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## Harassment of Defence Lawyers of M.B. Khodorkovsky and P.L. Lebedev

### (report)

This report focuses on information regarding the various forms of harassment and pressure to which the lawyers handling the Yukos case have been subjected.

In the course of the preliminary investigation and trial in the criminal case of M.B. Khodorkovsky, P.L. Lebedev *et al*, their defence lawyers were subjected to constant pressure and attacks on their professional immunity that manifested themselves in the following forms:

- searches of the defence lawyers and of their offices;
- attempts to interrogate the defence lawyers;
- restricting communications between defence lawyers and their clients;
- interference in attorney-client privilege;
- reprimands and attempted disciplinary proceedings when the defence lawyers were articulating the defence position;
- direct harassment.

### 1. Harassment of Defence Lawyers O. Artyukhova and Ye. Baru

On November 11, 2003, in Investigative Isolator N99/1 «Matrosskaya Tishina» defence lawyers O. Artyukhova and Ye. Baru were subjected to searches after their visit to their clients M.B. Khodorkovsky and P.L. Lebedev. The officials at investigative isolator seized materials from the defence lawyers' files. As to the document seized from O. Artyukhova, the RF General Prosecutor's Office alleged that she had violated the law because she had carried a document out from the client. The RF General Prosecutor's Office regarded this document as instructions from M.B. Khodorkovsky on obstructing the investigation. Meanwhile, the defence lawyer herself said that the seized document was her own notes on how to organize M.B. Khodorkovsky's defence, and this was confirmed by a handwriting analysis.

In spite of that, on December 22, 2003, the Main Department of the RF Ministry of Justice for the City of Moscow forwarded a petition to the Moscow Lawyers' Chamber requesting that defence lawyer O.G.Artyukhova be disbarred (stripped of her status). However, this proposal petition was not supported by the community of defence lawyers.

On January 23, 2004, the Qualifications Commission of the Moscow Lawyers' Chamber issued findings "*on the need to discontinue disciplinary proceedings since O.G.Artyukhova's actions do not constitute a violation of the Federal Law "On the Advocacy and the Bar in the RF" or the Lawyers' Code of Professional Ethics"*".

On March 19, 2004, even though it had been established that there had been unlawful conduct on the part of employees from Institution 99/1 under the FSIN [Federal Penitentiary Service] (at that time GUIN [Main Department for Execution of Punishments]) of the RF, the RF Ministry of Justice addressed the Presnensky District Court in the City of Moscow with an application to disbar O. Artyukhova. The Presnensky Court initiated proceedings on this issue that were not terminated until October 2005.

In connection with the situation with respect to the lawyers defending M.B. Khodorkovsky and P.L. Lebedev, the International Commission of Jurists sent the Russian authorities a letter in defence of the lawyers.

The letter says that the International Commission of Jurists regards confiscating of documents related to a lawyer's defence of his or her client as a violation of their professional rights which is "*unequivocally prohibited under international law*". In addition, the letter says as follows: "*We call on your Government to allow Ms. Artyukhova and Mr. Baru to discharge their professional duties according to international human rights standards. We further urge your Government to take all necessary steps to ensure that the disbarment proceedings are terminated*".

Over almost two years of harassment such an environment was created in respect of defence lawyer O. Artyukhova that in October 2005 she was forced to submit an application to resign from the bar.

## 2. Search conducted in the Office of Defence Lawyer A.V.Drel. Defence Lawyers A.V. Drel and V.G. Alexanyan Summoned for Questioning to the RF General Prosecutor's Office.

On October 9, 2003, following the decision of the RF General Prosecutor's Office, a search was conducted in the office of defence lawyer A.V. Drel – the attorney of M.B. Khodorkovsky and P.L. Lebedev.

Moreover, in the course of search **the documents, later on attached to the criminal case file materials on the charges of M.B. Khodorkovsky, were being seized** with the most flagrant infringements of the law of criminal procedure from above mentioned office. It should be specially mentioned that all these actions were carried out without photography or video filming. Conducting the search in such a way, without recording the sequence of search events and physical evidence seized, the investigative bodies had a possibility to commit any unlawful actions. Furthermore, in violation of the law, whole folders of documents were seized, which made it possible to manipulate these documents and to use any documents as if allegedly seized. Seized documents were used subsequently used by the court as prosecution evidence. Besides, contrary to the law, the documents were seized by the whole files allowing to manipulate these papers and to use any documents as supposedly seized.

Apart from that, neither defence lawyer A.V. Drel nor the other defence lawyers having necessary authorization were allowed to take part in the search. The following note is made in the statement of defence lawyer A.V. Drel addressed to the President of the Chamber of Lawyers of the City of Moscow: "*For more than 10*

*hours while the search was conducted I was not let in. However, at 7 p.m. I succeeded to come into my study and saw the documents from my confidential lawyer files thrown about all over the study. Moreover, the investigators, who came to make the search within the framework of the criminal case No 18/41-03, i.e. within the framework of the case wherein I was admitted as a defence lawyer of P.L. Lebedev, were carefully examining the materials of my lawyer file with the draft of position in defence of P.L. Lebedev. After I entered my business premises, the Senior Investigator for Particularly Important Cases under the RF General Prosecutor's Office, S.K.Karimov, accompanied by the armed persons, under the threat of resort to force evicted me from my own study... the investigators seized all my confidential lawyer files with the information obtained from the clients. The same there were partly seized my notes on the case concerning the defence of P.L. Lebedev, my computer with electronic lawyer files in it, my mobile phone with electronic phone book”.*

On October 17, 2003, defence lawyers A.V. Drel and V.G. Alexanyan were summoned to the RF General Prosecutor's Office for questioning as witnesses in the Yukos criminal case.

On October 17, 2003, the Council of the Chamber of Lawyers of the City of Moscow issued a Decision No 20/03 prohibiting the defence lawyers A.V. Drel and V.G. Alexanyan “*to report for questioning following the summons in case 18/41-03 wherein they were taking part as defence attorneys*”. Apart from that, the Council of the Chamber of Lawyers of the City of Moscow ruled “*to regard the actions of the RF General Prosecutor's Office, that found expression in unlawful search and seizure in the lawyer's office, as a violation of the Code of Criminal Procedure of the RF [CCP RF] and the Federal Law [FL] “On the Advocacy and the Bar in the Russian Federation”*”

On March 11, 2004, the First Deputy Procurator General of the RF, Y.S.Biryukov, gave his answer to the Chairman of the Commission for Human Rights of the President of the RF, E.A. Panfilova, wherein it was pointed out that “*in the course of investigative as well as of other procedural actions, no violations of the criminal procedure legislation had been committed on the part of the investigators as well as no actions curtailing the lawyer's rights had been allowed*” .

In the course of court hearings of the criminal case against M.B. Khodorkovsky and P.L. Lebedev the defence moved to exclude from admissible evidence the reports of search in the office of defence lawyers and the documents seized therein on the grounds that the search in the office of a lawyer providing defence in the criminal case, was unlawful.

The court denied this motion and pointed out in the verdict: “*...these arguments fail because, according to the order to conduct the search, it was not conducted with regard to specific defence lawyer A.V. Drel, but to the office premises. Furthermore, the arguments of the defence that a search in a law firm is unlawful without a court authorization and that the documents seized therein cannot be used as evidence are not based on the requirements of the CCP RF. Furthermore, the order to conduct the search shows that the preliminary investigation authorities had not known about the law firm based in those premises and they found this out – as follows from the search report – from search participant V. V. Moiseyev who did not however produce any documents to support this fact. Searches are urgent investigative actions. Furthermore, it cannot be concluded from this report that any of the defence lawyers stated their intention to participate in this investigative action but were turned down. The persons who were present during the search did not state so*” (p. 633 of the Verdict).

Even if we assume that the investigators of the RF General Prosecutor's Office did not know where they were conducting the search, it was established for certain in the court that a number of documents had been seized directly from the lawyer A.V. Drel acting as defence attorney in this criminal case. This obliged the court to exclude these documents from admissible evidence as it became clear that these documents had been seized with evident law violation. However, the court did not do that.

### 3. Unlawful Search of Lawyer Files Pertaining to Defence Lawyer Yu.M. Schmidt and Document Seizure

On March 11, 2004, after an appointment with his client, Yu.M. Schmidt, a defence attorney of M.B. Khodorkovsky, was subjected to an unlawful search at the first check-point of Investigative Isolator 99/1, GUIN of the Ministry of Justice of the RF. As a result of this search, a file with documents was taken from the lawyer wherefrom a hand written sheet was seized – a draft of address by the human rights advocates to the community. The main text of this address was written by the hand of the President of the Fund for Glasnost (Publicity) Protection, while the notes on the text were made by the hand of defence lawyer Yu.M. Schmidt. In addition, this document was not used by the defence lawyer Yu.M. Schmidt in the course of his discussion with his client M.B. Khodorkovsky.

On March 13, 2004 the following message was conveyed by S.K Karimov, the Senior Investigator for Particularly Important Cases to the Head of Investigative Isolator IZ-99/1: *“In connection with the receipt by the General Prosecutor's Office of a note, seized from the defence lawyer Yu.M. Schmidt after the appointment with his client M.B. Khodorkovsky, please, be advised that the note contains instructions on counteracting the investigation by means of influencing the investigation through the mass communication media...”*

On May 07, 2004 the Main Department of the Ministry of Justice of the RF for the City of Saint-Petersburg and Leningrad Oblast sent a recommendation to initiate disciplinary proceedings in respect of defence lawyer Yu.M. Schmidt to the Council of the Chamber of Lawyers of Saint-Petersburg.

However, the community of defence lawyers did not share the position of the Ministry of Justice of the RF and denied initiation of disciplinary proceedings in respect of defence lawyer Yu.M. Schmidt.

In connection with the violations of lawyers' rights that took place from the end of 2003 and throughout 2004, the Centre for Assisting International Defence Activities filed an application with the RF Ombudsman for Human Rights.

### 4. Checks of Defence Lawyer Ye.A. Baru in the Investigative Isolator

Apart from the above given case of November 11, 2003, on two more occasions, on December 4, 2003 and on March 22, 2004, that after visiting the SIZO [Investigative Isolator] and having discussion with P.L. Lebedev, the defence lawyer Ye.A. Baru was unlawfully checked. After that he was seized the documents pertaining to attorney-client privilege.

On March 22, 2004, after lawyer Yevgeny Baru had completed his joint work with Lebedev, he was stopped at the checkpoint of the officer on duty at the investigation unit. He was shown into one of the investigation rooms for a personal

search. In the presence of attesting witnesses one of the officers opened his case and took a folder with the files containing numerous work notes on the Lebedev case. Further on in the course of the search, the officers selected and seized at their discretion documents pertaining to attorney-client privilege.

Among the documents seized, there was a personal handwritten instruction of Mr. Lebedev to the lawyers regarding a reply of the Russian Federation whereof the defence was preparing objections.

In the course of familiarization with the criminal case file materials the defence made a copy of case sheet 179 from volume 163 which confirms the fact of checking the defence lawyer Ye.A. Baru on March 22, 2004 and of seizing documents from his lawyer file. The documents comprised notes on 33 pages, copy of a letter from the Ministry of Justice of the RF on two pages, copy of medical history of P.L. Lebedev on 25 pages, which was submitted by the European Court of Human Rights as an annex to the Memorandum of the Russian Government concerning the state of health of P.L. Lebedev, as well as a notebook with the notes.

#### 5. Refusal to Allow Defence Lawyer Ye.L. Liptser to Visit Her Client P.L. Lebedev

On March 23 and 30, 2004, the Head of Investigative Isolator 77/1 Taghiyev orally refused to allow defence lawyer Ye.L. Liptser to visit her client P.L. Lebedev irrespective of the authorization from the Law Office No 10 of the Moscow City Bar Association to handle the case of Platon Leonidovich Lebedev in the European Court of Human Rights presented to him by the defence lawyer.

So, in defiance of the law, the lawyer was not allowed to see her client. The defence lawyer was refused a written answer explaining the reasons for the non-admittance irrespective of the fact that an application had been submitted to the Head of Investigative Isolator 77/1 through the clerical office of the institution requesting a substantiated reply.

The lawyer needed to visit P.L. Lebedev because at that moment she was preparing objections to the Memorandum of the Government of the Russian Federation concerning the state of health of P.L. Lebedev that the Russian Federation had submitted on 9 March 2004 to the European Court of Human Rights following the inquiry from the European Court of Human rights.

Such behaviour on the part of the administration of the Institution IZ 77/1 violated Lebedev's right to a defence, in general terms, and in particular infringed his right that is guaranteed in Art. 34 of the European Convention according to which *"The Court may receive applications from any person ..., claiming to be the victim of a violation by one of the High Contracting Parties set forth in the Convention or the protocols thereto. The High Contracting Parties undertake **not to hinder in any way the effective exercise of this right**"*.

The Lebedev defence believes that the Russian authorities are impeding the effective exercise of his right to submit information to the European Court of Human Rights in respect of the application filed on his behalf.

The European Court of Human Rights was notified about this fact. On April 14, 2004, defence lawyer Liptser received a message from the ECHR that her appeal in the name of P.L. Lebedev concerning violation of Art.34 of the European Convention by the Russian Federation would be considered together with previously filed violations.

Therefore, the refusal of the Head of Institution IZ 77/1 F.G.Tagiev, to allow the defence lawyer to visit her client, P.L. Lebedev, violated the constitutional right of P.L. Lebedev to a defence, which is granted in Art 48 of the Constitution of the Russian Federation and in Art. 47 of the CCP RF.

Besides, the rights of Lebedev, granted by Art.6, para. 3 “c” and Art. 34 of the European Convention for the Protection of Human Rights and Fundamental Freedoms, were also violated.

#### 6. Refusal to Allow Defence Lawyers O.O. Mikhaylova and V.Yu. Prokhorov to Visit Their Client M.B. Khodorkovsky

On July 22, 2005 and July 25, 2005, defence lawyers O.O. Mikhaylova and V.Yu. Prokhorov accepted instructions to handle the M.B. Khodorkovsky case in the Moscow City Court.

On July 22, 2005, defence lawyer O.O. Mikhaylova, in pursuance of the agreement concluded with her on defending interests of M.B. Khodorkovsky, appeared at Investigative Isolator No. 99/1 where her client was being detained at that point but was not allowed to see her client by the Head of the Institution.

On July 27, 2005, defence lawyers O.O. Mikhaylova and V.Yu. Prokhorov got another verbal refusal from the Head of the IZ-99/1 [Investigative Isolator] to visit their client. On the same day, a written motion made by the defence lawyers was registered by the Investigative Isolator office; however, no written response has been received by the defence lawyers so far.

In August 2005, while he was getting ready for the hearing of the cassational appeal on the case, the conditions of M.B. Khodorkovsky’s detention significantly worsened since he was transferred to another Isolator IZ-77/1 and placed in a communal cell for 16 detainees. The conditions of Khodorkovsky’s detention at the time of preparation for the hearing of the cassational appeal on his criminal case hindered him from working properly on the appeal itself, as well as from keeping larger quantities of documents in the cell. As a result, M.B. Khodorkovsky had to give back documents he needed for the preparation of the cassational appeal.

On August 10, 2005, at M.B. Khodorkovsky’s request, an agreement was concluded with defendant lawyer O.O. Mikhaylova on drafting an appeal pursuant to Articles 3 and 6 of the European Convention for the Protection of Human Rights and Fundamental Freedoms, and on further solicitation of Khodorkovsky’s case in the European Court on Human Rights since his former defence lawyer K.A. Moskalenko, who used to be involved in this kind of activities, was now gone from Moscow for quite a long while.

On August 10 and 11, 2005, despite being submitted all necessary documents confirming authorization, Head of the IZ-77/1 Institution F.G. Taghiyev refused defence lawyers O.O. Mikhaylova and V.Yu. Prokhorov to pay visits to M.B. Khodorkovsky with no limitations of these visits’ duration and number pursuant to Article 18 of the Federal Law «On Detention of Persons Suspected or Accused of Having Committed Crimes» (*as amended on March 7, 2005*).

At the same time, on August 10, 2005, an entry of «*No authorization from the court*» was recorded by an official from Institution IZ-77/1 on Request No.144, which had been filed by the defence lawyer for the purpose of having the client summoned for consultations (Annex 8).

Verbal refusals from the Head of the Institution were also justified by the need for the defence lawyers to present Court’s permits for paying visits to their client.

Applications to the Meshchansky District Court of the city of Moscow and, later on, to the Moscow city Court with a request to allow for the defence lawyer to visit the client produced no positive results either (Annex 9 – full set of documents).

Visiting the defendant was especially important at that particular time due to the preparation of the cassational appeal in defence of M.B. Khodorkovsky and due to the discussions held on the general position in connection with the appeal to the European Court on Human Rights, especially given the fact that, from the point of view of the European Court, the cassational appeal was the last resort of the national legal remedy.

In all their applications addressed to the Head of the IZ-77/1 Institution requesting for opportunities to pay visits to their client with no limitations of these visits' duration and number, the defence lawyers referred to the provisions of Article 18 of the Federal Law «On Detention of Persons Suspected and Accused of Having Committed Crimes» (*as amended on March 7, 2005*), Part 1 of which, particularly, stipulated as follows: “*Persons suspected and accused of having committed crimes shall be granted visits with their lawyers from the moment of their actual detention. Visits shall be granted in private and in confidence, with no limitation of their number and duration, with the exception of instances stipulated by the Code on the Criminal Procedure of the Russian Federation. Visits shall be granted to a defence lawyer upon presentation of a lawyer’s ID and an authorisation. **Demanding other documents from a lawyer is prohibited**”.* They also referred to the position of the RF Constitutional Court that is set out in a number of Decrees issued by this Court.

Due to the absolutely unlawful nature of the refusal by F.G. Taghiyev, Head of the IZ-77/1 Institution of Moscow, to allow the defence lawyers to visit their client, the lawyers filed an application challenging the lawfulness of the refusal decision with the Preobrazhensky District Court in the city of Moscow.

On September 22, 2005, the Preobrazhensky District Court in the city of Moscow announced a ruling on the dismissal of the appeal filed by defence lawyers O.O. Mikhaylova and V.Yu. Prokhorov challenging the lawfulness of the actions and decision of F.G. Taghiyev, Head of the Federal State Institution IZ-77/1 of the UFSIN [Department of the Federal Service for Execution of Punishment] of the RF for the city of Moscow, refusing defence lawyers O.O.Mikhaylova and V.Yu. Prokhorov visit their client M.B. Khodorkovsky.

The above ruling was appealed by the lawyers to the Court’s Collegium on Civil Cases of the Moscow City Court. On 22 December 2005, under the terms of a determination issued by the Judicial Board for Criminal Cases under the Moscow City Court, the lawyers’ cassational appeal was turned down, and the decision taken by the Preobrazhensky District Court in the city of Moscow was upheld.

## 7. Non-admittance of defence lawyer K.A. Moskalenko to M.B. Khodorkovsky

### “Quarantine”

On September 16, 2005, defence lawyer K.A. Moskalenko made another attempt to meet with her client M.B. Khodorkovsky to discuss issues related to filing an appeal to the European Court immediately following consideration of the case by the Moscow City Court against all the numerous violations of Article 6 of the European Convention: “The right to fair trial”.

And once again, the defence lawyer was refused to allow to visit her client.

Then, defence lawyers K.A. Moskalenko and E.L. Levina waited for a personal meeting with the Head of Investigative Isolator No. 77/1 F.G. Taghiyev (this took a number of hours), who, as a result of lengthy discussions, stamped his decision “*issue*” on their request (Annex 14).

All this happened only on the afternoon of the working day and, therefore, for quite a while, the staff-members kept refusing the defence lawyers to escort their client to the meeting, saying that it was too late; still, after long discussions, they finally decided to follow the instructions of their superior and told the defence lawyers to stay and wait for M.B. Khodorkovsky. However, after some time, the telephone rang, and the officer on duty, after talking to someone on the phone, informed the defence lawyers that the cell where M.B. Khodorkovsky was detained was “placed in strict quarantine”, and, hence, no meeting with the client could possibly take place.

Another attempt of the defence lawyers to meet with the Head of the Investigative Isolator again failed – they were told that the Head of the Isolator would be busy at the staff meeting until the end of the working day. So, the defence lawyers failed to meet with their client again and had to leave the Investigative Isolator.

At a later stage, M.B. Khodorkovsky described in his statement at the court hearing held at the Moscow City Court how a stranger, yelling loudly, was escorted into their cell; according to what he was crying out, he was quite unexpectedly taken out of the medical unit where he had been staying lately. After this, the cell was really placed in “quarantine”.

The prison administration used tricks like these to prevent the defence lawyers from meeting with their clients in this case.

#### 8. The failure to provide M.B. Khodorkovsky’s defence lawyers with adequate time to prepare for a defence

For about a fortnight before consideration of the criminal case by the Moscow City Court, the defence had no opportunity to discuss their position on the case with their client.

Due to the refusal to allow all the defence lawyers to visit M.B. Khodorkovsky, at the court hearing of September 22, 2005 defence lawyer Yu.M. Schmidt filed a motion and requested for providing an adequate time framework for discussions of their positions with M.B. Khodorkovsky and for the preparation to participating in the court hearing at the cassational instance.

Both the domestic law and Article 6 of the European Convention for the Protection of Human Rights and Fundamental Freedoms guarantee the defendants have appropriate and adequate time and possibilities to ensure proper defence. Still, the Moscow City Court rejected defence lawyer Yu.M. Schmidt’s request to provide adequate time for preparation and discussion of the positions. Defence lawyer Yu.M. Schmidt had to challenge the members of the Court; however, the challenge was rejected, and no visit of an appropriate duration was granted to the defence lawyer anyway.

#### 9. Unjustified reprimands of lawyers for carrying out routine professional duties

Defence lawyers were often reproved in the course of court hearings of the criminal case in respect of M.B. Khodorkovsky and P.L. Lebedev, while active

actions of the defence, aiming at rendering effective and proper legal assistance, were sharply repressed by the court.

For example, on August 24, 2004, defence lawyer Yu.M. Schmidt was announced adjudication on the need to notify the Chamber of Lawyers about unacceptable behaviour of the lawyer who only wanted to make sure whether the right document had been presented to a witness by the prosecution.

This is only one typical example out of numerous instances of pressuring the lawyers that was allowed even in open trial. This demonstrates the style chosen by the authorities with regard to the lawyers in this case.

#### 10. Other instances of harassment in regard to the defence lawyers, experts of the International Protection Centre, providing defence on the YUKOS case

10.1. On February 16, 2005, representatives of the Russian Fund of Social Insurance – consultant B.S. Zurayeva and Head of the Supervision and Audit Section of Branch Office No. 27 of the Social Insurance Fund A.Ye. Ananyeva – arrived to the International Protection Centre.

A Decision to conduct a field audit with no outgoing number and date was presented to the accountant of the Centre (annex 18). In addition to the set of documents specified by the Decision, the Charter of the organization was requested, a number of questions were asked on the organization sources of financing, wage sheets were randomly checked, inquiries were made on whether lawyers were involved in the activities on the Centre projects.

A similar audit was simultaneously held at Lawyer's Office No. 10 of the Moscow City Bar Association, in the course of which the representative of the Social Insurance Fund requested for additional information on 5 defence lawyers, including K.A. Moskalenko, K.L. Kostromina, E.L. Liptser, who combined their activities at the International Protection Centre with providing defence to M.B. Khodorkovsky, A.V. Pichugin, and P.L. Lebedev.

10.2. On July 13, 2005, a phone call was received by the International Protection Centre from the Ministry of Justice of the Russian Federation. The person who called introduced himself as Sergey Vyacheslavovich Leontyev; he first addressed the Centre staff-member – S.V. Davydova – with a few questions concerning the activities of the organization, of lawyers cooperating with the Centre and of defence lawyer O.O. Mikhaylova, and, afterwards, he addressed Deputy Director of the Centre – V.I. Moiseyev.

He was particularly interested in knowing whether defence lawyer Mikhaylova was representing the interests of the applicants in the European Court of Human Rights and whether he had concluded an agreement to act on behalf of the applicants. It is absolutely unclear why this employee of the Ministry of Justice has doubts about the defence lawyer's right to appeal to the European Court on behalf of the victims of the human rights violations.

We consider it inappropriate to display such an interest in the concluding of agreements to handle a case, since this kind of information relates to confidential aspects of a lawyer's activities. Besides, a great number of victims appealing to the European Court do not have sufficient funds to pay services of a lawyer. Therefore, many lawyers, legal experts of the Centre, carry out solicitation of such cases for free.

And, finally, why would this person be so much concerned about the lawyer's being connected with the organization protecting human rights and, hence, being able to use the cover letter of this organization?

All these questions are especially topical due to the fact that the name of this person is well known both in the International Protection Centre and in the bar association. This particular person became well known while acting on behalf of the Main Department of the Federal Registration Service of the Ministry of Justice of the RF for the City of Moscow in support of the request to disbar another member of the International Protection Centre, defence lawyer Ksenia Lvovna Kostromina, who represented the interests of Alexey Pichugin in the YUKOS case in the Moscow City Court and in the European Court for Human Rights. The initiator of disciplinary proceedings against the lawyers defending A. Pichugin was O.A. Yegorova, the Chairman of the Moscow City Court.

The position held and revealed by Leontyev at the sessions of the qualification committee was extremely aggressive, unlawful and simply aimed at stripping defence lawyer Kostromina of her license and lawyer's status. The groundlessness of such statements was convincingly proved by lawyer K.L. Kostromina.

10.3 The harassment attempts in regard to lawyers, especially in regard to employees and members of the International Protection Centre, have become more frequent in recent times.

This had previously become the subject of the application addressed to V.P. Lukin, Human Rights Ombudsman under the President of the Russian Federation, as well as of other information letters to the International Commission of Jurists and other international organization related to protection of human rights.

In connection with the application addressed to the Human Rights Ombudsman of the Russian Federation, an investigation was conducted by the RF General Prosecutor's Office. However, the so-called check-up was superficial and only resulted in a formal statement that no violations of the lawyers' rights have been revealed.

In the meantime, another investigation on the similar issues which was held by the International Commission of Jurists earlier resulted in a few letters which were sent to the authorities of the Russian Federation expressing concerns about a number of revealed facts of violation of the professional immunity of lawyers.

10.4 On August 5, 2005, the International Protection Centre received a phone call from an anonymous lady who introduced herself as an employee of the department of the RF Ministry of Justice supervising lawyers' activities. She was especially interested in what capacity defence lawyer E.L. Liptser cooperated with the International Protection Centre. The lady explained her questions by the interest expressed by P. Laptev, Representative of the Russian Federation at the European Court of Human Rights.

A memo was drawn up in this respect.

10.5 On August 19, 2005, the International Protection Centre received a phone call from a citizen who introduced himself as Stanislav Victorovich Avdyukhov, a line officer of the Main Department of the MVD [Ministry of Interior] of Russia for the Central Okrug. Mr. Avdyukhov asked whether defence lawyers K.A. Moskalenko and A.G. Manov were available, and since they were not in the office, he said that there

was a list of NGO's that had to be "worked through" and that the International Protection Centre was on that list. Then, Mr. Avdyukhov started asking questions on the activities the Centre was involved in.

10.6 The harassment of the Inter-Regional Public Organization "The International Protection Centre" continued.

On 25 November 2005, the N9 Federal Tax Service Inspectorate for the city of Moscow began an unscheduled on-site tax inspection at the Centre. The inspection was initiated for the purpose of ascertaining whether the organization was observing "*RF tax legislation for the period 1 January 2002 to 31 December 2004*".

On 26 January 2006, another inspection was initiated by the same inspectorate, but this time the inspection focused on: "*whether private income tax was calculated and withheld correctly, on time and in full over the period 1 January 2003 to 31 December 2005, whether the unified social tax was calculated and paid correctly over the period 1 January 2003 to 31 December 2005, and whether contributions towards compulsory pension insurance were calculated and paid correctly, in full, and on time over the period 1 January 2005 to 31 December 2005.*"

On 16 March 2006, the carrying out of the second inspection was completed, and a certificate was signed that imposed a minor penalty in connection with tax claims that had arisen as the result of a staff technical error.

On 8 June 2006, the on-site tax inspection at the Centre was completed in respect of compliance with tax legislation over the period 1 January 2002 to 31 December 2004.

On the basis of the inspection results, certificate N 12-04/2351 of 17 July 2006 was drawn up, under the terms of which the Centre was prosecuted for "the incomplete payment of profit tax for the years 2002, 2003 and 2004" – i.e. for a total sum of 4, 584, 826 roubles 27 kopecks, including penalties and fines.

According to this certificate, the inspectors based their evaluation on the assumption that the Centre had illegally exploited a tax exemption and had not included cash funds received under grant agreements in their taxable revenue – i.e. when calculating profit tax.

On 31 July 2006, the Federal Tax Inspectorate N 9 for the city of Moscow received objections to the on-site tax inspection certificate of 17 July. These objections indicated disagreement with the tax claims that had been filed and provided the necessary legal arguments refuting the unjustified claims that had been brought against the Centre.

For example, it was pointed out in the objections that the inspectors had not taken any account whatsoever of the regulations in the RF Tax Code, in accordance with which the grants received by the Centre were not subject to profit tax.

Under Russian legislation, the Centre has at least two grounds for not paying profit tax:

- the concession granted under Point 1 Article 251 of the RF Tax Code (sub-clause 14): tax exemption for grants that are allocated for the purpose of carrying out programmes that are stipulated by law;
- the concession stipulated in Point 2 Article 251 of the RF Tax Code: tax exemption for donations to non-commercial organizations.

We may suppose the Centre found the arguments necessary for refuting the authorities' tax violation charges, since the tax inspectorate refrained from taking any binding decision on the basis of the certificate. However, on 29 August, the inspectorate took the decision to carry out additional tax control measures in respect of

the Centre. In terms of the basic issues that were raised, the decision could be regarded as ordering a repeat tax inspection. Although the authorities apparently appreciate the strength of the arguments that have been put forward, and are aware of the negative public impact both within Russia and abroad, they have no wish to 'back down' and are dragging out procedures, while hoping that the Centre and the organizations that support it will themselves 'back down'.

It would appear that the filing of tax demands against an organization specialising in defending human rights in the European Court and other international authorities – which provides assistance mainly for the less advantaged and protected sections of the population, and which finances a significant proportion of its activities from the charitable donations of international organizations and funds – is unjustified and aimed at shutting down the Centre.

#### 11. Searches in Offices of Defence Lawyers A.A. Mkrtichev and D.M. Dyatlev

On October 6, 2005, the RF General Prosecutor's Office conducted searches in the premises of the NGO "Otkrytaya Rossia" [Open Russia]. In particular, searches were conducted in the offices of the defence lawyers of M.B. Khodorkovsky – A.A. Mkrtichev and D.M. Dyatlev.

The defence materials were withdrawn in those searches. For instance, pursuant to the Record of Search of October 6, 2005, the search was conducted at the following address: Moscow, Kolpachny pereulok, dom 5, stroyeniye 5, kab. 103. Boxes with inscriptions "*The defence materials on Criminal Case No. 18/72-03*", as well as some other materials, the names of which confirm that they were part of the lawyer's defence document files on the criminal case were seized in the search. As follows from the same Record of Search, before the search started the defence lawyer A.A. Mkrtichev's assistant stated that "*the premises are rented by the defence attorney A. A. Mkrtichev under the rent agreement ... In the office there were documents of the defence, namely, of the defence attorney A. A. Mkrtichev. The said premises are not rented by "Otkrytaya Rossia" organization (Annex 10 – full package of documents).*"

#### 12. Seizure of Documents from the Lawyer's File of A.V. Drel

On October 5, 2005, a search was conducted in Building 88A in the village of Zhukovka. File materials on the criminal case in connection with M.B. Khodorkovsky of defence lawyer A.V. Drel were seized in this search which fact was reflected in the Search Report.

These actions were accompanied by numerous violations - for example, the refusal to allow the lawyer into the premises where the search was being conducted and similar actions that represented a clear-cut and arbitrary abuse of power.

#### 13. Unprecedented pressure exerted upon the defence lawyers by requests for their disbarment after the Verdict in regard to M.V. Khodorkovsky and P.L. Lebedev had come into legal force.

A Representative of the RF General Prosecutor's Office made a statement for the mass media that the Procuracy-General would demand that all the lawyers

providing defence to M.B. Khodorkovsky, with the only exception of G.P. Padva, be disbarred. Furthermore, the names of A.V. Drel, E.L. Levina, D.M. Dyatlev, K.A. Moskalenko, Yu.M. Schmidt, A.A. Mkrtychev, and others were mentioned.

Pursuant to the motion filed by the RF General Prosecutor's Office, as well as to the Ruling of the Moscow City Court, the Ministry of Justice of the Russian Federation has already applied to the Chamber of Lawyers of the City of Moscow for the disbarment of three of M.B. Khodorkovsky's defence lawyers – E.L. Levina, D.M. Dyatlev and A.V. Drel.

A Similar application was subsequently forwarded by the Ministry of Justice of the RF to the St. Petersburg Chamber of Lawyers, based on which it was proposed that Yury Markovich Schmidt, an internationally known defence lawyer and human rights advocate, should be disbarred.

The Councils of the Lawyers' Chambers for Moscow and St. Petersburg have now taken decisions to the effect that there is no possibility of disbarring the above lawyers.

#### 14. Another attempt by the authorities to disbar lawyer A.A. Mkrtychev

On 15 November 2005, A. Mkrtychev was subjected to a search at penal colony FGU IK-10, in the town of Krasnokamensk, after visiting M.B. Khodorkovsky. Members of the administration's staff searched a suitcase belonging to the lawyer that contained confidential documents, a number of which were seized – i.e. documents that the lawyer had not intended to take into the meeting with his client.

The administration of FGU-10, in the town of Krasnokamensk, filed a petition with the headquarters of the Federal Registration Service for the City of Moscow, requesting that lawyer A. Mkrtychev be disbarred.

On 25 November 2005, the headquarters of the Federal Registration Service for the city of Moscow under the RF Justice Ministry sent a communication to the Qualifications Commission under the Moscow City Lawyers' Chamber recommending that lawyer A. Mkrtychev be disbarred.

On 23 December 2005, the Qualifications' Commission under the Moscow City Lawyers' Chamber issued its "*conclusions that disciplinary proceedings against lawyer A.A. Mkrtychev should be dropped, since his actions (failure to act), as described in the recommendation of 25 November 2005 N 2005/77-16293 from the headquarters of the Russian Registration Department for the city of Moscow, did not constitute any violations of norms in legislation on lawyers' activities and the advocacy and (or) the Code of Professional Lawyers' Ethics*" (annex 20).

On 26 December 2005, the Council of the Lawyers' Chamber for the city of Moscow refused to allow the Justice Ministry to disbar A.A. Mkrtychev and dropped disciplinary proceedings.

#### 15. The confiscation of lawyer Irina Khrunova's lawyer's permit

On 11 March 2006, the administration at penal colony FGU-10, in the city of Krasnokamensk, after lawyer I. Khrunova's meeting with her client M.B. Khodorkovsky, confiscated her lawyer's permit. Members of staff at the penal colony informed the lawyer that there were doubts about the authenticity of the permit, and so it had to be confiscated. Therefore, the lawyer was deprived of the possibility of carrying out her professional activities.

Khrunova appealed to the prosecution authorities for the Chita region against the illegal actions taken by the administration of the penal colony.

On 16 March 2006, the permit was returned to lawyer I. Khrunova.

## 16. The harassment of Yukos lawyers

### 16.1. The harassment of V.G. Aleksanyan, a lawyer for M.B. Khodorkovsky and P.L. Lebedev.

On 6 April 2006, the lawyer V. Aleksanyan was arrested in Moscow and taken to the RF General Prosecutor's Office for interrogation. When he was arrested, V.G. Aleksanyan was Vice-President of the oil company Yukos.

1) The harassment of a lawyer defending M.B. Khodorkovsky on the part of the General Prosecutor's Office began as early as the spring of 2003 (addendum 21).

On 17 October 2003, after a search conducted in the office of lawyer A.V. Drel, lawyers A.V. Drel and V.G. Aleksanyan were summoned to the RF General Prosecutor's Office for interrogation as witnesses in criminal case N 18/41-03.

On 17 October 2003, the Council of the Lawyers' Chamber for the city of Moscow issued Decision N 20/03, under the terms of which lawyers A.V. Drel and V.G. Aleksanyan were forbidden to "*report for interrogations in response to summonses in criminal case N 18/41-03, in which they are participating as defence lawyers*". Furthermore, the Council of the Lawyers' Chamber for the city of Moscow decreed that: "*the actions taken by the RF General Prosecutor's Office, which have taken the form of illegal searches and seizures at a lawyer's office, are to be deemed a violation of the RF CPC and the Federal Law "On Lawyers' Activities and the Advocacy in the Russian Federation."*

2) Lawyer V.G. Aleksanyan was defending M.B. Khodorkovsky and P.L. Lebedev in a criminal case. Furthermore, V.G. Aleksanyan was defending V. Shakhnovsky, the former head of the company Yukos Moscow.

As is evident from the decree of the Basmanny District Court extending M.B. Khodorkovsky's stay in custody of 23 December 2003, the lawyer A.G. Aleksanyan was a defence lawyer for M.B. Khodorkovsky and was taking part in a court trial (addendum 2).

On 4 April 2006, the NK Yukos Board of Directors approved the appointment of V.G. Aleksanyan as the company's executive vice-president with the powers of the president. After agreeing to head the oil company, V. Aleksanyan thereby took upon himself the burden of defending the interests of NK Yukos employees and shareholders.

3) On 6 April 2006, V.G. Aleksanyan was arrested in Moscow and subjected to a several-hour interrogation as a witness at the RF General Prosecutor's Office. He was then charged with committing crimes defined in Part 4 Article 174 of the RF Criminal Code (*Legalizing (laundering) cash funds or other assets that have been acquired by an individual as the result of a crime he has committed*) and Article 160 of the RF Criminal Code (*Embezzlement and misappropriation*).

4) On 7 April 2006, the Basmanny District Court in the city of Moscow upheld the petition that had been filed by the RF General Prosecutor's Office, and the harshest measure of restraint was imposed on V.G. Aleksanyan in the form of detention in custody.

5) On the same day, 7 April 2006, V.G. Aleksanyan declared a hunger strike.

6) On 8 April 2006, under the terms of a decree issued by the director of the 'Matrosskaya Tishina' remand facility, V.G. Aleksanyan was placed in punishment cell for 10 days. The imposing of such a strict punishment by the institution administration on an individual who was only a case defendant was the result of V.G. Aleksanyan's refusal to undergo a compulsory medical examination, which in practice meant a refusal to undergo force-feeding.

7) V.G. Aleksanyan is still in custody. On the last occasion, his stay in custody was extended until 2 December 2006.

### 16.2. The harassment of Dmitry Gololobov, the NK Yukos chief lawyer

1) On 12 November 2004, the Basmanny District Court in the city of Moscow upheld the petition that had been filed by the RF General Prosecutor's Office for the imposing of detention in custody as a measure of restraint against D. Gololobov. Since D. Gololobov was on a business assignment in the United Kingdom at that time, he was placed on the international wanted list. He was also charged *in absentia* with embezzling shares owned by the Eastern Oil Company that were worth 3 billion roubles, and also with appropriating shares in Tomskneft OAO in November-December 1998.

2) D. Gololobov made a number of statements for the mass media. He claimed, in particular, that the Eastern Oil Company case had already been investigated for four years without any result, and that the lawyer had defended the company's interests in this case all this time. Moreover, D. Gololobov pointed out the following: *"I think that charges have been brought against me exclusively because I am the lawyer for NK Yukos and am actively representing the company's interests both in court and vis-à-vis the law-enforcement authorities...the Tomskneft shares that I allegedly stole are still owned by Yukos, and have been sequestered by the court bailiffs within the context of the tax charges against the company."*

3) On 10 December 2004, the Judicial Board for Criminal Cases under the Moscow City Court rejected the cassational appeal filed by D. Gololobov's defence counsel.

4) On 30 November 2005, the Basmanny District Court in the city of Moscow upheld another petition that had been filed by the RF General Prosecutor's Office for the arrest of D. Gololobov, the director of the Yukos Legal Department, under new charges of "legalizing (laundering) cash funds or other assets that have been acquired by other individuals by criminal means" (Article 174 Part 4 Point 1 of the RF Criminal Code).

5) The decision of the Basmanny District Court in the city of Moscow of 30 November 2005 was appealed by D. Gololobov's defence counsel in accordance with cassational procedures.

6) On 26 December 2005, the Judicial Board for Criminal Cases under the Moscow City Court issued a cassational determination that upheld the decision of the Basmanny District Court for the imposing of detention in custody as a measure of restraint on Dmitry Gololobov, the NK Yukos chief accountant, *in absentia*.

### 16.3. The harassment of S. Bakhmina, the deputy director of the Yukos Legal Department, by the authorities

On 7 December 2004, at 13.00 hrs, Svetlana Bakhmina, the deputy director of the Yukos Legal Department, was summoned to the RF General Prosecutor's Office for her next interrogation as a witness. She was arrested after an 8-hour interrogation.

After being detained, S. Bakhmina was questioned as a suspect.

A further description of the events that occurred from 7 to 8 December 2004 is given in the text of the petition filed by S. Bakhmina's defence counsel with S.K. Karimov, the senior investigator for particularly important cases at the General Prosecutor's Office.

For example, during the interrogation, at about 22.00 hrs, Bakhmina lost consciousness and after an examination by a doctor at about 24.00 hrs was admitted to the 6th Clinical City Hospital.

In defiance of the opinion of the doctors', who considered that S. Bakhmina needed medical assistance, on 8 December 2004, at about 3 o'clock in the morning, Bakhmina was taken to the 4th Department of the RF Ministry of Internal Affairs, where she was subjected to an exhausting interrogation, that lasted from 3 to 5 am. Furthermore, according to S. Bakhmina, two men in civilian dress, who introduced themselves as police officers, in the presence of two police officers in uniform, conducted an interrogation with the aid of an audio-recording device, and kept making her feel that if she gave the 'right' evidence to the prosecution investigators, she would be allowed to go home.

S.P. Bakhmina explained that she felt very unwell, that she couldn't even sit up, and that she felt constantly nauseous, dizzy and very sleepy. At about 5 o'clock in the morning, she fell asleep on top of some chairs, before waking up around 9 am, only to fall unconscious on the floor.

Svetlana Bakhmina is the mother of two children, born in 1997 and 2001, who were seven and three years old respectively when she was detained. However, S. Bakhmina was not allowed to notify her relatives that she had been detained.

The investigation authorities allege that in 1998-1999 Svetlana Bakhmina, together with Dmitry Gololobov, the director of the Yukos Legal Department, embezzled assets owned by Tomskneft OAO with a total value of over 8 billion roubles – i.e. on a large scale, by abusing her official position, and as the member of an organized group.

Moreover, Bakhmina was charged with evading private income tax.

On 2 March 2005, Bakhmina declared a hunger-strike after she was once again refused permission to have telephone conversations: as soon as she was detained, she was forbidden to speak on the phone to her two infant children. For nine days she drank only water. She developed tachycardia and serious problems with her kidneys.

On 11 March 2005, Svetlana Bakhmina ended her hunger strike at the request of her husband, who visited her at the remand facility. The hunger strike had a negative impact on her health: her kidneys started to fail.

Bakhmina was only allowed to talk to her children on the phone at the end of April. However, after she was transferred to remand facility 99/1, i.e. from 9 October 2005, Bakhmina was once again deprived of the possibility of talking to her children on the phone, in spite of official permission, since there was no telephone booth at the Matrosskaya Tishina remand facility.

On 16 March 2005, a group of independent deputies from the State Duma proposed that the Committee for Civil, Criminal, Arbitration and Procedural Legislation should send an inquiry to the General Prosecutor's Office and the RF Ministry of Justice with regard to the circumstances surrounding Bakhmina's arrest, the methods used by the investigation authorities and S.P. Bakhmina's detention in custody. However, the Committee did not support the proposal.

On 13 May 2005, at a press conference in Moscow, Natalya Vishnyakova, the official representative of the General Prosecutor's Office, informed journalists that Svetlana Bakhmina had been presented with the final charges. It was alleged that Bakhmina, as the member of an organized group and by abusing her official position, had stolen assets owned by Tomskneft OOO. Furthermore, she was charged with evading private income tax – i.e. with failing to pay 606 thousand roubles.

N. Vishnyakova pointed out that in the case involving the theft of the Tomskneft assets, Leonid Nevzlin, the owner of the Menatep Group, Dmitry Gololobov, the deputy head of the Yukos Moscow OOO Legal Department and Ramil Burganov, the ZAO YUKOS-EP general manager had all been charged *in absentia* and placed on the wanted list.

According to the investigators, they had embezzled Tomskneft's assets and shares by concluding agreements, transactions, and conducting financial operations with promissory notes. In particular, “they removed OOO Tomskneft assets worth over 18 billion roubles (as of January 1998).

On July 18, 2005, the Basmany District Court in Moscow refused the defence permission to conduct an independent medical examination of Bakhmina, whose health condition had sharply deteriorated since her hunger strike.

On April 19, 2005, the Simonovsky District Court in Moscow found S. Bakhmina guilty of embezzling Tomskneft assets on a large scale in 1998-1999 - by abusing her official position, and as the member of an organized group - and of evading tax. The court sentenced her to seven years imprisonment in a strict regime penal colony.

The court, in imposing sentence, and as stated in the verdict, took into consideration the level of social danger posed by her actions, as well as the fact that the crimes she committed fell into the category of grievous, or especially grievous crimes.

S. Bakhmina's defence appealed against the verdict under cassational procedures. In their cassation appeal, the defence lawyers requested the court to find the verdict unlawful, to set the sentence aside and to drop the case against the defendant due to the absence of *corpus delicti*.

A cassational appeal was also lodged by the aggrieved party, OAO Tomskneft. Although the representative of the company insisted that OAO Tomskneft did not “suffer any losses”, this fact was not reflected in the verdict.

On August 25, 2006, a cassational determination of the Judicial Board for Criminal Cases under the Moscow City Court amended the sentence of the

Simonovsky District Court in Moscow in relation to S. Bakhmina, and her sentence was reduced to 6.5 years of imprisonment in a standard regime penal colony. Moreover, the Court claimed that the strict regime sentence had been imposed as the result of a “technical error” – i.e. Russian legislation does permit the imprisonment of women at high security prisons (as was assumed in the verdict of the Simonovsky Court). Moreover, if the Court sentence imposed on S. Bakhmina had been reduced to 6 years imprisonment, she would have been acquitted under an amnesty. However, the Court failed to treat the mother of two in a humane way, and advised her to request a suspended sentence till her children reached the age of 14.

#### 16.4 The prosecution of P.P. Ivlev, the lawyer from the “ALM Feldmans” law firm

On 28 June 2005 the Khamovnichesky District Court in Moscow upheld the recommendation from the RF GPO that the court should issue findings confirming that there was evidence of criminality in the actions of the lawyer P.P. Ivlev, as defined under Article 160 (4) (*Embezzlement or misappropriation*), Article 174-1(4) (*Legalisation (laundering) of funds or other property acquired by an individual as a result of criminal activity*), Article 33(5), Article 199 (2) CC RF (*Aiding and abetting the non-return to the Russian Federation of cultural, historical and antique items that belong to the people of RF and foreign countries*).

On November 14, 2005, the First Deputy General Prosecutor issued a decree charging P.P. Ivlev with committing the crimes defined in Article 160 (4) and Article 174-1 (4) of the RF Criminal Code.

On November 16, 2005, P.P. Ivlev was placed on a federal and national (on the CIS territory) wanted list and on November 17, 2005 – on the international wanted list.

On December 02, 2005, the Basmany District Court in Moscow granted the GPO’s petition, and detention in custody was imposed on P.P. Ivlev as a measure of restraint. It is notable that one of the grounds for selecting this exceptional measure of restraint, as it follows from the court resolution, was that P.P. Ivlev “*was absconding from the investigation by the preliminary investigation bodies*”. However, the resolution did not reflect the fact that Mr. Pavel Ivlev had not absconded from anyone and, even more so, six months ago, he officially notified the Prosecutor’s Office of his family’s residential address in the US. Moreover, this statement mentioning his address was certified by the Vice-Chancellor of the Russian Federation in New York. Besides that, the court had a new statement from P.P. Ivlev, dated 25 November 2005, at their disposal, where he informed the Basmany District Court in Moscow about the fact that he was still residing at the address in New York which had been earlier communicated to the General Prosecutor’s Office.

On 2 December 2005, Lawyer P. Ivlev made the following statement: “*Since the Basmany District Court in Moscow is considering today a petition from the General Prosecutor’s Office of the Russian Federation for imposing detention in custody on me as a measure of restraint, I think it important for me to state the followin:*

*A hideous accusation made against me concerning the misappropriation of profit comprising 399940562505 Roubles (i.e. more than 14 billion US Dollars) from YUKOS and its subsidiary companies and further laundering of the specified amounts by means of dividend payments is absurd and contradicts not only the law and reality, but also basic common sense.*

*The profit misappropriated, in the opinion of the Prosecutor's Office, was properly recorded in the consolidated audit report of the company drawn up for the period of 2001-2003 in accordance with US GAAP standards and published in the YUKOS web site on the Internet and approved by the PriceWaterHouseCoopers auditing company.*

*By ignoring the obvious facts available to everyone, the Russian Prosecutor's Office fabricated accusations of misappropriating amounts which exceeded YUKOS profits earned during those years and is now using them against me and my fellow lawyers providing legal assistance to YUKOS and its shareholders. It is obvious that the reasons for these accusations are not grounded on legal considerations. This is a personal revenge against people who collaborated with Mr. Khodorkovsky and YUKOS, it is an attempt to scare those people off who fulfil their professional duty by continuing their support for the company and who are not willing to compromise with the investigation authorities”.*

#### 16.5.Intimidation of Ekaterina Gurianova, P. Ivlev's wife

On 8 February 2005, Ekaterina Gurianova, the wife of Pavel Ivlev, a lawyer from Law Firm ALM Feldmans providing legal assistance to YUKOS, was apprehended at the Sheremetyevo-2 airport with her two children (one of whom was an infant) on suspicion of drug smuggling. Of course no drugs were detected, but she was late for the plane and she had to spend all night at the airport. These actions could not be regarded in any way other than as blatant harassment and intimidation.

#### 16.6.Prosecution of Elena Agranovskaya, the managing partner of Law Firm “ALM-Feldmans”

On 7 December 2004, on the orders from the General Prosecutor's Office, E. Agranovskaya was brought to the Basmanny District Court in Moscow.

On the same day, the court granted representation made by the RF General Prosecutor's Office and made a determination indicating *corpus delicti* in the actions of Lawyer E.V. Agranovskaya.

On 9 December 2004 the Basmanny District Court in Moscow issued a resolution about detaining Mrs. Agranovskaya in custody.

On 17 December 2004, Elena Agranovskaya was released from detention.

Despite her release, criminal proceedings against the Lawyer have still not been dropped.