



BY (PRIORITY) AIRMAIL AND EMAIL

President
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Email: contact@government.by

Amsterdam, 30 November 2021

Subject: Recent Sentencing of Lawyer Leanid Sudalenka

Your Excellency,

Lawyers for Lawyers is an independent and non-political foundation that seeks to promote the proper functioning of the rule of law by pursuing freedom and independence of the legal profession. Lawyers for Lawyers has Special Consultative status with the UN Economic and Social Council since 2013.

Lawyers for Lawyers is concerned about the recent sentencing of Belarusian lawyer Leanid Sudalenka. On 5 February 2021, we raised concern about his arrest and detention in a [joint letter](#).

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 our information, 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.

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.

On 18 January 2021, Mr. Sudalenka was detained a second time.



It has been reported that, on 3 November 2021, after a hearing behind closed doors, the Centralny District Court of Homiel found Mr. Sudalenka guilty of “organizing and preparing actions that grossly violate public order” (Part 1 of Article 342 Criminal Code) and “training and preparation of persons for participation in such actions, as well as their financing or other material support” (Part 2 of Article 342 of the Criminal Code). It has been reported that Mr. Sudalenka was accused of paying for firewood for the children from a large family, whose father was later convicted of “rioting”, appearing in a video on YouTube to explain to a blogger what a people’s protest is, a call on social media to meet a Viasna volunteer after serving 15 days of administrative imprisonment, arranging a seminar on digital security for human rights defenders, payment of fines, court fees, and lawyers’ services. Mr. Sudalenka was sentenced to three years of imprisonment in a general-security penal colony.

Lawyers for Lawyers fears that the charges and subsequent sentencing of Mr. Sudalenka are connected to, and serve to curb his legitimate human rights activities.

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, Lawyers for Lawyers respectfully urge you to immediately:

- Release Leanid Sudalenka drop all charges against him unless credible evidence is presented in proceedings that respect fair trial guarantees and put an end to all acts of harassment against him, including at the judicial level;
- Guarantee in all circumstances that all lawyers in Belarus are able to carry out their legitimate professional activities without fear of reprisals and free of all restrictions including judicial harassment.

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



We thank you for your attention and consideration to this very important matter. We hope that the government of Belarus will give this case the attention it deserves. We will continue to monitor this case closely.

Yours sincerely,
LAWYERS FOR LAWYERS

CC

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