
STATEMENT

Paris, July 12, 2022

Call to End the Continued Persecution of Lawyers in Belarus

The UIA-IROL has been following with utmost concern the continuously deteriorating situation of the legal profession in Belarus. Of particular concern is the consistent persecution of lawyers, including at the disciplinary level, in relation to, or as a reprisal for, their professional activities and human rights work and/or the legitimate exercise of their rights to freedom of expression, peaceful dissent, and assembly.

There has been an alarming deterioration of the human rights situation in Belarus since the spring of 2020, in the context of the contested presidential election that year. The legal profession has not been spared in the generalized crackdown on opposition, peaceful protesters, and civil society. Lawyers defending politically sensitive cases or cases involving human rights violations, lawyers advocating for the rule of law, and lawyers representing opposition leaders or activists, have been and still are primary targets of criminal prosecution¹, harassment and/or intimidation.

Moreover, arbitrary disciplinary proceedings have been systematically used as a tool to silence lawyers. According to the March 2022 report of the United Nations High Commissioner for Human Rights, *“since [the 2020] election and as at November 2021, 36 lawyers have been deprived of their licenses either through disbarment or loss of certification.”*² In the same vein, the Special Rapporteur on the situation of human rights in Belarus, Anaïs Marin, reported in May 2022 that *“(n)o fewer than 50 lawyers have been prevented from practising their profession through disbarment and the revoking of licences, and this trend continues”*³. The latest reported figures indeed indicate that as many as 60 Belarussian lawyers have been subjected to disciplinary sanctions following the Presidential election⁴.

The continuous attacks on the legal profession in Belarus erode and distort the crucial role that lawyers play in upholding the Rule of Law and promoting and protecting human rights. Further, these attacks have a chilling effect on the legal profession, with a corresponding adverse impact on access to justice and the respect of the right to fair trial and due process⁵.

The UIA-IROL is particularly concerned that the Belarussian National Bar Association and its regional bars not only have failed to fulfil their function of protecting their members from persecution, unjustified interference, and improper restrictions⁶, but they instead appear to have enabled these arbitrary procedures as a result of their lack of independence and the extensive control that the Belarussian Minister of Justice has over the legal profession. Furthermore, the UIA-IROL deplors that

¹ See <https://www.uanet.org/en/actions/release-lawyers-maksim-znak-and-ilya-salei>

² See UN Human Rights Council, Report of the United Nations High Commissioner for Human Rights Situation of human rights in Belarus in the run-up to the 2020 presidential election and in its aftermath, [A/HRC/49/71](#), March 2022, parr.61

³ See UN Human Rights Council, Report of Special Rapporteur on the situation of human rights in Belarus, Anaïs Marin, [A/HRC/50/58](#), May 2022, parr. 85.

⁴ See https://defenders.by/persecutionoflawyers_2020

⁵ See Note 2, parr. 61.

⁶ See [Basic Principles on the Role of Lawyers](#), Preamble, 10th recital.

despite repeated calls and recommendations of the international community in recent years⁷, no efforts have been made to improve this situation. On the contrary, the amendments introduced to the legislation on the bar and legal advocacy, which came into force in November 2021 further expanded the Ministry's powers over the legal profession -- in direct breach of international standards⁸ -- and further undermined the independence of lawyers⁹.

Without an independent and strong bar association, lawyers are particularly vulnerable to harassment and abuses from the authorities. In this context, the UIA-IROL is further concerned by what seems to be a **new and more recent wave of reprisals against lawyers**, notably in the context of Russia's war of aggression against Ukraine.

It is UIA-IROL's understanding that a public appeal against the war in Ukraine circulated among the legal profession in Belarus on February 28, 2022. It was signed by a number of members of the legal profession, including both licensed lawyers and lawyers who recently had been deprived of their licenses. On March 10 and 11, the Council of the Minsk City Bar Association and the Council of the Minsk Regional Bar Association reportedly initiated disciplinary proceedings against some of those lawyers in connection with their signatures on this statement. Other legal practitioners have reportedly suffered from additional kinds of pressure or intimidation from the bar associations as a result of their signatures on this statement, including requests for explanation or demands to withdraw their signature.

According to Principle 23 of the [United Nations Basic Principles on the Role of Lawyers](#) *“(I) lawyers like other citizens are entitled to freedom of expression, belief, association and assembly. In particular, they shall 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 (...)”*.

The UIA-IROL therefore condemns the use of intimidation to prevent lawyers from legitimately exercising their fundamental rights, including their rights to freedom of expression and assembly.

In addition, the UIA-IROL expresses its particular and deep concern about the situation of **Mr. Alexander Danilevich**, one of the lawyers subjected to disciplinary proceedings for signing the above-mentioned appeal, who was detained and placed in the pre-trial detention centre of the State Security Committee on May 20, 2022. Recently, it has been reported that Mr. Danilevich has been charged under Article 361 (3) of the Belarusian Criminal Code, *i.e.*, engaging in actions aimed at causing harm to the national security of the Republic of Belarus using mass media or the internet. The UIA-IROL has reason to believe that Mr. Danilevich's detention is linked to the legitimate exercise of his right to freedom of expression in relation to the Rule of Law and other socially significant matters, such as his position on the Russian-Ukrainian war. The UIA-IROL has been further informed that the above-mentioned disciplinary proceedings against Mr. Danilevich resulted in a reprimand, in April 2022, and that he was dismissed from his position as an associate professor on the Faculty of International Relations of the Belarussian state university - a position he held for 20 years- - allegedly as a result of his opposition to the Russian invasion of Ukraine.

The UIA-IROL urges Belarusian authorities to take urgent steps to immediately and unconditionally release Mr. Alexander Danilevich and dismiss all potential criminal charges brought against him and any other Belarussian lawyers who are currently detained solely because of their professional activities and/or the peaceful exercise of their fundamental freedoms.

⁷ See, for instance, UN Human Rights Council, Report of the United Nations High Commissioner for Human Rights. Situation of human rights in Belarus in the context of the 2020 presidential election. February 15, 2021, [A/HRC/46/4](#), parr. 59, 77 and 82.

⁸ See Principle N°24, Basic Principles on the Role of Lawyers.

⁹ See [“Belarus advocacy for the Day of Endangered Lawyer”](#), delivered by Ms Anaïs Marin, Special Rapporteur on the situation of human rights in Belarus, January 24, 2022.

The UIA-IROL urges the Belarussian authorities to immediately cease all intimidation and interference of lawyers with respect to the exercise of their profession and their rights to freedom of expression and assembly. All necessary measures should be implemented *“to ensure that lawyers are (a) able to perform all of their professional functions without intimidation, hindrance, harassment or improper interference”, (...)* and that they do *“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”* (Principle 16 of the Basic Principles).

In particular, the UIA-IROL demands that the Belarussian Ministry of Justice, the Bar Association of Belarus, and the relevant regional bar associations take all necessary steps to reinstate lawyers that have been unfairly deprived of their license to practice law. The UIA-IROL calls on the Belarussian government and the bar associations to immediately put an end to the practice of arbitrary disciplinary proceedings and disbarments as a means of reprisals against lawyers who, in defense of the rights and interests of their clients, are perceived as being critical of, or opposed to, the government.

The UIA-IROL offers its strongest support to Belarussian lawyers who continue to courageously stand and defend the core values of the legal profession and its main role in the defense of the Rule of Law and human rights, in such extremely challenging circumstances. Now, more than ever, the role of our Belarussian legal colleagues is crucial to defend and support the Rule of Law in Belarus.

The UIA-IROL will continue to attentively monitor the situation in Belarus.

#StandWithBelarussianLawyers

More about UIA-IROL

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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