

BY PRIORITY AIRMAIL

H.E. Oleg Slizhevskij
Ministry of Justice
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Belarus

Email: kanc@minjust.by

Amsterdam, 3 November 2020

Subject: revocation of licenses to practice law of Aliaksandr Pylchanka and Yulia Levanchuk

Your Excellency,

Lawyers for Lawyers (“L4L”) is an independent and non-political Dutch 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 was granted Special Consultative status with the UN Economic and Social Council in July 2013.

The Law Society of England and Wales (the “Law Society”) is the professional body representing more than 180,000 solicitors in England and Wales. Its concerns include upholding the independence of the legal profession, the rule of law and human rights throughout the world. The Law Society holds special consultative status with the Economic and Social Council of the United Nations since 2014.

L4L and the Law Society are concerned about the revocation of the licenses to practise law of the Belarus lawyers Aliaksandr Pylchanka (Mr. Pylchanka) and Yulia Levanchuk (Ms. Levanchuk) on 15 October 2020.

Mr. Pylchanka represents detained opposition leaders Viktor Babaryka and Maria Kalesnikava. The decision to revoke his license by the Qualification Commission for legal practice in the Republic of Belarus¹ on 15 October 2020 was based on his alleged involvement in “the commission of a misdemeanour incompatible with the title of lawyer”, namely “the commission of actions discrediting the bar”. We were informed that the evidence against him included an interview he gave which was 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 law enforcement officers .

Ms. Levanchuk represents Maksim Kharoshyn, the owner of a flower shop in Minsk who handed out flowers to protesters. After his detention on 13 October 2020, Maksim Kharoshyn was so badly beaten that he had to be hospitalized. We have been informed that the justification given for revoking Ms. Levanchuk’s license to practice law is connected to allegedly using threats in her online conversation with the investigator in charge of her client’s case.

¹ We have been informed that the qualification commission for legal practice is established by the Ministry of Justice and that only 8 out of 17 members of the commission are lawyers.

According to our information, both Mr. Pylchanka and Ms. Levanchuk have denied the charges against them and are in the process of appealing the decision to revoke their licenses.

We believe that the revocation of the licenses of these two lawyers is related to their professional activities and constitutes improper interference with such activities. L4L and the Law Society have both raised concerns about the threats to the independence of the legal profession and access to justice in the aftermath of the recent elections in Belarus.²

We would like to draw your attention to the United Nations Basic Principles on the Role of Lawyers³, and more in particular Article 16, 18 and 23, which read:

16. Governments shall ensure that lawyers (a) are able to perform all of their professional functions without intimidation, hindrance, harassment or improper interference; (.....) and (c) shall not suffer, or be threatened with, prosecution or administrative, economic or other sanctions for any action taken in accordance with recognized professional duties, standards and ethics.

18. Lawyers shall not be identified with their clients or their clients' causes as a result of discharging their functions.

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.

We urge the relevant authorities in Belarus to:

1. Review and reverse the decisions revoking the licenses of Mr. Pylchenka and Ms. Levanchuk;
2. Abstain from any further measures that would constitute improper interference with the professional activities of Mr. Pylchenka and Ms. Levanchuk; and
3. Guarantee that all lawyers in Belarus, including Ms. Pylchanka and Mr Levanchuk, are able to practice law without threat, intimidation, hindrance, harassment, improper interference or reprisals.

We will continue to monitor the situation of Mr. Levanchuk and Ms. Pylchanka in Belarus, as well as the situation of other members of the legal profession there.

Yours sincerely,

Lawyers for Lawyers

The Law Society of England and Wales

² <https://lawyersforlawyers.org/en/belarus-lawyers-prevented-from-carrying-out-their-professional-duties/>

³ 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.

A copy of this letter was sent to:

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