

Report
on the situation of Russian lawyers facing harassment

The International protection center – Moscow based organization along with Centre de la Protection International – Strasbourg based human rights organization submit this report on the intimidation of Russian lawyers as the reaction for the expression of their opinion and/or with regard to their professional activities, as well as on account of the exercise of their fundamental right to freedom of conscience and expression.

We call you attention for the cases of all Russian lawyers who have faced unlawful and unjustified prosecution on the part of the public authorities of Russia. Unfortunately, the corporate bodies of the Russian Bar (the Federal Chamber of Lawyers of Russia as well as some regional chambers of lawyers) have failed to oppose such harassment, contrary to the duties vested in them in view of their standing; moreover, they have even contributed to such repression.

In 2022, the Board of the St.-Petersburg Chamber of Lawyers conceded to the persistent demands originating from the Ministry of Justice of Russia and, contrary to the language of the law, decided to suspend the status of Ivan Pavlov as a lawyer, in the absence of the lawyer's consent, and imposed a disciplinary sanction on him (a warning). At the same time, the bar association refrained from protecting the lawyer's rights in view of his being put on the list of "foreign agents", or in view of the unfounded criminal charges of disclosing the details of pre-trial investigations. As a result, the lawyer was eventually forced to leave Russia.

The same bar association failed to take any steps to protect lawyer Valeria Vetoshina who was put on the list of "foreign agents" in 2021 – on an artificial pretext, in view of her professional activities, and was forced to leave Russia, given her inability to practice law in the country.

President of the Chamber of Lawyer in the Udmurtia Republic, Board Chair of Initiative-2018, Dmitry Talantov was placed into custody in 2022 on absurd charges of "public dissemination of knowingly false information about the use of the Armed Forces of Russia"

(Article 207.3 of the Criminal Code of Russia, that has been condemned by the UN Human Rights Committee as violating the right to freedom of expression the right to take part in public affairs). In 2023, the Board of the Udmurtia Republican Chamber of Lawyers held its meeting in the absence of Mr. Talantov and, basically, stripped him of his public office in the Chamber that was an elective one.

In 2023, the Chamber of Lawyers in the Krasnodar Region refrained from defending lawyer Mikhail Benyash, who was arbitrarily put on the list of “foreign agents” and charged with violence against the police. Moreover, the Chamber decided to terminate his status as a lawyer. The above decision was made with a reference to the personal view expressed by the lawyer on his Telegram channel. During the disciplinary proceedings before the Chamber, it amplified, in an arbitrary manner, the reasoning put forward by the Ministry of Justice of Russia when asking the bar association to prosecute the lawyer in disciplinary proceedings.

In 2019 – 2022, lawyer Aleksandr Voytsekh, member of the Chamber of Lawyers in the Republic of Bashkortostan, was disbarred (on 3 consecutive occasions) for his dedicated campaign against unlawful expenditures of the Chamber’s funds. On 2 occasions, he managed to contest the decision on disbarment before the court. Eventually, he was convicted on absurd charges in the proceedings involving gross violations of due process. At present, he is serving a sentence of imprisonment.

We express serious apprehension due to the fact that, starting from as early as 2016, unjustified disciplinary prosecution of lawyers by bar associations in Russia have become a stable negative trend. Lawyers in the regions have been disciplined and disbarred for criticizing the conduct of selected senior members of the Federal and regional bar associations – on artificial grounds and with gross violations of due process: the Republic of Bashkortostan (Valekh Abbasov, Vitaly Burkin, Andrey Kazakov, Dmitry Kazakov, Aslyam Khalikov); Republic of Mordovia (Dmitry Volkov and Sergey Naumov); Republic of Altay (Aleksandr Ganzha), Orenburg Region (Aleksey Kiryushin), Irkutsk Region (Nikolay Kuryanovich), Nenetsky Autonomous District (Natalia Rocheva), Moscow Region (Igor Trunov and Leonid Shary). Some of these lawyers have been restored to good standing by the court of law.

As to the members of the Federal Chamber of Lawyers of Russia, they have failed to take any steps to exert corporate influence on regional chambers of lawyers to protect the lawyers

concerned. On the opposite, they have pursued an explicit policy of welcoming such instances of harassment; in some cases, the Federal Chamber was the one to initiate prosecution of lawyers. Unfortunately, the corporate bodies of the Bar have disregarded the open letters and petitions submitted by lawyers, failing to put an end to the prosecution. Too often, bar associations provide insufficient support to lawyers facing arbitrary criminal charges in view of their professional activities, or refuse to support them at all – as it was the case with lawyer Andrey Markin, member of the Moscow City Bar, who was prosecuted in criminal proceedings.

Repression of lawyers by the State in view of their professional activities and exercise of their rights to freedom of expression and freedom of conscience, has undermined the rule of law and protection of human rights in Russia.

Whenever the corporate bodies of legal profession contribute to the persecution of its members by the State, this undermines the trust of the community of lawyers and civil society; in general, such conduct results in weakening the commitment of lawyers to assert the rights and freedoms of their clients.

In its Concluding observations on the 8th periodic report of the Russian Federation (adopted by the Committee on its 136th session, 10 October - 4 November 2022), the UN Human Rights Committee already expressed concerns due to the unfounded disciplinary and criminal proceedings against lawyers Dmitry Talantov and Ivan Pavlov, urging the State party to immediately drop them; however, its calls have fallen on deaf ears to date.

We find it necessary to take all possible steps to put an end to the repression of lawyers in Russia.

The public authorities have to discontinue the vicious practice of the intimidation of lawyers and respect the international law, including the International Covenant on Civil and Political Rights and the UN Basic Principles on the Role of Lawyers.

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