

## *Afterword*

In December 2012 the Moscow Appeal Court shortened the sentence for the former heads of the Yukos Oil Company, Mikhail Khodorkovsky, and his business partner, Platon Lebedev, from 13 to 11 years. It means that both of them should be freed in 2014. So far, many observers of the case remain cautiously optimistic. They have in mind the previous sentence from their first trial, which was also shortened, but then both Yukos bosses faced new charges and were kept in jail for many more years. The author of the book 'Khodorkovsky case', Andrey Pumpyansky, said of the sentence reduction: "It has a symbolic and clear dimension that the sentence - should the need arise - could be changed at any moment".

And it is true – so long as the judicial system in Russia simply executes political orders, applies a different logic, then the spirit of modern constitutionalism will remain alien to it. The case of Khodorkovsky and other Yukos bosses are the clearest proof of that. A fundamental analysis of the disease within the Russian justice system, conducted in the second part of this book by Sergey Kovalev, doesn't leave any doubt that the healing process would be as difficult and tiresome and as long and complicated, as would be the road to the complete destruction of the rule of law – the most likely tragic "achievement" of XX century totalitarianism. Today's Europe, for which Kovalev has a number of bitter words, remains quite indifferent to that fact. In his opinion it is not only guilty of the sin of omission, but also a fatal [for Europe itself] political mistake. We inhabitants of European countries that suffered from communism shouldn't neglect our Eastern neighbour's problems. It's worth reading the reasoning behind our great human rights defender to understand how our authoritarian past is getting under our skin today - to know its roots, its influence on our mentality and its practical effects. We are still not completely free of its burden, even though we didn't face the nightmares of the Soviet "justice system" such as the NKVD, the Gulag or the infamous article 58 of the criminal code, with its famous 12 points, that could turn anybody into an enemy of the state or the political order.

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