

STATEMENT

Paris, September 28, 2020

Belarus: Release Lawyers Maksim Znak and Ilya Salei

We express our concern over the arrest and detention of lawyers, Maksim Znak and Ilya Salei, whose arrest and detention appears to be solely, politically motivated.

Both lawyers have been arrested and accused of acting to destabilize the socio-political, economic situation and public awareness in the country, causing harm to the national security of the Republic of Belarus.

Mr. Ilya Salei is a lawyer for Maria Kolesnikova, one of the leaders of the Belarusian protest movement and a member of the Presidium of the Coordination Council, who also is currently in jail.

Mr. Maksim Znak was representing Viktor Babariko, who sought to run for President of the Republic of Belarus, but he was not allowed to register as a candidate and is now in prison and recognized by international organizations as a political prisoner. Maksim Znak was also an attorney for the former presidential candidate, Svetlana Tikhanovskaya, on whose behalf he created the Coordination Council. As a member of the Presidium of the Coordinating Council, Maxim Znak was providing legal assistance as an attorney. Maxim Znak's lawyer, Dmitry Laevsky, notes: "all his statements, appeals, comments were public, transparent, their content was absolutely legal and did not carry any illegal intentions."¹

In accordance with the United Nations Basic Principles on the Role of Lawyers adopted by the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders in September 1990, governments must ensure that lawyers can perform all of their professional functions without intimidation, hindrance, harassment, or improper interference (Principle 16).

Lawyers, like other citizens, are entitled to freedom of expression, belief, association and assembly. In particular, they 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 actions or their membership in a lawful organization (Principle 23 of the Basic Principles).

Finally, Article 19 of the International Covenant on Civil and Political Rights, to which Belarus is a party, provides in relevant part:

1. Everyone shall have the right to hold opinions without interference.
2. Everyone shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice.

¹ See <https://news.tut.by/economics/699898.html>

Therefore, we urge the authorities of the Republic of Belarus to immediately cease the persecution of lawyers and attorneys simply because they are performing their professional duties and/or are exercising their constitutional right to freedom of expression, including while performing their professional functions.

Furthermore, we urge the General Prosecutor of the Republic of Belarus to drop the charges against both lawyers, as those charges appear to rely solely on comments made by the two lawyers in the performance of their professional duties and in accordance with their stated rights, under the UN Basic Principles on the Role of Lawyers and the International Covenant on Civil and Political Rights.

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The Institute for the Rule of Law of the International Association of Lawyers (UIA-IROL) promotes the Rule of Law and supports and defends, in particular, (1) lawyers, judges and human rights defenders who are harassed, threatened and/or persecuted in the exercise of their professions, (2) the independence of the legal and judicial professions, and (3) the UN Basic Principles on the Role of Lawyers, especially in defense of human rights.

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