



## **Submission to the Special Rapporteur on the Situation of Human Rights in Belarus**

*This submission is made on behalf of the Coalition for the Day of the Endangered Lawyer, a network of national and international legal organisations and bar associations which coordinates the International Day of the Endangered Lawyer, observed on 24 January each year since 2010. In 2025, the Day of the Endangered Lawyer focused on Belarus. This submission is based largely on information collected for a report published for the Day and through roundtables and interviews with Belarussian lawyers.*

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### **Summary of the Submission**

This submission highlights the challenges in imposing accountability for human rights violations in Belarus since 2020. Following the Presidential election and mass protests, a crackdown by the government has resulted in the targeting of lawyers, human rights defenders, journalists and dissidents. Vague and overbroad national security laws have been applied to silence critics of the government and those upholding the rule of law. Thousands of people have been subjected to arbitrary arrest, detention, and prosecution, and have been sentenced following unfair trials. Our organisations are also gravely concerned about reports of widespread torture and other ill-treatment, as well as incidents of enforced disappearance.

Constitutional and legislative changes have further eroded the independence of the judiciary and legal professional bodies. Such amendments have tightened the executive branch's control over the judiciary and the legal profession. Accordingly, the fundamental principle of the separation of powers has been extinguished.

The Ministry of Justice exerts influence over the regulation of the legal profession. The Belarusian Republican Bar Association and territorial bar associations lack independence. Rather than protecting and supporting their members, these associations are being used by the Ministry of Justice to crackdown on lawyers who take on human rights and politically sensitive cases. This submission provides further details of lawyers who have faced harassment, arrest, and detention, as well as disciplinary measures simply for doing their job. As well as impacting on the rights of individuals, this has a chilling effect on access to justice and rule of law.

Furthermore, Belarus has a poor record of engagement with international and regional human rights mechanisms. It has consistently refused to accept and implement recommendations aimed at addressing the lack of independence of the judiciary and legal profession and to take action to ensure access to justice. In February 2023, Belarus withdrew its acceptance of the individual communication procedure under the International Covenant on Civil and Political Rights. The government has also introduced measures to make it harder for individuals to seek justice and hold perpetrators of human rights violations to account at the domestic level.

## **Introduction: Situation of Human Rights in Belarus**

The August 2020 Presidential elections in Belarus have been considered the origin of a deteriorating human rights situation in the country. The elections were widely recognised as having been orchestrated fraudulently to ensure Alyaksandr Lukashenko became President.<sup>1</sup> This was followed by mass protests by Belarusians, leading to arrests, unfair detentions, torture, ill-treatment of detainees and other human rights violations. In 2021, the UN Special Rapporteur on Belarus reported that in the year following the election, Belarusian authorities arrested more than 35,000 people,<sup>2</sup> and in 2023 it was estimated that between 200,000 and 1 million Belarusians were living in exile due to continued violation of their basic human

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<sup>1</sup> OSCE Press Release, 'ODIHR gravely concerned at situation in Belarus following presidential election', 10 August 2020, available at: <https://www.osce.org/odihr/belarus/459664>; European Union Press Release, 'Belarus: Declaration by the High Representative on behalf of the EU on the first anniversary of the 9 August 2020 fraudulent presidential elections in Belarus', 8 August 2021, available at:

<https://www.consilium.europa.eu/en/press/press-releases/2021/08/08/belarus-declaration-by-the-high-representative-on-behalf-of-the-eu-on-the-first-anniversary-of-the-9-august-2020-fraudulent-presidential-elections-in-belarus/>;

Council of Europe Press Release, 'Belarus: Statement by PACE rapporteur on the occasion of the 3rd anniversary of the presidential elections', 17 August 2023, available at: <https://www.coe.int/en/web/portal/-/belarus-statement-by-pace-rapporteur-on-the-occasion-of-the-3rd-anniversary-of-the-presidential-elections>

<sup>2</sup> UN Special Rapporteur on the situation of human rights in Belarus report to the UN, 5 July 2021, available at: <https://www.ohchr.org/en/2021/07/over-past-year-more-35000-people-have-been-arbitrarily-detained-belarus-special-rapporteur>

rights.<sup>3</sup> Further, there have been consistent constraints on civic space, disregard for fundamental freedoms and a crackdown on people who oppose the authoritarian government.<sup>4</sup>

Lawyers, human rights defenders (HRDs) and journalists have been specifically targeted, stifling freedom of speech, expression, and association (See Annex A for information on lawyers whose rights have been violated.) Several lawyers' licences have been revoked, journalists have been forcefully detained or compelled to flee, and media and civil organisations have been dissolved.<sup>5</sup> Viasna Human Rights Centre, a Belarusian civil society organisation, has reported that by October 2024, at least 7,450 people had been the subject of politically motivated prosecutions, of which 6,050 were convicted.<sup>6</sup> Viasna notes that, as of November 2024, 1,275 people remain political prisoners in Belarus.<sup>7</sup> The government has weaponized vague and overly broad anti-extremist and anti-terrorist legislation to silence its opposers and put them behind bars.<sup>8</sup> Since 2020, reports indicate that more than 400 people have been added to the terrorist list, and over 4,000 people have been branded 'extremists'.<sup>9</sup> There has been widespread international criticism with sanctions being imposed on Belarus for its failure to uphold human rights, and refusal by the EU and USA to recognise Lukashenko as President.<sup>10</sup>

## 1) Separation of powers

In 1996, two years after Alyaksandr Lukashenko was first elected as President, the separation of powers in Belarus was deeply undermined following a constitutional referendum. The referendum gave Mr Lukashenko powers over the appointment and dismissal of judges, alongside wide legislative powers, creating an unbalanced system where the executive enjoyed the concentration of powers. At the time of the referendum in 1996, the Constitutional Court did not recognize this result as legitimate and widely denounced it.<sup>11</sup> The lack of separation of powers in Belarus

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<sup>3</sup> OHCHR Press release, "Belarus: Presidential decree denying consular services puts Belarusians abroad at risk", 20 Sep 2023, available at: <https://www.ohchr.org/en/press-releases/2023/09/belarus-presidential-decree-denying-consular-services-puts-belarusians>.

<sup>4</sup> OHCHR Statements & Speeches, "Statement on the situation of human rights in Belarus", 22 Sep 2023, available at: <https://www.ohchr.org/en/statements-and-speeches/2023/09/statement-situation-human-rights-belarus>.

<sup>5</sup> Chatham House, "Human rights violation in Belarus", 24 January 2024, available at: <https://www.chathamhouse.org/2024/01/human-rights-violations-belarus>.

<sup>6</sup> Viasna, 'Human Rights Situation in Belarus. October 2024' 11 November 2024, available at: <https://spring96.org/en/news/116662>

<sup>7</sup> Viasna, 'List of political prisoners and persons convicted in political criminal cases' last updated 14 November 2024, available at: <https://prisoners.spring96.org/en>

<sup>8</sup> Chatham House, *supra* note 3.

<sup>9</sup> PEN Belarus, '4 Years of Repression in Belarus in General and in the Cultural Sector: Trends from June 2020 to June 2024' 22 July 2024, available at: [https://penbelarus.org/wp-content/uploads/2024/07/4-years-eng\\_1.pdf](https://penbelarus.org/wp-content/uploads/2024/07/4-years-eng_1.pdf)

<sup>10</sup> Amnesty International, "Report 2022/23: Belarus", available at: <https://www.amnesty.org/en/location/europe-and-central-asia/belarus/report-belarus/>.

<sup>11</sup> E/CN.4/2001/65/Add.1, paras. 18-24.

was further cemented through subsequent constitutional amendments. For example, in April 2024, the acting President became Chair of the Belarusian People's Assembly, obtaining extra leverage over the judicial and legislative branches, and in 2022, a new chamber of Parliament, the All-Belarusian Peoples' Assembly, was established by a further constitutional referendum, with wide-reaching powers, including the authority to determine the legitimacy of presidential and parliamentary elections. This new constitutional body lacks independence, as members of the leadership committee are appointed by the President, who is also the chair of the body.<sup>12</sup>

. United Nations human rights experts and bodies expressed concern over the concentration of power in the executive<sup>13</sup> and the procedures relating to the tenure, disciplining and dismissal of judges, and deemed them to be incompatible with the principle of independence and impartiality of the judiciary.<sup>14</sup> Legislative and administrative initiatives were also denounced because they undermined the independence of the bar.<sup>15</sup> Issues surrounding the lack of independence of the judiciary and legal profession were highlighted in the report of the mission to Belarus in 2002 by the Special Rapporteur on the independence of judges and lawyers<sup>16</sup> and in 2004 in the mission report of the Working Group on Arbitrary Detention.<sup>17</sup> The Human Rights Committee concluded that violations of articles 14 and 25 of the International Covenant on Civil and Political Rights had occurred through the dismissal of one of the Constitutional Court judges in 1997.<sup>18</sup>

For the two decades that followed the constitutional referendum, the dependence of the judiciary and the bar on the executive, and the harassment of judges and lawyers, have become a cause for concern.<sup>19</sup> Successive Special Rapporteurs on the situation of Belarus, reporting to the UN Human Rights Council,<sup>20</sup> and their predecessors under the Commission on Human Rights,<sup>21</sup> have systematically addressed these issues.

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<sup>12</sup> A/HRC/50/58, paras. 61 and 62.

<sup>13</sup> E/C.12/1/Add.7/Rev.1, para. 12 (1996); CCPR/C/79/Add.86, para. 7 (1997); A/72/493.

<sup>14</sup> CCPR/C/79/Add.86, para. 13 (1997); E/CN.4/1998/40/Add.1, para. 76 (1997).

<sup>15</sup> CCPR/C/79/Add.86, para. 14 (1997).

<sup>16</sup> E/CN.4/2001/65/Add.1.

<sup>17</sup> E/CN.4/2005/6/Add.3, paras. 44-47.

<sup>18</sup> CCPR/C/78/D/814/1998.

<sup>19</sup> A/56/44, paras. 45 (d), (f), (g), 46 (d) (Committee against Torture, 2001); CERD/C/65/CO/2, para. 12 (2004); CAT/C/BLR/CO/4, para. 12 (2011); CERD/C/BLR/CO/18-19, para. 14 (2013). E/C.12/BLR/CO/4-6, para. 6 (Committee on Economic, Social and Cultural Rights, 2013). CERD/C/BLR/CO/20-23, paras. 21 and 22 (2017); CAT/C/BLR/CO/5, paras. 11, 44 and 45 (2018); CCPR/C/BLR/CO/5, paras. 39-42 (2018).

<sup>20</sup> A/HRC/23/52, paras. 61-67 and 119 (e) and (f) (2013); A/68/276, paras. 95-98 and 118 (f), (g) and (l) (2013); A/HRC/26/44, paras. 33-36, 139 (e) and (f) (2014); A/HRC/29/43, paras. 34-40 and 131 (c) (2015); A/HRC/32/48, para. 139 (g) (2016); A/HRC/38/51, paras. 83-88 and 114 (j) (2018); A/HRC/41/52, para. 95 (f) (2019); A/75/173, paras. 19-37 and 79 (a) (h) (2020). A/HRC/47/49, para. 101 (e) (2021); A/HRC/50/58, paras. 82-86 and 126 (f) (2022); A/77/195, paras. 68-72 and 94 (g) (2022); A/HRC/53/53, paras. 86-91 and 111 (i) (2023); A/HRC/56/65, paras. 114-116 (2024).

<sup>21</sup> E/CN.4/2005/35, paras. 29-33, 92 and 93 (2005).

It has been observed that during election periods the harassment of lawyers reaches its peak, particularly since 2020.<sup>22</sup> This includes arbitrary arrest, criminal convictions, and disbarments.<sup>23</sup> There are also concerns about the imposition of non-disclosure agreements on lawyers and holding trials in absentia without the opportunity for the accused to participate in the proceedings and access key materials of the case, preventing them from an effective defence (see Annex A for further details).

Furthermore, violations of fair trial guarantees have been identified by the views in individual communications adopted by the Human rights Committee, in the opinions of the Working Group on Arbitrary Detention, and in reports and communications of the UN Special Rapporteur on Belarus on several occasions.

Belarus has chosen to 'accept' or 'accept as already implemented' recommendations on ensuring fair trial guarantees<sup>24</sup> and the independence of the judiciary<sup>25</sup> at its Universal Periodic Review several times. However, Belarus ignored specific recommendations to devolve the appointment, suspension, and removal of judges to self-governing bodies of judges.<sup>26</sup> Belarus has additionally declined recommendations by the Committee against Torture to undertake proper investigations into disbarred lawyers' cases.<sup>27</sup>

## **2) Independence of Bar Associations and lawyers (DEL report)**

The Law on the Bar,<sup>28</sup> adopted in 1993, was applicable in Belarus until 2011 and broadly aligned with both domestic and international legal standards. However, on 30 December 2011, the Law on the Bar and Practice of Law in the Republic of Belarus was adopted against a landscape of repressions against lawyers who defended the political opponents of the government elected in 2010. The overarching objective, and outcome, in enacting this law was to unite all lawyers under the Belarusian Republican Bar Association (BRBA) to strengthen state control over the legal profession.

On 27 May 2021, amendments to this law<sup>29</sup> dramatically increased the executive branch's control over the work of lawyers. The amendments prevent many lawyers from representing clients in cases related to human rights and political dissent, by prohibiting lawyers working independently or within law firms to handle cases

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<sup>22</sup> A/HRC/56/65, para. 115.

<sup>23</sup> See, on the 2010 elections, A/HRC/17/30/Add.1, paras. 88-98.

<sup>24</sup> A/HRC/15/16, para. 97.28 (2010); A/HRC/15/16/Add.1, paras. 16-21 (98.8) and paras. 73-75 (98.26) (2010).

<sup>25</sup> A/HRC/15/16/Add.1, paras. 70-72 (98.25) (2010); A/HRC/30/3/Add.1, paras. 129.51, 129.53 (2015); A/HRC/46/5/Add.1, para. 20 (138.186) (2020).

<sup>26</sup> A/HRC/30/3/Add.1, para. 129.54 (2015).

<sup>27</sup> CAT/C/BLR/CO/4/Add.1, para. 6

<sup>28</sup> Law on the Bar, Law of the Republic of Belarus No. 2406-XII (15 June 1993).

<sup>29</sup> Law on Amendments to the Law on the Bar, Law of the Republic of Belarus No. 113-3 (27 May 2021).

involving criminal or administrative offences. Moreover, the amendments empowered the Ministry of Justice to:

- Approve - or reject - all candidates for the bar, members of bar association councils, including the chair, and the appointment of heads of legal advice offices by bar association councils.
- Establish the rules governing professional ethics for lawyers.
- Monitor lawyers, law firms, and bar associations for compliance with these ethical standards and to initiate disciplinary proceedings in cases of perceived violations.
- Remove bar association Chairs if the Qualification Commission, which is under the Ministry's control, determines that they have violated professional ethics.
- Participate in bar association activities and request any documents from the bar or individual lawyers.

### The Rules of Professional Ethics of a Lawyer

In line with its new powers under the 2021 amendments to the law, the Ministry of Justice updated the Rules of Professional Ethics of a Lawyer on 30 September 2021, without consultation with lawyers or approval from bar associations. The new version of the Rules entrenches previous restrictive practices and adds several constraints:

- Elimination of Immunity Clause: The guarantee that statements made by a lawyer which do not violate these Rules are not subject to prosecution was removed. This contradicts the UN Basic Principles on the Role of Lawyers, which protects legal immunity in the performance of duties.
- Prohibition on Statements about Guilt or Innocence: The new Rules explicitly forbid lawyers from commenting on the guilt or innocence of an accused person they do not represent. This measure formalises previous arbitrary interpretations applied against lawyers like Dmitri Laevski.
- Media Communication and Internet Restrictions: Lawyers are now required to disseminate only "accurate and reliable" information and to provide information from a legal standpoint. They cannot publicly make statements not backed by verified facts and case materials, broadening the scope for subjective interpretation and punishment.

These regulations allow for highly flexible and arbitrary interpretations, effectively banning the expression of any civil, political, or otherwise critical opinions by lawyers. This broad reach means lawyers' routine defence activities, such as highlighting torture or other wrongful actions by state officials, can be deemed violations if not supported by established facts and case documents, which might be inaccessible due to attorney-client privilege or investigation secrecy.

### Disciplinary procedures

The 2021 amendments to the Law on the Bar transferred the functions of the disciplinary commissions of the Territorial Bar Associations (TBAs) and BRBA to their respective councils. The TBA councils now handle disciplinary violations by lawyers,<sup>30</sup> while the BRBA council addresses disciplinary violations committed by the chairs and members of the TBA councils, and complaints about decisions of the territorial councils (decisions on such complaints can be appealed in court within one month).<sup>31</sup>

In addition, the Law on the Bar grants the Ministry of Justice several powers that can be arbitrarily exercised against any lawyer, including members of bar councils. These powers include:<sup>32</sup>

- obtaining information and documents from bar associations, legal advice offices, and individual lawyers,
- initiating disciplinary proceedings against a lawyer and suspending them from practising law during the course of the proceedings,
- proposing to the Qualification Commission that a lawyer undergo an “extraordinary attestation” to assess their ability to fulfil professional duties “in cases where evidence of insufficient qualifications is revealed”. This process involves reviewing the lawyer’s professional activities, including an oral interview assessing their knowledge of legislation, which can vary in complexity and duration.
- suspending or revoking a lawyer’s licence to practise law.

Lawyers can see their licence withdrawn following an attestation process, which the Qualification Commission can launch at any time. The threat of being disbarred is used to exert arbitrary pressure on those lawyers who are perceived as being critical of the Government because of the type of clients they defend.<sup>33</sup> It also places lawyers who are members of bar association governing bodies in a vulnerable position and increases their dependence on the Ministry of Justice.

As a result of these procedures, between 2020 and December 2023, 128 lawyers were deprived of their right to practise.<sup>34</sup> For example, on 29 May 2023, the Qualification Commission conducted an unscheduled performance assessment of lawyers and ruled in favour of disbarring four lawyers – Yuri Kozikov, Atem Semyanov, Alexander Ulasevich and Svetlana Yakusheva. Kozikov and Semyanov were subject to disciplinary measures for committing acts that “undermine the status of lawyer and the Bar.”<sup>35</sup> Both lawyers provided legal representation in high-profile political cases that might have led to their disbarment. Ulasevich and

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<sup>30</sup> Art. 43.

<sup>31</sup> Art. 47.

<sup>32</sup> Chapter 6, art. 38.

<sup>33</sup> [Statement of Mrs Anaïs Marin, UN Special Rapporteur on the situation of human rights in Belarus, at the 75th session of the General Assembly | OHCHR](#)

<sup>34</sup> <https://defendersbelarus.org/lawyers-persecution-2000>

<sup>35</sup> International Commission of Jurists, [Belarus: Attacks on independent lawyers continue unabated | ICJ](#), 2 June 2023.

Yakusheva allegedly committed the same misdemeanours by reportedly donating to the Fund of Solidarity, a fund that supports victims of political repression following the 2020 elections in Belarus.

### Interference in the functioning of Bar Associations

Membership in a territorial bar association is mandatory in Belarus. There are seven TBAs covering the city of Minsk and each of the six regions of Belarus: Minsk, Mogilev, Grodno, Gomel, Vitebsk, and Brest. According to the Law on the Bar, TBAs are recognized as non-profit organisations, established to provide legal assistance, represent the interests of lawyers before state bodies and other organisations, and to monitor compliance with the law, including adherence to the Rules of Professional Ethics for Lawyers. The executive body of the TBA is its Council, a collegial body elected by the general assembly (or a conference with delegates representing a certain number of lawyers) of the bar association's members.

The central self-governing body is the BRBA, a non-profit organisation made up of the compulsory membership of territorial bar associations. The governing bodies of the BRBA consist of the Council, composed of two representatives from each TBA, who are elected from candidates approved by the Ministry of Justice. The BRBA Chairperson is elected by the members of the BRBA Council for a four-year term, subject to the approval of the Ministry of Justice. Chairs of the TBAs also serve on the BRBA council ex officio and an audit commission is elected within the BRBA to oversee the financial and economic activities of the TBAs.

This structure fails to meet international standards as the BRBA is susceptible to state influence and interference, compromising its independence. The process remains undemocratic and heavily influenced by the executive branch, limiting the bar associations' ability to defend the independence of the profession and their members adequately.<sup>36</sup> The key concerns can be summarised as follows:

- Extensive Ministry of Justice Control: The 2021 amendments to the Law on the Bar expanded the Ministry of Justice's influence, undermining the independence of bar associations.
- Candidate Approval: The Ministry approves candidates for bar council positions and can propose its own candidates if its selections are rejected twice, compromising the independence of the election process.
- Control and Disciplinary Action: The Ministry can initiate disciplinary measures, suspend, or terminate lawyer licences, placing governing lawyers in a vulnerable position.
- Intervention in Bar Decisions: The Ministry can suspend bar association decisions it deems illegal, with the power to seek court annulment, exerting control over bar rulings due to a lack of judicial independence.

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<sup>36</sup> Report of the Special Rapporteur on the independence of judges and lawyers A/71/348 (2016), paragraph 85.

- Early Termination of Leadership: The Ministry can initiate the removal of bar association leaders, furthering its control over the leadership structure.

Various international bodies have also recognized the lack of independence in the Belarusian bar. The UN Human Rights Committee has expressed concerns about the relationship between bar associations and the Ministry of Justice, which undermines the independence of the legal profession.<sup>37</sup> The Observatory for the Protection of Human Rights Defenders noted that Belarusian legislation places the legal profession under state supervision, stripping bar associations of their primary function to guarantee independence.<sup>38</sup> The Special Rapporteur on the situation of human rights in Belarus has reported systemic interference with lawyers' professional activities.<sup>39</sup> The UN High Commissioner for Human Rights highlighted the threats of disbarment or disciplinary sanctions against lawyers defending politically sensitive cases.<sup>40</sup> The Council of Bars and Law Societies of Europe (CCBE) has stated that key self-governing bodies of lawyers have become instruments of state repression.<sup>41</sup>

### Requirements for admission to practice

There are concerns that the requirements for admission to practice law lack clarity and are not overseen by an independent body. Accordingly, they are open to inference and arbitrary application, especially for lawyers who work on human rights or other sensitive cases.

The 2011 Law on the Bar and the Practice of Law in the Republic of Belarus sets out the following requirements for the admission of lawyers:

- citizenship of the Republic of Belarus,
- higher legal education,
- preliminary training/internship,
- qualification exam passed,
- special permit (licence),
- membership in the territorial bar association.<sup>42</sup>

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<sup>37</sup> Concluding observations of the Human Rights Committee on the fifth periodic report of Belarus CCPR/C/BLR/CO/5 (2018), paragraph 41.

<sup>38</sup> Joint report of the Observatory for the Protection of Human Rights Defenders in cooperation with the Paris Bar Association "Belarus: Control Over Lawyers Threatens Human Rights," June 2018.

<sup>39</sup> Report of the Special Rapporteur about human rights in Belarus, Anais Marin of 4 May 2021, A/HRC/47/49 (2021), paragraph 57.

<sup>40</sup> Report of the UN High Commissioner for Human Rights of 15 February 2021 "The situation with human rights in Belarus in the context of the presidential elections of 2020", A/HRC/46/4 (2021), paragraph 59.

<sup>41</sup> Joint statement of the Helsinki Foundation for Human Rights (Poland), the World Organization against Torture (Switzerland), the international organization Article 19 (UK) in partnership with the Council of Bars and Legal Societies of Europe (CCBE) dated August 2, 2021.

<sup>42</sup> Law of the Republic of Belarus "On the Bar and the Practice of Law in the Republic of Belarus" dated December 30, 2011, No. 334-3, Chapter 2, art. 7 section 1.

The Qualification Commission oversees the admissions process and grants permission for candidates to take the qualifying exam.<sup>43</sup> However, this Commission is not an independent body; it is established by and operates under the Ministry of Justice. Lawyers are a minority on the Commission (with only eight representatives from the Bar), and the Commission is chaired by the Deputy Minister of Justice, who holds the decisive vote.<sup>44</sup> All licences are issued by the Ministry of Justice.

A jurist with a higher education who meets the relevant requirements must complete a mandatory internship with the Bar before taking the qualifying exam. Previously, the recruitment of interns was managed by the lawyers' self-governing bodies but, following the 2021 amendments to the Law on the Bar, candidates must now be approved by the Ministry of Justice.<sup>45</sup> However, there are no clearly defined criteria for accepting or rejecting candidates, consequently, the approval process is entirely discretionary and open to arbitrary refusals for internship placements.

The procedure and programme for the qualification examination are established by the Ministry of Justice.<sup>46</sup> The qualifying examination consists of a written and oral stage. If candidates are successful in the written stage, they take an oral exam overseen by the Qualification Commission. However, there are no set questions or prescribed length of the exam, consequently, the Qualification Commission exercises considerable discretion in evaluating the oral part of the exam, and its decisions are not subject to judicial review.

Upon successfully passing the exam, the Ministry of Justice issues a special permit (licence) to practise law. The licence-holder must then apply to the TBA for acceptance.<sup>47</sup> Only after the TBA approves the application, which is formalised by a decision from the TBA Council, do they become a lawyer and gain the right to practise. Thus, in Belarus, the Ministry of Justice exerts complete control over the entire process of admission to the legal profession.

### Lack of free legal assistance

There is effectively no system of free legal assistance funded by the state. While legal aid in certain criminal cases may be covered by the local or national state budget, these costs are later recovered from the individuals concerned.<sup>48</sup> In other instances, specified by law, free legal assistance is funded by the bar associations, meaning it is covered by the lawyers themselves.<sup>49</sup> However, lawyers are prohibited

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<sup>43</sup> Law of the Republic of Belarus "On the Bar and the Practice of Law in the Republic of Belarus" dated December 30, 2011, No. 334-3, Chapter 2, art. 9.

<sup>44</sup> Ibidem, art. 14.

<sup>45</sup> Ibidem, Chapter 6, art. 38

<sup>46</sup> Ibidem

<sup>47</sup> Ibidem, art. 11

<sup>48</sup> Law of the Republic of Belarus "On the Bar and the Practice of Law in the Republic of Belarus" dated December 30, 2011, No. 334-3, Chapter 4, art. 27.

<sup>49</sup> Law of the Republic of Belarus "On the Bar and the Practice of Law in the Republic of Belarus" dated December 30, 2011, No. 334-3, Chapter 4, art. 28.

from offering pro bono services or waiving fees for their assistance on their own initiative.

### **3) Conclusions: The impossibility to seek accountability at the national level**

The Lukashenko presidency has established impunity, allowing those responsible for gross human rights violations to evade accountability: the authorities have utterly failed to open any effective investigations into the violence committed by police officers and state officials, despite the serious allegations which have been made of human rights violations, including torture, arbitrary deprivation of liberty, ill-treatment of those imprisoned and enforced disappearance.<sup>50</sup>

The victims who lodged official complaints have subsequently been subjected to police intimidation and judicial harassment. They are at risk of further detention or torture and the denial of justice to victims of torture is endemic in Belarus.<sup>51</sup>

Since 1996, Belarus has been engaged in the regular persecution of dissidents, independent journalists, bloggers, lawyers, and human rights defenders; however, it is only since the 2020 presidential election that this has reached the level of state policy. New legislation covering mass events, the media and bar associations places them all under strict state control.<sup>52</sup>

The 2021 legislation has indisputably expanded the authority of law enforcement agencies and fostered a culture of impunity. The changes to the Law on Extremism and the Administrative and Criminal Code have made it easy to bring any dissident to court by widening the definition of extremism. The amendments to the Laws on Ensuring National Security have extended the range of situations in which the police can use weapons and limited their liability for doing so. Law enforcement

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<sup>50</sup> As previously stated in paragraph no. 2. Also, International Accountability Platform for Belarus, 'Seventh Progress Report. 1 April to 30 September 2024', November 7, 2024, available at: <https://iapbelarus.org/app/uploads/2024/11/7th-Progress-Report-April-Sept-2024.pdf>; also, CAT Russia and OMCT, 'Corridor of Truncheons. How Popular Demonstrations Are Met With Massive Police Violence and Denial of Justice', January 26, 2021, available at: [https://www.omct.org/site-resources/files/Doklad\\_en\\_Web.pdf](https://www.omct.org/site-resources/files/Doklad_en_Web.pdf)

<sup>51</sup> The German Marshall Fund of the United States, 'International Mechanisms for Accountability for Human Rights Violations in Belarus', E. Andreyuk and Anonymous, January 2022, available at: <https://www.gmfus.org/sites/default/files/2022-01/Andreyuk%20and%20anonymous%20-%20Belarus.pdf>, according to which this has been demonstrated by a number of blatant cases of political persecution in the year 2021. For instance, the authorities refused to investigate the case of Mikola Dziadok, a political prisoner and activist, who was tortured during his detention in November 2020. Details of his torture were revealed during his trial. In addition, Vitold Ashurak died in mysterious circumstances on 21 May 2021 while serving a five-year sentence for taking part in peaceful protests. The public "confessional" interviews given by journalist and blogger Raman Pratasevich, who was detained after his Vilnius-bound plane was illegally forced to land in Minsk on 23 May 2021; and the attempted suicide of activist and political prisoner Stsiapan Latypau in a courtroom on 1 June 2021, following his torture in pre-trial detention.

<sup>52</sup> Human Constanta, 'Newsletter Wednesday 19 May 2021 to Friday 21 May 2021', May 2021, available at: <https://humanconstantia.org/wp-content/uploads/2021/05/Human-Rights-19-21.05-1.pdf>

officials cannot be held liable for damage caused using physical force, special means, military or special equipment, or weapons if they were acting under the provisions of the law.

The government exercises control over the judiciary and the legal profession, creating a challenging and dangerous environment for lawyers and preventing access to justice. Bar associations, who should be supporting and protecting their members, are instead being weaponized to target lawyers, particularly those whose clients are dissidents, human rights defenders, or independent journalists.

Furthermore, at the same time as access to justice at the domestic level is blocked, the government does not allow jurisdiction for international courts and does not ratify core international treaties that may trigger international responsibility. For example, it has not agreed to the automatic jurisdiction of the International Court of Justice and has not ratified the Rome Statute of the International Criminal Court. It is not a member of the Council of Europe and thus the European Court of Human Rights does not have jurisdiction over the situation in the country.

In such a situation, where the government is openly engaging in totalitarian practices, it is not possible to seek accountability for human rights violations at the domestic and international levels.

#### **4) Recommendations**

*To the Government of Belarus:*

(a) Fully and non-selectively implement the recommendations from all United Nations human rights bodies and mechanisms and respond to all communications issued by special procedures, providing exhaustive answers to enquiries, following up on recommendations and timeous independent, effective, and transparent investigations into alleged human rights violations brought to the authorities' attention.

(b) Refrain from creating obstacles to the exhaustion of domestic remedies and obtaining proof thereof, for example by abandoning the practice of imposing non-disclosure agreements on lawyers and holding trials in absentia without the opportunity for the accused to participate in the proceedings and access materials of the case.

(c) Design a new national action plan on human rights, including a comprehensive list of recommendations which have been received under the Universal Periodic Review, from special procedures and treaty bodies, with clear measurable targets and progress indicators. Ensure that all interested stakeholders, including civil society organisations registered outside Belarus, can contribute to this process.

(d) Immediately and unconditionally release all lawyers who are being held in arbitrary detention, and drop all charges related to legitimate professional duties.

(e) Pending their release, ensure all those in detention have access to visitation and communication with their lawyers and families, and ensure they receive any necessary medical attention.

(f) Halt all acts of intimidation and harassment of lawyers in Belarus, including arbitrary arrest and detention, and ensure that all lawyers in Belarus can carry out their professional duties and exercise their right to freedom of expression without intimidation, hindrance or improper interference.

*To UN Member States:*

- a) Use all means at their disposal to urge the Belarusian authorities to comply with their international human rights obligations in line with the *pacta sunt servanda* principle.
- b) Support national and international accountability mechanisms, bearing in mind that fighting impunity for grave human rights violations and possible crimes against humanity is a sine qua non condition to prevent reoccurrence.
- c) Join Lithuania's referral to the ICC: On 30 September 2024, the Government of Lithuania took the lead as the first state to refer the Belarusian situation to the ICC, which is an important step towards ending impunity. The referral will, however, be considerably strengthened by other states joining the referral.
- d) To consider submitting an application to the International Court of Justice for the widespread and persistent violations of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment in Belarus, with a request for provisional measures to protect the physical and mental integrity of individuals within Belarus who are currently, or are at risk of, being subjected to torture and other cruel, inhuman or degrading treatment or punishment.
- e) Apply the principles of universal jurisdiction to ensure that individuals from Belarus suspected of being perpetrators of, or complicit in, torture are brought to justice in conformity with the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, in criminal proceedings respecting international standards on fair trials.
- f) Provide practical, administrative, and financial support and protection to Belarusian lawyers in exile. This includes considering measures to expedite resolution of asylum applications, granting citizenship, preventing returns to Belarus including via lawful extradition procedures, and putting in place effective measures to enable lawyers in exile, including those who have been arbitrarily disbarred, to be able to practice.

This submission was drafted and coordinated by the following representatives of the *Coalition for the Day of the Endangered Lawyer*:

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- Bunty Kerray, International Policy Assistant - Rule of Law and Human Rights, The Law Society of England and Wales
- Federico Cappelletti, Counsel before the ICC - Member of the Human Rights Committee of the European Criminal Bar Association
- Eleonora Scala, Programme Lawyer - International Bar Association's Human Rights Institute (IBAHRI)
- Carolina Mangold, Défense sans Frontières - Avocats Solidaires (DSF-AS)
- Nathan Roosbeek, Legal Advisor, Council of Bars and Law Societies of Europe

## **Annex A - Individual Cases of Belarusian Lawyers**

The following annex outlines some of the individual cases of lawyers who have been targeted in Belarus. This section is inexhaustive and does not outline the situation of every Belarusian lawyer who has been targeted because of their work. These lawyers have faced a multitude of abuses, including arbitrary arrest and detention, disciplinary proceedings, and denial of their freedom of expression and assembly. Currently, seven lawyers are convicted and behind bars.

The charges against these lawyers typically involved articles of the Criminal Code used by Belarusian authorities against political dissenters and those exercising their civil rights. Commonly invoked articles included:

- **Article 342 of the Criminal Law:** Organization and preparation of actions that grossly violate public order, or active participation in them.
- **Article 130 of the Criminal Law:** Incitement of social hatred and discord
- **Article 361-4 of the Criminal Law:** Assistance with extremist activities
- **Article 361-1 of the Criminal Law:** Creation of an extremist formation or participation in it
- **Article 243 of the Criminal Law:** Evasion of taxes and fees

The information contained in this annex on the individual cases of Belarusian lawyers who have been targeted is from publicly available civil society and media reports, as well as information gathered by interviews with lawyers from Belarus by members of the coalition for the Day of the Endangered lawyer.

### **Maksim Znak** <sup>53</sup>

Maksim Znak is a former lawyer of the Minsk Regional Bar Association, and a former professor of law at the Belarusian State University. In May 2020, the presidential elections were scheduled to be held in August that year.<sup>54</sup> Viktor Babryka announced his intention to nominate his candidacy, and shortly after, Mr Znak became Viktor Babryka's legal representative. Viktor Babryka soon became the main opposition figure to the re-election of Lukashenko's regime. On 18 June 2020, while Mr Babryka was travelling to the election commission, he was arrested and taken into custody (ultimately resulting in his sentencing in July 2021 to 14 years in prison). Mr Znak continued to provide him with legal representation and appealed against the authority's refusal of his presidential campaign. Mr Znak was also the lawyer for other prominent opposition figures: Svyatlana Tsikhanouskaya, a former presidential candidate who had fled to Lithuania; Siarhei Tsikhanouski, Svyatlana's husband who has been imprisoned since May 2020; and Maria Kolesnikova, a prominent opposition leader. Lukashenko was re-elected on 9 August 2020.

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<sup>53</sup> These individuals appear in this report together as they were tried together.

<sup>54</sup> [maksimznak.org](http://maksimznak.org)

After the elections, against a backdrop of mass protests and the violent repression of the protestors, the Opposition Coordination Council (OCC) was set up in an attempt to peacefully overcome the political crisis in Belarus. Mr Znak was a member of the Board of Directors and the lawyer for the OCC. Mr Znak lodged an appeal with the Supreme Court to have the election results invalidated, arguing in particular that there had been irregularities in the vote count. By September 2020, all members of the board had been either arrested (Liliya Ulasava, Maria Kolesnikova, Syarhei Dyleuski, Maksim Znak) or forced to leave the country (Pavel Latushka, Volha Kavalkova). The last of the Board members, Svetlana Alexievich, had to leave Belarus a few weeks later. The State Prosecutor General immediately initiated criminal proceedings against the Council, describing it as a "threat to national security". Maksim Znak was summoned for questioning at the headquarters of the State Security Investigation Committee in Minsk, and then arrested on 9 September by masked men for "calling for actions to undermine national security" (article 361-3 of the Criminal Code). On the same day, Ilya Salei, Maria Kolesnikova's previous lawyer, was arrested.

On 10 February 2021, two more serious charges were added for "plotting to seize state power unconstitutionally" (article 357-1 of the Criminal Code) and "creating and leading an extremist group" (article 361 -1). However, the indictment contains no details of the actions Maksim Znak is alleged to have taken, nor of any actions he may have intended to take in the future. Nor is any indication provided as to why the Belarusian authorities consider the OCC to be "extremist in nature". There are no examples or evidence of calls for "actions aimed at undermining national security" in the investigation documents. Dzmitry Layeuski, Maksim Znak's lawyer, has stated that this was retaliation for his "professional activity, for expressing a legal opinion and promoting the rule of law". Despite this, three months later, on 12 May 2021, the authorities declared that the investigation was closed and that Znak would be brought before a court, where he would face up to 12 years in prison. Maksim Znak went on hunger strike for 10 days during his eight months in detention to draw attention to his fate. His lawyer, who has had access to the case file since 7 May 2021, has called for additional investigative measures or for the charges to be dropped. His lawyer has reported that he was not authorised to reveal the details of the investigation, or the names of the investigators.

On 4 August 2021, after nearly 11 months in detention, the trial of Maksim Znak opened before the Minsk Regional Court. Maksim Znak pleaded not guilty. He was sentenced on 6 September 2021 to 10 years' imprisonment.<sup>55</sup> He was prosecuted under article 361-3 (calls for action against national security), article 357-1 (conspiracy to seize State power by unconstitutional means) and article 361-1 (creation and management of an extremist group). Throughout the investigation and trial, the constituent elements of the charges were not made public. His lawyers

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<sup>55</sup> 2022 Report, section 2.6.3.

had to sign a non-disclosure agreement. The court hearings were closed to the public.

The announcement of the verdict provoked reactions in many countries. The President of the European Parliament, David Sassoli, stated: "We condemn the verdict against the Belarusian activists Maria Kolesnikova and Maxim [sic] Znak. Defending freedom and democracy will never be a crime! Parliament calls for their immediate release and will continue to support the opposition in Belarus. Belarusian human rights watchdogs have recognised him as a 'prisoner of conscience'".<sup>56</sup>

On 24 December 2021, the Supreme Court upheld the sentences handed down to Maksim Znak. The judgement stipulated that Maksim Znak was to serve his 10-year sentence in a higher security penal colony. In February 2022, Maksim Znak was transferred from the pre-trial detention centre on Valadarski Street in Minsk to the penal colony Vitba.

The UN Working Group on Arbitrary Detention concluded in April 2022 that the detention of Maksim Znak violated several articles of the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights, deeming the actions against him as arbitrary.<sup>57</sup>

Maksim Znak is now being held incommunicado. He is not being allowed to see his family, independent medical personnel, or his lawyers during his confinement.<sup>58</sup>

## **Vitaly Braginets**

Vitaly Braginets is a lawyer who was involved in the defence of Ales Byalyatsky, a Belarusian human rights activist, and his colleague Andrei Mochalov. Vitaly Braginets was sentenced to 8 years' imprisonment on 1 February 2023, for various charges including participation in "extremist formations" and "incitement of hatred". His arrest coincided with the classification of the Telegram chat room "Belaruskiya Advakaty" as an extremist formation.<sup>59</sup> The cumulative sentence includes eight years' imprisonment under the enhanced regime: 1 year and 6 months' imprisonment for "active participation in actions seriously undermining public order" (art. 342, part 1 of the Criminal Code), 4 years' imprisonment for "creating or

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<sup>56</sup> Twitter, 6 September 2021

([https://twitter.com/EP\\_President/status/1434874910426509316?ref\\_src=twsrc%5Etfw%7Ctwcamp%5Etweetembed%7Ctwterm%5E1434888584436326407%7Ctwgr%5E%7Ctwcon%5Es3\\_&ref\\_url=https%3A%2F%2Fadministration.actualitte.com%2Farticles%2F102286%2Fmodifier](https://twitter.com/EP_President/status/1434874910426509316?ref_src=twsrc%5Etfw%7Ctwcamp%5Etweetembed%7Ctwterm%5E1434888584436326407%7Ctwgr%5E%7Ctwcon%5Es3_&ref_url=https%3A%2F%2Fadministration.actualitte.com%2Farticles%2F102286%2Fmodifier))

<sup>57</sup> Opinions adopted by the Working Group on Arbitrary Detention at its ninety-third session, 30 March-8 April 2022, (<https://www.ohchr.org/sites/default/files/2022-06/A-HRC-WGAD-2022-24-BLR-AEV.pdf>)

<sup>58</sup> [|BAHRI sends open letter to Belarusian authorities to end incommunicado detention of lawyer Maksim Znak | International Bar Association](#)

<sup>59</sup> 2022 Report, sections 2.5.2, 2.6.2., see also "[ECBA Statement about Belarusian Imprisoned Lawyers](#)", November, 2023.

participating in an extremist group" (art. 361-1, part 1, of the Criminal Code, 7 years' imprisonment for "incitement to hatred" (art. 130, part 3, of the Criminal Code) plus 5 years' imprisonment for "serious breach of public order" (art. 361, part 3, of the Criminal Code). His trial was held behind closed doors.

On 23 May 2022, he was arrested by KGB agents while taking part in a demonstration. According to a police report, he was taken to the Partizanski district police station "to be checked for his involvement in protest activities", but he was immediately accused of swearing, shouting and trying to escape, thereby committing rebellion against a lawful order from a police officer (article 24.3 of the code of administrative offences). On 25 May 2022, the Partizanski district court in Minsk found that the offence had been committed and sentenced Braginets to 15 days' administrative detention.

Vitaly Braginets was placed under administrative detention the day before the hearing at which he was due to defend a colleague, Andrei Mochalov (who was disbarred in 2021 and accused of forgery). A postponement of Andrei Mochalov's proceedings was requested at the start of the trial as Vitaly Braginets was due to be released on the morning of 7 June. However, the court refused to postpone the hearing until the date on which the administrative sanction expired and forced Andrei Mochalov to find another lawyer.

Vitaly Braginets was not released on the date announced and he has since been charged with other offences and kept in detention. Criminal proceedings have been opened against him for "active participation in actions seriously undermining public order" among other charges. On 5 August 2022, the Lawyers' Qualification Commission of the Ministry of Justice revoked his licence, and he was disbarred in Minsk "for having committed offences incompatible with the title of lawyer".

### **Aliaksandr Danilevich**

Aliaksandr Danilevich, aged 48, was arrested on 20 May 2022 and detained at the KGB centre. Although no official indication was given as to the reason for the arrest, it was possible, based on information from the schedule of hearings, to assume that he may be charged with making "calls for actions aimed at undermining the national security of the Republic of Belarus" and "dissemination of material containing such calls". His arrest followed his signing, in his professional capacity, a public petition against the war in Ukraine and the police brutality against peaceful protesters in the summer of 2020. He has also made statements on social networks and in the media, condemning the prosecution of people active in opposing the war and defending human rights. The Belarusian authorities are also accusing him of trying to "discredit Belarusian entities in the eyes of foreign companies" because he sent documents and written letters in his capacity as a lawyer to the Norwegian company "Yara", a buyer of Belarusian fertiliser, as part of his legal services, in which he called on Yara to comply with the 2011 United Nations Guiding Principles on Business and Human

Rights.<sup>60</sup> Aliaksandr Danilevich has also been targeted because of this legal representation of Aleksandra Herasimenia and Aliaksandr Apeikin, athletes and founders of the Belarusian Sports Solidarity Fund (BSSF). The BSSF was founded in August 2020 to assist athletes who faced harassment for opposing the disputed re-election of President Lukashenko. The athletes have been sentenced in absentia to 12 years in prison for “actions aimed at harming Belarus' national security”.<sup>61</sup> As a result of his legal services to the two athletes, Aliaksandr Danilevich was charged with “assisting in public calls for actions aimed at causing harm to the national security of the Republic of Belarus.”<sup>62</sup>

Aliaksandr Danilevich is accused of committing offences under articles 361 and 361-4 of the Belarusian Criminal Code (calls for actions to undermine national security and support for extremist activity). His trial began on 10 March 2023. According to the prosecution: *“Despite a higher legal education and legal practice, [Aliaksandr Danilevich] decided to support extremists and followers of legal nihilism. Having cooperated with representatives of destructive cells, [...] he actively advised and facilitated the processes of forming public calls by extremists to harm the national security of the Republic of Belarus.”* According to the indictment: *“One of the most striking examples of Danilevich's criminal activity is the drafting of letters and documents intended for the Norwegian company “Yara”, which is a major reliable buyer of Belaruskali production - potash fertilisers. In his ‘letters’, he deliberately provided false information about the political, economic, and social situation in Belarus”.*

During the trial, Danilevich pleaded not guilty, stressing that the *“actions committed by him as a part of his professional duties as a lawyer did not amount to [a] national security threat.”* He also stressed that he neither drafted nor edited the letters, but only provided legal advice to his clients after reading the documents. He was sentenced on 10 April 2023 to 10 years' imprisonment in a medium-security penal colony. On 14 July 2023, the Court of Appeal reduced the sentence to 6 years.<sup>63</sup>

Outside of his criminal prosecution, Aliksandr Danilevich has also been subjected to other violations. In April 2022, disciplinary proceedings were opened against Aliaksandr Danilevich following his opposition to the Russian invasion of Ukraine. He was reprimanded at this stage, and then following the entry into force of his sentence, the Minsk Bar Association decided to disbar him. In October 2023, the Qualification Commission of the Ministry of Justice decided to terminate his licence

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<sup>60</sup> International Observatory of Lawyers (OIAD) Press Release, 6 June 2023, ‘BELARUS: The Observatory denounces the decision to sentence Belarusian lawyer Aliaksandr Danilevich to 10 years’ imprisonment for criticising the Russian invasion of Ukraine’, available at: [Aliaksandr Danilevich - OIAD](#)

<sup>61</sup> Inside the Games Press Release, 25 March 2023, ‘Belarus Supreme Court upholds 12-year jail sentences of exiled BSSF founders Herasimenia and Apeikin’, available at: [Belarus Supreme Court upholds 12-year jail sentences of exiled BSSF founder](#)

<sup>62</sup> <https://www.defendersbelarus.org/news/tpost/rv3xsl66e1-advokatu-aleksandru-danilevichu-prisudil>, see also “[ECBA Statement about Belarusian Imprisoned Lawyers](#)”, November, 2023.

<sup>63</sup> [https://defendersbelarus.org/criminal\\_prosecution\\_2020#danilevich](https://defendersbelarus.org/criminal_prosecution_2020#danilevich)

because of the disciplinary sanction. In April 2022, after 20 years as an academic, he was dismissed as an associate professor at the Belarusian State Faculty of International Relations.

### **Anastasiya Lazarenka<sup>64</sup>**

Anastasiya Lazarenka worked in the Moskovsky district legal advice office in Minsk. She was arrested on 2 June 2022. A video published by law enforcement agencies on 3 June 2022 shows security forces from the Main Directorate for Combating Organised Crime and Corruption (GUBOPiK) breaking into her house with weapons and smashing the door and window. Anastasiya Lazarenka was charged under art. 130 §3 of the Belarusian Criminal Code allegedly for passing on information about the Belarusian security forces to news channels. She was also charged under article 203-1 of the Criminal Code (unlawful acts with information on private life) and article 342 of the Criminal Code (organisation and preparation of actions undermining public order). She was accused of organising an unauthorised mass gathering, preparing actions that were "blatantly" aimed at disrupting social order by giving legal consultations near the Okrestina detention centre in Minsk in August 2020, and "misusing" the personal data of Belarusian police officers and judges, in particular by publishing information about police officers on the Telegram social media platform. The first two charges stemmed from Lazarenka's provision of free legal advice to imprisoned activists outside the Minsk Okrestsina detention centre in 2020. The third charge alleged that Lazarenka had published information about police officers on the Telegram social media platform. Her trial began on 2 May 2023. On 11 May 2023, the Minsk City Court found her guilty of the charges and she was sentenced on 11 May 2023 to six years' imprisonment in a general regime colony.<sup>65</sup> The Minsk Bar Association has pronounced her disbarment because of "the entry into force of a court decision finding her guilty of committing an intentional crime". On 21 December 2023, the Lawyers' Qualification Commission took the decision to terminate Anastasia Lazarenka's licence to practise as a lawyer, with a view to disciplinary action by the Minsk Bar Association, on the grounds of "misconduct incompatible with the title of lawyer".

### **Aliaksei Barodka<sup>66</sup>**

In June 2023, the Minsk City Court sentenced lawyer Aliaksei Barodka, who represented clients in politically sensitive cases, to six years in a penal colony with a

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<sup>64</sup> "[Bielorussie. Ces avocats emprisonnés, traqués, persécutés](#)", Institut des Droits de l'Homme des Avocats Européens / Institut des Droits de l'Homme du Barreau de Bordeaux, L'Observatoire, 2024, p. 23; see also, "[I Swear to Fulfill the Duties of Defense Lawyer Honestly and Faithfully. Politically Motivated Crackdown on Human Rights Lawyers in Belarus](#)" Human Rights Watch, Belarusian Association of Human Rights Lawyers, Right to Defence Project, 2024, p. 50.

<sup>65</sup> <https://www.defendersbelarus.org/news/tpost/3z2obxrmg1-advokatku-anastasiyulazarenko-prigovori>

<sup>66</sup> "[I Swear to Fulfill the Duties of Defense Lawyer Honestly and Faithfully. Politically Motivated Crackdown on Human Rights Lawyers in Belarus](#)" Human Rights Watch, Belarusian Association of Human Rights Lawyers, Right to Defence Project, 2024, p. 57.

heightened security regime on charges of “inciting hatred and enmity.” Barodka was first arrested in January 2023 and has been detained since then. The full details of his case are unknown as his lawyer could not share relevant information for fear of breaching the non-disclosure agreement. Barodka is also on the KGB list of “persons involved with terrorist activities.”

### **Uladzimir Labkovich<sup>67</sup>**

Uladzimir Labkovich was the lawyer for Viasna Human Rights Centre, a human rights organisation based in Minsk, and a member of the International Federation for Human Rights in Belarus (FIDH). He was arrested on 14 July 2021 and held in detention in appalling conditions. His access to his lawyers, medical assistance and communication was severely restricted. On 3 March 2023, Uladzimir Labkovich was convicted on charges of “smuggling by an organised group” and “financing of group actions grossly violating the public order” by the Leninsky District Court in Minsk alongside Ales Bialatski, president of Viasna and 2022 Nobel Peace co-laureate, and Valiantsin Stefanovic, member of Viasna and co-president of FIDH. Uladzimir Labkovic was sentenced to seven years of imprisonment.

### **Yuliya Yurhilevich<sup>68</sup>**

Yuliya Yurhilevich, who has practised as a lawyer for 18 years and defended human rights activists and opponents of the regime, has been disbarred. This decision was taken at the request of the Grodno deputy prosecutor, who challenged Yuliya Yurgilevich's professional qualifications. On 23 February 2022, the Grodno Regional Bar Council disbarred her for “systematic violations of the law”. She has practised since 2004 and prior to this, there had been no complaints about her work as a lawyer. She has defended political prisoners including Ales Pushkin, Artem Boyarsky, Igor Bantser, Andrei Osievich and Andrei Sokolovsky. In February 2022 she left Belarus to take refuge in Poland, but she returned to her country and was arrested on 30 August 2022, for giving the so called “extremist”<sup>69</sup> journalist Pavel Mazheika information, which was already in the public domain, about Belarusian political prisoners, in particular the dissident artist Ales Pushkin. After 11 months in detention, on 10 July 2023, Yuliya Yurgilevich appeared in court in Grodno alongside Pavel Mazheika, who had been sentenced in 2002 to two years'

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<sup>67</sup> OHCHR, ‘Belarus: A year after conviction of Viasna Chair and members concerns about the fairness of trial remain’, (8 March 2024): <https://www.ohchr.org/en/press-releases/2024/03/belarus-year-after-conviction-viasna-chair-and-members-concerns-about> accessed 16 January 2025.

<sup>68</sup> “[Biélorussie. Ces avocats emprisonnés, traqués, persécutés](#)” Institut des Droits de l’Homme des Avocats Européens / Institut des Droits de l’Homme du Barreau de Bordeaux, L’Observatoire, 2024, p. 7; see also, “[I Swear to Fulfill the Duties of Defense Lawyer Honestly and Faithfully. Politically Motivated Crackdown on Human Rights Lawyers in Belarus](#)” Human Rights Watch, Belarusian Association of Human Rights Lawyers, Right to Defence Project, 2024, p. 53.

<sup>69</sup> Pavel Mazheika is well-known figure in Belarus in his capacity as director of Belsat TV. The Belarusian authorities have deemed him an “extremist”.

imprisonment for "defaming the President", before becoming press attaché to presidential candidate Alexander Milinkévitch in 2006. During the court hearing, which was marred by numerous irregularities, Yurhilevich and her co-defendant turned their backs to the courtroom in protest. Yurhilevich was wearing her prison gown with the words "punishment cell No. 2" written on the back, showing that she had been held in solitary confinement during her pre-trial detention. On 26 July 2023, the Grodno court sentenced Yuliya Yurhilevich to six years' imprisonment in a penal colony for "complicity in extremist activities", under article 361-4 of the Belarus criminal code. The journalist received the same sentence. The Belarusian courts considered that by sharing this information Pavel Mazheika and Yuliya Yurhilevich had collaborated in "extremist activities" and "invalidated the values and objectives of [Belarusian] society and the State" by "knowingly disseminating false information". According to the Belarusian Association of Human Rights Lawyers, the case against Yurhilevich and Mazheika was orchestrated "exclusively to intimidate lawyers and prevent them from any publicity in their professional activities".

### **Natallia Burakouskaya<sup>70</sup>**

Natallia Burakouskaya was a lawyer and partner in the firm Parada+Partners. She was disbarred and sentenced to three years' imprisonment by the Minsk District Court under Part 1 of Article 342 of the Criminal Code (organisation and preparation of actions that grossly violate public order, or active participation in them) and Part 2 of Article 243 of the Criminal Code (tax evasion). She was sentenced on 1 December 2023. Natallia was released on 10 January 2025.<sup>71</sup>

### **Natallia Vantsovich<sup>72</sup>**

On 29 September 2021, Natallia Vantsovich agreed to defend a suspect in a high-profile criminal case. It is believed that her phone conversation with the client was intercepted by special services. The following morning, on 30 September, representatives of the Ministry of Justice informed her of the initiation of disciplinary proceedings and suspended her professional duties. This suspension prevented her from meeting with the client before her disciplinary review on 13 October 2021.

### **Natallia Matskevich<sup>73</sup>**

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<sup>70</sup> [Natallia Burakouskaya – Political prisoners in Belarus \(spring96.org\)](https://spring96.org/)

<sup>71</sup> Viasna, 'Natallia Burakouskaya', <https://prisoners.spring96.org/en/person/natallja-mikalayeuna-burakouskaja> accessed 17 January 2025.

<sup>72</sup> Defenders Belarus Org Press Release 'Natallia Vantsovich's suspension – Defenders Belarus' available at: <https://defenders.by/lawyers-persecution-2020#vantsovich>; see also "*Bielorussie. Ces avocats emprisonnés, traqués, persécutés*" Institut des Droits de l'Homme des Avocats Européens / Institut des Droits de l'Homme du Barreau de Bordeaux, L'Observatoire, 2024, p. 38.

<sup>73</sup> Defenders Belarus Org Press Release, 'Sergey Tihanovski's defense and lawyer Natallia Matskevich's suspension – Defenders Belarus', available at: <https://defenders.by/>, see also "*Bielorussie. Ces avocats emprisonnés, traqués, persécutés*", Institut des Droits de l'Homme des Avocats Européens / Institut des Droits de l'Homme du Barreau de Bordeaux, L'Observatoire, 2024, p. 36.

Natallia Matskevich had been working as a lawyer in Minsk, since 1994 until she was suspended from her duties on 12 October 2021, following disciplinary proceedings initiated by the Minister of Justice. This suspension occurred during the final stages of a lengthy trial where she was the sole defender of prominent activist Sergey Tihanovski. Her case was reviewed on 25 October 2021 and on 27 October 2021, the Council of the Minsk City Bar Association approved the decision of the Disciplinary Commission to disbar her<sup>74</sup> in relation to her representation of former presidential candidate Viktor Babaryka in 2020 and 2021. The formal grounds for the disbarment included two incidents of “interruptions of an investigator”, speaking while an investigator was speaking, and objecting to the statements of the lawyer of a witness for the prosecution. These actions were considered by the Disciplinary Commission as constituting a “breach of the order of conducting investigative actions” and “unethical actions towards participants of a procedure.”

### **Aliaksandr Pylchanka**

Aliaksandr Pylchanka, the lawyer of detained opposition leaders Viktor Babaryka and Maria Kolesnikova, received a notification from the Ministry of Justice about the revocation of his licence on 7 October 2020. The notification explained that the decision had been made because of Mr. Pylchanka’s involvement in “the commission of a misdemeanor incompatible with the title of lawyer,” namely, “the commission of actions discrediting the bar.”

Prior to this date, Mr. Pylchanka had received no official communication from the Ministry of Justice informing him of the complaints against him. The evidence for the revocation of his licence was only shared with Mr. Pylchanka on 9 October 2020. These documents indicated that the evidence against him consisted of an interview he gave, published on the TUT.BY internet portal on 14 August 2020. In the interview, Mr. Pylchanka commented on what actions should be taken by law enforcement officials and the judicial system in Belarus following the use of violence against civilians by these agencies.<sup>75</sup>

The Qualification Commission considered these comments a violation of professional ethics.<sup>76</sup> Specific allegations were not clarified prior to the meeting, denying him a fair opportunity to prepare a defence.

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<sup>74</sup> Council of Bars and Law Societies Europe, International Commission of Jurists, Helsinki Foundation for Human Rights, Lawyers for Lawyers, Center for Constitutionalism and Human Rights, European Association of Lawyers, Human Rights Embassy, ‘Belarus : Bar Association should reinstate disbarred lawyer Natalia Matskevich’: [https://www.ccbe.eu/fileadmin/speciality\\_distribution/public/documents/Statements/2021/EN\\_20211028\\_Belarus-statement\\_Matskevich.pdf](https://www.ccbe.eu/fileadmin/speciality_distribution/public/documents/Statements/2021/EN_20211028_Belarus-statement_Matskevich.pdf) accessed 16 January 2025.

<sup>75</sup> Lawyers for Lawyers Press Release, 14 October 2020, available at: [Possible revocation of license Aliaksandr Pylchanka - Lawyers for Lawyers](#).

<sup>76</sup> Law on the Bar, paragraph 6 of article 14; Licensing regulation, paragraph 107.

## **Liudmila Kazak**

Liudmila Kazak was the lawyer of opposition leader Maria Kolesnikova. Ms Kazak was detained on 24 September 2020 in Minsk by three unknown masked men, forced into an unmarked car and taken to the Central District Department of Internal Affairs. This happened the day before she was due to have appeared in court with her client Ms Kolesnikova. On 25 September 2020, Ms Kazak appeared in court where state authorities alleged that she had been detained 'on suspicion' of participating in an unauthorised protest and failed to obey the command of a police officer. Ms Kazak rejected the charges. However, the court held Ms Kazak administratively liable for disobeying police officers based on testimony given by anonymous masked witnesses who appeared via Skype. She was sentenced to a fine under article 23.4 of the Belarusian Administrative Code and released on 26 September 2020.

On 11 February 2021, she was notified of a pending disciplinary proceeding against her before the Qualification Commission for legal practice in the Republic of Belarus. This action occurred despite Ms Kazak already being reprimanded by the Minsk City Bar Association disciplinary commission in November 2020.<sup>77</sup> On 19 February 2021, the Qualification Commission disbarred Ms. Kazak. Ms. Kazak appealed the decision, but she learned on 15 April 2021 that the appellate court upheld the district court decision. At the time of the disbarment, Ms Kazak had been a lawyer for 22 years.

## **Maria Kolesava-Hudzilina<sup>78</sup>**

Maria Kolesava-Hudzilina holds a law degree from the Belarusian State University (2011)<sup>79</sup>. She was a criminal lawyer in Belarus where she defended blogger Eduard Palchis, Dmitry Popov (social media moderator of "A Country to Live in" project), former investigator Yevgeny Yushkevich, singer Tima Belorusskih, and other high-profile opposition figures<sup>80</sup>. On 21 April 2022, she was deemed not to have passed certification by the Qualification Commission of the Ministry of Justice. On 10 May 2022, her licence was revoked by the Bar Association, and she was forced to leave Belarus. In April 2023, she became president of the Belarusian Association of Human Rights Lawyers, set up by lawyers who had fled Belarus for fear of reprisals. In September 2024, the Belarusian Ministry of Information added Maria Kolesova-Hudzilina's Instagram account to the list of "extremist" publications. On 8 October

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<sup>77</sup> Law on the Bar, Article 14, paragraph 2.

<sup>78</sup> "[Bielorussie. Ces avocats emprisonnés, traqués, persécutés](#)", Institut des Droits de l'Homme des Avocats Européens / Institut des Droits de l'Homme du Barreau de Bordeaux, L'Observatoire, 2024, p. 40.

<sup>79</sup> De Hoon, M., Vasiliyev, A., & Kolesava-Hudzilina, M. 'Crimes against humanity in Belarus. Legal analysis and accountability options' (2023), p. 5: <https://pure.uva.nl/ws/files/186173751/Report-on-Crimes-against-humanity-.pdf> accessed 16 January 2025

<sup>80</sup> Right to Defense, 'Search conducted in the apartment where disbarred attorney Maria Kolesava-Hudzilina is registered', (9 October 2024): <https://www.defendersbelarus.org/tpost/j1crunvik1-search-conducted-in-the-apartment-where> accessed 16 January 2025

2024, the media reported that KGB and OMON officers searched the apartment, located in Zhodino in the Minsk region of Belarus, where she is registered.<sup>81</sup>

### **Mikhail Kiryliuk**

Mikhail Kiryliuk had his licence terminated in November 2020 for internet postings that the Ministry of Justice deemed rude and incorrect against state officials and constituting "a misdemeanour incompatible with the title of lawyer." Ultimately, Mr Kirilyuk was forced to leave Belarus for Poland with his family under threat of arrest and disbarment.<sup>82</sup>

### **Andrei Machalou**

Andrei Machalou was disbarred for asserting in a video interview that his client Olga Zolotar was tortured by GUBOPiK officers. Mr Machalou faced disciplinary actions for allegedly spreading "unreliable information."<sup>83</sup>

### **Sergej Ivanov**

Sergej Ivanov was removed from his duties after posting on Facebook about undermining public trust in authorities and law enforcement. The Minsk City Bar Association deemed these posts as acts incompatible with the title of a lawyer.

### **Siarhej Zikratski<sup>84</sup>**

Following the protests in 2020, Siarhej Zikratski took on cases of persons unlawfully detained in the aftermath.<sup>85</sup> In March 2021, Mr Zikratski was penalised for his critical public statements regarding law enforcement actions and judicial proceedings in protest cases. He was called for an "extraordinary attestation," a review of materials about the lawyer's professional activities, including an oral interview checking the lawyer's knowledge of legislation. He was found to fail, resulting in his disbarment.

### **Dmitri Laevski**

Dmitri Laevski was expelled from the Minsk City Bar Association on 9 July 2021, for what was described as "systematic violation of the requirements and conditions for

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<sup>81</sup> Ibidem; see also International Observatory of Lawyers, 'Belarus: raids on the home of human rights lawyer Maryia Kolesova-Hudzilina' (11 October 2024): <https://protect-lawyers.org/en/item/maryia-kolesova-hudzilina/> accessed 16 January 2025

<sup>82</sup> Lawyers for Lawyers Press Release, 15 December 2021, 'Belarusian lawyer Mikhail Kirilyuk: "We should never stop resisting"', available at: [Belarusian lawyer Mikhail Kirilyuk: "We should never stop resisting" - Lawyers for Lawyers](#)

<sup>83</sup> OMCT Press Release, 6 August 2021, 'Andrey Machalou: "The Belarusian authorities have unleashed a scorched earth policy"', available at: [Andrey Machalou: "The Belarusian authorities have unleashed a... | OMCT](#)

<sup>84</sup> <https://defenders.by/news/tpost/1j54km9zt1-segodnya-utrom-bili-zaderzhani-pyat-adv>

<sup>85</sup> [Siarhej Zikratski, Belarus - HUMAN RIGHTS DEFENDERS 2021 \(EN\)](#)

the exercise of advocacy." Two primary reasons for this were cited. First, for his critique on social media: Mr Laevski was reprimanded and then expelled for criticising draft amendments to the Law on the Bar and arguing against the abolition of attorney bureaus and individual practice forms. The disciplinary commission considered his opinions defamatory towards lawyers and heads of legal advice offices. Secondly, for his courtroom speech, on 22–23 June 2021, during the court debate in defence of politician Viktor Babaryka, Mr Laevski expressed a position about the innocence of other accused individuals, contrary to their own guilty pleas, and their defenders' legal strategies, which the commission viewed as a violation of professional ethics.<sup>86</sup>

### **Yauheni Pylchanka**

On 2 November 2021, Yauheni Pylchanka, another defender of Viktor Babaryka, was expelled from the Minsk City Bar Association for similar reasons. His statements during judicial debates were deemed an improper public assessment of the legal positions of other defenders in the same criminal process.<sup>87</sup>

### **Kanstantsin Mikhel<sup>88</sup>**

Kanstantsin Mikhel faced administrative punishment and subsequent licence termination by the Ministry of Justice for participating in peaceful assemblies, under Article 23.24 of the Code of Administrative Offences.

### **Siarhei Pichukha<sup>89</sup>**

Siarhei Pichukha's licence was revoked for participating in a peaceful assembly. Despite only receiving a reprimand in March 2021, subsequent actions led to the harsher penalty of licence termination.

### **Boris Leskovski<sup>90</sup>**

Boris Leskovski was detained and administratively penalised for his participation in the Unity March on 6 September 2020. This led to an extraordinary certification, which he failed on 24 March 2021, resulting in the loss of his professional status.

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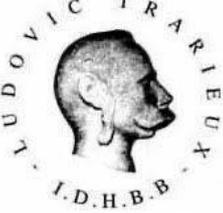
<sup>86</sup> Lawyers for Lawyers, 2 August 2021, [Joint statement on the repression against Belarusian lawyers and the disbarment of Dmitriy Laevski - Lawyers for Lawyers](#); see also <https://defenders.by/news/tpost/a7s9hnjae1-pravozaschitniki-soobschayut-cto-minyus>

<sup>87</sup> Lawyers for Lawyers Report [Belarus: The Crisis of the Legal Profession - Continued Repressions 2022-2023](#), p.9.

<sup>88</sup> <https://defenders.by/news/tpost/a7s9hnjae1-pravozaschitniki-soobschayut-cto-minyus>

<sup>89</sup> *ibid.*

<sup>90</sup> *ibid.*

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 <p>Ordre des Avocats Genève</p>		 <p>INSTITUT DES DROITS DE L'HOMME BARREAU DE BRUXELLES</p>
	 <p>INTERNATIONAL ASSOCIATION OF YOUNG LAWYERS</p>	
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