



RUSSIAN FEDERATION

Mid-term Report - Review of the implementation of recommendations with respect to the rule of law and the role of lawyers accepted by the Russian Federation during the UPR in 2013

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I Introduction

1. Lawyers for Lawyers (L4L) is an independent Dutch foundation, funded solely by lawyers' donations. The foundation was established in 1986 and has special consultative status with ECOSOC since 2013.¹
2. L4L's mission is to promote the proper functioning of the rule of law through a free and independent exercise of the legal profession, in conformity with international law, including but not limited to the International Covenant on Civil and Political Rights (ICCPR) and the Basic Principles on the Role of Lawyers of the United Nations (Basic Principles).² We do this by supporting lawyers across the world who are threatened or suppressed as a result of discharging their functions and by promoting the proper role of lawyers.³
3. As part of its mission, L4L seeks to assess the human rights performance of states with respect to the rule of law and the role of lawyers through the Universal Periodic Review (UPR) During the UPR of the Russian Federation in 2013, the Russian government received and accepted recommendations concerning human rights defenders, including lawyers. In this mid-term report, L4L reviews to which extent these recommendations have been implemented with respect to lawyers.

II Executive Summary

4. During the UPR in 2013, the Russian Federation received and accepted six (6) recommendations regarding due investigation and prosecution of all cases of violence, threats and attacks against human rights defenders, including lawyers: Recommendations 140.186 (Norway), 140.187 (Poland), 140.189 (Slovakia), 140.190 (Czech Republic), 140.191 (Netherlands) and 140.192 (Spain).⁴ It also received and accepted one (1) recommendation with respect to effective guarantees to the right to a fair trial by allowing detainees to freely consult a lawyer of their choice from upon arrest: Recommendation 140.123 (France).⁵
5. This submission outlines L4L's findings to which extend the Russian Federation has implemented these recommendations with respect to lawyers.
6. Our mid-term report illustrates with a number of individual cases that the Russian Federation has not implemented recommendations 140.186 - 140.187 and 140.189 - 140.192 and has only partially implemented recommendation 140.123 with respect to lawyers. The examples show that there was no effective investigation into several serious physical attacks on lawyers, some resulting in

¹ For more information visit our website: <http://www.advocatenvooradvocaten.nl/about-us/>

² Basic Principles on the Role of Lawyers, unanimously adopted by the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders in Havana, Cuba on 7 September 1990. Subsequently, the UN General Assembly "welcomed" the Basic Principles in their 'Human rights in the administration of justice' resolution, which was adopted without a vote on 18 December 1990 in both the session of the Third Committee and the plenary session of the General Assembly.

³ For more information visit our website: <http://www.advocatenvooradvocaten.nl/what-we-do/>

⁴ Report of the Working Group on the Universal Periodic Review of the Russian Federation, A/HRC/24/14 , 8 July 2013, p. 24-25

⁵ Ibid., p. 20

the death of the lawyer. , In some cases, the Russian authorities have also failed to guarantee effective access to legal services provided by an independent legal professional. This is required to ensure the right to equality before courts and tribunals and the right to a fair trial.

Recommendations

7. **L4L urges the Russian authorities to ensure effective, prompt, impartial an transparent investigation and prosecution of all alleged attacks, threats and violence against and killings of lawyers to guarantee the functioning of lawyers in line with Principles 16, 17 and 18 of the Basic Principles on the Role of Lawyers and article 14 ICCPR⁶. The Russian Federation should implement recommendations 140.186- 140.187 and 140.189 - 140.192 fully and without any delay.**
8. **L4L urges the Russian authorities to ensure the right to fair trial and to guarantee that every citizen has effective access to justice and independent legal assistance of their choice, in line with Preamble 9 and Principle 1 as well as Principles 16, 17 and 18 of the Basic Principles on the Role of Lawyers and article 14 ICCPR⁷. The Russian Federation should implement recommendation 140.123 fully and without any delay.**

⁶ Principle 16 of the Basic Principles on the Role of Lawyers: Governments shall ensure that lawyers (a) are able to perform all of their professional functions without intimidation, hindrance, harassment or improper interference; (b) are able to travel and to consult with their clients freely both within their own country and abroad; and (c) shall not suffer, or be threatened with, prosecution or administrative, economic or other sanctions for any action taken in accordance with recognized professional duties, standards and ethics.

Principle 17 of the Basic Principles on the Role of Lawyers: Where the security of lawyers is threatened as a result of discharging their functions, they shall be adequately safeguarded by the authorities.

Principle 18 of the Basic Principles on the role of lawyers: Lawyers shall not be identified with their clients or their clients' causes as a result of discharging their functions.

Article 14 of the ICCPR: 1. All persons shall be equal before the courts and tribunals. In the determination of any criminal charge against him, or of his rights and obligations in a suit at law, everyone shall be entitled to a fair and public hearing by a competent, independent and impartial tribunal established by law. The press and the public may be excluded from all or part of a trial for reasons of morals, public order (ordre public) or national security in a democratic society, or when the interest of the private lives of the parties so requires, or to the extent strictly necessary in the opinion of the court in special circumstances where publicity would prejudice the interests of justice; but any judgement rendered in a criminal case or in a suit at law shall be made public except where the interest of juvenile persons otherwise requires or the proceedings concern matrimonial disputes or the guardianship of children.

2. Everyone charged with a criminal offence shall have the right to be presumed innocent until proved guilty according to law.

3. In the determination of any criminal charge against him, everyone shall be entitled to the following minimum guarantees, in full equality: (a) To be informed promptly and in detail in a language which he understands of the nature and cause of the charge against him;

(b) To have adequate time and facilities for the preparation of his defense and to communicate with counsel of his own choosing;

(c) To be tried without undue delay;

(d) To be tried in his presence, and to defend himself in person or through legal assistance of his own choosing; to be informed, if he does not have legal assistance, of this right; and to have legal assistance assigned to him, in any case where the interests of justice so require, and without payment by him in any such case if he does not have sufficient means to pay for it;

(e) To examine, or have examined, the witnesses against him and to obtain the attendance and examination of witnesses on his behalf under the same conditions as witnesses against him;

(f) To have the free assistance of an interpreter if he cannot understand or speak the language used in court;

(g) Not to be compelled to testify against himself or to confess guilt.

⁷ Principle 1 of the Basic Principles on the Role of Lawyers: All persons are entitled to call upon the assistance of a lawyer of their choice to protect and establish their rights and to defend them in all stages of criminal proceedings.

III Recommendations

9. The following six states have submitted recommendations on the lack of prompt, effective and impartial investigations into attacks on- or threats against lawyers:

140.186. *Investigate promptly, effectively and impartially all reports of attacks on or threats against human rights defenders, lawyers, journalists and civil society activists, and identify those responsible and bring them to justice (Norway);*

140.187. *Effectively investigate all cases of violence against human rights defenders, in order to hold the perpetrators accountable (Poland);*

140.189. *Ensure due investigation and prosecution of all alleged attacks against human rights defenders and independent journalists (Slovakia);*

140.190. *Effectively and promptly investigate all reports of attacks or threats against human rights defenders and journalists and bring perpetrators to justice (Czech Republic);*

140.191. *Investigate all cases of aggressions or threats against human rights defenders, journalists, and civil society activists (Netherlands);*

140.192. *Investigate with due diligence any complaints filed by journalists and human rights defenders for harassment or repression based on their work or activity, and bring to justice and punish perpetrators, if any (Spain);*

→ L4L finds recommendations 140.186- 140.187 and 140.189 – 140.192 were not implemented.

10. Furthermore, France provided a recommendation on the lack of effective guarantees to the right to a fair trial by allowing detainees to freely consult a lawyer of their choice from upon arrest:

140.123. *Guarantee the right to a fair trial by strengthening the independence of the Judiciary and by allowing detainees to freely consult a lawyer of their choice from upon arrest (France).*

→ L4L finds recommendation 140.123 was partially implemented in so far it related to "allowing detainees to freely consult a lawyer of their choice from upon arrest".

IV Effective mechanisms for the protection of human rights

11. The adequate protection of human rights and fundamental freedoms requires that every citizen has effective access to justice and legal assistance. Legal assistance can only be provided effectively in a judicial system where lawyers, along with judges and prosecutors, are able to carry out their professional activities independently. This follows from – amongst other international instruments - the ICCPR and the Basic Principles on the Role of Lawyers.
12. In its task of promoting and ensuring the proper role of lawyers, the Russian government should respect and take into account the Basic Principles within the framework of its national legislation and practice. Adherence to the Basic Principles is considered a fundamental pre-condition to fulfilling the requirement that all persons have effective access to independent legal assistance.⁸
13. We welcome that the Russian Federation accepted⁹ recommendations 140.186 – 140.187 and 140.189 - 140.192¹⁰ on the prompt, effective and impartial investigations into attacks on, or threats against human rights defenders, including lawyers, and the identification of those responsible to bring them to justice. We furthermore welcome that the Russian Federation accepted recommendation 140.123¹¹, on guaranteeing the right to a fair trial by allowing detainees to freely consult a lawyer of their choice upon arrest. The Russian authorities commented on this recommendation that: *“the right to consult freely with counsel of the detainee’s choice immediately upon arrest is already laid down in article 48 of the Constitution and is realized in practice without any restrictions”*.¹²

⁸ Basic Principles on the Role of Lawyers, Preamble and paragraph 8 in particular.

⁹ Addendum to the Report of the Working Group on the Universal Periodic Review of the Russian Federation, A/HRC/24/14/Add.1, 2 September 2013

¹⁰ 140.186. Investigate promptly, effectively and impartially all reports of attacks on or threats against human rights defenders, lawyers, journalists and civil society activists, and identify those responsible and bring them to justice (Norway);

140.187. Effectively investigate all cases of violence against human rights defenders, in order to hold the perpetrators accountable (Poland);

140.189. Ensure due investigation and prosecution of all alleged attacks against human rights defenders and independent journalists (Slovakia);

140.190. Effectively and promptly investigate all reports of attacks or threats against human rights defenders and journalists and bring perpetrators to justice (Czech Republic);

140.191. Investigate all cases of aggressions or threats against human rights defenders, journalists, and civil society activists (Netherlands);

140.192. Investigate with due diligence any complaints filed by journalists and human rights defenders for harassment or repression based on their work or activity, and bring to justice and punish perpetrators, if any (Spain);

Report of the Working Group on the Universal Periodic Review of the Russian Federation, A/HRC/24/14 , 8 July 2013, p. 24-25

¹¹ 140.123. Guarantee the right to a fair trial by strengthening the independence of the Judiciary and by allowing detainees to freely consult a lawyer of their choice from upon arrest (France)

Report of the Working Group on the Universal Periodic Review of the Russian Federation, A/HRC/24/14 , 8 July 2013, p. 20

¹² Addendum to the Report of the Working Group on the Universal Periodic Review of the Russian Federation: Views on conclusions and/or recommendations, voluntary commitments and replies presented by the State under review, A/HRC/24/14/Add.1, 2 September 2013, page 17.

14. However, reports gathered by L4L and information that we received from lawyers in the Russian Federation, demonstrate that the accepted recommendations have not yet been (fully) implemented and that in practice the Russian authorities do not always uphold the necessary guarantees for the proper functioning of the legal profession. As a consequence, lawyers encounter difficulties in carrying out their profession independently.
15. The United Nations Human Rights Committee drew similar conclusions after its review of the Russian Federation under the ICCPR in 2015. In its concluding observations of 2 April 2015 the Committee stated it:

"remains concerned at reports of harassment, death threats, intimidation, physical violence and killing of lawyers, (...) in connection with their professional activities, and at the slow progress in investigating such cases"¹³.

It called on the Russian Federation to:

"take immediate steps to provide, in practice, effective protection to lawyers, (...) whose lives, safety and security are under threat due to their work in monitoring and reporting on human rights issues and on other matters of legal and public interest, and refrain from taking any measures that may constitute harassment or persecution or undue interference in the exercise of their work or of their right to freedom of opinion and expression. It should effectively investigate, prosecute and bring perpetrators of the above acts to justice."¹⁴

V The lack of prompt, effective and impartial investigations into attacks on, or threats against lawyers

16. L4L has long been concerned about attempts to harass and disrupt the work of lawyers in the Russian Federation who act as human rights defenders or represent persons perceived to be opponents of the Russian authorities. Since accepting recommendations 140.186-140.187 and 140.189 - 140.192 received during the second cycle of the Universal Periodic Review in 2013, the Russian authorities have failed to take substantive steps to ensure the right to effective legal representation.
16. According to the information L4L received, since May 2013, lawyers in the Russian Federation have faced threats, intimidation and (physical) attacks. At least two lawyers have been killed. There are no reports indicating that any arrests were made in relation to these crimes. In one case, the police refused assistance. This is illustrated by the following cases:

¹³ Concluding observations on the seventh periodic report of the Russian Federation, Human Rights Committee, CCPR/C/RUS/CO/7, 28 April 2015, par. 18. In a [submission](#) and an [oral statement](#), L4L highlighted the Russian Federation's failure to protect its lawyers and ensure the right to effective legal representation.

¹⁴ *idem*.

- a. **Murad Magomedov, Dagestan.** *On 4 February 2015, a group of unidentified men attacked defense lawyer Murad Magomedov in Dagestan, causing serious injuries, including multiple jaw fractures. The attack took place in broad daylight during a break in a Supreme Court hearing in which Magomedov was defending his client, Akhmed Israpilov, who was on trial on charges of terrorism. Magomedov had previously received threats in connection with his work as a human rights lawyer.*¹⁵
- b. **Arkady Chaplygin, St. Petersburg.** *On 26 November 2014, two unidentified persons posing as couriers beat Arkady Chaplygin at his office. At the time of the attack, Arkady Chaplygin was head of the specialized bar association 'Prizyvnik' in St. Petersburg and chairman of the regional branch of the Party of Progress. When the attackers entered the lobby, they immediately started to attack Chaplygin and then disappeared. Chaplygin suffered injuries to his left hand and a hematoma in the area of the liver. Applications were filed to the police and the prosecutor's office, demanding an investigation into the attack. However, the Federal Security Service (FSB) did not take any action upon receiving the application. Fellow members of Chaplygin's party believe the attack is connected to his professional duties. Chaplygin has been working on several cases related to violations during the Russian Federations' Regional Elections of 14 September 2014, demanding cancellation of the election results due to suspicions of election fraud.*¹⁶
- c. **Vitaly Cherkasov.** *On 25 November 2014, human rights lawyer Vitaly Cherkasov¹⁷ was attacked when defending an LGBTI rights activist in court. A group of approximately ten people identifying themselves as "Orthodox Church activists" verbally attacked Cherkasov and attempted to spray an unidentified liquid from two syringes into his face. Fortunately, Cherkasov managed to duck, having the liquid land on his clothes and hands. Cherkasov called the police but there was no response to his request for assistance. He went to the police station to lodge a complaint about the incident and asked for analysis of the liquid on his clothes, but the police refused to take samples.*¹⁸

¹⁵ Lawyers for Lawyers publication, 6 February 2015 <http://www.advocatenvooradvocaten.nl/10324/russian-federation-physical-attack-against-lawyer-in-dagestan/>

¹⁶ Lawyers for Lawyers publication, 1 December 2014: <http://www.advocatenvooradvocaten.nl/10307/russian-federation-st-petersburg-lawyer-assaulted/>

¹⁷ At the time of the attack Vitaly Cherkasov was a member of the Interregional Association of Human Rights Organization "Agora", which provided legal aid to non-governmental organizations and civic activists, including LGBTI rights activists. Other Agora lawyers were also threatened. In 2011, Inur Sharapov received several death threats by phone. In 2012 and 2013, Sergey Golubok and Dmitri Dinze received threats in connection to their defense of LGBTI activists. On 10 February 2016, Agora was liquidated by a court decision as result of a lawsuit filed by the Ministry of Justice claiming Agora violated the Russian Foreign Agent Law. International Federation for Human Rights, 11 February 2016: <https://www.fidh.org/en/issues/human-rights-defenders/russia-first-human-rights-organisation-liquidated-by-court-for>.

¹⁸ Lawyers for Lawyers publication, 30 December 2014: <http://www.advocatenvooradvocaten.nl/9889/russian-federation-lawyer-attacked-after-defending-lgbti-activist/> and Lawyers for Lawyers letter: <http://www.advocatenvooradvocaten.nl/actions/vitaly-cherkasov-l4l-letter/>

- d. **Vitaliy Moiseyev and Tatiana Akimtseva.** *Lawyer Vitaliy Moiseyev and his wife Elena Moiseyeva were murdered on 24 October 2014. There is reason to believe that they were killed because of Moiseyev's legitimate legal activities. Moiseyev represented Sergey Zhurba, a key witness in a case concerning a significant number of killings by members of a criminal organization active in Moscow particularly during the 1990s. The case concerned the head of the criminal gang, Dmitry Belking, and his accomplice Oleg Pronin. On 23 October 2014, Dmitry Belking and Oleg Pronin were found guilty of committing 22 murders and 11 attempted murders as well as a number of other crimes. Thus, the killing of Mr. Moiseyev happened the morning following the verdict against the leader of the gang. Moreover, the killing took place only a few hours before Mr. Moiseyev was to testify in court in relation to a separate case against leaders of the Orekhovskaya gang. This is the second killing of a lawyer representing Sergey Zhurba in this case. On 23 September 2014, lawyer Tatiana Akimtseva was shot near her apartment, after supposedly having received threats.*¹⁹
- e. **Magomed Guchuchaliev, Dagestan.** *On 12 July 2013, lawyer Magomed Guchuchaliev was killed by two unknown men in Makhachkala, Dagestan. Until September 2012, Magomed Guchuchaliev was working for Kavkaz (advokatskaya kollegiya 'Kavkaz'), a law firm known for defending persons accused of membership of armed groups. Lawyers from Kavkaz repeatedly alleged that law enforcement agencies fabricated criminal evidence and used torture against their clients. For years, lawyers of this firm have been receiving threats in connection with their professional activities and have faced acts of harassment by members of the authorities.*²⁰
- f. **Joint Mobile Group (JMG), North Caucasus.** *In November 2009 the JMG was established by a group of Russian human rights organizations, with a leading role played by the Committee for Prevention of Torture (CPT)²¹. The JMG consists of human rights lawyers who volunteer to investigate incidents of human rights abuse in Chechnya.²² In December*

¹⁹ Lawyers for Lawyers publication, 3 December 2014: <http://www.advocatenvooradvocaten.nl/9795/russian-federation-lawyer-killed-together-with-his-wife/> and Lawyers for Lawyers letter:, 2 December 2014: <http://www.advocatenvooradvocaten.nl/actions/vitaliy-moiseyev-l4l-letter/>

²⁰ Guchuchaliev's colleague, Omar Saidmagomedov and his cousin were also killed in January 2012 by security officials. While in 2008, another colleague of Guchuchaliev, Konstantin Mudunov, survived an attempt on his life. The authorities reported the killing of Omar Saidmagomedov and his cousin as a killing of two members of an armed group, although there were allegedly strong allegations that Saigmagomedov was targeted in connection with his work and extra judicially executed. According to our information, these allegations have never been effectively investigated. In addition, a parallel investigation was requested by Omar Saidmagomedov's colleagues to ensure that the authorities impartially investigated his death, but this led instead to themselves being harassed by investigation officials. Lawyers for Lawyers publication, 9 August 2013: <http://www.advocatenvooradvocaten.nl/8202/russia-lawyer-from-dagestan-killed/>

²¹ Previously: Committee Against Torture (CAT).

²² Frontline defenders describes the activities of the JMG as follows: "The Joint Mobile Group consists of legal and communications experts from different parts of the Russian Federation who travel to Chechnya whenever there is an incident of human rights abuse. They travel with video cameras, which enable them to collect evidence and interview survivors and witnesses for use in subsequent prosecutions. In the climate of total impunity currently prevailing in Chechnya the Joint Mobile Group plays a crucial role in collecting evidence before it is either contaminated or destroyed by the local police and security forces who have in the past tried

2014, the JMG offices in Grozny (Chechnya) were set ablaze. On June 3, 2015, the JMG Grozny offices were again violently attacked and destroyed by an organized mob. The JMG stated they repeatedly contacted the police, but assistance was refused. Bystanders proclaimed there were police in the crowd, who did not intervene. No one has been held accountable for these attacks.²³

On March 9, 2016, masked assailants in three cars blocked a small bus carrying two members of the JMG as well as six foreign and Russian journalists near the border of Chechnya, violently beat them with bats, robbed them and set the vehicle on fire. Furthermore, only a few hours later, several masked men – some in civilian clothing and others in camouflage, armed with automatic weapons – stormed the JMG Ingushetia office. L4L urges the Russian authorities to conduct thorough, impartial investigation into the latest attacks on the JMG, as they have stated they would do.^{24 25}

17. As becomes clear from the cases mentioned above, the Russian authorities in these cases have failed to carry out prompt, thorough, impartial and transparent investigations into the threats, attacks and killings, so as to identify all those responsible and bring them to justice. In addition to the direct effects on the lawyers in question, impunity has a “chilling effect” on other lawyers, negatively influencing the quality of their work, potentially forcing them to renounce certain kinds of cases, and work in the fear that they or their families may be at risk because of their work.²⁶

Recommendation

18. **L4L urges the Russian authorities to ensure effective, prompt, impartial an transparent investigation and prosecution of all alleged attacks, threats and violence against and killings of lawyers to guarantee the functioning of lawyers in line with Principles 16, 17 and 18 of the Basic Principles on the Role of Lawyers and article 14 ICCPR²⁷. The Russian**

to block investigations by either destroying or forging evidence."

<https://www.frontlinedefenders.org/en/case/case-history-joint-mobile-group>

²³ Joint Statement by Human Rights Watch, Amnesty International and Front Line Defenders, 3 June 2015:

<https://www.hrw.org/news/2015/06/03/joint-statement-human-rights-watch-amnesty-international-and-front-line-defenders>.

²⁴ Many NGOs have reported the recent instances, for example: Human Rights Watch publication, 9 March 2016: <https://www.hrw.org/news/2016/03/09/russia-journalists-activists-attacked-north-caucasus> and The International Federation for Human Rights (FIDH), 14 March 2016: <https://www.fidh.org/en/issues/human-rights-defenders/russian-federation-members-of-the-joint-mobile-group-and-journalists#>.

²⁵ Frontline Defenders has published reports on all attacks on JMG:

<https://www.frontlinedefenders.org/en/case/case-history-joint-mobile-group>.

²⁶ See also Gabriela Knaul, *Preliminary observations on the official visit to the Russian Federation by the Special Rapporteur on the independence of judges and lawyers*, 25 April 2013, at:

<http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=13264&LangID=E>.

²⁷ Principle 16 of the Basic Principles on the Role of Lawyers: Governments shall ensure that lawyers (a) are able to perform all of their professional functions without intimidation, hindrance, harassment or improper interference; (b) are able to travel and to consult with their clients freely both within their own country and abroad; and (c) shall not suffer, or be threatened with, prosecution or administrative, economic or other sanctions for any action taken in accordance with recognized professional duties, standards and ethics.

Federation should implement recommendations 140.186- 140.187 and 140.189 - 140.192 fully and without any delay.

VI No effective guarantees to the right to a fair trial

19. The adequate protection of human rights and fundamental freedoms requires that every citizen has effective access to justice and legal assistance. However, since accepting recommendation 140.123, received during the second cycle of the Universal Periodic Review (May 2013), the Russian authorities have failed to take substantive steps to ensure the right to fair trial and to guarantee that every citizen has effective access to justice and legal assistance of their choice.
20. Russian investigative authorities have increasingly tried to exclude lawyers from cases by all means. Recent examples show that investigators demand lawyers to testify in their client's cases, issue fabricated complaints against lawyers and put pressure on clients to replace the lawyer of their choice:
 - a. **Georgy Antonov.** *On 22 July 2014 the International Commission of Jurists (ICJ) reported that the Russian investigative authorities were trying to impede the work of lawyer Georgy Antonov. Against his will Antonov was interrogated as a witness in his client's case. Subsequently, the authorities removed him from the case and initiated criminal proceedings against him. Furthermore, his home was searched and legal documents in*

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Principle 18 of the Basic Principles on the role of lawyers: Lawyers shall not be identified with their clients or their clients' causes as a result of discharging their functions.

Article 14 of the ICCPR: 1. All persons shall be equal before the courts and tribunals. In the determination of any criminal charge against him, or of his rights and obligations in a suit at law, everyone shall be entitled to a fair and public hearing by a competent, independent and impartial tribunal established by law. The press and the public may be excluded from all or part of a trial for reasons of morals, public order (ordre public) or national security in a democratic society, or when the interest of the private lives of the parties so requires, or to the extent strictly necessary in the opinion of the court in special circumstances where publicity would prejudice the interests of justice; but any judgement rendered in a criminal case or in a suit at law shall be made public except where the interest of juvenile persons otherwise requires or the proceedings concern matrimonial disputes or the guardianship of children.

2. Everyone charged with a criminal offence shall have the right to be presumed innocent until proved guilty according to law.

3. In the determination of any criminal charge against him, everyone shall be entitled to the following minimum guarantees, in full equality: (a) To be informed promptly and in detail in a language which he understands of the nature and cause of the charge against him;

(b) To have adequate time and facilities for the preparation of his defense and to communicate with counsel of his own choosing;

(c) To be tried without undue delay;

(d) To be tried in his presence, and to defend himself in person or through legal assistance of his own choosing; to be informed, if he does not have legal assistance, of this right; and to have legal assistance assigned to him, in any case where the interests of justice so require, and without payment by him in any such case if he does not have sufficient means to pay for it;

(e) To examine, or have examined, the witnesses against him and to obtain the attendance and examination of witnesses on his behalf under the same conditions as witnesses against him;

(f) To have the free assistance of an interpreter if he cannot understand or speak the language used in court;

(g) Not to be compelled to testify against himself or to confess guilt.

his possession were seized.²⁸ On 27 April 2015, Antonov was convicted for the 'disclosure of confidential information'.²⁹

- b. **Yegor Mylnikov.** *Twice, Yegor Mylnikov was forced to stop the defense of his client in a criminal case, because he had to defend himself in court. After he won his cases, Mylnikov received a formal warning from the Bar Association, which he also successfully refuted in court. In September 2013 and January 2014, Mylnikov was temporarily deprived of his status as defense counsel so that he could be interrogated as a witness in the case against his clients. Mylnikov submitted a complaint to the Novgorod Region Chamber of Lawyers about the violation of his professional rights, namely the illegal removal as counsel by means of fictitious interrogation. Subsequently, in April 2014, the Board of the Novgorod Region Chamber of Lawyers accused Mylnikov of breaking the law and legal ethics. He was alleged to have defended his client in defiance of the investigator's prohibitions and having assisted his client in filing complaints against the assigned counsel. Mylnikov was warned that if he would not stop the defense of his client in that case, he would be deprived of the defense lawyer status. In July 2014, the Vyborg City Court considered the complaint filed by Mylnikov's client and found the interrogation of Mylnikov to be illegal and conducted with the sole purpose as to remove Mylnikov from the case. On 8 October 2014, the Court Collegium for Civil Cases of the Novgorod Regional Court dismissed all the charges against Mylnikov.*³⁰
- c. **Mark Feygin, Ilya Novikov and Nikolay Polozov.** *Since 11 June 2014, Mark Feygin together with lawyers Ilya Novikov and Nikolay Polozov have defended Nadiya Savchenko, a Ukrainian air-force pilot who is held in Russian Federation and is charged with the killing of two Russian journalists. Russian investigators have tried to exclude Savchenko's attorneys from the case. They put pressure on Savchenko as well as her family members in order to have them replaced by other lawyers. Savchenko reportedly announced that investigator Dmitry Manshin, who is heading her case, has offered her a "chance" to replace her attorneys with someone more "loyal to the authorities and the investigation". Feygin stated that investigator Dmitry Manshin had also made an attempt to get him and his colleague lawyers to sign a non-disclosure agreement. Feygin and Polozov stated they received constant threats mostly through social media, including death threats. In addition, the Russian authorities tried to initiate a criminal case against Mark Feygin under Art. 282 of the Criminal*

²⁸ International Commission of Jurists publication, 22 July 2014: <http://www.icj.org/russian-federation-icj-concerned-at-prosecution-of-lawyer-georgy-antonov/> and Lawyers for Lawyers publication, 24 July 2014: <http://www.advocatenvooradvocaten.nl/9663/russian-federation-14-concerned-at-prosecution-of-lawyer-georgy-antonov/>

²⁹ <http://basman.mos.ru/presscenter/news/detail/1838269.html>

³⁰ A second lawyer who worked together with Mylnikov on the same case, also faced disciplinary proceedings. The investigator filed a complaint against the lawyer at the Novgorod Bar Association. Lawyers for Lawyers publication, 3 November 2014: <http://www.advocatenvooradvocaten.nl/10317/russian-federation-court-interrogation-of-lawyer-illegal/>

Code of the Russian Federation for publishing tweets on his twitter account that "have an extremist character". These tweets were, according to our sources, for the support of Savchenko's case. The Ministry of Justice also requested the Moscow Bar Association to conduct an audit of Mark Feygin's activities, to establish whether these alleged "extremist statements" are in violation of the code of lawyer's ethics and could lead to disciplinary action.³¹ In 2015, the Russian authorities decided to suspend their efforts to initiate a criminal case.

Recommendation

- 21. L4L urges the Russian authorities to ensure the right to fair trial and to guarantee that every citizen has effective access to justice and independent legal assistance of their choice, in line with Preamble 9 and Principles 1 as well as Principles 16, 17 and 18 of the Basic Principles on the Role of Lawyers and article 14 ICCPR. The Russian Federation should implement recommendation 140.123 fully and without any delay.**

³¹ Lawyers for Lawyers publication, 14 March 2015 <http://www.advocatenvooradvocaten.nl/10312/russian-federation-investigators-increasingly-hinder-the-work-of-lawyers/> and Lawyers for Lawyers letter, 24 April 2015: <http://www.advocatenvooradvocaten.nl/actions/mark-feygin-l4l-letter/>