

## **To the UN Special Rapporteur on the Independence of Judges and Lawyers**

**Ms. Gabriela Knaul**

We, the undersigned human rights organizations of the Republic of Belarus and individual human rights defenders in personal capacity, would like to inform you about facts of pressure on lawyers by the executive authorities of Belarus, particularly, the withdrawal of licenses imposed on lawyers **Uladzimir TOUSTSIK, Tamara HARAYEVA, Aleh AHEYEU and Tatsiana AHEYEVA**, something threatening an access of their clients to an effective remedy and retarding the course of justice.

After the notorious events on 19 December 2010 in Minsk, Belarusian lawyers are pushed into a position of being not capable of carrying out their professional duties properly due to accelerating cases of intimidation, persecution and unlawful interference on the side of the executives. You are welcome to find more information about facts of pressure and hindering the legal activities of lawyers in the analytical review attached to this letter and prepared by the International Observation Mission in the Republic of Belarus.

According to the information uploaded to the official website of the Ministry of Justice of Belarus ([http://minjust.by/ru/site\\_menu/news?id=775](http://minjust.by/ru/site_menu/news?id=775)) yesterday, on 17 February 2011, “grave violations of the legislation, incompatible with the position of a lawyer”, allegedly committed by **Uladzimir TOUSTSIK, Tamara HARAYEVA, Aleh AHEYEU and Tatsiana AHEYEVA**, have been identified within a scheduled inspection of the Minsk City Bar by the Ministry of Justice; based on it, the Ministry of Justice has made a decision to disbarment their advocacy licenses. The Ministry has also directed the Presidium of the Minsk City Bar to take urgent actions to secure the legal assistance for their former clients, and also brought a proposal to the Republican Bar Association with demands to step up lawyers’ liability when carrying out their professional duties and to take measures to reinforce control on financial discipline of bars.

**Uladzimir TOUSTSIK** (Minsk, Belarus) is a lawyer (license agreement No. 1337 of 25/01/2008) of the legal consultation office No. 2 of Savetski district in Minsk (Melezha Str. 4). Based on a contract, Toustsik is a legal defender of Iryna Khalip, the wife of the ex-candidate for presidency Andrei Sannikau. Having been placed to the detention facility of the State Security Committee (SIZO KGB) from 20 December 2010 until 29 January 2011, Khalip was being legally represented by Toustsik. She had to give up his services due to moral pressure by KGB officers and threats to disbarment Toustsik’s license. By an enactment of the Ministry of Justice on 14 February 2011,

Uladzimir Toustsik's advocacy license was disbarred because of grave violations of the licensing legislation, namely because of his refusal to provide Iryna Khalip with legal assistance. Some available information suggests that Toustsik is going to challenge the way he was taken off Khalip's case in court, since legal breaches were conducted when taking this decision.

**Tamara HARAYEVA** (Minsk, Belarus) is a lawyer (license agreement No. 277 of 26/12/2003) of the legal consultation office No. 2 of Savetski district in Minsk (Melezha Str. 4). In a situation when it had become impossible for Khalip to be Toustsik's client, Harayeva was a second lawyer Khalip signed a contract with. However, on 4 February 2011, Harayeva notified Khalip's parents that, given certain circumstances, she had to withdraw their advocacy contract. By an enactment of the Ministry of Justice on 14 February 2011, Harayeva's advocacy license was disbarred because of grave violations of the licensing legislation and a refusal to provide Iryna Khalip with legal assistance.

**Aleh AHEYEU** (Minsk, Belarus) is a lawyer (license agreement No. 745 of 20/02/2004) of the legal consultation office of Leninski district in Minsk (Ulyanauskaya Str. 4) and a member of the Presidium of the Minsk City Bar. Aheyeu is a defending lawyer of Aleś Michalevič, an ex-candidate for presidency, who is currently imprisoned at the KGB detention facility. He was charged with staging mass unrest. You have been notified on an unlawful interference with Aheyeu's professional activities (an attempt by KGB officers to seize his working documents) by an Email on 14 February 2011. By an enactment of the Ministry of Justice on 14 February 2011, Aheyeu's advocacy license was disbarred because of "grave violations of the procedures of the completion of advocacy contracts" and "preventing the licensing authority from taking steps to control the observance of legislation, resulting in providing inaccurate information".

**Tatsiana AHEYEVA** (Minsk, Belarus), a lawyer (license agreement No. 344 of 26/12/2003) of the Juridical Board of Zavodski district in Minsk (Partyzanski Ave. 91), has had her advocacy license disbarred because of "grave violations of the procedures of the completion of advocacy contracts" and "preventing the licensing authority from taking steps to control the observance of legislation, resulting in providing inaccurate information".

The enactment of the Ministry of Justice on 14 February 2011, serving a base for the termination of advocacy licenses of Toustsik, Harayeva, Aheyeu, and Aheyeva, contains a reference to the Law on Advocacy of the Republic of Belarus (2406-XII, 15/06/1993) and the Provisions on Licensing of Certain Activities, approved by the Decree of the President of the Republic of Belarus No. 450 on 1/9/2010 "On Licensing of Certain Activities".

We would like to draw your attention to the fact that the bar self-governing bodies, namely the Presidium of the Minsk City Bar Association, have not instituted disciplinary proceedings against bar lawyers on the basis of these facts and have not brought them to responsibility for it. The above-mentioned bar lawyers have not been invited to the session of the Qualification Commission of the Ministry of Justice, at which the decision of their disbarment was made. Hereby, the bar lawyers did not have an opportunity to defend themselves.

We believe the debarment measures by the Ministry of Justice of Belarus to be politically motivated and not in line with the principle of independence of lawyers, enshrined in a range of international documents, including the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms, Standards for the Independence of the Legal Profession of International Bar Association, as well as the Basic Principles on the Role of Lawyers, adopted by the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders.

We ask you to react to this message as soon as possible and take necessary action within your mandate.

**Foundation for Legal Technologies Development, Elena Tonkacheva**  
**Legal Transformation Center, Olga Smolyanko**  
**Belarusian Human Rights House, Tatyana Revyaka**  
**Committee for Defence of the Repressed “Salidarnasc”, Inna Kulei**  
**Human Rights Center “Viasna”, Ales Belyacki**  
**Belarusian Helsinki Committee, Oleg Gulak**  
**Human Rights Defender, Graduate of the 1th Higher Human Rights Course**  
**of the Polish Helsinki Foundation for Human Rights, Boris Zvoskov**