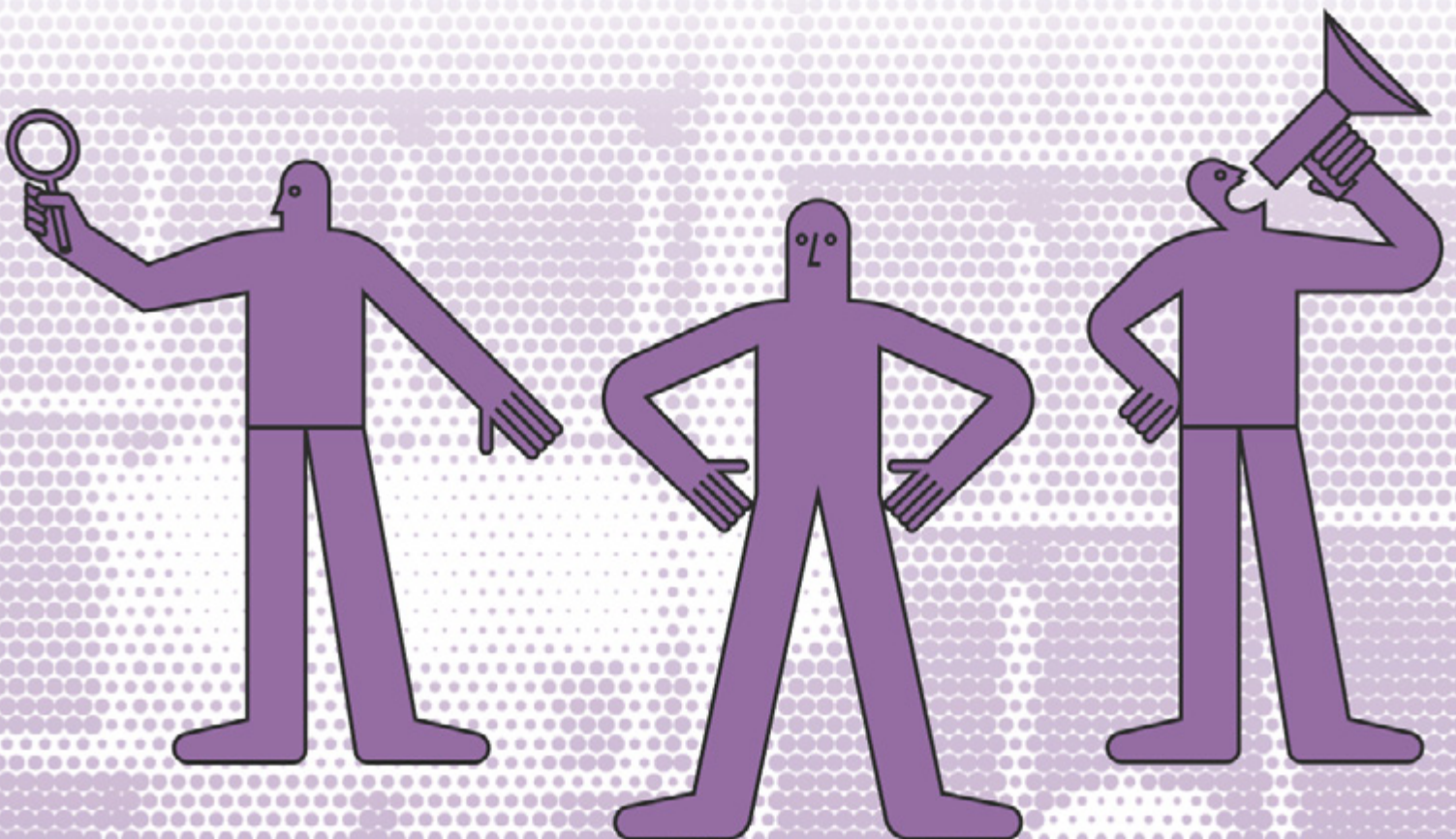




Input for the Special Rapporteur

on the independence of judges
and lawyers



OVD-Info is an independent human rights media project aimed at monitoring cases of political persecution and violations of fundamental human rights in Russia and providing legal assistance to their victims. OVD-Info operates a 24-hour federal hotline to collect information on all types of political persecution, covers them in the media, offers free legal assistance of more than 400 lawyers and education, and conducts research on different types of political persecution in Russia.

This input focuses on legal practices and approaches to cooperation between lawyers, legal empowerment innovations, challenges faced by the defenders, and therefore shortcomings of the current legal system.

Starting with legal IT products and the methods in engagement with lawyers, such as decentralisation, democratisation, and support, the essential part of legal empowerment is outlined.

This input reveals obstacles encountered by the lawyers, covering highly discriminative legal statuses – foreign agents, “undesirable organisations” – along with administrative and criminal prosecutions for the lawyers’ legal work.

We call on the Special Rapporteur:

- › to condemn serious violations of lawyers’ rights and acknowledge them as a major sign of human rights’ suppression;
- › to call for immediate release of persons, imprisoned and persecuted for practising law, and removing discriminative legal statuses from lawyers;
- › to repeatedly call for the laws on the foreign agents, undesirable organisations to be recognized as discriminative and to be overturned;
- › to adopt guidelines on ensuring lawyers and human rights defenders’ rights.

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1. What OVD-Info Does For Legal Empowerment

OVD-Info develops several focus areas in the field of law: individual legal help, legal education and reforming the legal system.

As for the first approach, OVD-Info strives to help individuals whose rights to freedom of assembly and freedom of expression have been violated. Its main slogan is “No one should be left alone with the system”. Hence, no one is left without legal advice. Lawyers instruct victims of steps they need to undertake and ways to protect their rights at every stage of interaction with the courts and the police.

OVD-Info seeks to provide a defence lawyer in courts and before other authorities. We also appeal to international bodies, presenting both individual cases and summary information on the human rights situation in Russia.

Another solution for legal help is self-defence tools, such as OVD-Info bot in Telegram messenger¹, legal instructions² explaining difficult legal provisions with simple words, and a legal documents generator³. All of the services are freely available and easily accessible for anyone.

OVD-Info is guided by principles, whereby aims for strengthening the legal community, increasing knowledge about human rights, enlightening people about the extent of human rights violations, and informing international institutions on the Russian human rights situation as well as exploring more complex legal issues.

Therefore, OVD-Info has a strong focus on working to change the entire legal system. Lawyers engage with national and international institutions to eradicate abusive laws and perverse practices, including by leading joint strategic litigation campaigns.

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¹ <https://t.me/ovdinfobot>

² <https://ovd.legal>

³ <https://generaptor.ovd.legal>

2. Legal Empowerment Innovations

2.1. Legal document generators

OVD-Info widely embraces innovations to simplify access to justice. First and foremost are the legal document generators. At the national level, legal documents generator “Generaptor” is such a tool. Within the service, the user fills in data about themselves and their detention. Based on the data entered, the service offers the user the relevant documents to be submitted to a court. In two years “Generaptor” has helped applicants prepare about 2,500 individual complaints and other documents.

Another tool, “Dyatel”⁴ (“the Woodpecker”), allows users to not only generate a complaint, but also to send it immediately to a government body responsible for an indicated structural problem. So far, 2,453 complaints have been sent to courts, the Ministry of Internal Affairs, the Prosecutor’s Office by using this tool, pointing out various violations, such as detentions via the use of the video identification system of persons, the introduction of the “fortress” plan in police departments.

At the international level, there is another generator for applications to the European Court of Human Rights (ECtHR). The generator deals effectively with individual cases of arrest at a public event, and, albeit with less functionality – with the rest of the complaints. More than 2,800 complaints have been sent by OVD-Info lawyers using it and continue to be sent in cases where violations occurred before Russia's exclusion from ECtHR jurisdiction.

2.2. Legal information systems

The archaic, confusing and decentralised information systems of the Russian courts are an obstacle for those who face it. “Sudmonster” (“The Court Monster”) helps keep abreast of changes in cases and collect important data. It regularly monitors cases under the articles of interest (both administrative and criminal) on the official websites, saves the texts of court decisions and extracts data from them. This service is not public, but is available to all lawyers and NGOs we collaborate with.

We also use this tool to monitor protesters’ rights violations from a gender perspective. Several materials based on this data, including a report on violations of women’s rights⁵ to protest have been published and sent to the UN Special Procedures.

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⁴ <https://dyatel.ovdinfo.org/>

⁵ <https://en.ovdinfo.org/violations-right-peaceful-assembly-women-and-girls-russia-2010-2020>

The report to the Committee of Ministers of the Council of Europe on the non-enforcement of the ECHR judgement in the case of Lashmankin and Others v. Russia was also prepared with the help of “Sudmonster”.⁶

In the case before the Constitutional Court⁷ “Sudmonster” was used to analyse court decisions from across the country and confirm that Moscow’s regional ban on “public and other mass events” is unpredictable.

2.3. Bots in popular messengers

OVD-Info is also a data project. It started in 2012 with the publication of information on detainees in the police stations. To this day, collecting and publishing all kinds of information about repressions remains an important activity. The speed of communication is very important in this matter – if a person does not have time to report their illegal detention or a house search before their phone is taken away, tracing their fate will be problematic. Therefore, bot on Telegram was developed to gather information about detainees as rapidly as possible. With its help, you can quickly report the arrest or the house search, before the phone is taken away by police officers

Another use of bots is to gather information for writing reports for the UN Universal Periodic Review. Newly created UPR bot⁸ allows civil society organisations to get information on writing reports, see a sample report, to keep abreast of court cases and to find colleagues to write joint reports. We use the collected data in reports, inputs, and submissions to the international institution, including the UN institutions, and for internal analysis and study, strategic complaints, and advocacy events.

3. What Principles Are Key In Developing Human Rights Community

3.1. Decentralisation

OVD-Info is directed by a goal of building a sustainable legal aid system. Decentralisation seems to be the most promising approach to preserve the ability to defend human rights in dark times. Repressions are targeting independent human rights projects forcing them to find appropriate solutions. An example of such a solution is “Zaodno” an online-platform for peer-to-peer donations to support politically persecuted people.

⁶ <https://en.ovdinfo.org/lashmankin-et-al-v-russia>

⁷ <http://doc.ksrf.ru/decision/KSRFDecision630748.pdf>

⁸ <https://upr.ovd.legal/en/main>

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There are several advantages of this approach. It reduces the risk of persecution for applicants as well as for lawyers. “Zaodno” increases the sustainability of a project. ‘Zaodno’ and similar platforms would be a reliable way to pay for legal aid, as long as direct transfers between individuals are allowed in the country.

“Zaodno” was launched in April 2022. More than 467 people got help, 250 of whom were OVD-Info applicants. In March 2023, OVD-Info applicants raised almost 400,000 roubles (5,000 USD) through “Zaodno”, And a little earlier, Daria Pikhnova could raise 15 000 roubles (200 USD) in just 2 hours.

3.2. Democratisation

OVD-Info works with more than 400 lawyers and attorneys in 60 regions of Russia. All of them work to the same standards, receive the same remuneration, and undergo induction and training procedures that are available to each of them. Each lawyer has access to all necessary materials and templates. The procedure for assigning defence attorney to a defendant is transparent and involves equal access for each lawyer to their cases.

3.3. Opportunities and assistance for other initiatives

OVD-Info is committed to developing the skills of lawyers. Lawyers and volunteers participate in other initiatives as well. This is how lawyers for “Helpdesk” project⁹, “Choose Life”¹⁰ and Memorial Human Rights Center¹¹ were found. Some of the volunteers helped lawyers with translations and transcripts. A petition generator for the recovery of child support of the Consortium of Women's Non-Governmental Organisations¹² was also such a project that was developed with input from our lawyers and IT-volunteers.

When other human rights organisations ask for help with resources, we pass on lawyers’ contacts. For now OVD-Info established such a cooperation with organisations “Delo LGBT+”¹³ and the LGBT group “Coming Out”.¹⁴

⁹ <https://helpdesk.media/ru>

¹⁰ <https://taplink.cc/fondvyberizhizn>

¹¹ <https://memorialcenter.org/>

¹² <https://wcons.net/novosti/alimentnyj-marshrut-pravozashhitniki-podgotovili-agregator-obrashhenij-kotoryj-pomozhet-vzyskivat-alimenty/>

¹³ <https://delo.lgbt/>

¹⁴ <https://comingoutspb.com/eng/>

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3.4. Safety and mental health support

OVD-Info is attentive to the work environment. In cases of serious and imminent risks, the project supports lawyers by providing them with the statement letters on their human rights work in Russia. Such letters can help them with relocation and legalisation in the country of their destination. Moreover, we share contacts of initiatives helping with relocation. Lawyers can also benefit from the help of psychologists at no or low cost.

4. What Challenges Legal Community Faces

Human rights defenders and lawyers in Russia are being repressed by state authorities. The legal system provides for various laws underpinning the pressure.

4.1. “Foreign Agents”

“Foreign agent” legislation was introduced in 2012.¹⁵ Since then, it has been significantly tightened. A huge number of human rights projects have been subjected to this stigma for simply carrying out their work. To name just a few, “Institute of Law and Public Policy”¹⁶, “Stichting Justice Initiative”¹⁷, “Golos” Movement,¹⁸ “MASHR”,¹⁹ “Lawyers for constitutional rights and freedoms”. 10 lawyers have also been recognised as “foreign agents” in a private capacity.²⁰ The status is highly discriminative, and entails a number of restrictions and burdensome reporting requirements under threats of administrative and criminal prosecution.

As of 5 May 2023, 594 legal entities and individuals were declared “foreign agents”, a significant part among them are human rights projects and lawyers. This status is not merely a stigma, but has serious consequences. On 1 November 2019, Russian NGO “For human rights”²¹ was liquidated. In 2022, ‘Memorial’ was liquidated due to the “systematic violation of the law on foreign agents”. On 23 December 2022, a Russian court fined the Sakharov Centre 5 million roubles (62,500 USD) for failing to comply with foreign agency laws.

¹⁵ Federal law № 121-FZ “On amendments to certain legislative acts of the Russian Federation as regards regulation of the activities of non-profit organisations performing the functions of a foreign agent” adopted on 20 July 2012.

¹⁶ <https://ilpp.ru/>

¹⁷ <https://www.srji.org/>

¹⁸ <https://golosinfo.org/>

¹⁹ <http://www.mashr.org/>

²⁰ Valeria Vetoshkina, Ivan Pavlov, Olimpiada Usanova, Ilya Novikov, Maksim Olenichev, Lev Ponomarev, Mikhail Beniash Mikhail, Vladimir Zhilkin, Galina Arapova and Pavel Chikov.

²¹ <https://www.zaprava.ru/>

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4.2. “Undesirable” organisations

Since 2015, a foreign organisation can be deemed “undesirable” if it poses a threat to foundations of Russian constitutional order or security.²² The law practically outlaws the organisations and cooperation with them, whilst “cooperation” is defined as broadly as possible.

For example, in January 2023, the Prosecutor General designated the Andrei Sakharov Foundation “undesirable”. Their partner organisation in Russia, the Sakharov Centre, organised human rights training. In May, the Crimean Human Rights Group, which is monitoring and documenting human rights violations and war crimes in Crimea, was also designated “undesirable”. Russian association of lawyers working on state security cases “Team 29” was accused of distributing materials of an “undesirable” organisation. As a result, it had to stop its activity. The attorney licence of their coordinator Ivan Pavlov was suspended following an ongoing criminal prosecution for the alleged disclosure of preliminary investigation data.

4.3. Misuse of extremism and terrorism legislation

Two criminal cases were opened against human rights defender Bakhrom Khamroev, a head of the Fund for migrant aid. The first one is regarding justification of terrorism on the Internet (Art. 205.2 (2) of Criminal Code of Russia) due to six posts on Facebook about the persecution of Hizb ut-Tahrir. The second one relates to the launching of a terrorist organisation (Art. 205.5 (1) of Criminal Code of Russia) for legal assistance in cases of Uzbek nationals suspected of terrorism. In March, the offices of Memorial and Civic Assistance Committee were searched over his case.

4.4. Prosecutions in the context of war in Ukraine

Maria Bonzler, OVD-Info lawyer in Kaliningrad, was prosecuted for her work in courts: while defending anti-war protesters, she said the word “war” twice. She was fined for discrediting the use of Russian armed forces under Article 20.3.3 of the Code of Administrative Offences. Lawyers Anastasia Rudenko and Svetlana Anokhina were charged under Art. 20.3.3 of CAO for their posts on social media.

At least 10 lawyers and human rights defenders are currently criminally prosecuted for their anti-war position, including Oleg Orlov, the head of the Council of HRDC Memorial, Dmitry Talantov, the President of the Bar Association of Udmurtia.

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²² Federal Law № 129-FZ on Amendments to Certain Legislative Acts of the Russian Federation adopted on 23 May 2015.

4.5. Other cases

In 2023, a Russian court liquidated the oldest Russian human rights organisation “Moscow Helsinki Group”,²³ and “Sova”,²⁴ an organisation that monitors and analyses nationalistic and xenophobic activities. At least 6 human rights organisations were liquidated in 2022.

Several lawyers faced pressure. Vadim Prokhorov, a lawyer who had defended Vladimir Kara-Murza, left the country under the threat of criminal prosecution. In March 2022, OVD-Info lawyers Alexei Kalugin and Sergei Podolsky were beaten at the police station as they came to defend anti-war activists. The case was reported to the Special Rapporteur on the independence of judges and lawyers.²⁵

In April 2023 alone, 4 attorneys defending anti-war activists were subjected to various kinds of pressure. The pressure is forcing many human rights defenders and lawyers to emigrate from the country.

The work of those who have stayed has been greatly hampered. Since the start of the full-scale invasion in 2022 and until April 2023, lawyers were denied access to the police departments 257 times, and at least 20 times – to the courts and house searches. 35 times a “Fortress” contingency plan was introduced which is a secret plan aimed at repelling an armed attack on the department, preventing anyone except authorities from entering the building. There are no effective remedies to challenge this practice.

5. How OVD-Info Achieves Equal and Effective Justice For All In Line With Sustainable Development Goal 16

The development of the legal community is one of our main goals. OVD-Info therefore recognises the importance of passing on already accumulated knowledge.

People from various professions come to study and become lawyers. OVD-Info prepares training materials, regular seminars and interactive activities. In addition to training, we facilitate internship opportunities with experienced lawyers.

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²³ <https://www.mhg.ru>

²⁴ <https://www.sova-center.ru/>

²⁵ <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gld=27238>

OVD-Info holds regular meetings for lawyers all over Russia to share experience and practice. For example, we held a meeting on dealing with articles on discrediting the army and “fakes” about the army. Another example is a webinar on working with UN treaty bodies, conducted by experienced lawyers from EHRAC.

An overview with positive legal practice is also available for our defenders to use. We constantly support the legal community, especially young lawyers. Sometimes the words of our defenders can say much more. Our new defence lawyer, Natalia Tikhonova said:

“I first became a volunteer, and then I did an internship and became a defence lawyer. The specifics of the work were quite easy for me, especially with the help of excellent OVD-info materials and templates. The whole training was very structured, as well as the organisation. Now I have already handled two discreditation cases and one “protest” case. In all cases, I was able to ask colleagues for advice. I suppose I got into the practice fairly quickly.”

Anastasia Kuznetsova, a historian, shares her experience:

“It all started when I was studying for a degree in history and became interested in becoming a human rights defender. One day I saw a call for human rights defenders. I came across the School of Public Defender and it was very interesting to study administrative law. After the training, I applied to OVD-Info for study, practice and work. I would not say that the training was difficult, it was very interesting to learn everything. I was definitely flustered before our first session, but when you go through the training and see the process from beginning to the very end, the anxiety goes away.”

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