



The Law Society of
Upper Canada | Barreau
du Haut-Canada

May 10, 2017

H.E. President Alexander Lukashenko
President of the Republic of Belarus
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Office of the Treasurer

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Your Excellency:

Re: Administrative convictions of lawyers Leonid Sudalenko and Anatoly Poplavnyi

I write on behalf of the Law Society of Upper Canada* to voice our grave concern over the administrative convictions of lawyers Leonid Sudalenko and Anatoly Poplavnyi. When serious issues of apparent injustice to lawyers and the judiciary come to our attention, we speak out.

Leonid Sudalenko and Anatoly Poplavnyi are human rights lawyers based in Gomel, Belarus. Leonid Sudalenko is the head of the Gomel branch of Justice Initiative, a civil society association which provides legal support to victims of human rights violations. He monitors and documents human rights violations in the Gomel region, campaigns for the abolition of the death penalty in Belarus, and specializes in preparing complaints to the United Nations Human Rights Committee. Anatoly Poplavnyi is a member of the Gomel branch of the Human Rights Centre “Viasna”, an organization which promotes human rights and lends practical assistance to civic initiatives for the legal defence of citizens. It also conducts research into the state of civil society and legal defence in Belarus.

The Law Society’s information states that on March 17, 2017, Leonid Sudalenko and Anatoly Poplavnyi were convicted of “non-compliance with the legal requirements on the organization and conducting of mass events”. Leonid Sudalenko was given a warning, while Anatoly Poplavnyi was sentenced to ten days of administrative detention. The “mass event” in question was a peaceful demonstration that took place on February 19, 2017 in Gomel. It brought together approximately 4000 people for the purposes of protesting Presidential Decree No. 3 “On the prevention of dependency on social aid”, a law which, in violation of both the Belarusian Constitution and international human rights laws, sanctions

Belarusian citizens who work less than 183 days per year by imposing a penalty in the form of a fee and/or administrative arrest. Leonid Sudalenko and Anatoly Poplavnyi were on hand to monitor the peaceful assembly and provide citizens with legal information.

On March 23, 2017, Anatoly Poplavnyi was found guilty of another charge of “non-compliance with the legal requirements on the organization and conducting of mass events”, this time in relation to his involvement in a demonstration (again against Presidential Decree No. 3) held in Rogachev on March 12, 2017. He was sentenced to five days of administrative detention.

It is also our understanding that since the beginning of 2017, Leonid Sudalenko has drafted and submitted to the courts more than 200 complaints on behalf of Gomel citizens who find themselves adversely affected by Presidential Decree No. 3. Moreover, he was the first lawyer to bring a successful claim against the Decree’s fee requirement, setting a precedent for approximately half a million Belarusians who are affected by this fee obligation.

In light of the foregoing, human rights organizations are concerned that Leonid Sudalenko and Anatoly Poplavnyi are being targeted as a result of, and for the purposes of curbing, their legitimate activities as lawyers.

The Law Society is troubled by the situations of Leonid Sudalenko and Anatoly Poplavnyi, and urges Your Excellency to comply with Belarus’s obligations under international human rights laws, including the United Nations’ *Basic Principles on the Role of Lawyers*.

Article 16 of the *Basic Principles on the Role of Lawyers* states:

Governments shall ensure that lawyers (a) are able to perform all of their professional functions without intimidation, hindrance, harassment or improper interference; (b) are able to travel and to consult with their clients freely both within their own country and abroad; and (c) shall not suffer, or be threatened with, prosecution or administrative, economics or other sanctions for any action taken in accordance with recognized professional duties, standards and ethics.

Article 17 states:

Where the security of lawyers is threatened as a result of discharging their functions, they shall be adequately safeguarded by the authorities.

Article 18 states:

Lawyers shall not be identified with their clients or their clients' causes as a result of discharging their functions.

Article 23 states:

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.

The Law Society urges the Government of Belarus to:

- a. immediately and unconditionally vacate the convictions rendered against Leonid Sudalenko and Anatoly Poplavnyi;
- b. put an end to all acts of harassment against Leonid Sudalenko, Anatoly Poplavnyi and all other human rights lawyers in Belarus;
- c. guarantee in all circumstances the physical and psychological integrity of Leonid Sudalenko, Anatoly Poplavnyi and all other human rights lawyers in Belarus;
- d. ensure that all lawyers in Belarus can carry out their professional duties and activities without fear of reprisals, physical violence or other human rights violations; and

- e. ensure in all circumstances respect for human rights and fundamental freedoms in accordance with international human rights standards and international instruments.

Yours truly,

Paul B. Schabas
Treasurer

**The Law Society of Upper Canada is the governing body for more than 50,000 lawyers and 8,000 paralegals in the province of Ontario, Canada. The Treasurer is the head of the Law Society.*

The mandate of the Law Society is to govern the legal profession in the public interest by upholding the independence, integrity and honour of the legal profession for the purpose of advancing the cause of justice and the rule of law.

cc:

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