

April 8, 2026

Statement

**« On the Unlawful Practice Aimed at
Terminating the Status of an Advocate
in Connection with a Prolonged Stay
Abroad»**

<https://www.avocatrus.org>

On October 7, 2025, the Main Directorate of the Ministry of Justice of the Russian Federation for the city of Moscow submitted to the Chamber of Advocates of the city of Moscow a representation on the termination of the status of advocates Yuliy Tay, Alexey Basistov, and Dmitry Provodin on the basis of subparagraph 7 of paragraph 2 of Article 17 of Federal Law No. 63-FZ of May 31, 2002 «On Advocacy and the Legal Profession in the Russian Federation» (hereinafter referred to as the Law).

This provision of the Law provides for the possibility of terminating the status of an advocate by a decision of the council of the chamber of advocates, adopted on the basis of the conclusion of the qualification commission, in the event of the advocate's departure for a permanent place of residence or for a period of more than one year outside the Russian Federation, except for departure outside the Russian Federation for treatment or study, or to accompany family members sent to perform labor or other duties outside the Russian Federation by state authorities or Russian organizations, or for other valid reasons.

On January 29, 2026, based on the results of the consideration of the disciplinary case by the Qualification Commission and the Council of the Chamber of Advocates of the city of Moscow, the disciplinary proceedings against the advocates were terminated on the basis of subparagraph 2 of paragraph 1 of Article 25 of the Code of Professional Ethics of the Advocate, namely, due to the absence in the actions (inaction) of the advocates of a violation of the norms of the legislation on advocacy and the legal profession and the Code of Professional Ethics of the Advocate.

In making such a decision, the Council emphasized that the departure of advocates outside the Russian Federation in itself, including for a period of more than a year and in the absence of valid reasons, is not a ground for bringing an advocate to disciplinary liability, since such liability can only arise for the advocate's failure to perform professional duties or for other violations of the requirements of the legislation on advocacy and the legal profession, as well as professional ethics¹.

The General Council of the International Association of Russian Advocates fully shares this legal approach. The Law vests the Council of the Chamber of Advocates with the exclusive competence to terminate the status of an advocate and the prerogative to assess the presence of «other valid reasons» for a prolonged stay of an advocate abroad.

¹ <https://www.advokatmoscow.ru/advocate/docs/discipline/solutions/15483/>

In a previously published statement of the Association², it was noted that the very possibility of terminating the status of an advocate solely for the fact of their departure outside the Russian Federation and prolonged stay abroad is unacceptable and unlawful.

On April 2, 2026, an administrative statement of claim was filed with the Khamovnichesky District Court of the city of Moscow by the Main Directorate of the Ministry of Justice of the Russian Federation for the city of Moscow seeking to invalidate the decision of the Council of the Chamber of Advocates of the city of Moscow, adopted in the disciplinary case against the advocates, and to terminate their status (administrative case No. 02a-0360/2026)³.

The General Council of the International Association of Russian Advocates declares that the Law does not provide for the possibility of the court canceling the decision of the Council of the Chamber of Advocates to refuse to terminate the status of an advocate, nor the court's authority to terminate the status of an advocate instead of the Council of the Chamber of Advocates.

The proposals of the Ministry of Justice on the legalization of the judicial challenging of acts of the chambers of advocates and the Federal Chamber of Advocates, including those on the refusal to terminate the status of an advocate, introduced within the framework of the draft law on the «advocate's monopoly»⁴, were not adopted by the legislator⁵, and regarding this draft law and the state of affairs in the legal profession of the Russian Federation, the Special Procedures of the United Nations sent a communication to the Government (Allegation letter № AL RUS 13/2025 dated December 29, 2025)⁶.

The court, having accepted the administrative statement of claim for proceedings, exceeded its competence and violated the Law, yielding to the direct pressure of the territorial justice authority.

The court also took preliminary protection measures in the form of suspending the status of the three advocates. Article 16 of the Law contains a closed (exhaustive) list of grounds for suspending the status of an advocate, and a court ruling in the manner of the Code of Administrative Court Procedure of the Russian Federation is absent from it. Thus, the court overstepped the bounds of its lawful powers, and its decision must be canceled.

The General Council of the International Association of Russian Advocates declares that the above-described actions of the officials of the bodies of the Ministry of Justice of the Russian Federation and the court are a manifestation of a systemic policy aimed at destroying the institutional independence of the legal profession and the judiciary, and violate the Constitution of the Russian Federation, the Law, and the provisions of the United Nations Basic Principles on the Role of Lawyers.

General Council of the International Association of Russian Advocates

² <https://www.avocatrus.org/en/post/statement-on-the-mass-persecution-of-lawyers-advocates-in-connection-with-their-prolonged-stay-ou-1>

³ <https://mos-gorsud.ru/rs/hamovnicheskij/services/cases/kas/details/122a8421-2ddb-11f1-b24c-5908a69ff97e?caseNumber=2a-0360/2026>

⁴ <https://www.avocatrus.org/en/post/statement-on-the-draft-law-on-the-introduction-of-an-lawyer-monopoly-in-russia;>
<https://www.avocatrus.org/en/post/the-international-association-of-russian-advocates-has-presented-a-critical-report-on-the-bill-propo>

⁵ <https://www.vedomosti.ru/society/articles/2025/10/29/1150606-vvedenie-advokatskoi-monopolii-tormozitsya>

⁶ <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=30470;>
<https://cyberleninka.ru/article/n/pismo-s-utverzhdeniyami-o-narusheniyah-ot-spetsialnogo-dokladchika-oon-po-voprosu-o-nezavisimosti-sudey-i-advokatov-rabochey-gruppy>