

The Washington Post

## Laws to rein in Russia's pretrial detention system are ignored



By [Kathy Lally](#), Published: November 23 | Updated: Friday, November 25, 5:53 PM

Moscow — Over the past 18 months, President Dmitry Medvedev has signed two laws meant to rein in Russia's notorious pretrial detention system, an institution often used to extract bribes and enforce widespread corruption. He has been trying to make the country more governable and conducive to business.

Medvedev sought to discourage police, prosecutors and judges from jailing businesspeople [on false charges](#), often in return for bribes from competitors bent on destroying a rival.

But the system quickly proved itself more powerful than the president. The laws were ignored. Yet another of Medvedev's promised reforms would go unkept, and Russians would remain fearful of their courts and police.

The failed attempt to strengthen the rule of law illustrates an odd paradox: Even as the government has grown more authoritarian, it has become less capable of exerting its will over the vast bureaucracy beneath when that bureaucracy has other interests.

“Of course, they can say whatever they want,” said Yana Yakovleva, who leads Business Solidarity, an organization that fights for the rights of Russian businesspeople. “But there is not a single agency not poisoned with corruption here, and they will listen to what they’re told only if it’s profitable or when their fear is stronger than the desire for money.”

When a compliant judge denies bail, detention gets a businessman out of the way while his company is stolen. It’s a powerful tool for corrupt officials to extract a bribe: Pay up or go to jail. Detainees are held in intolerable conditions. The water is usually undrinkable — the fortunate use electric coils brought by relatives to boil it. Cells are damp and dark. Medical care is routinely denied.

Many suffer, and for no reason. Last year, according to court records, 404,333 people were convicted of economic crimes, but only 146,490 received prison terms. The rest paid fines or got suspended sentences. At the same time, 59 people died in Moscow’s pretrial prisons, half a dozen more than the year before.

“We can say one thing for sure,” said Valery Borshchev, the head of a public commission that monitors prison conditions in Moscow. “The president’s initiatives are not working.”

### **Problems remain**

With Medvedev’s new laws in place, lawyers and human rights activists thought the legal system would throw off some of the practices left 20 years ago by the Soviet Union, where detention nearly always meant guilt and punishment, trial or not, and [private business, illegal until the late 1980s, remained suspect](#).

They thought that Stanislav Kankia, 47, a businessman accused of fraud after he had a falling-out with his partners, would be freed. He has been in jail for a year, and four strokes have left him brain damaged, barely able to talk and partly blind. On Oct. 24, a court, saying his health was fine, ruled that there were no grounds to release him.

Natalia Gulevich, 52, has been in prison for 11 months because of an unpaid bank loan. Her lawyer said the real cause was raiders trying to seize office buildings she owned. She has gone into kidney failure, and this month, a Moscow court agreed to allow bail — if she posted a \$3.5 million bond within a week. The Itar-Tass news agency called the amount unprecedented in Russia, and her lawyers said she could not possibly come up with that much money.