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Russia: Pussy Riot would have been acquitted by the jury

Sunday 12 August 2012, by [MARTYNOV Kirill](#), [VOLKOVA Violetta](#) (Date first published: 3 August 2012).

Kirill Martynov interviews Violetta Volkova, the lawyer defending feminist punk group Pussy Riot.

Kirill Martynov - The Pussy Riot case is dominating the media nationally and worldwide, and drawing particular attention to the Russian legal system. What is the reality of the law-enforcement system in Russia?

Violetta Volkova - Everybody is already looking in the face of our law-enforcement for decades.

In our group we have this term, 'murzilka'. This is what we call a person who, while appearing for the defendant, helps the court to bring an accusation. If you remove us from the practice of law, murzilkas will stay and there won't be any alternative.

Take the Pussy Riot case. Imagine the girls are left without a lawyer or a murzilka is working for them. What's going to happen? First of all, there won't be any publicity. There won't be any possibility to bring what's going on to the public's attention. The case would appear in a way propaganda puts it: as if there are three hooligans who committed a serious crime.

Due to our work on this case we've provided it with a significant, serious publicity. If there were a lot of people disapproving of the girls in February, now the situation has changed.

Observing how this trial moves and the way the criminalisation of a non-criminal action occurs, makes people understand that the trial of the girls is a fragrant violation of rights.

Do you have a feeling that now you have to be concerned not only with justice, but also with politics?

We are not engaged in politics itself, but we render assistance to citizens in the political processes. And it becomes politics. All these citizens turned out to be in opposition to current regime. Moreover, it doesn't matter to which group of political movements this citizen belongs. We've defended absolutely everybody: the members of the Other Russia - the most radical left branch of the opposition - and the anarchists as well as the moderate right-wingers.

Twitter has played an important role in your appearance on the Russian political scene. Now you're also trying to use its advantages for your professional activities. Russian legislation says nothing about the use of twitter and other modern media in the courtroom. Is there any sense in tweeting from out there?

The judges started to admonish the lawyers who tweet. They don't bring us to responsibility, because in point of fact it's not provided by the law.

When we defend fundamentally violated rights of the citizens the only way to maintain them is publicity. One simply cannot conceal such cases. It's necessary for as many people as possible to know what is happening, and for as many people as possible to finally start analysing the situation.

Our strategy on the Pussy Riot case is to bring to the public attention the list of actions which fall within the law on hooliganism, and highlight the point that the girls have conducted none of these. And the more people realise this simple fact, the better. People luckily start to reflect on what's happening. On the first court session in March there were five TV cameras, and now there are two hundred of them. It means we're doing everything right. The state is afraid of publicity.

Is there any risk that the judges' admonitions of usage of the Internet in the courtroom would be registered in a form of yet another law aimed at limitation of citizens' rights? Can tweeting from inside the courtroom be prohibited?

Then they would have to carry all the proceedings behind closed doors. This could happen, perhaps, but then they would have to go the length of violating the Constitution, where it is stated that the court in Russia is to be open and public. And this doesn't exist for no reason: it's needed for public control of administering law.

Within the framework of our conversation, what do you think of trial jury?

It's necessary. And also I believe that trial jury is to be introduced starting with crimes of average weight, the laws which provide for the punishment of imprisonment for three years and more. If the legislator had foreseen that the accused can be arrested as the inquiry progresses, then this accused is to be trialled by jury.

What would be the verdict on the Pussy Riot case, if the girls were trialled by jury?

I'm absolutely sure that it would be the verdict of 'not guilty'. With a probability of 100% they would have been acquitted by the jury.

We held an opinion poll on Facebook, suggesting the users to put themselves into the judges' place and to pass a sentence upon Pussy Riot. Even against the liberal background the results turned out to be mixed. More than 30% of those who voted would prefer a guilty verdict, even though more likely, a non-custodial.

Only a person who is far from law and doesn't understand what's going on can argue for a guilty verdict. Such a person sees that the girls probably have done no good. And he wants to punish them and the court is used for punishment. But this is not supposed to be! We are a secular state and religion is separated from the state. People are tried not for ill acts but for committing a crime.

And I'm sure that the lawyers would be able to prove to the jury with available case papers that the crime in the acts of the girls is absent. I don't have any doubts about that. To those who believe that the guilty verdict is possible in law it is to be explained that it is not so. It's the question of awareness.

There now we are attending the first court sessions. We're looking at the public prosecutor and we realise that he understands that the girls can't be accused of anything, that there are no components of crime in their actions. That the third expert report the prosecution rests upon is illegal, and that the people who carried out the expertise had no right to do it. And the prosecutor also knows that

we are aware of that. And the judge sees all this. We all take part in a political performance, not in a trial.

Is it correct to say that there weren't any components of the act which were a crime?

Yes, we are not denying the presence of a certain act. But it's necessary to establish of what these actions constituted. Now the prosecutor starts to claim that the girls allegedly assert that they weren't at the crime scene. But the girls assert nothing at all, they have immediately chosen to withhold evidence and are still mute. Failure to give evidence is connected with the fact that the prosecuting of the girls took on political overtones straightaway and was pursued quite harshly. For example, they've served a summons on them, and then took them in custody without waiting for them to come to the investigation officer. And an arrest straight after that. Who would cooperate on such an investigation? Who would talk to an investigator who took an exam in scientific atheism while studying at the university, and now refers to those under investigation as 'blasphemers' and 'slanderers'?

What do you think the whole story with Pussy Riot has taught us?

The citizens got a sight of a true face of the state. People now see that the state is not the defender of their interests at all. It is a prosecutor. The Pussy Riot case has shown a total rightlessness of the citizens. If the state decides to stomp out your life, nobody would protect you. The one and only impediment is the control of the whole society and publicity.

What Nadezhda, Maria and Ekaterina have to face today? Everybody knows they might be subject to imprisonment for up to 7 years. Almost everyone believes that it's excessive. What's really going to happen?

The trial is going to be fast moving, the sentence may be pronounced already in August. There are no illusions upon the point: it's going to be a guilty verdict. We've already received information that the girls might be committed to an actual deprivation of liberty for three years or more. When this occurs they would serve time in a convict colony. But there's more than this. We already have a separate criminal case on extremism, and the experts who are, in my point of view, collaborating with the prosecution, have already traced in the girls' actions, the essential elements of the offence under this extremism article. We also have a parliamentary inquiry from the State Duma, members of which have requested to establish if there are elements of crime in other Pussy Riot performances. So it might not be limited by only one prison sentence. The prosecution will be reinstated and the terms of sentence will be added up accordingly. It's almost the same as it has happened with the Khodorkovsky case.

But the imprisonment isn't even the worst of it. The girls are ready for the restraint. They realise that they are on trial not for what they've done but for their political beliefs.

The most terrible thing is that if it would be required for the state, we risk never seeing them alive again. We are very afraid that with the connivance of the authorities who have launched a violent accusatory agitation campaign against Pussy Riot on the state television, anything could happen to the girls at the place of detention. And we all must realise that this unjust sentence might literally mean a death-warrant.

P.S.

* From Red Pepper:

<http://www.redpepper.org.uk/pussy-riot-would-have-been-acquitted-by-the-jury/>

* This interview was originally translated by Ekaterina Sazonova.