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Dziekan
Okręgowej Rady Adwokackiej
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Mr. Yuri Karaev
Ministry of Internal Affairs
Gorodskoj Val, Str. 4
220030 Minsk
Belarus

Statement of Support for Belarusian Defence Lawyers and Human Rights Defenders

On 9 August 2020, the presidential elections in Belarus took place. The outcome of these elections was widely reported as unfair, falsified and manipulated.¹ This led to widespread protests across Belarus. These protests have been, and are being, brutally dispersed and more than 6000 people have been arrested.² It is widely reported that those arrested are ill-treated. Those arrested are held in inappropriate conditions and there are reports of torture and other prohibited ill-treatment.³ There are reports that courts have been temporarily established in detention centres and that defence lawyers are denied access to their clients.

In a situation of public unrest, the right to access a lawyer is a crucial one and it provides a deterrent effect preventing the most brutal cases of ill treatment. Having said that, the official bar organisation of Belarus (the Belarusian Republic Bar Association) is failing in protecting their members. In their recent statement,⁴ bizarrely, they claim that it is the police who need to be defended in these circumstances. The bar organisation is effectively a part of state machinery in Belarus and not an independent body of self-governance.

In the past the International Federation for Human Rights reported that '[i]n Belarus, lawyers defending cases considered by the authorities to be 'troublesome' are generally exposed to retaliatory measures which can culminate in their expulsion'.⁵ In a situation of crisis this

¹ <https://www.reuters.com/article/us-belarus-election-germany/germany-there-are-many-indications-of-electoral-fraud-in-belarus-idUSKCN2560Z6>

² <https://www.euronews.com/2020/08/11/belarus-protesters-incited-to-change-tact-for-third-night-of-demonstrations>

³ <https://www.bbc.co.uk/news/world-europe-53773534>

⁴ <http://www.rka.by/news/obrashchenie-brka-k-grazhdanam/> in Russian

⁵ <https://www.fidh.org/en/issues/human-rights-defenders/belarus-controls-on-lawyers-endangering-human-rights?fbclid=IwAR2wC1ENRm3BpfLai05t19ZnLs96mxF9izTya3vlziNVM3u9ax0MzCAAKTo>. For more detailed account of the situation with legal professionals in Belarus, see https://www.hfhr.pl/en/report-on-the-situation-of-legal-profession-in-belarus/?fbclid=IwAR1GAV-FVgstnFEjLy3IFDgLN9KV3Y8hbrPqTC_iBXOsNphfrDyFRXa8bk

threat is multiplying. Every case is considered troublesome. Moreover, the official bar organisation is unlikely to defend its members.

There have been multiple reports that lawyers are not allowed to see their clients even in high profile cases.⁶ For instance, the lawyer of the former presidential candidate Victor Babaryka was not allowed to see his client in the KGB detention centre. Defence lawyers are not allowed to do their job, they are prevented from meeting their clients.

The international legal community is asked to actively support lawyers and human rights defenders in Belarus, this includes providing effective assistance.

The international legal community is asked to call for:

1. The Belarusian Republic Bar Association to do everything possible to defend their members from abuse and persecution.
2. The Belarusian authorities to fully comply with the rights of all arrested persons and guarantee them access to a competent and qualified lawyer.
3. The right to life, prohibition of torture, prohibition on arbitrary detention, fair trial and right to privacy to be fully complied with by the Belarusian authorities.
4. Democratic and participatory rights including the right to protest, the right to set up and be part of campaigning organisations and free speech to be guaranteed.

Adw. Mikołaj Pietrzak



⁶ <https://verfassungsblog.de/the-kafkaesque-edifice-of-law/>