

URGENT APPEAL – THE OBSERVATORY

BLR 004 / 0311 / OBS 038

Expulsion / Obstacles to freedom of movement

Belarus

March 18, 2011

The Observatory for the Protection of Human Rights Defenders, a joint programme of the International Federation for Human Rights (FIDH) and the World Organisation Against Torture (OMCT), requests your intervention in the following situation in **Belarus**.

Description of the situation:

The Observatory has been informed by reliable sources of the imminent expulsion of Mr. **Andrey Yurov**, a Russian citizen, Head of the International Observation Mission of the Committee on International Control over the Situation with Human Rights in Belarus.¹

According to the information received, on March 16 around 9 p.m., the apartment of the Head of the International Observation Mission in Minsk, which operates under the mandate of the Committee on International Control over the Human Rights situation in Belarus, was visited by the Belarusian police and migration service.

Mr. Andrey Yurov, who was present at this time, was taken to the "Soviet" police station of Minsk. No information could be obtained as to whether a mandate was handed to him. He was released from custody on March 17, 2011 at 11 a.m. but was reportedly given a document by a police officer, mentioning that the Belarusian authorities will not initiate proceedings against him for "illegal crossing of state borders by a person who previously was denied entry into the country" (Article 371.2 of the Criminal Code), but requesting him to leave Belarus within 24 hours, as he was included on a list of persons, reportedly drafted by KGB (the Belarusian State Security Agency), whose entry to the territory of Belarus is forbidden or undesirable.

On March 17, 2011, the Observatory was informed that Mr. Yurov intended to appeal his persona non grata status in Belarus.

The Observatory was further informed that on March 9, 2011, the entry into Belarus was denied by a border guard to Mr. **Maxim Kitsyuk**, a representative of the International Observation Mission from Ukraine, as he was trying to cross the Ukrainian – Belarusian border.

The Observatory recalls that Ukrainian citizens - like Russian ones - do not need a visa to enter Belarus. The Observatory therefore fears that such obstacles to freedom of movement merely aim at hindering Messrs. Yurov and Kitsyuk human rights activities in the framework of the Committee on International Control over the Situation with Human Rights in Belarus.

¹ On December 27, 2010 the Committee on International Control over the Human Rights Situation in Belarus was established by a coalition of non-governmental organisations of the OSCE region. It was triggered by the need to address flagrant and systematic human rights violations after Presidential elections in Belarus. It demands, inter alia, freedom from torture and cruel, inhuman or degrading treatment, the right to fair trial, freedom of assembly and association, and freedom of speech. It is engaged in monitoring and controlling over the observation of fundamental human rights, and the conditions in which human rights defenders and human rights organisations operate in the country. See <http://hrwatch-by.org>.

The Observatory recalls that Belarus must conform to Article 13 of the International Covenant on Civil and Political Rights (ICCPR) to which Belarus is a party since November 12, 1973, as well as to the United Nations Declaration on Human Rights Defenders adopted by the UN General Assembly on December 9, 1998.

Actions requested:

The Observatory urges the authorities of Belarus to:

- i. Put an end to the obstacles to freedom of movement of Messrs. Yurov and Kitsyuk, as they seem to merely aim at sanctioning their human rights activities;
- ii. Refrain from expelling Mr. Yurov, as this seems to only aim at sanctioning his human rights activities;
- iii. Put an end to all forms of harassment against the above-mentioned human rights defenders, and more generally against all human rights defenders in the country, and ensure that they are able to carry out their work freely without any hindrances all circumstances;
- iv. Comply with all the provisions of the ICCPR and in particular its Article 13 which state that “An alien lawfully in the territory of a State Party to the present Covenant may be expelled there from only in pursuance of a decision reached in accordance with law and shall, except where compelling reasons of national security otherwise require, be allowed to submit the reasons against his expulsion and to have his case reviewed by, and be represented for the purpose before, the competent authority or a person or persons especially designated by the competent authority.”
- v. Comply with all the provisions of the United Nations Declaration on Human Rights Defenders, in particular with:
 - its Article 1, which provides that “everyone has the right, individually and in association with others, to promote and to strive for the protection and realization of human rights and fundamental freedoms at the national and international levels”,
 - its Article 12.2, which states that “the State shall take all necessary measures to ensure the protection by the competent authorities of everyone, individually and in association with others, against any violence, threats, retaliation, de facto or de jure adverse discrimination, pressure or any other arbitrary action as a consequence of his or her legitimate exercise of the rights referred to in the present Declaration”;
- vi. Comply with the provisions of the Document of the Copenhagen Meeting of the 2nd Conference on the Human Dimension of the Cooperation and Security Conference in Europe (CSCE) (1990), and uphold in all circumstances the principles and provisions enshrined in the international and regional human rights instruments ratified by Belarus and which, in particular, guarantee freedoms of association, demonstration, expression and opinion, in particular the European Convention on Human Rights and the International Covenant on Civil and Political Rights;
- vii. More generally, ensure in all circumstances the respect for human rights and fundamental freedoms in accordance with the Universal Declaration of Human Rights and with international and regional human rights instruments ratified by Belarus.

Addresses:

- President Alexander Lukashenko, ul .Karla Marksa, 38, 220016 Minsk, Belarus, Fax: + 375 172 26 06 10 or + 375 172 22 38 72, Email: infogrp@president.gov.by
- Administration of the President of Belarus
- Head of the Administration of the President of Belarus, Mr. Vladimir Vladimirovich Makei, Ul. K. Marksa 34, 220016 Minsk, Fax: + 375 17 226-06-10
- General Prosecutor, Grigory Alekseevich Vasilevich, Internatsionalnaya str. 22, 220050 Minsk, Belarus, Fax: + 375 17 226 42 52
- Minister of Justice of Belarus, Mr. Viktor Grigorevich Golovanov, Ul. Kollektornaya, 10, 220004 Minsk, Belarus, Email kanc@minjust.by
- President of the Supreme Court of Belarus, Mr. Valentin Olegovich Sukalo, Ul. Lenina, 28, 220030 Minsk, Belarus, Email: scjustrb@pmrb.gov.by
- Permanent Mission of Belarus to the United Nations in Geneva, 15 avenue de la paix, 1211 Geneva 20, Switzerland, Fax: +41 22 748 24 51. Email: mission.belarus@ties.itu.int
- Embassy of Belarus in Brussels, 192 avenue Molière, 100 Ixelles, Belgium, Fax : + 32 2.340.02.87, Email : embbel@skynet.be

Please also write to the diplomatic mission or embassy of Belarus in your respective country.

Paris-Geneva, March 18, 2011

Kindly inform us of any action undertaken quoting the code of this appeal in your reply.

To contact the Observatory, call the emergency line:

E-mail: Appeals@fidh-omct.org

Tel and fax FIDH + 33 (0) 1 43 55 25 18 / +33 1 43 55 18 80

Tel and fax OMCT + 41 (0) 22 809 49 39 / + 41 22 809 49 29