

Persecution of lawyers: selected cases from Moldova, Azerbaijan, Ukraine, Russia and Kazakhstan

Tuesday 20 February 2018, 15.30_17.00, Room: A5G305, European Parliament

PROGRAMME

15:30 Welcome remarks by MEP Mr **Jaromír Štětina** (Czech Republic; EPP)

15:35 Ms **Lyudmyla Kozlovska** (ODF), President of the Ukrainian-Polish NGO 'Open Dialog Foundation', monitoring human rights violations in the post-Soviet region

15:40 Ms **Leyla Yunus** (IPD), Azerbaijani human rights defender and director of the 'Institute for Peace and Democracy'

15:50 Ms **Botagoz Jardemalie** (NY Bar Association), Kazakh political refugee in Belgium, Attorney & Counsellor at Law of the Bar of New York

15:55 Ms **Bakhytzhan Toregozhina** (Ar-Rukh-Hak), head of the human rights and youth activism foundation 'Ar-Rukh-Hak' in Kazakhstan

16:05 Mr **William Browder** (the Magnistky Act), Founder of Hermitage Capital Management and leader of the global Magnitsky justice campaign - video recording

16:10 Ms **Ana Ursachi** (#NuMaTem), Moldovan lawyer and human rights defender, founder of the civic movement '#NuMaTem' ('I am not afraid')

16:15 Ms **Marina Dubrovina**, Russian lawyer involved in the defence of Ukrainian political prisoners and member of the Human Rights Centre 'Memorial' - TBC

16:20 Mr **Thomas Garner** (Gherson), British solicitor, member of 'Fair Trials' and of the European Criminal Bar Association's Human Rights Committee

16:25 Mr **Patrick Henry** (CCBE), Lawyer and chairperson of the Human Rights committee of the Council of Bars and Law Societies of Europe

16:35 Ms **Romina Bossa Abiven** (UIA), Human Rights and Legal Profession Assistant, International Association of Lawyers

16:45 Concluding remarks by Ms **Julie Ward** (UK; S&D)

16:50 Open discussion & recommendations



ABOUT THE SPEAKERS



ANA URSACHI (born in 1977) is a Moldovan attorney, the founder of the public movement #NuMaTem ('I am not afraid'), activist of anti-government protests organised by the party 'Dignity and Truth Platform'. Studied law at Free International University of Moldova. In 2001, she obtained her admission to practice law. Ursachi became famous due to her participation in the defence of victims of politically motivated prosecutions in Moldova. She is the lawyer of many Moldovan opposition politicians and civic activists (in particular, Alexandru Machedon, Sergiu Cibotari, Grigore Petrenco and others). In 2016, Moldovan authorities brought doubtful criminal charges and initiated a smear campaign against Ursachi. Because of that she was forced to leave the country. International human rights organisations and Members of the European parliament stated that criminal persecution of Ana Ursachi is politically motivated and is connected with her professional and public activity.



PATRICK HENRY After graduating in Law at the University of Liège in 1977, Patrick HENRY became a lawyer in the same year at S.C.R.L. HANNEQUART & RASIR. He became an official member of the Bar of Liège on 19 October 1980. He has been Editor-in-chief of the legal journal "Jurisprudence de Liège, Mons et Bruxelles" (J.L.M.B.) since 1987. Mr Henry is a scientific contributor to the Faculty of Law of the University of Liège ("tort and contracts" and "goods"). Until the 15 September 2008, he was also a lecturer in construction law at the same university. In addition, Mr Henry was a part-time lecturer in Environmental Law at the ULg-H.E.C. until 15 September 2013. He served as Chairman of the Free Conference of Young advocates of the Bar of Liege (1989-1990) and was a member of the Bar Council (1996-1998, 2001-2003), which he chaired from 2007 to 2009. He has been the Chairman of the Ordre des barreaux francophones et germanophone from 2013 to 2016. From 2011 to 2013 he was Chair of the Belgian delegation to the Council of Bar and Law societies of Europe (CCBE), where today he serves as the Chairman of the Human Rights Committee. He was a Board Member of the International Union of lawyers (U.I.A.) between 2010 and 2011. Mr Henry is the author of many publications, mainly focused on the domain of the law of the profession of lawyer (droit de la profession d'avocat), urban planning and environmental law, construction law, medical law, and law of insurance and securities. Currently, he is in charge of the drafting of a report on the future of the profession of lawyer in Belgium, entitled "L'avocat demain" (Lawyers tomorrow).



BAKHYZZHANA TOREGOZHINA is the President of the Public Foundation 'Ar-Rukh-Hak'. She is a human rights activist and an expert who actively works in the field of respect for the rule of law and observance of human rights. In 1999, she began to promote the development of non-governmental organisations in the Republic of Kazakhstan. In 2000, she initiated the founding of a network of human rights organisations that carry out their activities in various areas of democracy and protection of human rights and freedoms. In 2001, she conducted a campaign of advocacy for human rights in Kazakhstan. In 2004, she was the initiator of the youth movement 'Kahar' for the support of change, which, thanks to its activities, became the most popular student group and led to the creation of many new youth organisations. In 2005, she organised the Alliance of Non-Governmental Organizations to monitor the parliamentary elections. In 2007, she held summer schools of democracy for students and youth and founded the movement of student ombudsmen. In 2009, in higher education institutions, she led to the implementation of a law-explaining programme, raising the level of legal culture and informing students about jury trials in connection with the introduction of the jury in Kazakhstan. In 2012, she was one of the founders of the 'Sailau' Coalition of NGOs, aimed at monitoring the elections to the Parliament of the Republic of Kazakhstan. Bakhytzhana Toregozhina promotes the right to peaceful assembly. She participated in the drafting of an alternative law 'On the Constitutional Court of the Republic of Kazakhstan', the law 'On Elections of the Republic of Kazakhstan' and the law 'On Peaceful Assembly'. From 2012 to the present day, she has been pursuing the project 'Alyan Tirek' for humanitarian and legal assistance, and support to political prisoners in Kazakhstan. She is also a member of the expert council on the status of 'political prisoner' and 'prisoner of conscience'.



WILLIAM BROWDER (born in 1964) is the founder and CEO of Hermitage Capital Management. He was the largest foreign investor in Russia until 2005, when he was denied entry to the country for exposing corruption at Russian state-owned companies. In 2009 his Russian lawyer, Sergei Magnitsky, was killed in a Moscow prison after uncovering and exposing a US\$ 230 million fraud committed by Russian government officials. Because of the impunity in Russia, Browder has spent the last seven years conducting a global campaign to impose visa bans and asset freezes on individual human rights abusers, especially those who played a role in Magnitsky's false arrest, torture and death. The USA was the first to impose these sanctions with the passage of the 2012 "Magnitsky Act." A Global Magnitsky Bill, which broadens the scope of the US Magnitsky Act to human rights abusers around the world, was passed at the end of 2016. Estonia also passed a Magnitsky amendment in December 2016. In 2017, Magnitsky legislation was approved in UK, Canada and Lithuania, while in early 2018 in Latvia. In February 2015, Browder published the New York Times bestseller, *Red Notice*, which recounts his experience in Russia and his ongoing fight for justice for Sergei Magnitsky.



BOTAGOZ JARDEHALIE has been licensed as an Attorney and Counselor-at-Law in the State of New York since 2004. She is a graduate of the Adilet Higher School of Law in Kazakhstan and of Harvard Law School. After beginning her legal career at the New York office of the international law firm White & Case, Ms Jardehalie returned to Kazakhstan where she became a managing director of BTA Bank. She worked there until the bank was forcefully and unlawfully nationalised by the Nazarbayev regime in 2009. She subsequently became involved, in countries across Europe and Central Asia, in the legal defence of numerous victims of political persecution who have been targeted by the Nazarbayev regime. A substantial proportion of her practice came to involve pro bono work for political activists, human rights defenders, journalists and other vulnerable people. Ms Jardehalie's work as a lawyer led her to be targeted by the Nazarbayev regime, alongside some of her clients. She was granted political asylum in 2013 in Belgium due to extraordinary risks she faced in the form of reprisals by Kazakhstan against her for her work against the regime. At Kazakhstan's request, in 2013 INTERPOL published a Red Notice targeting Ms Jardehalie for arrest on a fabricated criminal case, however this Red Notice was later cancelled for non-compliance with INTERPOL's rules against political abuses of the Organisation. In parallel Ms Jardehalie was the target of a politically motivated kidnapping plot, uncovered in 2015 and foiled by European police. Most recently, in November 2017, Ms Jardehalie's Kazakhstan-based brother, Iskander Yerimbetov, was arrested by the political police and has been tortured and arbitrarily detained. Mr Yerimbetov has essentially been taken hostage, both as a reprisal against Ms Jardehalie for her work as a lawyer, and in order to pressure her to cease her work which has disrupted Kazakhstan's long-running campaign against Mukhtar Ablyazov, the country's leading political opponent abroad.



LEYLA YUNUS (born in 1955) is the Director of the Institute for Peace and Democracy (IPD), an independent public policy think-tank and a human rights organization, which she created in 1995 in Azerbaijan. In 1978, she graduated at the Azerbaijan State University, History department. Leyla Yunus is a Doctor of History and her thesis was written on the topic: "English-Russian Rivalry on the Caspian Sea and Azerbaijan in the First Part of the 18th Century". She worked at the Institute of History of the Academy of Sciences of ASSR till 1992. She began her work in the sphere of Human Rights in Azerbaijan during the Soviet period and also worked as a special correspondent in Azerbaijan for the non-formal "Express Chronicle" newspaper (published in Moscow) between 1987-1991. She was a member of illegal movement of "National minorities against bolshevik regime". In 1988 Ms Yunus was one of the founders of the National Movement for Independence, the Popular Front of Azerbaijan. She was the first and only female member of the Board of the Popular Front of Azerbaijan and subsequently she was the first female leader of a political party in Azerbaijan. She was the Deputy of Minister and the Head of the Information and Analytical Center at the Ministry of Defense (1992-1993). She has been involved in the pro-democracy advocacy efforts in Azerbaijan as well as internationally. She is also a member of OMCT General Assembly. Between 2013 and 2015, she received several international honorary awards; among them: Winner of the International Theodor-Haecker-Prize, Chevalier of the French Legion of Honour (2013), Polish Sergio Vieira de Mello Award (2014) and Winner of Battle of Crete Award (2015). Leyla Yunus created the list with the names of all political prisoners in Azerbaijan from 1995 till 2014. From 30 July 2014 till 9 December 2015 she was herself imprisoned, along with her husband Arif Yunus. Since May 2016 she has been living in the Netherlands and continues to work at the IPD, which is registered in the Netherlands.



LYUDMYLA KOZLOVSKA (born in 1985) is a human rights defender, initiator of the establishment of the Open Dialog Foundation, and its President of the Board since June 2010. She is a graduate of Finance at the State Technical University in Sevastopol, Ukraine and The School of Arts and Humanities at the University of Wales in Bangor, the United Kingdom. She is a Polish government scholarship holder and Ph.D. student at the Department of History of the European College of Polish and Ukrainian Universities (an educational institution, founded, in particular, by the Marie Curie-Sklodowska University and the John Paul II Catholic University of Lublin, Poland). Since 2013 Kozlovska has been a coordinator of the actions in support of the reform of International Criminal Police Organization (INTERPOL), whose mechanisms are repeatedly misused by authoritarian states. She is one of the coordinators of the international advocacy campaign for the release of the Ukrainian political prisoners from the #LetMyPeopleGo list kept in Russia or on the territory of illegally occupied Crimea.



MARINA DUBROVINA is a Russian lawyer and member of the Human Rights Centre 'Memorial'. She participates in the defence of Russian political prisoners, in particular, Evgeny Vitishko, Mikhail Savva, and Sergei Titarenko. She is the lawyer for Stanislav Klykh and Pavel Grib - Ukrainians who faced politically motivated criminal prosecution in Russia. Dubrovina repeatedly faced threats, intimidation, and surveillance by Russian special services, as well as illegal searches. She was also a victim of a slanderous campaign by Russian pro-government media. In March 2016, unknown persons beat up journalists who planned to interview Dubrovina on the case of political prisoners Klykh and Karpyuk. In May 2016, a judge of the Russian Supreme Court demanded that the Chamber of Advocates deprived Dubrovina of her license to practice law. Dubrovina was awarded the Moscow Helsinki Group Award 'For the Advocacy of Human Rights in Court'.



ROMINA BOSSA ABIVEN serves as Human Rights and Legal Profession Project Assistant at the Paris headquarters of the Union Internationale des Avocats (UIA - International Association of Lawyers), a multilingual and multicultural organisation, which brings together bars, law societies and lawyers from over 110 countries. At the UIA-IROL (Institute for the Rule of Law), Romina works closely with the Human Rights and Protection of Lawyers Directors, providing general support to their activities particularly in monitoring cases, preparing written reports and organising trial and fact-finding missions. She also assists the activities of the Independence of the Profession and the Rule of Law Sections. In the framework of her work at the UIA, Romina has authored and co-authored a number of articles in the UIA magazine *Juriste International*. Before joining the UIA, she actively volunteered at several human rights NGOs and particularly Amnesty International France where she was involved in different roles such as campaigning, lobbying and general support. Romina is a graduate in the Law School of the Universidad Nacional de Cuyo, in Argentina, and the Université Paris 3 - Sorbonne Nouvelle in France (Master degree in Comparative studies Europe-Latin America). She speaks Spanish, French and English.



THOMAS GARNER is a British solicitor specialising in criminal, extradition, human rights and asylum law. He joined Gherson in 2013 to help establish their dedicated in-house extradition unit. He has assisted clients in numerous jurisdictions facing extradition and has also successfully brought several challenges to sanctions imposed by the Council of the EU at the General Court of the EU in Luxembourg. He has a particular interest in INTERPOL and regularly acts for clients all over the world to help them challenge Red Notices that have been improperly published. Thomas is a member of Fair Trials' Legal Experts Advisory Panel and also a member of the European Criminal Bar Association's Human Rights Committee.