

BY AIRMAIL/EMAIL

H.E. Alexey Ivanovich Shvakov,
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Subject: disciplinary proceedings against lawyers who have signed a public statement against the war in Ukraine

Dear Mr. Shvakov,

Lawyers for Lawyers is an independent and non-political foundation that seeks to promote the proper functioning of the rule of law by pursuing freedom and independence of the legal profession. Lawyers for Lawyers has Special Consultative status with the UN Economic and Social Council since 2013.

Lawyers for Lawyers is gravely concerned about the fact that, *inter alia*, the council of the Minsk City Bar Association and the council of the Minsk Regional Bar Association initiated disciplinary proceedings against a number of lawyers who signed a public statement against the war in Ukraine (the Petition).¹

According to our information, on 10 and 11 March 2022, the council of the Minsk Regional Bar Association and the council of the Minsk City Bar Association initiated disciplinary proceedings against some of the lawyers who signed the Petition.

Also, we have received reports that officials of these Bar Associations demanded that lawyers withdrew their signatures under the Petition or explain their reasons for signing the Petition.

We draw your attention to the United Nations Basic Principles on the Role of Lawyers², and in particular Article 23, which reads:

¹ The Petition was created on 28 February 2022 and has been signed by amongst others, lawyers, former bar members who were previously deprived of their licenses as well as a number of current bar members.

² The UN Basic Principles on the Role of Lawyers provide a concise description of international norms relating to the key aspects of the right to independent counsel. The Basic Principles were unanimously adopted by the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders in Havana, Cuba on 7 September 1990. Subsequently, the UN General Assembly “welcomed” the Basic Principles in their ‘Human rights in the administration of justice’ resolution, which was adopted without a vote on 18 December 1990 in both the session of the Third Committee and the plenary session of the General Assembly.

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.

We would also like to point out that Article 8 of the Constitution of the Republic of Belarus determines that the Republic of Belarus acknowledges the priority of the universal principles of international law and guarantees the conformity of its legislation with these principles.

In view of the above, Lawyers for Lawyers respectfully urge you to immediately:

- Review and annul the decision to start disciplinary proceedings against the lawyers who have signed the Petition;
- Abstain from any further measures that would constitute improper interference with their professional activities; and
- Guarantee in all circumstances that all lawyers in Belarus are able to carry out their legitimate professional activities without fear of reprisals and free of all restrictions including judicial harassment.

Thank you for your attention to this very important matter. We hope that you will give this case the attention it deserves and we will continue to monitor this case closely.

Yours sincerely,
Lawyers for Lawyers

CC.

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