

BY PRIORITY MAIL AND

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President

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Amsterdam 5 February 2021

Subject: Arrest and Detention of the lawyer Leanid Sudalenka

Your Excellency,

Lawyers for Lawyers (L4) is an independent and non-political foundation which seeks to promote the proper functioning of the rule of law by pursuing freedom and independence of the legal profession. We support lawyers worldwide who face reprisals, improper interferences or unreasonable restrictions in the execution of their 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 seriously concerned about the arrest and detention of the Belarusian lawyer Leanid Sudalenka. Mr. Sudalenka is the Chairman of the Homiel branch of the Viasna Human Rights Centre and 2018 winner of the French Republic’s “Liberty- Equality-Fraternity Prize” for his human rights work.

According to information received by our organisations, on 5 January 2021, officers from the Department for Combating Organized Crime and Corruption of the Belarus Ministry of Internal Affairs entered Mr. Sudalenka’s offices with a search warrant. It is alleged that the officers searched the premises in connection with a criminal case that was opened in December 2020 against opposition activist Uladzimir Nepomniashchykh. Mr. Sudalenka was due to appear as a witness in this case. It is alleged that three hundred and four items were seized during the search, including case files and Mr. Sudalenka’s laptop and bank cards. Subsequently, there was a search of his apartment where his work computer and another two bank cards were taken.

We understand that Mr. Sudalenka was then taken to the Office for Combating Organized Crime for an interrogation. However, it has been reported that during his questioning he was primarily interrogated about the legal advice provided to those detained, fined and arrested during the post-electoral protests in Homiel. After this interrogation, he was released.

More recently, on 18 January 2021, Mr. Sudalenka was again detained, this time by the Investigative Committee of Belarus as part of a criminal case brought under Part 1 of Article 342 of the Belarus Criminal Code (“organising or preparing actions that grossly violate the public order or taking active part in such actions”). For many hours, he was denied access to his lawyer. On 29 January 2020, Viasna Human Rights Centre reported that Mr. Sudalenka had been charged under Parts 1 and 2 of Article 342 (“financing actions that grossly violate the public order”) of the Belarus Criminal Code. Mr. Sudalenka remains in custody in a pre-trial detention center in Homiel.

L4L and the Law Society are concerned that the detention of Mr. Sudalenka, and the charges that were brought against him, could be aimed at curbing his legitimate activities as an attorney.

We would like to draw your attention to the United Nations Basic Principles on the Role of Lawyers¹, and more in particular Article 16 and 18, 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.

In view of the above, L4L and the Law Society respectfully urges to the relevant authorities to immediately:

- Release Leanid Sudalenka and drop all charges against him unless credible evidence is presented in proceedings that respect fair trial guarantees;
- To put an end to all acts of harassment against him, including interrogation and detention without having been provided with adequate information regarding his status in any criminal case and without having been charged with a particular offence;

¹ The UN Basic Principles on the Role of Lawyers provide a concise description of international norms relating to the key aspects of the right to independent counsel. The Basic Principles were unanimously adopted by the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders in Havana, Cuba on 7 September 1990. Subsequently, the UN General Assembly “welcomed” the Basic Principles in their ‘Human rights in the administration of justice’ resolution, which was adopted without a vote on 18 December 1990 in both the session of the Third Committee and the plenary session of the General Assembly.

- Guarantee that all lawyers in Belarus can carry out their legitimate professional activities without threat, intimidation, hindrance, harassment, improper interference or reprisals.

We would welcome any information you could give on the implementation of the abovementioned recommendations. We are confident that the government of Belarus will give this case the attention it deserves, and we will continue to monitor this case – and the cases of other lawyers in Belarus - closely.

Yours sincerely,
Lawyers for Lawyers
The Law Society of England and Wales

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