

URGENT APPEAL – THE OBSERVATORY

New information

BLR 007 / 0811 / OBS 104.1

Arbitrary detention / Judicial harassment

Belarus

August 9, 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), has received new information and requests your intervention in the following situation in **Belarus**.

New information:

The Observatory has been informed of the ongoing arbitrary detention of Mr. **Ales Bialatski**, President of the Human Rights Centre (HRC) "Viasna" and Vice-President of FIDH.

According to the information received, as of August 9, 2011, Mr. Ales Bialatski remained detained in the detention centre of the Interior Ministry, located in Valadarski street, and which is known for its harsh conditions of detention.

The Observatory recalls that Mr. Bialatski was arrested on August 4, 2011 by the police representative of the Department of Financial Investigations.

On the same day, a search was carried out in Mr. Bialatski's house. Meanwhile, the police was waiting at the offices of the HRC "Viasna", where Mr. Bialatski was to be brought just after the search of his home, for a search of the office.

On August 5, 2011, Mr. Bialatski was transferred to a cell within the Financial Investigation Department of the State Control Committee, before being remanded in prison for ten days in the detention centre of the Interior Ministry.

This detention is related to a criminal case opened against Mr. Bialatski for supposed tax evasion under Article 243, part 2, of the Criminal Code of the Republic of Belarus ("concealment of profits on an especially large scale"), which provides for up to seven years' imprisonment with confiscation of property.

This case was opened on the basis of information related to Mr. Bialatski's bank account at a bank in Vilnius, Lithuania, which was provided by the Lithuanian Ministry of Justice to the Belarusian authorities. The Belarusian tax authorities interpreted the amount on the account of Mr. Bialatski's as his personal income and accused him of concealing it. In reality, this money, which was transferred by international organisations, was by no means used as personal funds but to finance the activities of the HRC "Viasna", such as assistance provided to victims of the political repression in the post-electoral context.

The Observatory calls for the immediate and unconditional release of Mr. Bialatski, as his arbitrary detention seems to merely aim at sanctioning his human rights activities.

The Observatory recalls in particular that the United Nations Declaration on Human Rights Defenders adopted by the UN General Assembly on December 9, 1998 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" (Article 1);

- "to form, join and participate in non-governmental organizations, associations or groups" and "to communicate with non-governmental or intergovernmental organizations" (Article 5(b) and (c));
- "to offer and provide professionally qualified legal assistance or other relevant advice and assistance in defending human rights and fundamental freedoms" (Article 9.3(c));
- "to solicit, receive and utilize resources for the express purpose of promoting and protecting human rights and fundamental freedoms through peaceful means" (Article 13).

Background information:

On August 4, 2011, at around 2 p.m., a group of people in plain clothes surrounded the office of the HRC "Viasna" in Minsk. Members of the HRC "Viasna" went out of the office and locked the door. They heard one of the plain-clothes individual report saying through his phone that "*Bialtski [was] not [t]here*".

Subsequently, at about 4.30 pm, Mr. Bialatski was arrested in the street in the city centre of Minsk by the police representative of the Department of Financial Investigations.

Actions requested:

The Observatory urges the authorities of Belarus to:

- i. Guarantee in all circumstances the physical and psychological integrity of Mr. Ales Bialatski as well as of all human rights defenders in Belarus;
- ii. Release Mr. Ales Bialatski immediately and unconditionally since his detention is arbitrary as it seems to merely sanction his human rights activities;
- iii. Put an end to all forms of harassment against him, and more generally against all human rights defenders in the country;
- iv. Comply with all the provisions of the United Nations Declaration on Human Rights Defenders, in particular with articles mentioned above;
- v. 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:

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

Paris-Geneva, August 9, 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:

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