

# *Winning Amicus Curiae Brief of the CCBE Amicus Curiae Contest 2026*

**REGARDING CRIMINAL PROCEEDINGS AGAINST VADIM KOBZEV,  
ALEXEI LIPSTER AND IGOR SERGUNIN**

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**Disclaimer:** This is a fictitious amicus curiae brief, prepared for the CCBE Amicus Curiae Contest 2025-2026. While based on real legal principles and cases, it is not intended for use in actual or ongoing legal proceedings.

# I. INTRODUCTION

The Council of Bars and Law Societies of Europe (CCBE), founded in 1960, is an international non-profit association which has been, since its creation, at the forefront of advancing the views of European lawyers and defending the legal principles upon which democracy and the rule of law are based.

The CCBE is recognised as the voice of the European legal profession representing, through its members, more than 1 million European lawyers.

CCBE membership includes the bars and law societies of 46 countries from the European Union, the European Economic Area, and wider Europe. The organisation consists of 32 member countries and 14 further associate and observer countries.

The CCBE represents European bars and law societies in their common interests before European and other international institutions. It regularly acts as a liaison between its members and the European institutions, international organisations, and other legal organisations around the world.

The regulation of the profession, the defence of the rule of law, human rights and democratic values are the most important missions of the CCBE. Areas of special concern include the right of access to justice, the digitisation of justice processes, the development of the rule of law, and the protection of the client through the promotion and defence of the core values of the profession.<sup>1</sup>

Following its letters of 30 October 2023 regarding the arrest of Vadim Kobzev, Alexei Lipster, and Igor Sergunin<sup>2</sup> and of 15 March 2024 regarding the continued detention of the aforementioned<sup>3</sup>, the CCBE wishes to present its views on the matter of criminal proceedings against these lawyers. This case is considered by the CCBE to be of particular significance both to the independence of the profession of a lawyer in Russia, as well as to the rule of law and democracy in the state.

## II. FACTS OF THE CASE

### 1. Profiles of the lawyers<sup>4</sup>

**A. Vadim Dmitrievich Kobzev** was born on 9 March 1983. He is a Russian attorney practicing in the Moscow area. He specializes in criminal law, particularly in economic and corruption-related cases. He has represented numerous defendants in politically motivated cases, including those related to participation in street protests or charges of financial fraud against persons associated with the political opposition in Russia (e.g. the Bolotnaya case, the Kirovles case). He has successfully filed multiple complaints with the European Court of Human Rights (hereinafter referred to as: “**ECHR**”) on behalf of a number of defendants. Starting in December 2011, he became the attorney for Alexei Navalny, representing him in many criminal and administrative proceedings over the years.

**B. Alexei Evgenevich Liptser** was born on 12 December 1986. He is a Russian attorney and comes from a well-known legal family. His grandfather, Lev Ponomarev, is a human rights defender, and so was his late mother,

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<sup>1</sup> <https://www.ccbe.eu/>

<sup>2</sup> [https://www.ccbe.eu/fileadmin/speciality\\_distribution/public/documents/HUMAN\\_RIGHTS\\_LETTERS/Russia -  
Russie/2023/EN\\_HRL\\_20231030\\_Russia\\_Arrest-of-lawyers-Vadim-Kobzev-Alexey-Liptser-and-Igor-Sergunin.pdf](https://www.ccbe.eu/fileadmin/speciality_distribution/public/documents/HUMAN_RIGHTS_LETTERS/Russia_-_Russie/2023/EN_HRL_20231030_Russia_Arrest-of-lawyers-Vadim-Kobzev-Alexey-Liptser-and-Igor-Sergunin.pdf)

<sup>3</sup> [https://www.ccbe.eu/fileadmin/speciality\\_distribution/public/documents/HUMAN\\_RIGHTS\\_LETTERS/Russia -  
Russie/2024/EN\\_HRL\\_20240315\\_Russia\\_Continued-detention-of-lawyers-Vadim-Kobzev-Alexey-Liptser-and-Igor-Sergunin.pdf](https://www.ccbe.eu/fileadmin/speciality_distribution/public/documents/HUMAN_RIGHTS_LETTERS/Russia_-_Russie/2024/EN_HRL_20240315_Russia_Continued-detention-of-lawyers-Vadim-Kobzev-Alexey-Liptser-and-Igor-Sergunin.pdf)

<sup>4</sup> *From courtroom to jail. Navalny's lawyers Vadim Kobzev, Alexei Liptser, and Igor Sergunin are now behind bars* by Anna Pavlova and Alla Konstantinova, published 14th October 2023 via Mediazona;  
<https://en.zona.media/article/2023/10/13/lawyers-trl>

attorney Elena Liptser. He is a member of the legal collegium Dallet. Prior to his detention, he practiced in the Moscow area, where he represented multiple clients in criminal cases, some of which were of a precedent-setting or political nature (such as Kristina Khachatryan in a domestic violence case and Ildar Dadin in a street protest case). He has represented Alexei Navalny during his imprisonment in a penal colony.

- C. **Igor Sergeevich Sergunin** was born on 2 October 1978. He is a Russian attorney practicing in the Moscow area and a member of the legal collegium Dallet. Prior to his practice as an attorney, he served as a law enforcement officer for 10 years. He has represented multiple clients in both civil and criminal cases, including politically motivated cases. He has represented Alexei Navalny in criminal trials and during his imprisonment in a penal colony (starting in 2021), filing numerous complaints about the conditions of his detention and his treatment by the penitentiary system.

## 2. Facts of the case

### A. Facts related to cooperation with Alexei Navalny

1. **Alexei Navalny was a Russian lawyer, politician, leader of the opposition, and activist.** He became known for his investigations into corruption and abuse of power at the highest levels of Russian administration. His and his team's works were published via social media platforms and on a YouTube channel.
2. In 2014, Navalny and his brother Oleg were found guilty by the Zamoskvoretskiy District Court of money laundering and of defrauding companies MPK and Yves Rocher Vostok. **Alexei Navalny received a suspended sentence of three and a half years, and his brother a prison sentence of the same duration, to be served in a correctional colony.** In the judgment of 17<sup>th</sup> of October 2017 (*case of Navalnyye v. Russia, application No. 101/15*)<sup>5</sup>, ECOHR found that the proceedings and the sentence violated European Convention on Human Rights (hereinafter referred to as „**the Convention**”) with regards to Article 7 (*nullum crimen sine lege*) and Article 6 (the right to a fair trial) of the Convention. **In particular, the judgment stated that the Navalny brothers were conducting a normal business activity and committed none of the crimes for which they were sentenced. On 25<sup>th</sup> of April, 2018, the Presidium of the Supreme Court of Russia reopened the case but upheld the sentence, ruling that there were no grounds for revoking it.**
3. In the judgment of 15<sup>th</sup> of November, 2018 (*case of Navalnyy v. Russia, applications No. 29580/12; 36847/12; 11252/13; 12317/13 and 43746/14*), the Grand Chamber of ECOHR found that actions taken by Russian law enforcement against Navalny (in particular arresting him on seven different occasions): „*pursued an ulterior purpose within the meaning of Article 18 of the Convention, namely to suppress that political pluralism which forms part of “effective political democracy” governed by “the rule of law”, both being concepts to which the Preamble to the Convention refers*”. Therefore, the Court concluded that there has been a violation of Article 18 in conjunction with both Article 5 and Article 11 of the Convention.<sup>6</sup> **The actions taken against Navalny over the years constituted a pattern of political harassment by Russian authorities and were a response to his legal public activity as a leader of the opposition.**
4. **On the 20<sup>th</sup> of August 2020, Alexei Navalny was poisoned with a chemical nerve agent of the “Novichok” group, which had been prohibited under the Chemical Weapons Convention.** He suddenly fell ill and lost consciousness on a domestic flight from Tomsk to Moscow. Following an emergency landing, he was admitted to Omsk hospital, and on 22nd of August 2020, was transported to Germany for further medical treatment.<sup>7</sup> **He had remained under medical care and rehabilitation in Germany until 17<sup>th</sup> of January, 2021, when he**

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<sup>5</sup> Judgment of European Court of Human Rights of 17th of October 2017, case of Navalnyye v. Russia, application No. 101/15; <https://hudoc.echr.coe.int/eng#%7B%22itemid%22:%5B%22001-177665%22%5D%7D>

<sup>6</sup> Judgment of European Court of Human Rights of 15th of November, 2018, case of Navalnyy v. Russia, applications No. 29580/12; 36847/12; 11252/13; 12317/13 and 43746/14; <https://hudoc.echr.coe.int/eng#%7B%22itemid%22:%5B%22001-187605%22%5D%7D>

<sup>7</sup> G7 Foreign Ministers' Statement on the poisoning of Alexei Navalny, published on 8th of September, 2020; [https://www.eeas.europa.eu/eeas/g7-foreign-ministers-statement-poisoning-alexei-navalny\\_en](https://www.eeas.europa.eu/eeas/g7-foreign-ministers-statement-poisoning-alexei-navalny_en)

**returned to Russia.** On the 15<sup>th</sup> of October, 2020, the European Union imposed restrictive measures against six individuals and one entity involved in the assassination attempt on Alexei Navalny.<sup>8</sup>

5. **On 17<sup>th</sup> of January, 2021, Alexei Navalny was arrested at Sheremetyevo International Airport in Moscow. On 2nd of February, 2021, Simonovsky District Court of Moscow activated the suspended sentence passed by the Zamoskvoretskiy District Court's judgment of 30<sup>th</sup> of December 2014 (Yves Rocher case - see paragraph 2 above) and ordered his imprisonment for three and a half years.** According to the court, it had been established that Navalny had repeatedly failed to comply with probation conditions. He had failed to report to the local FSIN (*Federal Penitentiary Service of the Russian Federation*) office on many occasions, both before and after his hospital stay from 20 August until 23 September 2020. As mentioned above, starting 22<sup>nd</sup> of August 2020 until the 17<sup>th</sup> of January 2021, Navalny remained under intensive medical care and rehabilitation in Germany.
6. **After activating his sentence, Navalny was transferred to a penal colony in Pokrov (approximately 110 km east of Moscow), later to a maximum security penal colony in Melekhovo (approx. 230 km east of Moscow), and finally to a penal colony in Kharp, Siberia (approx. 3200 km from Moscow). The final transfer took place in December of 2023 – after his lawyers had already been detained.**
7. Simultaneously, new criminal proceedings against Navalny were launched after his arrest. **In 22nd of March, 2022, he was sentenced to 9 years of maximum-security penal colony for fraud and an affront to the court. In 4<sup>th</sup> of August 2023, he was sentenced to 19 years of maximum-security penal colony for establishing and funding an extremist community, promoting extremism, and rehabilitating Nazism. The trial was held behind closed doors.** In April of 2023, an investigation for „committing acts of terrorism” was launched – pending penalty of 30 years of prison, and combined with previous convictions – pending penalty of life imprisonment.
8. **During his imprisonment, Alexei Navalny suffered multiple health issues, including but not limited to: spine and neurological problems, multiple respiratory infections, multiple stomach problems, and drastic weight losses. Between March and April of 2021, he went on a hunger strike as a form of protest for being denied access to an independent doctor, which caused major weight loss and immunity-related problems. In addition to health problems, Navalny complained about constant sleep deprivation by penal colony authorities. He was put in SHIZO (solitary confinement – a special cell with stricter conditions) 27 times for a total of 308 days. In September of 2023, he was confined to 12 months in a single cell-type room (so-called “EPKT”, a prison within the prison colony).**
9. In Navalny's own words, a SHIZO was:  
*“A concrete cell measuring 2.5 by 3 meters. Most of the time, it's unbearable because of the cold and the damp. When it's hot, it's stifling, as there is almost no air. The window is tiny, and there's no ventilation. At 5 a.m., they take away the mattress and pillow and raise the bed. At 9 p.m., they lower the bed again. There's an iron table and a bench, a sink, and a hole in the floor. Two cameras are mounted on the ceiling. Visits, letters, and packages are all forbidden. They provide paper and a pen for just 1 hour 15 minutes a day. “Exercise time” is one hour in a similar enclosure but with a glimpse of the sky above you. You and your cell are constantly searched, and your hands must be kept behind your back.”*<sup>9</sup>
10. According to Amnesty International: *„Aleksei Navalny's conditions in prison amount to torture or other cruel, inhuman or degrading treatment, and have resulted in constant deterioration of his health.”*<sup>10</sup>
11. **On 16<sup>th</sup> of February, 2021, ECOHR granted an interim measure in favor of Navalny (based on Article 39 of the Rules of the Court) and has indicated to the Government of Russia to immediately release Navalny. ECOHR**

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<sup>8</sup> Use of chemical weapons in the assassination attempt on Alexei Navalny: EU sanctions six individuals and one entity; a statement published on 15th of October 2020; <https://www.consilium.europa.eu/en/press/press-releases/2020/10/15/use-of-chemical-weapons-in-the-assassination-attempt-on-alexei-navalny-eu-sanctions-six-individuals-and-one-entity/>

<sup>9</sup> <https://fbk.info/en/history>

<sup>10</sup> A model letter published by Amnesty International on 13th of October 2023, No EUR 46/7309/2023; <https://www.amnesty.org/en/wp-content/uploads/2023/10/EUR4673092023ENGLISH.pdf#:~:text=This%20is%20exactly%20what%20has%20been%20done,months%20in%20EPKT%20as%20a%20%E2%80%9Csystematic%20offender%E2%80%9D.>

stated that it „had regard to the nature and extent of risk to the applicant’s life, demonstrated prima facie for the purposes of applying the interim measure, and seen in the light of the overall circumstances of the applicant’s current detention.”<sup>11</sup>

12. **Alexei Navalny was murdered on February 16<sup>th</sup>, 2024, in a penal colony in Kharp, Russia.**<sup>12</sup>

13. In the judgment of February 3<sup>rd</sup>, 2026 (case of Navalnyy v. Russia no. 4, applications no. 4743/21 and 37083/21), ECOHR stated that:

- **the imprisonment of Navalny was a violation of Article 5 § 1 of the Convention (*the right to liberty and security of a person, as his detention was unlawful*);**
- **the imprisonment of Navalny was a violation of Article 2 of the Convention (*the right to life – as his imprisonment posed a serious and immediate danger to his life and limb, particularly in the light of his poisoning only 5 months prior*);**
- **the conditions of Navalny’s imprisonment violated Article 3 of the Convention (*prohibition of torture or inhuman or degrading treatment or punishment*):**

*„The Court concludes that the applicant was simultaneously subjected to a combination of several forms of ill-treatment. The applicant, who was particularly vulnerable and in pain, was subjected to sleep deprivation for 39 days on an arbitrary basis, and his hair was shaved off without any legal basis or valid justification. These aspects of his detention, taken together, reflected a pattern of disregard for the applicant’s health, well-being, and dignity which had the effect of humiliating and debasing him and arousing in him feelings of fear and anguish capable of breaking his moral and physical resistance. Cumulatively, they amounted to inhuman and degrading treatment.”;*

- **Russia has failed to comply with its obligations under Article 34 of the Convention (as it has not complied with interim measure to release Navalny, given out on 16th of February, 2021 and did not provide proof of objective impediment that prevented compliance and that the Government took all reasonable steps to remove that impediment and to keep the Court informed about the situation).**<sup>13</sup>

14. With regard to the abovementioned facts of the cases, the role of Navalny’s lawyers was as follows:

- **Vadim Kobzev** represented Alexei Navalny as his attorney in criminal trials of 2014 (Yves Rocher case), 2021 (activating imprisonment sentence of 2014), 2022 (fraud and an affront to the court case), and 2023 (extremist activity case). Furthermore, he worked and co-worked on ECOHR complaints in cases of Yves Rocher (ECOHR judgment of 17.10.2017), politically motivated series of arrests (ECOHR judgment of 15.11.2018), and inhumane and degrading treatment in penal colonies (ECOHR judgment of 03.02.2026). He represented Navalny throughout his time in penal colonies, visited him multiple times in Pokrov and Melekhovo colonies, and filed multiple complaints on the ill-treatment of Navalny by the authorities of penal colonies.
- **Alexei Lipster and Igor Sergunin** represented Alexei Navalny as his attorneys during his detention in penal colonies. They also visited Navalny multiple times in penal colonies in Pokrov and Melekhovo and filed multiple complaints on the ill-treatment of Navalny by the authorities of penal colonies.

15. **All three of Navalny’s lawyers passed correspondence (letters) from Navalny to his family and co-workers of the Anti-Corruption Foundation. Furthermore, they regularly informed the family and often, the public, of his legal situation, health problems, ill-treatment, and details of Navalny’s imprisonment conditions (including sleep-deprivation, SHIZO, material conditions in prison cells, Navalny’s hunger strike, and**

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<sup>11</sup> Press release by ECOHR of 17th of February, 2021; <https://hudoc.echr.coe.int/eng-press#%22itemid%22:%22003-6942317-9334363%22>]

<sup>12</sup> Joint Statement by the UK, Sweden, France, Germany and The Netherlands on Alexei Navalny's death, published on 14th of February 2026; <https://www.gov.uk/government/news/joint-statement-by-the-uk-sweden-france-germany-and-the-netherlands-on-alexei-navalnys-death>

<sup>13</sup> Judgment of European Court of Human Rights of 3<sup>rd</sup> of February, 2026, case of Navalnyy v. Russia (no. 4), applications no. 4743/21 and 37083/21; <https://hudoc.echr.coe.int/eng#%22tabview%22:%22document%22,%22itemid%22:%22001-248197%22>]

depriving him of competent medical care).<sup>141516</sup> The letters, written by Navalny in prison, were published via social media such as Facebook and Twitter/X.<sup>1718</sup>

## **B. Facts related to Navalny's Anti-Corruption Foundation (FBK)**

16. **The Anti-Corruption Foundation (FBK) was set up by Navalny on 9<sup>th</sup> of September, 2011.** FBK is founded by private donations. Over the years, FBK's work focused on supporting Navalny's political pursuits (such as his campaign for Mayor of Moscow in 2013 and presidential campaign for the 2018 elections). It has also conducted multiple investigations into corruption and abuse of power on the highest levels of Russian administration, held legislation campaigns, organized multiple street protests and social awareness – raising campaigns (in matters regarding democracy, elections, human and civil rights).<sup>19</sup> Their reports and documentaries were published via social media platforms, FBK's website, and Navalny's YouTube channel, gaining a multi-million international audience.
17. **In 2017, Navalny established 81 regional headquarters across Russia, which were meant to support him in his presidential campaign of 2018 („Navalny Headquarters”).** Those offices did not have the status of a legal entity. He was ultimately denied registration as a presidential candidate, due to his conviction of 2014 (Yves Rocher case) – at the time already deemed unlawful by ECOHR.
18. **In 2019, two additional entities were registered by Navalny's associates (Foundation for the Protection of Civil Rights – „Shtab”, founded by Ms. Liliya Chanyшева, and Foundation for the Defence of Civil Rights – „FZPG”, founded by Ms. Olga Guseva).** Those organizations served as a financial center for gathering funds, distributing them to FBK and Navalny Headquarters, as well as paying fines and legal costs for volunteers arrested during street protests.
19. **Starting 15<sup>th</sup> of July 2019, an investigation was launched into FBK for alleged “large-scale money laundering”. The organization's bank accounts were frozen, and between the 8<sup>th</sup> of August and the 23<sup>rd</sup> of December 2019, the authorities conducted about 191 searches in the offices of FBK, Shtab, FZPS, the offices and homes of entities and persons associated with these organizations, and Alexei Navalny.** The targets of searches also included their families, Navalny's supporters, and independent journalists with no formal connection to Navalny. At least 36 of the searches were conducted without prior judicial authorization (pursuant to 165 § 5 of the Code of Criminal Procedure of the Russian Federation). The authorities seized mobile phones, computers, phones, and production equipment.
20. On the 9<sup>th</sup> of October 2019, the Ministry of Justice of the Russian Federation issued an order by which it included the FBK in the register of non-commercial organizations performing the functions of a foreign agent.
21. **On the 16<sup>th</sup> of April 2021, a Moscow prosecutor initiated administrative proceedings against the FBK, the FZPG, and the Navalny Headquarters, requesting that they be deemed “extremist” and their activity be banned based on the Suppression of Extremism Act. On 9<sup>th</sup> of June 2021, the Moscow City Court upheld the prosecutor's administrative claims.** It has been deemed that the FBK, the FZPG, and the Navalny Headquarters:
  - disseminated extremist content through their online platforms, including YouTube;
  - organized and conducted unauthorized public events across various regions of Russia, among them the summer 2019 protests in Moscow;

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<sup>14</sup> Alexey Navalny is suffering 'torture by sleep deprivation' and severe pain, lawyers say – an article published by CNN on 26th of March 2021; <https://edition.cnn.com/2021/03/25/europe/navalny-russia-health-concerns-intl>

<sup>15</sup> Jailed Kremlin critic Navalny has two herniated disks, loss of feeling in his hands, lawyers say – an article published by The Washington Post on 7th of April, 2021; [https://www.washingtonpost.com/world/europe/navalny-health-prison-russia-putin/2021/04/07/7e00d192-97b1-11eb-8f0a-3384cf4fb399\\_story.html](https://www.washingtonpost.com/world/europe/navalny-health-prison-russia-putin/2021/04/07/7e00d192-97b1-11eb-8f0a-3384cf4fb399_story.html)

<sup>16</sup> In First Interview From Jail, an Upbeat Navalny Discusses Prison Life – an interview published by The New York Times on 15th of September, 2021; <https://www.nytimes.com/2021/08/25/world/europe/navalny-jail-prison.html>

<sup>17</sup> <https://www.facebook.com/navalny/>

<sup>18</sup> <https://x.com/navalny>

<sup>19</sup> <https://fbk.info/en/history>

- called on the audience to participate in unauthorized rallies in support of Mr. Navalnyy on 23 January 2021, during which violence had been used against law-enforcement officers;
- involved minors in their activities.

**As a result, the Moscow City Court ordered the dissolution of the FBK and the FZPG and prohibited the further operation of the Navalnyy Headquarters network. Following the judgment of the Moscow City Court, multiple of Navalny's associates and volunteers for all three entities faced charges and sentences connected to extremism.**

22. In the judgment of 16<sup>th</sup> of December 2025, ECOHR (*case of Anti-Corruption Foundation (FBK) and Others v. Russia*) stated that with regards to 139 applicants of the case there had been violations of Article 8 of the Convention (unlawful searches and seizure of property), Article 1 of Protocol No 1 to the Convention (property protection – on the account of freezing bank accounts), **Article 11 of the Convention (freedom of assembly and association – on the account of listing the FBK as “foreign agent” and designation of the organizations as “extremist”)** and Article 18 of the Convention in conjunction with Articles 8 and 11 of the Convention and Article 1 of Protocol No. 1 to the Convention (restricting rights for purposes other than those prescribed by the Convention, **in particular with regards to the freedom of expressing opinions and freedom of assembly and association**).<sup>20</sup>
23. In January of 2021, FBK was registered in the United States of America under the name of **Anti-Corruption Foundation Inc. (ACF)**, where it continues its activity. In November of 2025, the Russian Supreme Court deemed a US-registered entity a “terrorist”, effectively equating its status in Russia with organizations such as Al-Qaeda or ISIS.<sup>21</sup>
24. **With regard to the FBK, FZPG, and the Navalnyy Headquarters, neither Vadim Kobzev, Alexei Lipster, nor Igor Sergunin have ever been its members, legal representatives, employees, or volunteers. They formally had no connection to any of the entities set up and operating under Navalny and his associates.**
25. It must, however, be noted that many of Navalny's associates and co-workers served a double role – for him as a political figure and oppositionist, as well as members of FBK or other entities. Many of them were also family members, friends, and acquaintances of Navalny, therefore were contacted by Kobzev, Lipster, and Sergunin with regard to their client (in particular by passing letters addressed to his friends and associates, and providing updates on his health, legal situation, and conditions of his imprisonment). The same friends and associates would later provide that information to the media around the world or post them in social media. **Due to the conditions of Navalny's imprisonment (maximum security penal colonies, SHIZO and EPKT), his lawyers were often the only people who had the possibility of physically seeing and talking to their client, and oftentimes even those possibilities were restricted, delayed, or denied.**

### C. Proceedings against the lawyers

26. **Vadim Kobzev, Alexei Lipster, and Igor Sergunin were arrested on the 13<sup>th</sup> of October, 2023, in Moscow and Kovrov.** Arrest warrants were also given against another two of Navalny's lawyers - Olga Mikhailova and Aleksandr Fedulov, who, at the time of the arrests, were not in Russia. They have since remained in emigration, but both were charged with “participating in an extremist community” *in absentia*. Their legal offices have been raided.
27. **On the same day, their homes and the Moscow-based legal collegium Dalet, of which Lipster and Sergunin are members, were searched. Vadim Kobzev's law office was searched as well. Investigators seized electronic**

<sup>20</sup> Judgment of European Court of Human Rights of 16<sup>th</sup> of December 2025 in case of *Anti-Corruption Foundation (FBK) and Others v. Russia*; <https://hudoc.echr.coe.int/fre#%7B%22itemid%22%3A%22001-247549%22%7D>

<sup>21</sup> Russia: Supreme Court's ominous “terrorist” designation of Navalny's Foundation threatens sweeping reprisals – an article published by Amnesty International on 28th of November 2025; <https://www.amnesty.org/en/latest/news/2025/11/russia-supreme-courts-ominous-terrorist-designation-of-navalnys-foundation-threatens-sweeping-reprisals/#:~:text=Background.%20On%2027%20November%202025,%20the%20Supreme,the%20banned%20Russia-based%20FBK,%20as%20a%20%E2%80%9Cterrorist>

**devices (mobile phones and computers) and working documents of all three attorneys.** Later that day, the Basmany District Court in Moscow detained all three of the lawyers.<sup>22</sup>

28. **After the arrests, the Investigative Committee of the Russian Federation has taken non-disclosure agreements from the defense lawyers of the defendants, preventing them from revealing the course of the preliminary investigation.**<sup>23</sup> **Their trial was moved behind closed doors in September of 2024.**<sup>24</sup> This was done after the judge in the case received a letter from Russia's Centre for Combating Extremism, which warned that employees of the Anti-Corruption Foundation (FBK), at the time already based outside Russia, were planning to engage in "provocations" and aimed to put pressure on witnesses.
29. According to Ivan Zdhanov, a member of the FBK team and Alexei Navalny's associate, **the lawyers were charged with "participating in an extremist community"**, specifically by:
- transferring information from Navalny to his team;
  - "using their status to provide legal assistance" for an extremist community;
  - "ensuring regular transfer of information between the leaders and participants of the extremist community."
30. According to the investigators, the lawyers verbally passed information from Navalny to his associates. The Russian Investigative Committee considered the lawyers to have passed letters and other correspondence, "utilizing various electronic and mail communication channels for this purpose."<sup>25</sup>
31. **It is notable that much, and possibly all of the evidence presented against the lawyers was obtained through illegal recordings of Navalny's conversations with his lawyers in the penal colony and from documents and files collected during a raid on their legal offices and homes.** Navalny's team and family published recordings taken during confidential client-attorney meetings in the penitentiary colony, using a hidden camera and wiretaps.<sup>26</sup> According to Yulia Navalny, the widow of Alexei Navalny: **"without exception, all conversations between my husband and his lawyers were recorded by multiple cameras. On one occasion, one such camera literally fell onto Alexei from the ceiling, where it had been installed. All documents exchanged between him and the lawyers were photographed."**<sup>27</sup>
32. **At the time of the arrest, according to Alexei Navalny himself, only Vadim Kobzev was still working for him as his attorney.** Neither Igor Sergunin nor Alexei Lipster have worked for him for over a year.<sup>28</sup>
33. The lawyers remained in detention throughout the trial. **While Igor Sergunin pleaded guilty, Vadim Kobzev and Alexei Lipster denied the charges.** The date of their sentencing was postponed from January 10, 2025, to January 17, 2025—the exact fourth anniversary of Navalny's return to Russia, following an assassination attempt on him with Novichok nerve agent. No fewer than four journalists were arrested on their way to the sentencing.<sup>29</sup>

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<sup>22</sup> Three Defence Lawyers of Opposition Leader Aleksei Navalny have been Arrested and included in the List of Extremists – a statement published by Lawyers 4 Lawyers on 20<sup>th</sup> of December, 2023; <https://www.lawyersforlawyers.org/31993/>

<sup>23</sup> Three of Navalny's Attorneys Arrested in Russia: Details and Reaction from Colleagues. Right to Defense Statement – a statement published by Defenders Belarus/The Right to Protection Project on 16<sup>th</sup> of October, 2023 <https://www.defendersbelarus.org/tpost/8uornhcg11-three-of-navalnys-attorneys-arrested-in>

<sup>24</sup> Navalny lawyers charged with 'extremism' to face closed-door trial – an article published by Novaya Gazeta Europe on 12<sup>th</sup> of September 2024; <https://novayagazeta.eu/articles/2024/09/12/navalny-lawyers-charged-with-extremism-to-face-closed-door-trial-en-news>

<sup>25</sup> Navalny's lawyers charged with 'extremism' for 'passing information' to his associates and posting anti-war videos – an article published by Meduza on 16<sup>th</sup> of October, 2023; <https://meduza.io/en/feature/2023/10/16/navalny-s-lawyers-charged-with-extremism-for-passing-information-to-his-associates-and-posting-anti-war-videos>

<sup>26</sup> Alarming lack of fair trial guarantees for lawyers Vadim Kobzev, Igor Sergunin and Alexei Liptser – a statement published by Lawyers 4 Lawyers on 20<sup>th</sup> of December, 2024; <https://www.lawyersforlawyers.org/alarming-lack-of-fair-trial-guarantees-for-lawyers-vadim-kobzev-igor-sergunin-and-alexei-liptser/>

<sup>27</sup> A statement from Yulia Navalny/Human Rights Foundation published on 16<sup>th</sup> of January, 2026; [https://www.youtube.com/watch?v=FSRmf\\_d3gnY](https://www.youtube.com/watch?v=FSRmf_d3gnY)

<sup>28</sup> A statement from Alexei Navalny published on 19<sup>th</sup> of October, 2023; <https://navalny.com/p/6667/>

<sup>29</sup> Multiple Russian journalists arrested on way to attend sentencing hearing for Navalny's lawyers – an article published by Meduza on 17<sup>th</sup> of January, 2025; <https://meduza.io/en/news/2025/01/17/multiple-russian-journalists-arrested-on-way-to-attend-sentencing-hearing-for-navalny-s-lawyers>

34. Vadim Kobzev was sentenced to five years and six months in prison, Alexei Liptser to five years, and Igor Sergunin to three years and six months. All three have received a three-year ban on practicing law after serving their detention.<sup>30</sup> The sentence was upheld in September of 2025.<sup>31</sup>
35. According to Olga Mikhailova, another long-term Navalny's attorney, due to the extremist nature of the charges, there is no chance of parole or pardon for the attorneys.<sup>32</sup>
36. According to Yulia Navalnaya, **during their imprisonment in pretrial centers, the lawyers were denied medical care and held in solitary confinement. When Alexei Lipster's mother passed away, he was not allowed to attend her funeral.**<sup>33</sup>

### 3. Claims against the lawyers

37. Vadim Kobzev, Alexei Lipster, and Igor Sergunin were charged with "participation in extremist community", as described in Article 282.1 section 2 and 3 of the Criminal Code of the Russian Federation of June 13, 1996 (hereinafter referred to as: "**the Criminal Code**"), which states:
- "2. Participation in an extremist community -*  
*Shall be punished with a fine in an amount of up to 40 thousand roubles, or in the amount of the wages or of the other income of the convicted person for a period of up to three months, or by imprisonment for a term of up to two years with the deprivation of the right to occupy specific posts or to engage in a specific kind of activity for a term of up to three years, or without any term.*
- 3. The actions envisaged in the first and second parts of the present Article **committed by a person with the use of his official status,** -*  
*Shall be punished with a fine in an amount of 100 thousand to 300 thousand roubles, or in the amount of the wages or of other income of the convicted person for a period of one to two years, or **by imprisonment for a term of up to six years with the deprivation of the right to occupy specific posts or to engage in a specific kind of activity for a term of up to three years.**"*
38. The definition of an "extremist community" is, according to Article 282.1 section 1 of the Criminal Code: "**an organized group of persons for the preparation or committing of crimes with an extremist thrust**". According to Article 282.1 Note point 2. of the Criminal Code: "**Crimes with a extremists thrust mean in this Code crimes committed by reason of political, ideological, racial, national or religious hatred or enmity or by reason of hatred or enmity with respect to some social group provided for by appropriate Articles of the Special Part of this Code and by item (f) of Part One of Article 63 of this Code.**"
- [f] commission of a crime by reason of political, ideological, racial, national, or religious hatred or enmity or by reason of hatred or enmity with respect to some social group;].*
39. The Criminal Code does not provide a legal definition of an "**official status**" of a person, to which Article 282.1, section 3 refers. According to information provided by Ivan Zhdanov (see paragraphs 29-30 above), the status of an attorney has been deemed by the prosecution as an "official status".
40. The term "extremist community" used in the Criminal Code must not be confused with "extremist organization". The latter is defined in Article 1 of Federal Law No. 114 of July 25, 2002, of the Russian Federation on Counteraction of Extremist Activities and is used in administrative proceedings, as those mentioned in paragraph 21 above, which led to the dissolution of the FBK and the FZPG and prohibited the further operation of the Navalny Headquarters network.

<sup>30</sup> Navalny's former lawyers jailed for belonging to 'extremist organisation' – an article published by Novaya Gazeta Europe on 17<sup>th</sup> of January, 2025; <https://novayagazeta.eu/articles/2025/01/17/navalnys-former-lawyers-jailed-for-belonging-to-extremist-organisation-en-news>

<sup>31</sup> The crime of letters. Russian court upholds prison terms for Navalny's former lawyers – an article published by Mediazona on 22<sup>nd</sup> of September, 2025; [https://en.zona.media/article/2025/09/22/navalny\\_lawyers](https://en.zona.media/article/2025/09/22/navalny_lawyers)

<sup>32</sup> The accidental exile – an interview published by Novaya Gazeta Europe 28<sup>th</sup> of January, 2025; <https://novayagazeta.eu/articles/2025/01/28/the-accidental-exile-en>

<sup>33</sup> A statement from Yulia Navalnaya/Human Rights Foundation published on 16<sup>th</sup> of January, 2026; [https://www.youtube.com/watch?v=FSRmf\\_d3gnY](https://www.youtube.com/watch?v=FSRmf_d3gnY)

41. As a result of the charges, Vadim Kobzev and Alexei Lipster received almost the highest sentence possible – accordingly 5,5 years and 5 years in prison (maximum sentence being 6 years). All three of the lawyers received a maximum duration of additional punishment – three year – long ban on practicing the profession of attorney after serving their sentence.

### III. LEGAL CONCERNS

42. **It must be noted that as of 16<sup>th</sup> of March, 2022, as a result of its full-scale military invasion on the Ukraine, the Russian Federation was excluded from the Council of Europe (effective 16<sup>th</sup> of September, 2022). As a result, Russia is no longer a party to the European Convention on Human Rights, and all violations against its provisions which occurred after the 16<sup>th</sup> of September, 2022 do not fall under a jurisdiction of the European Court of Human Rights. Given the fact that some violations in the discussed case occurred prior to this date, and all the violated rights are protected under international covenants Russia remains a party to (e.g. the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights), the respective articles of the European Convention and judgements of the European Court are still being cited in this *amicus curiae*. Furthermore, interpretations of these rights as given by the European Court were, to some degree, accepted by domestic courts of Russia, and until the 2020s, damages awarded to the applicants by the Court were being paid.**
43. The proceedings and the conviction in the case of Kobzev, Lipster, and Sergunin constituted multiple violations both to their human rights, and their status of attorneys. The must however, be also viewed in a broader context. The three lawyers represented, undoubtedly, the most important political opponent to the Kremlin for many years – someone who challenged corruption, abuse of power and violations of human rights committed both domestically and abroad. **Targeting Navalny’s lawyers must therefore be viewed as an indication of a deteriorating situation for any other political opponents, or in fact – anyone who might be considered an “extremist” or a “terrorist” in Russia. Moreover, targeting lawyers merely for performing their professional duties has an effect on the rule of law and standards of democracy for the state and the public as a whole.**

#### 1. Violations of human rights

##### A. The right to privacy and correspondence

44. The right to privacy and correspondence is guaranteed in the Russian Federation by both international, and domestic law.
45. For international acts, this right is guaranteed by Article 12 of the Universal Declaration of Human Rights (hereinafter referred to as: “**UDHR**”), Article 17 of the International Covenant on Civil and Political Rights (hereinafter referred to as: “**ICCPR**”) and was guaranteed by Article 8 of the European Convention of Human Rights (“**the Convention**”).

*“No one shall be subjected to arbitrary interference with his privacy, family, home or correspondence, nor to attacks upon his honor and reputation. Everyone has the right to the protection of the law against such interference or attacks.” (Article 12, UDHR)*

*“1. No one shall be subjected to arbitrary or unlawful interference with his privacy, family, home or correspondence, nor to unlawful attacks on his honor and reputation.*

*2. Everyone has the right to the protection of the law against such interference or attacks.” (Article 17, ICCPR)*

*“1. Everyone has the right to respect for his private and family life, his home and his correspondence.*

*2. There shall be no interference by a public authority with the exercise of this right except such as is in accordance with the law and is necessary in a democratic society in the interests of national security, public*

*safety or the economic well-being of the country, for the prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedoms of others.” (Article 8, the Convention)*

46. For domestic law, the same right is guaranteed by Article 23 of the Constitution of the Russian Federation of December 25, 1993 (hereinafter referred to as: “**the Constitution**”):

*“1. Everyone shall have the right to privacy, to personal and family secrets, and to protection of one's honor and good name.*

*2. Everyone shall have the right to privacy of correspondence, telephone communications, mail, cables, and other communications. Any restriction of this right shall be allowed only under an order of a court of law.”*

47. The Criminal Procedure, Article 13 states that:

*“1. Restriction of the citizen's right to privacy of correspondence, of the telephone and other talks, of postal, telegraph, and other communications shall be admissible only on the ground of a court decision.*

*2. Putting under arrest postal and telegraph messages and their seizure at post offices, the monitoring and recording of the telephone and other talks, receiving information on connections between users and/or users' apparatuses may be carried out only on the grounds of a court decision.”*

48. **Between international law and domestic law, the right to privacy, and especially correspondence, applies to everyone and every method of communication.** The right to privacy and correspondence can be restricted by the public authority only under an order of court of law (pursuant to Article 23 section 2 of the Constitution and Article 13 section 1 of the Criminal Procedure) and except in accordance with the law and is necessary in a democratic society in the interests of national security, public safety or the economic well-being of the country, for the prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedoms of others (pursuant to Article 8 section 2 of the Convention). The same restriction of prior court decision is applied to recording conversations (Article 13 section 2 of the Criminal Procedure).

49. With regards to exchanging documents and correspondence between lawyers and clients ECOHR stated that: *“by virtue of Article 8, correspondence between a lawyer and his client, whatever its purpose, enjoys privileged status where confidentiality is concerned. It has also said that it “attaches particular weight” to the risk of impingement on the lawyer’s right to professional secrecy, “since it may have repercussions on the proper administration of justice” and professional secrecy is the basis of the relationship of confidence between lawyer and client. The result is that **while Article 8 protects the confidentiality of all “correspondence” between individuals, it affords strengthened protection to exchanges between lawyers and their clients.** This is justified by the fact that lawyers are assigned a fundamental role in a democratic society, that of defending litigants. Yet lawyers cannot carry out this essential task if they are unable to guarantee to those they are defending that their exchanges will remain confidential. It is the relationship of trust between them, essential to the accomplishment of that mission, that is at stake. **Indirectly but necessarily dependent thereupon is the right of everyone to a fair trial, including the right of accused persons not to incriminate themselves.**”<sup>34</sup>*

50. Furthermore, the content of the correspondence does not matter for the correspondence to be afforded “strengthened protection” under Article 8 of the Convention: *“**the Court sees no reason to distinguish between the different categories of correspondence with lawyers which, whatever their purpose, concern matters of a private and confidential character.** In principle, such letters are privileged under Article 8 (art. 8). This means that the prison authorities may open a letter from a lawyer to a prisoner when they have reasonable cause to believe that it contains an illicit enclosure which the normal means of detection have failed to disclose. The letter should, however, only be opened and should not be read. Suitable guarantees preventing the reading of the letter should be provided, e.g., opening the letter in the presence of the prisoner. **The reading of a prisoner’s mail to and from a lawyer, on the other hand, should only be permitted in exceptional circumstances when the authorities have reasonable cause to believe that the privilege is being abused in that the contents of the letter endanger prison security or the safety of others or are otherwise of a criminal***

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<sup>34</sup> Judgment of European Court of Human Rights of 6<sup>th</sup> of December, 2012, case of Michaud v. France (Application no. 12323/11); <https://hudoc.echr.coe.int/eng?i=001-115377>

*nature. What may be regarded as "reasonable cause" will depend on all the circumstances, but it presupposes the existence of facts or information which would satisfy an objective observer that the privileged channel of communication was being abused.*"<sup>35</sup>

51. The crime the three lawyers were accused of committing has been described by the media as **"the crime of letters"**<sup>36</sup>. As mentioned in paragraphs 15, 30, and 31 above, during their visits to penal colonies, the lawyers exchanged documents with Navalny and passed his letters to his family and associates. The contents of those letters were published via social media platforms, and they varied from his legal situation, to personal situation (e.g. updates on his health), to his thoughts on democracy, human rights, and current international affairs. Nevertheless, they were letters exchanged with his lawyers in confidence. Despite that, all of the documents and letters were photographed by the authorities of the penal colonies.
52. As indicated in paragraphs 45 and 46 above, a restriction on privacy and the right to correspondence is allowed only under an order of a court of law. **No such order was given with regard to the letters and documents exchanged between Navalny and his lawyers between January 2021 and October 2023.** Furthermore, a correspondence can only be opened due to the causes indicated in paragraph 48 above. The lawyers of Alexei Navalny were arrested and charged in October of 2023, while violations of their right of correspondence with their client began after his arrest and detention in January of 2021. If any of the causes (e.g. abuse of the privilege, danger of safety or any other criminal causes) occurred as early as in January of 2021, and the authorities of penal colonies (and in extension – law enforcement authorities) were aware of them, there would be no reasonable justification for allowing the lawyers to pose any kind of the aforementioned threats for nearly three years. **Therefore, there are no factual grounds to believe that taking photographs and reading the documents and letters by authorities of penal colonies was done in compliance with the law.**
53. **Due to a lack of court order and a lack of the aforementioned compliance with the law, the attorneys' rights to privacy and correspondence were violated long before there were any charges brought against them.**

## **B. The right to a fair trial**

54. The right to a fair trial is guaranteed in the Russian Federation on the basis of both international and domestic law.
55. For international acts, this right is guaranteed by Article 10 and Article 11 of the UDHR, Article 14 and Article 15 of the ICCPR, and was guaranteed by Article 6 of the Convention.

*"Everyone is entitled in full equality to a fair and public hearing by an independent and impartial tribunal, in the determination of his rights and obligations and of any criminal charge against him." (Article 10, UDHR)*

*"1. Everyone charged with a penal offence has the right to be presumed innocent until proved guilty according to law in a public trial at which he has had all the guarantees necessary for his defense.*

*2. No one shall be held guilty of any penal offence on account of any act or omission which did not constitute a penal offence, under national or international law, at the time when it was committed. Nor shall a heavier penalty be imposed than the one that was applicable at the time the penal offence was committed." (Article 11, UDHR)*

*"1. All persons shall be equal before the courts and tribunals. In the determination of any criminal charge against him, or of his rights and obligations in a suit at law, everyone shall be entitled to a fair and public hearing by a competent, independent and impartial tribunal established by law. The press and the public may be excluded from all or part of a trial for reasons of morals, public order (ordre public) or national security in a democratic society, or when the interest of the private lives of the parties so requires, or to the extent strictly necessary in the opinion of the court in special circumstances where publicity would prejudice the interests of*

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<sup>35</sup> Judgment of European Court of Human Rights of 25<sup>th</sup> of March, 1992, case of Campbell v. The United Kingdom (Application no. 13590/88); <https://hudoc.echr.coe.int/?i=001-57771>

<sup>36</sup> The crime of letters. Russian court upholds prison terms for Navalny's former lawyers – an article published by Mediazona on 22<sup>nd</sup> of September, 2025; [https://en.zona.media/article/2025/09/22/navalny\\_lawyers](https://en.zona.media/article/2025/09/22/navalny_lawyers)

*justice; but any judgement rendered in a criminal case or in a suit at law shall be made public except where the interest of juvenile persons otherwise requires or the proceedings concern matrimonial disputes or the guardianship of children.*

*2. Everyone charged with a criminal offence shall have the right to be presumed innocent until proved guilty according to law.*

*3. In the determination of any criminal charge against him, everyone shall be entitled to the following minimum guarantees, in full equality (...)*

*(g) Not to be compelled to testify against himself or to confess guilt. (...)" (Article 14 – excerpt; ICCPR)*

*"1. In the determination of his civil rights and obligations or of any criminal charge against him, everyone is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law. Judgment shall be pronounced publicly but the press and public may be excluded from all or part of the trial in the interests of morals, public order or national security in a democratic society, where the interests of juveniles or the protection of the private life of the parties so require, or to the extent strictly necessary in the opinion of the court in special circumstances where publicity would prejudice the interests of justice.*

*2. Everyone charged with a criminal offence shall be presumed innocent until proved guilty according to law.*

*3. Everyone charged with a criminal offence has the following minimum rights: (...)" (Article 6 – excerpt, the Convention)*

56. Although the domestic laws of the Russian Federation do not explicitly mention the right to a fair trial, its elements can be found in the Constitution and the Criminal Procedure of the Russian Federation no. 174-FZ of December 18, 2001 (hereinafter referred to as: "**the Criminal Procedure**").

57. With regard to the Constitution:

**"Article 49**

*1. Everyone charged with a crime shall be considered not guilty until his or her guilt has been proven in conformity with the procedures stipulated by the federal law and established by the verdict of a court of law.*

*2. The defendant shall not be obliged to prove his or her innocence.*

*3. The benefit of doubt shall be interpreted in favor of the defendant."*

Furthermore, **Article 50 section 2** of the Constitution states that: "*In the administration of justice, no evidence obtained in violation of the federal law shall be allowed.*"

Article

**Article 46, section 1** of the Constitution states that: "*Everyone shall be guaranteed protection of his or her rights and liberties in a court of law.*"

58. With regard to the Criminal Procedure, the right to a fair trial is guaranteed by Article 14 (presumption of innocence), Article 15 (adversarial nature of a trial and impartiality of the court), and Article 16 (right to defense and legal assistance).

59. Between the abovementioned provisions of international and domestic law, several principles must be met for a trial to be fair:

- **the trial must be public** unless it is otherwise required by the interests of morals, public order or national security in a democratic society, the interests of juveniles or the protection of the private life of the parties, or to the extent strictly necessary in the opinion of the court in special circumstances where publicity would prejudice the interests of justice – and a **judgment must be pronounced publicly at all times;**
- the trial must be **held within a reasonable time;**
- the trial must be **held by a competent, independent, and impartial tribunal established by law;**
- **presumption of innocence** must be applied to the defendant (*innocent until proven guilty*);

- **all evidence must be legally obtained and admissible;**
- **minimum rights of the defendant must be preserved** (such as providing information, right to legal assistance, providing an interpreter, if necessary, adequate time and facilities for preparing defense, etc.)

**Several of those principles were not met in the case of Kobzev, Lipster, and Sergunin.**

**Illegally obtained and inadmissible evidence presented by the prosecution**

60. As mentioned in paragraph 31 above, there were two main sources of evidence presented against the attorneys. **One of them were conversations between Navalny and his lawyers recorded during confidential client – attorney meetings in a penal colony, and the other – documents and files from electronic devices seized during searches of the lawyers’ homes and law offices.**
61. A client-attorney privilege in criminal proceedings is guaranteed by Article 53 section 1 point 1 in conjunction with Article 46 section 4 point 3 and Article 47 section 4 point 9 of the Criminal Procedure, which jointly state that a defendant is allowed to *“have private and confidential visits from the counsel for the defense, including ones prior to the first interrogation of the accused, without restriction of their number and duration”*.
62. According to Article 75 section 1 of the Criminal Procedure: *“The proof, obtained with a violation of the demands of the present Code, shall be qualified as inadmissible. Inadmissible proof is deprived of legal force and cannot serve as a basis for the accusation or be used for proving any one of the circumstances listed in Article 73 of the present Code.”* [Article 73 includes circumstances such as the event of the crime, guilt, personality of the accused, and others]  
 Furthermore, according to Article 75 section 2 point 3 of the Criminal Procedure: *“Referred as inadmissible proof shall be the other proof, obtained with a violation of the demands of the present Code”*.
63. The privilege is also extended to anyone serving detention in penal colony, as per article 89 section 4 of the Penal Enforcement Code of the Russian Federation of 8<sup>th</sup> of January, 1997 (no. 1-FZ): *“For the purpose of receiving legal assistance, convicts, upon their request, shall be granted visits with lawyers or other persons entitled to provide legal assistance. At the convict's request, visits with a lawyer may take place in private, without anyone else being able to hear them and without the use of technical means of listening.”*
64. **According to the domestic law of Russia itself, as well as international laws on client-attorney privilege (specified in point 4A below), there are no exceptions to confidential meetings between a client and their attorney. Those, under no circumstances, can be filmed or recorded. During those meetings, documents and letters can be exchanged between the client and attorney, and the confidentiality is extended to such documents or letters as well. They can be, only under very strict circumstances, opened and read** (see section A above).
65. According to ECOHR: *“The Court considers that an accused’s right to communicate with his advocate out of hearing of a third person is part of the basic requirements of a fair trial in a democratic society and follows from Article 6 para. 3 (c) (art. 6-3-c) of the Convention. If a lawyer were unable to confer with his client and receive confidential instructions from him without such surveillance, his assistance would lose much of its usefulness, whereas the Convention is intended to guarantee rights that are practical and effective.”*<sup>37</sup>
66. **As mentioned in paragraphs 14, 15, 25, and 31 above, all three of the attorneys have visited Alexei Navalny in penal colonies multiple times.** The meetings were required to have a confidential nature, as the lawyers were providing legal assistance for Navalny as a convicted person, and as his defense attorneys (due to numerous new criminal trials, mentioned in paragraph 7 above). Yet, all of those meetings were recorded by multiple cameras, and the documents and letters exchanged between Navalny and his lawyers were

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<sup>37</sup> Judgment of European Court of Human Rights of 28<sup>th</sup> of November, 1991, case of S. v. Switzerland (Application no. 12629/87; 13965/88); <https://hudoc.echr.coe.int/?i=001-57709>

photographed, which itself was a violation of the right to privacy and correspondence, as indicated in section A above.

67. **As such, all evidence from recordings of confidential meetings, documents, and letters exchanged during those meetings were obtained in violation of the Criminal Procedure and the Constitution, therefore should be inadmissible in a criminal trial.**
68. With regard to **searches of homes and law offices of attorneys**, Article 450.1 of the Criminal Procedure states that:
1. *“Search, inspection, and seizure in respect of an attorney (including in residential and service premises used by him for legal activities) shall be carried out only on the basis of a judicial decision, which must specify the specific objects of the search and seizure, as well as the materials (documents) containing information protected by law as an attorney-client privilege, which are subject to seizure.*
  2. *During the search, inspection, and seizure in respect of an attorney, the presence of a representative of the Council of the Bar Association of the constituent entity of the Russian Federation (on whose territory these investigative actions are performed), or another member of the said Bar Association authorized by the President of the Council, is mandatory.*
  3. *The representative of the Council of the Bar Association specified in Part 2 of this Article shall ensure the inviolability of objects and materials containing information protected by law as an attorney-client privilege, which are not specified in the judicial decision for search, inspection, and seizure.*
  4. *The judicial decision for search, inspection, or seizure in respect of an attorney, as well as the protocol of these investigative actions, must be served upon the representative of the Council of the Bar Association who participated in the investigative action.*
  5. *During the search, inspection, and seizure in respect of an attorney, it is prohibited to photograph, film, or record by any other technical means the materials of the attorney's files (dossiers) of his clients, except for the objects and documents specified in the judicial decision.*
  6. *The objects and documents specified in the judicial decision, as well as other objects and documents (including electronic storage media) that are not related to the attorney's files of his clients, may be seized if they contain information about the commission of a crime or were used as instruments for the commission of a crime.”*

The abovementioned article serves as *lex specialis* for Article 165 section 5 of the Criminal Procedure, which allows, in urgent cases, for conducting searches without prior judicial decision, and subsequent authorization of a search by the court. There is no legal possibility to search a home or a law office premises without prior judicial decision. Furthermore, such a judicial decision can be passed only after the initiation of a criminal case against a lawyer or involving him as an accused person.

69. **In the view of the ECOHR, a law office is protected under Article 8 of the Convention, as there is no reason to deny professional or business premises the same protection as for home, especially when a person exercises a liberal profession:** *“There appears, furthermore, to be no reason of principle why this understanding of the notion of “private life” should be taken to exclude activities of a professional or business nature since it is, after all, in the course of their working lives that the majority of people have a significant, if not the greatest, opportunity of developing relationships with the outside world. This view is supported by the fact that, as was rightly pointed out by the Commission, it is not always possible to distinguish clearly which of an individual’s activities form part of his professional or business life and which do not. Thus, especially in the case of a person exercising a liberal profession, his work in that context may form part and parcel of his life to such a degree that it becomes impossible to know in what capacity he is acting at a given moment. To deny the protection of Article 8 (art. 8) on the ground that the measure complained of related only to professional activities - as the Government suggested should be done in the present case - could moreover lead to an inequality of treatment, in that such protection would remain available to a person whose professional*

*and non-professional activities were so intermingled that there was no means of distinguishing between them. More generally, to interpret the words "private life" and "home" as including certain professional or business activities or premises would be consonant with the essential object and purpose of Article 8 (art. 8), namely to protect the individual against arbitrary interference by the public authorities. Such an interpretation would not unduly hamper the Contracting States, for they would retain their entitlement to "interfere" to the extent permitted by paragraph 2 of Article 8 (art. 8-2); that entitlement might well be more far-reaching where professional or business activities or premises were involved than would otherwise be the case."*<sup>38</sup>

70. In the discussed case, it has been confirmed that a search warrant was given prior to searches of Collegium Dallet and Vadim Kobzev's office, and representatives of the Moscow Bar Association were present during the searches. However, according to a review of the Commission of the Council of the Chamber of Advocates of Moscow for the Protection of Lawyers for Lawyers for 2023<sup>39</sup>, in the year of 2023, searches were conducted in law offices in Moscow on 35 occasions. In 2023, six rulings of the district courts of Moscow lacked information about specific searched objects, which provided grounds for paying attention to these violations by representatives of the Chamber of Lawyers of the City of Moscow who participated in the investigative actions, and in the subsequent appeal of these decisions of the courts, as not consistent with the current criminal procedural legislation. In the same report, the Commission stated that there had been cases of searches without mentioning specific members of law firms who were being investigated, and several searches under the pretext of "examining a crime scene".
71. **As such, a judicial decision on searches of law offices and homes of the three lawyers should be carefully examined by the court. In particular, the decision should be given after launching a criminal case *in personam* against each of the defendants, but prior to the moment of searches. It should precisely enumerate items and devices, which the investigators were allowed to seize. Finally, any remarks filed into the protocol by representatives of the Moscow Bar Association should be taken into account. In case of any violations of the aforementioned premises, the evidence obtained in the searches should be deemed inadmissible.**

#### **Plea of guilt**

72. **It has been reported that during the trial, Igor Sergunin pleaded guilty and cooperated with the investigators. While the reasons for his decision have not been made public, it is worth noting that the plea of guilt falls under several additional requirements, both under domestic and international law.**
73. According to Article 14, section 3 letter g) of the ICCPR: *"In the determination of any criminal charge against him, everyone shall be entitled to the following minimum guarantees, in full equality: not to be compelled to testify against himself or to confess guilt."*
74. Article 51 section 1 of the Constitution states that: *"No one shall be obliged to give evidence against himself or herself, for his or her spouse and close relatives, the range of which shall be established by the federal law."* Furthermore, Article 77 section 2 of the Criminal Procedure states that: *"Admission by the accused of his guilt in committing the crime can serve as the foundation for the charge only if his guilt is confirmed by the aggregate of the proof, existing on the criminal case."*
75. The latter falls in compliance with the views of the ECOHR, which stated that: *"Although not specifically mentioned in Article 6 of the Convention, the right to remain silent and the privilege against self-incrimination are generally recognized international standards which lie at the heart of the notion of a fair procedure under Article 6 § 1. The right not to incriminate oneself in particular presupposes that the authorities seek to prove their case without resorting to evidence obtained through methods of coercion or oppression in defiance of the will of the "person charged". By providing the accused with protection against improper compulsion by the*

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<sup>38</sup> Judgment of European Court of Human Rights of 16<sup>th</sup> of December, 1992, case of Niemietz v. Germany (Application no. 13710/88); <https://hudoc.echr.coe.int/?i=001-57887>

<sup>39</sup> A review of the Commission of the Council of the Chamber of Advocates of Moscow for the Protection of Lawyers for Lawyers for 2023, published on 28<sup>th</sup> of May, 2024; <https://www.advokatymoscow.ru/advocate/activity/info/13756/>

authorities, these immunities contribute to avoiding miscarriages of justice and securing the aims of Article 6.”  
**It is in the view of the ECOHR that a plea of guilt cannot be the sole evidence against the defendant, and it must be corroborated by other significant, legally obtained, and admissible evidence, presented against them.**

76. Between the three lawyers, Igor Sergunin is the only widower and a single father to an underage child.<sup>40</sup> His cooperation with Alexei Navalny and his experience as a defense attorney are the shortest. Those factors make him the most vulnerable of all three lawyers to external pressure. **It must be, therefore, pointed out that although Igor Sergunin has pleaded guilty, the court should examine whether the plea was given without coercion or influence (particularly psychological pressure) on the defendant.** Moreover, it must be determined that his plea was corroborated by other significant, independent, legally obtained, and admissible evidence.

#### **Lack of public trial**

77. **The trial was moved behind closed doors in September of 2024.** According to Article 241 section 2 of the Criminal Procedure:

*“Conducting the judicial proceedings in camera shall be admissible on the ground of a court ruling or resolution, if:*

- 1) the judicial proceedings on a criminal case in court may lead to an indulgence of the state or of the other kind of a secret, protected by the federal law;*
- 2) the criminal cases under examination concern the crimes, perpetrated by the persons who have not reached 16 years of age;*
- 3) an examination of the criminal cases on the offences of the sexual immunity and sexual freedom of the personality and on other crimes may lead to an indulgence of the information on the intimate aspects of life of the participants in the criminal court proceedings or of information humiliating their honor and dignity;*
- 4) this is called forth by the interests of guaranteeing security for the participants in the judicial proceedings, for their close relatives, relations or near persons.”*

78. The right to trial *in camera* is also recognized by ECOHR, on the basis of Article 6 of the Convention. This right can be restricted, but only in the necessary scope (a trial can be moved behind closed doors only partially, if certain aspects of it should be withheld from the public), and the court must always provide specific, objective reasons for its decision.

*“The Court reiterates that the public character of proceedings constitutes a fundamental principle enshrined in Article 6 § 1 of the Convention. It protects litigants against the administration of justice in secret with no public scrutiny and is thus one of the means whereby confidence in the courts can be maintained. By rendering the administration of justice visible, it contributes to the achievement of the aim of Article 6 § 1, namely a fair trial, the guarantee of which is one of the fundamental principles of any democratic society*

*Article 6 § 1 does not, however, prohibit courts from deciding, in the light of the special features of the case submitted to them, to derogate from this principle: in accordance with the actual wording of this provision “... the press and public may be excluded from all or part of the trial in the interests of morals, public order or national security in a democratic society, where the interests of juveniles or the protection of the private life of the parties so require, or to the extent strictly necessary in the opinion of the court in special circumstances where publicity would prejudice the interests of justice”; **holding proceedings, whether wholly or partly, in camera must be strictly required by the circumstances of the case**”<sup>41</sup>*

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<sup>40</sup> *From courtroom to jail. Navalny’s lawyers Vadim Kobzev, Alexei Liptser, and Igor Sergunin are now behind bars* by Anna Pavlova and Alla Konstantinova, published 14th October 2023 via Mediazona;

<https://en.zona.media/article/2023/10/13/lawyers-trl>

<sup>41</sup> Judgment of European Court of Human Rights of 17<sup>th</sup> of December, 2013, case of Nikolova and Vandova v. Bulgaria (Application no. 20688/04); <https://hudoc.echr.coe.int/?i=001-139773>

*“The Court notes that the gravity of the charges cannot by itself serve to justify the restriction of such a fundamental tenet of judicial proceedings as their openness to the public. This is particularly true in cases such as the present one, where the legal characterization of the facts was determined by the prosecution without judicial examination of the issue whether the evidence that had been obtained supported a reasonable suspicion that the applicant had committed the alleged offence. The Court observes that a danger which defendants may present to other parties to the proceedings cannot be gauged solely on the basis of the gravity of the charges and severity of the sentence faced. It must be assessed with reference to a number of other relevant factors which may confirm the existence of a danger justifying the denial of public access to a trial.”<sup>42</sup>*

79. In the case of Kobzev, Lipster, and Sergunin, none of the above-mentioned legal premises for moving the trial behind closed doors in its entirety took place. The trial was moved behind closed doors following a letter from Russia’s Centre for Combating Extremism, which is a unit within the Ministry of Internal Affairs of the Russian Federation (as mentioned in paragraph 28 above).
80. **However, there were no reasonable grounds to believe that conducting the trial publicly was against the interests of morals, public order, or national security in a democratic society, or would prejudice the interests of justice.** In September of 2024, FBK and other “extremist organizations” connected to Navalny had already been dissolved and prohibited from conducting activity in Russia. The activity of the “extremist community” to which the lawyers were accused of belonging was carried out from abroad, and its leaders and members were living abroad as well. Their capabilities of organizing a “provocation” or pressuring witnesses were limited at best, as any such actions would have needed to be performed via electronic measures. In such a case, moving a trial behind closed doors would be an inadequate and ineffective way of preventing threats to security or interest of justice.
81. **It must also be noted that, while the FBK and other entities and persons of Navalny’s network had organized multiple street protests in the past, as per ECOHR judgments mentioned in paragraphs 3 and 22 above, it was the state that was found liable for violating their rights** (through unlawful arrests, suppressing freedom of speech, violating freedom of association and assembly and restricting rights for purposes other than those prescribed by the Convention). **The protests in the abovementioned cases, as well as e.g. the Bolotnaya case, have been recognized multiple times as peaceful and legal.** Even if the “extremist community” would have been planning a protest, there was no factual ground to believe that it would pose a threat to morals, public order, or security.
82. Furthermore, the main charge against the lawyers was that they passed information from Alexei Navalny to his associates, and therefore, made it possible for him to remain a leader of the “extremist community”, despite serving detention. **In September of 2024, Navalny had been dead for seven months; therefore, it was neither possible nor necessary to continue the role the lawyers were supposed to serve.**
83. As mentioned in paragraph 28 above, NDAs (*podpiski*) were taken from the attorneys of the defendants – pursuant to Article 161 of the Criminal Procedure which in section 3 stipulates that: *“The data of the preliminary inquisition may be revealed only with the permission of the investigator and the inquirer, and only in that volume, in which they recognize this as admissible, if such divulgence does not contradict the interests of the preliminary inquisition and is not connected with a violation of the rights and lawful interests of the participants in the criminal court proceedings.”*
84. Finally, it must be added that arrests of multiple journalists on 17<sup>th</sup> of January, 2025 (mentioned in paragraph 33 above) served no other purpose than intimidation of the public and unlawful suppression of its access to pronouncing of the judgment.
85. Considering the fact that the defendants’ lawyers were legally prohibited from discussing the preliminary inquisition, later the trial was moved behind closed doors without factual or legal grounds for such decision,

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<sup>42</sup> Judgment of European Court of Human Rights of 4<sup>th</sup> of December, 2008, case of Belashev v. Russia, (Application no. 28617/03); <https://hudoc.echr.coe.int/?i=001-90049>

and multiple journalists were arrested while attempting to report the judgment, **the trial was unlawfully withheld from the public in many ways, which constitutes a violation of a right to a fair trial.**

#### **Lack of presumption of innocence, independence, and impartiality from the court**

86. In the light of the abovementioned facts, there are several concerns as to whether the presumption of innocence was granted to the defendants, as well as to the independence and impartiality of the court.
87. On a legal standpoint, Article 282.2 Note of the Criminal Code states that: *“A person who has voluntarily ceased participation in the activity of a public or religious association or of another organization, towards which a court has passed an already enforced decision on the liquidation or prohibition of the activity in connection with the performance of an extremist activity, shall be relieved of criminal liability, unless a different corpus delicti is contained in his activity.”*
88. **As Navalny stated himself** (see paragraph 32 above), **at the time of arrest, only Vadim Kobzev was working for him. Alexei Lipster and Igor Sergunin have not done that for over a year.** Therefore, even if Navalny’s network was an “extremist organization”, there is no reason to believe that they have not “*voluntarily ceased participation in the activity*” of this organization, and should be relieved of criminal liability (as no other criminal charges were brought against them). The supposed founder and leader of the “extremist organization” stated himself that they had had no connection to it for a considerable period of time. **Moreover, Article 49, section 3 of the Constitution (cited in paragraph 55 above) and Article 14, section 3 of the Criminal Procedure express the *in dubio pro reo* rule, which was clearly not applied to Lipster and Sergunin.**
89. As mentioned in paragraph 21 above, after dissolving and prohibiting further activities of Navalny’s network entities, multiple of his associates and volunteers faced searches, criminal charges, and sentences for participating in “extremist community” (the same charges as the three lawyers). In fact, 139 of them have successfully made complaints to the ECOHR (see paragraph 22 above) with regard to those proceedings. **The mass number of criminal proceedings brought against individuals associated with the same community/organization, and even against their families or people not directly associated with the community, suggests that the presumption of innocence for these individuals was illusory.**
90. The trial was moved behind closed doors following a letter sent to a judge **by a governmental agency.** There were no factual grounds to believe that an alleged “extremist community” was posing a threat to public order, security, or interest of the justice system. In any case, there can be no reasonable justification for a governmental agency to make any suggestions to any court of law as to the manner in which any trial should be conducted. **Such interference seriously undermines a fundamental principle of independence of the court.**
91. Aleksei Lipster’s defense attorney, Anna Stavitskaya, pointed out **that** the original verdict was almost entirely a copy of the prosecution’s indictment: **out of 230 pages of the verdict, 215 repeated the indictment word-for-word. This, along with the fact that the court arrested the defendants despite the possibility of granting less restrictive preventive measures** (see section C below) **and allowed multiple pieces of evidence provided by the prosecution, which were *prima facie* inadmissible, suggests that the court was not impartial during the trial.**
92. **The abovementioned concerns for lack of three essential elements: presumption of innocence, independence, and impartiality of the court constitute another aspect of violation of a right to a fair trial.**

#### **C. The right to liberty, personal security, and prohibition of arbitrary detention**

93. This right is guaranteed on the basics of international law by Article 3 and Article 9 of UDHR, Article 9 of ICCPR, and was guaranteed by Article 5 of the Convention.

*“Everyone has the right to life, liberty, and security of person.” (Article 3, UDHR)*

*“No one shall be subjected to arbitrary arrest, detention, or exile.” (Article 9, UDHR)*

*“1. Everyone has the right to liberty and security of person. No one shall be subjected to arbitrary arrest or detention. No one shall be deprived of his liberty except on such grounds and in accordance with such procedure as are established by law.” (Article 9 section 1, ICCPR)*

*“1. Everyone has the right to liberty and security of person. No one shall be deprived of his liberty save in the following cases and in accordance with a procedure prescribed by law:*

*c) the lawful arrest or detention of a person effected for the purpose of bringing him before the competent legal authority on reasonable suspicion of having committed an offence or when it is reasonably considered necessary to prevent his committing an offence or fleeing after having done so;*

*3. Everyone arrested or detained in accordance with the provisions of paragraph 1 (c) of this Article shall be brought promptly before a judge or other officer authorized by law to exercise judicial power and shall be entitled to trial within a reasonable time or to release pending trial. Release may be conditioned by guarantees to appear for trial.” (Article 5 – excerpt, the Convention)*

94. The domestic law also prohibits arbitrary detention. According to Article 22 of the Constitution:

*“1. Everyone shall have the right to freedom and personal inviolability.*

*2. Arrest, detention, and keeping in custody shall be allowed only by an order of a court of law. No person may be detained for more than 48 hours without an order of a court of law.”*

95. Between the abovementioned laws, there are certain standards for a pretrial detention to be considered lawful and non-arbitrary:

- the detention must be in compliance with the law;
- the detention must be compliant with the purposes indicated in Article 5 section 1 of the Convention (bringing a person in front of the competent legal authority, reasonable suspicion of having committed an offence, or when it is reasonably considered necessary to prevent his committing an offence or fleeing after having done so);
- the detention cannot be arbitrary;
- the detention cannot last longer than 48 hours without an order of a court of law;
- the detained person must have the right to challenge the court’s decision of their detention (to appeal).

96. **In the view of the ECOHR, a detention is arbitrary when less restrictive measures could have been applied. The presumption is always in favor of release, unless relevant and sufficient reasons indicate otherwise. Moreover, such reasons do not remain equally relevant and sufficient for an unlimited period of time, but should be reviewed and assessed over time.**

*“According to the Court’s established case-law under Article 5 § 3, the persistence of a reasonable suspicion is a condition sine qua non for the validity of the continued detention, but, after a certain lapse of time, it no longer suffices: the Court must then establish (1) whether other grounds cited by the judicial authorities continue to justify the deprivation of liberty and (2), where such grounds were “relevant” and “sufficient”, whether the national authorities displayed “special diligence” in the conduct of the proceedings. **The Court has also held that justification for any period of detention, no matter how short, must be convincingly demonstrated by the authorities. When deciding whether a person should be released or detained, the authorities are obliged to consider alternative means of ensuring his or her appearance at trial (ibid.).***

***The presumption is always in favor of release.** As established in *Neumeister v. Austria* (judgment of 27 June 1968, Series A no. 8, p. 37, § 4), the second limb of Article 5 § 3 – that is, **release pending trial – does not give the judicial authorities a choice between either bringing an accused to trial within a reasonable time or granting him provisional release pending trial.** It is the provisional detention of the accused which must not be prolonged beyond a reasonable time; even if the duration of the preliminary investigation is not open to criticism, that of the detention must not exceed a reasonable time. Until conviction, he or she must be presumed*

*innocent, and the purpose of the provision under consideration is essentially to require his or her provisional release once his or her continuing detention ceases to be reasonable.”<sup>43</sup>*

97. According to Article 97 of the Criminal Procedure:

*“1. The inquirer, the investigator or the court shall have the right, within the scope of powers granted to them, to select towards the accused one of the measures of restriction envisaged by the present Code, if there are sufficient grounds to believe that the accused, suspected:*

*1) will flee from the inquiry, from the preliminary investigation or from the court;*

*2) may continue the criminal activity;*

*3) may threaten the witness or other participants in the criminal court proceedings, or destroy the evidence, or interfere with the proceedings on the criminal case in any other way.”*

The following measures are established under Article 98 of the Criminal Procedure:

*“Seen as the measures of restriction (restraint) shall be: 1) recognizance not to leave; 2) personal guarantee; 3) surveillance by the command of the military unit; 4) keeping an eye on a minor accused; 5) bail; 6) home arrest; 7) taking into custody”*

98. In the discussed case, the defendants were arrested by the court of law the same day they were arrested (see paragraph 27 above). The charges against them were based on their meetings with Alexei Navalny and passing information from him to his family and associates. **However, as it was mentioned** (see paragraph 87 above), **Alexei Lipster and Igor Sergunin have not done that for over a year. There was never a need to prevent them from continuing “criminal activity”. As remaining evidence against them was gathered the same day (during searches of homes and law offices), there was no reasonable ground to believe, that they would destroy evidence, threaten witnesses or interfere with the proceedings in any way.** The possibility of fleeing the country could have been prevented by recognition not to leave.

99. In light of the above, a detention, the most restrictive measure possible, was not adequate nor proportionate. It is worth mentioning that less restrictive measures – such as home arrest - have in the past been applied to Navalny himself, who, arguably, would have been seen as a much more dangerous “criminal” than his lawyers.

100. The defendants remained in detention from October 2023 until the pronouncing of the sentence, which took place in January 2025. In the meantime, Alexei Navalny was murdered (in February of 2024), and a trial was moved behind closed doors (in September of 2024). There were no other activities on the prosecution’s side related to gathering evidence. It is therefore highly doubtful that the reasons for their detention remained **equally relevant and sufficient for the entire period of detention.**

101. **There were no legal grounds for the detention of the lawyers, and particularly the fact that less restrictive measures could have been adequately applied. Furthermore, it is highly doubtful that the reasons for detention were substantial, especially after February 2024. The pretrial detention violated the lawyers’ right to liberty and personal security and was arbitrary.**

#### **D. Freedom of expression**

102. Freedom of expression in Russia is guaranteed by international acts, which include Article 19 of UDHR, Article 19 of ICCPR, and was guaranteed by Article 10 of the Convention.

*“Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers.” (Article 19, UDHR)*

*“1. Everyone shall have the right to hold opinions without interference.*

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<sup>43</sup> Judgment of European Court of Human Rights of 5<sup>th</sup> of July, 2016, case of Buzadji v. The Republic of Moldova (Application no. [23755/07](https://hudoc.echr.coe.int/?i=001-164928)); <https://hudoc.echr.coe.int/?i=001-164928>

2. Everyone shall have the right to freedom of expression; this right shall include freedom to seek, receive, and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of their choice.

3. The exercise of the rights provided for in paragraph 2 of this article carries with it special duties and responsibilities. It may therefore be subject to certain restrictions, but these shall only be such as are provided by law and are necessary:

(a) For respect of the rights or reputations of others;

(b) For the protection of national security or of public order (*ordre public*), or of public health or morals.” (Article 19, ICCPR)

“1. Everyone has the right to freedom of expression. This right shall include freedom to hold opinions and to receive and impart information and ideas without interference by public authority and regardless of frontiers. This Article shall not prevent States from requiring the licensing of broadcasting, television or cinema enterprises.

2. The exercise of these freedoms, since it carries with it duties and responsibilities, may be subject to such formalities, conditions, restrictions or penalties as are prescribed by law and are necessary in a democratic society, in the interests of national security, territorial integrity or public safety, for the prevention of disorder or crime, for the protection of health or morals, for the protection of the reputation or rights of others, for preventing the disclosure of information received in confidence, or for maintaining the authority and impartiality of the judiciary.” (Article 10, the Convention)

103. On a domestic level, freedom of speech is guaranteed by Article 29 of the Constitution, which states:

“1. Everyone shall have the right to freedom of thought and speech.

2. Propaganda or campaigning inciting social, racial, national or religious hatred and strife is impermissible. The propaganda of social, racial, national, religious or language superiority is forbidden.

3. No one may be coerced into expressing one's views and convictions or into renouncing them.

4. Everyone shall have the right to seek, get, transfer, produce and disseminate information by any lawful means. The list of information constituting the state secret shall be established by the Federal Law

5. The freedom of mass media shall be granted. Censorship shall be prohibited.”

104. The freedom of expression, particularly in the case of lawyers, has been noted by the ECOHR, which stated that: “Consequently, freedom of expression is applicable also to lawyers. It encompasses not only the substance of the ideas and information expressed but also the form in which they are conveyed. **Lawyers are thus entitled, in particular, to comment in public on the administration of justice, provided that their criticism does not overstep certain bounds.** (...)”

Turning now to remarks made outside the courtroom, the Court reiterates that **the defense of a client may be pursued by means of an appearance on the television news or a statement in the press, and through such channels the lawyer may inform the public of shortcomings that are likely to undermine pre-trial proceedings. The Court takes the view, in this connection, that a lawyer cannot be held responsible for everything published in the form of an “interview”, in particular where the press has edited the statements, and he or she has denied making certain remarks. (...) Lawyers cannot, moreover, make remarks that are so serious that they overstep the permissible expression of comments without a sound factual basis.**”<sup>44</sup>

105. As per the above-mentioned provisions and their interpretation in the context of lawyers, they enjoy a freedom of expression not only as a human right, but also due to their role in a democratic society. **This freedom may be used as a means of defense for their client. By informing the public opinion of shortcomings or violations by public authorities, they may be able to protect their clients’ rights in particularly challenging**

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<sup>44</sup> Judgment of European Court of Human Rights of 23<sup>rd</sup> of April, 2015, case of *Morice v. France*, (Application no. [29369/10](https://hudoc.echr.coe.int/?i=001-154265)), <https://hudoc.echr.coe.int/?i=001-154265>

**legal environments – oftentimes more successfully than they would have been able simply by arguing a case in a courtroom.**

106. In the discussed case, it must be noted that what Kobzev, Lipster, and Sergunin were expressing and talking about (whether in social media, press, or by passing messages to family and friends) **were not opinions, but facts.** According to the Cambridge Dictionary, facts are “*real events and experiences, not things that are imagined*”, while an opinion is “*a thought or belief about something or someone,*” being “*what a person thinks or believes*”. The key difference between the two is that facts have a factual, provable grounds, while opinions are subjective. **With regards to the defendants and the discussed case, the freedom of expression protects not so much the right to express opinions, but the ability to tell the truth publicly.**
107. Kobzev, Lipster, and Sergunin represented one of the most important political opponents of many years in Russia. Their client was unlawfully sentenced by Russian courts multiple times, and was serving a detention which was found by the ECOHR to be passed with a violation of the *nullum crimen sine lege* principle. At the same time, multiple new charges were being brought against him, and by 2023, he was facing the prospect of a lifetime imprisonment. **In fact, Navalny had never been convicted for any crime in a fair trial held by an independent and impartial court. There are, however, multiple ECOHR judgements, which clearly state that he had been subjected to political harassment, deprived of fair criminal trials, poisoned with an illegal chemical weapon (only 5 months prior to detention), unlawfully imprisoned, was serving detention in conditions which amounted to cruel, inhumane and degrading treatment on many levels and as a result – died in a penal colony.** The state had ignored an *interim measure* to immediately release their client from penal colony, due to a direct threat to his life. Oftentimes, had it not been for his lawyers, Alexei Navalny would not have had any contact with his family, access to medical care, or legal assistance of any kind.
108. By publicly speaking about his legal situation and the inhumane conditions of his imprisonment, as well as by repeating his messages to the public, **his lawyers not only exercised their freedom of expression but were also performing their duties as defense attorneys and legal representatives.** The legal and penitentiary systems of Russia have been hostile to Alexei Navalny to such a degree that bringing issues to public (often international) attention was, in many cases, the most effective way of achieving any improvement in the situation. Simultaneously, none of the facts they were talking about posed any threat to public health, morals, security, reputation, or rights of others the authority and impartiality of the judiciary. They were not confident in the information, and sharing it with the public was not a criminal activity. There were no reasonable grounds to restrict their freedom of expression or to prosecute them for exercising it.
109. For those reasons, initiating criminal proceedings against them, detaining and sentencing them was a violation of freedom of expression.

## **2. Violations of the status of an attorney**

110. Any violations of human rights in the discussed case cannot be considered with disregard to the fact that the defendants are lawyers, and it was their professional activity which led to all the abovementioned violations.
111. It must be noted that the legal definition of a “lawyer” in the Russian Federation is quite strict. According to Article 2 of Federal Law No. 63-FZ “On the practice of law and the Bar in the Russian Federation” of 31<sup>st</sup> of May, 2002 (hereinafter referred to as “**Law No. 63-FZ**”):
- “1. A lawyer is a person who has qualified in the manner prescribed hereby as a lawyer and is entitled to engage in the practice of law. The lawyer is an independent legal counsel. The lawyer may not enter employment other than in academic and other creative contexts, or to hold public office in the Russian Federation, public office in a subject of the Russian Federation, or central and local government positions.”*
- According to the abovementioned definition, this act does not include, e.g., in-house lawyers, law departments of companies other than legal companies, lawyers working for public entities. The only person considered a “lawyer” is a legal counsel, who works at a law company, firm, or runs their own office.

## A. Violation of client – attorney privilege

112. The Client – Attorney privilege, apart from provisions cited in paragraphs 61, 63, and 68 above (with regard to the Criminal Procedure and the Penal Enforcement Code, is guaranteed under Article 6, section 3, point 5, and Article 8 of the Law No. 63-FZ.

*“The lawyer shall be entitled to: 5) meet with their client in private unopposed in confidential surroundings (including when held in custody), with no limit on the number or duration of visits” (Article 6, section 3, point 5)*

*“1. Legal profession privilege covers any details of the legal assistance provided by a lawyer to his client.*

*2. A lawyer may not be summoned and examined as a witness about any circumstances that he may become aware of in the context of legal assistance sought from or rendered by him.*

*3. Investigations and investigative inquiries into a lawyer (including in residential and office space used by them for the practice of law) shall be subject to a court order.*

*Material obtained during investigations (even after a lawyer's suspension or disbarment) cannot be used as evidence if taken from client files, unless it relates to instruments of crime or items banned in the Russian Federation.” (Article 8)*

113. Furthermore, the Client – Attorney privilege is guaranteed by the United Nations Basic Principles on the Role of Lawyers of 27<sup>th</sup> of August 1990 (hereinafter referred to as: “**Basic Principles**”), Article 8 and Article 22:

*“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.” (Article 8)*

*“Governments shall recognize and respect that all communications and consultations between lawyers and their clients within their professional relationship are confidential.” (Article 22)*

114. While the Client – Attorney privilege primarily protects the interests of the Clients (particularly in criminal cases, when a fair trial is dependent on an access to a legal assistance with a possibility of openly discussing any details of the case, without interception by third parties, especially the state and authorities), it is also meant to assure that the attorney has the possibility to perform their duties to the best of their abilities, without concerns about potential legal repercussions, resulting from providing legal assistance to their client. **Therefore, a violation of a privilege affects both a client and an attorney.** Typically, for a client, such a violation results in obtaining evidence against them, which would otherwise be inaccessible for the investigators, or information as to what additional evidence can be obtained. For an attorney, it enables them to duly perform their duties successfully, provide legal assistance, and build or maintain a confidential and trust-based relationship with a client.

115. However, in the discussed case, a violation of Client – Attorney privilege gained a new dimension. **It was by violating the privilege – that is, by recording and wiretapping confidential meetings with a client (to which the lawyers are entitled to, pursuant to Article 6 section 3 point 5 of the Law No. 63-FZ) and photographing documents and letters exchanged with him during confidential meetings, that evidence was obtained. That evidence was not, however, used against a client, but against his lawyers.** It was after obtaining evidence in an unlawful way that the criminal investigation was launched, and further evidence was obtained through searches of homes and law offices. The evidence presented against the lawyers raises many concerns with regard to the manner in which they were obtained and their admissibility in court (see paragraphs 60 – 71 above).

116. It is also worth considering whether Article 8 section 3 of the Law No. 63-FZ, which states that materials taken from lawyers’ client files during investigation cannot be used as evidence, shouldn’t also be interpreted in a manner that protects the attorneys as well as their clients. As stated above, the attorney-client privilege protects both parties of this relationship; therefore any respective law provisions should apply to both parties. It is also in compliance with Basic Principles mentioned in sections B and C below, which are designed to protect

attorneys from intimidation and harassment or identifying them with their Client's actions. **Client files, kept by attorneys, often include not only documents produced by an attorney, but also documents, notes, photographs, or even pieces of information provided by the client, which are unknown to the court or other parties of a trial. They are, however, often kept within the files of a client or in a law office. The attorney does not have any control over their contents, and should not be at risk of suffering consequences of those contents or their interpretation by investigative authorities.**

117. It is beyond a reasonable doubt that, apart from violations of human rights, as described in section 2 above, Vadim Kobzev, Aleksei Lipster, and Igor Sergunin have also suffered from violations of Client – Attorney privilege. The violations of their right to confidential meetings with their client and their ability to duly perform their duties were targeted not only at their client, but also at them personally, and became a foundation for a criminal case against them.

## **B. Subjection to intimidation and harassment**

118. Lawyers in Russia are protected from intimidation and harassment due to the performance of their duties under Article 18 of the Law No. 63-FZ:

*„1. There must be absolutely no interference with or obstruction of the practice of law conducted in the law-abiding manner.*

*2. The lawyer may not be held liable in any way (including after suspension or disbarment) for any opinion expressed by him during the practice of law, unless the lawyer is found guilty by final judgment of a criminal act (omission).*

*The above restrictions do not apply to a lawyer's civil liability to a client hereunder.*

*3. It is forbidden to solicit from lawyers or the staff of legal practices, bar associations or the Russian Federal Bar Association details of legal assistance rendered in specific cases.*

*4. The lawyer, his family and their property are under the protection of the government. The police are required to take the measures necessary to ensure the safety of the lawyer, his family, and their property.*

*5. Criminal proceedings against a lawyer shall be subject to the safeguards provided for the lawyer under the criminal procedure legislation.”*

119. Furthermore, the Basic Principles state as follows:

*“16. Governments shall ensure that lawyers (a) are able to perform all of their professional functions without intimidation, hindrance, harassment or improper interference; (b) are able to travel and to consult with their clients freely both within their own country and abroad; and (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.*

*17. Where the security of lawyers is threatened as a result of discharging their functions, they shall be adequately safeguarded by the authorities.”*

120. While performing their duties, lawyers are required to uphold clients' best interests and the highest standards of their actions. According to Article 2 section 2, points 5 and 9 of the Law No. 63-FZ:

*“In the context of providing legal assistance, the lawyer shall:*

*5) take part as a client's representative or defender in criminal and administrative offence proceedings;*

*9) take part as client's representative in enforcement proceedings, as well as in the administration of criminal punishment”.*

According to Article 7, section 1, point 1: *“The lawyer is required to: honestly, reasonably and in good faith uphold the rights and legitimate interests of a client using all means available under the law of the Russian Federation”.*

121. The same is required by Code of Professional Ethics of Lawyers of 31 January, 2003, adopted by the First National Congress of Russian Lawyers, article 8 section 1: **“In performing professional duties, lawyers execute their official functions honestly, reasonably, in good faith, competently, in a principled manner and timely;**

***actively defend the clients' rights, freedoms and interests by any means that are not prohibited by law, being guided by the Constitution of the Russian Federation, law and this Code".***

122. It is also required by the Basic Principles, Articles 14 and 15:

***"14. Lawyers, in protecting the rights of their clients and in promoting the cause of justice, shall seek to uphold human rights and fundamental freedoms recognized by national and international law and shall at all times act freely and diligently in accordance with the law and recognized standards and ethics of the legal profession.***

***15. Lawyers shall always loyally respect the interests of their clients."***

123. **In the case at issue, all three lawyers have performed their duties in a law-abiding manner. This performance was not limited to representation in court and in front of the authorities of the penal colony. In order to uphold their client's most basic human rights, they had to bring shortcomings and violations to the public's attention. They did that both by speaking out themselves, as well as by passing information and letters to their client's family and associates. Their actions were dictated by the need to serve their client's best interests and protect his most basic human rights, and not by – as they were charged – participating in an extremist community.** The allegations of the "community" and "organization" being "extremist" were undermined by the ECOHR. The administrative proceedings, which resulted in the dissolution and banning of further activity, were found to be in violation of freedom of expression and association, and were conducted in order to suppress political pluralism in Russia.

124. Therefore, subjecting the lawyers to arbitrary detention, charging them with a crime that was factually impossible to commit (if the community was not, after all, an extremist one, they couldn't have been "participating in an extremist community"), presenting unlawfully obtained evidence against them (particularly with violation to client – attorney privilege), and sentencing them to nearly the highest possible penalty, were acts of intimidation and harassment. The additional element of a sentence – a three – year long ban on practicing law after serving their detention (which is legally the highest possible duration of such a ban) must also be deemed as additional harassment, designed to prevent the lawyers from carrying out their duties in the future and serving clients like Navalny. **It must be noted that the charges included "using their official status" to commit a crime. As a result, the status of an attorney not only didn't protect them, but became a reason for persecution.**

### **C. Identifying an attorney with the actions of their client**

125. As per Article 18 of the Basic Principles: *"Lawyers shall not be identified with their clients or their clients' causes as a result of discharging their functions."*

126. Additionally, as per Article 23 of the Basic Principles: *"Lawyers like other citizens are entitled to freedom of expression, belief, association and assembly. In particular, they shall have the right to take part in public discussion of matters concerning the law, the administration of justice and the promotion and protection of human rights and to join or form local, national or international organizations and attend their meetings, without suffering professional restrictions by reason of their lawful action or their membership in a lawful organization. In exercising these rights, lawyers shall always conduct themselves in accordance with the law and the recognized standards and ethics of the legal profession."*

127. As it was described in paragraph 25 above, **neither one of the lawyers has ever, in any capacity, had links to Navalny's network (whether the FBK or other entities) other than being a personal attorney to its founder.** Yet, they were all charged with "participating in an extremist community". Their supposed role was to be links between a leader of a community and its members, by passing information between them. **The information passed by the lawyers included health, legal situation, and conditions of imprisonment of Navalny. Those, in no capacity, can be considered prohibited information.** In fact, it is a fundamental part of an attorney's duty to remain in touch with family or any other close persons of their client, if a client is in detention, and update them on the abovementioned matters.

128. As mentioned in paragraph 21, starting January 2021, the FBK was registered in the USA. It was, by the time Navalny was arrested, impossible for them to conduct any activity in the Russian Federation, due to a mass wave of arrests, searches, and criminal proceedings, often against individuals who had no links to the network itself. The community was reorganized and moved abroad, and starting in 2021, Navalny was less a leader and more a number one subject of its activity (“Free Navalny campaign”).
129. **Even if the defendants had been members of Navalny’s network, its activity was never illegal or criminal (as per the ECOHR judgement cited in paragraph 22 above), and the community itself was not “extremist”.**

### **3. Context for the Client**

130. **The facts and legal concerns of the discussed case present, in a significant and condensed way, the importance of the existence of an independent legal profession for anyone who might require legal assistance. They prove, perhaps in the most tragic way possible, the results of assaulting its independence – not only to the professionals, but most of all – to their clients.**
131. The scope and variety of legal assistance provided by Vadim Kobzev, Alexei Lipster, and Igor Sergunin to Alexei Navalny cannot be overstated. It was essential for protecting not only his rights as a defendant in numerous criminal trials and a detainee in a penal colony, but also his most basic human rights as well.
132. As a result of arresting and detaining his lawyers in October of 2023, Alexei Navalny was deprived of all independent legal assistance, and by extension, of multiple rights and freedoms. It is worth reminding that while Kobzev, Lipster, and Sergunin were detained, two remaining lawyers – Olga Mikhailova and Aleksandr Fedulov were forced to flee the country (see paragraph 26 above). Under such circumstances, Navalny’s chances of finding another independent attorney were nonexistent.
133. Deprivation of legal assistance affected Navalny’s rights and freedoms, such as:
- **Right to a fair trial (right to defense).** In October of 2023, Navalny was facing charges of committing “acts of terrorism”. A penalty pending for such charges was up to 30 years of imprisonment, and combined with previous sentences, a lifetime imprisonment. Without access to legal assistance, and kept 3200 km away from Moscow (his appearances in court took place via online video conferences), Navalny was not able to sustain any defense against the most serious charges he has ever faced. He did not have the time, means, or any kind of legal assistance necessary for maintaining the minimum rights of a defendant. There was no possibility of any fair trial against him.
  - **Right to representation in front of the authorities of the penal colony.** During his imprisonment in a penal colony, Navalny’s lawyers filed multiple complaints of ill-treatment, which were being investigated by courts. They were also responsible for handling other rights of a detainee, such as the right to receive visits, letters, or packages. Their role was crucial for preventing (or filing complaints about) ill-treatment and complete isolation of their client from the outside world.
  - **Right to life and health.** As described in paragraphs 8 - 13 above, during over 3 years in a penal colony, Navalny suffered both from multiple health problems and inhuman, degrading conditions of imprisonment and treatment. It was his lawyers who fought for access to independent doctors, providing him the most basic medical care and medications, or against SHIZO and sleep deprivation. They often did so not only by exercising legal means (such as complaints and motions), but by speaking out and informing the public opinion about current situation.
  - **Right to family life.** Navalny’s right to family life was drastically limited due to conditions of his imprisonment (maximum security penal colony, SHIZO, EPKT), places of imprisonment (from 110 to 3200 km away from Moscow, where his family lived), and the fact that most of his family, friends, and associates had to flee Russia and seek political asylum abroad. Navalny was able to maintain contact with most of them only by passing and receiving information or letters with the assistance of his lawyers. They continuously updated his family on his health and legal situation.

- **Freedom of association.** Navalny's family situation was similar to his professional situation. He was deprived of contact with his associates and co-workers, members of FBK and other entities. Therefore, it was impossible for him to continue his professional activity and work with the organizations he had established.
- **Freedom of expression.** "The crime of letters" allowed Navalny to give first-hand information on his situation in a penal colony. It also allowed him to comment on his legal situation, the political situation in Russia, and current affairs. In September of 2021, he was even able to give an interview to the New York Times (see footnote no 16). His words were passed by his lawyers, which made silencing him impossible.

134. **Only two months after all of his lawyers were either detained or forced to flee the country (in October of 2023), Alexei Navalny was transferred (in December of 2023) from a penal colony in Melekhovo (approx. 230 km east of Moscow) to a penal colony in Kharp, Siberia (approx. 3200 km from Moscow). Within approximately 6 weeks after the transfer, and less than 4 months after being deprived of legal assistance (16 February, 2024), he was murdered in a penal colony.**

#### 4. Context for the profession, the public, and the state

135. Due to the role that the independent legal profession plays in a democratic society, any assault on its independence and legal guarantees to its status impacts the public and the state itself.
136. **Violating the rights and systemic safeguards of attorneys has a chilling effect on the entire profession.** It is notable that in the discussed case, right after the arrest of Kobzev, Lipster, and Sergunin, there had been an open letter calling on the authorities to cease harassment of the lawyers and calls for a general lawyers' strike.<sup>454647</sup> However, in January of 2025, after the sentencing, the Russian Bar Association offered no comment and no defense for three of its members.
137. **Discouraging attorneys from taking on criminal cases, in particular those of a political nature, limits access to competent legal assistance and a fair trial for the public.** There are still many oppositionists in Russia and many activists who share Navalny's views and ideals. There are also many independent journalists, non-profit organizations, and volunteers who are striving for a democratic, rule-of-law-based state and respect for human rights. **It cannot be denied that murdering the most important political opponent of many years and imprisoning his lawyers means that other, less worldwide or even nationally-known persons might suffer the same fate.**
138. In judicial decision № 128–0 from 6<sup>th</sup> of July, 2000 Constitutional Court of the Russian Federation stated that: *"Guarantee of professional relations between an attorney and a client is an essential component of a right to receive competent legal assistance as one of basic human rights declared by international legal norms (article 14 of the International Covenant on Civil and Political Rights, articles 5 and 6 of the Convention for the Protection of Human Rights and Fundamental Freedoms)"*.
139. As a result, political pluralism and open public debate, which are fundamental for the existence of democracy and the rule of law, become suppressed. Practices, such as arbitrary moving criminal trials behind closed doors and arresting journalists on their way to a court, limit the public's access to information and the possibility of engaging in a public debate.
140. In the United Nations' Report of the Special Rapporteur on the situation of human rights in the Russian Federation, Mariana Katzarova of 2024,<sup>48</sup> it has been pointed out that: *"There is an ongoing deterioration of*

<sup>45</sup> 'Defense is not complicity' An open letter from Russian human rights group Pervy Otdel after the arrest of Navalny's lawyers – published by Mediazona on 14<sup>th</sup> of October, 2023; <https://meduza.io/en/feature/2023/10/14/defense-is-not-complicity>

<sup>46</sup> Russian Lawyers Call on Authorities to End Harassment of Legal Community – an article published by The Moscow Times on 16<sup>th</sup> of October, 2023; <https://www.themoscowtimes.com/2023/10/16/russian-lawyers-call-on-authorities-to-end-harassment-of-legal-community-a82781>

<sup>47</sup> Russian lawyers call for strike to protest authorities' obstruction of their work – an article published by Meduza on 16<sup>th</sup> of October, 2023; <https://meduza.io/en/feature/2023/10/16/russian-lawyers-call-for-strike-to-protest-authorities-obstruction-of-their-work>

<sup>48</sup> United Nations' Report of the Special Rapporteur on the situation of human rights in the Russian Federation, Mariana Katzarova of 13 September, 2024, no A/HRC/57/59; <https://docs.un.org/en/A/HRC/57/59>

*legal protections and escalating pressures on human rights lawyers, including the criminal prosecution of defence lawyers.”. The same report noted that Russian authorities have increased attacks on the legal profession and lawyers, particularly those representing clients in cases of political persecution or national security. Those attacks included prosecution, disbarment, intimidation, harassment, arbitrary arrest, deprivation of liberty or life, or other sanctions.* The legislation concerning “extremism” and “terrorism” is being used to target political opponents and their associates, minorities, and vulnerable groups (such as LGBTQ+ persons, Tatars, Ukrainians, Indigenous Peoples, and migrants). The definition of “extremism” is *“imprecise, too vague and broad, allowing arbitrary interpretation and application”*. The number of terrorism and extremism charges is growing rapidly, following the invasion on the Ukraine. In case of “terrorism” charges, no acquittals have been noted.

141. Following the invasion on Ukraine, multiple new laws have been passed, which introduced new criminal acts, connected with terrorism, extremism, discrediting the army, fake news, foreign agents, espionage and national security. All of these laws have several factors in common. *“Vague legal definitions, their wide, unpredictable and often abusive interpretations and the use of closed trials has allowed the Russian authorities to misuse and instrumentalize counter-extremism, counter-terrorism and national security legislation to suppress critics, outlaw anti-war expression and incarcerate legitimate political opponents.”*
142. **The report explicitly called for the immediate release of Vadim Kobzev, Aleksei Lipster, and Igor Sergunin.**
143. In the United Nations’ Report of the Special Rapporteur on the situation of human rights in the Russian Federation, Mariana Katzarova of 2025<sup>49</sup> it has also been pointed out further deterioration of freedoms such as freedom of peaceful assembly, freedom of association, freedom of opinion and expression (with the abuse of “extremism” and “terrorism” laws to target political opponents), fair trials and access to justice. According to the report, the persecution of lawyers has intensified, adding charges of “fake news”, “incitement of hatred” and “confidential cooperation” with a foreign State against them. The report highlighted *“widespread and systematic”* use of torture by law enforcement and penitentiary system officers, often in an attempt to gain a plea of guilt from detainees.
144. The abuse of extremism and terrorism – related legislation increased. As of July 2025, over 150 children aged 14 to 17 were added to the federal list of “extremists” and “terrorists”.
145. In the Organization for Security and Co-operation in Europe Office for Democratic Institutions and Human Rights (OSCE) Report on Russia’s Legal and Administrative Practice in Light of its OSCE Human Dimension Commitments of 22 September 2022,<sup>50</sup> it has been stated that instigating criminal cases is used as a method of silencing political opponents. The civil society and peaceful protesters are targeted with violence by law enforcement.
- “Serious questions have also been raised regarding reports of conditions of detentions of protesters and the conduct of administrative proceedings concerning detained protesters, especially the guarantees of fairness, impartiality and access to legal aid. In 2014, even the then Federal Ombudsman stated that “the virtual absence of the adversarial nature of administrative proceedings...creates conditions for a kind of ‘conveyor-belt’ condemnations of persons detained for violating the order of holding public events, among whom there may be many citizens who accidentally fall into the ‘hot’ hand of the police.”*
146. Overall, many international reports suggest a rapid deterioration in areas of human rights, access to justice, political pluralism, and civil society in Russia, as a result of invasion on the Ukraine. Multiple pieces of legislation, regarding terrorism and extremism, as well as broadly understood national security, have been passed. Those, often criminal law, provisions raise many concerns due to their broad phrasing and the potential

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<sup>49</sup> United Nations’ Report of the Special Rapporteur on the situation of human rights in the Russian Federation, Mariana Katzarova of 15 September, 2025; <https://www.ohchr.org/sites/default/files/documents/hrbodies/hrcouncil/sessions-regular/session60/advance-version/a-hrc-60-59-aev.pdf>

<sup>50</sup> Organization for Security and Co-operation in Europe Office for Democratic Institutions and Human Rights (OSCE) Report on Russia’s Legal and Administrative Practice in Light of its OSCE Human Dimension Commitments of 22 September 2022; [https://cdn.osce.org/sites/default/files/f/documents/7/5/526720\\_0.pdf](https://cdn.osce.org/sites/default/files/f/documents/7/5/526720_0.pdf)

for various, unpredictable interpretations. Additionally, violence targeted against political opponents, civil society, multiple minorities or professions, as well as detainees, is increasing. **Therefore, the role of lawyers is becoming increasingly important, as more and more often it does not simply involve typical legal (trial) representation, but is essential for protecting the most basic human rights of clients. Those duties, however, must never be carried out despite fear of intimidation, harassment, or facing legal consequences for the mere performance of the constitutional role of lawyers.**

#### IV. CONCLUSIONS

147. Based on the facts and legal analysis presented in this *amicus curiae*, it is the view of the CCBE that:

- The criminal proceedings brought against Vadim Kobzev, Alexei Lipster, and Igor Sergunin violated multiple human rights and their status as attorneys.
- **In particular, the defendants were deprived of a fair trial, due to illegally obtained evidence, lack of a public hearing, and multiple concerns for lack of presumption of innocence, independence, and impartiality from the court.**
- **Their detention for the duration of proceedings was arbitrary and served purposes other than prescribed by the law (primarily the purpose of isolating their client and depriving him of legal assistance).**
- The criminal proceedings have also violated the defendants' right to privacy and correspondence, as well as their freedom of expression, on a personal and professional level.
- There are no reasonable grounds to believe that the defendants have committed any crime while providing legal assistance to Alexei Navalny, particularly that they were "participating in an extremist community". There are no grounds to believe that such a community (which can be deemed "extremist", considered illegal or dangerous) ever existed and was led by Navalny.
- **The criminal proceedings brought against the defendants constituted multiple violations of their status as attorneys, independence of the profession, and both domestic and international safeguards for lawyers in Russia.**
- The effects of the case have, and will continue to have a decomposing effect on the independence of the legal profession in Russia, but also on democracy, the rule of law, and civic society.

148. Therefore, the CCBE kindly urges that:

- **Vadim Kobzev, Alexei Lipster, and Igor Sergunin are immediately released from detention, and their sentences are revoked.**
- **Their abilities to practice as attorneys are immediately and fully restored.**
- **The judicial and law enforcement systems cease all actions that result in intimidation and harassment of lawyers in the Russian Federation.**