

RA Column on JURIST: Russian Harassment of Defense Lawyers Must Not be Tolerated

Robert Amsterdam has a column running on JURIST of the University of Pittsburgh:

As many know from reading media reports or my blog, I have been involved since 2004 in the international defense of Mikhail Khodorkovsky, once Russia's most successful businessman and current political prisoner of the Kremlin. While much public attention has focused on the unlawful nature of Khodorkovsky's persecution and seizure of his company Yukos (as detailed in our recent White Paper), many people fail to realize that the Kremlin's campaign has extended far beyond just the defendant and his company to target the very lawyers who are simply doing their job of defending the constitutional rights of their client.

Perhaps one of the first unmistakable signals of the Kremlin's attack on the Khodorkovsky legal team was my middle-of-the-night visit from plainclothes FSB officers and my subsequent expulsion from the country. This was followed by the tragic and baseless imprisonment of lawyer Svetlana Bakhmina last April. And now, with hearings resuming over the new money laundering charges being applied to Khodorkovsky, again his legal team is facing a barrage of threats, acts of intimidation, interference, and arbitrary arrests.

In response to this harassment of the legal team, we are posting here an important nine-page statement from noted human rights defender Karinna Moskalkenko, which details the violations and irregularities perpetrated against counsel by the Russian Federation in this case. The fact that these aggressive tactics are still being used in the 21st century, and the fact that the rulings of Russian courts are still being granted the presumption of regularity by foreign courts, poses a threat to all of us, as the Russian procuracy feels increasingly emboldened with the impunity to treat lawyers as they see fit. Unless the basic rights of lawyers are protected, and a minimum level of professional standards are observed and enforced, there is little hope for rule of law to ever take root in Russia.

Moskalkenko's statement must serve as wake up call to the international legal community to demand that Russia respect the rights of counsel to defend their client. While today it might just be the Khodorkovsky case, tomorrow these tactics may extent to your business or simple civil dispute. Russia's courts must not be allowed to become a mere instrument of the executive.