure that all pre-trial detention centres, in particular the Lefortovo isolation centre in Moscow, be made subject to supervision by the Ministry of Justice, in line with earlier commitments made by the country, and be open to visits by representatives of the Parliamentary Assembly as and when requested.

2. Concerning more specifically the cases of the leading Yukos executives, the Assembly recommends that the Committee of Ministers :

remind the Russian authorities of the importance it attaches to the principle of open court hearings and ask them to ensure that exceptions to this principle in the Pichugin case be limited to the strict minimum, in accordance with Article 6, paragraph 1 of the European Convention on Human Rights ;

remind the Russian authorities of the importance it attaches to the principle that detention on remand shall be an exceptional measure, and ensure that this principle is also applied in the case of Mr Khodorkovsky ;

urge the Russian authorities to immediately allow an independent medical assessment of Mr Lebedev's state of health.

1. Assembly debate on 25 January 2005 (3rd Sitting) (see [Doc. 10368](#), report of the Committee on Legal Affairs and Human Rights, rapporteur: Ms Leutheusser-Schnarrenberger). Text adopted by the Assembly on 25 January 2005 (3rd Sitting).

