



Kyiv, 7 July, 2015

Lawyer Mark Feygin threatened with criminal prosecution for the alleged illegal disclosure of the case file of Nadiya Savchenko

As appears from the statement of the press secretary of the Investigative Committee (IC) of the Russian Federation, Vladimir Markin, Russian investigative authorities may instigate legal proceedings against Nadiya Savchenko's counsel, Mark Feygin. The Open Dialog Foundation considers that the threats from the IC constitute an application of pressure on the defence of the Ukrainian political prisoner in the run-up to her trial.

On 2 July, 2015, in Vladimir Markin's press release regarding the end of the process of Nadezhda Savchenko's familiarisation with the materials of the criminal case file, it was stated that: *"Savchenko's allies have undertaken illegal actions in a bid to exempt the accused from criminal responsibility for the commission of a particularly serious crime. The quintessence of this was the publication of the case file on the Internet by Savchenko's counsels, despite the fact that they had been warned that any disclosure of information from the preliminary investigation could lead to criminal prosecution"*.¹

A few days prior, on 30 June, 2015, counsel Mark Feygin began to make public details from the criminal case against Nadiya Savchenko. Specifically, the transcript of an interview with a witness in the case of Savchenko - the self-proclaimed leader of the People's Republic of Lugansk (PRL) Igor Plotnitskiy², was made public. According to Mark Feygin, Plotnitskiy should also give evidence at the upcoming trial as a prosecution witness.³

A recent statement by the IC with regard to the alleged warning of the counsels about criminal responsibility is a manipulation of law. According to the legislation of the Russian Federation, investigators may notify participants of criminal proceedings of the inadmissibility of disclosure of information from the preliminary investigation, but **an integral part of this notification is signing a statement** on non-disclosure of information from the preliminary investigation by a participant of the criminal proceedings (Art. 161, section 2 of the Code of Criminal Procedure of the RF).

Investigators of the IC twice (in October 2014 and May 2015) made attempts to compel Nadiya Savchenko's counsels - Mark Feygin, Nikolay Polozov and Ilya Novikov – to sign a statement on non-disclosure of information, and both times, the lawyers refused. The second refusal was officially recorded in the presence of witnesses.⁴

It is worth noting that the maximum sentence for the disclosure of information from a preliminary investigation under the Criminal Code of the Russian Federation is 3 months' incarceration (Art. 310 of the Criminal Code of the RF), but the withdrawal of Mark Feygin and his legal team from the case of the Ukrainian political prisoner Nadiya Savchenko could have far more severe consequences. At this point,

¹ <http://sledcom.ru/news/item/942978/>

² <http://advokat-feygin.ru/index.php?id=41>

³ https://twitter.com/mark_feygin/status/616578049027522560

⁴ <http://ru.odfoundation.eu/a/6477,otchet-delo-nadezhdy-savchenko-sud-nad-ukrainskoy-politzaklyuchennoy-mozhet-proyti-v-voronezhe>

Nadiya Savchenko and her counsels have become familiarised with the materials of the criminal case file which means that the merits of the case against Savenchko can be examined soon. In this pivotal moment in the case of Savchenko, it seems that investigators may make attempts to exclude her lawyers from the case.

In the context of injustice of the law enforcement system, which is guided by political expediency rather than by rule of law, publicity is the only possible means of bringing about the release of Nadiya Savchenko. On the other hand, consealing the case from the public will inevitably bring about the conviction of Savchenko.

The Open Dialog Foundation hereby expresses its protest against the potential initiation of criminal proceedings against Mark Feygin. A lawyer cannot be prosecuted for actions aimed at protecting his client. We hereby call on the international community to closely monitor this case in order to ensure that any further violations of the law are prevented.

All those willing to support our demands are welcome to address the following institutions and persons:

- President of PACE Anne Brasseur - e-mail: abrassuer@chd.lu, tel.: +33 88 41 23 41;
- President of the OSCE PA Ilkka Kanerva - e-mail: ilkka.kanerva@parliament.fi, tel.: +358 9 432 3055; [+358 9 432 3529](tel:+35894323529);
- EU High Representative for Foreign Affairs and Security Policy Federica Mogherini - Rue de la Loi / Wetstraat 200, 1049 Brussels, e-mail: federica.mogherini@ec.europa.eu, tel.: [+32 2 584 11 11](tel:+3225841111); [+32 2 295 71 69](tel:+3222957169);
- President of the European Parliament Martin Schulz - Rue Wiertz 60, 1047 Brussels, e-mail: martin.schulz@europarl.europa.eu, tel.: +32 2 28 45503 (Bruksela), +33 3 88 1 75503 (Strasbourg);
- President of the European Commission Jean-Claude Juncker - Rue de la Loi / Wetstraat 200, 1049 Brussels, e-mail: president.juncker@ec.europa.eu;
- President of the European Council Donald Tusk - Rue de la Loi / Wetstraat 175, 1048 Brussels, e-mail: donald.tusk@european-council.europa.eu, tel.: +32 2 28 15650;
- UN High Commissioner for Human Rights Zeid Ra'ad Al-Hussein - Palais des Nations CH-1211 Geneva 10, Switzerland, tel.: +41 22 917 9220;
- International Commission of Jurists (ICJ) – 1211 Geneva 8, Rue des Bains 33, P.O. Box 91, tel.: +41 (0)22 979 38 00;
- American Bar Association (Moscow Office) – 121069, Moscow, 20 Povarskaya Street, office 32, tel. +7(095) 956-6303, e-mail: abamos@glasnet.ru;
- Association of Lawyers of Russia - 119134, Moscow, 24 Boschaya Yakimanka Street, office 406;
- World Juriat Association - Maryland 20814, USA, 7910 Woodmont Avenue Suite 1440, Bethesda.

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