

Russian Federation: end harassment of lawyer Ivan Pavlov

The International Commission of Jurists (ICJ) today condemned the detention, interrogation and searches of premises of lawyer Ivan Pavlov, a prominent lawyer and head of the human rights legal group Team 29.

Pavlov was detained by Federal Security Service (FSB) agents on 30 April after a raid on his Moscow hotel suite. According to the order to initiate criminal proceedings, Pavlov was charged with “disclosing the information of preliminary investigation” under Article 310 of the Criminal Code of the Russian Federation. According to the charging order, Pavlov is accused of transmitting to the Vedomosti Newspaper a copy of an indictment order against his client, journalist Ivan Safronov. Furthermore, Pavlov is charged with disclosing the nickname of one of the witnesses in the case.

According to the decision of the Basmanyi Court on a preventive measure for Pavlov, he is prohibited from communicating with witnesses in his criminal case, except for close relatives, using the Internet and other means of communication.

“Russian authorities must stop this harassment of Ivan Pavlov and Team 29, which are almost certainly due to their representation of clients in several high profile cases,” said Roisin Pillay, ICJ’s director for Europe and Central Asia.

“These raids clearly interfere with lawyer-client privilege. The case files seized during the search should be returned to the lawyers and Pavlov should be able to continue his work in defence of all his clients free of harassment or fear of retaliation, as required by international standards”, she added.

According to the UN Basic Principles on the Role of Lawyers governments must ensure that “ ... 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” (Principle 16). Furthermore, lawyers cannot “be identified with their clients or their clients’ causes as a result of discharging their functions” (Principle 18).

Ivan Pavlov represents clients in a number of high-profile cases, including many who have been the subject of investigation by the FSB. His clients have included the Foundation Against Corruption of the Russian opposition leader Alexey Navalny, the case of Russia’s Electric Energy Company (Inter RAO) manager Karina Tsurkan, physicist Victor Kudryavtsev, journalist Ivan Safronov and journalist Grigory Pasko.

Besides the raid on Pavlov’s hotel suite, authorities searched the office of Team 29 in St.Petersburg and the apartment of Pavlov’ wife. As a result of the searches, almost all of the case materials on Pavlov’s client Ivan Safronov were taken by law enforcement officers. These searches cannot be justified by allegations of disclosing information related to the investigation and raise concern that there may be illegitimate reasons for the criminal prosecution of the lawyer.

“While secrecy of a preliminary investigation may be a legitimate procedure, it does not afford justification for interference with the work of lawyers, including by accessing lawyers’ premises and files, and should never be misused as a means of intimidation and retaliation against lawyers”, said Roisin Pillay. “The ICJ urges the Russian investigative authorities to cease any investigative actions

which may breach the rights of the lawyer and to respect lawyer-client privilege in cases where he represents clients no matter how sensitive the cases may be perceived to be”.

Communications and documentation that lawyers maintain in respect of their professional relationship with their clients is legally protected, under international and Russian law, from seizure and disclosure pursuant to the lawyer-client privilege principle. In particular, the rights to a fair trial, and family and private life are guaranteed under the European Convention for Human Rights (6 and 8 respectively) and the International Covenant on Civil and Political Rights (articles 14 and 17 respectively).

As the European Court of Human Rights repeatedly stated “[...] persecution and harassment of members of the legal profession strikes at the very heart of the Convention system. Therefore the searching of lawyers’ premises should be subject to especially strict scrutiny.” ([Kolesnichenko v. Russia \(Application no. 19856/04 para 31\)](#)). This right is equally protected by Russian legislation, in particular Article 8 of the Law on Lawyers’ Activity and Advokatura in the Russian Federation, and as shown by the decision of the Constitutional Court of the Russian Federation in [the Balayan and Dzhuba case](#) (see below).

Background

In 2020, the FSB tried twice to initiate disciplinary proceedings against Ivan Pavlov seeking a disciplinary penalty in relation to his representation of Safronov. The St Petersburg Bar Association did not proceed with a disciplinary inquiry against the lawyer.

Ivan Safronov, former journalist and adviser to Dmitry Rogozin, the head of Roskosmos, the Russian Space Agency, was charged with high treason based on allegations of work for a security service of one of NATO States. He is currently in detention.

[Team 29](#) is an independent initiative of Russian lawyers and journalists named after Article 29 of the Russian Constitution on freedom of thought and speech and Chapter 29 of the Criminal Code on State security.

The [Constitutional Court of the Russian Federation, in its decision of Balayan, Dzhuba et al.](#) of 17 December 2015, held that: “[...] the general prohibition on the withdrawal and receipt from a lawyer of confidential information related to the provision of legal assistance to a client by legal means solely in the interests of protecting his [or her] rights assumes that during the search, which, with the permission of the court, is carried out by the prosecuting authorities against the lawyer, there may not take place an examination and compulsory seizure of materials of lawyers' proceedings containing information that does not go beyond the provision of personal professional legal assistance to the client in the manner prescribed by law, i.e. not related to violations on the part of a lawyer and (or) his client or a third party, which are of a criminally unlawful nature or which constitute storage of instruments of crime or objects that are prohibited for circulation or whose circulation is limited. Otherwise, the importance of attorney secrecy, the right to receive professional legal assistance, the right to privacy, personal and family secrets, the presumption of innocence and the right of everyone not to testify against himself would actually be devalued.”