

**Oleg Yu. Ponasenko**  
**Prosecutor of Karachaevo-Cherkessia Republic**  
**Ul. Krasnoarmeiskaya, 62**  
**Cherkessk, 369000**  
**Karachaevo-Cherkessia Republic**  
**Russian Federation**

Brussels, the 11<sup>h</sup> of July 2013

**Re: Concerns regarding client access and threats against Mr Vyacheslav Merzakulov, a criminal defence lawyer**

Your Excellency,

I am writing to you on behalf of the Council of Bars and Law Societies of Europe (CCBE), which, through the national Bars and Law Societies of the Member States of the European Union and the European Economic Area, represents more than 1 million European lawyers. In addition to membership from EU bars, it also has observer representatives from a further eleven European countries' bars.

The CCBE, through its Human Rights Committee, places great emphasis on respect for human rights and the rule of law. The CCBE is particularly concerned by the situation of human rights defenders in the world.

The CCBE writes to express its serious concern over the situation of Mr Vyacheslav Merzakulov, a criminal defence lawyer in Karachaevo-Cherkessia (North Caucasus) who is unlawfully being denied access to his client and is receiving serious threats in connection with his professional activity.

The CCBE has been informed that Mr Merzakulov was contracted on 17 June to defend Atam Achmiz, who is detained in a temporary detention facility (IVS) in Cherkessk. It seems that despite the relevant provisions of international and Russian law, the duty officers at the IVS are impeding contact between Mr Merzakulov and his client and no follow up information has been given pursuant to the multiple complaints filed by Mr Merzakulov. Moreover Mr Merzakulov reports that his client may have been tortured or otherwise ill-treated in order to force him to confess the murder of a local official in 2004.

Especially worrisome is that, according to the information that we received, Vyacheslav Merzakulov has been the target of multiple acts of intimidation.

On 20 June, an unknown man warned Mr Merzakulov to stay away from Mr Achmiz's case. Similarly, the official in charge of the investigation against Atam Achmiz warned Mr Merzakulov that he could face criminal charges as well if he continues to publicly state that he is being unlawfully denied access to his client and that his client may have been tortured.

The CCBE is alarmed by these facts that show a threatening environment for lawyers in the North Caucasus and a complete disregard of the basic principles in the field of access to justice for criminal suspects.

In this context, the CCBE wishes to draw to your attention the following Articles of the United Nations Basic Principles on the Role of Lawyers (1990):

Article 8 States that:

*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.*

Furthermore Article 16 states that:

*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.*

In view of the above, the CCBE respectfully urges you to take immediate and effective steps to ensure that Mr Merzakulov is given immediate access to his client. The CCBE also implores you to promptly and effectively investigate the threats against Vyacheslav Merzakulov and to take all the necessary measures to protect the physical and psychological integrity of Mr Merzakulov and his client.

Yours sincerely,

A handwritten signature in blue ink, appearing to read 'E. Tsouroulis', with a stylized flourish at the end.

EVANGELOS TSOUROULIS  
CCBE President