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December 6, 2021

Kyiv, Ukraine

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To: United Nations Special Rapporteur
on the Independence of Judges and Lawyers

Submission to the report on protection of lawyers

1. Taking into consideration the guarantees for the functioning of lawyers, contained in principles 16-22 of the [Basic Principles on the Role of Lawyers](#), please describe the constitutional, legal, administrative and policy measures adopted in your country to enable lawyers to exercise their professional activities in favour of their clients in a free and independent manner

The Russian Federation occupied the part of the territory of Ukraine, the Crimean peninsula in 2014.

According to the norms of International Humanitarian Law the norms of the Ukrainian legislation continue to be in force. As well as the courts of the occupied territory continue to function. In order to ensure the exercise of the right to defense, the occupying power must guarantee lawyers the possibility to carry out their professional duties.

According to the Constitution of Ukraine the Bar Association operates in Ukraine to provide professional legal assistance for the Ukrainian citizens and legal entities. Its independence is guaranteed by Art. 131-2 of the Constitution of Ukraine.

The Law of Ukraine on the Bar and Practice of Law is a separate legislative act regulating the activity of the bar. According to the Law, the Bar self-government is based on the principles of election, publicity, mandatory implementation of decisions by lawyers of the Bar self-government bodies, accountability, prohibition of interference of the Bar self-government bodies in the professional activity of a lawyer. Only lawyers of Ukraine may participate in the work of bar self-government bodies and be elected to their membership. The guarantees of legal practice are defined in Article 28 of this Law, in particular: any interference and obstacles to the practice of legal practice are prohibited; life, health, honor and dignity of a lawyer and members of his/her family, their property is under state protection; interference in a lawyer's private communication with a client is prohibited; it is forbidden to identify a lawyer with a client; special guarantees are provided during search, etc.

2. What entities and/or mechanisms are in place to prevent and/or punish interferences with the free and independent exercise of the legal profession? Please briefly describe them and specify whether they are independent bodies or if they belong to the administrative structure of the State.

Within the competence of self-governing bodies of the Bar (National Association of Advocates of Ukraine and the Bar Council of the region) is to ensure the guarantees of lawyers' rights.

The Russian Federation did not ensure the continuation of the activities of local self-government bodies of the Ukrainian Bar: the Council of Advocates of the Autonomous Republic of



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Crimea and the Council of Advocates of Sevastopol. Therefore, the lawyers in Crimea are not exposed to protection by the Bar Association and the legislation of Ukraine.

3. Please indicate if there are any legislative, administrative, or institutional barriers that have hindered the work of lawyers and the exercise of the legal profession in your country, and describe them.

After the occupation of the Crimean peninsula in the first month of the occupation, March 2014, it was announced that a number of requirements to continue of legal practice were announced for lawyers who were previously registered in the Unified Register of Advocates of Ukraine and were employed in the Autonomous Republic of Crimea or Sevastopol. Among the requirements there were: 1) obtaining a passport of a citizen of the Russian Federation, 2) passing a qualifying exam for knowledge of the legislation of the Russian Federation.

Since the occupation, the following forms of interference in the legal practice of lawyers who work on politically motivated cases have been identified: defamation via the pro-government media; unfounded complaints from judges against lawyers for the performance of their professional duties; one-man decision of a judge to refuse a lawyer to defend several clients within one court case, etc.

4. Please describe the role of the national bar association(s) in protecting lawyers and the free exercise of the legal profession. Is the bar association de jure and de facto independent from the State?

After the occupation of the Russian Federation, the "Bar Association of the Republic of Crimea" and the "Bar Association of the city of federal significance of Sevastopol" were founded. These bodies are not de facto independent from the occupying power. Thus, human rights activists recorded cases when during the examination for a lawyer's certificate, they asked whether a person planned to work on politically motivated cases. There were difficulties in obtaining the certificates for the Crimean Tatar indigenous people of Crimea representatives, lawyers who planned to protect political prisoners. Therefore, the above-mentioned bar associations neither protect lawyers nor support free exercise of the legal profession, especially for those lawyers who defend the accused within the politically motivated cases.

5. Please provide detailed information on the number of lawyers that have been subject to criminal, administrative or disciplinary proceedings in the last five years for alleged violations of standards of professional conduct. How many of them were found guilty? How many of them were ultimately disbarred?

There were no researches conducted on the topic.

6. Please provide information on any case where lawyers in your country have been subject to intimidation, hindrance, harassment or improper interference, whether from State authorities or non-State actors, for action taken in accordance with their recognized professional duties. Please also describe the measures that State authorities have taken to investigate and bring perpetrators to justice.

The Russian Federation constantly intimidates human rights defenders, who act on behalf of victims of political persecutions. Lawyers in Crimea face regular intimidation and threats with regard to their professional activity. They are constantly under surveillance, their movements are monitored with the assistance of cars, their cellphones are tapped. This practice violates the



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international norms as well as the national legislation, which implements measures of protection for lawyers.

Concerning one of the latest cases, an illegal arrest of a lawyer Edem Semedliaiev blatantly violates the “Basic Principles on the Role of Lawyers,” adopted by the Eighth United Nations Congress on the Prevention of Crime and Treatment of Offenders (1990). Those principles guarantee that the defenders can freely perform their professional duties (without facing intimidation, unnecessary interference, and punishment for their professional activity).

In addition, Article 12 of the UN Declaration ‘On the Right and Duty of Individuals, Groups and Bodies of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms’ obliges states to take all necessary measures to protect human rights defenders from ‘any violence, threats, retaliation, de facto or de jure negative discrimination, pressure or any other arbitrary action’ related to their activities to promote and protect human rights and fundamental freedoms.

It is necessary to highlight that there is a little group of locally residing lawyers who have been systematically defending the rights of political prisoners in Crimea since the occupation of the peninsula in 2014 by the Russian Federation. Therefore, the below mentioned actions from the occupying power is nothing else, but pressure and obstruction to professional activity. In addition, it is a direct and eloquent signal to the entire legal community on the occupied peninsula that no one is willing to defend those who are politically persecuted.

The following cases are some of the examples of the grave violations of the right to be defended through legal assistance, the right to execute legal practice.

On January the 26, 2017, it became known about the abduction of lawyers **Edem Semedlyayev** and **Emil Kurbedinov** by representatives of the ‘Center for Combatting Extremism’ (‘Center E’) of the Ministry of internal affairs of the Russian Federation. The lawyers were heading to Bakhchysaray in order to provide legal assistance to the family of a civic activist, Mr Saliev, whose house was being searched since the early morning of that day. The lawyers’ car was stopped by traffic police (‘DPS’) referring to ‘a database check’. Subsequently, officials of “Center E” arrived and declared the ‘administrative detention’ of Emil Kurbedinov.

Emil Kurbedinov was brought to and detained in the premises of the ‘Center for Combatting Extremism’ (‘Center E’) in Simferopol. Later, he was taken to the ‘Zaliznychnyi district court of Simferopol’ for an administrative case trial. According to the Kurbedinov’s legal representative, Dzhemil Temishev, Emil was ‘charged’ with the distribution of ‘extremist materials’. Meanwhile, Russian law enforcement officers carried out unlawful searches in the legal offices of **Mr Kurbedinov** and **Mr Semedlyayev** and seized all their equipment, including all the storage devices and documents that are subject to legal advice privilege.

The night before, on January 25, 2017, lawyer **Nikolai Polozov**, the citizen of the Russian Federation, was detained by FSB (Federal Security Service) officers in Simferopol. It happened immediately after his arrival from the PACE session where he was reporting the facts of political persecution in Crimea. The FSB officers detained him for interrogation in the criminal case against **Ilmi Umerov**, a prominent Crimean Tatar leader, a deputy chairman of Mejlis, the Crimean Tatars’ elected representative body. Elmi Umerov was accused and later sentenced for bogus separatism. Since Mr Polozov represented Mr Umerov in this case he could not provide witness testimony.



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Eventually, Mr **Polozov** was released. It has to be noted that lawyers, the citizens of the Russian Federation, who protects and advocates in the international platforms with regards to politically motivated cases of the Ukrainian citizens in Crimea, are also persecuted by the Russian Federation.

On November 6, 2018 a prosecutor and three employees of the Center for Countering Extremism of the Ministry of Internal Affairs of the Russian Federation in masks broke into a lawyer's office in the occupied Crimea without any legal grounds. They were looking for a well-known Crimean lawyer, winner of the International Frontline Defenders Award for Human Rights Defenders in Danger 2017 **Emil Kurbedinov**, to hand him a warning to prevent violations of the law on extremism and terrorism.

Earlier, on October 27, 2018, a similar warning was issued to lawyers **Edem Semedlyaev** and **Lilya Gemedzhy**, as well as to Crimean Solidarity Coordinator Dilaver Memetov during a regular meeting of family members of Crimean Tatar prisoners. According to police, there is operational evidence that lawyers were among the possible organizers of one-man pickets in support of those involved in the Hizb ut-Tahrir case. At the same time, neither they nor the bar self-government bodies were informed about any covert investigative actions against the lawyers.

For more data on persecution of lawyers in the occupied Crimea you may learn from the [report](#) "Advocates under occupation " available in English. The Report was prepared by experts of the Ukrainian Helsinki Human Rights Union in cooperation with lawyers and advocates from various regions of Ukraine, including those from the occupied territories.

On October 25, 2021 people came to listen to the court proceedings that viewed the appeal case of their three compatriots: Rustem Emiruseinov, Arsen Abkhairov, and Eskander Abdulhaniiev. the law enforcement bodies of the occupying administrations detained more than 20 Crimean Tatars, who came to a court hearing that was held at the so-called "Crimean garrison military court". After Russian law enforcement bodies detained people who came to listen to the court hearing, they started intimidating the lawyers who came to defend their clients. For instance, officers from the Center to Counter Extremism did not allow a lawyer Rustem Kiamilev to access his client Diliaver Memetov; they also threatened to press admirative charges against the lawyer for "failing to abide by lawful demand of a police officer." Besides, Russian law enforcement officers demanded that a lawyer, Edem Semedliaiev, took off all his clothes. When the lawyer refused, he got detained and accused of an administrative violation for "failure to abide by lawful demand of a police officer."

As the events in Crimea demonstrate, Russian occupying authorities use additional repressive measures in order to fight those who express any disagreement with the occupying regime. First, the Russian occupying authorities were falsifying criminal cases by planting forbidden literature during the searches or using torture to receive necessary statements. Then Russian authorities restricted access of audience to the court hearings in falsified criminal cases. The next step was to forbid receiving information about the court proceeding from the street next to the court and to use administrative persecution against people who gathered near court buildings. Now we see yet another measure: the detained have restricted access to their lawyers, lawyers are not allowed to see their clients and face administrative charges themselves.



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The Russian Federation constantly intimidates human rights defenders, who act on behalf of victims of political persecutions. Lawyers in Crimea face regular intimidation and threats with regard to their professional activity. This practice violates the international norms as well as the national legislation, which implements measures of protection for lawyers. An illegal arrest of a lawyer Edem Semedliaiev blatantly violates the “Basic Principles on the Role of Lawyers,” adopted by the Eighth United Nations Congress on the Prevention of Crime and Treatment of Offenders (1990). Those principles guarantee that the defenders can freely perform their professional duties (without facing intimidation, unnecessary interference, and punishment for their professional activity)

7. What activities does your organization carry out to promote the independence of the legal profession? Do you co-ordinate with other organizations with similar functions in other countries or regions? Are you part of a network for this purpose? Please give examples.

1. Ukrainian Helsinki Human Rights Union (UHHRU) protects the rights of lawyers and human rights defenders, including those residing in the occupied territory of Crimea. In 2018 the organization prepared the report “Advocates under occupation: situation with observing the advocates’ rights in the context of the armed conflict in Ukraine”. UHHRU cooperates with Human Rights House Crimea.

2. ZMINA Human Rights Centre monitors, advocates, protects human rights defenders, lawyers, activists, including those residing in the occupied Crimea. ZMINA was one of the co-founder of the network of Human Rights House Crimea, which is the member of the network of Human Rights Houses Foundation. One of key priority of their activities is protection of human rights defenders.

8. To what extent has, the legislation and/or measures adopted in your country because of the Covid-19 pandemic, affected the exercise of the independence of the legal profession or security of lawyers. Please explain.

In the occupied territories, the Russian Federation has imposed quite severe restrictions, in connection with the Covid-19 pandemic, these restrictions also affected the possibility of exercising professional rights by lawyers. In particular, the Russian Federation has imposed restrictions on the possibility of visits for persons from among convicts who have not been vaccinated. This restriction also applied to lawyers, which practically deprived them of the possibility to communicate freely with their clients.

9. Please describe the measures and policies you would suggest to better protect and guarantee the free exercise of the legal profession.

It is highly suggested to:

- • Resume the activities of Ukrainian bar self-government bodies in the occupied territories;
- • Ensure the unimpeded and unrestricted practice of lawyers with Ukrainian certificates of the right to practice law on the territory of the Crimean peninsula;
- • Stop state interference in the activities of lawyers in politically motivated cases;
- • End harassment, surveillance and intimidation of lawyers in politically motivated cases.



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