

**TEMPLATE FOR FINAL REPORT TO THE NORWEGIAN MINISTRY OF FOREIGN AFFAIRS  
ON THE USE OF GRANTS MADE UNDER BUDGET CHAPTER 163 AND BUDGET ITEM  
164.70  
(Version 12 December 2007)**

This template is to be used for final reports relating to grants received from the Section for Humanitarian Affairs, the Section for Human Rights and Democracy and the Section for Peace and Reconciliation.

Project accounts and the auditor's report must be annexed to the final report. (Project accounts for grants of less than NOK 100 000 do not need to be audited.)

The final report, project accounts and auditor's report must be submitted at the latest six months after completion of the project.

The grant recipient is requested to cover the following points in the final report, with a view to providing as complete an account as possible of the project's implementation.

**1. GENERAL PROJECT INFORMATION**

PROJECT NO.:

- Vår ref.: 09/09060
- Kap. 118.70
- Avtalenr RUS-10/021
- Dato: 19. April 2010

PROJECT NAME: Project on Fair Trial and Trial Observations in the Russian Federation / ("Tilskudd til prosjektsamarbeid med Russland; Kurs I rettssaksobservasjon i Russland")

NAME OF ORGANISATION: International Commission of Jurists

COOPERATION PARTNERS (if applicable): (n/a)

AREA/COUNTRY: Russian Federation

Financial Report:

*Please see attached ICJ Final Financial Report.*

## 2. EFFECTIVENESS AND RESULTS

**By reference to the project description set out in the application and letter of allocation:**

### **A. Assess the achievements of the project as compared with its objective(s).**

The broad objectives of the project (as identified in the project proposal) were to:

- develop a constituency of lawyers and human rights defenders in Russia and the CIS countries who can carry out trial observations in accordance with international standards;
- enhance the awareness of the Russian and CIS legal community of international fair trial standards;
- Build links between Russian and CIS lawyers and lawyers in the ICJ Norwegian and international networks, and foster their shared commitment to protecting international fair trial standards.
- use the information gained from the training and trial observations, and reports of the trial observations, to influence national and international debates on fair trial and the rule of law in Russia.

The first objective was fully achieved through three training seminars on trial observation as well as the distribution of the Russian language version of the Trial Observation Manual for Criminal Proceedings (see below section C.(i)). The second objective was also achieved through the seminars and through distribution of the Guide, which includes chapters on the right to fair trial in international human rights law, and through the workshops (see below section C(ii)). The third objective was achieved through the participation of ICJ and ICJ-Norway representatives in the trial observation training workshops and in trial observations (see below section C(iii)). Meeting the fourth objective is a continuing exercise as the ICJ uses what it has learnt in the course of the project activities to inform parallel strands of work advocating change in the Russian legal and judicial system (see below section C(iv)).

### **B. Assess the extent to which the intended target group was reached.**

The target groups for the project were Russian lawyers, NGOs active in the justice system, and ultimately, defendants in trials that risked falling short of fair trial standards. In advance of the workshops, applications were sought for participation, and applicants were asked to fill out a short application form to ensure that the most suitable candidates could be selected. There were a high number of applications, by far the majority of them wishing to attend the Moscow seminar, though some of these were from outside Moscow. The majority of those who applied for, and who attended the workshops, were practicing lawyers or lawyers working for NGOs. The profile of those participating in the three workshops differed: in Moscow, the majority were experienced lawyers who had already carried out trial observations but wished to discuss and learn about best practice standards – the Moscow workshop was as a result more akin to an expert discussion seminar than an introductory training. This was useful for all those involved – including the participants from the ICJ Secretariat and ICJ Norway – but it meant that the seminar did not reach other less experienced lawyers who might have benefited from training in trial observation and in fair trial standards. This latter group was however better represented at both the St Petersburg and Nizhny Novgorod seminars, where the participants were a mix of experienced and less experienced lawyers and NGO workers. In Nizhny Novgorod the participants were mostly practicing lawyers who did not have much experience of human rights NGO work: this was positive as it meant that the training reached a new audience.

In evaluation forms completed at the end of each training, the majority of participants said that they would use what they had learnt at the workshop to conduct trial observations, indicating that the project has had an impact on their work and its beneficiaries. Furthermore, the ICJ is confident that the calibre of the participants in the workshops was such that there is now a pool of Russian lawyers who are able and willing to undertake trial observations on behalf of the ICJ. One of the participants in the St Petersburg workshop has already done so (see below).

The ICJ's trial observation in the Saapiyat Magdomedova case (see below) is also important in reaching the target group of lawyers and human rights defenders who have been attacked or threatened and are at risk of unfair trial. The trial observation of an appeal hearing in St Petersburg was also successful in influencing the court towards what appears to have been an impartial verdict overturning a dubious conviction at first instance (see below).

### **C. Provide an in-depth assessment and description of the achievements of the project by reference to the objectives.**

(i). Through this project, the ICJ aimed to develop a constituency of lawyers and human rights defenders in Russia and the CIS countries who could carry out trial observations in accordance with international standards. In the course of the project a total of 47 lawyers and human rights defenders have participated in ICJ training on trial observation and international fair trial standards (see more detailed information on the trial observation workshops, below). Participants were selected on the basis of written applications, and discussion at the seminars was at a high level. In evaluation questionnaires distributed at the conclusion of each workshop, many participants stated that they would use what they had learnt at the workshop in their work, including to conduct trial observations. The ICJ intends to continue its programme of trial observations in Russia, and will draw on participants in the seminars as ICJ observers or co-observers. One participant at the St Petersburg training has already acted as a co-observer in an ICJ trial observation.

(ii). A second objective was to enhance the awareness of the Russian and CIS legal community of international fair trial standards. To meet this objective, the three workshops on trial observation conducted as part of this project included components on the right to fair trial, including judicial independence, pre-trial rights and trial rights. Time was also allowed for case studies and discussion on these topics, which allowed international principles to be related to the reality of proceedings in the Russian courts. Distribution of the Russian version of the ICJ Manual on Trial Observation in Criminal Trials should ensure that a larger number of human rights defenders and lawyers have access to information on best practice in trial observation, as well as a useful summary of international law on the right to fair trial.

(iii). A third objective was to build links between Russian and CIS lawyers and lawyers in the ICJ Norwegian and international networks, and foster their shared commitment to protecting international fair trial standards. The project did indeed help to foster contacts with lawyers and NGOs in Russia, including the three NGOs who co-organised the seminars, the participants in the seminars, lawyers involved in the cases which the ICJ observed, and those who have received copies of the trial observation manual. The ICJ has planned or discussed further collaborative activities with all three of the NGOs who were partners in the training seminars. The project also expanded the range of lawyers on whom the ICJ can rely for information about forthcoming trials, to observe trials on behalf of the ICJ (where appropriate along with an international observer), and to co-operate on other ICJ projects. Two ICJ-Norway representatives participated in each of the training seminars, including by making presentations and leading discussion on case studies. They also used their time in Russia to meet with representatives of Russian NGOs and with Russian lawyers. This has led to an article on fair trial issues in Russia to be published in the Norwegian Judges Association's 100th anniversary book (forthcoming in 2012) and to plans for a seminar in Oslo with participation of Russian lawyers (in 2012).

(iv). It was also intended that the information gained from the training and trial observations, and reports of the trial observations, to influence national and international debates on fair trial and the rule of law in Russia. This has been partly achieved, and the work of the project will continue to have an impact on ICJ advocacy work in the coming months and years. Discussion at the workshops, in which participants shared their experiences of working in the Russian courts, was valuable to the ICJ in deepening its knowledge of the problems of the Russian justice system, and this will inform ICJ advocacy nationally, regionally, and internationally. The trials observed by the ICJ will also be used in ICJ advocacy as examples of the projects in the justice system. In parallel to this project, the ICJ conducted research and advocacy work in Russia, including a mission on judicial independence and a comprehensive report of this mission *The State of the Judiciary in Russia*, which included recommendations for reform. This line of work will continue, drawing inter alia on the experience gained in trial observations and trial observation training. Reports of the trial observations, to be published in the coming months, will in particular be used for advocacy purposes.

### **D. Describe the activities carried out as compared with the planned activities and the timetable for their implementation.**

The majority of the project activities were carried out as planned and according to the timetable originally foreseen. The project began with the translation into Russian of the ICJ Manual on Trial Observation in Criminal Proceedings. The manual was translated by an ICJ consultant based in Geneva, and the transcript checked by another consultant

working with one of the ICJ's Russian affiliate organisations. The Russian version of the manual was published in September 2010, and distribution continued throughout the project. The Russian version of the manual is also available electronically on the ICJ website. A copy of the Russian version of the manual is attached.

On the basis of the Manual, two training workshops on trial observation were held in Moscow and St Petersburg in October 2010. A total of 32 lawyers and human rights defenders were selected to participate in the training (17 in Moscow and 15 in St Petersburg) following a call for participants and a written application process which required completion of a form detailing how the applicant would use the trial observation training in their work. The participants were primarily lawyers or human rights defenders working in the cities in which the workshops were held, but several participants also travelled in from other regions.

The Moscow seminar, held on 4 and 5 October 2010, was organised in co-operation with the ICJ affiliate organisation, the Independent Council for Legal Expertise, and the St Petersburg seminar was organised in co-operation with the NGO Citizens' Watch. In both workshops the training was delivered by British barrister Paul Richmond (co-author of the ICJ trial observation guide); Róisín Pillay, Senior Legal Advisor at the ICJ International Secretariat; and Andreas Motzfeldt Kravik and Marianne Nergaard Magnus, members of ICJ-Norway.

Although only two seminars had originally been planned, the funds available for the project (and the decision to hold the Moscow and St Petersburg seminars consecutively, minimising travel costs) enabled a third seminar to be held in Nizhny Novgorod in March 2011. The decision to hold a third seminar also responded to the very high level of interest in the Moscow seminar, including from lawyers or NGO workers outside Moscow. The third seminar was held in Nizhny Novgorod on 14-15 March 2011, in co-operation with the Nizhny Novgorod Centre Against Torture. Paul Richmond again led the training, with contributions from Temur Shakirov, Associate Legal Advisor at the ICJ International Secretariat, and Asne Julsrud and Vidar Stromme of ICJ-Norway. There were 15 participants, the majority practicing lawyers.

The seminars included practical sessions on the preparation and conduct of trial observation missions, writing trial observation reports and advocacy on the reports, training on relevant human rights standards at pre-trial and trial stages of the criminal process, and discussion of case studies. At all seminars, the participants brought with them a wide range of experience of work within the Russian criminal justice system, and this consistently enabled lively and informed discussions of various problems within the Russian justice system, and how these problems could be addressed through trial observation and the application of international human rights standards.

Programmes for the seminars, as well as lists of participants, and analysis of the evaluation forms completed by participants, are attached.

One element of the project which has been subject to some delays has been the trial observations, as a result of which the ICJ requested an extension to the grant period. In part this delay simply reflects the Russian judicial system, in which hearings are often postponed: the trials initially identified for observation were subject to repeated delays. It is also partly due to the ICJ's need to concentrate resources on the publication and training aspects of the project, during its first months, since the availability of the Russian language manual, as well as of a pool of training observers, were prerequisites to the ICJ trial observations. The ICJ has nevertheless successfully undertaken two trial observations as envisaged by the project – though one of these trials remains ongoing.

In November 2010, March 2011, and September/October 2011, the ICJ observed preliminary hearings on the investigation of criminal charges against Sapiyat Magomedova, a lawyer in the Republic of Dagestan, Russian Federation, charged with "insult of a representative of state power" for allegedly assaulting several police officers. Contrary to the charges, Sapiyat Magomedova alleges that she was attacked and severely beaten by the officers. The trial observation of the hearings was conducted in November 2010 and March 2011 by Karinna Moskalenko, ICJ Commissioner and Executive Committee member. Following the observation a press statement was issued (see attached). Tumas Misakyan, a lawyer of the Moscow Bar Association, continued the observation of the trial and carried out two missions – from 18 to 22 September 2011 and on 5 October 2011. An interim internal report on this trial observation is attached to this report.

In April, the ICJ observed an appeal hearing at the cassation instance of St. Petersburg City Court, in a controversial trial of several defendants on charges of murder and rape, following credible allegations of irregularities at first instance (see attached press release). ICJ Commissioner Gulnora Ishankhanova and Russian lawyer Maxim Timofeyev (who had been a participant at the St Petersburg training) acted as ICJ observers. Shortly after the ICJ's intention to observe the trial became known, the court declared it a closed trial. Nevertheless, the ICJ decided to proceed with the observation and its observers were able to meet with the judge as well as the parties in the case, although they were

not permitted access to the courtroom. Nevertheless, the guilty verdicts were overturned, an extremely unusual outcome in the Russian legal system, and which may be in part attributable to the court's awareness of ICJ scrutiny of the case. The reasons for the decision have not yet been published; once they are available, the ICJ will produce a report on the trial. An internal report on this trial observation mission is attached to this report.

**E. Describe how internal and external risk factors have affected the achievement of the objective(s) of the project and the planned results, and how this has been dealt with.**

Risk factors in this project included the risk that suitably qualified consultants could not be identified to translate the manual; risks that visas would be denied for travel to Russia of the ICJ Secretariat and ICJ Norway participants in the seminars; in relation to trial observations, risks that suitable trials could not be identified, that trial observers could not be found or would be denied visas to Russia; risks that delays in the trials would prevent completion of the observations within the grant period; and security risks in observation of trials in certain areas of Russia.

Risks associated with translation of the manual were dealt with by appointing consultants to translate and review the translation from among persons who had previously worked with the ICJ or with one of the ICJ's Russian affiliate organisations. Risks associated with visas were addressed by obtaining visas through an agency based in Moscow for the international participants in the trial observation workshops, and in both trial observations by sending trial observers who were either Russian citizens or citizens of CIS countries not requiring visas for travel to Russia.

In relation to the trial observation carried out in Dagestan, there were real security risks, as the region has seen repeated physical attacks on lawyers and human rights defenders (including the defendant in the case under observation). The risk affected the choice of observer in the trial: Karinna Moskalenko, an ICJ Commissioner, had previously worked in Dagestan, had good contacts there and was well equipped to perceive and avoid unnecessary risks there. As a Moscow-based lawyer, an ICJ Commissioner and a woman, it was her and others' assessment that she ran a reduced risk of harm than many local lawyers. The same assessment was made for the participation of Tumas Misakyan, lawyer of the Moscow Bar Association, who continued the observation of the trial in September and October 2011.

The only risk that substantially affected achievement of the results was the possibility that delays in the trials planned for observation (see above section D). This was addressed by requesting a no-cost extension of the grant through 30 November 2010.

### **3. COORDINATION AND COOPERATION**

**a. Describe and assess the coordination and cooperation with other actors, including UN organisations, local actors, cooperation partners, the authorities in the recipient country, etc.**

As noted above, the workshops were each organised in co-ordination with a different Russian NGO (Citizen's Watch, the Independent Council for Legal Expertise, the Nizhny Novgorod Centre against Torture). Many of the participants at the seminars were also representatives of Russian NGOs (see participants lists attached). Two participants (one at the Moscow seminar and one in St Petersburg) were employees of OHCHR. In the course of the trial observations, ICJ observers met with the judges, prosecutors and defence lawyers in the cases they observed. The project did not involve or require direct contact with the Russian government.

### **4. THE GENDER PERSPECTIVE**

The Ministry makes grants on the condition that all grant recipients incorporate the gender perspective into their activities, and that reports are prepared specifically on this issue. The question of the project's relevance to the implementation of Security Council resolution 1325 on women, peace and security is particularly important in this respect. A special assessment should be made of the project activities in light of the IASC (Inter-Agency

Standing Committee) guidelines on implementing the gender perspective into humanitarian projects (see the *IASC Gender Handbook in Humanitarian Action*, December 2006).

Although the substance of the project did not address issues of gender or women's rights, the constituencies involved in the project included women lawyers and human rights defenders, and one significant beneficiary of the project was a woman lawyer under threat as a result of her human rights work (trial observation in Sapiyat Magdomenova case). Of participants at the workshops, just over fifty percent were women.

## **5. THE NEEDS OF CHILDREN AND YOUNG PEOPLE**

The report should specifically cover whether children and young people have been affected by the project, and the extent to which their needs and wishes have been safeguarded (see Security Council resolution 1612 on children and armed conflict).

Due to the nature of the project, there was no particular impact on or involvement of children or young people, though the broad project objective of supporting the right to fair trial in Russia affects their rights as well as those of adults.