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Mr Konstantin Chuychenko
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Concern about the safety and independence of Mr Ivan Pavlov

Dear Mr Minister of Justice

The International Observatory for Lawyers in Danger (OIAD for its French acronym) is an initiative of the Conseil National des Barreaux (France), the Paris Bar Association (France), the Consejo General de la Abogacía Española (Spain) and the Consiglio Nazionale Forense (Italy). This Observatory was founded with the vocation of coordinating its work with other entities, networks and mechanisms that operate in the field of the protection of lawyers in general and human rights lawyers in particular. One of our areas of work is to make complaints visible and send communications to national authorities, diplomatic authorities, international organisations and regional and international protection mechanisms urging them to act in favour of the particular case or situation identified.

We respectfully write to you to express our concern at reports we have received regarding the situation and safety of our colleague Mr Ivan Pavlov, a prominent lawyer from St. Petersburg and Head Litigator of Komanda 29 (Team 29), a consortium of lawyers and journalists who advocate for the right to freedom of information and expression. In the past he has frequently defended people accused by the security services of disclosing state secrets, treason, espionage and other

national security crimes. He has worked on a number of high-profile cases, including that of Mr Ivan Safronov, a former journalist facing treason charges as a result of his work as an investigative journalist. Mr Ivan Pavlov has received the Moscow Helsinki Group Award for defending human rights in court in 2015 and the Alison Des Forges Award for Extraordinary Activism in 2018 awarded by Human Rights Watch.

Based on the information we received, we understand that on 30 April 2021, the Federal Security Service (FSB) officers of the Russian Federation raided Mr Ivan Pavlov's hotel room in Moscow. According to the information received, items were seized that contain information subject to lawyer-client confidentiality. It has been reported that law enforcement officers also searched Mr Ivan Pavlov's flat and summer cottage, as well as the office of Komanda 29 and the homes of members of Komanda 29. Mr Ivan Pavlov was arrested the same day and consequentially released from detention.

Mr Ivan Pavlov is being investigated on suspicion of making public classified information from a treason case against Mr Ivan Safronov. He is accused of disclosure of materials of the preliminary investigation against his client Mr Ivan Safronov and telling reporters outside the court about the existence of an anonymous witness in the case against Mr Ivan Safronov.

Mr Ivan Pavlov is also representing Mr Aleksei Navalny's Anti-Corruption Foundation in a case launched by prosecutors accusing the Foundation as an "extremist" group. The raid of Mr Pavlov's premises occurred the day after he challenged the secrecy of evidence in the Navalny case. It has also been reported that he has previously been threatened with prosecution by FSB officials.

The International Observatory for Lawyers in Danger has received information, that the Basmany District Court of Moscow issued restriction measures against Mr Ivan Pavlov. According to these measures, Mr Ivan Pavlov may no longer communicate with witnesses in the Safronov case, and he is forbidden to use any postal and telegraphic communications, including the internet for any purpose, except to call the emergency services or communicate with the investigator in the case.

In view of the foregoing elements, the International Observatory for Lawyers in Danger is concerned about the safety of Mr Ivan Pavlov. These incidents appear to be a form of harassment of Ivan Pavlov connected to the exercise of his professional activities as a lawyer. The measures imposed and the ongoing criminal case against him seriously endanger and prevent him from doing his legitimate work, that of a lawyer representing the interests of his clients.

The Russian Federation is a State Party to the International Covenant on Civil and Political Rights (ICCPR), ratified in 1973, and the European Convention of Human Rights, ratified in May 1998.

Both these treaties guarantee equality before the law and equal protection of the law as well as legal representation to assure protection of rights.

Remaining profoundly concerned about the situation, the International Observatory for Lawyers in Danger would like to draw the attention of the authorities of the Russian Federation to the 1990 UN Basic Principles on the Role of Lawyers. According to these principles the governments have the obligation to ensure that lawyers can perform all of their professional functions without intimidation, hindrance, harassment or improper interference and that they *"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 16).

According to the same principles, lawyers *"shall enjoy civil and penal immunity for relevant statements made in good faith in written or oral pleadings or in their professional appearances before a court, tribunal, or other legal or administrative authority"* (Principle 20). Furthermore more lawyers *"shall not be identified with their clients' causes as a result of discharging their functions"* (Principle 18) and *"Governments shall recognize and respect that all communications and consultations between lawyers and their clients within their professional relationship are confidential"* (Principle 22).

According to the same principles *"charges or complaints made against lawyers in their professional capacity shall be processed expeditiously and fairly under appropriate procedures. Lawyers shall have the right to fair hearing, including the right to be assisted by a lawyer of their choice"* (Principle 27).

The International Observatory for Lawyers in Danger (OIAD) therefore urges the authorities of the Russian Federation to comply with the standards set forth by the Basic Principles on the Role of Lawyers as well as their obligation under International Human Rights Law and to

- to protect Mr Ivan Pavlov against any present or future harassment, intimidation and or reprisal in the exercise of his profession ;
- to ensure that any prosecution of Mr Ivan Pavlov is not an effort to suppress his legitimate work as a lawyer ;
- to respects Ivan Pavlov's right to a fair trial.

I thank you for your attention of this very serious matter, which the International Observatory for Lawyers in Danger and I will continue to closely monitor.

Respectfully yours,



Francesco Caia
President of the International Observatory for Lawyers in Danger

Cc:

- Special Rapporteur on the Independence of Judges and Lawyers, Mr Diego GARCÍA-SAYÁN, OHCHR-UNOG, Avenue de la Paix 8-14, 1211 Genève 10, Switzerland (SRindependenceJL@ohchr.org) ;
- Mrs Krystyna Marty Lang, Swiss Ambassador to the Russian Federation, Embassy of Switzerland, Per. Ogorodnaya Sloboda 2/5, 101000 Moscow, Russia (moscow@eda.admin.ch) ;
- Sergei Garmonin, Ambassador of the Russian Federation in Switzerland, Embassy of the Russian Federation, Brunnadernrain 37, 3006 Bern, Switzerland (rusbotschaft@bluewin.ch) ;
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