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Public statement on the human rights situation in Belarus: repressions against lawyers and advocates

We undersigned would like to emphasise the fundamental crisis of the rule of law and human rights in Belarus and the intensification of political persecution of members of civil society. The ongoing crisis is emphasized by the recent weeks' events, which include large-scale sweeping searches throughout the country, "conveyor" unfair trials, unjust sentences.¹

A renewed practice of prosecuting lawyers and advocates with an active professional and civic position is of our particular concern.²

In January 2021, a human rights defender and lawyer **Leonid Sudalenko**³, who for many years has represented the interests of the victims of human rights violations before the UN Human Rights Committee, was detained. During the search, confidential materials of communications with the Committee were seized. Sudalenko was presented with criminal charges of "the organization and preparation of actions that grossly violate public order, and the financing of such activities."⁴

In early February, human rights defenders and lawyers **Syarhei Drazdouski**⁵ and **Aleh Hrableuski**⁶, were detained: they represent the Office for the Rights of Persons with Disabilities, an organization that initiated the process of ratification by Belarus of the UN Convention on the Rights of Persons with Disabilities. The precise charges are unknown, the lawyers of the detainees were forced to sign a non-disclosure agreement.

Since August 2020, a member of the Coordination Council, lawyer **Liliya Vlasova**⁷, a personal partner of the VMP Vlasova, Mikhel & Partners Law Office, is facing tax evasion charges.

Sanctions against active lawyers, who defend clients in politically motivated cases or publicly express their opinions, have reached the level of an established administrative practice.

Criminal proceedings against lawyers **Maxim Znak**⁸ and **Illia Salei**⁹ have been going on for six months (Mr. Salei was transferred under house arrest, Mr. Znak is still detained). Maksim Znak, Illia Salei were

¹ <https://www.osce.org/odihr/478669>

² <https://spring96.org/en/news/100179>, <https://www.icj.org/belarus-icj-alerts-un-human-rights-council-about-the-situation-of-human-rights-and-the-legal-profession/>

³https://www.ccbbe.eu/fileadmin/speciality_distribution/public/documents/HUMAN_RIGHTS_LETTERS/Belarus_-_Bielorussie/2021/EN_HRL_20210120_Belarus_Judicial-harassment-of-lawyer-Leanid-Sudalenka.pdf

⁴<https://lawyersforlawyers.org/wp-content/uploads/2021/02/Letter-Leanid-Sudalenka-L4L-Law-Society-050221.pdf>

⁵ <https://enil.eu/news/stop-the-pressure-on-csos-in-belarus/>

⁶https://www.ccbbe.eu/fileadmin/speciality_distribution/public/documents/HUMAN_RIGHTS_LETTERS/Belarus_-_Bielorussie/2021/EN_HRL_20210226_Belarus_Judicial-harassment-and-detention-of-lawyer-Aleh-Hrableuski.pdf

⁷https://www.ccbbe.eu/fileadmin/speciality_distribution/public/documents/HUMAN_RIGHTS_LETTERS/Belarus_-_Bielorussie/2020/EN_HRL_20200902_Belarus_Arrest-of-lawyer-Lilia-Vlasova.pdf

⁸ https://www.hfhr.pl/wp-content/uploads/2020/09/Belarus-Statement_lawyers_Ilia-Saley_Maksim-Znak_org.pdf

⁹https://www.ccbbe.eu/fileadmin/speciality_distribution/public/documents/HUMAN_RIGHTS_LETTERS/Belarus_-_Bielorussie/2020/EN_HRL_20200924_Belarus_Detention-of-lawyers-Ilya-Salei-and-Maksim-Znak.pdf

detained and charged with the criminal offence under Art. 361(3) of the Criminal Code of Belarus, namely engaging in “actions aimed at causing harm to the national security of the Republic of Belarus”.

In February 2021, **five** lawyers were disbarred, apparently for political reasons. In relation to **Maksim Konon, Liudmila Kazak¹⁰, Kanstantsin Mikhel, Mikhail Kirilyuk¹¹** a decision to terminate the license was made by the Qualification Commission on issues of the Bar within the Ministry of Justice of the Republic of Belarus. The disbarment of **Vladimir Sazanchuk** was performed by the Minsk Bar Association¹². It is regrettable that the lawyers' self-governing bodies became the agents of repressive measures against the very individuals they are supposed to protect and represent.

Liudmila Kazak was disbarred following the administrative penalty under the article 23.4 of the Administrative Code “disobedience to a lawful order of police officers”, while it should be mentioned that she had been subjected to illegal detention in the form of abduction, imprisonment, seizure of documents containing professional confidentiality and administrative fine for an arbitrary arrest. In fact, Ms. Kazak was sanctioned for representing the interests of political activists, including Maria Kolesnikova (becoming her fourth lawyer to be prosecuted).

Maksim Konon was disbarred because he was previously sentenced to an administrative detention for participating in the protest in the city of Braslav. Mr. Konon did not even take part in the protest and he connects the disbarment with him representing victims of torture, journalists, and his open public position as regards the lack of state investigation of the violence.

Mr. Konon was detained and sent to serve an administrative arrest when he was walking to meet his client, the journalist Yekaterina Borisevich, an accused in the high-profile political case "Zero ppm".

Kanstantsin Mikhel was disbarred for participating in the protest, even though he was detained near his home.

Mikhail Kirilyuk, a member of the Coordination council, was disbarred for his “inappropriate statements about the authorities”.

Vladimir Sazanchuk was the defence council for an opposition politician Mikalai Statkevich and a video blogger Dmitry Kazlou. Previously, Mr. Sazanchuk publicly criticized the authorities for putting multiple obstacles to lawyers in performing their professional duties and refused to give a written non-disclosure.

The requirement from lawyers to sign nondisclosure agreements in almost all politically motivated criminal cases has become a practice of pressure and obstruction to the performance of the lawyers' professional activities in Belarus, along with a de facto censorship imposed and supported by the Belarusian Republican Bar Association - as evidenced by numerous official letters and positions.

¹⁰https://www.ccbe.eu/fileadmin/speciality_distribution/public/documents/HUMAN_RIGHTS_LETTERS/Belarus_-_Bielorussie/2020/EN_HRL_20201008_Belarus_Arrest-and-judicial-harassment-of-lawyer-Liudmila-Kazak.pdf

¹¹ <https://news.tut.by/economics/719615.html>

¹² <https://defenders.by/news/tpost/5bjr34rjk1-advokat-vladimir-sozonchuk-lishen-litsen>

In October, 2020 **Yulia Levanchuk**¹³ and **Aliaksandr Pylchanka**¹⁴ were disbarred by the Ministry of Justice. **Mrs. Levanchuk** lost her license after a public statement on behalf of her client about torture, even though the disbarment was grounded on other reasons.

Mr. Pylchanka was disbarred for an interview¹⁵ in which he openly spoke about the violence by representatives of law enforcement bodies: his statements were regarded by the Ministry of Justice as "an action discrediting the lawyer and the legal profession." On 26 February, Aliaksandr Pylchanka's appeal on the disbarment was dismissed by Minsk City Court, setting a precedent for the revocation of a lawyer's license for expressing their legal opinion".¹⁶

The UN High Commissioner for Human Rights emphasized in the report on the situation in Belarus the problems related to the exercise of the right to defense in the context of the rights of lawyers: *"In Belarus, lawyers working with politically sensitive cases or cases of human rights violations were subjected to pressure, harassment and intimidation for carrying out their professional activities. They are threatened with disbursement or disciplinary sanctions by the bar associations that taking the sessions under the Ministry of Justice exercises control."*

¹⁷We recall that Principle 16 of the UN Basic Principles on the Role of Lawyers (1990) requires governments to ensure that lawyers are able to perform all of their professional functions without intimidation, hindrance, harassment or improper interference and that they *"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"*. Further, Principle 17 states that when lawyers security is threatened, they shall be adequately safeguarded by the authorities.¹⁸

We demand the Government of Belarus: to stop persecution and intimidation of lawyers, immediately release Maksim Znak, Illia Salei, Leonid Sudalenko, Aleh Hrableuski and Syarhei Drazdouski and to drop all administrative and criminal charges against them, as well as against Liliya Vlasova, Liudmila Kazak and other lawyers.

We demand the authorities to ensure that all conditions are met for lawyers to fulfill their professional duties without intimidation, hindrance or harassment and unlawful interference.

We also request to reinstate the lawyers' licenses of Aliaksandr Pylchanka, Yulia Levanchuk, Maksim Konon, Liudmila Kazak, Kanstantsin Mikhel, Mikhail Kirilyuk and Vladimir Szanchuk.

Signed

Helsinki Foundation for Human Rights (Warsaw, Poland)

Belarusian Helsinki Committee, Belarus

Human Rights Embassy, Republic of Moldova

¹³https://www.ccbe.eu/fileadmin/speciality_distribution/public/documents/HUMAN_RIGHTS_LETTERS/Belarus_-_Bielorussie/2020/EN_HRL_20201019_Belarus_Revoked-license-of-lawyers-Aleksandr-Pylchenk-and-Yulia-Levanchuk.pdf

¹⁴https://www.ccbe.eu/fileadmin/speciality_distribution/public/documents/HUMAN_RIGHTS_LETTERS/Belarus_-_Bielorussie/2020/EN_HRL_20201125_Belarus_Situation-of-lawyer-Aleksandr-Pylchenko.pdf

¹⁵ https://www.americanbar.org/groups/human_rights/reports/belarus-disbarment/

¹⁶ <https://defenders.by/news/tpost/lujcxe7611-aleksandru-pilchenko-otkazali-v-udovletv>

¹⁷ <https://news.un.org/ru/story/2021/02/1397472>

¹⁸ https://www.un.org/ru/documents/decl_conv/conventions/role_lawyers.shtml

Lawyers for Lawyers, The Netherlands
Article19, United Kingdom
Public Association "Dignity", Kazakhstan
Centre for the Development of Democracy and Human Rights, Russia
Human Rights Club , Azerbaijan
Promo LEX, Moldova
Vostok SOS, Ukraine
Human rights center Postup, Ukraine
Social Action centre, Ukraine
Index on Censorship, United Kingdom
Public Verdict Foundation, Russia
Center for Civil Liberties, Ukraine
Human Rights Center "Memorial", Russia
Paris Bar, France
Centrum Białoruskiej Solidarności, Poland
Prospect Foundation, Poland
People in Need, Czech Republic
The Barys Zvozkau Belarusian Human Rights House, Lithuania
International Rehabilitation Council for Torture Victims (IRCT), International NGO
humanrights.ch, Switzerland
Citizens Network Watchdog Poland, Poland
The Warsaw Bar Association, Poland
Fundacja Dobra Wola, Poland
Libereco - Partnership for Human Rights Germany, Switzerland
International Partnership for Human Rights (IPHR), Belgium
Pradmova, Portugal
Human Rights Initiative, Ukraine
Human Rights Center of Azerbaijan, Azerbaijan
Netherlands Helsinki Committee, Netherlands
Public Verdict Foundation, Russia
Civil Liberties Office, Tajikistan

Kazakhstan International Bureau for Human Rights and the Rule of Law, Kazakhstan

Helsinki Citizens' Assembly – Vanadzor, Armenia

Associació RAZAM Bielorusos de Catalunya, Spain

Saenko & Partners Law Firm, Ukraine

Ivan Saenko, Lawyer, Ukraine

Tsaplin Oleksandr, lawyer, Ukraine

Ralf Kämmer, Rechtsanwalt Berlin, lawyer, Deutschland

Adw. Tomasz Wilinski - WILINSKI LEGAL, lawyer, Poland

Konstantin Shalota, lawyer, Ukraine