



The paper presents results of a survey conducted by lawyers and expert of the “International Law in Advocacy” (ILIA) framework under a request of the CCBE

(Prepared by ILIA lawyers and experts from Azerbaijan, Georgia, Belarus, Moldova, Russia, Ukraine)

December 2017

Statistics for CCBE

Azerbaijan:

Azerbaijan - Situation of Lawyers

General trends: Disciplinary proceedings held by the Presidium of the Bar and often resulting in disbarment (termination of the lawyer’s license); the initiation of criminal cases on charges of various crimes, administrative arrest and detention.

Intigam Aliyev was prosecuted on charges of tax evasion and abuse of office. He was convicted, but the Plenum of the Supreme Court suspended the sentence. Disbarred (deprived of a lawyer's license).

A disciplinary investigation has now begun against several lawyers:

1. Asabali Mustafayev;
2. Agil’ Laidzh;
3. Fakhraddin Mehdiyev;
4. Nemat Kerimli;
5. A disciplinary investigation was also initiated against Elchin Sadigov, but the Presidium took the decision not to expel him from the Bar;
6. Elchin Namazov was expelled from the Bar in 2011. In 2014, he was arrested administratively for 15 days for resisting a police officer;
7. Khalid Bagirov was expelled from the Bar in 2014 for his speech at the Sheki Grave Crimes Court in the case of Il’gar Mammadov, a political prisoner who is still imprisoned. Kh. Bagirov appealed the decision of the Bar to a court. His demands were not met. He sent a complaint to the CE. Kh. Bagirov defended many well-known political prisoners, such as Leyla Yunus, Hilal Mammadov, the blogger Abdul Abilov, members of the NIDA civil movement, etc.;

8. Muzaffar Bakhyshev was expelled from the Bar on April 1, 2016. M. Bakhyshev was expelled upon the complaint filed by the Supreme Court judge Tatyana Gol'dman. The lawyer dealt mainly with migration issues;
9. Alaif Hasanov was expelled from the Bar on July 3, 2015. A. Hasanov defended Leyla Yunus and reported about physical and psychological pressure put on his client by her cellmate Nuria Huseynova. N. Huseynova filed a private charge with a court against A. Hasanov. As a result, the court convicted Hasanov. On November 6, 2014, the Yasamal District Court of Baku found the lawyer guilty of crimes under Articles 147 (insult) and 148 (libel) of the Criminal Code of Azerbaijan, and sentenced him to 240 hours of community service;
10. Aslan Ismayilov was expelled from the Bar twice, first in 1999, and then in 2003. He is known for his opposition activism and he has repeatedly opposed corruption and arbitrariness in his country;
11. Gurban Mammadov was elected a member of the Bar Presidium in 1995-1999. In 1998, he was prosecuted and expelled from the Bar. He was recognized as a political prisoner. In 2003, he was released from custody. In 2006, when his conviction was removed from the official records, he applied to the Bar, passed the relevant examination and interview, but still was not admitted to the Bar. As a member of the National Council of Democratic Forces, he was later convicted two more times;
12. Yalchin Imanov was expelled on November 20, 2017, upon the appeal by Oktay Mammadov, the acting head of the Penitentiary Service. Y. Imanov was the defender of Abbas Huseynov, a political prisoner in the Nardaran case. Having visited A. Huseynov in the Gobustan closed prison, he reported about the tortures that had been used against his client in prison. The lawyer submitted the relevant complaints to the General Prosecutor's Office, the Penitentiary Service and the Garadagh District Court of Baku. The Penitentiary Service filed a complaint against the lawyer claiming that having disseminated information about the torture against A. Huseynov, Ya. Imanov "attempted to destabilize the situation in the country and to create a tense situation".

Belarus:

Number of Lawyers Persecuted for Last 5 Years¹

2011:

It is known about the persecution of at least **12 lawyers** who defended the rights of opposition activists.

Valentina Bus'ko, a lawyer, a member the Grodno Regional Bar. On January 3, 2011, the Ministry of Justice revoked her license for her participation in the unauthorized protest action held on December 19, 2010 against the falsification of the results of the 2010 presidential election in Belarus. The Moscow District Court of Minsk sentenced her to 10 days of administrative arrest.

Type of violation: detention/ arrest; court action; administrative prosecution.

¹ We took 2011 as a vivid example of the persecution of human rights lawyers because of their active efforts to protect opposition and civil activists.

Vladimir Tolstik; on February 14, 2011, the Ministry of Justice terminated his lawyer's license for his refusal to stop providing legal assistance to Irina Khalip, a journalist, the spouse of the presidential candidate Andrei Sannikov.

Type of violation: administrative prosecution.

Tamara Gorayeva; on February 14, 2011, the Ministry of Justice terminated her lawyer's license for her refusal to stop providing legal assistance to Irina Khalip, a journalist, the spouse of the presidential candidate Andrei Sannikov. In September 2011, the Ministry of Justice renewed Gorayeva's license.

Type of violation: administrative prosecution.

Oleg Ageyev (the lawyer of the presidential candidate Ales Mikhalevich); on February 14, 2011, the Ministry of Justice terminated his license allegedly for preventing the licensing authority from the audit and providing false information. After he appealed that decision to the court, in August 2011, the KGB initiated a criminal case against Oleg Ageyev. He was charged under Article 380, Section 2 of the Criminal Code of Belarus (forgery of documents). On September 11, 2012, Oleg Ageyev was found guilty and sentenced to a fine.

Type of violation: administrative prosecution; court action.

Tatyana Ageyeva; on February 14, 2011, the Ministry of Justice terminated her license for preventing the licensing authority from the audit and providing false information. A criminal case was initiated against the lawyer under Article 380 of the Criminal Code (falsifying, making, using or selling forged documents, stamps, seals, and blank forms).

Type of violation: administrative prosecution; court action.

Pavel Sapelko, the lawyer of former presidential candidate Andrei Sannikov, was expelled from the Minsk City Bar upon the decision taken by the Presidium. He was thus deprived of the right to practice law, for a lawyer may practice law only if he or she is a member of a bar association, according to the legislation on the legal profession.

Type of violation: violation of the right for freedom of association.

Tamara Sidorenko, the lawyer of the former presidential candidates Andrei Sannikov and Ales Mikhalevich; on August 16, 2011, the Qualification Commission on Advocacy Issues of the Ministry of Justice of the Republic of Belarus took the decision to terminate her lawyer's license.

Type of violation: administrative prosecution.

Anna Bakhtina, the lawyer of Irina Khalip; on July 26, 2011, Anna Bakhtina failed to pass the unscheduled qualification exam, initiated by the Ministry of Justice. The following three reasons were named as the grounds for the non-attestation of Anna Bakhtina: "violation of the rules of legal practice and professional ethics, and insufficient legal propaganda among

the population". On August 2, A. Bakhtina appealed the decision to the Qualification Commission. On August 4, A. Bakhtina was re-attested.

Type of violation: threats of administrative prosecution.

Daria Lipkina, the lawyer of Nikita Likhavid, an activist, a participant of the protest action on December 19, 2010; the lawyer failed to pass the unscheduled qualification exam initiated by the Ministry of Justice. The following three reasons were named as the grounds for her non-attestation: "violation of the rules of legal practice and professional ethics, as well as insufficient legal propaganda among the population". On August 4, D. Lipkina was re-attested by the Qualification Commission of the Ministry of Justice.

Type of violation: threats of administrative prosecution.

Mikhail Volchek, the lawyer of Svetlana Boykova, the former investigator of the Prosecutor General's Office. On March 31, 2011, the lawyer was charged under Article 407, Section 1 of the Criminal Code (disclosure of preliminary investigation data). While under investigation, he continued defending S. Boykova, but after his apartment was searched and the case file was seized in the course of the criminal investigation, he was forced to quit the bar.

Type of violation: court action, violation of privacy and inviolability of property.

Irina Burak, the lawyer of Anatoly Lebed'ko, the head of the United Civil Party and the ex-leader of the election campaign team of the presidential candidate Yaroslav Romanchuk. The Justice Ministry's message of January 3, 2011, stated that the lawyer Irina Burak had been "warned about the requirement to make more correct comments in the media that would not give rise to distortion of the real facts and information obtained". On July 26, 2011, it became known that she had failed to pass the unscheduled qualification exam. On August 4, the Qualification Commission re-attested I. Burak.

Type of violation: threats of persecution; administrative prosecution.

Marianna Semeshko, the lawyer of Dmitry Dashkevich, the leader of the opposition youth movement. The Justice Ministry's message of January 3, 2011, stated that the lawyer M. Semeshko had been "warned about the requirement to make more correct comments in the media that would not give rise to distortion of the real facts and information obtained". On July 26, 2011, it became known that she had failed to pass the unscheduled qualification exam.

Type of violation: threats of persecution; administrative prosecution.

2017:

As a result of the unscheduled qualification exam held by the Ministry of Justice in September 2017, **Anna Bakhtina's** license to practice law was terminated (i.e. she was deprived of the status of a lawyer).

Appealing that decision to the court was of no success.

Twelve lawyers were attested with a suspension period of six months (until March 2018).

Type of violation: persecution and intimidation; administrative prosecution against one lawyer deprived of the license.

The Human Rights Houses Foundation and the Belarusian Human Rights House submitted the following communications to the CCBE regarding the above events:

Latest events at the Bar: Republic of Belarus, September 2017

1. Audit and re-qualification of lawyers by Ministry of Justice: Facts

In April and July 2017, the Ministry of Justice audited the Mogilev Region Bar Association and the Minsk City Bar Association. They checked the compliance with the instructions issued by the Ministry of Justice to regulate paperwork related to lawyers' work.

Formally, the work of all the lawyers was inspected; however, the actual audit was selective – the auditors checked the work of some lawyers at their discretion.

The inspection found technical errors in the paperwork and used this fact as the reason to hold unscheduled qualification (attestation) for some of the lawyers. The document issued to appoint the unscheduled qualification procedure stated, "The facts found indicate that some of the lawyers lack qualification".

Besides, the Ministry summoned some of the lawyers to the regular qualification procedure, which is usually held every five years by the Bar association.

The Qualification Commission established by the Ministry of Justice held the qualification procedures on September 12 and 25, 2017. As a result, the Qualification Commission attested 33 lawyers and disbarred two of them due to the lack of qualification; besides the Commission decided to suspend the licences of 12 lawyers due to the incompliance of their work with the requirements and to re-attest them after a six-month remedial period (<http://minjust.gov.by/ru/news/1183/>; <http://spring96.org/en/news/87914>).

2. Relevant legislation: powers of Ministry of Justice

The Law on the Bar and Legal Practice in Belarus (Article 38) empowers the Ministry of Justice to issue normative acts regulating the work of the Bar, to monitor the compliance of lawyers with the legislation, to establish the Qualification Commission on advocacy issues, and to determine the procedure for qualification (attestation) of lawyers.

The qualification procedure is regulated by the corresponding instruction issued by the Ministry. On May 16, 2017, the instruction was amended, and according to the amendments, regular attestations are held every five years by the Qualification Commission or the territorial Bar; unscheduled qualification is held by the Qualification Commission "in case the facts are revealed that prove insufficient qualification of a lawyer"; the Commission has the right to interview the lawyer in order to check their knowledge.

The Qualification Commission is composed of eight lawyers (one representative of the territorial Bars and the Chair of the National Bar Association), five representatives of the Ministry of Justice, one representative of the Supreme Court and one representative of the Prosecutor General's Office, representatives of other government agencies, and two representatives of scientific organizations. The Deputy Minister of Justice heads the Commission (Article 14, Law on the Bar and Legal Practice in Belarus).

For more information about the legal context for the functioning of the judicial system in Belarus, see the publication "The Functioning of the Judicial System in Belarus and Its Impact on the Right to a Fair Trial of Human Rights Defenders" (in English; pp. 41-43, c. Legal Representation): http://docs.wixstatic.com/ugd/2059e9_ea3fba577f1645cf9752cd99fbd36c7c.pdf.

3. Evaluation of audit and qualification procedure and atmosphere by lawyers subjected to pressure

Even before the commencement of the audit of lawyers at the Minsk City Bar, the management of the Bar mentioned behind the scenes that the audit had been initiated by the State Security Committee (the KGB) and was connected with the work of the certain lawyers on high-profile politically motivated cases and their cooperation with human rights defenders.

The "violations" of the instructions of the Ministry of Justice, found during the audit, are not relevant to the lawyers' actual professional qualification.

The very qualification procedure was humiliating and stressful in nature. Members of the Qualification Commission (mainly representatives of the Ministry of Justice) put an unlimited number of questions in various branches of law, despite the fact that those questions were not related to the specialization of the certain lawyer and the specific legal situation. The "quiz" was based on the citation of various legal provisions, definitions and lists, and the questions put by the Commission members often contained controversial interpretation of the legislation (<http://spring96.org/en/news/87811>).

The analysis of the qualification results shows that eight of the lawyers who have failed to qualify (one of the two disbarred lawyers and seven of the twelve lawyers whose licences were suspended for six months) are the defenders in one and the same case – the case "on the preparation of riots" initiated by the KGB on March 21, 2017, before the protest demonstration that had been planned on March 25. As further events showed, that case was used as the reason for and justification of the brutal crackdown of the social protest rally and the detention of hundreds of peaceful protesters. Later, the charge was reformulated as "participation in an illegal armed group" and the defendants were released from custody; however, for now, the investigation is not over and is conducted in a classified mode (<http://spring96.org/en/news/87909>).

In the light of the above, the re-qualification procedures are perceived as revenge upon the lawyers for their professional work and pro-active attitude and as an attempt to intimidate them, as well as other lawyers. In fact, the Government have demonstrated that any lawyer in Belarus may face repressive measures at any time and for any reason, even a minor one.

4. Civil society reaction

In connection with the audit and unscheduled qualification procedures used against lawyers, human rights organizations expressed their concern about the Government's interference in the activities of the Bar associations and the pressure against the certain lawyers. The HR organisations urged the state to refrain from such action and called international human rights mechanisms and legal community to pay attention to the new threat to the institution of legal assistance in Belarus.

<http://spring96.org/en/news/87716>

<http://spring96.org/en/news/87762>
<http://spring96.org/en/news/87786>
<http://spring96.org/en/news/87827>
<http://spring96.org/en/news/87836>

Georgia:

In Georgia, the following trends are observed in relation to lawyers:

In general, in Georgia, the Bar is a separate independent structure. All lawyers may be roughly subdivided into three groups: lawyers working in non-governmental organizations, state lawyers (providing free legal aid on the part of the state bodies) and lawyers working in private companies.

Given the more or less democratic regime in Georgia, there is no obvious persecution against the bar there (as compared to the other partner countries); however, there are some practices there that should be mentioned.

Until 2012, the certain procedures had been a widely applied to lawyers visiting their clients in prisons. Lawyers were often subject to humiliating identity and documents checks; the visitation rooms did not comply with confidentiality requirements, the cameras recorded the meetings, without any guarantees that there were no wiretaps there. It was problematic to bring documents for the prisoner, for the prison staff would check and read them. The very procedure for visiting a client was complicated due to the numerous rules, complying with which took a lot of time and emotion.

The situation has partially improved since 2012, but some violations are still recorded when it comes to personal search at the entrance to the prison facilities, or bringing the necessary documents and communicating with the client.

The Code of Criminal Procedure fails to ensure the equality of arms. Thus, there are well-hidden mechanisms there to hinder lawyers' professional activities.

About 120 lawyers were convicted of fraud, but there was no special evidence in their cases proving the facts of fraud. Besides, the *ratio decidendi* is of a particular interest.

Giorgi Mdinardze was beaten at the police station while performing his professional duties as a minor's defender. The police officers attempted to interrogate the defendant late at night. The lawyer prevented the interrogation and was physically insulted. He lodged a protest.

The Human Rights House Tbilisi was informed about that case. The Centre for Human Rights (one of the House organizations) is working on this case.

Moldova:

Documented cases in Moldova according to specific type of threats

- Smearing: 2 cases

The smearing cases were documented in relation to lawyers Ana Ursachi and Eduard Rudenco. In both cases, the attacks were perpetrated through controlled mass media institutions, which spread distorted facts and private life information.

- Violation of privacy and property: 2 cases

The violation of private life information was documented in the case of lawyers Ana Ursachi and Eduard Rudenco, both lawyers practicing in Chisinau, engaged in high-profile cases. The violations involved illegal searches, videotaping of lawyers, and collection of defamatory information and release of it to the press.

- Judicial Harassment: 5 cases

The cases of the lawyers Veaceslav Turcan and Maxim Belinschi concern outstanding criminal charges of false statement while they defended a case as lawyers in court. The criminal proceedings are ongoing. The criminal proceedings lack any legal and factual grounds and are mostly intended to discourage effective defence in court. The case breaks the fundamental principle of a defence lawyer's activity – the right not to be identified with the client.

The case of lawyer Ana Ursachi concerns criminal charges of involvement in a murder committed 19 years ago. The criminal proceedings are carried out in violation of Moldovan legislation and bear indications of being political motivation, due to the participation of Ana Ursachi as attorney in several high profile cases.

The case of lawyer Eduard Rudenco that defended Ana Ursachi, with respect to charges of abuse of professional capacity.

The case of lawyer Alexandru Bernaz accused of money laundering. His office was searched and against him was issued an arrest warrant. Later, the criminal charges against him were dropped.

Other threats

- Disciplinary harassment: 1 case

The lawyer Roman Zadoinov was referred to the Ethic and Disciplinary Commission in relation to his participation in the investigation of a corruption case.

Limitation of defense rights

Apart from individual cases of lawyer's persecutions, the lawyers are being submitted to regulatory limitations that endanger the defence rights.

One such case concerns a recommendation of the Supreme Court of Justice that forbids the participation of lawyers to in criminal cases without the presentation of a signed power of attorney. A rule that imposes formalistic requirements, creating serious problems for lawyers to exercise the defence in criminal cases.

Another issue, that raising major concerns is the growing denial of public access to judicial hearings. Such limitations occur in individual cases, mostly where political biases are at stake. During the last years, the public and the press did not have access to court proceedings in several high-profile cases involving a former prime minister, present and former government officials, and bank officials.

In the locals of Anticorruption Centre, the lawyers are subject of systematic searches that are not justified, and the use of phones is forbidden even if no special regime applies to this places.

Other type of threats, beyond the ProtectDefenders.eu classification

- Unlawful limitation of lawyer's access to his client in detention (through limitation of duration and number of allowed visits/interviews): 1 specific case, as well the authorities tried to establish a regulation (secondary legislation) that created bureaucratic barriers in having access to the clients in pre-trial detention

In a sensible case, due to political and business implications, the lawyer Valeriu Pleșca and his colleagues were prohibited or limited in having access to the client in pre-trial detention – on several occasions they were refused to meet the client and endured limitation of duration and number of allowed visits/interviews with their client by the prison administration.

The authorities tried to establish a regulation (secondary legislation) that created bureaucratic barriers in having access to the clients in pre-trial detention, thus the issue of acceding them could become a systemic problem. Although not provided by the law and exceeding its limits, this regulation provided that the lawyer's written request to meet the arrested had to be examined and approved by the head of prison administration.

- Violation of confidentiality of lawyer's meetings/interviews with his client in detention: 2 cases

In a sensible case, due to political and business implications, the lawyer Valeriu Pleșca had the experience to find out that in the room for interviews with the client, there were hidden devices for covert audio and video surveillance and recording.

In one other case, the lawyers had serious and reasonable suspicion that they were subject to covert audio/video surveillance and recording in the room where met the client in prison.

- Specific harassment – stealing the lawyer's case file materials from the car: 1 case

In a sensible case, due to political implications (the case of expulsion of a pro-Romanian and pro-unionist activist), the lawyer Dumitru Petru Sliusarenco found that his case file materials were stolen from his locked car (the window was broken) just 30 minutes before the court hearing in the case.

Russia:

Ukraine:

THREATS TO HUMAN RIGHTS LAWYERS IN UKRAINE

The following documents have been used to prepare the information below: the report "Situation of human rights defenders in the government-controlled territories of Ukraine: three years after Euromaidan", prepared by the Human Rights Information Centre, Kiev, 2017²; the report by the Ukrainian National Bar Association on violation of the rights of and guarantees for lawyers in Ukraine (2013-2016)³; the study "Role of Prosecutor at Pre-trial Stage of Criminal Proceedings"⁴, initiated by the [International Renaissance Foundation \("Vidrodzhennia"\)](#)», as well as information from the official sources, the media and other open sources.

In general, there is significant pressure on human rights lawyers in Ukraine, their rights are violated everywhere, and the public authorities impeded the freedom of exercise of the profession of lawyer. Moreover, a lawyer's human rights activities may put at risk his or her life, health, property, etc.

There are some statistical data below on violations of the rights of lawyers in Ukraine, and examples to illustrate the certain violations.

Statistics on murders of lawyers in Ukraine

| 2013 | 2014 | 2015 | 2016 | 2017 |
|------|------|--|---|--|
| 1 | 0 | 2 + 1 attempt A. Gruzkov, Yu. Ignatenko + an attempt on A. Vishnevoy | 3 Yu. Grabovsky, V. Loika, T. Popova | At least two cases - V. Ribal'chenko V. Shabliy |

On March 23, 2015, close to the village of Rozhny, the Brovarsky district, the Kiev region, near a remote bog, a fisherman found the body of Yuri Ignatenko, a lawyer who disappeared on March 19. The Council of Lawyers of the Kiev Region believe that the lawyer was killed for his professional activity, because on March 18, Ignatenko won a property case, which had lasted for more than four years. Ignatenko defended an elderly woman's rights, whose apartment swindlers tried to take away from her.

In March 2016, the lawyer Yuri Grabovsky was killed. There is still no single version there as regards the causes of the murder. Grabovsky was, among other things, famous for his work on several high-profile cases. For example, he defended the Ukrainian citizen A. Kovalenko. The Security Service of Ukraine suspected her of preparing a terrorist attack as a person recruited by the Russian intelligence services. Grabovsky was also the lawyer of the judge S. Vovk, accused of committing a crime under Article 375, Section 2 of the Criminal Code of Ukraine - knowingly rendering an unjust judgement (previously he had issued the verdict against Yuriy Lutsenko, the former Minister of Interior and the current Prosecutor General of Ukraine). In May 2015, the lawyer started defending A. Aleksandrov,

an officer of the Chief Intelligence Directorate of the Russian Federation (GRU RF). The lawyer claimed that he had received threats in connection with that case.

Statistics on criminal prosecution of lawyers

| 2013 | 2014 | 2015 | 2016 | 2017 |
|------|------|------|------|-------------------|
| 6 | 1 | 3 | 2 | At least one case |

On February 20, 2017, the Prosecutor's Office presented two suspicions to Oleg Veremeyenko, a lawyer cooperating with the Ukrainian Helsinki Human Rights Union. He is charged with resistance to a law enforcement officer (Article 342, Section 2 of the Criminal Code of Ukraine) and pressure on the law enforcement officer (Article 343, Section 1 of the Criminal Code of Ukraine). This case relates to the search in the lawyers' office conducted by investigators of the Prosecutor General's Office. During the search, Veremeyenko protested against the procedural violations and called the police. However, the case file of the case, initiated upon the lawyer's complaint, was lost; meanwhile the Prosecutor's Office opened criminal proceedings against Veremeyenko. The lawyer believes that the Security Service of Ukraine initiated the persecution against him - thereby they impede his work as a defender in the case of Colonel I. Bez'yazykov, accused of the involvement in a terrorist organization and treason. As of today, the lawyer faces up to two years in prison and the disbarment.

Statistics on physical violence against lawyers

| 2013 | 2014 | 2015 | 2016 | 2017 |
|------|------|------|------|---------------------|
| 2 | 2 | 3 | 4 | At least four cases |

On October 2, 2017, the lawyer Sergei Sainchin was beaten, seriously injured and taken to the hospital (the human rights defender had a double fracture of the jaw and a head injury). Allegedly, his ex-client attacked him. The investigators believe that the victim met the abuser accidentally; however, the lawyer's colleagues are of the opinion that the attack was planned.⁵

On September 20, 2017, in the Kiev detention facility (SIZO), the detective of Ukraine's National Anti-Corruption Bureau (NABU) Pavel Yershov attacked the lawyer Alina Samarets, who came on behalf of the Free Legal Aid Centre to provide protection for a client during the certain procedural action⁶.

On June 1, 2017, after the court session on the "May 2 case" (the case on the events of May 2, 2014 at Hretska Square in Odessa, i.e. the first clashes between the pro-Russian and pro-Ukrainian activists) in the Chernomorsk (former Il'ichyovsk) City Court the lawyer Valentin Rybin, who defended one of the defendants in the case, was attacked by unidentified persons. The eyewitnesses said that the unidentified persons used pepper spray, struck several blows and accused the lawyer of helping the separatists⁷.

On October 13, 2016, in the premises of the Kharkov Regional Institute of the Academy of Public Administration under the President of Ukraine, the lawyer Roman Likhachov, the Chairman of the Chuguyev Human Rights Group, was beaten.

⁵ For more details, see: <http://odessamedia.net/news/napadenie-na-advokata-v-centre-odessi-pravozaschitniki-byut-trevogu/>

⁶ <http://iadvocate.com.ua/instruksiya-dlya-zhinok-advokativ-iz-samooborony-vid-detektyviv-nabu/>

⁷ <http://mignews.com.ua/proisshestiya/18184825.html>

Statistics on threats to lawyers

| 2013 | 2014 | 2015 | 2016 | 2017 |
|------|------|------|------|-------------------|
| 1 | 1 | 3 | 2 | At least one case |

In March 2014, the lawyer Nikolai Biryuk received phone threats of physical harm in connection with his professional activities on the part of A. Bryukhovich, the head of the Investigation Department of the Chernovtsy Region Prosecutor's Office. The authorities failed to ensure the proper verification of the circumstances and to hold the perpetrators liable.

In October 2015, A. Prikhod'ko, the Prosecutor of the Military Prosecutor's Office, threatened with physical harm to the lawyer Aleksey Shevchuk in connection with the lawyer's participation as a defender in a high-profile criminal case.

Statistics on property damage incurred by lawyers

| 2013 | 2014 | 2015 | 2016 | 2017 |
|------|------|------|------|---------------------|
| 1 | 0 | 3 | 3 | At least four cases |

In December 2013, the car of the lawyer Igor Chudovsky was set on fire. In July 2015, unidentified persons set on fire the car of the lawyer L.I. Kornilova. In January 2016, unidentified persons set on fire the car of the lawyer A. Shadrin. In February 2016, unidentified persons set on fire the car of the lawyer A. Fedura.

On January 20, 2016, in the centre of Kiev, the office of the Bepaly & Partners law firm was set on fire. The fire spread from the book cabinet, in which the case files and archives were stored. The lawyer T. Bepaly associates the arson with his professional activities and believes that it was committed to intimidate him. In particular, he defended the ATO (anti-terrorist operation) soldiers, one of whom died in 2015, in Kiev, in a hooligan fight.

Statistics on searches in lawyers' offices

| 2013 | 2014 | 2015 | 2016 | 2017 |
|------|------|------|------|--------------------------|
| 9 | 4 | 5 | 5 | No information available |

On August 20 and 21, 2015, upon the relevant court decision, the investigation group searched the non-residential premises possessed by the Moroz & Partners Law Firm. During the search, despite the relevant direct ban in the search warrant, the documents, seals, stamps, office equipment and other magnetic, electronic and digital data media were illegally seized, including the servers and computer system blocks owned by the lawyers' firm. Moroz & Partners included 13 lawyers; since 2010, they had been working on about 1,500 court cases, all the information about which was seized.

Statistics on covert surveillance against lawyers by law enforcement agencies

| 2013 | 2014 | 2015 | 2016 | 2017 |
|------|------|------|------|----------------|
| 1 | 0 | 3 | 1 | No information |

| | | | | |
|--|--|--|--|-----------|
| | | | | available |
|--|--|--|--|-----------|

In December 2015, investigators of the Shevchenko District Department and the Kiev Security Service performed unlawful investigation actions against the lawyer A. Goroshinsky and obtained access to the lawyer's privileged information illegally.

Statistics on interrogation of lawyers as witnesses in their defendants' cases

| 2013 | 2014 | 2015 | 2016 | 2017 |
|------|------|------|------|--------------------------|
| 2 | 2 | 4 | 8 | No information available |

In December 2015, A. Glushko, the investigator of the Prosecutor General's Office of Ukraine, summoned the lawyer M. Buryakova to interrogate her as a witness in the criminal proceedings.

In January 2016, the investigator of the Kiev Prosecutor's Office, summoned lawyers for interrogation as witnesses in the criminal proceedings against G. Korban.

Statistics on interference in lawyer's legal opinion

| 2013 | 2014 | 2015 | 2016 | 2017 |
|------|------|------|------|--------------------------|
| 4 | 2 | 5 | 5 | No information available |

In 2014, the judges of the Shevchenko District Court of Kiev filed a complaint with the relevant territorial Qualification and Disciplinary Commission regarding the lawyer M. Kolesnik; the judges complained of the lawyer who had categorically disagreed with the prosecution, which had allegedly harmed the client. The Kiev Region Qualification and Disciplinary Commission refused to satisfy the complaint. Later, the client was acquitted according to the court decision.

Besides, according to the statistical data of the General Prosecutor's Office of Ukraine, the following numbers have been registered regarding criminal offences under Article 397 of the Criminal Code of Ukraine (Interference with work of defender or legal representative):

| 2013 | 2014 | 2015 | 2016 |
|------|------|------|------|
| 7 | 5 | 19 | 31 |

However, **none** of the relevant criminal cases was submitted to the court with the bill of indictment.

The following numbers of criminal offences under Article 374 of the Criminal Code of Ukraine (violation of the right to defence) have been registered:

| 2013 | 2014 | 2015 | 2016 |
|------|------|------|------|
| 12 | 15 | 41 | 33 |

In 2016, only two of the specified criminal offences were submitted to the court with the bill of indictment.

The protection of the rights of lawyers and the possibility for them to work safely and independently in the armed conflict areas are of particular concern (i.e. in the occupied

Crimea and in the certain areas of the Donetsk and Lugansk regions that are not controlled by Ukraine).

Thus, according to the OHCHR 2017 report on "Situation of human rights in the temporarily occupied Autonomous Republic of Crimea and the city of Sevastopol (Ukraine)", para 79, "Instances of intimidation of defence lawyers representing clients opposed to the presence of the Russian Federation in Crimea have also been reported. On 25 January 2017, a lawyer from the Russian Federation defending one of the deputy chairmen of the Mejlis was forcefully brought to the FSB office in Simferopol for interrogation and asked to disclose details of the case concerning his client. Despite being pressed to cooperate, he refused, invoking his duty to uphold the attorney-client privilege, and was released after two and a half hours. On 14 February 2017, an appellate court upheld a first instance decision to enable the FSB investigator to interrogate him as a witness in a criminal case against one of his clients. OHCHR reiterates that international administration of justice standards explicitly protect the freedom of exercise of the profession of lawyer".

Unlawful limitations to freedom of movement were also recorded. Thus, a lawyer was prohibited the entry into the Russian Federation, consequently banning the access to the Crimea (para 128 of the OHCHR report).

Besides, the situation of Emil Kurbedinov has become a high-profile case. He provides professional defence in the criminal cases initiated by the authorities of the Russian Federation against Crimeans. These cases often show signs of political persecution. In particular, he defends the journalist Nikolai Semyona (see the case of N. Semyona), the members of the Mejlis Ilmi Umerov and Akhtem Chiygoz, Muslims on charges of involvement in Hizb ut-Tahrir and many others. In particular, Amnesty International recorded the cases of pressure on him in their report.

On January 26, 2017, the officers of the so-called Centre for Combating Extremism of the Ministry of Internal Affairs of the Russian Federation in the Republic of Crimea detained Kurbedinov and took him to Simferopol for interrogation. That happened near the home of Seyran Saliev, a Crimean Tatar, to which Kurbedinov had been going to protect his client during the search. At the same time, his own house was also searched.

Kurbedinov was charged with an administrative offence under Article 20.3 of the Administrative Code of the Russian Federation. According to the relevant record, the essence of the violation was the public demonstration of a video, which contained the symbols of the Muslim organization Hizb ut-Tahrir. This organization is recognized as extremist in the territory of the Russian Federation. It is noteworthy that Kurbedinov posted the video in one of the social networks on June 5, 2013 - that is, before the beginning of the occupation.

On January 26, the Simferopol Railways District Court sentenced Kurbedinov to 10 days of administrative arrest.

Later, in May 2017, Kurbedinov received the Front Line Defenders' 2017 Award for Human Rights Defenders at Risk as a lawyer facing the pressure exerted by the Russian Federation authorities⁸.

All these violations cause concern on the part of the international community. In the above-mentioned report, the OHCHR recommends the Government of the Russian Federation to "[u]phold the right of defence counsel to perform their professional functions without intimidation, harassment or improper interference" (Section VIII. Conclusions and Recommendations, Para 226(h)) in order to improve the human rights situation in the Crimea.

However, the situation of lawyers in the uncontrolled territory of the Lugansk and Donetsk regions is even more worrisome due to the military conflict, which has lasted for three and a half years already. It is difficult to obtain information about the situation of the rights of lawyers in this territory.

⁸ <https://www.frontlinedefenders.org/en/2017-front-line-defenders-award-human-rights-defenders-risk>

Murders of lawyers in this territory⁹ have been reported.

Lawyers were also abducted and held captive by illegal armed groups¹⁰.

On April 29, 2014, several masked militants armed with Kalashnikov assault rifles kidnapped the lawyer Igor Chudovsky from his office in Lugansk. The kidnappers made him drive his own car, at gunpoint, to the regional television and radio company. According to the preliminary data, they wanted to force Chudovsky to hold a press conference with them, but he refused and tried to jump out of the car. The militants used their weapons. Chudovsky was operated on. He miraculously survived¹¹.

Thus, in the uncontrolled areas of the Lugansk and Donetsk regions, first of all such fundamental rights of lawyers are at risk as the right to life, health, freedom and personal inviolability.

⁹ For more details, see: <http://informer.media/archives/67905>

¹⁰ For more details, see:

https://censor.net.ua/news/342699/advokaty_prosyat_osvobodit_iz_plena_lnr_svoego_kollegu_nikolaya_zagladu_dokument

¹¹ [http://news.liga.net/news/incident/1558905-](http://news.liga.net/news/incident/1558905-boeviki_pokhitali_i_tyazhelo_ranili_izvestnogo_advokata_chudovskogo.htm)

[boeviki_pokhitali_i_tyazhelo_ranili_izvestnogo_advokata_chudovskogo.htm](http://news.liga.net/news/incident/1558905-boeviki_pokhitali_i_tyazhelo_ranili_izvestnogo_advokata_chudovskogo.htm)