



BY EMAIL

President Aliaksandr Lukashenko,
BELARUS

Email: contact@president.gov.by

Amsterdam, 3 July 2017

Subject: Sentencing of lawyer Oleg Volchek

Your Excellency,

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 is concerned about the trial against Oleg Volchek, a prominent human rights lawyer and director of the non-governmental organisation Pravovaya Pomoshch Naseleniyu (Legal Aid to Population). On 17 February 2017, Oleg Volchek participated in a demonstration in Minsk. Another demonstration took place on March 15. Through these peaceful protests, participants called on the authorities to withdraw Presidential Decree No 3 on the 'Prevention of Social Dependence'. This Decree targets and imposes a tax of around USD 250 on Belarusians who have worked less than half a year and are not registered at the country's labour offices.

A few weeks after the demonstrations, Oleg Volchek was charged with 'participating in unauthorized peaceful assembly', under Article 23.34 part 1 of the Belarusian Administrative code and on 21 March 2017, sentenced to thirteen (13) days' imprisonment by the Frunzensky District Court. On the same day, Oleg Volchek issued a complaint to the Moskvsky District Prosecutor's Office in Minsk in which he argued that Article 2.10 of the Code of Execution Procedure on Administrative Violations (which relates to the thorough, exhaustive and objective investigation of the circumstances of a case) had been violated.

On 31 March 2017, the Minsk City Court dismissed Oleg Volchek's conviction and ordered the Frunzensky District Court to re-investigate the case against him.

According to our information, in June 2017, Oleg Volchek's lawyer was informed that the Frunzensky District Court of Minsk city reissued the guilty verdict against Oleg Volchek and sentenced him to thirteen (13) days' imprisonment. Prior to that, on 2 May 2017, this Court had held a hearing on the results of the reinvestigation and found Oleg Volchek guilty of participating in an unauthorised peaceful assembly. Neither Oleg Volchek nor his lawyer were informed of the results of the re-investigation of the case, nor were they notified by the Court about the ongoing trial. Oleg Volchek was therefore



unable to prepare his defence before the Court, attend the court hearing on the 2nd of May and to appeal within the set time frame. However, Oleg Volchek submitted an appeal anyway to the Minsk City Court and this Court allowed the appeal, recognizing that there were procedural violations. Subsequently, a hearing has been scheduled about Oleg Volchek's complaint about procedural violations and his conviction in absentia for tomorrow, 4 July 2017, at the Frunzensky District Court.

Lawyers for Lawyers – as well as various other organizations - fear that these acts of harassment against Oleg Volchek are connected to, and serve to curb his legitimate activities as an attorney.

We would like to draw your attention to the United Nations Basic Principles on the Role of Lawyers¹, and more in particular Article 23, which reads:

23. 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.

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

- Drop all charges against Mr. Oleg Volchek and put an end to all acts of harassment against him, including at the judicial level;
- Make sure that the trial against him is fair and upholds due process rights;
- Guarantee in all circumstances that all human rights lawyers in Belarus are able to carry out their legitimate professional rights and duties without fear of reprisals and free of all restrictions including judicial harassment.

¹ 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.



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

Yours sincerely,

LAWYERS FOR LAWYERS

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Phon van den Biesen
President

Letters concerning the same topic were sent to:

- Minister of Justice of Belarus, Mr. Oleg Slizhevsky, Email: kanc@minjust.by,

Copies of this letter were sent to:

- President of the Supreme Court of Belarus, Mr. Valiantsin Alehavich Sukala, Belarus, Email: scjustrb@pmrb.gov.by
- Administration of the Central District Court of Gomel, Email: centr-gomel@court.by
- H.E. Mr. Yury Ambrazevich, Permanent Mission of Belarus to the United Nations in Geneva, Switzerland, Email: mission.belarus@ties.itu.int