



## OSCE Warsaw Human Dimension Conference

### *Plenary Session VI: Rule of Law I*

4 October 2022

#### Joint Oral Statement

The Council of Bars and Law Societies of Europe, the Helsinki Foundation for Human Rights, the International Bar Association's Human Rights Institute, the International Commission of Jurists, and Lawyers for Lawyers deplore the deterioration of the human rights situation in Belarus, including violations against lawyers.<sup>1</sup>

Since the 2020 elections, Belarusian lawyers have been subjected to politically motivated persecution, including disbarment, arbitrary arrests and detention, and prosecution, simply for performing their professional duties.<sup>2</sup>

Since May 2022, over 200 lawyers have left the bar following detrimental amendments to the Law on the Bar and Legal Advocacy, becoming effective as of November 2021.<sup>3</sup> This unlawfully and arbitrarily restricts human rights defenders' and other individuals' right to independent, effective legal representation, in violation of Belarus' legal obligations.<sup>4</sup>

We condemn the lack of accountability for gross human rights violations in Belarus since the 2020 elections, including widespread and systematic torture and ill treatment, disproportionate use of force, arbitrary arrests, and detention.

We urge the authorities to address the recommendations in the 2020 Moscow Mechanism report,<sup>5</sup> and to cooperate with international human rights procedures, and call on OSCE participating States and the international community to take all possible actions to ensure accountability.

Thank you.

This statement was delivered by:

*Olga Salomatova*

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<sup>1</sup> American Bar Association Center for Human Rights, International Bar Association's Human Rights Institute, and Lawyers for Lawyers. *Continuous Crackdown on the Legal Profession in Belarus: An Update* (September 2022) available at: [https://www.americanbar.org/content/dam/aba/administrative/human\\_rights/justice-defenders/continuous-crackdown-belarus.pdf](https://www.americanbar.org/content/dam/aba/administrative/human_rights/justice-defenders/continuous-crackdown-belarus.pdf).

<sup>2</sup> Recent examples include the license revocation of Vitaly Braginets and the prosecution of Andrey Machalau. See: Right to Defence. *Another Ministry of Justice Certification. Attorney Vitaly Braginets is Disbarred* (8 August 2022) available at: <https://www.defenders.by/tpost/ign70uhps1-another-ministry-of-justice-certificatio>; Right to Defence. *Disbarred Andrei Mochalov is sentenced to two years' restricted freedom* (23 June 2022) available at: <https://defenders.by/tpost/9pnarx5v11-disbarred-andrei-mochalov-is-sentenced-t>.

<sup>3</sup> UN Human Rights Council. *Situation of human rights in Belarus: Report of the Special Rapporteur on the situation of human rights in Belarus, Anaïs Marin* (4 May 2022) UN Doc A/HRC/50/58 [85].

<sup>4</sup> Article 14(3)(b), *International Covenant on Civil and Political Rights* (16 December 1966) available at <https://www.ohchr.org/en/professionalinterest/pages/ccpr.aspx>.

<sup>5</sup> OSCE Rapporteur's Report under the Moscow Mechanism on Alleged Human Rights Violations related to the Presidential Elections of 9 August 2020 in Belarus (5 November 2020) available at: <https://www.osce.org/odihr/469539>.