

URGENT APPEAL – THE OBSERVATORY

New information
BLR 007 / 0811 / OBS 104.3
Obstacle to peaceful assembly /
Arbitrary detention / Judicial harassment
Belarus
August 24, 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 acts of harassment against activists who campaign for the release of Mr. **Ales Bialatski**, President of the Human Rights Centre (HRC) "Viasna" and Vice-President of FIDH.

According to the information received, on August 23, 2011, in Mahiliou, journalists Ms. **Alina Skrybunova** and Mr. **Yauhen Hlushakou**, as well as activist Mr. **Pavel Varashylau** were arrested following a picket organised to demand the release of Viasna President during which several hundred booklets were distributed. The three activists were taken to the local police department and released without charge two hours later.

On the same day, in the afternoon, in Minsk, six activists, including Mr. **Zmitser Salauyou**, Ms. **Maryna Statkevich**, Mr. **Aleh Matskevich**, Ms. **Alena Laptcionak** were arrested following a similar picket staged on Kastychnitskaya Square. The six activists were taken to the police station and released the same day without charge.

On the same day, in Hrodna, human rights defender Mr. **Viktar Sazonau** was arrested by the police during a protest staged by local activists in support of Viasna President. After he had been charged of illegally producing printed materials, Mr. Sazonau was released and the trial is expected to take place in the following days. On August 24, Hrodna police searched the office used by local human rights activists and seized two PC units, several T-shirts bearing the inscription "Freedom to Ales Bialatski!" and a number of copies of human rights newsletters.

In addition to these obstacles to freedom of peaceful assembly, human rights defenders suffered other forms of harassment. In the morning of August 23, Mr. Zmitser Salauyou was interrogated by the financial investigation department of the State Control Committee in relation to the criminal investigation led against Viasna's President. Mr. Salauyou and his lawyer were forced to sign undertakings of confidentiality.

Furthermore, on August 23, the son of Viasna President, Mr. Adam Bialatski, was fined BYR 350,000 by Minsk Tsentralny District Court for alleged disorderly conduct under Art. 17.1 of the Administrative Court during protests held in central Minsk the day before to denounce the rise in petrol price. The Observatory fears that the son of Viasna President has been targeted in order to punish Viasna's President for his human rights activities.

The Observatory urges the Belarusian authorities to immediately stop the harassment of human rights defenders and calls for the immediate and unconditional release of Mr. Ales Bialatski, as his arbitrary detention seems to merely aim at sanctioning his human rights activities.

Background information:

On August 4, 2011 Mr. Bialatski was arrested in the street 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.

On August 14, 2011, the detention of Mr. Ales Bialatski was extended by two months by decision of the Prosecutor, after Mr. Bialatski was officially charged under Article 243 part 2 of the Criminal Code ("concealment of profits on an especially large scale") on August 12. Mr. Bialatski is detained at the detention centre #1 of the Interior Ministry, located in Valadarski street, and which is known for its harsh conditions of detention.

This criminal case was opened by the Belarusian authorities on the basis of information related to Mr. Bialatski's bank account, registered at DnB NORDs bank in Vilnius, Lithuania. 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 legitimate human rights activities of the HRC "Viasna", such as assistance provided to victims of the political repression in the post-electoral context.

It is indeed only because Belarusian independent human rights organisations, including the HRC "Viasna", are confronted with systematic refusals of registration, and because Article 193.1 of the Criminal Code of Belarus criminalises activities "as part of an unregistered organisation", that the funds dedicated to the human rights activities of the HRC "Viasna" had to be transferred on this Lithuanian bank account.

Actions requested:

The Observatory urges the authorities of Belarus to:

- i. Guarantee in all circumstances the physical and psychological integrity of Mr. Ales Bialatski, Ms. Alina Skrybunova, Mr. Yauhen Hlushakou, Mr. Pavel Varashylau, Mr. Zmitser Salauyou, Ms. Maryna Statkevich, Mr. Aleh Matskevich, Ms. Alena Laptionak, Mr. Viktor Sazonau as well as of all human rights defenders in Belarus and their families;
- 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 them, 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:
 - "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);

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.

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

Paris-Geneva, August 24, 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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