

THE MOSCOW LAW PARTNERSHIP  
KAGANER AND PARTNERS

“ ” \_\_\_\_\_ 2008

City of Moscow

To the Chair of the Basmanny District Court of the City of Moscow  
Olga Nikolayevna Solopova

From S.V. Kupreychenko,  
a lawyer with the Moscow Law Partnership Kaganer and Partners

against unlawful actions of Judge N.N. Dudar

**APPEAL**

On 21 February 2008, lawyer S.V. Kupreychenko, carrying out defence of P.L. Lebedev in the procedure prescribed by law, lodged with the Basmanny District Court of the City of Moscow an appeal of 21.02.08 under Art. 125 CCP RF against failure of investigators of the investigative team to act.

On 26 February 2008, upon the results of consideration of this appeal without participation of lawyer S.V. Kupreychenko or his client, Federal Judge N.N. Dudar from the Basmanny District Court of the City of Moscow issued a judgment to send the appeal in accordance with the venue to the Ingodinsky District Court of the City of Chita.

On 5 March 2008, defence lawyer S.V. Kupreychenko at the instruction of his client P.L. Lebedev drafted a cassation appeal against this judgment issued in absence of the defence lawyer in flagrant violation of the law requirements.

However, when the lawyer was lodging the cassation appeal with the criminal case registry of the Basmanny District Court of the City of Moscow, the head of the criminal case registry of the Basmanny District Court of the City of Moscow, Ms Konkova, informed him that the material on his appeal had been sent in accordance with the venue to the Ingodinsky District Court of the City of Chita even before the judgment of the Basmanny District Court of the City of Moscow came into legal force and “advised” him “*not to file the cassation appeal against this order since otherwise resolution of the appeal of lawyer Kupreychenko will be delayed until summer because the material in the appeal has already been sent to the Ingodinsky District Court of the City of Chita.*”

In confirmation of her words, she produced a copy of a cover letter signed by Federal Judge N.N. Dudar from the Basmanny District Court of the City of Moscow, from which it indeed followed that on 27.02.08 the material in the appeal of defence lawyer S.V. Kupreychenko had been sent to the Ingodinsky District Court of the City of Chita under Art. 125 CCP RF.

Therefore, Federal Judge N.N. Dudar has committed actions on sending the material in the appeal of defence lawyer S.V. Kupreychenko in accordance with the venue without any legal grounds and at her own initiative, since there was simply no legal act having come into legal force deciding to send the appeal of defence lawyer Kupreychenko to the Ingodinsky District Court of the City of Chita – **the absolutely unlawful and groundless judgment of 26.02.08 has not yet come into legal force and is being appealed under cassation procedure.**

By her actions, Federal Judge N.N. Dudar flagrantly violated P.L. Lebedev's right to defence, restricted P.L. Lebedev's access to justice, created insurmountable obstacles to fulfilment of duties entrusted to his defence lawyers and breached the whole block of norms, principles and imperative prescriptions of the CCP RF, the RF Constitution and the [European] Convention for Protection of Human Rights and Fundamental Freedoms.

In view of the above, [I hereby]

**REQUEST:**

That urgent measures be taken to redress the committed violations of the law and the violated rights of P.L. Lebedev and his defence be reinstated.

Please inform defence lawyer S.V. Kupreychenko and his client P.L. Lebedev about the measures taken.

Annex:

1. Copy of cassation appeal against order of 26.02.08.
2. Copy of cover letter No. k-24 of 27.02.08.
3. Copy of order of 26.02.08.

Lawyer

S.V. Kupreychenko