



INTERNATIONAL COMMISSION OF JURISTS

Commission internationale de juristes - Comisión Internacional de Juristas

" dedicated since 1952 to the primacy, coherence and implementation of international law and principles that advance human rights "

President
Justice Arthur CHASKALSON, South Africa

Vice-Presidents
Dato' Param CUMARASWAMY, Malaysia
Lord William GOODHART, United Kingdom

Executive Committee
Justice Ian BINNIE, Canada
Dr. Rajeev DHAVAN, India
Prof. Louise DOSWALD-BECK, Switzerland
Justice John DOWD, Australia (Chairperson)
Prof. Jochen A. FROWEIN, Germany
Dr. Gustavo GALLÓN GIRALDO, Colombia
Mr Stellan GÄRDE, Sweden
Sir Nigel RODLEY, United Kingdom
Prof. Daniel THÜRER, Switzerland

Other Commission Members
Prof. Abdullahi AN-NA'IM, Sudan
Dr. Alejandro ARTUCIO RODRIGUEZ, Uruguay
Justice Solomy BALUNGI BOSSA, Uganda
Ambassador Julio BARBOZA, Argentina
Prof. Alexander BRÖSTL, Slovakia
Prof. Juan Antonio CARRILLO SALCEDO, Spain
Prof. Antonio CASSESE, Italy
Ms Christine CHANET, France
Lord COOKE OF THORNDON, New Zealand
Prof. Vojin DIMITRIJEVIC, Serbia and Montenegro
Justice Unity DOW, Botswana
Ms Vera DUARTE, Cape-Verde
Prof. Paula ESCARAMEIA, Portugal
Justice Elisabeth EVATT, Australia
Prof. Ruth GAVISON, Israel
Prof. Jenny E. GOLDSCHMIDT, Netherlands
Ms Asma JAHANGIR, Pakistan
Prof. David KRETZMER, Israel
Prof. Kazimierz Maria LANKOSZ, Poland
Prof. Ewa LETOWSKA, Poland
Ms Gladys Veronica LI, Hong Kong
Prof. Cecilia MEDINA QUIROGA, Chile
Mr Kathurima M'INOTI, Kenya
Ms Karinna MOSKALENKO, Russia
Dr. Adnan B. NASUTION, Indonesia
Dr. Pedro NIKKEN, Venezuela
Prof. Manfred NOWAK, Austria
Dr. Margarita RETUERTO BUADES, Spain
Prof. Andrei RICHTER, Russia
Justice Michèle RIVET, Canada
Dr. Mary ROBINSON, Ireland
Justice A.K.M. SADEQUE, Bangladesh
Mr Claes SANDGREN, Sweden
Mr Jerome SHESTACK, U.S.A.
Prof. Anne-Marie SLAUGHTER, U.S.A.
Dr. Hipolito SOLARI YRIGOEYEN, Argentina
Mr Raji SOURANI, Palestine
Prof. U. Oji UMOZURIKE, Nigeria
Prof. Vilenas VADAPALAS, Lithuania
Prof. Theo VAN BOVEN, Netherlands
Prof. Yozo YOKOTA, Japan
Dr. José ZALAQUETT, Chile
Prof. Leila ZERROUGUI, Algeria

11 June 2004

Vladimir Vladimirovich Putin
President of the Russian Federation
Kremlin, Moscow
Russian Federation

Fax: +7 095 206 6277; 206 8510; 206 5173; 230 2408

Re: Olga Artyukhova and Evgeny Baru

Your Excellency,

We are writing to you to express our concern at the reported harassment and potential disbarment of Ms. Olga Georgievna Artyukhova, defence attorney for Mr. Mikhail Khodorkovskiy and the reported harassment of Evgeny Baru, defence attorney for Mr. Platon Lebedev. The harassment of these two lawyers and the potential disbarment of Ms. Artyukhova are a violation of international standards on the role of lawyers.

The International Commission of Jurists (ICJ) consists of jurists who represent all the regions and legal systems in the world working to uphold the rule of law and the legal protection of human rights. The ICJ's Centre for the Independence of Judges and Lawyers (CIJL) is dedicated to promoting the independence of judges and lawyers throughout the world.

According to reliable information we have received, on 11 November 2003 Ms. Artyukhova met with Mr. Khodorkovskiy at the Matrosskaya Tishina Pre-trial Detention Centre in Moscow, where he is currently detained. After the meeting, Ms. Artyukhova was approached by an officer, who took one of her folders and read its contents. When the lawyer complained, the officer proceeded, along with some of his co-workers, to list and confiscate all her materials. After ten minutes, all her papers were returned, with the exception of two documents related to her client's defence. The documents seized were reportedly leaked to the press, thus making public Mr. Khodorkovskiy's defence strategy.

On 17 November 2003, Ms. Artyukhova lodged a complaint at the Ministry of Justice detailing the search and confiscation of documents.

On 22 December 2003, the Ministry of Justice requested the Chamber of Advocates of Moscow to revoke Ms. Artyukhova's license to practice law on the grounds that she had "discredited the honour and dignity of a lawyer" (article 17, paragraph 5 of the Federal Law on the Practice of Advocacy). As the Chamber of Advocates failed to act, on 19 March the Ministry of Justice requested the the Presensky District Court of Moscow to disbar of Ms. Artyukhova pursuant to article 17, paragraph 5 of the said Law.

Regarding Mr. Baru, we have received information that on 4 December 2003 a prison officer conducted a search and confiscated a number of documents pertaining to Mr. Lebedev's defence after the lawyer visited his client at Pre-trial Detention Centre 77/1. Among the documents confiscated were Mr. Lebedev's instructions to his defence team. The search lasted over two hours.

Confiscating documents related to a lawyer's defence of his or her client is a violation of the attorney-client privilege and is unequivocally prohibited under international law. All persons detained have a right to communicate with their lawyers and the content of those communications, and the documents related to them, are confidential. In this sense, we draw your attention to the *United Nations Basic Principles on the Role of Lawyers*, adopted by the U.N. General Assembly in 1990, which state:

Principle 22. Governments shall recognize and respect that all communications and consultations between lawyers and their clients within their professional relationship are confidential.

Principle 8. All arrested, detained or imprisoned persons shall be provided with adequate opportunities, time and facilities to be visited by and to communicate and consult with a lawyer, without delay, interception or censorship and in full confidentiality. Such consultations may be within sight, but not within the hearing, of law enforcement officials.

Targeting lawyers in this manner constitutes a violation of the aforementioned *Principles*, which establish that Governments have the duty to ensure that lawyers can fulfil their functions without fear of harassment or improper interference. The *Principles* state:

Principle 16. Governments shall ensure that lawyers (a) are able to perform all of their professional functions without intimidation, hindrance, harassment or improper interference.

We furthermore believe that Ms. Artyukhova's potential disbarment on a vague charge related to "discrediting the honour and dignity of a lawyer" is without any legal and factual basis. As her conduct was lawful, the proceedings against Ms. Artyukhova do not comply with international standards. We draw your attention once more to the *Principles*, which state:

16. Governments shall ensure that lawyers (c) shall not suffer, or be threatened with, prosecution or administrative, economic or other sanctions for any action taken in accordance with recognized professional duties, standards and ethics.

We call on your Government to allow Ms. Artyukhova and Mr. Baru to discharge their professional duties according to international human rights standards. We further urge your Government to take all necessary steps to ensure that the disbarment proceedings are terminated. Finally, we call on your Government to fully respect the right to a fair trial of the members of the Yukos Board.

We would appreciate receiving a response to the matters raised on this letter and will continue to closely monitor this situation.

Please accept, Your Excellency, the assurances of my highest consideration.

Yours sincerely,

Nicholas Howen
Secretary General

Cc: HE Mr. Leonid Skotnikov
Permanent Mission of the Russian
Federation to the UN Office in
Geneva
Avenue de la Paix 15
1211 Geneva 20

Fax: 022 734 4044

Mr. Yuri Tchaika
Minister of Justice
Vorontsovo Pole
109830 Moscow
Russian Federation

Fax: +7 095 916 2903

Mr. Boris Gryzlov
Minister of Internal Affairs
Ul. Zhitnaya, 16
117049 Moscow
Russian Federation

Fax: +7 095 925 2098

Ms. Ella Pamfilova
Chairperson
Commission for Human Rights under the
President of the Russian Federation
Ipatyevsky per., 4/10
103132 Moscow
Russian Federation

Fax: +7 095 206 4855