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VERA STREMKOVSKAYA: PERSECUTION OF A HUMAN RIGHTS LAWYER

Amnesty International is concerned that the Belarussian authorities are attempting to put pressure on Vera Stremkovskaya, a Belarussian human rights lawyer, and to initiate a process to disbar her. Vera Stremkovskaya herself believes that action is being taken towards her disbarment to punish her for her human rights activities.

Amnesty International believes that the persecution and harassment of Vera Stremkovskaya are politically motivated to prevent her from peacefully exercising her right to freedom of expression. The organization is calling on the authorities to stop the apparent practice of censoring and silencing human rights lawyers in Belarus by taking away their licences, including the attempts to disbar Vera Stremkovskaya. Amnesty International is calling on the authorities to reinstate all human rights lawyers, including Nadezhda Dudareva and Gary Pogonyailo, who have been disbarred solely because of their human rights activities.

In September 1998 Vera Stremkovskaya and Mikhail Pastukhov were invited by the International League for Human Rights (ILHR), a US-based human rights group, to New York to attend a variety of meetings with United States government officials, non-governmental organizations, lawyers and journalists to speak about human rights violations in Belarus. On 23 September both of them spoke about the human rights situation in Belarus at a breakfast meeting hosted by the ILHR, which was also attended by representatives of Belarus' permanent mission to the United Nations.

Following her return to Minsk, on 9 October, it was reported that Vera Stremkovskaya was summoned to the office of the Chair of the Minsk City Bar Association, Valery Mitrofanov, who informed her that her political and human rights activities were incompatible with her status as a lawyer, reprimanded her for travelling to the United States to speak out about human rights issues, and warned her of negative repercussions.

According to reports, on 12 October, Deputy Minister of Justice Viktor Golovanov summoned Vera Stremkovskaya to his office, informed her that she had "violated lawyers' ethics" for comments made during a trip in September to the United States, for which she would be disbarred from the Minsk City Bar Association and stripped of her licence to practice law. Viktor Golovanov further asked Vera Stremkovskaya to write a letter dissociating herself from her colleague, former Constitutional Court judge, Mikhail Pastukhov, a request that she reportedly denied. The Deputy Minister of Justice also reportedly alleged that Vera Stremkovskaya had revealed investigative secrets regarding three of her clients, Andrey Klimov, Vasiliy Starovoitov and Vladimir Kudzinov, which, he alleged, also constituted a violation of lawyers' ethics.

Businessmen Andrey Klimov, Vasiliy Starovoitov and Vladimir Kudzinov, former members of parliament from the 13 Supreme Soviet, dissolved by President Lukashenka, were imprisoned on charges of bribery and other alleged irregularities in their businesses. In September there were reports that Vladimir Kudzinov was ill-treated by the prison authorities in Minsk colony UZH 15/1. Amnesty International believes that they were imprisoned for speaking out against the policies of President Lukashenka.

According to Vera Stremkovskaya, on 18 November 1998 she was summoned by N.P. Shalimo, Chairman of the Collegium of Advocates of the Republic of Belarus, to discuss her present standing in the Collegium and her recent trip to the United States.

It was reported that N.P. Shalimo showed Vera Stremkovskaya a letter to the Collegium received directly from the Office of the President Alyaksandr Lukashenka which contained demands to "produce a fundamental evaluation [of Stremkovskaya's actions] and take action to terminate the unethical behaviour of Stremkovskaya, who continues to spread false information about the activities of government bodies and the advocates' institutions of self-government." The letter shown to Vera Stremkovskaya was allegedly signed by A. Plaskovitsky, head of the Legislative Department of the Presidential Administration.

Vera Stremkovskaya reportedly insists that under current law this is "nonsense." If the bar association is truly independent, the Presidential Administration, and moreover A. Plaskovitsky, have no right to give instructions or make demands on the Collegium of Advocates. However, it seems that the Collegium, fearing further repercussions, attaches great importance to this letter. The Collegium has therefore reportedly asked Vera Stremkovskaya to stop harming the Collegium. "The harm I have brought them", reportedly wrote Vera Stremkovskaya in a letter to the International League for Human Rights (ILHR), "is that my pronouncements on human rights issues have caught the attention of Plaskovitsky, who prepares Presidential orders and decrees and may write a decree directed at punishing the Collegium."

In the course of the meeting, Vera Stremkovskaya was reportedly told that she should not present herself as an attorney if speaking on human rights issues and to abandon her activities as a lawyer if she wishes to pursue human rights work. Otherwise, the Collegium will be forced to revoke her license to practice law, which they would be prepared to do on 14 December.

N.P. Shalimo allegedly advised Vera Stremkovskaya that if she had not spoken out while on a trip in the United States, then things would be much better. "You shouldn't talk about our problems abroad; you should drink wine over there and say we're striving for democracy," he said, according to reports. He also reportedly suggested that Vera Stremkovskaya was not in her right mind if she thought that she could take on the government system alone. N.P. Shalimo allegedly disclosed to her that whenever the conversation turns to attorneys or the Collegium, the President recalls her name and spits demonstratively.

Apparently, President Lukashenka recalls Vera Stremkovskaya because she successfully defended him in a libel suit in the past when she worked at the Presidential Administration.

According to Vera Stremkovskaya, on 26 November, while visiting the Minsk City Department of Justice, the office which registered her non-governmental organization, she met in the hall Judge Valentin Sukalo, Chairman of the Supreme Court of Belarus. Judge Valentin Sukalo reportedly asked her to accompany him to the office of N. P. Podlessky, the director of the City Department of Justice, and then proceeded to reprimand Vera Stremkovskaya, saying that he had "read everything she said in America." The source of these alleged transcripts was not indicated. According to reports, Vera Stremkovskaya denied that any transcripts exist and debated with Judge Sukalo about the independence of the courts in Belarus and the human rights situation.

It was reported that at this meeting she was informed that on 14 December, a "qualification commission" will take place at the Ministry of Justice concerning her case. She herself cannot be in attendance because she has to be in court in the town of Kirovsk, in connection with the case of Vasiliy Starovoitov, and she has notified them of this. Judge Sukalo reportedly asked where she is staying in Kirovsk, and warned her that she had better not be late to the court sessions because the judges do not look kindly on such conduct.

Further, it was reported that Judge Sukalo warned Vera Stremkovskaya that she should choose between human rights or practising law, but that combining both were out of the question if she wanted to keep her license. Reportedly, in his view, these are two completely different lines of work.

Background:

Vera Stremkovskaya is a prominent human rights attorney and President of the Human Rights Centre in Minsk. In the past she has defended members of the Belarussian opposition in criminal and civil cases and has also worked as the head lawyer for the Belarussian Helsinki Committee. In 1996, Vera Stremkovskaya served as Legal Counsel at the Belarussian Presidential Office, where she drafted legislative acts and regulations for President Alyaksandr Lukashenka. She resigned in protest against the President's policies. As a member of Amnesty International, she has spoken out against the death penalty.

On 3 May 1997 President Lukashenka issued Decree No. 12 "On Several Measures on Improving the Practice of Lawyers and Notaries in the Republic of Belarus". The decree introduced severe restrictions on the independence of lawyers from the executive power by appointing the Ministry of Justice in charge of licencing lawyers and by introducing mandatory membership of all lawyers in a centralized system of lawyers collegia (state association of lawyers), whose activities are controlled by the Ministry of Justice.

A number of human rights lawyers in Belarus have already lost their licences on charges such as, "violation of the professional ethics", and about 50 other lawyers have not been granted membership in the collegia and therefore are not allowed to practice law. This decree violates a number of Constitutional articles. It posed further restrictions on the access to legal assistance for detainees and accused persons (Article 62 of the Constitution) because the authorities in a number of cases stripped defence lawyers of their licence in the course of criminal cases and deprived the detainees from access to a lawyer of their own choice.

One such example is the case of the Russian journalist Pavel Sheremet, adopted by Amnesty International as a prisoner of conscience. Both his defence lawyers, Gary Pogonyailo and Mikhail Volchek, have been stripped of their licences and prevented from participating in Pavel Sheremet's legal defence. Another human rights lawyer, Nadezhda Dudareva, refused to enter the state-controlled collegia of lawyers and is currently not allowed to practice law. In addition, a criminal case was opened against her in October 1997 on charges of "defamation of judges".