



BY AIRMAIL

President of the Ukrainian National Bar
Association
Ukrainian National Bar Association
6 Jaroslavska Street
KYIV 04072, **UKRAINE**

Amsterdam, 14 October 2015

Re: disbarment of attorney Andriy Vishnevky

Dear Mr. President,
Dear Colleague,

Lawyers for Lawyers 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 is concerned about the disbarment of attorney Andriy Vishnevky, Director of the Coordination Centre of Legal Aid of the Ministry of Justice of Ukraine.

On 10 September 2015, the Qualification Disciplinary Commission of Kiev Region Advokatura decided to disbar Andriy Vishnevky. Disciplinary proceedings against him were initiated on the basis of two separate complaints: one submitted by your organization on 24 June 2015; the other by Ukrainian Parliament Member Rybalka S.V. on 22 June 2015.

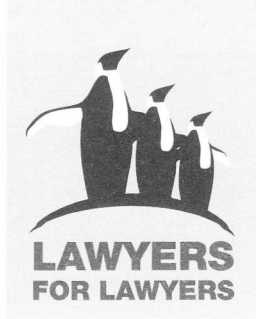
Both your organization and Parliament Member Rybalka S.V. alleged that Andriy Vishnevsky acted in contradiction with European standards. He should have humiliated the Bar and every lawyer, and by doing so destroyed respect of the Ukrainian society for the Bar. On 15 June 2015, at a conference at the premises of the Supreme Court of Ukraine, Andriy Vishnevsky presented the report "The bar and free legal aid: approaches to the reform". At this occasion he allegedly made a number of comments critical of the Bar and the legal profession. The decision to disbar him quoted him as saying that "if the bar is not reformed as soon as possible in accordance with the principles and standards of the Council of Europe, it can become a hindrance to the implementation of the judicial reform".

The Disciplinary Chamber was of the opinion that the statements of Andriy Vishnevsky made during the conference were contrary to the law and the Code of Lawyers' Ethics and that he should therefore be disbarred.

Lawyers for Lawyers considers Andriy Vishnevsky's disbarment a violation of his right to freedom of expression.

As a member of the United Nations Assembly, Ukraine is bound by the UN Basic Principles of the Role of Lawyers adopted by the Assembly in 1990. We would draw your attention to paragraph 10 of the Preamble and Articles 16 and 23 of the Principles in particular which state that:

Preamble. Whereas professional associations of lawyers have a vital role to play in upholding professional standards and ethics, protecting their members from persecution and improper restrictions and infringements, providing legal services to all in need of them, and cooperating with governmental and other institutions in furthering the ends of justice and public interest, The Basic



Principles on the Role of Lawyers, (...) which have been formulated to assist Member States in their task of promoting and ensuring the proper role of lawyers (...)

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.

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 view of the above, Lawyers for Lawyers respectfully urge you to:

- Immediately review and cancel the decision to disbar Andriy Vishnevky and return his lawyer's license.
- Assure that any disciplinary action against Andriy Vishnevky or any other lawyer is taken in conformity with the Principles cited above and other international legal obligations binding upon Ukraine.
- Guarantee in all circumstances that all lawyers in Ukraine are able to practice law without threat, intimidation, hindrance, harassment, improper interference or reprisals, including disciplinary measures on improper grounds.

We thank you for your attention to this very important matter and look forward to hearing from you at your earliest convenience. We are confident of your good will and sense of justice and will continue to monitor this case closely.

On behalf of the President of Lawyers for Lawyers, Phon van den Biesen,

Yours sincerely
Lawyers for Lawyers

Adrie van de Streek
Executive director