

Advocates under occupation

Report

Situation with observing
the advocates' rights
in the context of the armed
conflict in Ukraine



Kyiv 2018

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This Report contains an analysis of the situation with the observance of the rights of lawyers in the context of the armed conflict in the Autonomous Republic of Crimea and the city of Sevastopol, as well as in certain areas of Donetsk and Luhansk oblasts of Ukraine in 2014-2018.

It contains facts reflecting the actual situation of the bar in the occupied territories, as well as the state of protection of the rights of lawyers from the occupied territories by Ukrainian bar self-government bodies.

The authors also provide recommendations on how to improve the situation with the observance of guarantees for lawyer work during the armed conflict - both in the occupied territories and in the territories controlled by the Ukrainian government.



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Foreword



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Abbreviations¹

AARC	Autonomous Republic of Crimea
ATO	Anti-Terrorist Operation (conducted from 8 April 2014 to 30 April 2018, renamed JFO)
“DPR”	so-called “Donetsk People’s Republic” ²
ECHR, Convention	European Convention on Human Rights
URAU	Unified Register of Advocates of Ukraine
ECtHR	European Court of Human Rights
IDP	internally displaced person
“LPR”	so-called “Luhansk People’s Republic” ³
UNBA	Ukrainian National Bar Association
UN	United Nations
JFO	Joint Forces Operation (started on 30 April 2018, former ATO)
ORDLO	certain areas of Donetsk and Luhansk oblasts (occupied territories, non-government-controlled territories)
PACE	Parliamentary Assembly of the Council of Europe
OHCHR	Office of the United Nations High Commissioner for Human Rights
RFCL	Russian Federal Chamber of Lawyers (Russian Federation)

AFTER THE ANNEXATION of the Autonomous Republic of Crimea and the city of Sevastopol by the forces of the Russian Federation in February – March 2014 and the beginning of the armed conflict at eastern Ukraine, the overall human rights situation in these territories has deteriorated significantly, which is evidenced by numerous reports of international agencies and human rights organizations⁴. In light of this, the role of *advokatura*⁵ as an important tool for the protection of human rights and freedoms in the context of the armed conflict becomes ever more important.

Existence of truly independent *advokatura* comprising guaranteed protection of advocates’ rights and professional practice is an integral part of fair justice and a key pillar within the human rights system. The Advocates under Occupation Report is the first attempt to investigate and systematize the information available regarding the situation with *advokatura* and cases of advocates’ persecution at the non-government-controlled territory of Ukraine in connection with their professional activities. The Report was prepared by experts of the Ukrainian Helsinki Human Rights Union in cooperation with lawyers and advocates from various regions of Ukraine, including those from the occupied territories.

The purpose of this Report is to study the situation of *advokatura*, the rights of individual advocates, and the risks they face when pursuing their profession in the context of the armed conflict at the Crimean peninsula and in certain areas of Donetsk and Luhansk oblasts that are currently outside of Ukrainian government’s control. The Report is focused on gathering facts and assessing situation with implementation of professional standards and observance of guarantees for practice of advocates at these territories, on identifying threats and risks that advocates are facing, and on development of recommendations on how to improve the situation.

The study covers the period between 2014 and 2018 and was held under the conditions of limited access to information at the occupied territories. The Report is based on data available from open sources, media, as well as replies from relevant public agencies and structures and professional associations. In the frames of the Report development, the authors interviewed

¹ When referring to the illegitimate authorities at the occupied territories, this Report uses the terminology used at these territories by the self-proclaimed or occupying authorities.

² The name used by the self-proclaimed authorities of the occupied areas of Ukraine’s Donetsk Oblast. No UN state has recognized “DPR”’s legitimacy.

³ The name used by the self-proclaimed authorities of the occupied areas of Ukraine’s Luhansk Oblast. No UN state has recognized “LPR”’s legitimacy.

⁴ OHCHR thematic report “Situation of human rights in the temporarily occupied autonomous republic of Crimea and the city of Sevastopol”, September 2017 http://www.ohchr.org/Documents/Countries/UA/Crimea2014_2017_Ukrainian.pdf

UN report on the human rights situation in Ukraine, 16 November 2016 – 15 February 2017 <http://un.org.ua/images/documents/4080/17th%20HRMMU%20Report%20UKR.pdf>

OSCE report “Hardship for conflict-affected civilians in eastern Ukraine”, 2017 <https://www.osce.org/node/300281>

⁵ *Advokatura of Ukraine* is a non-governmental self-governing institute that ensures protection, representation, and provision of other types of legal assistance at professional level as well as independently decides on the *advokatura* organization and functioning in accordance with the procedure established by the law

advocates from the occupied territories. The survey was carried out by conducting face-to-face and online interviews with the respondents. Because of underlying threats and risks, many of the interviewed advocates expressed the wish to remain anonymous.

The Report consists of three sections. The first section contains the key standards and guarantees for advocates' practice enshrined in the international acts of "soft law" and the Law of Ukraine "On the Bar and the Practice of Law", as well as information on the development of the Convention on the Profession of Lawyer within the framework of the Council of Europe institutes. The second section contains an overview of violations of advocates' rights and guarantees of the advocates' professional practice at the Autonomous Republic of Crimea and the city of Sevastopol, as well as a study of interaction between advocates operating at the occupied territories and IDP advocates with Ukraine's advocate self-governance bodies. The third section contains information about violations of advocates' rights and guarantees of the advocates' professional practice at the occupied areas of Donetsk and Luhansk oblasts, as well as assistance being provided to IDP advocates at the government-controlled territory of Ukraine. The Report also presents key conclusions and recommendations regarding adoption of measures aimed at protecting the rights of advocates who keep on their practice under conditions of the occupation and the armed conflict or who have relocated from the occupied territory.

The Report presents results of a study of the observance of the rights of Ukrainian advocates at the occupied territory of the Autonomous Republic of Crimea and city of Sevastopol as well as certain areas of Donetsk and Luhansk oblasts that have been outside of Ukrainian government control since 2014. Proper attention is also given to the analysis of exercising the rights by advocates from the occupied territories when interacting with Ukraine's advocate self-governance bodies. The authors did not investigate violations of the rights of Ukrainian advocates within the government-controlled territory of Ukraine, or those of foreign advocates working at the occupied territories (except for certain instances when these advocates work on cases of Ukrainian political prisoners held at the occupied territories).

Collection, verification, and analysis of information regarding violations of advocates' rights and guarantees of the advocates' professional practice at the occupied territory of Ukraine in connection with the armed conflict had been carried out by the authors up until early December 2018.

The Ukrainian Helsinki Human Rights Union expresses its sincere gratitude for multifaceted assistance in preparing this Report to the authors and experts as well to all advocates from the occupied territories and IDP advocates who took part in Report-related interviews.

This Report will be useful to Ukraine's advocate self-governance bodies, individual advocates and human rights defenders, national and international human rights institutions, representatives of the media, as well as to all curious about the protection of advocates' rights and guarantees of the advocates' professional practice in the context of the armed conflict.

Section I. **KEY STANDARDS AND GUARANTEES FOR THE ADVOCATES' PROFESSIONAL PRACTICE**

STANDARD/ GUARANTEE	SOURCES		
	INTERNATIONAL ACTS ("SOFT LAW")	EUROPEAN ACTS ("SOFT LAW")	NATIONAL ACTS (BINDING WITHIN UKRAINE)
	Basic Principles on the Role of Lawyers Adopted by the 8th United Nations Congress on the Prevention of Crime and the Treatment of Offenders, 27 August – 7 September 1990	Recommendation No. R(2000)21 of the Committee of Ministers on the Freedom of Exercise of the Profession of Lawyer Adopted by the Committee of Ministers of the Council of Europe, 25 October 2000	Law of Ukraine «On the Bar and the Practice of Law», 5 July 2012
Access to one's client	Governments shall ensure that lawyers (b) are able to travel and to consult with their clients freely both within their own country and abroad (par. 16).	Lawyers should have access to their clients, including in particular to persons deprived of their liberty, to enable them to counsel in private and represent their clients according to established professional standards (par. 5).	The Law does not establish a general guarantee of access to one's client. This guarantee is provided for by Art. 46 of the Criminal Procedure Code of Ukraine, according to which: the defense counsel is entitled to participate in the interrogation and other investigative actions conducted with the suspect or accused; to have a confidential meeting with the suspect without the need to request permission of the investigator, prosecutor or court before the first interrogation of the suspect, and another meeting after the first interrogation, with no limit on the number and duration of these meetings. Such meetings may be conducted under the visual supervision of an authorized official, but under conditions that would exclude the possibility of audio recording or listening in (par. 5 of the aforementioned Article).
Privileged nature of the advocate – client relationship. Confidentiality	Governments shall recognize and respect that all communications and consultations between lawyers and their clients within their professional relationship are confidential (par. 22).	All necessary measures should be taken to ensure the respect of the confidentiality of the lawyer – client relationship. Exceptions to this principle should be allowed only if compatible with the Rule of Law (par. 6).	It is prohibited to demand from the advocate information that would constitute a violation of the advocate – client confidentiality. The advocate may not be interrogated about such issues (par. 2, Art. 23). Examination, disclosure, reclamation or seizure of documents related to the advocate's activities is prohibited (par. 4, Art. 23). It is prohibited to involve an advocate in confidential collaboration during the investigation, if such collaboration relates or may lead to the violation of the advocate – client confidentiality (par. 8, Art. 23). Interference with the private communication between an advocate and his/her client is prohibited (par. 9, Art. 23).

STANDARD/ GUARANTEE	SOURCES		
	INTERNATIONAL ACTS ("SOFT LAW")	EUROPEAN ACTS ("SOFT LAW")	NATIONAL ACTS (BINDING WITHIN UKRAINE)
Personal security and immunity	Governments shall ensure that lawyers (a) are able to perform all of their professional functions without intimidation, hindrance, harassment or improper interference; (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 (par. 16) Where the security of lawyers is threatened as a result of discharging their functions, they shall be adequately safeguarded by the authorities (par. 17) 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 (par. 20).	Lawyers should not suffer or be threatened with any sanctions or pressure when acting in accordance with their professional standards (par. 4).	Conducting any investigative measures or actions in relation to advocates is only allowed with the permission of the court and is carried out on the basis of a court decision issued at the request of the Prosecutor General, his/her deputies, or the prosecutor of the ARC, oblast, city of Kyiv, or city of Sevastopol (par. 3, Art. 23). Advocates are guaranteed security when participating in criminal proceedings (par.7. Art. 23). A notice of suspicion of crime can be issued to advocates exclusively by the Prosecutor General, his/her deputy, or the prosecutor of the ARC, oblast, city of Kyiv, or city of Sevastopol (par. 13, Art. 23). It is prohibited to bring criminal or other charges against an advocate or threaten an advocate with such charges in connection with their activities carried out in accordance with the law (par. 14, Art. 23). Any interference or obstruction of advocate practice is prohibited (par. 1, Art. 23). Life, health, honor and dignity of advocates and their families, as well as their property, are safeguarded by the state, and any violation of these rights shall result in prosecution under the law (par. 6, Art. 23). The authority or officials that detain an advocate or apply a preventive measure to him/her must immediately notify the appropriate regional Council of Advocates body about this (par. 12, Art. 23) Disciplinary proceedings against an advocate shall be carried out under a special procedure (par. 17, Art. 23).
Not being identified with one's client	Lawyers shall not be identified with their clients or their clients' causes as a result of discharging their functions (par. 18).		It is prohibited to identify advocates with their clients (par. 16, Art. 23).

⁶ http://www.un.org/ru/documents/decl_conv/conventions/role_lawyers.shtml

⁷ <https://eshra375.files.wordpress.com/2014/01/rec200021.docx>

⁸ <http://zakon2.rada.gov.ua/laws/show/5076-17>

⁹ <http://zakon0.rada.gov.ua/laws/show/4651-17/print1509962926662067>

STANDARD/ GUARANTEE	SOURCES		
	INTERNATIONAL ACTS ("SOFT LAW")	EUROPEAN ACTS ("SOFT LAW")	NATIONAL ACTS (BINDING WITHIN UKRAINE)
Acknowledgement of advocates' right to represent their clients in court	No court or administrative authority before whom the right to counsel is recognized shall refuse to recognize the right of a lawyer to appear before it for his or her client unless that lawyer has been disqualified in accordance with national law and practice and in conformity with these principles (par. 19).	Lawyers should not be refused access to a court before which they are qualified to appear (par. 7).	Submissions by the investigator or prosecutor, as well as private determinations (resolutions) of the court regarding the legal position of an advocate in a case are prohibited (par. 10, Art. 23). It is prohibited to interfere with the legal position of an attorney (par. 11, Art. 23).
Freedom of access to information	It is the duty of the competent authorities to ensure lawyers access to appropriate information, files and documents in their possession or control in sufficient time to enable lawyers to provide effective legal assistance to their clients. Such access should be provided at the earliest appropriate time (par. 21)	Lawyers should have access to all relevant files when defending the rights and interests of their clients in accordance with their professional standards (par. 7).	Advocates are guaranteed equal rights with other parties to the proceedings, as well as observance of the adversarial system principle and the freedom to present evidence and justify its validity (par. 5, Art. 23). Refusal to provide information in response to advocates' inquiries shall result in liability in accordance with the law (par. 3, Art. 24).
The right to freedom of expression	Lawyers like other citizens are entitled to freedom of expression, belief, association and assembly (par. 23).	Lawyers should enjoy freedom of belief, expression, movement, association and assembly, and, in particular, should have the right to take part in public discussions on matters concerning the law and the administration of justice and suggest legislative reforms (par. 3).	An advocate's statements during a case may not serve as grounds for the advocate's prosecution, including statements reflecting the client's position and media appearances, as long as such statements do not violate the advocate's professional duties (par. 15, part 1, Art. 23).

The above overview of standards and guarantees is not exhaustive, the list is constantly updated. At the same time, legal regulation in this area is imperfect due to the non-binding nature of international and regional sources, which provides the state with broad discretion when it comes to applying the recommendations at the national level.

The ongoing persecution, threats and attacks against advocates in certain Council of Europe states, as well as the increasingly systematic and widespread nature of these practices, may indicate that it is the result of deliberate policies of certain states. The existence of this practice demonstrates the need to strengthen the legal status of Recommendation No. R(2000)21 by making it mandatory and introducing an effective mechanism for monitoring its implementation.

In this regard, on January 24, 2018, PACE adopted Recommendation No. 2121 (2018) for the Committee of Ministers on the need to develop a Convention on the Profession of Lawyer.¹⁰

ECtHR case law regarding the guarantees for advocate activities Monitoring of law firms' telephone lines

Kopp v. Switzerland, 25 March 1998, Reports of Judgments and Decisions 1998-II
Pruteanu v. Romania, no. 30181/05, 3 February 2015
Versini-Campinchi and Crasnianski v. France, no. 49176/11, 16 June 2016

Listening in and other ways of intercepting telephone communications of law firms constitute a serious interference with privacy and correspondence and therefore must be based on a particularly specific "law". It is imperative to have clear and detailed rules on this matter, since available technologies are getting increasingly more sophisticated. The law should clearly state how, when and who is authorized to make distinctions between cases directly related to the exercise of advocate duties and cases not related to such specific activities. The law should indicate with sufficient clarity the scope and means of the government's discretion in such matters and provide the person with a level of protection consistent with the general principle of the rule of law.

Searches and seizures in law firms and advocates' homes

Niemietz v. Germany, 16 December 1992, Series A no. 251-B
Tamosius v. the United Kingdom (dec.), no. 62002/00, ECHR 2002-VIII
Golovan v. Ukraine, no. 41716/06, 5 July 2012
Smirnov v. Russia, no. 71362/01, 7 June 2007

A search at an advocate's office affects or poses a risk for professional secrets and may have a negative effect on the proper administration of justice. Searches on advocate-owned premises should be controlled especially strictly. Relevant guarantees, such as the presence and efficient participation of independent observers, should always be available during a search at an advocate's office to ensure that materials constituting advocate – client confidentiality would not be seized. The observers should possess the necessary legal qualifications to be able to participate in the process efficiently. A search conducted without valid and sufficient grounds and in the absence of guarantees against the violation of advocate – client confidentiality in the residence of an advocate who is not accused of committing a crime but represents his/her client is not considered "necessary in a democratic society".

¹⁰ Recommendation 2121 (2018)1 Assembly debate on 24 January 2018 (6th Sitting) (see Doc. 14453, report of the Committee on Legal Affairs and Human Rights, rapporteur: Ms Sabien Lahaye-Battheu). Text adopted by the Assembly on 24 January 2018 (6th Sitting) <http://assembly.coe.int/nw/xml/XRef/Xref-DocDetails-EN.asp?FileID=24466&lang=2>

Duty to report suspicions (in the context of combating money laundering)

Grifhorst v. France, no. 28336/02, 26 February 2009

Michaud v. France, no. 12323/11, ECHR 2012

Advocate – client privilege is of great importance both for the advocate and for the client, as well as for proper administration of justice. However, it is not inviolable. Its importance should be considered in the context of the member states' efforts in the fight against the laundering of proceeds from criminal activities that are likely to be used to fund criminal activities related to drug trafficking or international terrorism.

The obligation to report suspicions in the context of such cases cannot be considered disproportionate interference with the activities of an advocate and the advocate – client confidentiality, since the law contains instructions to file such reports not directly to the authorities but to the president of the bar association.

Restrictions on the disclosure of advocate – client communication and the right to a fair trial

M v. the Netherlands, no. 2156/10, ECHR 2017 (extracts)

Prohibiting a person accused of disclosing state secrets from telling his advocate all information that constitutes a state secret is a violation of the right to a fair trial. Without professional assistance, a person accused of a serious criminal offense is deprived of the right to defend himself/herself with the help of a chosen counsel, which casts doubt on the fairness of the trial against him/her as a whole.

Right to freedom of expression

Steur v. the Netherlands, no. 39657/98, ECHR 2003-XI

Nikula v. Finland, no. 31611/96, ECHR 2002-II

Amihalachioaie v. Moldova, no. 60115/00, ECHR 2004-III

Kyprianou v. Cyprus [GC], no. 73797/01, ECHR 2005-XIII

Igor Kabanov v. Russia, no. 8921/05, 3 February 2011

Mor v. France, no. 28198/09, 15 December 2011

Reznik v. Russia, no. 4977/05, 4 April 2013

Morice v. France [GC], no. 29369/10, ECHR 2015

eferin v. Slovenia, no. 40975/08, 16 January 2018

Shkitskiy and Vodoratskaya v. Russia, nos. 27863/12 and 66513/12, 16 October 2018

Advocates have the right to publicly comment on the process of administration of justice, but their criticism should not overstep certain boundaries. The advocate's statements recognized at the national level to be in contempt of the court were made during the trial and were limited to the courtroom, as opposed to the criticism of the advocate voiced by the judge and the prosecutor in the media. These statements were recognized as having evaluative nature, although the Court agreed that they carried a negative, sometimes hostile meaning. Nevertheless, they could not be interpreted as personal attacks with the sole intention of insulting the prosecutor, the experts, or the court (judges). The use of "unconcealed schadenfreude" in the comments regarding the judge (the prosecutor, the experts), which was not insulting but sarcastic, should be considered compatible with Article 10 of the Convention.

Disclosure of bank documents in criminal proceedings

Brito Ferrinho Bexiga Villa-Nova v. Portugal, no. 69436/10, 1 December 2015

The prosecutor's office brought criminal charges against an advocate on suspicion of tax fraud, which required access to his bank statements. This was sanctioned by the court, but without involving the advocate himself or consulting the bar association. Moreover, the authorities failed to consider the need to protect the confidentiality of correspondence between the advocate and his client, despite the fact that such correspondence enjoys special protection. The Court found a violation of Article 8 of the Convention – the right to respect for private life, in the context of the advocate's professional interests.

Covert surveillance

Klass and Others v. Germany, 6 September 1978, Series A no. 28

National legislation should contain provisions that keep covert surveillance to a minimum and ensure that it is carried out in strict compliance with the law. In the absence of evidence to the contrary, the Court must proceed from the assumption that the relevant state authorities applied such legislation properly.

Section II.

VIOLATIONS OF THE RIGHTS AND GUARANTEES OF ADVOCATES' PRACTICE IN THE CONTEXT OF THE ARMED CONFLICT IN UKRAINE



Brief overview of the situation related to occupation of Crimea and its effects on advocates' practice

In late February – early March 2014, the Russian Federation carried out a military operation to seize a part of Ukraine's territory – the Autonomous Republic of Crimea and the city of Sevastopol. This territory was subsequently forcibly joined (annexed) to the territory of Russia¹¹.

By the actions of forcible takeover and annexation of the Crimean Peninsula Russia violated the regulations of international law, specifically those enshrined in such documents as the UN Charter¹², Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States in accordance with the Charter of the United Nations¹³, Final Act of the Conference on Security and Co-operation in Europe of 1 August 1975¹⁴ and others.

Taking into account the provisions of the UN General Assembly Resolution on the Definition of Aggression (1974)¹⁵, Russia's actions that violated the territorial integrity of Ukraine can also be classified as an act of aggression.

On 27 March 2014, with the UN General Assembly Resolution on the «Territorial Integrity of Ukraine» (68/262)¹⁶, the international community reaffirmed the need for the states to fulfill their obligations under international law, as well as their commitment to the sovereignty and territorial integrity of Ukraine within its internationally recognized borders. The General Assembly called on all states and international organizations not to recognize any changes in the status of Crimea.

In accordance with Article 42 of the Regulation concerning Laws and Customs of War on Land to the 1907 Convention respecting Laws and Customs of War on Land, a territory is recognized as occupied if it is under actual control of a hostile army. Based on the provisions of the 1949 Geneva Convention (IV) relative to the Protection of Civilian Persons in Time of War, the status of occupied territory cannot be affected by the fact that the occupation has not been met with armed resistance.

The regime established by Russia in the ARC and city of Sevastopol was subsequently defined by the international community as an occupation regime¹⁷.

Crimea's occupation soon led to widespread and systematic violations of human rights, including persecution of independent advocates in connection with their professional practice. This is evidenced, for example, by the report of the Office of the United Nations High Commissioner for Human Rights on Situation of human rights in the temporarily occupied Autonomous Republic of Crimea and the city of Sevastopol (Ukraine)¹⁸, the relevant resolutions of the UN General Assembly¹⁹ and the Parliamentary Assembly of the Council of Europe²⁰ on Crimea, as well reports of Ukrainian and international human rights organizations.

¹¹ <http://kremlin.ru/events/president/news/20605>

¹² <http://www.un.org/ru/charter-united-nations/index.html>

¹³ http://www.un.org/ru/documents/decl_conv/declarations/intlaw_principles.shtml

¹⁴ <https://www.osce.org/ru/mc/39505?download=true>

¹⁵ http://www.un.org/ru/documents/decl_conv/conventions/aggression.shtml

¹⁶ <https://documents-dds-ny.un.org/doc/UNDOC/GEN/N13/455/19/PDF/N1345519.pdf?OpenElement>

¹⁷ European Parliament Resolution of 4 February 2016 on the human rights situation in Crimea, in particular of the Crimean Tatars (2016/2556(RSP)) <https://goo.gl/HJcuQo>

PACE Resolution 2133 (2016) of 12 October 2016 on Legal remedies for human rights violations on the Ukrainian territories outside the control of the Ukrainian authorities <https://goo.gl/YrdAJ2>

UN General Assembly Resolution A/RES/71/205 of 19 December 2016 on Situation of human rights in the Autonomous Republic of Crimea and the city of Sevastopol (Ukraine) <http://undocs.org/ru/A/RES/71/205>

ICC Prosecutor's Office Annual Report of 14 November 2016 https://www.icc-cpi.int/iccdocs/otp/161114-otp-repPE_ENG.pdf

¹⁸ http://www.ohchr.org/Documents/Countries/UA/Crimea2014_2017_RU.pdf Section C. Administration of justice and right to a fair trial

¹⁹ <https://documents-dds-ny.un.org/doc/UNDOC/GEN/N16/419/47/PDF/N1641947.pdf?>

²⁰ <https://goo.gl/HJcuQo>

<http://assembly.coe.int/nw/xml/XRef/Xref-XML2HTML-en.asp?fileid=24680&lang=en>

After the forcible annexation of the Crimean Peninsula, Russia, in violation of international humanitarian law regulations, extended its own legislation to the occupied territory, replacing Ukrainian legislation, including the laws that regulate the advocates' practice. In particular, in the very first month of the occupation, in March 2014, it was announced that the advocates that used to be members of the Unified Register of Advocates of Ukraine and had a job in ARC or city of Sevastopol had to meet a number of requirements to continue their practice there, namely:

- 1) obtaining a passport of a citizen of the Russian Federation and
- 2) passing the qualification exam on knowledge of the Russian legislation.

It was the only way for advocates to continue their practice.

Under these circumstances, many advocates that did not take the new regime for granted had to agree to these conditions for the sake of their clients. Subsequently, many of them left the occupied territory or had to terminate their law practice due to political, moral or ethical considerations.

Even some of those advocates who voluntarily and willingly agreed to undergo the compulsory procedure for being allowed to pursue lawyer activities under Russian laws soon had to admit that the spread of Russian legislation and law enforcement practice to the occupied territory practically nullified all their efforts to protect their clients. Many of them also had to terminate their practice in a while, primarily due to financial reasons as they were unable to compete with Russian advocates who flooded the peninsula literally in the first months of the occupation.

Violations of the rights and guarantees of the advocates' practice at the occupied territory of the Autonomous Republic of Crimea and city of Sevastopol

The forms of restriction and methods of pressure on advocates' practice in the first weeks of the occupation primarily involved compulsory conferment of Russian citizenship and unlawful extension of Russian laws to the Crimean territory. The imposed "advocates re-registration" procedure introduced in Crimea actually required acquiring the status of advocate all over again to be allowed to practice law there, and only under Russian laws.

The Federal Constitutional Law No. 6-FKZ²¹ of 21 March 2014 regulating the issue of "joining" the occupied territory of the Crimean Peninsula to the Russian Federation provided for a transitional period for integrating new territories into Russia's legal system that would last until 1 January 2015 (Article 6). Article 21 of this law regulated issues related to the work of advocates in Crimea. In particular, it provided for:

- creation during the transitional period in the «Republic of Crimea and the federal city of Sevastopol» of corresponding advocate chambers on the basis of the legislation of the Russian Federation on advokatura;
- the possibility to pursue advocate practice for persons with the status of advocate and the right to pursue advocate practice in accordance with the legislation of Ukraine until the advocate chambers could be established.

After that, advocates could only continue their practice if they passed the exam on knowledge of Russian legislation and fulfilled the requirements set by Russian laws on advokatura, as well as on condition of «*compulsory membership in the Advocate Chamber of the Republic of Crimea or that of the Federal City of Sevastopol*».

The details of the forced integration of Crimean advocates into the Russian advokatura were discussed at a meeting of the Council of the Russian Federal Chamber of Lawyers held on 21 March 2014 – the day of adoption of the Law No. 6-FKZ. Speaking at this meeting, RFCL President Gennady Sharov (who was later responsible for integrating Crimean advocates into Russian advokatura), noted that these people already possessed the status of advocate, albeit acquired under Ukrainian legislation, and promised that the procedure for the qualification exam would be "friendly".

After the adoption of the Law No. 6-FKZ, the formation of lists of lawyers of the "Republic of Crimea" and "the federal city of Sevastopol" wishing to continue professional practice at the occupied territory began.

On 18 April 2014, a constituent meeting of advocates was held in the city of Sevastopol, and on 19 April – a constituent conference of Crimean advocates, which resulted in the formation of advocate self-governance bodies (advocate chambers, councils, revision and qualification commissions) of the "federal city of Sevastopol" and the "Republic of Crimea».

Only those advocates who were included in the above-mentioned lists were able to take part in the meeting and the conference, despite the fact that the procedure for compiling the lists was never established, neither by advocate self-governance bodies nor in terms of legislation.

From the moment of establishment of the advocate chambers at the territory of the Crimean Peninsula, the transitional period for advocates established in Article 6 of the Law No. 6-FKZ effectively ended, since Article 21 of the law clearly stated that after the chambers' creation advocates would only be able to continue their practice after passing the exam on knowledge of Russian legislation and meeting the requirements set by Russian legislation on advokatura.

²¹ "On inclusion into the Russian Federation of the Republic of Crimea and the formation within the Russian Federation of new territories – the Republic of Crimea and the city of federal significance Sevastopol" http://www.consultant.ru/document/cons_doc_LAW_160618/

Despite all the friendly assurances with regard to the examinations, Crimean advocates felt anxiety caused by the lack of legal certainty regarding their fate. There were concerns that the ability to acquire the right to engage in advocate practice would depend, in particular, on the advocate's position regarding the territorial affiliation of Crimea.

In late April – early May 2014, RFCL representatives held the examinations, after which the advocates were able to acquire an advocate's certificate in local bodies of Russia's Ministry of Justice established at the occupied territory and continue their professional practice.

However, as soon as by the end of the year it was decided to repeat the re-registration process for advocates, but this time it could only be passed by those who had been issued a Russian passport and submitted its copy to relevant Justice departments. Thus, the possibility of maintaining the status of advocate was supplemented by the requirement to prove that the person had received a document confirming Russian citizenship.

According to the available information, some of the advocates who initially acquired Russian advocate certificates had to renounce the status of advocate during the second "re-registration".

Those who expressed the wish to acquire the status of advocate for the first time could do this only by meeting the requirements of Russian legislation, in particular, by passing the exam on knowledge of Russian legislation. Moreover, Crimean lawyers were in a less favorable position than their Russian colleagues since they had to study Russian law on their own.

However, even knowing Russian legislation did not guarantee successful exams. There were cases when the key to success was not about legal knowledge and experience but rather a "correct" answer to the question whether the "newly-qualified" advocate would be willing to work on politically motivated cases for allegedly foreign funding.

These circumstances indicate that the procedure for acquiring the status of advocate established at the occupied Crimea, which required obtaining a Russian passport and passing an examination on Russian legislation, is used as a reliable way to restrict access to the legal profession for persons disloyal to the authorities.

According to the URAU, there are 1,418 and 282 advocates registered in the ARC and city of Sevastopol respectively²². At the same time, as of 1 May 2018, 918 and 263 advocates were registered in Crimea and city of Sevastopol respectively by the advokatura regulation bodies established by the occupying authorities, taking into account the advocates that came to the peninsula from Russia.

After occupation of the Crimean Peninsula in 2014, many advocates had to abandon the profession or move to the territory controlled by the Ukrainian government. Among the reasons why advocates had to leave Crimea were fears due to their previously voiced opinions regarding the peninsula's annexation²³.

The total number of lawyers that had to abandon their practice at the occupied territory of Crimean Peninsula due to its occupation is 982 people, or 58.77% of the total number of advocates as of March 2014. Furthermore, the overwhelming majority of advocates who continue their practice in Crimea are refusing to take on cases involving politically motivated prosecutions, gross violations of human rights, and various disputes with the occupying authorities.

The reason for such behavior of advocates is the policy of the occupying authorities that encourages campaigns aimed at discrediting advocates that provide defense in politically motivated cases. Crimean media controlled by the authorities are involved in the process of building a negative image of pro-Ukrainian activists and other people who are being persecuted for political reasons, which «casts a shadow» on the «moral and business qualities» of advocates

defending them. As result of this policy, many clients in other cases refuse from the services of such advocates or never consider hiring them when searching for an advocate. They fear that these advocates' "reputation" as defenders of "terrorists" may adversely affect the outcome of their own cases.

One of the ways of discrediting advocates is by making them look, in the media and speeches by representatives of the authorities, as "unqualified demagogues working only for the sake of their cheap publicity".

Private complaints of judges of the occupying courts against the actions of advocates constitute yet another method of pressuring advocates in Crimea. Thus, in relation to the advocate Taras Omelchenko who worked on the political case of "February 26"²⁴, two private court orders were made without justification and sent to the Advocate Chamber of the "Republic of Crimea".

It is extremely difficult today to find a decent advocate in Crimea who would be willing to provide defense in a politically motivated case, since there are so few of them left. It is also not always possible to solve this problem by involving advocates from Russia because of their remote location, which often prevents them from providing timely responses or coming to Crimea personally when required.

The human rights situation at the occupied territory is also compounded by the persecution of advocates and human rights defenders who, despite the complete lack of access to Crimea for independent human rights missions and organizations, are not only actively fighting these violations, but are also informing the international community and mass media about them.

²² See Appendix 1 – reply of the UNBA of 2 August 2017 to inquiry, p. 47-48 of this Report.

²³ For instance, Sevastopol advocates O. Shevchuk and S. Zayets, who in early March 2014, together with other Sevastopol advocates, signed and posted on Facebook a public appeal to the President of the Russian Federation V. Putin demanding to stop interfering in Ukraine's affairs and allow Crimeans to decide their own fate as part of Ukraine. See Appendix 3, p. 51 of this Report.

²⁴ <https://helsinki.org.ua/articles/rekonstruktsiya-ta-pravoviy-analiz-podij-26-lyutoho-2014-roku-pered-budivleyu-verhovnoji-rady-ar-krym/>

Instances of persecution of lawyers



Crimean advocate **Emil Kurbedinov** primarily provides representation in politically motivated administrative and criminal cases. In particular, he is the advocate of Nikolai Semena – Crimean journalist for Radio Liberty, of the leaders of the Crimean Tatar opposition and deputy heads of the Crimean Tatar Mejlis Ilmi Umerov and Akhtem Chygoz, of many local activists persecuted for participating in peaceful meetings as well as people accused by the occupying authorities of working for organizations banned in Russia, and of Ukrainian sailors illegally detained in the Strait of Kerch by Russian soldiers and security forces.

After 2014, the occupying authorities have been repeatedly harassing E. Kurbedinov in connection with his professional activities. Such incidents were recorded, among others, by the international human rights organization Amnesty International.

On the morning of 26 January 2017, Crimean law enforcement officers conducted a search at the residence of the Crimean Tatar activist Seyran Saliyev. In order to protect Saliyev's interests, E. Kurbedinov and his colleague, advocate Edem Semedlyayev, went there to be present during the search. On their way there, their car was stopped by police officers who detained E. Kurbedinov and brought him to the Anti-Extremism Center of Russia's Ministry of Internal Affairs department in the «Republic of Crimea» for interrogation. Simultaneously, searches were conducted in the advocates' office as well as in Emil's apartment. Subsequently, a report of an administrative offense was filed against him under Article 20.3 of Russia's Code of Administrative Offenses (CAO). Law enforcement officers charged him with public display of the attributes or symbols of extremist organizations, in particular, public display of a video that featured symbols of a Muslim organization recognized as a terrorist organization in Russia. It should be noted that the video in question had been posted by E. Kurbedinov on his web page on a social network on 5 June 2013 – long before the occupation of the peninsula and the unlawful extension of Russian laws over its territory.

On the same day, Zheleznodorozhny Court of the city of Simferopol sentenced advocate E. Kurbedinov to 10 days of administrative arrest, which he served in solitary confinement in the city of Simferopol's pre-trial detention facility.

In May 2017, Emil Kurbedinov was awarded the prize for human rights defenders that risk their lives by the international organization Front Line Defenders due to the pressure put on him by the Russian authorities²⁵.

On 6 December 2018, on his way to work, E. Kurbedinov was once again detained by officers of the Anti-Extremism Center of Russia's Ministry of Internal Affairs department in the «Republic of Crimea». He was charged under Article 20.3 of Russia's CAO (propaganda or public display of attributes or symbols of extremist organizations) for his post on Facebook published back in 2013. E. Kurbedinov was allegedly charged based on the complaint of a former resident of Crimea who had relocated to Damascus. On 7 December, the Kyivsky District Court of the city of Simferopol controlled by the occupying authorities found the advocate guilty of public display of symbols of an organization banned in Russia and sentenced him to 5 days of administrative arrest. The lawyer was essentially prosecuted again for the same actions for which he had already served 10 days in 2017.

E. Kurbedinov himself associates the newest arrest with his efforts aimed at representing individuals prosecuted for political reasons in Crimea..



Nikolai Polozov is a Russian advocate, and since 2014 has been actively working on “Crimean cases” with signs of politically motivated persecution.

While representing Akhtem Chygoz and Ilmi Umerov in high-profile criminal trials, the advocate was repeatedly subjected to pressure from the occupying authorities.

In September 2016, Russia's Investigative Committee in the «Republic of Crimea» initiated a preliminary investigation into N. Polozov's activities for interfering with the prosecutor's activities, disrespecting the court and insulting a representative of the authorities²⁶. The reason given for the investigation was certain posts of the lawyer on social networks, the content and tone of which bothered Russia's security forces.

In late January 2017, N. Polozov spoke at a PACE session about violations of fair trial standards in the cases of his Crimean clients and persecution of advocates in Crimea. Upon his return from Strasbourg, the lawyer was detained by officers of the Directorate of Russia's Federal Security Service in the “Republic of Crimea” when he was on his way to a court hearing in the case of Akhtem Chygoz. Six FSB officers forced the advocate into a minivan and brought him

²⁵ <https://www.frontlinedefenders.org/en/2017-front-line-defenders-award-human-rights-defenders-risk>

²⁶ <https://web.archive.org/web/20181223174602/https://www.novayagazeta.ru/news/2017/01/25/128444-advokat-polozov-rasskazal-podrobnosti-svoego-zaderzhaniya-sotrudnikami-fsb>

to the FSB Directorate for questioning in regards to the case of another one of his clients, Ilmi Umerov. N. Polozov's own advocate was not allowed to be present during the investigative actions against him. N. Polozov was kept at the FSB building for two hours, refusing to answer any questions, after which he was released. The advocate himself considers this off-the-record detention an attempt of Crimean security services to intimidate him and prevent him from defending Ilmi Umerov.

On 14 February 2017, the Supreme Court of the "Republic of Crimea" rejected Nikolai Polozov's appeal against the decision of the first instance court, which authorized the FSB investigator to question the advocate as a witness in the criminal case against Ilmi Umerov. The court's reasoning was that the advocate's questioning as a witness did not violate his rights as the defender, because it allegedly concerned events that had occurred before he agreed to represent his client. In one of its reports, the OHCHR expressed concern regarding this situation and the court's decision. According to the OHCHR, such behavior of the authorities undermines not only the confidentiality of advocate - client communication but also the ability of advocates to perform their professional duties without intimidation, obstacles, persecution or undue interference²⁷.

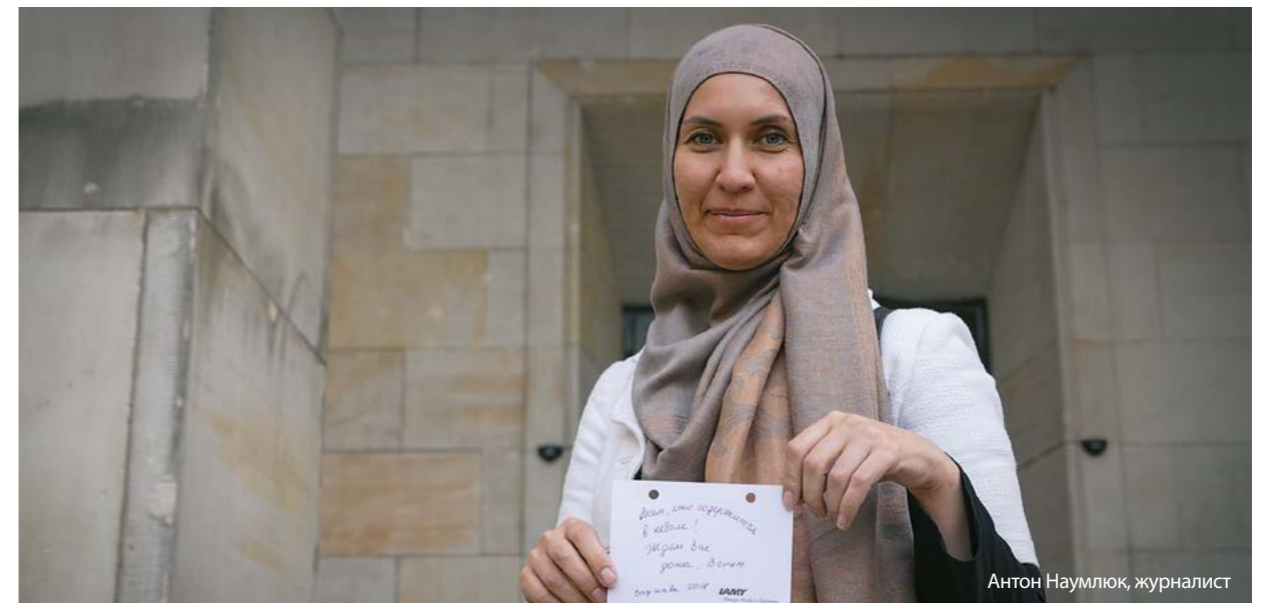


Edem Semedlyayev is a Crimean advocate who provides representation in politically motivated cases for a number of local activists who are being prosecuted for participating in peaceful meetings, as well as for those charged by the occupying authorities with involvement in the activities or organizations that are banned in Russia.

In June 2017²⁸, Crimean security services, under the pretext of carrying out the orders of the head of the Federal Fiscal Service, illegally entered and searched E. Semedlyayev's residence.

²⁷ Report on the situation of human rights in Ukraine, 16 February – 15 May 2016, OHCHR http://www.ohchr.org/Documents/Countries/UA/UAReport18th_RU.pdf

²⁸ <https://atn.ua/politika/rossiyskaya-policiya-prishla-s-obyskom-v-dom-krymskogo-advokata-semedlyayeva> (<https://web.archive.org/web/20181223175019/https://atn.ua/politika/rossiyskaya-policiya-prishla-s-obyskom-v-dom-krymskogo-advokata-semedlyayeva>)
<https://www.segodnya.ua/regions/krym/v-dom-krymskogo-advokata-semedlyayeva-hoteli-vorvatsya-chtoby-sdelat-foto-zhena-1027360.html>
(<https://web.archive.org/web/20181223175403/https://www.segodnya.ua/regions/krym/v-dom-krymskogo-advokata-semedlyayeva-hoteli-vorvatsya-chtoby-sdelat-foto-zhena-1027360.html>)



Lilya Gemedji – Crimean human rights activist and advocate.

On 27 January 2018, during a meeting of the public association Crimean Solidarity²⁹ in the city of Sudak (Crimea), her freedom of movement was restricted for more than three hours by law enforcement officers in the room where the meeting was taking place. Only after the officers unlawfully obtained explanations about the reasons for her presence at the meeting she was allowed to leave the premises.

On 17 May 2018, Crimean police officers tried to serve her a notice regarding the prohibition of unauthorized mass events on the occasion of the anniversary of the deportation of the Crimean Tatars on 18 May.

Other examples of persecution of advocates in Crimea:

- threats of criminal prosecution against the advocate Mammet Mambetov by the investigator in November 2017³⁰;

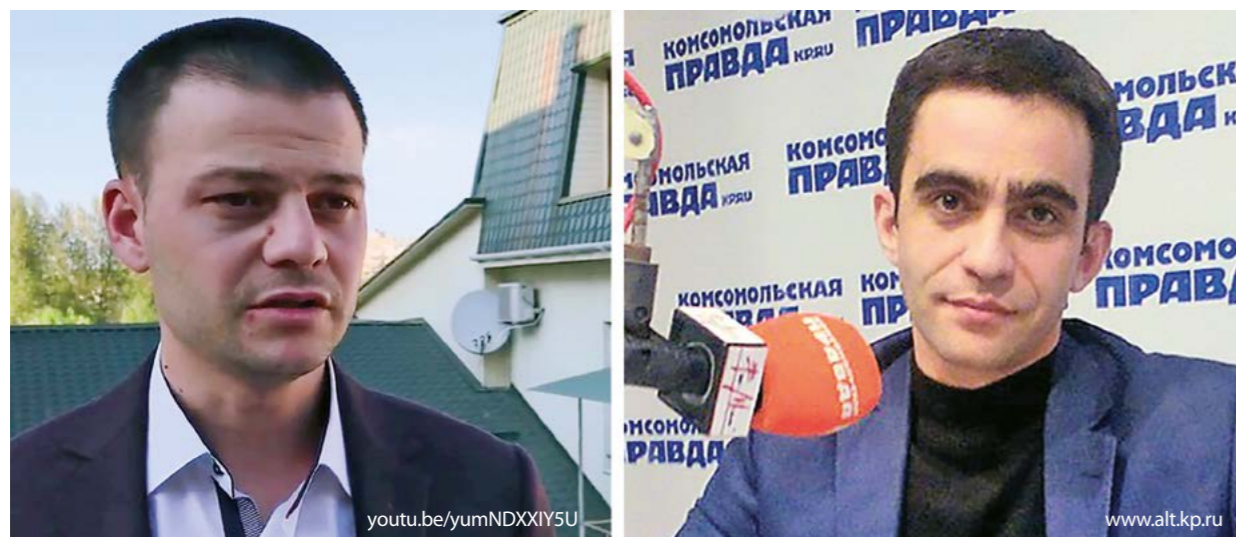


²⁹ Crimean Solidarity is a platform that unites relatives and advocates of victims of unlawful politically motivated prosecution by the Russian authorities of residents of the occupied Crimea. As part of their activities, their members provide legal, financial and moral support to victims of persecution and their families.

³⁰ <http://crimea-news.info/v-krymy-ygrojaut-krymskotatarskomy-advokaty/> (<https://web.archive.org/web/>)

- forcing political detainees belonging to the Tablighi Jamaat³¹ movement in Crimea, in the autumn-winter of 2017, not to call independent advocates but rather “cooperate” with the advocates loyal to the authorities. Incidentally, there were names of **Emil Kurbedinov** and **Edem Semedlyaev** mentioned among the “disloyal” and “unfit” advocates;
- representatives of the occupying authorities having off-the-record conversations with the chairman of the advocate association of which **Emil Kurbedinov** and **Edem Semedlyaev** are members, in order to find ways to prevent them from practicing law, including the option of depriving them of their status of advocate;
- on 9 December 2018, an unidentified person tried to enter the office of **E. Kurbedinov’s** (who was serving the sentence given him by the occupying court at the time), **E. Semedlyaev’s** and **L. Gemedji’s** advocates by smashing the window. The advocates consider this yet another attempt to put pressure on them for their human rights activities.

The occupying authorities did not investigate any of the above instances of interference with the professional practice of advocates E. Kurbedinov, N. Polozov, E. Semedlyaev, M. Mambetov and L. Gemedji and other unlawful actions or pressure perpetrated against them.



In April 2018, Crimean advocates A. Azamatov, E. Kurbedinov and D. Temishev filed a report with the UNBA regarding the persecution of advocates in Crimea and asked to take measures to protect the professional rights of advocates. In May 2018, the UNBA refused to reply to this report, arguing that it did not come directly from advocates but from the Ukrainian Helsinki Human Rights Union³². On 27 October 2018, during a meeting of the Crimean Solidarity, Russian security officers served advocates Edem Semedlyaev and Lilya Gemedji as well as the association’s coordinator Dilyaver Memetov warnings regarding the prohibition of violating anti-extremism laws and legislation on meetings, rallies, demonstrations, marches and pickets, which were signed by Deputy Prosecutor of the «Republic of Crimea» S. Bulgakov³³.

A similar warning was served on 6 November 2018 advocate **Emil Kurbedinov** by officers of Russia’s Anti-Extremism Center and Senior Prosecutor of the Prosecutor’s Office of the “Republic of Crimea” **Valentin Chuprina**, who barged into the advocate’s office³⁴.

These warnings made it clear that the advocates were under investigation.

In addition, since 2017, the trend has become widespread that involves systematic persecution by the occupying authorities of persons without the advocate status – civil society activists and human rights defenders – who provide legal assistance to victims of human rights violations and highlight the issue of politically motivated prosecutions in the occupied Crimea. One example of this is the treatment by the occupying authorities of the Crimean Solidarity.

Despite the fact that Crimean advocates who are Ukrainian citizens have been risking their freedom to defend the rights and liberty of others, including those who are being persecuted in Crimea for political reasons, the UNBA has not made a single statement to support and defend these advocates.

Also, the advocate self-governance bodies never gave an assessment of the actions of individual Ukrainian advocates who actively participated not only in the creation of Russia’s advocate self-governance bodies in Crimea, but also in the seizure of Crimea and the city of Sevastopol by the Russian military, as well as the establishment and activities of the occupying authorities. Two examples of this are advocates Olga Kovitidi and Boris Kolesnikov.



Olga Kovitidi from the very first days of Crimean Peninsula occupation has been an active participant of the Crimea seizure by the Russian military and the establishment of the occupying authorities. Sevastopol media call her an “active participant of the Crimean Spring, who was at the forefront of the February 2014 events along with the leaders of the Russian movement, defending the rights of the Republic of Crimea”³⁵. In the “Aksyonov government” established after the beginning of the occupation she oversaw the military and security forces and “on behalf of the prime minister nego-

tiated with military units to ensure the peaceful expression of will of the people of the Republic of Crimea at the referendum of 16 March 2014”. On 28 February 2014 she was appointed “Deputy Head of the Council of Ministers of the Republic of Crimea”.

As of 15 April 2014 she is a Member of the Federation Council of the Federal Assembly of the Russian Federation from the «Republic of Crimea». As of 28 May 2014 she is a Member of the Federation Council Committee on Defense and Security³⁶.

Although O. Kovitidi’s right to practice law was suspended in 2006 due to her entering public service, she still retains the status of a Ukrainian advocate³⁷.

³⁴ <https://ru.krymr.com/a/news-rossiiskie-siloviki-vruchili-predosterezhenie-krymskomu-advokatu-kurbedinovu/29585344.html>

³⁵ <http://83.222.116.246/person.php?id=20>
(<https://web.archive.org/web/20181223180236/http://83.222.116.246/person.php?id=20>)

³⁶ <http://council.gov.ru/structure/persons/1176/> (<https://web.archive.org/web/20181223180236/http://83.222.116.246/person.php?id=20>)

³⁷ See Appendix 6, p. 57 of this Report <http://erau.unba.org.ua/profile/18029> (<https://web.archive.org/web/20181223180305/http://erau.unba.org.ua/profile/18029>)

³¹ Tablighi Jamaat is an international religious movement banned in Russia as an extremist organization.

³² See appendices 4-5, p. 52-56 of this Report.

³³ <https://ru.krymr.com/a/krymskaya-solidarnost-rossiiskie-siloviki-ekstremizm/29572577.html>
(<https://web.archive.org/web/20181223180215/https://ru.krymr.com/a/krymskaya-solidarnost-rossiiskie-siloviki-ekstremizm/29572577.html>)



Boris Kolesnikov is considered in Sevastopol a founder and active participant of the civic movement Republic, and, according to occupation media, “played a key role in the events of the Russian Spring in Sevastopol in February-March 2014³⁸ and later became a deputy of the Legislative Assembly of the City of Sevastopol” (as of 14 September 2014). He is head of the Sevastopol Regional Branch of the All-Russian Political Party «United Russia».

To date, B. Kolesnikov retains the active status of a Ukrainian <http://council.gov.ru/structure/persons/1176/>³⁹.

Brief overview of the situation with the armed conflict at eastern Ukraine

In March 2014, the first demonstrations with separatist and pro-Russian slogans were held in Luhansk and Donetsk oblasts of Ukraine. Active hostilities began in Donbas on 12 April 2014 with the armed seizure of the cities of Slovyansk, Kramatorsk and Druzhkovka. On 13 April 2014, in response to the unlawful seizure of power in a number of cities, Acting President of Ukraine Oleksandr Turchinov announced the launch of the Anti-Terrorist Operation (ATO) at the territory of certain eastern regions of the country⁴⁰. From this moment on, the armed conflict has been raging at eastern Ukraine, with a number of settlements in Donetsk and Luhansk oblasts still outside the Ukrainian government’s control.

The Law of Ukraine No. 1680-VII “On the Special Procedure of Local Self-Government in Certain Areas of Donetsk and Luhansk Oblasts”⁴¹ of 16 September 2014 established a special status for certain areas of Donetsk and Luhansk oblasts (ORDLO) that are outside the Ukrainian government’s control. These territories were subsequently recognized as temporarily occupied territories by virtue of the Law of Ukraine “On Peculiarities of State Policy for Ensuring State Sovereignty of Ukraine at the Temporarily Occupied Territories in Donetsk and Luhansk Oblasts”.

These territories are actually under the control of illegal armed forces of the so-called «Luhansk People’s Republic» and «Donetsk People’s Republic», which in turn are controlled by the armed forces of the Russian Federation, which are taking an active part in the conflict in eastern Ukraine.

After the armed conflict began, the occupying authorities were unlawfully established in these territories. Their influence spread to various areas, including the processes of administration of justice. Moreover, this affected the advocates working in non-government-controlled territories. Thus, the advocates who wished to stay at the occupied territory had to submit to illegitimate judicial bodies a statement of intent to practice law and to register with the tax authorities there. The PACE adopted a number of Resolutions (2132⁴², 2133⁴³, 2145⁴⁴, 2209 (2018)⁴⁵) reaffirming its position that the military intervention of Russian troops at eastern Ukraine violates international law, and the so-called “DPR” and “LPR”, created, maintained and effectively controlled by Russia, are not legitimate entities under Ukrainian or international law. This applies to all established «authorities», including the «courts» established by the de facto authorities of these territories.

In Resolution 2209 (2018) of 24 April 2018, PACE explicitly stated that these territories “are under the effective control of the Russian authorities”⁴⁶.

The Decree of the President of Ukraine No. 116/2018 “On the Decision of the National Security and Defense Council of Ukraine of 30 April 2018 “On Large-Scale Anti-Terrorist Operation in Donetsk and Luhansk Oblasts”⁴⁷ replaced the ATO with a Joint Forces Operation (JFO).

³⁸ <https://sevastopol.su/faces/kolesnikov-boris-dmitrievich>

³⁹ See Appendix 7, p. 58 of this Report <http://erau.unba.org.ua/profile/35095> (<https://web.archive.org/web/20181223180324/http://erau.unba.org.ua/profile/35095>)

⁴⁰ Decree of the President of Ukraine “On the Decision of the National Security and Defense Council of Ukraine of 13 April 2014 and “On Urgent Measures for Overcoming the Terrorist Threat and Preserving the Territorial Integrity of Ukraine” <http://zakon2.rada.gov.ua/laws/show/405/2014>

⁴¹ <http://zakon3.rada.gov.ua/laws/show/1680-18>
On 18 January 2018, instead of the said Law, the Law “On Peculiarities of State Policy on Ensuring State Sovereignty in the Temporarily Occupied Territories in Donetsk and Luhansk Oblasts” was adopted <http://zakon.rada.gov.ua/laws/show/2268-19>

⁴² <http://assembly.coe.int/nw/xml/XRef/Xref-DocDetails-EN.asp?FileID=23166&lang=EN>

⁴³ <http://assembly.coe.int/nw/xml/XRef/Xref-DocDetails-EN.asp?FileID=23167&lang=EN>

⁴⁴ <http://assembly.coe.int/nw/xml/XRef/Xref-DocDetails-EN.asp?FileID=23453&lang=EN>

⁴⁵ <http://assembly.coe.int/nw/xml/XRef/Xref-XML2HTML-en.asp?fileid=24680&lang=en>

⁴⁶ <http://assembly.coe.int/nw/xml/XRef/Xref-XML2HTML-en.asp?fileid=24680&lang=en>

⁴⁷ <https://www.president.gov.ua/documents/1162018-24086>

Effects of the armed conflict on the situation with observance of advocates' rights and guarantees at the occupied territories of Donetsk and Luhansk oblasts

Establishment of new advokatura self-governance bodies within the ORDLO territory

According to the advocates that were in Luhansk and Donetsk oblasts at the time⁴⁸, in the summer of 2014, the courts, prosecutor's office, government and law enforcement agencies stopped working at the occupied territory. The advocates were left without clients and work. Many cities were under fire, and the first priority then was to preserve one's life and property. Nobody from advocate self-governance bodies or the UNBA attempted to contact the advocates that stayed at the territory engulfed by the armed conflict, no one showed interest in their fate or tried to provide support. The advocates had to survive on savings and incomes of their families, on their social and pension benefits.

In 2015, the illegitimate bodies of the so-called "DPR" and "LPR" started working at the occupied areas of Donetsk and Luhansk oblasts, including law enforcement and courts. After the beginning of the armed conflict, the occupying advocate self-governance bodies were established and legislative acts regulating the activities of the advokatura at these territories were adopted. The advocates who continued practice there were encouraged to cooperate with these unlawful bodies.

Since 2015, the advocates there started to receive proposals from the so-called "judicial authorities" to continue their practice on the condition of a Ukrainian advocate's certificate on the right to practice law. In addition, an announcement was made on the Oplot TV channel in early 2015, on the territory of the "DPR", according to which advocates who wanted to practice law had to bring to the so-called "Ministry of Justice" documents confirming their identity and a certificate on the right to practice law. As an additional condition for the continuation of advocate practice in the "LPR", the advocates had to undergo a special check at "security agencies".

Some advocates volunteered to continue their practice, others had to do so due to their difficult financial situation or inability to relocate. Some of the advocates declined the proposals and chose to wait or found another profession.

The lawyers who agreed to continue working within the ORDLO had to register with the so-called "LPR" and "DPR" tax authorities. After going through all these procedures, they were able to return to their offices as well as carry out their duties in illegitimate courts. Nevertheless, many of them still fear for their own safety, life and health, as well as for the life and health of their relatives.

The advocates say that they are often afraid to openly express their position in a case due to the fear of persecution by representatives of the unlawfully established authorities. They stress that they continue practicing law because for various reasons they are unable to leave the occupied territory and such work is their only source of income and livelihood.

Some advocates also provide representation services in courts in the territory controlled by the Ukrainian government, specifically in cases on births and deaths, family disputes (divorce, paternity, alimony), inheritance (extension of the deadline for accepting an inheritance, establishing a place for opening an inheritance), etc. However, according to the advocates, their crossing of border checkpoints is often accompanied by additional difficulties (such as long waiting in lines, questions about the purpose of their trips, or inspection of their personal belongings).

As of 1 January 2018, according to the *Register of persons wishing to carry out advocate practice at the territory of the "Donetsk People's Republic"* and who submitted documents for registration of such activities to the "Ministry of Justice of the DPR" by 20 March 2015⁴⁹, there were 252 registered advocates wishing to practice law there. Until September 2018, the position of Acting Minister of Justice of the «DPR» was held by Yelena Radomskaya⁵⁰, who had her right to practice law suspended as of 30 December 2014 but to this day retains the status of a Ukrainian advocate⁵¹.



The "DPR" has its own legislative framework that regulates the work of advokatura, namely: Regulations on the Qualification and Disciplinary Commission of the Council of Advocates of the "Donetsk People's Republic", Procedure for Admission to the Qualification Examination, Temporary Procedure for Passing and Evaluation of the Qualification Examination, Procedure for Introducing the Unified Register of Advocate of the "Donetsk People's Republic" (Order of the "Ministry of Justice of the DPR" No. 247 of 30 March 2016)⁵², etc.

In the "LPR", establishment of advocate self-governance bodies and registration of persons wishing to practice law began much later. On 1 August 2017, the order of the "Ministry of Justice of the LPR" No. 699-OD of 14 July 2017 entered into force, which approved the *Procedure for registering persons who expressed a desire to acquire the status of advocate of the "Luhansk People's Republic"*. In accordance with this order, those who on the day of formation of the "Luhansk People's Republic" - 12 May 2014, were authorized to pursue the advocate practice under Ukrainian law and wished to continue their work in the "LPR" as well as acquire the status of an advocate of the "LPR", had the right to apply to the «office on issues of advokatura and advocate practice of the department of notaries, advokatura and bankruptcy of the "Ministry of Justice" of the "LPR" no later than 30 September 2017, to be registered as a person who expressed a wish to acquire the status of advocate⁵³.

As of 23 August 2017, over 90 people applied to the "Ministry of Justice" of the "LPR" for the status of advocate⁵⁴.

On 27 April 2017, the "Head of the Council of Advocates of the "DPR" Konstantin Likhoded⁵⁵ stated that he was willing to assist his colleagues from the "LPR" in creating an advocate community. "We hope that the experience that we have accumulated while creating an advocate community in the DPR will be useful to our colleagues. And of course, I would be glad to be present during the signing of another agreement, of which representatives of the "LPR" advokatura will also be part of," said K. Likhoded⁵⁶.

⁴⁹ <https://minjust-dnr.ru/blog/2018/04/11/reestr-advokatov-dnr-na-aprel-2018-goda/> (<https://web.archive.org/web/20181223181006/https://minjust-dnr.ru/blog/2018/04/11/reestr-advokatov-dnr-na-aprel-2018-goda/>)

⁵⁰ <http://www.minjust-dnr.ru/ministr/> (<https://web.archive.org/web/20180111091617/http://www.minjust-dnr.ru/ministr/>)

⁵¹ See Appendix 8, p. 59 of this Report; <http://erau.unba.org.ua/profile/20569> (<https://web.archive.org/web/20181223180933/http://erau.unba.org.ua/profile/20569>)

⁵² <http://www.minjust-dnr.ru/advokatura/> (<https://web.archive.org/web/20180207100020/http://www.minjust-dnr.ru/advokatura/>)

⁵³ <https://mu-lnr.ru/2017/08/порядок-приобретения-статуса-адвоката/#more-6385> (<https://web.archive.org/web/20181223233341/https://mu-lnr.ru/2017/08/порядок-приобретения-статуса-адвоката/>)

⁵⁴ <http://lug-info.com/news/one/bolee-90-chelovek-podali-dokumenty-dlya-polucheniya-statusa-advokata-lnr-minyust-27581> (<https://web.archive.org/web/20181223180948/http://lug-info.com/news/one/bolee-90-chelovek-podali-dokumenty-dlya-polucheniya-statusa-advokata-lnr-minyust-27581>)

⁵⁵ Previously an employee of the self-proclaimed authorities of the "DPR" - first deputy chairman of the "DPR" State Property Fund. Certificate on the right to practice law in the «Donetsk People's Republic» No. 44. Date of issue: 26 August 2016. Grounds: decision of 23 August 2016 (minutes No. 3 of 23 August 2016 <https://minjust-dnr.ru/wp-content/uploads/2018/04/Razdel-1.-Advokaty-DNR.pdf> (<https://web.archive.org/web/20181223165939/https://minjust-dnr.ru/wp-content/uploads/2018/04/Razdel-1.-Advokaty-DNR.pdf>))

⁵⁶ <http://lug-info.com/news/one/soviet-advokatov-dnr-gotov-pomoch-kollegam-iz-lnr-v-sozdanii-advokatskogo-soobshchestva-23892> (<https://web.archive.org/web/20181223180958/http://lug-info.com/news/one/soviet-advokatov-dnr-gotov-pomoch-kollegam-iz-lnr-v-sozdanii-advokatskogo-soobshchestva-23892>)

⁴⁸ The lawyers' personal information is not given here due to concern for their safety.

Main violations of the rights and guarantees of advocate practice

The state of observance of the rights of advocates who continue their practice at non-government-controlled areas of Donetsk and Luhansk oblasts is the cause for great concern. At the moment, obtaining full and reliable information from this territory is difficult due to the ongoing armed conflict there.

As of April 2014, 629 lawyers from Luhansk Oblast and 3,337 from Donetsk Oblast were registered in the URAU (total number, including those who suspended their right to practice law and those whose right was revoked)⁵⁷.

At the same time, the UNBA does not keep records of advocates that have relocated from non-government-controlled territories and continue advocate practice in other regions of Ukraine. Moreover, since advocates have the right to practice law all over Ukraine, regardless of the location of their place of work, some of the advocates that left the occupied territory for government-controlled territory, never re-register at their new place of work. Their profiles in the URAU still say that they are registered at non-government-controlled territories. During the interviews, the advocates gave various reasons as to why they did not re-register the address of their place of work. Some explained it by the absence of a permanent office at unoccupied territory, others consider their forced relocation a temporary measure, and others are simply not willing to make changes in the Register, seeing it as one of the ways to maintain ties with the territory where they used to have a peaceful life.

Thus, at the moment the UNBA has no reliable data on the number of advocates that left the non-government-controlled territory and on those who continue working within the ORDLO.

Openly available on the website of the so-called “Ministry of Justice of the DPR” is a register of advocates registered there⁵⁸. As of 1 April, 2018, that register contained entries on 252 advocates, of which 193 have active status of “DPR” advocates, while the rest have suspended their practice. By crosschecking these data with the URAU (as of 6 September 2018), we established that 161 “DPR” advocates simultaneously hold the active status of a Ukrainian advocate in the URAU⁵⁹.

The register of “LPR” advocates available on the website of the “Ministry of Justice of the LPR” as of December 2018 only has information about 21 advocates⁶⁰. This register only contains data about those who received the first certificates of “LPR advocates” on 18 November 2018 (all these persons are also registered as active Ukrainian advocates). The register that had been kept before was not freely available, which made it impossible to obtain information about the number of advocates that have their practice in the “LPR”.

Thus, currently the URAU:

- 1) does not contain reliable information about the location of advocates from non-government-controlled territories (except for those who, in the established manner, registered their new place of work at unoccupied territory and entered that data into the URAU),
- 2) does not reflect the actual picture of the activities of these advocates and
- 3) does not allow to determine the number of advocates actually located at the occupied territory and continuing their practice there.

According to the information provided by the UNBA, the Council of Advocates of Ukraine prepares quarterly reports regarding detentions of advocates and violations of their professional and other rights. These reports are prepared based on the information received from regional advocate self-governance bodies. At the same time, as of December 2017, the UNBA was not aware of any violations of professional and other rights of advocates within the ORDLO⁶¹, while the information presented by the media and other open sources indicates the existence of serious violations not only of the professional rights of advocates in this territory, but also of their right to life, health and security.

Given below are only some of such violations.

(1) Murder of an advocate

On 8 February 2015, the media reported the murder of advocate Vladimir Prokopenko, who since 2003 had been practicing law in the city of Stakhanov. According to the reports, the so-called Kirovsk “rebels”⁶² tortured the advocate to death⁶³.



According to informer.lg.ua, **Vladimir Prokopenko** was killed at home after several hours of torture. “His legs were tied and his body was literally cut up and chopped up,” recalls one of the witnesses. The murderers took the advocate’s SUV, which, according to eyewitness accounts, was later seen several times at various checkpoints in the “LPR”.

Currently, there is no reliable information about the motives and reasons for the murder of V. Prokopenko.

As of December 2018, Vladimir Prokopenko is still listed in the URAU as an active advocate practicing in Stakhanov⁶⁴.

(2) Attacks on advocates, abductions, captivity

In the spring of 2014, during the seizure of power in Luhansk by unlawful armed forces, terrorists wounded advocate **Igor Chudovsky** who has been practicing law in Luhansk since 2001⁶⁵.

⁵⁷ See Appendix 9, p. 60-63 of this Report.

⁶² Persons that seized and hold power in Kirovsk, a city near Stakhanov, with the support of the Russian armed forces.

⁶³ <http://informer.media/archives/67905>
(<https://web.archive.org/web/20181223181022/https://informer.media/archives/67905>)

⁶⁴ See Appendix 10, p. 64 of this Report <http://erau.unba.org.ua/profile/8597>
(<https://web.archive.org/web/20181223181013/http://erau.unba.org.ua/profile/8597>)

⁶⁵ <http://erau.unba.org.ua/profile/8874>
(<https://web.archive.org/web/20181223181038/http://erau.unba.org.ua/profile/8874>)

⁵⁷ See Appendix 9, p. 60-63 of this Report.

⁵⁸ <https://minjust-dnr.ru/blog/2018/04/11/reestr-advokatov-dnr-na-aprel-2018-goda/>
(<https://web.archive.org/web/20181223181006/https://minjust-dnr.ru/blog/2018/04/11/reestr-advokatov-dnr-na-aprel-2018-goda/>)

⁵⁹ 12 more lawyers listed in the “DPR” register are mentioned in the URAU as lawyers who have suspended their practice.

⁶⁰ https://mu-lnr.su/wp-content/uploads/2018/11/реестр-адвокатов_лнр.pdf
(https://web.archive.org/web/20181223152550/https://mu-lnr.su/wp-content/uploads/2018/11/реестр-адвокатов_лнр.pdf)



<https://fakty.ua/183582-rasstrelyannyj-luganskij-advokat-separatisty-dumali-cto-ubili-menya-puli-leteli-v-serdce>

According to the advocate, on 29 April 2014, several masked men armed with Kalashnikov assault rifles abducted him from his office in Luhansk and forced him to drive his own car to the regional television and radio company building, threatening him with guns. In the advocate's own words: "The men in "balaklavas" talked to someone on the phone, then told me to follow, in the company of two men with assault rifles, a minivan, inside of which there were about a dozen armed men. While we were driving I tried to explain that I was not a member of any party, I did not participate in any political movements. I was not an official, I was a private advocate. I asked them where we were going and why. From the conversations of my escorts I assumed that they were going to seize regional television, and I was to deliver a speech prepared by them. After the speech there were negotiations with the head of the regional police department expected, and I was had to persuade him to surrender the building."⁶⁶

After I. Chudovsky refused to comply with the demands of the terrorists and tried to jump out of the car, the abductors opened fire, because of which the advocate received two gunshot wounds. He was taken to the regional hospital where he was treated.

The advocate subsequently managed to leave the occupied Luhansk and is currently practicing in Kyiv.

On 8 June 2014 in Luhansk Oblast, unidentified individuals wearing camouflage and armed with assault rifles kidnapped advocate **Igor Radchenko** from his apartment in the city of Rubizhne. It is presumed that the abduction was carried out by militants of P. Dremov. A few days later, the militants released I. Radchenko⁶⁷.



<https://gordonua.com/news/separatism/v-rubezhnom-luganskoy-oblasti-boeviki-pohitili-advokata-26359.html>



http://avtourist.at.ua/Gazeta_AVTOURIST_21.pdf

According to the Luhansk Regional Branch of the public organization «Committee of Voters of Ukraine», on 21 June 2014 in the city of Antratsit unidentified armed men abducted advocate **Viktor Danchenko**⁶⁸. The office of the organization he headed was crushed: office equipment was stolen and furniture was destroyed⁶⁹. V. Danchenko had advocate practice in Antratsit city since 2011⁷⁰.



https://censor.net.ua/news/342699/advokaty_prosyat_osvobodit_iz_plena_lnr_svoego_kollegu_nikolaya_zagladu_dokument

In August 2014, in Stakhanov city **Nikolai Zaglada** was abducted, an advocate practicing law since 2003⁷¹. His pro-Ukrainian views might have been the motive behind the abduction. As of July 2015, it was reported that he was held captive by the "LPR" terrorists. Advocate Igor Chudovsky⁷² mentioned it on his Facebook⁷³ page. To this day, the location and fate of Nikolai Zaglada remain unknown. He is presumed killed while in captivity⁷⁴.

The authors of this Report regret to mention that there is no information of investigations into the above violations of the rights of advocates committed in certain areas of Donetsk

and Luhansk oblasts being conducted by Ukrainian law enforcement⁷⁵. The only exception is the kidnapping of I. Radchenko, in connection to which the media immediately reported of information about a crime under part 3, Article 146 of the Criminal Code of Ukraine included in the Unified Register of Pre-Trial Investigations. However, the progress of the investigation and its results remain unknown.

(3) Difficulties with carrying out advocate practice at non-government-controlled territory

According to Donetsk and Luhansk advocates⁷⁶, in the summer of 2014 they were left without clients and work after the courts, prosecutor's office, state and law enforcement agencies ceased their activities at the territories outside the control of the Ukrainian government. Many cities were under constant shellings, and people's first priority, according to the advocates, was to preserve their own lives and the lives of their families, as well as their property. Nobody from advocate self-governance bodies or from the UNBA contacted advocates that stayed at the territory of the armed conflict, nobody showed any interest in their fate, nobody tried to give them support. The advocates had to survive on personal savings and income of their relatives, their social benefits and pensions.

In 2015, on the basis of regulations adopted by illegitimate authorities, law enforcement bodies and courts started working at the occupied areas of Donetsk and Luhansk oblasts. The advocates residing there were heavily encouraged to cooperate with the authorities in general and these bodies in particular, making it a prerequisite for continuation of advocate practice.

Simultaneously, the formation of "LPR" and "DPR" controlled advocate self-governance bodies began.

⁷¹ <http://erau.unba.org.ua/profile/8516> (<https://web.archive.org/web/20181223181112/http://erau.unba.org.ua/profile/8516>)

⁷² https://censor.net.ua/news/342699/advokaty_prosyat_osvobodit_iz_plena_lnr_svoego_kollegu_nikolaya_zagladu_dokument (https://web.archive.org/web/20181223181117/https://censor.net.ua/news/342699/advokaty_prosyat_osvobodit_iz_plena_lnr_svoego_kollegu_nikolaya_zagladu_dokument)

⁷³ https://www.facebook.com/advokatus/posts/905809919492019?_mref=message_bubble (<https://web.archive.org/web/20181223153756/https://www.facebook.com/advokatus/posts/905809919492019>)

⁷⁴ <https://day.kyiv.ua/ru/article/podrobnosti/donbass-ukrainskiy-akcent> (<https://web.archive.org/web/2018122323209/https://day.kyiv.ua/ru/article/podrobnosti/donbass-ukrainskiy-akcent>)

⁷⁵ See Appendix 11 – reply of the Prosecutor General's Office of Ukraine of 19 October 2018 to inquiry, p. 65 of this Report.

⁷⁶ Personal information about certain advocates are not disclosed due to concerns for their safety.

Initially, to continue one's work as an advocate, a person had to present a previously issued certificate that granted the right to practice law. Thus, in early 2015, an announcement was made on Oplot TV in Donetsk that advocates wishing to practice law had to bring documents confirming their identity and a Ukrainian advocate's certificate to the "Ministry of Justice" of the "DPR".

Some advocates agreed to recognize the new authorities and continue their practice, others had take such a decision due to financial hardship or inability to relocate. Many advocates declined the offer, either moving elsewhere, ceasing their advocate practice, or changing profession.

Those advocates who agreed to continue their practice at the "DPR" territory were obliged to submit information to the Register of Advocates⁷⁷ and get registered with the so-called "tax authorities of the "DPR".

In the "LPR", these advocates had to submit information to the "Ministry of Justice" and register in the "Register of persons who expressed a desire to acquire the status of "LPR" advocate"⁷⁸, as well as with the "LPR" tax authorities by October 31, 2017.

Only after passing through these procedures the advocates were able to continue their practice in the courts of the unrecognized republics⁷⁹. However, while the advocates at the "DPR" territory are free to work with all types of proceedings, at the "LPR" territory till now they can only practice in criminal cases, which is due to the absence of a Civil and Civil Procedure Codes there. These codes were adopted on 8 October 2018⁸⁰ and should «come into force» on 10 December 2018. After that, according to the occupying authorities, the courts established there will be able to examine civil cases.

On 28 August 2018, the "LPR" adopted the "law"⁸¹ "On Advokatura and the Advocate Practice in the Luhansk People's Republic", par. 4, Article 36 of which states that persons "who as of 12 May 2014, in accordance with the legislation of Ukraine, had the right to engage in advocate practice, had permanent residence in the Luhansk People's Republic, which is confirmed by registration of the place of residence, were registered before 31 October 2017 with an executive justice body of the Luhansk People's Republic as persons willing to acquire the status of an advocate, **passed a special inspection in the state security bodies of the Luhansk People's Republic in the manner prescribed by the Head of the Luhansk People's Republic, and in the absence of circumstances preventing acquiring of the status of advocate and carrying out of advocate practice as specified in par. 2, Article 9 of this Law, may acquire the status of advocate after taking an advocate's oath and obtaining a lawyer's certificate without passing a qualification examination**".

The advocates emphasize that they are often afraid to openly express their opinions regarding a case because of fear of persecution at the hands of the illegitimate authorities. Having their professional practice at the ORDLO territory, they are concerned about their own safety and that of their relatives. Many of them point out the forced nature of their actions, because for various reasons they are unable to leave the occupied territory and their work is their only

source of income. Some, at the same time holding the status of Ukrainian advocates, also represent clients in the courts at the unoccupied territory. As a rule, these are the cases related to the establishment of births and deaths, family disputes (divorces, paternity, alimony), inheritance cases, etc. However, even here the advocates are facing difficulties when crossing border checkpoints (while exit from and entry to the occupied territory), such as being forced to wait in huge lines, having to answer questions about the purpose of their visits, having their personal belongings searched, etc.

Known cases of advocates' collaboration with the occupying authorities

Currently, according to open sources, there have been at least two cases of criminal charges brought against advocates for collaborating with the "DPR" and "LPR" terrorist organizations.

In July 2015⁸², officers of the investigative department of Ukraine's Ministry of Internal Affairs office in Kharkiv Oblast completed a pre-trial investigation of an advocate from Luhansk, who in early May 2014 joined the terrorist organization of the self-proclaimed "LPR", where he held the position of "head of the investigative department of the "LPR" intelligence service". The advocate was charged for criminal offenses under part 1, Article 258-3 (creation of a terrorist group or a terrorist organization), part 3, Article 289 (illegal seizure of a vehicle) and part 2, Article 187 (banditry) of the Criminal Code of Ukraine.



On 13 September 2016, the Korolyovsky District Court of Zhytomyr took into custody an advocate suspected of collaborating with the terrorist organization "DPR"⁸³. She was charged for working at the legal and analytical support office of the legal department of an illegitimate state property fund since August 2015, engagement in the development, registration and implementation of legal acts for this body⁸⁴. After studying the "decrees of the head of the "LPR" on the appointment of judges⁸⁵, it was established that there are at least 8 of them who retain the status of a Ukrainian advocate, and entries about them are available in the URAU.

In addition to the previously mentioned advocate Y. Radomskaya, who had been the Acting Minister of Justice for the "DPR" for a long time, A. Aviltseva, Deputy Minister of the so called "LPR", is also an active Ukrainian advocate according to the URAU⁸⁶.

⁷⁷ In the "DPR", the task of keeping the register is imposed to the so-called "Ministry of Justice" <https://minjust-dnr.ru/wp-content/uploads/2018/05/247-2.pdf> (<https://web.archive.org/web/20181223154303/https://minjust-dnr.ru/wp-content/uploads/2018/05/247-2.pdf>)

⁷⁸ <https://goo.gl/7icaor> (https://web.archive.org/web/20181223233016/https://mu-lnr.ru/wp-content/uploads/2017/10/Порядок_учета_лиц_изъявивших_желание_приобрести_статус_адвоката_ЛНР_с_изменениями.pdf)

⁷⁹ The activities of the mentioned illegitimate courts contradict Ukrainian law and are not recognized by its government.

⁸⁰ Civil Code of the "LPR" <https://nslnr.ru/zakonodatelstvo/normativno-pravovaya-baza/6977/> (<https://web.archive.org/web/20190109152439/https://nslnr.ru/zakonodatelstvo/normativno-pravovaya-baza/6977/>)
Civil Procedure Code of the "LPR" <https://nslnr.ru/zakonodatelstvo/normativno-pravovaya-baza/6978/> (<https://web.archive.org/web/20190109152618/https://nslnr.ru/zakonodatelstvo/normativno-pravovaya-baza/6978/>)

⁸¹ <https://nslnr.ru/zakonodatelstvo/normativno-pravovaya-baza/6760/> (<https://web.archive.org/web/20190109152717/https://nslnr.ru/zakonodatelstvo/normativno-pravovaya-baza/6760/>)

⁸² https://zib.com.ua/ru/print/117786-advokata_zapodozrili_v_uchastii_v_deyatelnosti_lnr.html (https://web.archive.org/web/20181223181203/https://zib.com.ua/ru/print/117786-advokata_zapodozrili_v_uchastii_v_deyatelnosti_lnr.html)

⁸³ <http://www.reyestr.court.gov.ua/Review/61286091>

⁸⁴ <https://farwater.net/novosti/v-zhitomire-vzjali-pod-strazhu-posobnicu-terroristov/> (<https://web.archive.org/web/20181223181222/https://farwater.net/novosti/v-zhitomire-vzjali-pod-strazhu-posobnicu-terroristov/>)

⁸⁵ <http://lug-info.com> (<https://web.archive.org/web/20181223181233/http://lug-info.com>)

⁸⁶ See Appendix 12, p. 66 of this Report <http://erau.unba.org.ua/profile/43570> (<https://web.archive.org/web/20181223181242/http://erau.unba.org.ua/profile/43570>)

Response of the UNBA and other bodies to cases of collaboration of advocates with illegitimate bodies

Between 2014 and 2018, the UNBA did not make a single statement regarding the situation of advocates at the occupied territories and gave no assessment of the known instances of collaboration of advocates with illegitimate authorities, such as in the above cases.

According to the information received from the UNBA, it knows of no cases when advocates located at the occupied areas of Donetsk and Luhansk oblasts would be practicing at illegitimate bodies (including courts) and taking part in the formation of advocate self-governance bodies there⁸⁷.

At the same time, active participation of certain Ukrainian advocates in the activities of illegitimate bodies at the “DPR” and “LPR” territory caused an outrage and reaction among their colleagues, activists, and the public.

In April 2016, editorial office of the “Legal Practice” sent an inquiry to the Security Service of Ukraine on this issue. As follows from the reply they received, inclusion of a person who took the oath of the advocate of Ukraine into the list of advocates of the so-called “DPR”, if made with the consent of said person, may indicate a violation of advocate ethics by that person. For violating advocate ethics, disciplinary actions may be brought against such advocates in the manner prescribed by current legislation on the advokatura and advocate practice, as well as the acts of the UNBA. Decisions regarding the existence of legal grounds for bringing such action against a person included in the list of advocates of the so-called «DPR» must be taken by the Qualification-Disciplinary Commission of Advokatura⁸⁸.

In July 2016, People’s Deputy Andrey Levus applied to the Security Service of Ukraine and the Qualification-Disciplinary Commission of Advokatura of Donetsk Oblast to “study the activities of 317 advocates from Donetsk Oblast who in fact gave their allegiance to the “DPR”. According to the MP, he filed a report on crimes committed by two current members of the Donetsk Oblast Council of Advocates – Irina Markova and Nikolai Karakash, as well as Yelena Radomskaya, elected Minister of Justice of the terrorist “DPR”⁸⁹. On 3 August 2016, the Security Service of Ukraine, with its letter No. 6/L-1718/27, notified the MP that his report and the accompanying documents were attached to the materials of criminal proceeding No. 2201500000000245 under part 1, Article 190, part 2, Article 110 and part 1, Article 258-3 of Ukraine’s Criminal Code of Ukraine – creation of the terrorist organization “Donetsk People’s Republic”, whose activities are aimed at changing and overthrowing the constitutional government, seizing power in the state, and changing the borders of Ukraine. The Security Service of Ukraine also said that these facts would be verified during the pre-trial investigation⁹⁰.

In August 2016, Ukrainian advocate Ilya Kostin submitted an appeal on similar issues to the High Qualification-Disciplinary Commission Of Advokatura Of Ukraine and the Council of Advocates of Ukraine⁹¹

The lack of a clear position of the UNBA regarding the possibility of advocate practice in non-government-controlled territories further aggravates the legal uncertainty that these advocates are facing. On the one hand, they are afraid of prosecution for “collaborating with terrorists”, and on the other hand, they cannot leave ordinary people without legal protection.

In any case, over the four and a half years of the armed conflict, the UNBA has not made a single statement in support of those advocates who stayed at the non-government-controlled territory and continue their professional practice there.

This position of the UNBA is not conducive to a dialogue between advocates remaining at the occupied territories and advocate self-governance bodies, which leaves these bodies poorly informed about the advocates’ situation. Considering the risks that exist due to the ongoing armed conflict at certain territories of Luhansk and Donetsk oblasts of Ukraine, we can assume that most of the advocates there are in need of additional protection of their rights and guarantees for advocate practice, especially the advocates that are refusing to cooperate with the occupying authorities as well as those working on cases that concern gross violations of human rights.

It is with regret that the authors of this Report are bound to acknowledge that in fact nothing is known about the fate of the advocates who continue their professional practice in the armed conflict zone.

⁸⁷ See Appendix 9, p. 60-63 of this Report.

⁸⁸ See full text of the reply at the link <http://pravo.ua/news.php?id=53946> (<https://web.archive.org/web/20181223181248/http://pravo.ua/news.php?id=53946>)

⁸⁹ See full text of the MP’s letter at the link http://ipress.ua/ru/news/mynustr_yustytssy_dnr_y_eshche_317_predateley_do_syh_por_ukraynskye_advokati_levus_dokumenti_173195.html (https://web.archive.org/web/20181223181254/http://ipress.ua/ru/news/mynustr_yustytssy_dnr_y_eshche_317_predateley_do_syh_por_ukraynskye_advokati_levus_dokumenti_173195.html)

⁹⁰ <http://pravo.ua/article.php?id=100115226> (<https://web.archive.org/web/20190109153101/http://pravo.ua/article.php?id=100115226>)

⁹¹ See details, including the text of the appeal at the link https://24tv.ua/skilki_advokativseparativistiv_pratsyuye_v_ukrayinskih_sudah_n804267 (https://web.archive.org/web/20181223181302/https://24tv.ua/skilki_advokativseparativistiv_pratsyuye_v_ukrayinskih_sudah_n804267)

Section III.

OBSERVANCE OF THE RIGHTS OF ADVOCATES FROM THE OCCUPIED TERRITORIES AT THE GOVERNMENT-CONTROLLED TERRITORY OF UKRAINE

Overview of the situation with observance of the rights of Crimean advocates at the government-controlled territory of Ukraine

Active on Such advocate self-governance bodies as the Council of Advocates of the Autonomous Republic of Crimea (chaired by advocate M. Pavlova) and the city of Sevastopol Council of Advocates (chaired by Advocate A. Tarasov) were effective at the peninsula territory by the beginning of the occupation. The powers of these bodies, among other things, included the issues of representation of advocates in regions, protection of guarantees for advocates' practice, protection of professional and social rights of advocates, taking advocates' oaths, data entering to the URAU, and further professional skills advancement of advocates.

Issues related to the organization and holding qualification examinations, taking decisions on issuance of advocates' certificates, termination and suspension of the right to advocate practice, and disciplinary actions against advocates were within the competence of the Qualification-Disciplinary Commissions of Advokatura of the ARC (chaired by advocate O. Didenko) and city of Sevastopol (chaired by advocate A. Eremenko) established in 2012.

After the annexation of the ARC and city of Sevastopol, the UNBA did not take any decisions to terminate the activities of these bodies of advocate self-governance, even though at the moment the UNBA's website contains no information as to the composition of these bodies and their activities. When trying to access the websites of the Council of Advocates of the ARC and that of the city of Sevastopol as well as the websites of the Qualification-Disciplinary Commissions of these regions through the links on the UNBA website, a notification appears that these web pages are "under construction" and will be available "in the nearest future"⁹².

Representatives of Advokatura of Crimea and city of Sevastopol in the Councils of Advocates and Qualification-Disciplinary Commissions ceased their activities in these bodies when the peninsula's occupation began.

Conferences of advocates ceased to be held at the same moment. In April 2014, Crimean and Sevastopol advocates were no longer allowed to participate in the unscheduled congress of Ukrainian advocates in Odessa. All subsequent congresses were held without representatives of the ARC and city of Sevastopol, since the Council of Advocates of Ukraine did not take any decisions to convene conferences, did not establish representation quotas or the procedure for nominating and electing conference delegates from the occupied territories of the ARC and city of Sevastopol.

Local Councils of Advocates did not report expenditures of funds available on the accounts of the mentioned advocate self-governance bodies as of February-March 2014.

As mentioned above, after the occupation, a large number of advocates had to relocate to the territory controlled by the Ukrainian government. Some of them officially changed their place of work and actually broke off all ties with the occupied territory, but most of these advocates refuse to make changes to their entries in the URAU, demonstrating in this manner their affiliation with the community of Crimean and Sevastopol advocates. For many of them it is a profoundly principled position to demonstrate their affiliation.

During the first months of the occupation, the advocates were confident that the issue of resuming the activities of the advocate self-governance bodies of the ARC and city of Sevastopol at the unoccupied territory would be resolved quickly. Time showed that these hopes were in vain. The UNBA did not take any action to address this issue.

Today, after four and a half years, Crimean advocates are still in a state of legal uncertainty, like in the first months of the occupation.

⁹² <http://unba.org.ua/rada-advokativ-regionu>
(<https://web.archive.org/web/20181223181314/http://unba.org.ua/rada-advokativ-regionu>)
See also Appendix 13, p. 67-68 of this Report.

While the issues related to the ability to have an advocate practice not at the place of registration can be resolved by advocates on their own, they are still unable participate in the activities of the advocate self-governance bodies due to the fact that their practice at the occupied territory actually ceased but was never resumed at the unoccupied territory.

These lawyers cannot make changes to their URAU profiles, including changes to the location of their place of work. They are not allowed to employ and take on the staff (in accordance with standard procedure) a secretary or a legal assistant, and are deprived of the opportunity to organize advocate internship.

Persons with Crimean registration are unable to pass the examination for the right to practice law in the Qualification-Disciplinary Commissions of city of Sevastopol and the ARC or register their place of work at the territory of Crimean Peninsula. Despite the fact that on 30 August 2014 the Council of Advocates of Ukraine granted persons with Crimean registration the right to take qualification exams for the right to practice law in any region of Ukraine at their place of residence/stay, this did not eliminate the problem completely, since these persons are required to produce an IDP certificate to be admitted to the exam. In addition, they cannot be included in the list of Crimean advocates and must be registered with the Councils of Advocates at the Ukrainian government-controlled territory.

Apart from this, Crimean advocates are not exempt from paying mandatory fees during the occupation but they cannot fulfil this duty, since 70% of the annual fee must be transferred to the account of the Councils of Advocates of the ARC or the Councils of Advocates of the city of Sevastopol, which no longer operate. At the same time, information exists that some Crimean advocates transfer 100% of the fee to the UNBA's current account. However, the UNBA does not provide official explanations regarding the proper procedure for the payment of mandatory fees by Crimean advocates, and the fees (70% for the ARC Councils of Advocates or city of Sevastopol Council of Advocates) cannot be returned to these advocates, nor do they get notified of the manner their payments are used.

Crimean advocates are also unable to confirm further professional skills advancement, since the relevant certificates on advanced qualifications must be issued by the ARC or city of Sevastopol Council of Advocates. Despite all this, failure to fulfill these obligations, such as non-payment of fees and professional skills advancement, can be used at any time as grounds for depriving them of the status of a Ukrainian advocate⁹³.

In addition, these advocates are partially deprived of the guarantees for advocates' practice. For example, when certain investigative actions are carried out, such as a search at an advocate's office, the regional advocate self-governance bodies must be notified, and their representative has the right to be present during the investigative actions to prevent violations of the advocate's professional guarantees, which is not possible for Crimean IDP advocates.

On the other hand, the rights of clients of these advocates that grant them the right to bring disciplinary action against their advocates for violating advocate ethics or improper legal assistance are also neglected, since such complaints must be submitted to regional Qualification-Disciplinary Commissions, which are also in fact nonexistent.

Aside from independent advocate practice, Crimean advocates are essentially deprived of the ability to provide legal assistance through a system of free legal aid⁹⁴ and to be appointed as defense counsel, for instance, in the so-called "Crimean cases". If such advocates take part in the free legal aid system in other regions, they will be representing their clients in the relevant region and not in cases concerning crimes committed at the territory of the ARC and city of Sevastopol.

Crimean legal assistants also find themselves in a vulnerable position, including those who wish to pass the exam for an advocate's certificate. Although the candidates from the ARC and city of Sevastopol are allowed to take the exam in other regions, they are still unable to prove their work experience as legal assistant, as this information can only be provided by the relevant Council of Advocates (of the ARC or city of Sevastopol).

As follows from the letters of the UNBA of 2 August and 7 September 2017, the advocate self-governance bodies of the ARC and city of Sevastopol "function" at their registered addresses⁹⁵. However, the interviewed Crimean and Sevastopol advocates refuted the fact that advocate self-governance bodies function at the occupied territory⁹⁶.

There is no information in open access on whether the UNBA is doing anything to resume the work of ARC and city of Sevastopol advocate self-governance bodies, or to provide support to IDP advocates from the occupied peninsula. In 2016 and 2017, the Council of Advocates of Ukraine adopted decisions on deferred payment of the annual fee for Crimean advocates to ensure implementation of the advocate self-governance:

- decision No. 92 of 26 February 2016 was approved one month after the expiration of the deadline for the 2016 payment⁹⁷;
- decision No. 30 of 4 February 2017 was approved several days after the expiration of the deadline for the 2017 payment⁹⁸. In addition, the decision contained a deferment procedure that in fact made exercising this right impossible. Thus, the act of the Council of Advocates of Ukraine stated that decisions on deferment of membership fees were to be made separately for each advocate by the Council of Advocates of the relevant region. Since the ARC and city of Sevastopol Councils of Advocates are not functioning, of which the UNBA is well aware, such decisions cannot be made as a matter of fact.

⁹³ See Appendices 1 and 2, p. 47-50 of this Report.

⁹⁴ At the same time, at the UNBA website, for instance, the address where the illegitimately established at the occupied Crimea "Advocate Chamber of the Republic of Crimea" housed in 2014-2017 is mentioned as the registration address of the ARC Council of Advocates.

⁹⁵ Decision of the Council of Advocates of Ukraine No. 92 of 26 February 2016 "On the deferral of due date of annual fees for ensuring the implementation of advocate self-government for 2016" http://unba.org.ua/assets/uploads/legislation/rishennya/2016-02-26-r-shennya-rau-92_56ebb1b3b9dc8.pdf (https://web.archive.org/web/20181223232531/http://unba.org.ua/assets/uploads/legislation/rishennya/2016-02-26-r-shennya-rau-92_56ebb1b3b9dc8.pdf)

⁹⁶ Decision of the Council of Advocates of Ukraine No. 30 of 4 February 2017 "On the payment by advocates of Donetsk and Luhansk oblasts, the Autonomous Republic of Crimea, and the city of Sevastopol of an fee for ensuring the implementation of advocate self-government in 2017" https://istina.net.ua/vlogenia/zbirka_rishen.pdf (https://web.archive.org/web/20181223170117/https://istina.net.ua/vlogenia/zbirka_rishen.pdf), p. 564.

⁹³ See Clarification of the High Qualification-Disciplinary Commission of Ukraine of 1 March 2018 "On the practice of the use by Qualification and Disciplinary Commissions of a disciplinary action in the form of suspension of the right to practice law (par. 5.2) <http://vkdk.org/12265-2/> (<https://web.archive.org/web/20181223181329/http://vkdk.org/12265-2/>)
Procedure for Professional Skills Advancement of Ukrainian advocates http://unba.org.ua/assets/uploads/legislation/poryadki/2016-06-13-poryadki_57ebd2d6f3f41.pdf (https://web.archive.org/web/20181223232443/http://unba.org.ua/assets/uploads/legislation/poryadki/2016-06-13-poryadki_57ebd2d6f3f41.pdf)

⁹⁴ The Law of Ukraine "On Free Legal Aid" <http://zakon.rada.gov.ua/laws/show/3460-17>

Overview of the situation with observance of the rights of advocates from the occupied areas of Donetsk and Luhansk oblasts in the government-controlled territory of Ukraine

After beginning of the armed conflict in the east of Ukraine, many advocates left this territory and continue advocate practice in other regions.

The UNBA took a number of steps to support these advocates, such as establishing a Committee for coordinating the provision of legal assistance to participants of the ATO, their families and IDPs. In order to help advocates that had to leave their homes and workplaces at the ATO (JFO) zone, the UNBA created an office for them in Kyiv, which they can use for their work for free. The office is equipped with desks and necessary equipment. UNBA management decided to establish a Coordination center to provide aid to advocates and their families relocating from the ATO zone. The Center's main task is coordinating the actions of regional advocate self-governance bodies and advocates who left their permanent place of residence as well as advocates from other regions of Ukraine who are willing to provide help to their colleagues.

However, open sources contain no information about the measures taken by the above-mentioned Coordination center and Committee to provide help to IDP advocates directly. There is also no information on how many advocates have used the established office and what was the effect of its creation.

In order to provide financial aid to advocates and their families that found themselves in a difficult situation, the All-Ukrainian Charitable Organization "Charitable Foundation to Help Advocates" was created, which developed and now implements a targeted assistance program for advocates that were mobilized for military service and for advocates that had to leave their place of residence due to the ATO (JFO).

In addition, in 2014–2017, the Council of Advocates of Ukraine adopted decisions to defer payment of annual membership fees for advocates who were mobilized into military service and for those who had to leave their place of residence due to the ATO⁹⁹. However, the authors of this Report found no information on the number of advocates who applied for this or the number of satisfied applications.

As for local advocate self-governance bodies, according to information provided by the UNBA¹⁰⁰, the Councils of Advocates of Donetsk and Luhansk oblasts are currently located at the Ukrainian government-controlled territory, in the cities of Kramatorsk and Severodonetsk respectively. At the same time, the provided information contains no data as to when this relocation of the Councils of Advocates occurred, since before 2017 the location of the said Councils on the UNBA's official website was at non-government-controlled territory.

The websites (subsites) of the Councils of Advocates of Donetsk and Luhansk oblasts do not work, and it is therefore impossible to get more detailed information on the activities of these bodies.

Despite the actions taken by the UNBA, the entire burden of resuming and continuing professional activities (search for housing, transfer of personal belongings and advocates' records and files, search for office spaces, search for new clients, etc.) is still on the shoulders of advocates that have relocated away from the conflict zone.

CONCLUSION

1. The advocates residing and working at the territory of the occupied Crimean Peninsula and certain occupied areas of Donetsk and Luhansk oblasts of Ukraine are facing new challenges due to occupation and ongoing armed conflict at the mentioned territory. The negative impact of these challenges is exacerbated by lack of legal certainty in the fate of advocates, as well as lack of monitoring of observance of advocates' rights and guarantees by the UNBA, which in fact stepped back from these issues.
2. Violations of international law by the Russian Federation and the occupation of the Crimean Peninsula left Ukrainian advocates who lived and worked in Crimea and chose to remain there outside the legal dimension. Threatening them with shutting down their practice, the occupying authorities essentially forced them to obtain Russian citizenship and pass qualifying exams on knowledge of Russian legislation. Ukrainian advocates who did not accept the "rules" established by the occupying authorities were completely deprived of the ability to continue their professional practice. Advocates who focus on human rights protection at the occupied territories found themselves in a particularly vulnerable position. The authors of this Report found multiple cases of violations of the professional rights and guarantees of advocates working with cases involving gross violations of human rights and protection of victims of political persecution by the occupying authorities of Crimea.
3. The advocates at the occupied territories of Donetsk and Luhansk oblasts are deprived of the possibility to practice under Ukrainian legislation. On the one hand, to continue their practice at that territory the advocates have to register their status of advocate with the bodies of the so-called "LPR" and "DPR", which puts them at risk of being condemned by Ukrainian society and colleagues, and on the other hand, advocate practice at these territories within the framework of Ukrainian legislation is impossible and may lead to persecution at the hands of the occupying authorities. Complete refusal of advocates to provide professional legal assistance to the population of the occupied territory would result in even greater violations of human rights at these territories. By remaining indifferent to the problems of advocates staying at the occupied territories, the UNBA only compounds the legal uncertainty they are facing.
4. The government and law enforcement bodies do not conduct proper efficient investigations of murders, abductions, unlawful deprivations of liberty and other violations of the rights of advocates at the occupied territory in connection with their professional practice and do not take effective measures to ensure protection of the state against such actions.
5. Ukrainian advocate self-governance bodies do not pay attention to the protection of the advocates' rights and guarantees at the occupied territories, such as their full exemption from paying annual membership fees, granting them preferential payment terms, allowing them to suspend their practice, and professional skills advancement of the advocates from these territories. The work of the advocate self-governance bodies of the Autonomous Republic of Crimea and city of Sevastopol within the Ukrainian-government-controlled territory has not been resumed to this day. The authors of this Report see no obstacles in the current Law "On the Bar and the Practice of Law" for addressing this problem. The issue of resuming the work of advocate self-governance bodies in the specified regions is within the competence of the UNBA and can be resolved at the level of relevant acts of the Council of Advocates of Ukraine and the High Qualification-Disciplinary Commission.

⁹⁹ For details, see these decisions of the Council of Advocates of Ukraine: - No. 84 of 4-5 July 2014 "On the payment of annual fees for ensuring the implementation of advocate self-government by advocates mobilized for military service and who had to leave their permanent place of residence in connection with the ATO"; - No. 140 of 24 October 2014 "On the deferment of the due date for the payment of the annual fee for ensuring the implementation of advocate self-government by advocates in Donetsk and Luhansk oblasts"; - No. 4 of 4 July 2015, "On the payment of the annual fee for ensuring the implementation of advocate self-government in 2014-2015 by advocates in Donetsk and Luhansk oblasts"; - No. 112 of 25 September 2015 "On the payment of annual fee for ensuring the implementation of advocate self-government by advocates of certain categories"; - No. 30 of 4 February 2017 "On the payment by advocates of Donetsk and Lugansk oblasts, the Autonomous Republic of Crimea and the city of Sevastopol of an annual fee for ensuring the implementation of advocate self-government in 2017" https://istina.net.ua/vlogenia/zbirka_rishen.pdf

¹⁰⁰ See Appendix 9, p. 60-63 of this Report.

RECOMMENDATIONS

1. For the Ukrainian government and law enforcement bodies:

- a) investigate known cases of persecution of advocates, murders, abductions and unlawful deprivations of liberty, including those mentioned in this Report;
- b) carry out regular monitoring of violations of the advocates' rights and guarantees of advocate practice at the occupied territories of Ukraine. When discovering these violations, conduct full and impartial investigations as well as take measures to prevent similar violations in the future;
- c) provide other support to Ukrainian advocates at the occupied territories, especially those who work with cases concerning gross violations of human rights.

2. For the advocate self-governance bodies of Ukraine:

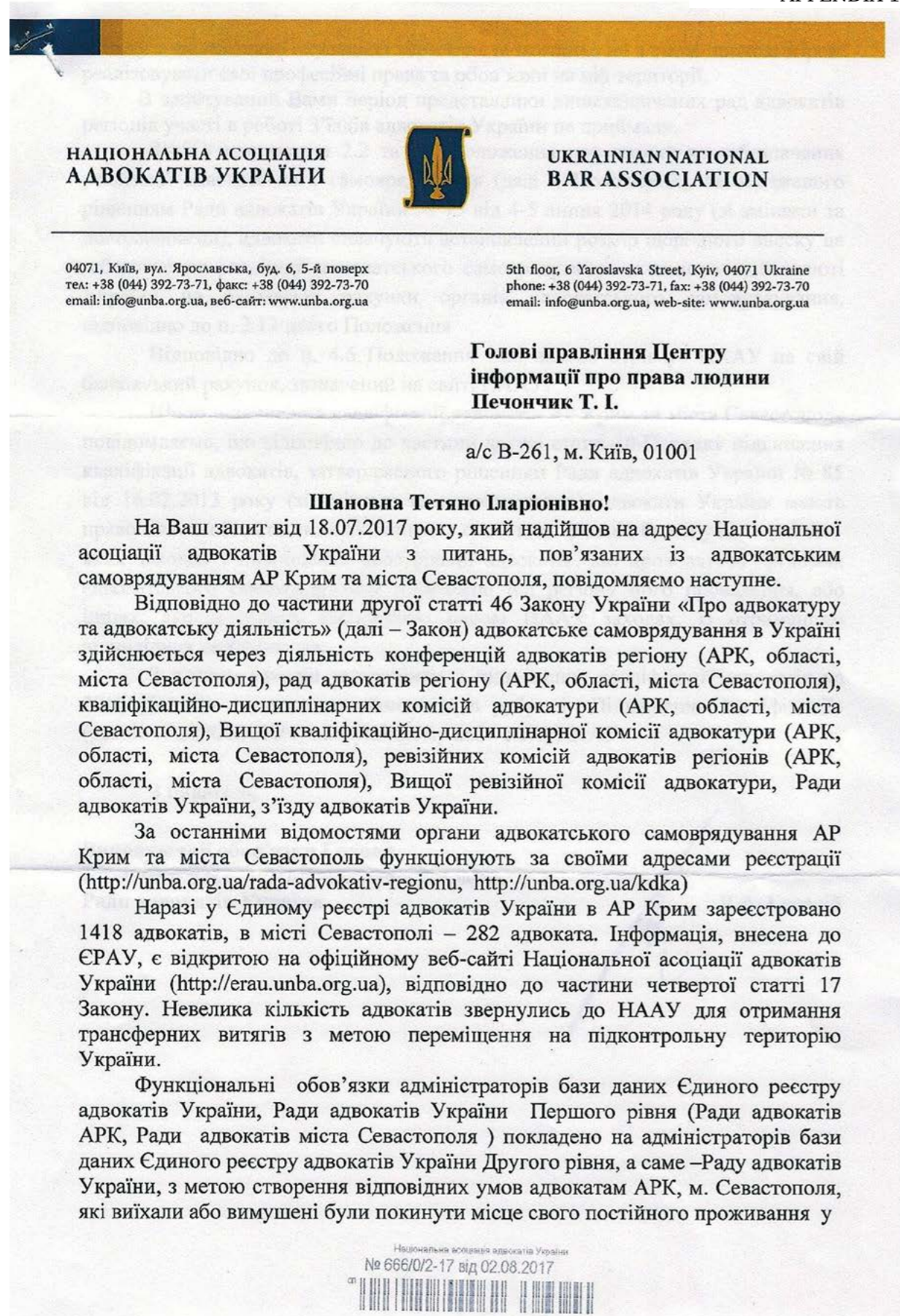
- a) provide explanations on all matters relating to the continuation of professional practice by the advocates at the occupied territories;
- b) in order to help advocates and take additional measures to protect their rights carry out systemic monitoring of violations of the rights of advocates that stayed at the occupied territories of the Autonomous Republic of Crimea, the city of Sevastopol and the occupied areas of Donetsk and Luhansk oblasts, as well as of advocates that relocated from these territories and continue their practice at the territory controlled by the Ukrainian government;
- c) take urgent measures to restore and ensure proper functioning of the advocate self-governance bodies of the ARC and city of Sevastopol at the territory controlled by the Ukrainian government;
- d) provide advocates located at the occupied territories with proper access to the procedure for professional skills advancement and payment of annual fees, or for exemption from these fees, as well as provide them with the opportunity to participate in the activities of the advocate self-governance bodies of the ARC and city of Sevastopol (after the resumption of their activities);
- e) in the future, when drafting UNBA acts, carry out legal analysis of the drafts to exclude discriminatory provisions in relation to advocates that have linkage with the occupied territories and to ensure equal treatment towards them by the advocate self-government bodies.

3. For the occupying authorities and the government of the Russian Federation:

- a) immediately cease persecution of advocates and obstruction of their professional practice, particularly in cases concerning gross violations of human rights and war crimes at the occupied Crimea;
- b) provide all Ukrainian advocates with the right to free and unhindered advocate practice at the territory of the occupied ARC and city of Sevastopol on the basis of Ukrainian advocates' certificates;
- c) stop the practice of forcing people expressing the will to practice law in Crimea to obtain Russian citizenship.

4. For the international community and bodies of the Council of Europe and United Nations:

- a) monitor and respond to violations of advocates' rights and guarantees of advocate practice at the occupied territories of Ukraine;
- b) develop and adopt additional standards for the protection of advocates focused on human rights protection under conditions of armed conflicts, including during the development of the Convention on the Profession of Advocate by the Committee of Ministers of the Council of Europe by including in it provisions on special guarantees of security, independence and ability to perform their professional duties for advocates providing legal assistance during an armed conflict or occupation as well as at the territories outside a state's control.



UKRAINIAN NATIONAL BAR ASSOCIATION

To: T. Pechonchyk,
 Head of the Board,
 Human Rights Information Center

mailbox V-261, Kyiv 01001

Dear Ms. Tetyana,

In response to your inquiry of 18 July 2017 received by the Ukrainian National Bar Association regarding issues concerning advocate self-governance of the Autonomous Republic of Crimea and city of Sevastopol we inform on the following.

In accordance with part 2, Article 46 of the Law of Ukraine “On the Bar and the Practice of Law” (hereinafter - “Law”), advocate self-governance in Ukraine is carried out through the activities of advocates’ conferences in regions (of the ARC, oblast, city of Sevastopol), Councils of Advocates in the region (of the ARC, oblast, city of Sevastopol), Qualification-Disciplinary Commissions of Advokatura (of the ARC, oblast, city of Sevastopol), High Qualification-Disciplinary Commission of Advokatura (of the ARC, oblast, city of Sevastopol), Revision Commissions of Advocates in regions (of the ARC, oblast, city of Sevastopol), High Revision Commission of the Advokatura, Council of Advocates of Ukraine, and Congress of Advocates of Ukraine.

According to the latest available information, the advocate self-governance bodies of the ARC and city of Sevastopol function at their addresses of registration (<http://unba.org.ua/rada-advokativ-regionu>, <http://unba.org.ua/kdka>)

The Unified Register of Advocates of Ukraine currently contains information about 1,418 advocates registered in the ARC and 282 lawyers – in city of Sevastopol. Information included in the URAU is freely available on the official website of the UNBA (<http://erau.unba.org.ua>), in accordance with part 4, Article 17 of the Law. A small number of advocates requested the UNBA to provide transfer extracts for the purpose of relocating to the government-controlled territory of Ukraine.

The functions of administrators of the databases of the URAU and the Council of Advocates of Ukraine of the First Level (Council of Advocates of the ARC, Council of Advocates of city of Sevastopol) are entrusted to the administrators of the database of the URAU of the Second Level, namely, the Council of Advocates of Ukraine, in order to create favorable conditions for advocates from the ARC and city of Sevastopol that left or had to leave their permanent place of residence due to the territory’s temporary occupation and that may not be able to fully exercise their professional rights and duties in said territory.

In the period you requested, no representatives of the above-mentioned councils of lawyers in regions took part in the Congress of Lawyers of Ukraine.

In accordance with paragraphs 2.2 and 2.3 of the Regulations on Fees for Ensuring the Implementation of the Advocate Self-Governance (hereinafter – “Regulations”) approved by the Decision of the Council of Advocates of Ukraine No. 75 of 4-5 July 2014 (amended and supplemented), advocates must pay a fixed annual fee to ensure implementation of the advocate self-governance in the national currency of Ukraine to the bank accounts of the advocate self-governance bodies, in accordance with par. 2.13 of these Regulations.

In accordance with par. 4.6 of the Regulations, the UNBA receives these fees to its bank account mentioned at the UNBA’s website.

As for professional skills advancement of advocates of the ARC and city of Sevastopol we inform that in accordance with part 2, Article 10 of the Procedure for Professional Skills Advancement of Advocates approved by the Decision of the Council of Advocates of Ukraine No. 85 of 16 February 2013 (amended and supplemented), Ukrainian advocates have the right to freely choose the types of their professional skills advancement, take part in any activities on advocates’ professional skills advancement held by the advocate self-governance bodies, regardless of the region they are held in, or in other activities accredited by the Expert Council of the UNBA, when appropriate certificates are issued.

You can find the schedule of events and training sessions for advocates’ professional skills advancement for 2017 in the Professional Skills Advancement section (FOR ADVOCATES page) at the UNBA official website.

With regards,
 Acting Head,
 Ukrainian National Bar Association,
 Council of Advocates of Ukraine

V. Gvozdiy.

зв'язку з тимчасовою окупацією території та можливо не в змозі повною мірою реалізовувати свої професійні права та обов'язки на цій території.

В запитуваний Вами період представники вищезазначених рад адвокатів регіонів участі в роботі З'їздів адвокатів України не приймали.

Згідно з пунктами 2.2 та 2.3 Положення про внески на забезпечення реалізації адвокатського самоврядування (далі – Положення), затвердженого рішенням Ради адвокатів України № 75 від 4-5 липня 2014 року (зі змінами та доповненнями), адвокати сплачують встановлений розмір щорічного внеску на забезпечення реалізації адвокатського самоврядування в національній валюті України на банківські рахунки органів адвокатського самоврядування, відповідно до п. 2.13 цього Положення

Відповідно до п. 4.6 Положення такі внески отримує НААУ на свій банківський рахунок, зазначений на сайті НААУ.

Щодо підвищення кваліфікації адвокатів АР Крим та міста Севастополя повідомляємо, що відповідно до частини другої статті 10 Порядку підвищення кваліфікації адвокатів, затвердженого рішенням Ради адвокатів України № 85 від 16.02.2013 року (зі змінами та доповненнями), адвокати України мають право вільно обирати види підвищення своєї кваліфікації, брати участь у будь-яких заходах з підвищення кваліфікації адвокатів, що проводяться органами адвокатського самоврядування незалежно від регіону його проведення, або інших, акредитованих експертною радою НААУ заходах, із отриманням відповідних сертифікатів.

З планом заходів та тренінгів з підвищення кваліфікації адвокатів на 2017 рік Ви можете ознайомитись в рубриці «Підвищення кваліфікації» (розділ «АДВОКАТУ») на офіційному веб-сайті НААУ.

З повагою,

**Виконуючий обов'язки Голови
Національної асоціації адвокатів України,
Ради адвокатів України**

В.А. Гвоздій



**НАЦІОНАЛЬНА АСОЦІАЦІЯ
АДВОКАТІВ УКРАЇНИ**



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**Координатору Медійної
ініціативи за права людини
Томас М. В.**

Електронна адреса:
mhr.ngo@gmail.com,

Шановна Маріс Володимирівно!

На Ваш запит в порядку доступу на публічну інформацію № 82 від 17.07.2017 року, який надійшов на електронну адресу Національної асоціації адвокатів України 31 серпня 2017 року, з питань пов'язаних із адвокатським самоврядуванням АР Крим (далі – АРК) та міста Севастополя, повідомляємо наступне.

Відповідно до частини другої статті 46 Закону України «Про адвокатуру та адвокатську діяльність», далі – Закон, адвокатське самоврядування в Україні здійснюється через діяльність конференцій адвокатів регіону (АРК, області, міста Севастополя), рад адвокатів регіону (АРК, області, міста Севастополя), кваліфікаційно-дисциплінарних комісій адвокатури (АРК, області, міста Севастополя), Вищої кваліфікаційно-дисциплінарної комісії адвокатури (АРК, області, міста Севастополя), ревізійних комісій адвокатів регіонів (АРК, області, міста Севастополя), Вищої ревізійної комісії адвокатури, Ради адвокатів України, з'їзду адвокатів України.

За останніми відомостями органи адвокатського самоврядування АР Крим та міста Севастополь функціонують за своїми адресами реєстрації (<http://unba.org.ua/rada-advokativ-regionu>, <http://unba.org.ua/kdka>).

При цьому, функціональні обов'язки адміністраторів бази даних Єдиного реєстру адвокатів України, Ради адвокатів України Першого рівня (Ради адвокатів АРК, Ради адвокатів міста Севастополя) покладено на адміністраторів бази даних Єдиного реєстру адвокатів України Другого рівня, а саме – Раду адвокатів України, з метою створення відповідних умов адвокатам АРК, м. Севастополя, які виїхали або вимушені були покинути місце свого постійного проживання у зв'язку з тимчасовою окупацією території

можливо не в змозі повною мірою реалізовувати свої професійні права та обов'язки на цій території.

Щодо підвищення кваліфікації адвокатів АР Крим та міста Севастополя повідомляємо, що відповідно до частини другої статті 10 Порядку підвищення кваліфікації адвокатів, затвердженого рішенням Ради адвокатів України № 85 від 16.02.2013 року, зі змінами та доповненнями, адвокати України мають право вільно обирати види підвищення своєї кваліфікації, брати участь у будь-яких заходах з підвищення кваліфікації адвокатів, що проводяться органами адвокатського самоврядування незалежно від регіону його проведення, або інших, акредитованих експертною радою НААУ заходах, із отриманням відповідних сертифікатів.

Інших рішень з питань, викладених у Вашому запиті, Радою адвокатів України та органами адвокатського самоврядування не приймається.

Також зазначаємо, що розгляд питань порушення адвокатської етики та присяги адвоката не відноситься до повноважень Національної асоціації адвокатів України, Ради адвокатів України визначених статтями 45, 55 Закону України «Про адвокатуру та адвокатську діяльність», а здійснюється кваліфікаційно-дисциплінарними комісіями адвокатури за адресою робочого місця адвоката, зазначеного в Єдиному реєстрі адвокатів України (стаття 33 Закону).

З повагою,

Голова Національної асоціації
адвокатів України, Ради адвокатів України



Л.П. Ізовітова

ENGL

UKRAINIAN NATIONAL BAR ASSOCIATION

To: M. Tomak,
Coordinator,
Media Initiative for Human Rights

Email:
mihir.ngo@gmail.com

Dear Ms. Maria,

In response to your inquiry No. 82 of 17 July 2017 received by the Ukrainian National Bar Association on 31 August 2017 regarding issues concerning advocate self-governance of the Autonomous Republic of Crimea (hereinafter - "ARC") and city of Sevastopol we inform on the following.

In accordance with part 2, Article 46 of the Law of Ukraine "On the Bar and the Practice of Law" (hereinafter - "Law"), advocate self-governance in Ukraine is carried out through the activities of advocates' conferences in regions (of the ARC, oblast, city of Sevastopol), Councils of Advocates in the region (of the ARC, oblast, city of Sevastopol), Qualification-Disciplinary Commissions of Advokatura (of the ARC, oblast, city of Sevastopol), High Qualification-Disciplinary Commission of Advokatura (of the ARC, oblast, city of Sevastopol), Revision Commissions of Advocates in regions (of the ARC, oblast, city of Sevastopol), High Revision Commission of Advokatura, Council of Advocates of Ukraine, and Congress of Advocates of Ukraine.

According to the latest available information, the advocate self-governance bodies of the ARC and city of Sevastopol function at their addresses of registration (<http://unba.org.ua/rada-advokativ-regionu>, <http://unba.org.ua/kdka>).

The functions of administrators of the databases of the URAU and the Council of Advocates of Ukraine of the First Level (Council of Advocates of the ARC, Council of Advocates of city of Sevastopol) are entrusted to the administrators of the URAU database of the Second Level, namely, the Council of Advocates of Ukraine, in order to create favorable conditions for advocates from the ARC and city of Sevastopol that left or had to leave their permanent place of residence due to the territory's temporary occupation and that may not be able to fully exercise their professional rights and duties in said territory.

As for the professional skills advancement of advocates of the ARC and city of Sevastopol we inform that in accordance with part 2, Article 10 of the Procedure for Professional Skills Advancement of Advocates approved by the Decision of the Council of Advocates of Ukraine No. 85 of 16 February 2013 (amended and supplemented), Ukrainian advocates have the right to freely choose the type of their professional skills advancement, take part in any activities on advocates' professional skills advancement held by the advocate self-governance bodies, regardless of the region they are held in, or in other activities accredited by the Expert Council of the UNBA, when appropriate certificates are issued.

No other decisions were taken by the Council of Advocates of Ukraine and advocate self-governance bodies relating to the issues you mentioned in your inquiry.

We would also like to note that issues related to violations of advocate ethics and the advocate oath are not within the jurisdiction of the UNBA or the Council of Advocates of Ukraine, as defined by Articles 45 and 55 of the Law of Ukraine "On the Bar and the Practice of Law"; these issues are supervised by Qualification-Disciplinary Commissions at the advocate's place of work address indicated in the URAU (Article 33 of the Law).

With regards,
L. Izovitova
Head of the UNBA, Council of Advocates of Ukraine



Sergiy Zayets

2 марта 2014 г. в 21:57 · Sevastopol ·

Мы, нижеподписавшиеся адвокаты города Севастополя считаем своим долгом выступить с оценкой заявлений о необходимости ввода российских войск в Украину для защиты русскоговорящего населения.

В Крыму и Севастополе живут граждане Украины разных национальностей. Для общения друг с другом мы используем преимущественно русский язык. На русском языке мы подаем обращения в органы государственной власти и управления, на русском языке мы выступаем в судах, на русском языке подают нам информацию местные средства массовой информации.

Мы возмущены спекуляциями на тему ситуации в Украине и сообщениями о том, что русскоговорящее население Крыма нуждается в защите с использованием вооруженных сил. Мы утверждаем, что заявления правительства Российской Федерации о намерении ввести войска в Крым не только не способствуют стабилизации ситуации в регионе, но, напротив, вызывают страх и непонимание.

ENGL

It's almost 70 years since the last battles were fought on our land. Unburied remains of the people that died in that war are still being found on Crimean soil. It is hard to believe that someone would want to disturb the memory of our fathers and grandfathers, to mark our land with new graves of our brothers and children.

Under the Memorandum on Security Assurances in connection with the Non-Proliferation of Nuclear Weapons of 5 December 1994, Russia took the obligation to respect the independence, sovereignty and existing borders of Ukraine, to refrain from threatening or using force against the territorial integrity or political independence of Ukraine, and stated that no arms of theirs would ever be used against Ukraine.

On these grounds, we call on Russia's Federation Council to revoke the decision to use armed forces at Ukrainian territory, which would lead to fratricidal war.

Our people have enough strength and will to preserve peace and order in our land. We thank you for your concern, but we don't need outside help. We can handle everything on our own.

Olga Shevchuk
Sergiy Zayets

ENGL

We, the undersigned advocates of city of Sevastopol, consider it our duty to give our assessment of the claims on the need to bring Russian troops to Ukraine to protect the Russian-speaking population.

Crimea and Sevastopol are home to Ukrainian citizens of many different nationalities. To communicate with each other, we mostly use the Russian language. We submit applications to public bodies and administrations in Russian, we speak Russian in courts, local media also provide us with the information in Russian.

We are outraged by the attempts to profit from the situation in Ukraine and by the reports that the Russian-speaking population of Crimea needs armed forces to protect them. We believe that the stated intent of the Russian government to bring troops to Crimea not only is not helping stabilize the situation in the region, but is rather causing fear and confusion.

Почти 70 лет прошло с тех пор, как на нашей земле прекратились бои. До сих пор в крымской земле находят не захороненные останки погибших в ту войну. Не верится, что кто-то хочет осквернить память наших отцов и дедов и вновь отметить нашу землю новыми могилами наших братьев и детей.

В соответствии с Меморандумом о гарантиях безопасности в связи с нераспространением ядерного оружия от 05 декабря 1994 года Российская Федерация приняла на себя обязательства уважать независимость, суверенитет и существующие границы Украины, воздерживаться от угрозы силой или ее применения против территориальной целостности или политической независимости Украины и заявила, что никакие их вооружения никогда не будут применены против Украины.

На этом основании мы призываем Совет Федерации РФ отменить решение об использовании вооруженных сил на территории Украины, реализация которого приведет к братоубийственной войне.

Народ нашей страны обладает достаточными силами и волей, чтобы сохранить спокойствие и порядок на родной земле. Спасибо за заботу, но нам не нужна посторонняя помощь. Мы справимся сами.

Ольга Шевчук
Сергей Заец

APPENDIX 3

ENGL

To: L. Izovitova,
Head of the Ukrainian National Bar Association
04070, Kyiv, 3 Borisoglebskaya Street

Advocates:

Aider Azamatov

certificate No. 1361, date of issue:

2 March 2012, on the basis of the decision of the ARC Qualification-Disciplinary Commission of 24 February 2012

Emil Kurbedinov

certificate No. 1490, date of issue:

27 December 2012, on the basis of the decision of the ARC Qualification-Disciplinary Commission No. 13 of 30 October 2012

Djemil Temishev

certificate No. 1027, date of issue:

13 September 2013, on the basis of the decision of the ARC Qualification-Disciplinary Commission of 22 December 2006

APPEAL

We would like to inform you that since 2014, systemic persecution of advocates and human rights defenders who actively combat violations of human rights and inform the media and international community of this has been taking place in Crimea. After the events of February – March 2014, a large number of advocates had to leave Crimea or cease their advocate practice. There are advocates today who have to stay in Crimea and continue their professional practice, including provision of legal support to victims of gross human rights violations at the hands of the de facto authorities, as well as to political prisoners. These advocates are constantly subjected to persecution at the hands of the de facto Crimean authorities.

Some instances of persecution of advocates in Crimea since March 2014:

1) Attempted break-in into the office of Kurbedinov and his colleagues, August 2016

In August 2016, officers of security services tried to get into the office of advocate Kurbedinov without procedural documents. Kurbedinov's colleagues who managed to close the door spent several hours under threat of an illegal break-in into the advocate's office. An officer of security services tasked with the break-in was guarding the office door.

2) Threat of criminal prosecution of advocate E. Kurbedinov by the de facto authorities of Crimea, October 2016.

Threat of criminal prosecution of advocate Mamet Mambetov by the de facto authorities of Crimea, November 2017.

APPENDIX 4

3) Illegal search and confiscation of files in the office of advocate E. Kurbedinov, as well as detention and 10 days of administrative arrest of advocate E. Kurbedinov, January 2017.

Lawyer E. Kurbedinov detained on 26 January 2017 was providing legal defense to Deputy Heads of the Mejlis of the Crimean Tatar People Akhtem Chiygoz and Ilmi Umerov, who were being persecuted for political reasons in Crimea, specifically in the form of criminal proceedings in connection with their public speeches regarding the peninsula's status. A large number of Crimean Tatars who are the Muslim ethnic minority on the peninsula, took part in multiple peaceful protest campaigns against Russia's policy on the peninsula after February 2014 when Russian armed forces took the control of Crimea.

“The arrests of advocates of Crimean Tatar activists by Russian authorities is part of the effort to restrict human rights and the rule of law in the occupied Crimea,” says Hugh Williamson, Europe and Central Asia Director at Human Rights Watch. *“Russian authorities need to stop persecuting advocates and activists and ensure the observance of rights of Crimean Tatars.”*

Advocate Kurbedinov was arrested on 26 January 2017 in the city of Bakhchysarai by the officers of the Anti-Extremism Center of Crimea's Ministry of Internal Affairs (established in Crimea by Russian authorities) while he was on his way to supervise the search at the residence of his client, Seyran Saliyev. The latter had to face administrative penalties three times for his active civic stance expressed in the defense of the rights and interests of Crimean Tatars and Muslims; he is currently facing criminal charges and is considered by many human rights organizations and Ukraine's Foreign Affairs Ministry one of «Kremlin's political prisoners».

On that day, advocate E. Kurbedinov's car, allegedly as part of a standard inspection, was stopped by road patrol officers, after which the advocate was detained and brought to the Zheleznodorozhny District Court of Simferopol established in Crimea by Russian authorities, which sentenced the advocate to 10 days administrative arrest for “propaganda or public display of the attributes or symbols of extremist organizations.”

The de facto authorities also conducted an illegal search at the residence and office of advocate Kurbedinov, seized 7 laptops and tablets as well as several electronic memory drives. Djemil Temishev, E. Kurbedinov's advocate, spent 40 minutes trying to get permission to enter his client's apartment.

“Very few advocates focusing on human rights protection are willing to work in Crimea, and they do this despite serious risks to their personal safety,” says Hugh Williamson, Europe and Central Asia Director at Human Rights Watch. *“The persecution and intimidation of Kurbedinov and Polozov are meant to scare even more representatives of the profession of advocate and to distance themselves from politically sensitive criminal cases.”*

5) Pressure on advocates that provide legal aid and consultations to members of the Crimean Solidarity public association.

On 27 January 2018, in the city of Sudak, advocates E. Kurbedinov, D. Temishev and A. Azamatov that reside at the territory of Crimea held, as part of a meeting of the Crimean Solidarity public association, a regular meeting with family members of Crimean political prisoners, which was disrupted by officers of the peninsula's de facto law enforcement, who, accompanied by Special Task Police Unit officers, blocked the premises where the meeting was taking place. The advocates and their clients were unlawfully kept inside against their will for over 4 hours. Everyone present at the meeting were obliged to provide explanations, but it was never specified on what offense. In the end, the relatives and family members of political prisoners present at the meeting were forced to provide explanations in writing. During this, the officers of the de facto law enforcement bodies were trying to prevent the advocates from providing advice to their clients and clarify their right to refuse giving such explanations.

Any kind of persecution or pressure on advocates and human rights defenders that hinders fulfillment of their professional duties must be considered as gross interference with the right to defense, which results in the “cold effect”. Any measures taken by states should respect the rule of law and should not entail any arbitrariness or discriminatory treatment.

Article 19 of the Law of Ukraine “On the Bar and the Practice of Law” provides for such types of advocates' activities as provision of legal information, consultations and clarifications on legal issues, legal support of the activities of legal entities and natural persons, public authorities, local self-government bodies, and the state. Advocates may also practice other types of advocates' activities not prohibited by law.

In accordance with Article 45 of the Law of Ukraine “On the Bar and the Practice of Law”, the Ukrainian National Bar Association protects the professional rights of advocates and guarantees for advocate practice.

In light of the above, we request that you:

1. Consider this appeal and evaluate the facts mentioned herein.
2. Take every possible measure to protect the rights of Ukrainian advocates in Crimea.
3. Send appeals and applications to relevant international and foreign organizations, condemning the persecution of independent advocates who defend “Kremlin's political prisoners” in Crimea and highlighting the need to protect the rights of these advocates.
4. Provide information on the activities of the UNBA for the period since March 2014 till now aimed at the protection of the rights of Ukrainian advocates in Crimea and of those who relocated from Crimea to Ukrainian government-controlled territory.

Please send the information on the decision taken to the following emails:
gemedji.lilya@gmail.com, e.kurbedinov@gmail.com.

2 April 2018

Advocates

Azamatov

E. Kurbedinov

D. Temishev

НАЦІОНАЛЬНА АСОЦІАЦІЯ
АДВОКАТІВ УКРАЇНИ



UKRAINIAN NATIONAL
BAR ASSOCIATION

04070, Київ, вул. Борисоглібська, буд. 3, 2-й поверх,
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email: info@unba.org.ua, веб-сайт: www.unba.org.ua

2nd floor, 3 Borysoglibska str., Kyiv 04070, Ukraine
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email: info@unba.org.ua, web-site: www.unba.org.ua

ВХ № 7671 З О ІРА 2018

Виконавчому директору
Української Гельсінської спілки з прав
людини

О.М. Павліченку

вул. Фролівська, 3/34, м. Київ, 04070

Шановний Олександрє Миколайовичу!

На Ваш лист № 17/04-03 (СД) - 7721 від 17 квітня 2018 року з проханням розглянути колективне звернення адвокатів з тимчасово окупованої АР Крим від 17 квітня 2018, повідомляємо наступне.

Відповідно до статті 5 Закону України «Про звернення громадян», далі – Закон, письмове звернення надсилається поштою або передається громадянином до відповідного органу, установи особисто чи через уповноважену ним особу, повноваження якої оформлені відповідно до законодавства.


При цьому, уповноважена особа - представник, довірена юридична або фізична особа, яка діє на підставі чинного законодавства України.

Проте до Вашого листа не надано документа, оформленого відповідно до законодавства, який підтверджує Ваше повноваження представляти інтереси або вчиняти певні дії від імені заявників.

Крім того, згідно приписів вищезазначеного Закону, письмове звернення повинно бути підписано заявником (заявниками), а також у ньому має бути зазначено місце проживання громадянина.

Враховуючи наведене, розгляд скерованого Вами колективного звернення від 17 квітня 2018 року, є таким що унеможливорює встановлення його авторства, а тому згідно приписів Закону визнається анонімним і розгляду не підлягає.

З повагою,

Керівник Секретаріату
Національної асоціації адвокатів України,
(Секретаріату Ради адвокатів України)  В.В. Красник

Національна асоціація адвокатів України
№ 529/02-18 від 23.05.2018



ENGL

UKRAINIAN NATIONAL BAR ASSOCIATION

To: **O. Pavlichenko**,
Executive Director,
Ukrainian Helsinki Human Rights Union

3/34 Frolovskaya Street, Kyiv 04070

Dear Mr. Oleksandr!

In response to your letter No. 17/04-03 (SD) - 7721 of 17 April 2018 with a request to consider the collective appeal of advocates from the temporarily occupied ARC of 17 April 2018 we inform on the following.

In accordance with Article 5 of the Law of Ukraine “On Inquiries of Citizens” (hereinafter - “Law”), a written inquiry must be sent via mail or brought by a citizen to the relevant body or institution in person or through an authorized person whose authority is made official in accordance with the law.

Such an authorized person must be a representative, an attorney, either a legal or natural person, acting on the grounds of the legislation currently effective in Ukraine.

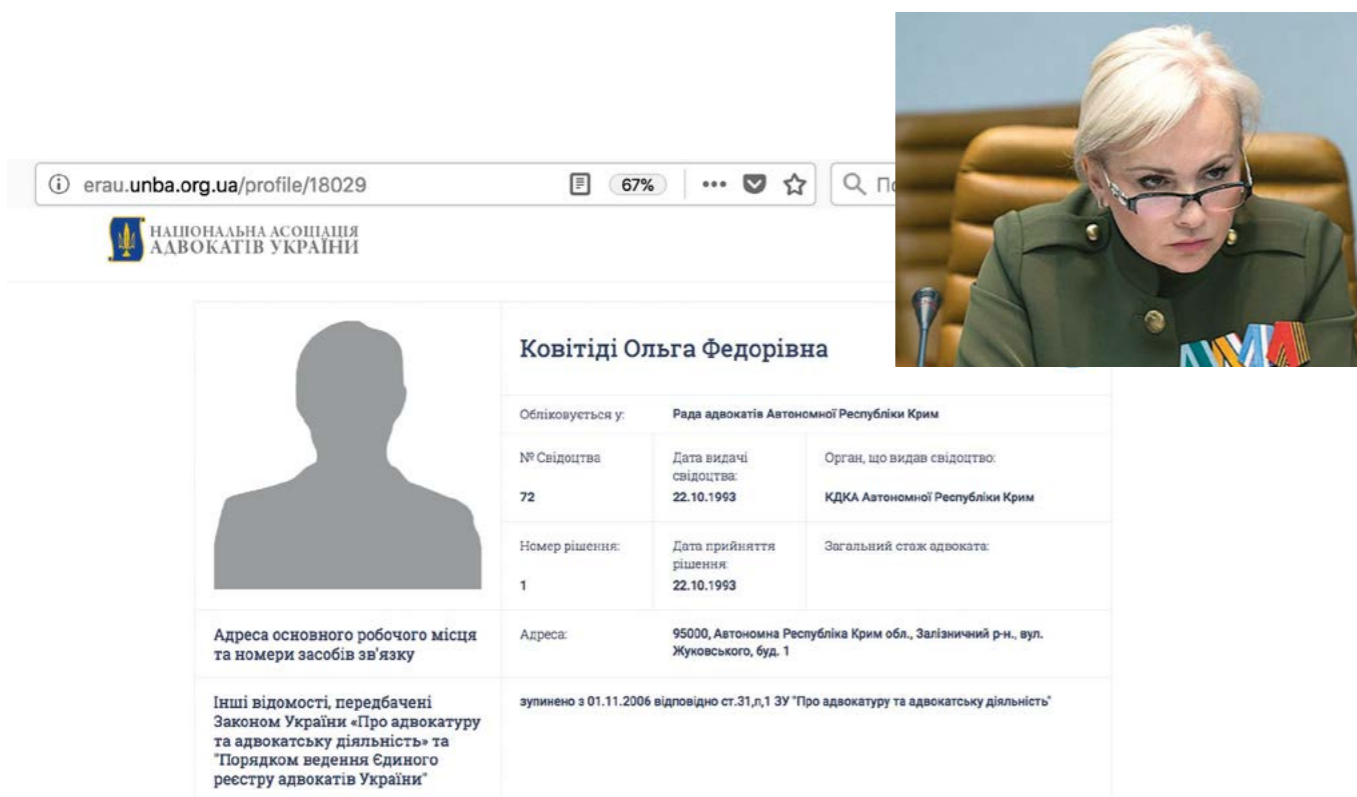
However, there was no document drawn in accordance with the law attached to your letter which would confirm your authority to represent the applicants or perform certain actions on their behalf.

In addition, in accordance with the codicils to the Law, a written inquiry must be signed by the applicant (applicants) and should contain information about the citizens’ place of residence.

In light of the above, the authors of the collective appeal of 17 April 2018 sent by you cannot be established and therefore, in accordance with the codicils to the Law, the letter should be considered anonymous and thus not admissible.

With regards,

V. Krasnyk,
Head of Secretariat,
UNBA,
(Secretariat of the Council of Advocates of Ukraine)



erau.unba.org.ua/profile/18029

НАЦІОНАЛЬНА АСОЦІАЦІЯ АДВОКАТІВ УКРАЇНИ

Ковитиді Ольга Федорівна

Обліковується у:	Рада адвокатів Автономної Республіки Крим	
№ Свідоцтва	Дата видачі свідоцтва:	Орган, що видав свідоцтво:
72	22.10.1993	КДКА Автономної Республіки Крим
Номер рішення:	Дата прийняття рішення:	Загальний стаж адвоката:
1	22.10.1993	
Адреса основного робочого місця та номери засобів зв'язку	Адреса: 95000, Автономна Республіка Крим обл., Залізничний р-н, вул. Жуковського, буд. 1	
Інші відомості, передбачені Законом України «Про адвокатуру та адвокатську діяльність» та «Порядком ведення Єдиного реєстру адвокатів України»	зупинено з 01.11.2006 відповідно ст.31,д.1 ЗУ «Про адвокатуру та адвокатську діяльність»	

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"Національна Асоціація Адвокатів України" (далі "НААУ"). Передрук та інше використання матеріалів, що розміщені на даному веб-сайті, дозволяється за умови посилання на джерело. Інтернет-видання та засоби масової інформації можуть використовувати матеріали сайту, розміщувати відео з офіційного веб-сайту НААУ на власних веб-сторінках, за умови гіперпосилання на офіційний веб-сайт Національної Асоціації Адвокатів України. Заборонено передрук та використання матеріалів, у яких містяться посилання на інші інтернет-видання та засоби масової інформації. Матеріали, позначені міткою "Реклама", публікуються на правах реклами.

ENGL

FIND ADVOCATE

Kovitidi
Name

Patronymic

Certificate number

Council of Lawyers

Custom search Reset

Find

Find an advocate at the URAU using information about him/her and the search form

UNIFIED REGISTER OF ADVOCATES OF UKRAINE

The Unified Register of Advocates of Ukraine was developed and went online on 16 January 2013 on the grounds of the Law of Ukraine "On the Bar and the Practice of Law" and the Regulations on the Keeping of the Unified Register of Advocates of Ukraine approved by the Decision of the Council of Advocates of Ukraine No. 26 of 17 December 2012 (amended and supplemented).

Please note that the Register of Advocates of Ukraine that had been kept by the High Qualification Commission of Advokatura attached to the Cabinet of Ministers of Ukraine before 15 January 2013 was shut down on 16 January 2013.

Select the advocate from the list of search results

View or print the details of the advocate's profile

Sorted by Full Name

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Голові правління Центру інформації про
права людини

Печончик Т.І.

01001, м. Київ, а/с В-261

Шановна Тетяно Іларіонівно!

На Ваш запит за вих. №89/11 від 30.11.2017 року (вих. №2573/0/1-17 від 01.12.2017 року) з питань, пов'язаних із адвокатським самоврядуванням та адвокатами Луганської та Донецької областей, повідомляємо наступне.

Відповідно до частини другої статті 46 Закону України «Про адвокатуру та адвокатську діяльність» (далі – Закон), адвокатське самоврядування в Україні здійснюється через діяльність конференцій адвокатів регіону (Автономної Республіки Крим, області, міста Києва, міста Севастополя), рада адвокатів регіону (Автономної Республіки Крим, області, міста Києва, міста Севастополя), кваліфікаційно-дисциплінарних комісій адвокатури (Автономної Республіки Крим, області, міста Києва, міста Севастополя), Вищої кваліфікаційно-дисциплінарної комісії адвокатури, ревізійних комісій адвокатів регіонів (Автономної Республіки Крим, області, міста Києва, міста Севастополя), Вищої ревізійної комісії адвокатури, Ради адвокатів України, з'їзду адвокатів України.

Наразі, органи адвокатського самоврядування Луганської та Донецької областей функціонують за своїми адресами реєстрації, інформація про діючий склад органів адвокатського самоврядування Луганської та Донецької областей зазначена на офіційному веб-сайті Національної асоціації адвокатів України <http://unba.org.ua/> - , зокрема:

- Рада адвокатів Донецької області під головуванням Керанчук Л.Л. та Кваліфікаційно-дисциплінарна комісія адвокатури Донецької області під головуванням Коростеліної Т.Ю. діє та зареєстрована за адресою: 84333, м. Краматорська, вул. Дружби, 9;

- Рада адвокатів Луганської області під головуванням Мельнікова О.А. зареєстрована за адресою: 93406, Луганська обл., м. Северодонецьк, пр. Гвардійський 33. додаткова адреса для листування: 01004, м. Київ, вул. В. Васильківська, 23/б, 4 поверх;

- Кваліфікаційно-дисциплінарна комісія адвокатури Луганської області під головуванням Воронкіна А.Ф. діє та зареєстрована за адресою: 93404, Луганська обл., м. Северодонецьк, бул. Дружби народів, 14.

Інформація, внесена до ЄРАУ, є відкритою на офіційному веб-сайті Національної асоціації адвокатів України (<http://erau.unba.org.ua/>), відповідно до частини четвертої статті 17 Закону. Станом на квітень 2014 року в Єдиному реєстрі адвокатів України в Луганській області було зареєстровано - 629 адвокатів, в Донецькій області – 3 337 адвокатів (разом із зупиненими та припиненими).

Щодо частини інших запитань, порушених у Вашому запиті, повідомляємо, згідно з п. 1 ст. 1 Закону України «Про доступ до публічної інформації» публічна інформація – це відображена та задокументована будь-якими засобами та на будь-яких носіях інформація, що була отримана або створена в процесі виконання суб'єктами владних повноважень своїх обов'язків, передбачених чинним законодавством, або яка знаходиться у володінні суб'єктів владних повноважень, інших розпорядників публічної інформації, визначених цим Законом. Тому, Національна асоціація адвокатів України не є розпорядником іншої запитуваної Вами інформації в розумінні Закону України «Про доступ до публічної інформації».

При цьому, повідомляємо, що Національна асоціація адвокатів України не проводила окрему реєстрацію адвокатів, які переїхали з окремих районів Донецької та Луганської областей до інших регіонів України, оскільки облік внутрішньо переміщених осіб належить до повноважень структурного підрозділу з питань соціального захисту населення за місцем фактичного проживання або уповноваженої особи, що визначена виконавчими органами сільських та селищних рад.

Разом з тим, в межах повноважень повідомляємо, що при Національній асоціації адвокатів України створено два Комітети, а саме:

- **Комітет з питань координації надання правової допомоги учасникам антитерористичної операції, членам їх сімей та переселенцям** для координації дій адвокатів із надання кваліфікованої юридичної допомоги учасникам антитерористичної операції, членам їх сімей та переселенцям, а також організації та консолідації адвокатської спільноти для захисту прав та законних інтересів таких осіб;
- **Комітет захисту прав адвокатів та гарантій адвокатської діяльності** для захисту професійних, та інших прав адвокатів, організація сприяння забезпечення гарантій адвокатської діяльності, та забезпечення необхідних умов для ефективного та якісного виконання адвокатами своїх професійних обов'язків.

Так, команда Комітету з питань координації надання правової допомоги учасникам антитерористичної операції, членам їх сімей та переселенцям – адвокати, що власними силами надають правову допомогу про бою учасникам АТО з самого початку проведення антитерористичної операції і вже мають фундаментальну напрацьовану практику, що використовується у загальних профільних роз'яснювальних матеріалах НААУ. Серед членів Комітету є і адвокати – безпосередні учасники АТО, які гідно виконали громадянський обов'язок щодо захисту країни на військовій службі у зоні бойових дій. Метою громадської діяльності є забезпечення учасників АТО та вимушених переселенців

**To: T. Pechonchyk,
Head of the Board,
Human Rights Information Center**

mailbox V-261, Kyiv 01001

Dear Ms. Tetyana,

In response to your inquiry (outgoing No. 89/11 of 30.11.2017, incoming No. 2573/0/1-17 of 1 December 2017) regarding issues concerning advocate self-governance and the advocates of Luhansk and Donetsk oblasts we inform on the following.

In accordance with part 2, Article 46 of the Law of Ukraine “On the Bar and Practice of Law” (hereinafter - “Law”), advocate self-governance in Ukraine is carried out through the activities of advocates’ conferences in regions (of the ARC, oblast, city of Kyiv, city of Sevastopol), Council of Advocates in the region (of the ARC, oblast, city of Kyiv, city of Sevastopol), Qualification-Disciplinary Commissions of Advokatura (of the ARC, oblast, city of Kyiv, city of Sevastopol), High Qualification-Disciplinary Commission of Advokatura, Revision Commissions of Advocates in regions (of the ARC, oblast, city of Kyiv, city of Sevastopol), High Revision Commission of Advokatura, Council of Advocates of Ukraine, and Congress of Advocates of Ukraine.

Currently the advocate self-governance bodies of Luhansk and Donetsk oblasts function at their registered addresses; information about the current composition of advocate self-governance bodies of Luhansk and Donetsk oblasts is available on the official website of the Ukrainian National Bar Association <http://unba.org.ua/>, in particular:

- Council of Adocates of Donetsk Oblast chaired by L. Keranchuk and Qualification-Disciplinary Commission of Advokatura of Donetsk Oblast chaired by T. Korostelina function and are registered at the address: 84333, Kramatorsk, 9 Druzhby Street; Council of Advocates of Luhansk Oblast chaired by O. Melnikov registered at the address: 93406, Luhansk Oblast, Severodonetsk, 33 Gvardiyskyi Avenue, additional address for correspondence: 01004, Kyiv, 23/b Vasylykivska Street, 4th floor; Qualification-Disciplinary Commission of Advokatura of Luhansk Oblast chaired by A. Voronkin functions and is registered at the address: 93404, Luhansk Oblast, Severodonetsk, 14 Druzhby Narodiv.

The information included in the URAU is available on the official website of the Ukrainian National Bar Association (<http://erau.unba.org.ua/>), in accordance with part 4, Article 17 of the Law. As of April 2014, the URAU contained entries of 629 advocates registered in Luhansk Oblast and 3,337 advocates registered in Donetsk Oblast (including those suspended and terminated).

As for the other issues raised in your inquiry, we have to report that in accordance with par. 1, Article 1 of the Law of Ukraine “On Access to Public Information”, public information means information displayed and recorded by any means on any information carriers, obtained or generated during the performance by representatives of the authorities of their duties under current legislation, or information possessed by representatives of the authorities or other parties authorized to manage public information determined by this Law. Thus, the UNBA is not a party authorized to manage other information that you requested within the framework of the Law of Ukraine “On Access to Public Information”.

Also, we would like to note that the UNBA did not conduct separate registration for advocates that relocated from certain areas of Donetsk and Luhansk oblasts to other regions of Ukraine, since the record keeping of IDPs is done by departments of social protection

якісною правовою допомогою, через що створено за допомогою НААУ базу правників, які працюють в цьому напрямі, по складних справах та часто у непростих умовах.

З правовим статусом, компетенцією (права, завдання, функції), організаційною структурою вищезгаданих Комітетів Ви можете ознайомитись за посиланням: <http://unba.org.ua/komitety>.

Крім того, Радою адвокатів України з метою надання матеріальної підтримки адвокатам та членам їх сімей, які опинилися у скрутних життєвих обставинах, створена всеукраїнська благодійна організація «Благодійний фонд допомоги адвокатам», яка розробила та реалізує цільову програму фінансування допомоги адвокатам, які мобілізовані для проходження військової служби та адвокатів вимушених покинути місце свого постійного проживання, у зв'язку з проведенням АТО.

Також, Радою адвокатів України у 2014 - 2017 році приймалися рішення про сплату щорічних внесків на забезпечення реалізації адвокатського самоврядування адвокатами, які мобілізовані для проходження військової служби, та які у зв'язку з проведенням АТО були вимушені покинути місце свого постійного проживання, згідно яких надавалося право радам адвокатів регіонів за заявами таких адвокатів звільняти та відтермінувати їх від сплати щорічного внеску на забезпечення реалізації адвокатського самоврядування на 2014-2017 рік відповідно.

Національна асоціація адвокатів України з метою допомоги адвокатам, які вимушені були покинути свої домівки, робочі місця в зоні проведення АТО Донецької і Луганської областей, створила офіс, яким безкоштовно можуть скористатись всі адвокати, які потребують такої підтримки. Зокрема укомплектовані зручні робочі місця, кімната для перемовин та зустрічей, є всі необхідні матеріали для роботи (повідомлення на офіційному веб-сайті Національної асоціації адвокатів України за посиланням: <http://unba.org.ua/news/477-news.html>).

Також, керівництвом НААУ було прийняте рішення щодо створення Координаційного центру з питань допомоги адвокатам та їх сім'ям, які переміщуються з районів проведення антитерористичної операції. Основним завданням центру є координація дій між регіональними органами адвокатського самоврядування та адвокатами, які залишили місце свого постійного проживання, а також адвокатами з інших регіонів України, готовими допомогти колегам. Щодо тимчасового працевлаштування було направлено відповідні листи до Міністерства юстиції України з проханням про допомогу у сприянні щодо першочергового укладення контрактів (договорів) про надання безоплатної правової допомоги Центрами з надання безоплатної вторинної правової допомоги, що знаходяться у сфері управління Міністерства, з адвокатами із Луганської та Донецької областей. При цьому, вирішувалося питання щодо урегулювання процесу переміщення адвокатів Луганської та Донецької областей до інших регіонів України з позиції виконання вимог Порядку ведення Єдиного реєстру адвокатів України, затвердженого Радою адвокатів України (повідомлення на офіційному веб-сайті Національної асоціації адвокатів України за посиланням: <http://unba.org.ua/news/179-news.html>).

services at the actual place of residence or by an authorized person appointed by executive bodies of village and township councils.

At the same time, within the scope of our competence, we would like to report that two Committees have been created within the UNBA framework, namely:

Committee for Coordinating the Provision of Legal Aid to ATO Participants, Their Families and IDPs, to coordinate the efforts of lawyers aimed at providing professional legal assistance to the participants of the ATO, their families and IDPs, as well as to organize and consolidate the community of advocates to protect the rights and interests of these people.

Committee for Protection of the Rights of Advocates and Guarantees for Advocate Practice, to protect the professional and other rights of advocates, promoting the observance of guarantees for advocate practice and ensuring other conditions of efficient and high-quality performance of their duties by advocates.

Thus, the team of Committee for Coordinating the Provision of Legal Aid to ATO Participants, Their Families and IDPs consists of advocates that, using their own resources, provide legal assistance to ATO participants pro bono since the very beginning of the ATO and have already accumulated extensive case law used in UNBA's general explanatory materials. Among the Committee members there also are advocates that took part in the ATO themselves, doing their civic duty of defending their country in military service at the military operation area with dignity. The goal of public activities is to provide ATO participants and IDPs with high-quality legal aid, which is why, with UNBA's assistance, a network of legal professionals has been created to work in this field, taking on complex cases and often dealing with challenging circumstances.

You can find out more about the legal status, competence (rights, tasks and functions), and organizational structure of the above Committees at the link: <http://unba.org.ua/komitety>.

In addition, the Council of Advocates of Ukraine, in order to provide financial assistance to advocates and their families that found themselves in a difficult situations, created the All-Ukrainian Charitable Organization "Charitable Foundation to Help Advocates", which developed and has been implementing a targeted financial aid program for advocates mobilized into military service and advocates that had to leave their permanent place of residence due to the ATO.

Also, in 2014-2017, the Council of Advocates of Ukraine adopted decisions on payment of annual membership fees for advocates mobilized into military service and those who had to leave their permanent place of residence due to the ATO, providing regional councils of advocates with the right to make advocates exempt from paying the annual fees or deferring their payment over the period of 2014-2017 upon receiving applications from these advocates.

To help the advocates that had to leave their homes and jobs in the ATO zone of Donetsk and Luhansk oblasts, the UNBA opened an office that all the advocates in need of such support can use for free. The office has comfortable workplaces, a room for negotiations and meetings, as well as all supplies necessary for work (article at the official website of the UNBA at the link: <http://unba.org.ua/news/477-news.html>).

In addition, UNBA management took the decision to open a Coordination center to provide help to advocates and their families relocating from the ATO zone. The center's main task will be coordinating the actions of regional advocate self-governance bodies and advocates that left their permanent place of residence as well as advocates from other regions of Ukraine who are willing to help their colleagues. As for the temporary employment, letters were sent to the Ministry of Justice of Ukraine with a request for assistance

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with preferential signing of contracts (agreements) on the provision of free legal aid by the Free Secondary Legal Aid Centers run by said Ministry with the advocates from Luhansk and Donetsk oblasts. Also the issue of relocation of the advocates from Luhansk and Donetsk oblasts to other regions of Ukraine was addressed from the perspective of meeting the requirements of the Regulations for Keeping the Unified Register of Advocates of Ukraine approved by the Council of Advocates of Ukraine (article at the UNBA official website at the link: <http://unba.org.ua/news/179-news.html>).

Also, the UNBA called on all advocates, law firms and associations in Ukraine not to be indifferent toward the problems of their colleagues from eastern regions, to get involved and help them get the necessary aid, such as searching for new home and job (chances to get back into working with clients and find new cases), etc. (article at the UNBA official website at the link: <http://unba.org.ua/news/183-news.html>).

Aside from that, we would like to mention that all measures taken by the UNBA to help ATO participants, their families and IDPs, as well as to organize and consolidate the community of advocates for protecting the rights and legitimate interests of these persons are described at the UNBA official website at the link: <http://unba.org.ua/>.

We would also like to mention that the Council of Advocates of Ukraine prepares quarterly reports on detentions of advocates and violations of the advocates' professional and other rights, using the information provided by regional advocate self-governance bodies. Nevertheless, the UNBA has no information regarding violations of the professional and other rights of advocates that reside in certain areas of Donetsk and Luhansk oblasts.

The UNBA also has no information regarding instances of advocates located in certain areas of Donetsk and Luhansk oblasts having advocate practice in illegitimate bodies (including courts) and taking part in the establishment of advocate self-governance bodies in these territories.

With regards,

L. Izovitova,
Head,
UNBA
Council of Advocates of Ukraine

Також, Національна асоціація адвокатів України звернулася з проханням до усіх небайдужих адвокатів, адвокатських бюро та об'єднань зі всієї України не лишатися осторонь проблем колег зі східних регіонів України, долучитися і сприяти їм у наданні необхідної допомоги із забезпечення житлом, працевлаштування (можливості залучення до роботи з клієнтами, забезпечення справами) тощо (повідомлення на офіційному веб-сайті Національної асоціації адвокатів України за посиланням <http://unba.org.ua/news/183-news.html>).

Крім того, зазначаємо, всі заходи, які були вжиті Національною асоціацією адвокатів України щодо допомоги учасникам антитерористичної операції, членам їх сімей та та законних інтересів таких осіб, розміщені на офіційному веб-сайті Національної асоціації адвокатів України за посиланням: <http://unba.org.ua/>.

Також, повідомляємо що Рада адвокатів України щоквартально формує звітність про затримання адвокатів, порушення професійних та інших прав адвокатів, згідно інформації, що надходить від регіональних органів адвокатського самоврядування. При цьому, Національній асоціації адвокатів України не відомі випадки щодо порушення професійних та інших прав адвокатів, які знаходяться на території окремих районів Донецької та Луганської областей.

Так само, Національній асоціації адвокатів України не відомі випадки, коли адвокати, які знаходяться на території окремих районів Донецької та Луганської областей та здійснюють адвокатську діяльність в незаконно сформованих органах (у тому числі судах) та приймали участь у формуванні органів адвокатського самоврядування на цій території.

З повагою,

Голова
Національної асоціації адвокатів України,
Ради адвокатів України



Л.П. Ізовітова

erau.unba.org.ua

Поиск

№ свідоцтва

Рада Адвокатів

Розширений Очистити

Знайти

1. Знайти адвоката в ЄРАУ згідно його даних, користуючись формою пошуку
2. Обрати необхідного адвоката зі списку запропонованих (знайдених)
3. Передивитися або роздрукувати подробиці профіля обраного адвоката

Відсортовано по П.І.Б.

<p>Колесніков Борис Дмитрович</p> <p>Рада адвокатів: Рада адвокатів міста Севастополя</p> <p>№ Свідоцтва: 108</p> <p>Дата видачі свідоцтва: 27/2/2004</p> <p>Ким видано свідоцтво: Севастопольська міська КДКА</p> <p>Деталі профілю</p>	<p>Колесніков Сергій Володимирович</p> <p>Рада адвокатів: Рада адвокатів Херсонської області</p> <p>№ Свідоцтва: 247</p> <p>Дата видачі свідоцтва: 14/3/1995</p> <p>Ким видано свідоцтво: Херсонська обласна КДКА</p> <p>Деталі профілю</p>	<p>Колесніков Віталій Валерійович</p> <p>Рада адвокатів: Рада адвокатів Миколаївської області</p> <p>№ Свідоцтва: 001256</p> <p>Дата видачі свідоцтва: 3/11/2017</p> <p>Ким видано свідоцтво: Рада адвокатів Миколаївської області</p> <p>Деталі профілю</p>	<p>Колесніков Володимир Олександрович</p> <p>Рада адвокатів: Рада адвокатів Полтавської області</p> <p>№ Свідоцтва: 2357</p> <p>Дата видачі свідоцтва: 9/10/2018</p> <p>Ким видано свідоцтво: Рада адвокатів Полтавської області</p> <p>Деталі профілю</p>
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67%

Поиск

НАЦІОНАЛЬНА АСОЦІАЦІЯ АДВОКАТІВ УКРАЇНИ

Колесніков Борис Дмитрович

Обліковується у: Рада адвокатів міста Севастополя

№ Свідоцтва	Дата видачі свідоцтва	Орган, що видав свідоцтво
108	27.02.2004	Севастопольська міська КДКА
Номер рішення	Дата прийняття рішення	Загальний стаж адвоката
2	27.02.2004	

Адреса основного робочого місця та номери засобів зв'язку

Адреса	99056, Севастополь обл., Гагаринський р-н., вул. Репіна, буд. 1
Невизначений	45 4127
Мобільний	+38(095)391-38-81

Форми адвокатської діяльності

Індивідуальна адвокатська діяльність

Найменування, адреса, номери засобів зв'язку

Інші відомості, передбачені Законом України «Про адвокатуру та адвокатську діяльність» та «Порядком ведення Єдиного реєстру адвокатів України»

Індивідуальна адвокатська діяльність, 99056, м.Севастополь, вул. Репіна, буд. 1 тел. 45 4127, 095 391 3881

ENGL

<p>Borys Kolesnikov</p> <p>Council of Advocates: Council of Advocates of city of Sevastopol</p> <p>Certificate No.: 108</p> <p>Date of issue: 22 October 1993</p> <p>Issued by: Qualification-Disciplinary Commission of the ARC</p>	<p>Sergiy Kolesnikov</p> <p>Council of Advocates: Council of Advocates of Kherson Oblast</p> <p>Certificate No.: 247</p> <p>Date of issue: 14 March 1995</p> <p>Issued by: Qualification-Disciplinary Commission of Kherson Oblast</p>	<p>Vitaliy Kolesnikov</p> <p>Council of Advocates: Council of Advocates of Mykolayiv Oblast</p> <p>Certificate No.: 001256</p> <p>Date of issue: 3 November 2017</p> <p>Issued by: Qualification-Disciplinary Commission of Mykolayiv Oblast</p>	<p>Volodymyr Kolesnikov</p> <p>Council of Advocates: Council of Advocates of Poltava Oblast</p> <p>Certificate No.: 2357</p> <p>Date of issue: 9 October 2018</p> <p>Issued by: Qualification-Disciplinary Commission of Poltava Oblast</p>
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ENGL

	Borys Kolesnikov		
Registered in	Council of Advocates of city of Sevastopol		
Certificate No.	Date of issue	Issued by	
108	27 February 2004	Qualification-Disciplinary Commission of city of Sevastopol	
Decision No.	Date of adoption	Total work experience as an advocate	
2	27 February 2004		
Address of the main place of work and contact phone numbers	Address	99056, Sevastopol, Gagarin Rayon, 1 Repin Street	
Names, addresses, contact phone numbers	Unlabeled	45 4127	
	Cellphone	+38(095)391-38-81	
	Private advocate practice		
Other information required by the Law of Ukraine "On the Bar and the Practice of Law" and the Procedure for Keeping the Unified Register of Advocates of Ukraine	Private advocate practice, 99056, Sevastopol, 1 Repin Street, tel. 45 4127, 095 391 3881		

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НАЦІОНАЛЬНА АСОЦІАЦІЯ АДВОКАТІВ УКРАЇНИ

ПОШУК АДВОКАТА ЄДИНИЙ РЕЄСТР АДВОКАТІВ УКРАЇНИ

Радомська

Ім'я

По батькові

№ свідоцтва

Рада Адвокатів

Розширений Очистити

Знайти

Єдиний реєстр адвокатів України був створений та почав функціонувати з 16 січня 2013 року на підставі Закону України "Про адвокатуру та адвокатську діяльність" та Порядку ведення Єдиного реєстру адвокатів України, затвердженого рішенням Ради адвокатів України від 17 грудня 2012 року № 26 (із змінами та доповненнями).

Звертаємо увагу на те, що реєстр адвокатів України, який відав Вищою Кваліфікаційною комісією адвокатури при Кабінеті Міністрів України (ВККА при КМУ) до 15 січня 2013 року, перестав функціонувати з 16 січня 2013 року.

1. Знайти адвоката в ЄРАУ згідно його даних, користуючись формою пошуку

2. Обрати необхідного адвоката зі списку запропонованих (знайдених)

3. Передивитися або роздрукувати подробиці профіля обраного адвоката

Відсортовано по П.І.Б.

Радомська Олена
Володимирівна

Рада адвокатів:
Рада адвокатів Донецької області
№ Свідоцтва:
4043
Дата видачі свідоцтва:
28/09/2011
Ким видано свідоцтво:
Донецька обласна КДКА

Деталі профілю

ENGL

Olena Radomska
Council of Advocates:

Council of Advocates of
Donetsk Oblast
Certificate No.:

4043

Date of issue:

28 September 2011

Issued by:

Qualification-Disciplinary
Commission of Donetsk Oblast

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НАЦІОНАЛЬНА АСОЦІАЦІЯ АДВОКАТІВ УКРАЇНИ

Радомська Олена Володимирівна

Обліковується у: Рада адвокатів Донецької області

№ Свідоцтва	Дата видачі свідоцтва	Орган, що видає свідоцтво
4043	28.09.2011	Донецька обласна КДКА
Номер рішення	Дата прийняття рішення	Загальний стаж адвоката
44	28.09.2011	

Адреса основного робочого місця та номери засобів зв'язку

Адреса: 83050, Донецька обл., Ворошиловський р-н., вул. Артема, буд. 96
Стационарний: +38(062)381-73-99
Мобільний: +38(050)590-94-39

Інші відомості, передбачені Законом України «Про адвокатуру та адвокатську діяльність» та «Порядком ведення Єдиного реєстру адвокатів України»

Зупинено з 30.12.2014р. згідно заяви адвоката від 30.12.2014р.

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ENGL

Olena Radomska

Registered in	Council of Advocates of Donetsk Oblast
Certificate No.	Date of issue Issued by
4043	28 September 2011 Qualification-Disciplinary Commission of Donetsk Oblast
Decision No.	Date of adoption Total work experience as an advocate
44	28 September 2011
Address of the main place of work and contact phone numbers	Address
	83050, Donetsk Oblast, Voroshylovskiy Rayon, 96 Artem Street
	Landline Phone
	+38(062)381-73-99
	Cellphone
	+38(050)590-94-39

Other information required by the Law of Ukraine "On the Bar and the Practice of Law" and the Procedure for Keeping the Unified Register of Advocates of Ukraine

suspended as of 30 December 2014 in accordance with the advocate's application of 30 December 2014

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НАЦІОНАЛЬНА АСОЦІАЦІЯ АДВОКАТІВ УКРАЇНИ

ПОШУК АДВОКАТА

ЄДИНИЙ РЕЄСТР АДВОКАТІВ УКРАЇНИ

прокопенко
волод
По батькові
№ свідоцтва
Рада Адвокатів
Розширений Очистити
Знайти

Єдиний реєстр адвокатів України був створений та почав функціонувати з 16 січня 2013 року на підставі Закону України "Про адвокатуру та адвокатську діяльність" та Порядку ведення Єдиного реєстру адвокатів України, затвердженого рішенням Ради адвокатів України від 17 грудня 2012 року № 26 (із змінами та доповненнями).
Звертаємо увагу на те, що реєстр адвокатів України, який відав Вищою Кваліфікаційною комісією адвокатури при Кабінеті Міністрів України (ВККА при КМУ) до 15 січня 2013 року, перестав функціонувати з 16 січня 2013 року.

1. Знайти адвоката в ЄРАУ згідно його даних, користуючись формою пошуку

2. Обрати необхідного адвоката зі списку запропонованих (знайдених)

3. Передивитися або роздрукувати подробиці профілю обраного адвоката

Відсортовано по П.І.Б.

Прокопенко Володимир Миколайович
Рада адвокатів: Рада адвокатів Дніпропетровської області
№ Свідоцтва: 2427
Дата видачі свідоцтва: 23/1/2012
Ким видано свідоцтво: Дніпропетровська обласна КДКА
Деталь профілю

Прокопенко Володимир Олексійович
Рада адвокатів: Рада адвокатів Луганської області
№ Свідоцтва: 308
Дата видачі свідоцтва: 22/1/2003
Ким видано свідоцтво: Луганська обласна КДКА
Деталь профілю

ENGL

Olena Radomska Council of Advocates:	Olena Radomska Council of Advocates:
Council of Advocates of Donetsk Oblast Certificate No.:	Council of Advocates of Donetsk Oblast Certificate No.:
4043	4043
Date of issue:	Date of issue:
28 September 2011	28 September 2011
Issued by:	Issued by:
Qualification-Disciplinary Commission of Donetsk Oblast	Qualification-Disciplinary Commission of Donetsk Oblast

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НАЦІОНАЛЬНА АСОЦІАЦІЯ АДВОКАТІВ УКРАЇНИ

Прокопенко Володимир Олексійович

Обіймається у: Рада адвокатів Луганської області

№ Свідоцтва	Дата видачі свідоцтва	Орган, що видає свідоцтво
308	22.01.2003	Луганська обласна КДКА
Номер рішення	Дата прийняття рішення	Загальний стаж адвоката
10	21.09.1994	

Адреса основного робочого місця та номери засобів зв'язку

Адреса:	94000, Луганська обл., Стаханов р-н., вул. Дзержинського, буд. 14, кв. 122
Невизначений:	0644 449 4247
Мобільний:	+38(099)022-83-15

Форми адвокатської діяльності

Індивідуальна адвокатська діяльність

Найменування, адреса, номери засобів зв'язку

Інші відомості, передбачені Законом України «Про адвокатуру та адвокатську діяльність» та «Порядком ведення Єдиного реєстру адвокатів України»

Індивідуальна адвокатська діяльність, 94000, Луганська обл., м. Стаханов, вул. Дзержинського, буд. 14, кв. 122; тел. 0644 449 4247, 099 022 8315

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ENGL

Volodymyr Prokopenko			
Registered in	Council of Advocates of Luhansk Oblast		
Certificate No.	Date of issue	Issued by	
308	22 January 2003	Qualification- Disciplinary Commission of Luhansk Oblast	
Decision No.	Date of adoption	Total work experience as an advocate	
10	21 September 1994		
Address of the main place of work and contact phone numbers	Address	94000, Luhansk Oblast, Stakhanov, 14 Dzerzhinskogo Street, apt. 122	
	Unlabeled	0644 449 4247	
	Cellphone	+38(099)022-83-15	
Forms of advocate practice Names, addresses, contact phone numbers	Private advocate practice		
Other information required by the Law of Ukraine "On Advokatura and the Practice of Law" and the Procedure for Keeping the Unified Register of Advocates of Ukraine	Private advocate practice, 94000, Luhansk Oblast, Stakhanov, 14 Dzerzhinskogo Street, apt. 122; tel. 0644 449 4247, 099 022 8315		

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НАЦІОНАЛЬНА АСОЦІАЦІЯ АДВОКАТІВ УКРАЇНИ

ПОШУК АДВОКАТА **ЄДИНИЙ РЕЄСТР АДВОКАТІВ УКРАЇНИ**

Авільцева

Ім'я

По батькові

№ свідоцтва

Рада Адвокатів

Розширений Счистити

Знайти

Єдиний реєстр адвокатів України був створений та почав функціонувати з 16 січня 2013 року на підставі Закону України "Про адвокатуру та адвокатську діяльність" та Порядку ведення Єдиного реєстру адвокатів України, затвердженого рішенням Ради адвокатів України від 17 грудня 2012 року № 26 (із змінами та доповненнями).

Звертаємо увагу на те, що реєстр адвокатів України, який вівся Вищою Кваліфікаційною комісією адвокатури при Кабінеті Міністрів України (ВККА при КМУ) до 15 січня 2013 року, перестав функціонувати з 16 січня 2013 року.

1. Знайти адвоката в ЄРАУ згідно його даних, користуючись формою пошуку

2. Обрати необхідного адвоката зі списку запропонованих (знайдених)

3. Передивитися або роздрукувати подробиці профіля обраного адвоката

Відсортовано по П.І.Б.

Авільцева Ганна Іванівна
 Рада адвокатів: Рада адвокатів Луганської області
 № Свідоцтва: 1035
 Дата видані свідоцтва: 6/4/2012
 Ким видано свідоцтво: Луганська обласна КДКА

Деталі профілю

ENGL

Hanna Aviltseva
 Council of Advocates:
 Council of Advocates of
 Luhansk Oblast

Certificate No.:
 1035

Date of issue:
 6 April 2012

Issued by:
 Qualification-Disciplinary
 Commission of Luhansk Oblast

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НАЦІОНАЛЬНА АСОЦІАЦІЯ АДВОКАТІВ УКРАЇНИ

Авільцева Ганна Іванівна

Обліковується у: Рада адвокатів Луганської області

№ Свідоцтва	Дата видачі свідоцтва:	Орган, що видав свідоцтво:
1035	06.04.2012	Луганська обласна КДКА
Номер рішення:	Дата прийняття рішення:	Загальний стаж адвоката:
5	06.04.2012	

Адреса основного робочого місця та номери засобів зв'язку
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 Мобільний: +38(050)476-23-76

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 Найменування, адреса, номери засобів зв'язку
 Індивідуальна адвокатська діяльність

Інші відомості, передбачені Законом України «Про адвокатуру та адвокатську діяльність» та «Порядком ведення Єдиного реєстру адвокатів України»
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Hanna Aviltseva

Registered in	Council of Advocates of Luhansk Oblast
Certificate No.	Date of issue Issued by
1035	6 April 2012 Qualification-Disciplinary Commission of Luhansk Oblast
Decision No.	Date of adoption Total work experience as an advocate
5	6 April 2012
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Forms of advocate practice	Private advocate practice
Names, addresses, contact phone numbers	
Other information required by the Law of Ukraine "On the Bar and the Practice of Law" and the Procedure for Keeping the Unified Register of Advocates of Ukraine	Private advocate practice, 91055, Luhansk, 4 Shevchenko Street, apt. 286, tel. 050 476 2376

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вул. Різницька, 13/15, Київ-11, 01011

факс: 280-26-03

19.10.2018 № 10/10-01 СД-8354

від

Громадська спілка «Українська
Гельсінська спілка з прав людини»
а/с 100, м. Київ, 04071

ВХ № 8225 24 ЖОВ 2018

Генеральною прокуратурою України розглянуто звернення виконавчого директора Української Гельсінської спілки з прав людини Олександра Павличенка від 10.10.2018 № 10/10-01 СД-8354 щодо надання статистичних даних про кількість кримінальних правопорушень за фактами нанесення адвокатам, що знаходяться на окуповані території Донецької та Луганської областей, тілесних ушкоджень (у тому числі вбивств) та/або незаконного позбавлення їх волі, перебування в полоні у незаконних бандитських формувань в період з 2014 року по теперішній час.

Повідомляємо, що відомості про зареєстровані кримінальні правопорушення (провадження) та результати їх розслідування, а також про потерпілих осіб узагальнюються у звітності за формою №1 «Єдиний звіт про кримінальні правопорушення, яка формується на підставі даних, внесених до Єдиного реєстру досудових розслідувань користувачами інформаційної системи, наростаючим підсумком у розрізі статей та розділів Кримінального кодексу України.

Разом з тим, виокремлення даних щодо кількості розпочатих кримінальних проваджень у розрізі потерпілих за видом їх зайнятості, зокрема, адвокатів, діючою звітністю не передбачено.

Крім того, діючий порядок формування звітності не надає можливості виокремити інформацію про реєстрацію злочинів на окремих територіях адміністративних одиниць (окуповані території Донецької та Луганської областей).

Ураховуючи викладене, надання запитуваної інформації не представляється можливим.

Начальник управління організаційного
забезпечення Єдиного реєстру досудових
розслідувань та інформаційно-аналітичної
роботи

І. Бакай

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Prosecutor's Office of Ukraine
Prosecutor General's Office of Ukraine

13/15 Riznytska Street, Kyiv-11 01011

fax: 280-26-03

Ukrainian Helsinki Human Rights Union
mailbox 100, Kyiv 04071

The Prosecutor General's Office of Ukraine has examined the letter of Ukrainian Helsinki Human Rights Union Executive Director Oleksandr Pavlichenko No. 10/10-01 SD-8354 of 10 October 2018 regarding provision of statistical data on the number of criminal offenses perpetrated against advocates located at the occupied territories of Donetsk and Luhansk oblasts, physical assaults (including murders) and/or unlawful deprivations of liberty as well as capture of advocates by illegal armed forces since 2014 to this day.

We would like to inform that the data on registered criminal offenses (proceedings) and results of their investigations, as well as information about the victims are consolidated in the form 1 "Unified Crime Report", which is developed on the basis of the data entered into the Unified Register of Pre-Trial Investigations by the users of the information system, with a growing material accumulated in the context of articles and sections of the Criminal Code of Ukraine.

However, the existing reporting system does not provide for the possibility to break down data on criminal proceedings by the victims' occupation (in this case, lawyers).





Moreover, the existing reporting system does not allow for breaking down data by registration of offenses at certain administrative areas (in this case, within the occupied territory of Donetsk and Luhansk oblasts).





In light of the above, it is not feasible to provide the requested information.

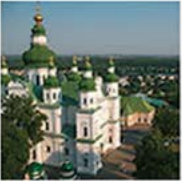



I. Bakay
Head of the Organizational Support Office,
Unified Register of Pre-Trial Investigations, Information and Analytics





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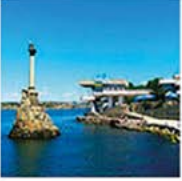



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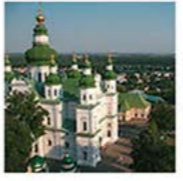



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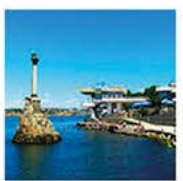



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