

Dear Colleagues!

It is a great honor for any lawyer to receive this Award. To be honest, I never imagined that my work would be appreciated in the most reputable organization of lawyers in Europe.

But I also could not imagine such terrible events to happen in my Belarus and such dangerous conditions to develop, such as those under which we had to defend people from the beginning of the presidential election campaign in 2020.

Most of us knew only from books, what state terror means. Previously, we knew it only from books.

“Massive violations of human rights” is a phrase you can read without feeling any emotion. But not when it happens around you. When you watch videos, published in the media, and hear stories of brutal abuse of defenseless arrested people, and know that thousands of such facts have not been prosecuted. When every day you learn about fresh sentences to public activists for the crimes, that they never committed. When dissent is punishable at least by dismissal, and thousands of talented people in all spheres are dismissed. When all non-state media are banished or labelled extremist, and even subscription to their channels is punishable by arrest. When any peaceful passer-by can be captured and imprisoned, based on invented accusations of violation of public order or resistance. When, in front of your eyes, people in judicial robes defiantly refuse to apply direct rules of law and ignore evidence of innocence, because they see it as their task to send anyone who was caught in their millstones to prison. When trials are held behind closed doors in order to hide from society absence of any crime and absurdity of accusation. When the law no longer protects people from the state apparatus whose representatives feel complete impunity for any violations.

At the same time, in 2020 those whose job is to defend the rights of others faced a challenge: to abandon work on politically motivated cases and avoid risks to their practice, or not to stand aside and help people?

Nassim Taleb in his book “Antifragile” aptly said that “the nobility of a person is measured by the risk that one takes, defending one’s own beliefs. In other words, by potential losses”.

In this sense, we have found enough examples, when Belarusian lawyers have shown true nobility.

After the arrest of Viktor Babaryka on the 18 June 2020, the lawyer Maksim Znak submitted an application on Viktor’s behalf for registration as a presidential candidate to the Central Election Commission. And then Maksim held unique YouTube stream, explaining the rights of the citizens.

Many lawyers have accepted the defense of political leaders, human rights defenders, journalists and other brave people.

From the very beginning of the mass protests after 9 August 2020, when people disagreed with the announced election results, some lawyers began to defend the detainees free of charge or for a symbolic fee.

The lawyers organized a pro bono legal aid point right on the street, near the detention center at Okrestin lane in Minsk, and were on duty there around the clock to help the beaten and tortured people leaving the detention center.

After the arrest of Maksim Znak, more than 50 bar members, including famous ones, came to court, where the defense appealed against Maksim's detention, in order to give personal guarantees for Maksim for his release.

The petition in support of Maksim Znak and demanding his release was signed in the first few days by 185 bar members - almost 10% of all bar members in Belarus.

These are just a few examples. But nothing like this has ever happened in Belarus. It was a moment of pride in the lawyer's profession.

How did the authorities react?

From the moment of the arrest of Maksim Znak in September 2020 to this day, repressions against lawyers in Belarus have continued. Since then, at least 37 bar members have been deprived of their licenses in connection with the defense of people or the expression of a civil position. Individual attorneys practice and attorneys bureaus were prohibited. The Ministry of Justice is now forming the councils of the bars and has unlimited powers to deprive lawyers of the right to practice. The bodies of the bars have become a continuation of the state repressive mechanism, they turned a blind eye to violations of the rights of lawyers, suppressed manifestations of lawyer solidarity and even tried to silence those lawyers who defended people in politically motivated cases. The fact, that lawyers are deprived of their licenses for the legal position, expressed when defending a client in court, has become a reality today.

What does it mean for a qualified lawyer in Belarus, to provide legal assistance to a popular politician, who has been unlawfully prosecuted? Let me show you on the example of the defense of Viktor Babaryka.

My teacher in the legal profession, Aliaksandr Pylchanka, with whom we began the defense of Viktor Babaryka on 18 June 2020, has been deprived of his license. My colleague and authority in human rights issues Natalya Matskevich, with whom we led the defense of Viktor Babaryka, has been deprived of her license. My friend and partner Yauheni Pylchanka, with whom we defended Viktor Babaryka and Maksim Znak, has been deprived of his license. I was deprived of my license. My parents were dismissed. My attorneys bureau is undergoing liquidation. But this is not as scary, as the fact, that our colleague Maksim Znak is in prison on a fake charge and sentenced to 10 years, the so-called trial over him was held behind closed doors, and the prosecution could not even name the specific actions of Maksim which would constitute crimes.

The most difficult part of defending people was realizing that justice would not happen. It is difficult for a normal person to imagine that legal arguments can simply be ignored by the court. But I'm talking about reality.

When you realize that you cannot rely on legal mechanisms, this does not mean that you can give up. If there is no court, then it is necessary to turn to the source of power - to the people.

And we used publicity to defend the innocence of our clients and their good name before society. We turned to the media and social networks. To tell the truth about the unlawful persecution of our clients and demand to stop the violation of their rights.

Many lawyers have resorted to this. And I must say again that nothing like this has happened in Belarus.

It turned out that our voice is heard louder than illegal accusations and propaganda. And there was a huge response in the society. And it turned out that the authorities who violate the rights of people are afraid of publicity.

But at the same time, the Ministry of Justice and the leadership of the bars under its control declared that public statements and the communication of lawyers with the media about the illegal actions of state bodies almost contradicting professional ethics and were called “politics”. They wanted to take away from us the last means of fighting for human rights. The right of lawyers to express their opinion began to be severely suppressed, including through the deprivation of lawyers' licenses. And in the state media and pro-government channels, a campaign has been launched to intimidate and discredit a number of lawyers in order to demoralize and demotivate the legal community.

So why did we keep on going, despite all the threats and risks? Because if you stop demanding respect of rights, the authorities will decide that it is no longer important.

And I wish to say that your Award to lawyers from Belarus shows everyone that in the eyes of the civilized world and the largest professional community of lawyers we did everything right. This is a signal to a large number of doubting colleagues in Belarus, that it is not silence before the authorities and the acceptance of any outrage as a norm, but an open demand to respect human rights - this is what meets the principles of the legal profession and the duty of law.

Therefore, today I say thank you to the advocates of Europe for your voice so clearly sounding in support of our efforts to fight for the release of our arrested colleagues, for the rule of law in our country and for the independence and freedom of the legal profession.

We are going the hard way. But there is hardly any simpler one.

And this Award, which shows the recognition of the correctness of our steps, says, that we can achieve success, and it is important not to stop and not to stop the struggle. And we will not stop. Thank you, colleagues!

10 December 2021, Dmitri Laevski for CCBE Human Rights Award 2021.