In Russia, Jury Is Something to Work Around

MOSCOW — Iosif L. Nagle was watching a final curtain at his small theater company when he saw two young men waiting for him in the audience. They didn't look like patrons of the arts — something about their faces marked them as law enforcement — and Mr. Nagle bundled up and followed them out into the cold.

A few minutes later the three of them were talking over glasses of vodka. The subject was the jury that Mr. Nagle sat on, which, after four months of testimony, was leaning toward acquittal on some charges brought by the government.

The visitors, showing him cards that identified them as security officers, said it would be awful if such a bunch of criminals went unpunished. Would he consider, one of them said, withdrawing from the jury on the grounds of illness? Mr. Nagle said he had refused without a thought.

"I told them, 'Why should I say I'm sick? You did your job badly, guys,' " said Mr. Nagle, 56. " 'Why did you bring an unsubstantiated case to court?' "

He watched them drive away that night, more annoyed than frightened. But already jurors and alternates were dropping off the panel one by one, and as winter turned into spring, only 12 of them, the number needed for a jury trial, were left. Even as they edged close to a verdict, the question became whether they could stay together long enough to deliver it.

Juries were supposed to change Russia. Introduced amid a raft of liberal reforms in 1993, they shifted power away from the state structure and thrust it into the hands of citizens. Juries introduced real competition into Russia's courts, granting acquittals in 15 to 20 percent of cases, compared with less than 1 percent in cases decided by judges.

But the state has never been happy about leaving the fate of high-profile prosecutions in the hands of ordinary people.

Some juries skeptical of a prosecution have been dismissed on the verge of important verdicts. When they vote to acquit, their verdicts are routinely overturned by higher courts, allowing prosecutors to try for a conviction before another jury. Lawmakers are continuously chipping away at what types of criminal offenses merit a jury trial.

Meanwhile, the number of jury trials remains so small — around 600 a year out of a total of more than one million — that they vanish into a justice system that in some important ways has changed little since Soviet days.

The people on Mr. Nagle's jury last summer were ordinary Muscovites: highbrow intellectuals, a gray-suited businessman, a couple of morning drinkers who got tossed out

early. One juror, a dainty woman who operates a crane, arrived in the metropolis at age 20 with a single suitcase. The foreman had acted at Moscow's most revered theater company.

All of them grew up in a country with no jury system. Mr. Nagle, artistic director at Moscow's French Language Theater, gorged on Perry Mason novels and "Twelve Angry Men" before showing up, his professional interest piqued by "this human comedy which goes on" in the jury room. Rakhilya Z. Salnikova, the crane operator, also came eagerly.

"I felt that it would be an honor for me, that they would have that much trust in me," she said. They settled in to listen to testimony, she said, "as if we were watching a film."

No Ordinary Case

Igor V. Izmestiev, who sat in the metal defendant's cage in the courtroom, had the sleek, well-fed look of the new rich. Though there were 12 other defendants, accused of carrying out contract hits for him, this was the man who mattered, the one at the vortex of power and money.

A multimillionaire and former senator, Mr. Izmestiev, 44, had risen to prominence in his native Bashkortostan, a southwestern republic that sits on enormous reserves of crude oil. He owed much of his success to Murtaza G. Rakhimov, who for two decades ran the region like a personal fief.

Mr. Izmestiev was partners with Mr. Rakhimov's son Ural, whose fortune Forbes estimated at $1.2 billion, and was so close to the family, his lawyer said, that Mr. Rakhimov called him "his second son."

Mr. Izmestiev's political cover caved in spectacularly, and he was arrested on suspicion of murder in 2007. Commentators offered various explanations for the extraordinary prosecution, most often that it served as a warning shot to the Rakhimovs, who were finally forced from power this summer.

Whatever the reason, charges against Mr. Izmestiev accumulated until they included attempting to bribe a Federal Security Service agent, organizing and leading a criminal gang, ordering five murders and six attacks, burning down a printing business, and attempting to kill Ural Rakhimov. A new charge, terrorism, was tacked on in 2008. The jury trial was closed to the public, another move that caught the attention of legal activists.

"I don't know if he is guilty or not," said Lev A. Ponomarev, founder of the group For Human Rights, "but I can say for sure that it is a political question."

In the jury room, a few on the panel were beginning to say the same thing. They were split, occasionally arguing so passionately that the bailiff had to come in, said Lidia S. Vasilyeva,

one of the jurors. She felt that Mr. Izmestiev was probably guilty of some wrongdoing, but not the list of charges he was facing.

“You don’t get that kind of money without getting your hands dirty,” she said, “but everything they tried to hang on him, it was absurd.”

She was one of four jurors who told The New York Times that they were not convinced.

“I think that guilt, not just of one person, but of several people, was not proven,” said Teimuraz Bagylly, a businessman who also serves as deputy director of a legal research group, who withdrew after five months to attend a professional conference. Ms. Salnikova, who dropped out to return to work, agreed.

“I looked at them and thought, ‘This isn’t believable,’ ” she said.

By the time the trial was half over, Mr. Nagle said, he had been persuaded that the charges were driven by politics and money. He said at least half the jury had agreed with him.

“All this seemed unconvincing and unproven, practically the whole prosecution, with very few small exceptions,” he said. “We expected that there would be some main evidence which proved everything. But it never appeared.”

‘Like Spiders in a Jar’

Mr. Nagle did not feel frightened by the investigators who came to visit him that winter. They were his son’s age, he recalled, and he used a sterner tone with them than they did with him. They seemed to accept his answer, he said.

“They understood that threats would only get resistance out of me,” he said.

When he returned to jury duty, he submitted a note informing the judge that law enforcement officials had urged him to withdraw, a blatant violation of Russian law, which grants jurors the same protection from influence as judges. But there was no response, he said.

Two months later, Ms. Vasilyeva said, she too was approached by young men who suggested, during a friendly conversation, that she drop off the jury.

“They said, ‘We know you are leaning toward a verdict of acquittal,’ ” she said. “I said ‘I am not the only one.’ I said I could only speak for myself — I don’t know what another person has in their head.

“I must say that made me feel angry,” she said. “I got really mad. It was anger and nothing but anger.”

By late February, seven months into the trial, 10 jurors had dropped out. The withdrawal of one more would result in a dismissal. But two or three weeks were all they needed to reach deliberations.

Or that's what they thought on Feb. 25, when the judge announced that a victim in the case was sick and the trial would have to wait until he could make a statement.

February turned into March and then April — three feet of crusty snow melted into a slushy deluge — and the 12 of them would remain in the jury room, playing cards or working crossword puzzles, on the days when they were called to appear. First they felt like uninvited guests and then, said Ms. Vasilyeva, like "spiders in a jar." The delays made them angry, and in some cases, suspicious.

By May it was a test of endurance. Juror No. 4 kept complaining that she was needed in her hometown in Siberia, where her mother was sick. The juror was so reluctant to break the quorum that she twice bought airplane tickets and returned them, Ms. Vasilyeva said. Though they were still split on the question of guilt, all 12 felt a stubborn desire to finish, she said.

"I said to everybody, 'Let's go through to the verdict. I'm happy to sit here all night,'" she said.

She was not the only person in suspense. Sergei Antonov, the defense attorney, had felt confident since the fall, when he watched jurors smirking at prosecution witnesses. Then, one of the investigators assigned to the case had approached him in the smoking room and congratulated him on winning, he said.

"He said, 'We listen to the jury and we know they are tending toward acquittal,' " he said.

But as the recess dragged on, Mr. Antonov realized that one of 12 jurors was bound to drop out.

"When nothing is happening, sooner or later the question arises, 'Does it make sense to show up tomorrow?' " he said. "These people, for three months, they came every day. I realized that they wanted to give a verdict."

But the filaments that held them together were fraying. The fourth juror submitted a note saying she was leaving for Siberia, and offering to return to Moscow if testimony resumed, said her fellow jurors. On May 12, the panel was dismissed.

'There Is No Justice'

Ms. Vasilyeva, a retired telephone operator, professes herself entirely uninterested in politics — she rarely reads a newspaper, she said proudly. But as the jury's designated mother hen, she was angry enough to speak publicly about the dismissal, about how

unprotected jurors are from outside influence, how hard they worked to reach a verdict, how frustrating it was not to deliver it.

“Where money and politics are mixed up,” she said, “there is no justice.”

Mr. Nagle was similarly outspoken. He complained that “in old age, I have become disappointed in the justice system,” and told a television news crew about being approached by law enforcement and asked to drop out.

The experience left such a sour taste in his mouth, he said, that he tries not to dwell on it.

“The law doesn’t work. People in power can do whatever they want with the law,” he said. “It is always unpleasant when some of your illusions are destroyed.”

The only answer he has gotten is an indirect one.

A few days after Mr. Nagle described his complaints on the air, Pervy Kanal, the state-controlled television station, aired a segment devoted to the crimes of Mr. Izmestiev, concluding that “it is impossible to extract details from this porridge of politics, oil and blood, but it’s clear it has been brewed by one thing: big money.”

The camera cut to the host of the show, Aleksei V. Pimanov, a powerful television executive who has recently been nominated by the governing party, United Russia, to become a senator. Mr. Pimanov delivered a barbed message to the jurors who had spoken out, implying that they had been bribed by the defense.

“We would not have made this program while the case was going on if it had not been for the very strange behavior of these former jurors,” said Mr. Pimanov. “Something tells me that their statements — made in violation of all rules and laws — were made for a good reason. What that reason was, you can guess for yourselves.”

Since then, the jurors have kept quiet.

As for the case against Mr. Izmestiev, it will most likely end with a verdict in a matter of weeks.

This time the state is taking no chances. A spokesman for Russia’s general prosecutor, Yury Y. Chaika, would not respond to an inquiry from The Times on the matter, saying the case is still pending. But at a ceremony honoring investigators this fall, Mr. Chaika singled out the Izmestiev prosecution as a singular success.

He has every reason to be confident.

This spring, while the jurors were playing cards in the jury room, Russia's Constitutional Court ruled that terrorism cases were too important to be trusted to ordinary citizens — they are, the court reasoned, too vulnerable to intimidation.

So this time, the verdict will be decided by a panel of three judges.