

Russian Federation: ICJ denounces harassment of lawyer Ivan Pavlov

Russian authorities must immediately withdraw their motion to disbar lawyer Ivan Pavlov and stop their harassment of the lawyer as a result of his professional duties, the International Commission of Jurists (ICJ) said.

“The multiple attempts to disbar Ivan Pavlov send a clear signal to lawyers in Russia that their independence is at serious risk” said Roisin Pillay, Director of the ICJ Europe and Central Asia Programme.

“The pattern of harassment by authorities is designed to deter lawyers from representing clients in certain high-profile cases. But international standards protect the independence of lawyers and stipulate that lawyers should never be identified with their clients’ causes”.

The ICJ calls on the authorities of the Russian Federation to withdraw the motion against Pavlov to ensure that he does not face adverse consequences for diligently carrying out his professional duties and that he continues to freely exercise his profession.

On 20 September, the St Petersburg Department of the Ministry of Justice of the Russian Federation submitted a motion to initiate disciplinary proceedings against Ivan Pavlov seeking his disbarment. No alternative measures were suggested by the Ministry.

The ICJ is concerned that the grounds of disbarment threaten Ivan Pavlov’s freedom of expression and seek to penalise him for the representation of his client. By way of example, one of the grounds for disbarment cited by the Ministry of Justice is that by giving interviews to the media he carried out “an attempt to put pressure on the investigation and the court by unilaterally submitting information to the media and presenting the public with distorted data on the investigation of a criminal case”.

Among the other grounds for the disbarment sought by the Ministry of Justice are failure to attend investigative actions, an alleged unwarranted transcription of state secret information from a case file, and presidency of an NGO recognised by the authorities as “undesirable”.

Pavlov rejects these allegations as unsubstantiated or factually incorrect.

Previously, in 2020, the Ministry of Justice sought disbarment of Ivan Pavlov and appealed the refusal of the St Petersburg Bar Association to disbar him. On 30 September, the Kuibyshev District Court terminated the proceedings, as the Ministry of Justice withdrew the suit. Yet, the key points from these proceedings were used in the new motion seeking Pavlov’s disbarment submitted on 20 September.

“Lawyers such as Ivan Pavlov are a crucial line of defence for those who are most vulnerable to human rights violations. If such lawyers are unable to operate, the independence of the legal profession as a whole will be significantly degraded”, said Pillay.

Protection of lawyers from harassment is essential to the functioning of the justice system and to the protection of human rights. According to the UN Basic Principles on the Role of Lawyers, governments must ensure that lawyers are able to perform all of their professional functions without

intimidation, hindrance, harassment or improper interference and must not face sanctions for discharging their duties in accordance with professional standards and ethics (Principle 16). Furthermore, lawyers must not be identified with their clients or their clients' causes as a result of discharging their functions. (Principle 18).

The UN Basic Principles also specify that lawyers like others have a right to freedom of expression and in particular the right to take part in public discussion of matters concerning the law, the administration of justice and the promotion and protection of human rights" (Principle 23)

Background

Ivan Pavlov represents clients in a number of high-profile cases. 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.

In 2020, the Ministry of Justice filed a motion against Pavlov to the St Petersburg Bar Association following his refusal to sign an undertaking not to disclose secret information of preliminary investigation in the case of Ivan Safronov. The Bar Association rejected the motion. The Ministry of Justice appealed against the decision to the court.

In 2020, the Federal Security Service (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.

On 30 April, after a raid on his Moscow hotel suite, Pavlov was detained by FSB agents. 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.

In the beginning of September 2021, Ivan Pavlov left Russia due to his fear of prosecution on political grounds.