

For the foregoing reasons, the applicants maintain their case that their rights under the Convention have been violated:

- (a) That contrary to Article 6 §§ 1, 2 and 3 (a), (b) and (d) of the Convention their trial as a whole was unfair. In particular, that:
 - (i) the trial court did not have territorial jurisdiction to hear the case;
 - (ii) the court was not impartial and independent;
 - (iii) the principle of presumption of innocence was prejudiced by the public statements of Mr Putin, whereby the applicants were presented as crooks and murderers;
 - (iv) the applicants' conviction was based on judgments in other related cases in which the applicants did not participate;
 - (v) the applicants were not informed promptly of the nature and cause of the accusations against them; in particular, they were not formally charged until February 2007, whereas the investigation had started in at least 2004;
 - (vi) the taking and examination of evidence was unfair and contrary to the principle of equality of arms; in particular, the court permitted the prosecution to rely on their expert evidence but dismissed all but one request by the defence to allow their experts to testify or present their written opinions; the applicants were unable to cross-examine most of the expert witnesses for the prosecution, the court refused to exclude inadmissible evidence for the prosecution, and in particular evidence obtained in breach of lawyer-client confidentiality; the court refused to add exculpatory material to the case file or to order disclosure of exculpatory material or "source materials" in general; the court failed to summon witnesses for the defence, to secure forced attendance of a

number of witnesses or to obtain their questioning by video-conference or through letters rogatory;

(vii) The applicants did not have sufficient time and facilities for the preparation of their defence.

- (b) that contrary to Article 7 they were subjected to extensive and novel interpretation of the criminal law and unlawful imposition of a criminal penalty.
- (c) That contrary to Article 8 their detention in the remand prisons in Chita and Moscow was unlawful and adversely affected their family lives. The authorities designated Chita as a place for investigation arbitrarily and deliberately, in order to separate the applicants from their families and friends.
- (d) That contrary to Article 4 of Protocol No. 7 their second trial breached the rule against double jeopardy.
- (e) That contrary to Article 18 of the Convention the applicants' rights and freedoms were restricted "for other reasons" than those permitted by the Convention.

AND FOR THE FOREGOING REASONS

THE APPLICANTS REQUEST THE COURT

- 1. To grant the applications priority status in accordance with Rule 41;**
- 2. To proceed to an oral hearing of the applicants' complaints;**
- 3. To find the applicants' complaints well-founded;**

- 4. To declare that the applicants' rights under Articles 6, 7, 8, and Article 4 of Protocol No 7, read in conjunction with Article 18 of the Convention, have been violated; and**
- 5. To award the applicants Just Satisfaction accordingly.**

We hereby declare that, to the best of our knowledge and belief, the information we have given in this Reply is correct.

**ANTON DREL
Of the Moscow Bar**

**LORD PANNICK QC
of the Bar of England
and Wales**

**JONATHAN GLASSON QC
of the Bar of England
and Wales**

Place

Date

All duly appointed by both applicants to represent them in these proceedings