

URGENT ACTION

FAMILY IMPRISONED FOR SELLING POPPY SEEDS

Four members of the Polukhin family were accused of drug trafficking in 2010 for selling culinary poppy seeds and each sentenced to eight years in prison after an unfair trial. They have appealed to the Russian Supreme Court. The hearing is expected within days.

Aleksandr Polukhin established a bakery, cafe and a small grocery store, in Voronezh, South Russia, in 2000, after retiring from the air force. His wife **Mariya Polukhina**, their daughter **Yevgeniya Polukhina**, and **Nina Chursina** (Aleksandr Polukhin's sister-in-law) were employed in the family business, which did well and was employing 15 people by 2010. As part of the business they baked poppy seed buns and sold culinary poppy seeds. According to the family, in 2010 officers from the local department of the Federal Drugs Agency demanded "protection money". After they refused to pay, the Federal Drugs Agency brought charges of drug trafficking against them alleging that the poppy seeds the family sold, containing negligible quantities of poppy straw (which is normal in culinary poppy seeds), were narcotic substances intended for drug users.

During the trial, which started in July 2012, the judge unquestioningly accepted the prosecution's case. All prosecution witnesses were anonymous drug users alleged to have bought poppy seeds from members of the family. Three of the witnesses had already been prosecuted for drug-related offences. One of the three witnesses withdrew her testimony in court saying that she had lied in return for criminal charges being dropped against her. The judge did not question these witnesses' reliability and ignored the alibis presented by the family proving that they could not have been selling poppy seeds on two of the occasions claimed by the prosecution. On one occasion Yevgeniya Polukhina had been admitted to hospital suffering a miscarriage. Nina Chursina was accused of selling poppy seeds in May 2010 using a car she bought later, in September 2010.

In July 2015, they were all sentenced for drug trafficking. Aleksandr Polukhin was sentenced to eight years and four months in prison, while Mariya Polukhina, Yevgeniya Polukhina and Nina Chursina were sentenced to eight years and six months. The family had to close the business as a result. Their sentences were reduced by a few months on appeal on 17 February 2016. Further appeal requests before the Voronezh Regional Court on 31 May and the Supreme Court of the Russian Federation on 29 August were refused. The final appeal, submitted on 28 September, is now pending before the Supreme Court and the hearing is expected within days.

Please write immediately in Russian or your own language:

- Calling on the Russian authorities to review the case against the Polukhin family in line with fair trial standards and the powers given to the Prosecutor's Office;
- Urging them to ensure the retrial of the case is carried out in full accordance with fair trial standards.

PLEASE SEND APPEALS BEFORE 18 NOVEMBER 2016 TO:

Prosecutor General of the Russian Federation

Yurii Yakovlevich Chaika
Prosecutor General's Office
ul. B. Dmitrovka, d.15a
125993 Moscow GSP- 3
Russian Federation
Fax: +7 495 987 5841 / +7 495 692 1725
Salutation: Dear Prosecutor General

Prosecutor of Voronezh Region

Nikolai Antolevich Shishkin
pereulok. Krasnoarmeisky 12 "B"
394006 Voronezh
Russian Federation
E-mail: prokuratura-vrn@yandex.ru
Salutation: Dear Prosecutor

And copies to:

Human Rights Ombudsman of the Russian Federation

Tatiana Nikolaevna Moskalkova
ul. Miasnitskaia, 47
107084, Moscow
Russian Federation
Fax: +7 495 607 7470 / +7 495 607 3977
(to check if fax received: +7 495 607 1854)

Also send copies to diplomatic representatives accredited to your country. HIS EXCELLENCY MR ALEXANDER VLADIMIROVICH YAKOVENKO, Embassy of Russia, 6-7 Kensington Palace Gardens, London, W8 4QP, 020 7229 6412. Please check with your section office if sending appeals after the above date.

**AMNESTY
INTERNATIONAL**



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ADDITIONAL INFORMATION

Culinary poppy seeds are widely used in Russia, and their use is not prohibited by Russian law. The abuse of narcotics legislation in relation to culinary poppy seeds has been the subject of public discussion in Russia and statistics on drug-related offences issued by the Federal Drug Agency in 2011 suggest that the Polukhin case may not be the only instance. In 2011 alone, the Federal Drug Agency reported having uncovered 2,649 crimes related to the illegal use of narcotics in the form of culinary poppy seeds. The Agency did not report how many of these cases had reached the courts. In April 2016, the Federal Drug Agency was abolished.

Despite the fact that the independence of the judiciary is declared in the Constitution and in other laws, judges are subject to pressure from the executive and from their seniors within the judiciary to deliver a “stable verdict rate” (stabilnost prigovora). In practice, this means avoiding the situation when the judgement is overturned on appeal. Whereas acquittals are often overturned following an appeal by the prosecution, convictions are extremely rarely overturned when appealed by the defence. This leads to what is commonly described – and widely acknowledged – in Russia as the “accusatorial bias” in the criminal justice system. The lack of independence of the judiciary in Russia has been noted by international human rights bodies such as the UN Human Rights Committee which criticized the lack of independence of the judiciary in its Concluding Observations on Russia in 2015.

According to a family member present throughout the trial, the leading judge in the Polukhin case at the Levoberezhny District Court in Voronezh made a number of statements that were not consistent with the principle of the presumption of innocence. For example, before the hearing was over, the defendants complained to the judge that the prosecutor had threatened them, to which the judge remarked: “After such an attitude and such behaviour I think you will be in prison for a long time yet.”

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