

Mr. Viktor Golovanov
Minister of Justice of the Republic of Belarus
10 Kollektornaya str.
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Belarus
E-mail: kanc@minjust.by

Re: Concerns regarding the removal of licence from several Belarusian lawyers by the Minsk Municipal Bar Association and attempts at preventing them from carrying out their professional duties

Dear Minister,

I am writing to you on behalf of the Council of Bars and Law Societies of Europe (CCBE), which, through the national Bars and Law Societies of the Member States of the European Union and the European Economic Area, represents more than 1 million European lawyers. In addition to membership from EU bars, it has also observer representatives from a further eleven European countries' bars.

The CCBE, through its Human Rights Committee, in co-operation with its PECO Committee responsible for Eastern and Central Europe, places great emphasis on the respect of human rights and the rule of law. The CCBE is particularly concerned by the situation of human rights defenders in the world.

The CCBE writes to express its serious concerns over the increasing instances of harassment and persecution of lawyers in Belarus. Recent moves include the initiation and endorsement of disbarment proceedings against several lawyers by the Minsk Municipal Bar Association at the request of the Ministry of Justice and attempts at preventing them from carrying out their professional duties with respect to their clients.

We have previously sent you a letter dated 27 January 2011 expressing our concern regarding legal assistance and the situation lawyers are facing in Belarus.

We understand that subsequent to a political protest rally held in Minsk on 19-20 December - following the outcome of the presidential elections - the pressure on certain lawyers defending political opposition members (who have been charged in connection with the December events) has steadily grown worse.

The CCBE is informed that at least five lawyers – Pavel Sapelka (lawyer of Andrey Sannikov, a presidential candidate), Vadzimer Toustsik, Tamara Harayeva, Tatyana Aheyeva and her son Aleh Aheyev – have been disbarred. They have had their licences revoked in what we understand are deliberate attempts by the Government to hamper fair trials.

The CCBE has also learned that lawyers have had their attempts to hold private meetings with their clients continually frustrated or refused, have failed to receive copies of essential procedural documentation regarding their clients' cases, and were not informed about their clients being moved from one detention facility to another.

In this context, the CCBE wishes to draw to your attention the following Articles of the United Nations Basic Principles on the Role of Lawyers (1990):

Article 16 states:

Governments shall ensure that lawyers (a) are able to perform all of their professional functions without intimidation, hindrance, harassment or improper interference; (b) are able to travel and to consult with their clients freely both within their own country and abroad; and (c) 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.

Article 21 states:

It is the duty of the competent authorities to ensure lawyers access to appropriate information, files and documents in their possession or control in sufficient time to enable lawyers to provide effective legal assistance to their clients. Such access should be provided at the earliest appropriate time.

Furthermore, Article 28 states that:

Disciplinary proceedings against lawyers shall be brought before an impartial disciplinary committee established by the legal profession, before an independent statutory authority, or before a court, and shall be subject to an independent judicial review.

Taking into the account the recent actions carried out by the Minsk Bar Association, the CCBE respectfully urges you to reinstate the licences of Pavel Sapelka, Vadzimer Toustsik, Tamara Harayeva, Tatyana Aheyeva and her son Aleh Aheyev and to ensure that lawyers in Belarus are able to perform their professional functions without fear of retaliation or any other negative consequences such as disciplinary sanctions.

Yours sincerely,



GEORGES-ALBERT DAL

President

CC:

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