



Warsaw, October 16, 2020

Dean  
of the Warsaw Bar Association

SEK.052.5.2020.2

**Belarusian National Bar Association**  
Kollektornaya Street 10  
220004 Minsk, Belarus

**OPEN LETTER  
OF THE DEAN OF THE WARSAW BAR ASSOCIATION OF ADVOCATES**

The Council of the Warsaw Bar Association of Advocates (in Polish: *Okręgowa Rada Adwokacka*), the administering and controlling body of the Warsaw Bar Association of Advocates (in Polish: *Izba Adwokacka w Warszawie*), is alarmed by recent actions taken against the independence, security and freedom of lawyers and advocates practicing in Belarus. Our particular attention is drawn, among others, to the situation of Maxim Znak, Ilya Salei, Liudmila Kazak, Aliaksandr Pylchanka and Yulia Levanchuk.

I attached to this letter a Resolution adopted by Warsaw Bar Association of Advocates in reaction to repression faced by these Belarusian lawyers.

Maxim Znak and Ilya Salei were arrested on 9 September 2020 and since then remain in detention due to criminal prosecution, which, to our best knowledge, was groundlessly instigated against them by the prosecutorial authorities of Belarus. They were both charged under Art. 361 (3) of the Belarusian Criminal Code for alleged public appeals to seize state power or commit actions aimed at harming the national security of Belarus.<sup>1</sup> Since 18 September Mr. Maksim Znak is on hunger strike to express his disagreement.<sup>2</sup> These charges appear to be based on professional activities undertaken by Maksim Znak and Ilya Salei. Mr Znak is an advocate representing Viktor Babaryka and Svetlana Tikhanovskaya. He is also a member of the Presidium of the Coordination Council, a body established at the initiative of Svetlana Tikhanovskaya in order to strive to overcome the political crisis in Belarus which arose after the elections in August.<sup>3</sup> On 21 August filed to the Supreme Court of Belarus a complaint

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<sup>1</sup> <https://rada.vision/en/i-we-maksim-znak-statement-of-the-coordination-council>, accessed 15.10.2020.

<sup>2</sup> <https://rada.vision/en/i-we-maksim-znak-statement-of-the-coordination-council>, accessed 15.10.2020.

<sup>3</sup> <https://rada.vision/en/resolution>, accessed 15.10.2020.

against the presidential elections on behalf Svetlana Tikhanovskaya.<sup>4</sup> Ilya Salei, is an advocate representing Maria Kolesnikova. He worked also as a lawyer in the campaign of Viktor Babaryko and Svetlana Tikhanovskaya.

The case of Liudmila Kazak, who also represents Maria Kolesnikova is another blatant example of intimidation and persecution of lawyers in Belarus. On 24 September 2020, Liudmila Kazak was on her way to a court hearing when she was taken off the street by three masked men, one in OMON uniform.<sup>5</sup> Neither was she informed of the legal grounds for her apprehension, nor of the identity of the officers.<sup>6</sup> She was detained for over a day and penalised for disobeying the orders of the officers who “arrested” her. She was also charged with participation in an unauthorised mass event.<sup>7</sup> According to the media, during her arrest attempts to violate the client-attorney privilege were made.<sup>8</sup>

Today, a special Commission by the Ministry of Justice of the Republic of Belarus recommended that Aliaksandr Pylchanka and Yulia Levanchuk be deprived of their licence to practice.<sup>9</sup> The decision is to be approved tomorrow. Aliaksandr Pylchanka represents detained opposition leaders – Viktor Babaryka and Maria Kalesnikova. According to the reports, the authorities want to deprive Mr. Pylchanka of his licence due to his comments concerning the widespread, unjustified use of violence and torture against civilians by Belarussian enforcement agencies.<sup>10</sup> Yulia Levanchuk, represents Maksim Kharoshyn, the owner of a flower studio, who handed out flowers to protesters during the so called “women’s marches” detained on 13 October 2020 and seriously beaten by the police.<sup>11</sup>

The circumstances of the above described cases indicate that the actions taken by the authorities with regard to Maksim Znak, Ilya Salei, Liudmila Kazak, Aliaksandr Pylchanka and Yulia Levanchuk aim at repressing them for representing members of political opposition and for independent performance of their professional duties and obligations. These

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<sup>4</sup> <https://news.tut.by/economics/697643.html>, accessed 15.10.2020.

<sup>5</sup> <http://spring96.org/en/news/99683>, accessed 15.10.2020.

<sup>6</sup> <https://charter97.org/en/news/2020/9/26/394633/>, accessed 15.10.2020.

<sup>7</sup> <http://spring96.org/en/news/99712>, accessed 15.10.2020; <https://www.fidh.org/en/issues/human-rights-defenders/belarus-arbitrary-arrest-and-judicial-harassment-of-human-rights>, accessed 15.10.2020.

<sup>8</sup> <https://news.tut.by/economics/701822.html>, accessed 15.10.2020.

<sup>9</sup> <https://twitter.com/HannaLiubakova/status/1314248454592499713>, accessed 15.10.2020;

<https://news.tut.by/economics/704209.html?tg&fbclid=IwAR3mvxo8LI5N5mO3DANafPBUCyTrXMj3xV5rQtqxe2KFtNcrEJ7OYxAZWRU>, accessed 15.10.2020; <https://gomel.today/rus/news/belarus-17901/>;

<https://www.intex-press.by/2020/10/08/advokata-babariko-i-kolesnikovoj-mogut-lishit-litsenzii/>, accessed 15.10.2020; <http://spring96.org/ru/news/99982>, accessed 15.10.2020.

<sup>10</sup> <https://ex-press.by/rubrics/obshhestvo/2020/10/10/advokata-babariko-i-kolesnikovoj-mogut-lishit-licenzii-iz-za-ego-komentariya>, accessed 15.10.2020.

<sup>11</sup> <https://belsat.eu/en/news/flower-seller-brutalized-by-police/>, accessed 15.10.2020.

repressions clearly aim also at discouraging other lawyers from doing so. Such repressions are not acceptable in any democratic society, as recognized in the United Nations Basic Principles on the Role of Lawyers.<sup>12</sup>

A reference should be made here specifically to principle 16 which provides, among other, that *Governments shall ensure that lawyers (a) are able to perform all of their professional functions without intimidation, hindrance, harassment or improper interference 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.* According to principle 22, *Governments shall recognize and respect that all communications and consultations between lawyers and their clients within their professional relationship are confidential.* Finally, principle 23 states that *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 and to join or form local, national or international organizations and attend their meetings, without suffering professional restrictions by reason of their lawful action or their membership in a lawful organization. In exercising these rights, lawyers shall always conduct themselves in accordance with the law and the recognized standards and ethics of the legal profession.*


Violations of basic freedoms and rights are undertaken systematically in Belarus against lawyers representing members of political opposition or human rights activists. Any actions aiming at restraining security and freedoms of lawyers, such as those undertaken against Maxim Znak, Ilya Salei, Liudmila Kazak, Aliaksandr Pylchanka and Yulia Levanchuk must be strongly opposed. The independence of lawyers is one of the basic means guaranteeing observance of human and civil rights by state authorities. Respect for independence of lawyers in providing legal assistance is therefore indispensable also for the realization of one's right to free elections.

The Council of the Warsaw Bar Association, acting in solidarity with all lawyers practicing in Belarus, urges Belarusian authorities to act in compliance with internationally recognized legal standards of fair trial and independence of legal professions, to release Mr. Maxim Znak and Ilya Salei immediately and to cease repressions of Liudmila Kazak, Aliaksandr Pylchanka and Yulia Levanchuk. We also express our expectation that criminal proceedings instigated against those detained due to the protests against the validity of the recent elections in

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<sup>12</sup> <https://www.ohchr.org/en/professionalinterest/pages/roleoflawyers.aspx>, accessed 15.10.2020.

Belarus, will be conducted in a fair manner, independently from any political influence of the state authorities, and in compliance with basic human rights and freedoms, specifically, the right to free elections as well as the freedom of expression and freedom of assembly and association.



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Mikołaj Pietrzak  
Dean of the Warsaw  
Bar Association

Attached:

**Resolution 1 of the Council of the Warsaw Bar Association of Advocates dated October 15, 2020 in the matter of harassment of Belarusian advocates**

Copies to:

- 1. Ministry of Justice of the Republic of Belarus**
- 2. Minsk Bar Association**