



BY AIRMAIL

Mr. Alexander Konovalov
Minister of Justice
14, ul. Zhitnaya,
119991 MOSCOW
RUSSIAN FEDERATION

Fax: +7 495 955 59 99

Amsterdam, 24 April 2015

Re: Initiation of criminal case against lawyer Mark Feygin

Your Excellency,

Lawyers for Lawyers is an independent and non-political Dutch foundation that seeks to promote the proper functioning of the rule of law by pursuing freedom and independence of the legal profession.

Lawyers for Lawyers is concerned for Mark Feygin, attorney-at-law. Since 11 June 2014, Mark Feygin together with lawyers Ilya Novikov and Nikolay Polozov defends Nadiya Savchenko, a Ukrainian air-force pilot who is held in Russia and is charged with the killing of two Russian journalists. Since Mr. Feygin took on the case of Savchenko, he has been receiving constant threats, including threats of murder, mostly through social media.

According to our information, you are trying to initiate a criminal case against Mark Feygin under Art. 282 of the Criminal Code of the Russian Federation for publishing tweets on his twitter account that should "have an extremist character." The above mentioned tweets were, according to our sources, for the support of Savchenko's case. We were furthermore informed that your ministry requested the Moscow Bar Association to conduct an audit of Mark Feygin's activities, to establish whether these alleged 'extremist statements' are in violation of the code of lawyer's ethics and could lead to disciplinary action.

Lawyers for Lawyers – as well as various other organizations - fear that the initiation of a criminal case against Mark Feygin and the request to the Moscow Bar Association to conduct an audit, serve to curb his legitimate activities as attorney.

As a member of the United Nations Assembly, the Russian Federation is bound by the UN Basic Principles of the Role of Lawyers adopted by the Assembly in 1990. We would draw your attention to Articles 16 and 18 of the Principles in particular which state that:

16. Governments shall ensure that lawyers (a) are able to perform all of their professional functions without intimidation, hindrance, harassment or improper interference (...) and (c) 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.

18. Lawyers shall not be identified with their clients or their clients' causes as a result of discharging their functions.



Furthermore, on 2 April 2015, the United Nations Human Rights Committee urged the Russian authorities to: *"take immediate steps to provide, in practice, effective protection to lawyers [...] whose lives, safety and security are under threat due to their work in monitoring and reporting on human rights issues and on other matters of legal and public interest, and refrain from taking any measures that may constitute harassment or persecution or undue interference in the exercise of their work or of their right to freedom of opinion and expression. It should effectively investigate, prosecute and bring perpetrators of the above acts to justice."*

In view of the above, Lawyers for Lawyers respectfully urge you to immediately:

- Drop the criminal investigation and prosecution against Mark Feygin, and assure that any action against him is taken in conformity with the Principles cited above and other international legal obligations binding upon the Russian Federation
- Withdraw the request to the Moscow Bar Association to conduct an audit of Mark Feygin's activities, and assure that any disciplinary action against him is taken in conformity with the Principles cited above
- Guarantee in all circumstances that all lawyers in the Russian Federation are able to practice law without threat, intimidation, hindrance, harassment, improper interference or reprisals, including criminal prosecution on improper grounds

We thank you for your attention to this very important matter. We are confident of your good will and sense of justice and will continue to monitor this case closely.

On behalf of the President of Lawyers for Lawyers, Phon van den Biesen,

Yours sincerely,

Lawyers for Lawyers

Adrie van de Streek
Executive director

A copy of this letter was sent to:

- Roman Anatolievich Kolodkin, Ambassador Extraordinary and Plenipotentiary of the Russian Federation in the Kingdom of the Netherlands
- Ron J.P.M. van Dartel, Ambassador Extraordinary and Plenipotentiary of the Kingdom of the Netherlands in the Russian Federation
- High Representative of the European Union for Foreign Affairs and Security Policy / Vice-President of the Commission, Federica Mogherini
- Commissioner for Human Rights of the Council of Europe, Nils Muižnieks
- Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, Mr. David Kaye
- Special Rapporteur on the independence of judges and lawyers, Ms. Gabriela Knaul