



## **United Nations Human Rights Council, 47<sup>th</sup> Session**

### *Agenda Item 4*

#### *Interactive dialogue with the UN Special Rapporteur on the situation of human rights in Belarus*

### **Oral Statement**

5 July 2021

***(Check against delivery)***

Thank you. The International Bar Association's Human Rights Institute and the International Commission of Jurists are deeply concerned about the deteriorating human rights situation in Belarus, in particular, the ongoing, systematic attacks on the independence of the legal profession and the judiciary's lack of independence.

The judiciary continues to be instrumentalised to enforce legislation arbitrarily to intimidate, harass and punish dissenting voices. As the Special Rapporteur's report highlights, in politically motivated cases, judges are ostensibly expected to follow the Prosecutor's demands, which often results in violations of defendants' fair trial rights, including access to a lawyer.<sup>1</sup> We reiterate that the independence of the judiciary is a key pillar of the rule of law and a prerequisite for the protection of human rights.

We firmly condemn the persistent intimidation and harassment of lawyers, including increased cases of prosecution of lawyers, solely for performing their professional duties.<sup>2</sup> Furthermore, at least 17 lawyers have been disbarred since the disputed outcome of the presidential election in August 2020.<sup>3</sup>

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<sup>1</sup> UN Human Rights Council. *Report of the Special Rapporteur on the situation of human rights in Belarus, Anaïs Marin* (4 May 2021) UN Doc A/HRC/47/49 [54].

<sup>2</sup> See, e.g., Lawyers for Lawyers. *Joint statement on the repression of lawyers in Belarus* (10 March 2021) available at: <<https://lawyersforlawyers.org/en/joint-statement-on-the-repression-of-lawyers-in-belarus/>>; IBAHRI. *IBAHRI condemns arbitrary detentions of human rights activists in Belarus and calls for their release* (16 February 2021) available at: <<https://www.ibanet.org/article/D7651BF5-785B-4B1B-8688-3CC1840AA2DA>>.

<sup>3</sup> FIDH. *Defending Human Rights Activists* (undated) available at: <<https://belarus.fidh.org/Defend>>. See also: IBAHRI. *IBAHRI and CFJ condemn the revocation of legal licences in Belarus and call for their reinstatement* (undated) available at:

The Ministry of Justice tightly controls the functioning of the Bar Association. Recent amendments to the Law on the Bar and Advocate Activity further increased this control, among other things, prohibiting individual lawyers and private legal firms from representing people charged with certain criminal and administrative offences.<sup>4</sup>

We urge Belarus to ensure the independence of the judiciary and the legal profession and to immediately cease all forms of harassment, intimidation and improper interference, in line with Principles 16, 18 and 24 of the UN Basic Principles on the Role of Lawyers.

We call on the Special Rapporteur and on this Council to keep closely monitoring and reporting on the situation in Belarus.

**International Bar Association's Human Rights Institute**

**International Commission of Jurists**

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<<https://www.ibanet.org/article/e0b7d120-1e19-46f8-a462-a65cc7fa0c8b>>; IBAHRI. *Belarus: IBAHRI calls for reinstatement of Lyudmila Kazak after concerning ruling upholds disbarment* (16 April 2021) available at: <<https://www.ibanet.org/article/09FA9C9F-1E27-4E55-983C-3F4E112A569F>>.

<sup>4</sup> IBAHRI. *Belarus: IBAHRI calls for rejection of proposed law amendments threatening human rights* (19 May 2021) available at: <<https://www.ibanet.org/Belarus-IBAHRI-rejection-of-law-amendments>>.