

Council for Judicial Process about interference Rosneft: “Shocking, possibly criminal

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<http://www.nrc.nl/nieuws/2016/11/25/raad-voor-de-rechtspraak-over-bemoeienis-rosneft-schokkend-mogelijk-straftbaar-5484720-a1533647>

“If it happened as reported, then it’s a shocking attempt to manipulate the judicial process. In that case it’s possibly also a criminal act”. This is the reaction of a spokesperson for the Council for Judicial Process, the board representing the judicial organizations in The Netherlands. The Council reacts to the news that the Russian state-owned oil company Rosneft has fabricated verdicts in Armenia to manipulate the judicial process in The Netherlands.

E-mails in the possession of NRC show that the Amsterdam court ruled in 2011 based on a manipulated verdict that Rosneft had to be recognized as a shareholder of Yukos in Armenia. Ten years ago, Yukos was the largest oil company in Russia, headed by Michail Chodorkovski. He was an important adversary of president Vladimir Putin. The Russian tax authorities imposed huge levies upon Yukos, after which the company was declared bankrupt and sold to, amongst others, Rosneft. The former owners and managers of Yukos are fighting a legal battle for years in The Netherlands over the ownership of the oil company.

It has happened before.

The Council for Judicial Process doesn’t know how often manipulated verdicts from abroad find their way into the Dutch judicial process. “It can happen, and it has happened before, in criminal and civil cases. All parties involved have to be alert, the defendant in the first place, but of course also the judge”. The Council points out there are international treaties with agreements about judicial powers of foreign verdicts. “Those treaties also include safeguards for an independent judicial process”.

Very heavy

In Dutch Parliament people react with surprise. It’s “pretty shocking”, says MP Jeroen Recourt (PvdA). “Very heavy”, says MP Michiel van Nispen (SP). But a political answer is hard to give, they believe. Justice Minister Ard van der Steur (VVD) doesn’t want to address the issue. “I don’t know the dossier and I’m not involved”. He doesn’t see a reason to distrust verdicts from Armenia from now on. “That would mean we first have to establish whether there is a reason to assume all verdicts from Armenia don’t comply to the criteria. I can’t make that judgment”.

Especially the judge has to be watchful, politicians say. And the parties in court can always report suspicions of fraud to the judge. “But of course it’s difficult to challenge a verdict”, Recourt admits, who is a former judge himself. Yukos was lucky that it could prove the fraud with internal e-mails.

Politicians do see another dilemma: verdicts from EU countries. Those are automatically legitimate in The Netherlands, even if they come from judges in weaker countries like Hungary and Bulgaria. “I find that the greatest danger of judicial cooperation within the EU”, Recourt says. “That you can’t maintain your own integrity norms”. If it were up to him, only verdicts from countries with high enough integrity norms would be allowed.

Telephone justice

The Yukos case shows Russia’s involvement in the manipulation of verdicts in other countries. In this case the former Soviet Republic of Armenia. “Telephone justice”, the habit from the Soviet era to have a verdict prompted from above is still alive and well in Russia. This is shown by research from professor Alena Ledeneva from the University College in London. She concluded in 2011 that extralegal pressure on the judicial process is “widely spread” in the Russian Federation.

Elsewhere in the world, corrupt verdicts also found their way in the judicial process of other countries. A well-known incident was in Ecuador. In 2012, the American oil company Chevron sentenced to pay billions of dollars to the local population for environmental pollution. In 2014 Chevron revealed that lawyers representing the local population had fabricated evidence, bribed local judges and co-wrote the verdict.