



Statement on the conviction of Human Rights Lawyer Mikhail Benyash

Mikhail Benyash is a human rights and defence lawyer working in the Krasnodar region in Russia. Mikhail has advised protesters for over a decade and most recently he represented anti-war protesters and soldiers who do not want to fight in Ukraine. On March 6, 2023, Mikhail was criminally convicted and fined for allegedly assaulting policemen back in 2018 as they tried to arrest him. Mikhail has also been disbarred for making statements in social media in which he expresses disagreement with the authorities and the bar association. *Lawyers for Lawyers* urges the Russian authorities to stop its harassment of human rights lawyers, to overturn Mikhail's conviction and to reinstate Mikhail to the bar – allowing him to continue his essential efforts on defending fundamental rights of anti-war protesters and soldiers.

Prosecution and conviction in 2019

In September 2018, Mikhail Benyash was [violently arrested](#), while attending a protest to provide legal assistance to participants, and sentenced to 14 days of 'administrative detention'. On the day of his release, he was arrested again and charged with 'violence against a representative of authority' and 'obstruction of justice'. In 2019 Mikhail was [prosecuted](#) and convicted for "assault against a representative of the authority". [TrialWatch](#) (an initiative of the Clooney Foundation for Justice) monitored the trial and published a [Fairness Report](#) reporting serious violations of international standards such as the right to freedom from arbitrary detention.

Conviction overturned

Following an appeal in which the TrialWatch Fairness Report was presented by the defence, Mikhail's conviction was successfully overturned in 2021, and a retrial was ordered.

Increasing harassment and another conviction

In October 2022 Mikhail was placed on a list of "foreign agents", because he spoke negatively about a special military operation on his Telegram Channel. This is a list of people and organisations who – according to the Ministry of Justice – receive foreign funding or who engage in "political" activities. Once placed on the list, a number of activities is forbidden, for example to participate in organizing public assemblies. Mikhail appealed against this designation as a "foreign agent", and although the appeal was denied, he took the opportunity to make the Russian Ministry of Justice respond to his questions during the hearing. The Ministry confirmed that he has the right to speak for himself. His designation was the result of Mikhail's engagement in political activity through the distribution of

information through social networks and foreign online publications that are included in the registry of “foreign agents”.

In February 2023 Mikhail was [disbarred](#) for [criticizing](#) the Ministry of Justice and the Bar Association on his Telegram channel. On March 6, 2023, Mikhail was criminally convicted and fined in the retrial for allegedly assaulting policemen back in 2018, based on the same flawed evidence as in 2019. As a consequence of Mikhail’s disqualification, he cannot work as a court representative at all, so he is deprived of a profession and a source of income.

Appeal to the Russian authorities

Lawyers play a vital role in upholding the rule of law and the protection of human rights and their work is indispensable for public confidence in the administration of justice and to ensure access to justice for all.

Lawyers for Lawyers would like to remind the Russian authorities that the Russian Federation has ratified and signed the International Covenant on Civil and Political Rights recognizing the right to peaceful assembly.

We also want to draw your attention to the United Nations Basic Principles on the Role of Lawyers, particularly Article 16, 18 and 23, which state:

16. Governments shall ensure that lawyers (a) are able to perform all of their professional functions without intimidation, hindrance, harassment or improper interference; (...) 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.

18. Lawyers shall not be identified with their clients or their clients’ causes as a result of discharging their functions.

23. 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 view of the above, Lawyers for Lawyers respectfully urges the Russian authorities to:

- stop its harassment of human rights lawyers;
- overturn Mikhail Benyash's conviction; and
- reinstate Mikhail Benyash to the bar.

Foundation Lawyers for Lawyers

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