

Overview of the situation in the Bar in Belarus

As of the beginning of 2020, there were about 2 200 a bar member lawyers in Belarus. Then, as of November 2021 more than 2 000 people had the status of a bar member lawyer in Belarus. At the end of April 2022, there were already only 1 818 lawyers in the bar. At the moment there are only about 1 600 lawyers, thus we could definitely state that this crisis is far from over.

If we compare the total number of lawyers with the official population of Belarus, which, as of January 01, 2023, is 9 200 617, we can draw a disappointing conclusion that currently there are approximately 5 750 citizens per lawyer in Belarus, which is unbelievable poor performance compared to most other states.

Mass exodus of lawyers from Belarus can be divided into two categories:

- Deprivation of the right to a profession within the framework of the repressive policy of the state represented by the Ministry of Justice and lawyers' self-government bodies through one of the existing procedures (withdrawal of a license by the Ministry of Justice, expulsion from the bar based on the decision of the disciplinary body, recertification). As of April 24, 2023, it can be argued that, since 2020, at least 102 lawyers have lost their status for this very reason;
- Leaving the legal profession of their own free will, primarily due to unwillingness to work in the changed conditions (liquidation of the opportunity to work individually and as part of law firms, increased governmental ideological influence on lawyers). This category includes about 400-450 lawyers who left the bar of their own free will.

The most monstrous indicator of the ever-increasing pressure on the legal profession and lawyers from the state are the facts of criminal prosecution of lawyers. As of September 17, 2024, we can talk about 10 lawyers who have either already been sentenced, or criminal cases against them are still at the stage of investigation or trial in the court, of which 6 are currently in custody.

Useful resources

- Information about criminal prosecution of Belarussian lawyers https://defendersbelarus.org/criminal_eng
- The report "The Crisis of the Belarusian Bar: How to Restore the Right to Defence" and The report "Belarus. The Crisis of the Legal Profession Continued Repressions 2022 – 2023" <https://report2022.defendersbelarus.org/>
- The Belarusian Association of Human Rights Lawyers <https://www.bahrl.org/>
- Maxim Znak <https://www.maksimznak.org/>

3 defence lawyers from Belarus receive Scott Crosby Human Rights Award 2024

- Vitaly Brahinets
- Aliaksandr Danilevich
- Maxim Znak



On February 2, 2023, lawyer **Vitaly Brahinets** was sentenced by the Minsk City Court to 8 years in prison on charges of active participation in actions grossly violating public order (part 1 of article 342 of the Criminal Code), creating an extremist group or participating in it (part 1 Article 361-1 of the Criminal Code), inciting hatred or discord (Part 3 of Article 130 of the Criminal Code), calls for actions aimed at causing harm to the national security of the Republic of Belarus (Part 3 of Article 361 of the Criminal Code). Vitaly Brahinets' trial was held behind closed doors.



On April 10, 2023, lawyer **Aliaksandr Danilevich** was sentenced by the Minsk City Court to 10 years in prison on charges of complicity in public calls for actions aimed at causing harm to the national security of the Republic of Belarus (part 6 of article 16, part 3 of article 361 of the Criminal Code) and assistance to extremist activity (part 1 of article 361-4 of the Criminal Code). In the course of an open consideration of the case by the court, it became known that, according to the version of the prosecution, supported by the court, Alexander Danilevich provided assistance by providing legal assistance (legal support for the preparation of letters and appeals) to the athletes and trade unionists who were his clients, which allegedly led to the imposition of sanctions against the Republic Belarus, as well as in giving an interview to “the Tribuna” online media resource, which was recognized as extremist (although the interview was given on another resource, and only from there it was copied by the specified publication). Shortly before his arrest, Aliaksandr Danilevich signed an open letter from Belarusian lawyers condemning the Russian invasion of Ukraine and the participation of the Republic of Belarus in this invasion.



On September 6, 2021, lawyer **Maxim Znak** was sentenced by the Minsk Regional Court to 10 years in prison on charges of conspiracy to seize state power by unconstitutional means (part 1 of article 357 of the Criminal Code), as well as creating an extremist group and leading it (part 1 article 361-1 of the Criminal Code) and public calls for actions aimed at causing harm to national security (part 3 of article 361 of the Criminal Code). Maxim Znak's trial was held behind closed doors, however, from the description of the accusations by the state, it can be concluded that he was convicted solely for lawful activities in providing legal assistance to his clients, who were political figures and main opponents of the current government during the presidential campaign 2020 (Viktar Babaryka and Sviatlana Tsikhanouskaya). On May 21, 2022, the UN Working Group on Arbitrary Detention sent its decision A/HRC/WGAD/2022/24 to the Republic of Belarus, which, among other things, concluded that Maxim Znak's arrest was based on discrimination based on his political views and the status of a lawyer of political opposition party, no trial was to be held against Maxim Znak and he should be released immediately and unconditionally.