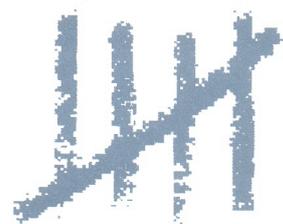


Gabriela Knaul  
Special Rapporteur of the Human Council on the  
independence of judges and lawyers  
c/o Office of the United Nations High Commissioner  
for Human Rights  
United Nations Office at Geneva  
8-14 Avenue de la Paix  
1211 Geneva 10  
Switzerland



BAR HUMAN RIGHTS  
COMMITTEE OF  
ENGLAND AND WALES

London, 07 February 2011

Dear Ms Knaul,

I write further to my letter of 20 January 2011 in which the BHRC expressed concerns regarding actions taken against two lawyers in apparent violation of the lawyer's rights to practice independently and the individual's rights concerns.

The BHRC has subsequently received further reports of the continued activities of the Belarusian authorities evidently targeting the operations of human rights organisations, journalists, lawyers and opposition activists. Enclosed is a summary of these actions, which gives an indication of the seriousness and disturbing impacts on basic rights of the individual's targeted.

In relation to actions taken against lawyers, since the BHRC wrote to you, it has been reported that the Ministry of Justice was checking all bar association chambers of the Minsk City Bar Association. This came days after the Chair of the Minsk City Bar Association indicated that no disciplinary action would be taken against Paul Sapelka, Andrei Sannikov's lawyer. As raised in my previous letter, this is extremely concerning in the political context of the allegations against the presidential candidates and guarantees of fair trial and due process, of which lawyers play a crucial role in the administration of justice. If this is tempered, there would be serious doubts as to whether any resulting prosecution was sound.

The quotations from lawyers identified by the Ministry of Justice in its letter of 20 December as potential breaches of the Rules of Professional Ethics of Lawyers all point to genuine concerns of the lawyers in question of the detention facilities and medical care of their clients in custody, as well as the individual's statements in response to the Ministry of Justice's actions, as is their right to reply to the allegations. As such, the actions of the Ministry of Justice appear to be motivated to interfere with the lawyer's independent practice in defending their client's interests.

Turning to the issues raised by the lawyers regarding the conditions of detention, there are numerous reports that detainees were held in over-crowded cells lacking basic facilities. Specific reports relating to the health and medical access of Andrei Sannikov, Uladzimir Neklyayev and Natalia Radzina imply that excessive force was used during the arrests of individuals and physical and psychological mistreatment during detention. Certainly, the issues raised in Uladzimir Neklyayev's case could breach the standards enshrined by Article 7 of the International Covenant on Civil and Political Rights.

There are several accounts from verifiable sources that lawyers have been hindered in protecting their client's interests, not only through hampering their freedom of expression and freedom to practice independently through intimidation, but also through denying lawyers access to their clients. The reports of those who have been sentenced to administrative sentences also indicates that defendants were given inadequate time to prepare and present an adequate defence. This was raised by the Belarus Helsinki Committee in its report to you of 12 January 2011. In apparent response to this, the Ministry of Justice issued a warning in connection with the report, stating it was an "attempt to discredit the Republic of Belarus in the eyes of the world." This is a clear violation of individual rights and State obligations enshrined in the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Protected Human Rights and Fundamental Freedoms. Other human rights organisations and individuals acting to promote human rights have also been obstructed in their work through the actions of state authorities. This is enumerated in the enclosed summary report, but particular attention is drawn to the Viasna human rights group and the many journalists.

In addition to the widespread arrests and detentions, the Belarusian authorities have taken considerable action against journalists and news sources, severely obstructing freedom of expression in the country. A considerable number of newspaper and journalists offices have been searched and individuals questioned relating to their active pursuit of their profession. The cases of Irina Khalip and Natalia Radzina epitomize this more than ever. Irina Khalip was arrested by security agency officials whilst in the middle of an interview Echo Moskvyy and was threatened that she would lose her son to state care due to her incarceration. Natalia Radzina suffered significant injuries in the authorities' response to the protests.

The number of presidential candidates held in prison immediately following the 19 December protests and subsequently charged is a significant indication of the movement against political opposition in the country, undermining democratic rule and freedom of thought, expression and assembly. This was immediately obvious in the response to the protests, but is an ongoing issue, with many human rights defenders avoiding gathering in groups in public in fear that they will be arrested. Individuals have been harassed in their active pursuit of these rights and freedoms and it is imperative that action at the earliest possible time to address the situation.

The BHRC is in the process of compiling further evidence relating to these allegations and will be in touch further. However, the BHRC would urge you to act at the earliest possible time so as to stem the continued actions taken by the Government of Belarus and reinforce the rule of law.

Yours sincerely,



**Mark Muller QC**  
**Chair**  
**Bar Human Rights Committee of England and Wales**