

## URGENT APPEAL - THE OBSERVATORY

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**New information**  
**BLR 007 / 0811 / OBS 104.5**  
Defamation campaign  
**Belarus**  
November 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 by reliable sources of a massive campaign through public media that is targeting Mr. **Ales Bialiatski**, President of the Human Rights Centre (HRC) "Viasna" in Belarus and Vice-President of FIDH, and that could undermine his right to a fair trial by influencing the judge as his trial resumes on November 10.

According to the information received, since November 5, 2011, Mr. Ales Bialiatski is the target of an insulting defamation campaign on public media, which questions the sincerity of its commitment and depicts him as clearly guilty of large scale tax evasion, stealing the budget of donors and revealing his private photos and information obtained illegally by the KGB and obviously transmitted to the official media.

In a video broadcast on the national channel *STV* on November 5, Mr. Bialiatski was presented as "the Chairman of the non registered organisation Viasna", and it was implied that Mr. Bialiatski deliberately decided not to register the organisation in order to earn money.

In reality, it is the Belarusian Ministry of Justice that liquidated HRC Viasna in 2003, and each further attempt at registering the organisation has always been rejected by the authorities since then.

Moreover, this video violates the private life of Mr. Ales Bialiatski, by showing private pictures of the 2010 new year's eve celebration held in Viasna's premises, which were found in the computers of Viasna's members after they were confiscated during the night of December 19 to 20, 2010<sup>1</sup>.

In addition, since the beginning of this week, some State-owned newspapers such as *Mahiliouskiya Vedamastsi*, *Prydniaprouskaya Niva*, *Vitebski Rabochy* and *Narodnaye Slova* have been publishing an article entitled "Secrets of political business: How "human rights defender" "Bialiatski made a nice life for himself".

Such article was allegedly written by "Dzianis Paliavanau" (it is not known whether it is a real name), and falsely depicts Mr. Bialiatski as a criminal who "appropriated other people's money and, correspondingly, deceived western taxpayers, being not the one he claimed to be".

The author of this defamatory article reports large sums, transferred through Mr. Bialiatski's account, but does not mention any amounts. However, he calls Mr. Bialiatski a "wealthy gentleman", who secretly brought currency in cash together with all staff of the Human Rights Centre "Viasna" and handed it out to obscure persons. He also insinuates that Mr. Bialiatski's wife was appointed as an accountant of Viasna in order to facilitate the criminal scheme. All this information is a pure invention.

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<sup>1</sup> See Observatory Press Release, December 20, 2010 and Observatory Annual Report 2011.

Several other slanderous articles were published on the Internet, in particular on the website *predateli.com* (which means in Russian “*traitors.com*”). On this website, entitled “Traitors of Belarus”, posts are regularly added, with all kinds of what is believed to be compromising information on political and human rights activists of Belarus, together with their personal data, contact information and photos. In the three most recent articles published on the website, not only dirty insinuations were made on Mr. Ales Bialiatski, his family and colleagues, but even on the “chat” forum, remarks were posted to give the impression that people are “calling” for a severe sentence against him. However, stylistically, all the posts make believe that one person or several persons advised by the same one were behind them.

This website had also previously mentioned other members of HRC Viasna and some other human rights defenders from other organisations.

The Observatory expresses its deepest concern about this defamation campaign, and fears it could undermine Mr. Bialiatski's right to a fair trial by influencing the judge as his trial resumes on November 10. Accordingly, the Observatory recalls the right for Mr. Bialiatski to benefit to the presumption of innocence, and to protect its private life from arbitrary accusations.

#### **Background information :**

Mr. Bialiatski was arrested on August 4, 2011 by the police representative of the Department of Financial Investigations, and detained since this day. He is charged of 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. His trial is to resume on November 10, 2011.

This case was opened on the basis of information related to Mr. Bialiatski'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.

#### **Actions requested:**

The Observatory urges the authorities of Belarus to:

- i. Guarantee in all circumstances the physical and psychological integrity of Mr. Ales Bialiatski as well as of all human rights defenders in Belarus ;
- ii. Release Mr. Ales Bialiatski 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, included the attempts to influence the course of his trial by the spread of false rumors 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, adopted by the UN General Assembly on December 9, 1998, which provides in particular 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).

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](mailto: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](mailto: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](mailto:scjustrb@pmrb.gov.by)
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- Embassy of Belarus in Brussels, 192 avenue Molière, 1050 Ixelles, Belgium, Fax : + 32 2.340.02.87, Email : [embbel@skynet.be](mailto:embbel@skynet.be)

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

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Paris-Geneva, November 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:

- E-mail: [Appeals@fidh-omct.org](mailto:Appeals@fidh-omct.org)
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