



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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Your Excellency:

Re: Administrative conviction of lawyer Oleg Volchek

I write on behalf of the Law Society of Upper Canada* to voice our grave concern over the administrative conviction of lawyer Oleg Volchek. When serious issues of apparent injustice to lawyers and the judiciary come to our attention, we speak out.

Oleg Volchek is a prominent human rights lawyer and head of the human rights organization Pravovaya Pomoshch Naseleniyu (Legal Assistance to the Population). The organization provides free legal assistance to citizens on matters relating to labour and housing, as well as civil and political rights.

The Law Society's information states that Oleg Volchek was charged with "taking part in an illegal mass event" after attending a demonstration that took place in Minsk on February 17, 2017. The demonstration was staged in protest of a law (Presidential Decree No. 3 "On the prevention of dependency on social aid") 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. During the demonstration, Oleg Volchek monitored the assembly and provided legal advice on how the decree could be appealed.

On March 21, 2017, Oleg Volchek was convicted. According to reports, the guilty verdict was rendered notwithstanding that authorities had breached Article 2.10 of the *Code of Execution Procedure on Administrative Violations* – that is, the requirement for a "thorough, exhaustive and objective investigation of circumstances of a case". He was sentenced to 13 days imprisonment. The judgment was handed down *in absentia*.

Reports indicate that over the course of three months, Oleg Volchek and his colleagues at Legal Assistance to the Population provided more than 1000 free legal consultations to individuals who were sanctioned under Presidential Decree No. 3. In December 2016, Legal Assistance to the Population called on the Presidential Administration and the Prime Minister of Belarus to impose a moratorium on the decree.

In light of the foregoing, human rights organizations are concerned that Oleg Volchek is being targeted as a result of, and for the purposes of curbing, his legitimate activities as a lawyer.

The Law Society is troubled by Oleg Volchek's situation 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 conviction rendered against Oleg Volchek;
- b. put an end to all acts of harassment against Oleg Volchek and all other human rights lawyers in Belarus;
- c. guarantee in all circumstances the physical and psychological integrity of Oleg Volchek 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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Michel Forst, Special Rapporteur on the situation of human rights defenders, Office of the United Nations High Commissioner for Human Rights

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