

Russian Physicist Given Suspended Prison Term

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MOSCOW, Aug. 8 — A Russian scientist was given a six-year suspended sentence Tuesday for the export to South Korea of technology that prosecutors contended could be used to manufacture missiles. The case has drawn criticism from human rights activists and researchers.

Oscar Kaibyshev, 67, a physicist at an institute in the city of Ufa, about 750 miles east of Moscow, was also fined \$133,000 for his dealings with a South Korean company that manufactures car wheel frames.

The case was one of a number of high-profile prosecutions in recent years of Russian scientists for exporting purportedly forbidden technology or conducting foreign-funded research that the authorities said amounted to espionage.

The campaign, called "spy-mania" by the New York-based advocacy group Human Rights Watch, has sent a chill through the research community here. Scientists and human rights activists argue that the evidence in these cases, including Kaibyshev's, is weak or nonexistent. They say the charges usually stem from a desire by the country's security services to exercise Soviet-style control over researchers and force them to share some of the profits of their businesses.

"These cases are a warning to all those who work with foreign partners," said Yury Ryzhov, head of the Public Committee for the Protection of Scientists, a group that helps scientists defend themselves.

Prosecutors had asked for a six-year prison term. Kaibyshev's attorney said the judge's decision to suspend the

sentence was a clear indication that the court was troubled by the lack of evidence but not confident enough to acquit because the case was brought by the FSB, the domestic successor of the KGB. The trial was closed to the public.

"In our country, when an investigation is held by the FSB, it is practically impossible to find someone not guilty," said the attorney, Yuri Gervis. "The judge needs to continue working, but his professional ethics and his decency didn't allow him to send Kaibyshev to prison."

The government said it would probably appeal the sentence. "We asked for punishment in the form of imprisonment," noted Svetlana Kapustina, one of the prosecutors, speaking to reporters after the verdict.

Kaibyshev was first arrested in March 2003 after Russian agents stopped a South Korean delegation at Ufa's airport. The delegation included representatives of the Korea Aerospace Research Institute and ASA Co. who were working with Kaibyshev on a new technique for the manufacture of car wheel frames, according to Kaibyshev and Nam Sung Kang, a director of ASA.

The FSB, however, said the South Koreans were obtaining state secrets, including information that could be used in the manufacture of rockets and other armaments. In an interview with The Washington Post last year, Kang said the allegations were baseless and his company had a simple commercial partnership with Kaibyshev.

Kaibyshev was the director of the Institute for Metals Superplasticity Problems in Ufa, a research facility that was once part of the Soviet Union's military industrial complex. He is a world-



Oscar Kaibyshev was accused of exporting technology prosecutors said could be used for making missiles.

renowned expert on superplasticity, a physical property, usually of a metal or alloy, that allows it to stretch while holding or increasing strength.

He published a book on the subject in the United States and holds several international patents on the technology. He said he has worked with numerous foreign companies, including General Electric Co., over the last decade.

Two special panels at the Russian Academy of Sciences concluded that the information Kaibyshev gave the South Koreans had long been in the public domain. And some of the experts the FSB used to justify its prosecution appeared to be unqualified to assess the technology or were Kaibyshev's business rivals, according to defense attorneys and scientists. The probe was also marred by the conviction of an FSB officer on a charge of stealing about \$70,000 from the institute's safe during the investigation.

"The verdict is a terrible decision because a person who is innocent was found guilty," Kaibyshev said in a phone interview. "But unlike other scientists, I didn't end up in prison."

The scientist said, however, that he would never work with foreigners again because the risks are now too great.