

## **Statement on the criminal prosecution and pre-trial detention of Dmitry Talantov**

**Lawyers for Lawyers is concerned about the criminal prosecution and pre-trial detention of Dmitry Talantov, human rights lawyer and the president of the Bar Association of the Republic of Udmurtia.**

**12 July 2022**

In the morning of 28 June 2022, Mr. Talantov was [arrested](#) in Izhevsk and taken to the Investigation Committee of the Republic of Udmurtia for questioning. It has been [reported](#) that Mr. Talantov did not have access to his lawyer at the time of his arrest. The authorities conducted a search in four premises that are linked to Mr. Talantov, including his apartment and the Bar Association's office. During these searches the law enforcement officers confiscated Talantov's documents and data storage devices, that constitute attorney-client privilege. In the evening of 28 June, Mr. Talantov was transported to Moscow.

On 29 June 2022, the Cheryomushki District Court sentenced Mr. Talantov to pre-trial detention until 23 August 2022. Mr. Talantov has been charged under Article 207.3 (2) (d) of the Russian Criminal Code ("Public dissemination of knowingly false information about use of the Russian Armed Forces abroad and execution by the Russian government bodies of their powers, committed with motives of enmity or hatred") for his Facebook post from 3 April 2022, in which he criticized Russia's invasion of Ukraine.<sup>1</sup>

On request of the prosecutor, the trial was held behind closed doors. The prosecutor claimed that the case contains an investigative search report by the police, an expert examination that contains "other state secret information, protected by the law," and the official reply from the General Staff of the Ministry of Defence that also contains "state secret information protected by the law". The motion was granted despite Talantov's counter-arguments, including that no document could qualify as a state secret. It has also been [reported](#) that the court denied Mr. Talantov medical assistance when he reported chest pain and an increase in his blood pressure.

Lawyers for Lawyers is concerned that the criminal prosecution and pre-trial detention of Mr. Talantov are aimed at limiting his right to freedom of expression and curbing his legitimate activities as a lawyer. Mr. Talantov is the lawyer of Ivan Safronov, who is on trial for a high-treason charge. Mr. Safronov's other lawyer, Ivan Pavlov, had to [leave](#) the Russian Federation due to the fear of persecution.

We are furthermore [concerned](#) about the new repressive laws that came into force in the Russian Federation that provide for criminal and administrative liability for the dissemination of so-called "fake news" about the actions of the Russian military and for publicly discrediting their actions. The spread of "fake" information can [lead to liability](#): starting from a fine of up to 1.5 million rubles, and ending with the imprisonment for up to 15 years. Mr. Talantov's right to freedom of expression is criminalized since he has been charged under such a new repressive law, namely Article 207.3 of the Russian Criminal Code, which was introduced into the Criminal Code on 4 March 2022 and further amended on 25 March 2022.

Lawyers play a vital role in the protection of the rule of law and human rights. It is the responsibility of lawyers to protect and establish the rights of citizens. Their work is indispensable for ensuring that all persons have equal and effective access to protection of the law and remedies for violations of rights.

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<sup>1</sup> A criminal case into Mr. Talantov was already initiated on 23 June 2022, on the basis of the inspection of his Facebook page.

To fulfil their professional duties effectively, lawyers must be able to practice law freely and independently, without any fear of reprisal.

The United Nations (UN) Basic Principles on the Role of Lawyers<sup>2</sup> states that governments must ensure that lawyers “are able to perform all of their professional functions without intimidation, hindrance or improper interference.” The Basic Principles further require that lawyers “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.”<sup>3</sup> The Basic Principles also lay down that “governments shall recognize and respect that all communications and consultations between lawyers and their clients within their relationship are confidential”.<sup>4</sup> Moreover, the Basic Principles state that lawyers have the human rights to freedom of expression and to take part in public discussion of matters concerning the law, the administration of justice, and the promotion and protection of human rights.<sup>5</sup>

The Russian Federation is a State Party to the International Covenant on Civil and Political Rights (ICCPR), ratified in 1973. The ICCPR guarantees equality before the law and equal protection of the law as well as the right to timely and confidential legal representation by a lawyer of one’s own choosing, to assure protection of rights. Article 9 of the ICCPR recognises and protects both liberty and security of person. The right to freedom of expression is protected under article 19 of the ICCPR.

The UN Human Rights Committee’s General Comment No 34 on the right to freedom of opinion and expression (Article 19 ICCPR) states that lawyers “who engage in the gathering and analysis of information on the human rights situation and who publish human rights-related reports” are frequently subjected to threats, intimidation and attacks because of their activities. It is stated that “all such attacks should be vigorously investigated in a timely fashion, and the perpetrators prosecuted, and the victims, or, in the case of killings, their representatives, be in receipt of appropriate forms of redress.”

Lawyers for Lawyers calls on the authorities in the Russian Federation to:

1. Immediately and unconditionally release Dmitry Talantov and put an end to all acts of harassment against him, including judicial harassment;
2. Take all necessary measures to guarantee the physical and psychological integrity and security of Dmitry Talantov;
3. Guarantee that all lawyers in the Russian Federation can carry out their legitimate professional activities without intimidation, harassment, improper interference or reprisals, including respect for confidentiality of all communications between lawyers and their clients.

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<sup>2</sup> The UN Basic Principles on the Role of Lawyers provide a concise description of international norms relating to the key aspects of the right to independent counsel. The Basic Principles were 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.

<sup>3</sup> Principle 16 of the United Nations Basic Principles on the Role of Lawyers.

<sup>4</sup> Principle 22 of the United Nations Basic Principles on the Role of Lawyers.

<sup>5</sup> Principle 23 of the United Nations Basic Principles on the Role of Lawyers.