Advocates under occupation

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

Kyiv 2018
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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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 organizations. In light of this, the role of advokatura 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...
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 Republif 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.
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### 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).

### 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;

(b) 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).

Lawyers shall not be identified with their clients or their clients’ causes as a result of discharging their functions (par. 18).

### 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).

### Conducting any investigative measures or actions in relation to advocates

Any interference or obstruction of advocate practice is prohibited (par. 1, Art. 22).

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).
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<td>Acknowledgement of advocates’ right to represent their clients in court</td>
<td>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).</td>
<td>Lawyers should not be refused access to a court before which they are qualified to appear (par. 7).</td>
<td>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).</td>
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<td>Freedom of access to information</td>
<td>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).</td>
<td>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).</td>
<td>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).</td>
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<td>The right to freedom of expression</td>
<td>Lawyers like other citizens are entitled to freedom of expression, belief, association and assembly (par. 23).</td>
<td>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).</td>
<td>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).</td>
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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**

- **Pruteanu v. Romania**, no. 30181/05, 3 February 2015

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”.

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10 Recommendation 2121 (2018) I Assembly debate on 24 January 2018 (6th Sitting) [see Doc. 14403, report of the Committee on Legal Affairs and Human Rights], proposed by Mr. Robert Leadbeater, adopted by the Assembly on 24 January 2018 (6th Sitting) [see Assembly Doc. 14403, Doc. Details Page 14403].
Duty to report suspicions
(in the context of combating money laundering)

Grifhorst v. France, no. 28336/02, 26 February 2009
Michaud v. France, no. 12325/11, 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. 3161/96, ECHR 2002-II
Amihalchioaei 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
More v. France [GC], no. 29369/10, ECHR 2015
Seferin 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.
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 Cooperation 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.

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

Section II.
VIOLATIONS OF THE RIGHTS AND GUARANTEES OF ADVOCATES’ PRACTICE IN THE CONTEXT OF THE ARMED CONFLICT IN UKRAINE
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-FKZ 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.

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 loyal to the authorities.

According to the URAU, there are 1,418 and 282 advocates registered in the ARC and city of Sevastopol respectively. 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 annexation.

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 cases 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 cases, since there are so few of them left. If 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.
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 Chiygoz, of many local activists persecuted for participating in peaceful meetings as well as people accused by the occupying authorities for 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 Semedlyaev, 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». He was charged under Article 20.3 of Russia's Code of Administrative Offenses (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.

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 authorities24.

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.

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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 interference.37

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Edem Semedlyaev 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 2017,38 Crimean security services, under the pretext of carrying out the orders of the head of the Federal Fiscal Service, illegally entered and searched E. Semedlyaev's residence.

Lilya Gemedji – Crimean human rights activist and advocate.

On 27 January 2018, during a meeting of the public association Crimean Solidarity 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 201739.
● forcing political detainees belonging to the Tabligh 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. Gemedi’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. Mametov and L. Gemedi 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 in 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 Crimea seizure, 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 negotiated 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 advocate 37.

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

32 See Appendix 4.5. p. 52-6 of this Report


37 http://council.gov.ru/persons/1176/


40 http://council.gov.ru/structure/persons/1726/


42 See Appendix 4.5. p. 52-6 of this Report


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 2014” 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 advocate https://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 Donetsk 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 country 40. 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 (2132(2018), 2133(2018), 2145(2018), 2209(2018)) 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” 42.

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” 43 replaced the ATO with a Joint Forces Operation (JFO).

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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 time, 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 agencies. 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 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 find 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 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, etc.), 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 2015, 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 Radomskaya, who had her right to practice law suspended as of 30 December 2014 but to this day retains the status of a Ukrainian advocate.

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 Donetsk People’s Republic’s Administration 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), etc.

As of 1 January 2018, the register of advocates of the “LPR” contained more than 900 names. On 1 August 2017, the order of the “Ministry of Justice of the LPR” No. 699-ОD 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 to submit an application to the so-called “Ministry of Justice” of the “LPR” to continue their practice on the condition of a Ukrainian advocate’s certificate on the right to practice law 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”.

As of 23 August 2017, over 90 people applied to the “Ministry of Justice” of the “LPR” for the status of advocate.

On 27 April 2017, the “Head of the Council of Advocates of the DPR” Konstantin Likhoded 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. Likhoded.
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)\(^ {17}\).

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 there\(^ {18}\). 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 right to practice law on checking 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 URAU\(^ {19}\).

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 advocates\(^ {20}\). This register only contains data about those who received the first certificates of “LPR advocates” on 18 November 2018. 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 ORDLO\(^ {21}\), 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”\(^ {22}\) tortured the advocate to death\(^ {23}\).

According to informator.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 Stakhanov\(^ {24}\).

(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 2001\(^ {25}\).

\(^{17}\) See Appendix 9, p. 60-63 of this Report.


\(^{19}\) https://una.lv/vizh/2018/10/107015-pda/


\(^{21}\) 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 right to practice law on checking 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 URAU.

\(^{22}\) Persons that seized and hold power in Kirovsk, a city near Stakhanov, with the support of the Russian armed forces.

\(^{23}\) http://informator.lg.ua/profile/8597

\(^{24}\) http://informator.lg.ua/profile/8874

\(^{25}\) See Appendix 9, p. 60-63 of this Report.

\(^{26}\) Persons that seized and hold power in Kirovsk, a city near Stakhanov, with the support of the Russian armed forces.

\(^{27}\) http://informator.lg.ua/profile/8874

\(^{28}\) http://informator.lg.ua/profile/8597

\(^{29}\) See Appendix 10, p. 64 of this Report http://erau.unba.org.ua/profile/8570


\(^{31}\) http://informator.lg.ua/profile/8570

\(^{32}\) http://informator.lg.ua/profile/8874

\(^{33}\) http://informator.lg.ua/profile/8570

\(^{34}\) See Appendix 10, p. 64 of this Report

\(^{35}\) http://informator.lg.ua/profile/8570

\(^{36}\) http://informator.lg.ua/profile/8874

\(^{37}\) https://informator.lg.ua

\(^{38}\) See Appendix 9, p. 60-63 of this Report.

\(^{39}\) http://informator.lg.ua/profile/8570

\(^{40}\) See Appendix 10, p. 64 of this Report
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 “balaclavas” 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, and I was had to persuade him to surrender the building.”

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. Radchenko.

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. The office of the organization he headed was crushed: office equipment was stolen and furniture was destroyed. V. Danchenko had advocate practice in Antratsit city since 2011.

In August 2014, in Stakhanov city Nikolai Zaglada was abducted, an advocate practicing law since 2003. 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 Chudovsky mentioned it on his Facebook page. To this day, the location and fate of Nikolai Zaglada remain unknown. He is presumed killed while in captivity.

The authors of this Report regret to mention that there is no information about the violation of rights of advocates committed in certain areas of Donetsk and Luhansk oblasts being conducted by Ukrainian law enforcement. 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 advocates, 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.

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66 He was also head of the public organization “Protection of the Driver’s Rights”, editor of the newspaper “Avtoyurist” and author of the book “Cheat sheet for a driver.”
67 See Appendix 11 – reply of the Prosecutor General’s Office of Ukraine of 19 October 2018 to inquiry, p. 65 of this Report.
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 to 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 Advocates11 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”, 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 republics12. 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 201613 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”14 “On Advocatura 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 openly opposing expressions 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 in 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 201515, 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”16. 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 body17. After studying the “decrees of the head of the “LPR” on the appointment of judges”, it was established that there are at least 6 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 URAU.18

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11 In the “LPR”, the task of keeping the register is imposed to the so-called “Ministry of Justice” of the “LPR” http://minjust-dnr.ru/wp-content/uploads/2018/09/12151340.pdf


15 For details see Appendix 12, p. 66 of the Report http://env.ethica.org.ua/profiles/53757


18 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 URAU.

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36 UHHRU • 2018 Advocates under occupation

37 UHHRU • 2018 Advocates under occupation
**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 Radomska, 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. 22015000000000245 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.


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.

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87 See Appendix 9, p. 60-63 of this Report.
88 See full text of the reply at the link: https://24tv.ua/skilki_advokativseparatistiv_pratsyuye_v_ukrayinskih_sudah_n804267
89 See full text of the reply at the link: https://24tv.ua/skilki_advokativseparatistiv_pratsyuye_v_ukrayinskih_sudah_n804267
90 See full text of the MP’s letter at the link: https://24tv.ua/skilki_advokativseparatistiv_pratsyuye_v_ukrayinskih_sudah_n804267
91 See details, including the text of the appeal at the link: https://24tv.ua/skilki_advokativseparatistiv_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.

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92 http://unba.org.ua/rada-advokativ-regionu
92 http://unba.org.ua/rada-advokativ-regionu
92 http://unba.org.ua/rada-advokativ-regionu
92 See also Appendix 13, p. 67-68 in 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 to 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 fulfill 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 advocate.

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 aid 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 their relevant regions 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 addresses. However, the interviewed Crimean and Sevastopol advocates refuted the fact that advocate self-governance bodies function at the occupied territory.

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 payment;
- decision No. 30 of 4 February 2017 was approved several days after the expiration of the deadline for the 2017 payment.

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.

14 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://vkdka.org/1265-2/

15 http://vkdka.org/1265-2/

16 http://vkdka.org/1265-2/

17 http://vkdka.org/1265-2/

18 http://vkdka.org/1265-2/

19 http://vkdka.org/1265-2/

20 http://vkdka.org/1265-2/

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

22 At the same time, on the UNBA website, for instance, the address where the implicitly 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.


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) territory, UNBA created an office for them in Kyiv, which they can use for their own 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 ATO99.

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

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), 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), 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.

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’s official website.

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

APPENDIX 1

UKRAINIAN NATIONAL BAR ASSOCIATION

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

mailbox V-261, Kyiv 01001

APPENDICES
APPENDIX 1

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

В зв'язку з цим, Вами период представники вищезазначенних 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), затвердженої рішенням Ради адвокатів України № 75 від 4-5 липня 2014 року (зі змінами та доповненнями), адвокати сплачують річний розмір щорічного внеску на забезпечення реалізації адвокатського самоврядування в Національній валюці 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.

Ще одне підвищення кваліфікації адвокатів АР Крим та міста Севастополь 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, що 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 ознайомитися в рубриці «Підвищення кваліфікації» (роділ «АДВОКАТУ») на офіційному веб-сайті НААУ.

З повагою,

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

В.А. Гоздій

APPENDIX 2


def

Шановна Марія Володимирівна!

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 Конфедерації адвокатських регіонів (АРК, області, міста Севастополь), рад адвокатів регіону (АРК, області, міста Севастополь), кваліфікаційно-дисциплінарних комісій екзаменування (АРК, області, міста Севастополь), Вічної кваліфікаційно-дисциплінарної комісії адвокатів (АРК, області, міста Севастополь), кваліфікаційно-дисциплінарних комісій (АРК, області, міста Севастополь), вічної кваліфікаційної комісії адвокатів, Ради адвокатів України, з’їздів адвокатів України.


При цьому, функціональні обов’язки амністорів бази даних Східного реєстру адвокатів України, Ради адвокатів України Першого рівня (Ради адвокатів АРК, Ради адвокатів міста Севастополь) повинні мати амністорів бази даних Східного реєстру адвокатів України Другого рівня, а саме – Ради адвокатів України, з метою створення відповідних умов адвокатів АРК, м. Севастополь, які виконують свої обов’язки були поки місце свою постійного проживання у зв’язку з тимчасовою окупацією території.
APPENDIX 2

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.

According to 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, Revision Commissions of Advocates in regions (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).

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 when the advocate's workplace address is indicated in the URAU (Article 33 of the Law).

With regards,

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

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

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

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.
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 Meijlis 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 Zheleznorozhzhyny 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.

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
UKRAINIAN NATIONAL BAR ASSOCIATION

To: O. Pavlichenko,
Executive Director,
Ukrainian Helsinki Human Rights Union
3/34 Frolivska 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.

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)
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.

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

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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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 Advocates 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 Vasylkivska 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.
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/komitiety.

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...
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 Lu-
hansk 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 Advo-
cates of Ukraine approved by the Council of Advocates of Ukraine (article at the UNBA

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

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 com-

munity 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 quar-
terly 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 (in-
cluding 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 прогона́ми до усіх
небайдужих адвокатів, адвокатських боро та об'єднань зі всієї України не лише
сторони проблем колек зі сільських регіонів України, долучитися і сприяти їм у налагні
необхідної допомоги із забезпечення житлом, працевлаштування (можливості залучення до
роботи з клієнтами, забезпечення сприяння) 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 вже Національною асоціацією адвокатів
України щодо допомоги учасникам антитерористичної операції, зосереджені їх сімей та
законних інтересів таких осіб, розміщені на офіційному веб-сайті Національної асоціації
України за посиланням: http://unba.org.ua/.

Також, повідомляємо що Рада адвокатів України цоквартально формує звітність про
затримання адвокатів, порушення професійних та інших прав адвокатів, згідно інформації,
що надходять від регіональних органів адвокатського самоврядування. При цьому,
Національний архів адвокатів України не відомі випадки щодо порушення професійних
та інших прав адвокатів, які знаходяться на території окремих районів Донецької та
Луганських областей.

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

З повагою,
Голова
Національної асоціації адвокатів України,
Ради адвокатів України

L.P. Izovitova
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<td>9 October 2018</td>
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**APPENDIX**

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<th>27 February 2004</th>
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Date of issue: 28 September 2011  
Issued by: Qualification-Disciplinary Commission of Donetsk Oblast | **Olena Radomska**  
Council of Advocates of Donetsk Oblast  
Certificate No.: 4043  
Date of issue: 28 September 2011  
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| **Decision No.** | Date of adoption: 28 September 2011  
Total work experience as an advocate: 44 |  
Decision No.: 44  
Date of adoption: 28 September 2011  
Total work experience as an advocate: 44 |
| 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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ENGL

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

Volodymyr Prokopenko
Registered in Council of Advocates of Luhansk Oblast
Certificate No.: 308
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Forms of advocate practice
Private advocate practice

Other information required by the Law of Ukraine “On Advocatura and the Practice of Law” and the Procedure for Keeping the Unified Register of Advocates of Ukraine

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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

Registered in
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Certificate No. 1035
Date of issue 6 April 2012
Issued by Qualification-Disciplinary Commission of Luhansk Oblast
Decision No. 5
Date of adoption 6 April 2012
Total work experience as an advocate
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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
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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
Advocates under occupation

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