

URGENT APPEAL - THE OBSERVATORY

New information
BLR 007 / 0811 / OBS 104.4

Arbitrary arrest / Release /
Harassment / Ongoing arbitrary detention

Belarus

September 27, 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 arbitrary arrest of and acts of harassment against Mr. **Uladzimir Labkovich**, legal adviser of the Human Rights Centre "Viasna", following a peaceful gathering organised in support with Mr. **Ales Bialatski**, President of Viasna and Vice-President of FIDH, who currently remains in pre-trial detention (See background information).

According to the information received, on September 25, 2011, Mr. Uladzimir Labkovich was arbitrarily arrested and detained following a picket organised on the same day in solidarity with Mr. Ales Bialatski, on the occasion of his 49th birthday. The picket started near the central post office, where demonstrators holding birthday cards and balloons gathered to then walk to the detention centre where Mr. Ales Bialatski is detained. In front of the building, the group shouted "Happy birthday, Ales Bialatski!" and released the balloons, in sign of support with the detainee. After this action, Mr. Uladzimir Labkovich went to the Minsk Hotel to meet with Mr. Bialatski's lawyer and was approached by a police colonel for an ID identification. Outside the hotel, he was pushed into a car without registration plates and driven to the Maskouski District Police Department. There, he was interrogated on the reasons of the gathering organised before the detention centre. Three hours later, after having signed a written document explaining the reasons of the gathering, he was released without charge.

In the past weeks, the Belarusian authorities have banned several pickets organised in support with Mr. Ales Bialatski, notably on August 16, 17, 19, 23, and 24.

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 by the police in Mr. Bialatski's house. At the same time, other police officers were waiting before Viasna's offices, where Mr. Bialatski was then brought after the search of his home was finished, for the search of the offices. Several documents and a computer were confiscated. 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 for "concealment of profits on an especially large scale" on August 12.

As of issuing this Urgent Appeal, Mr. Bialatski remains detained in the pre-trial detention centre of the Interior Ministry.

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 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 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 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 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, Mr. Uladzimir Labkovich 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 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.

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
- 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, 1050 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, September 27, 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