

BELARUS: Human rights defender Ales Bialiatski sentenced to 4.5 years of imprisonment, a sad day for the defence of human rights in the world

Paris-Geneva, November 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), condemns the sentencing to prison of Mr. Ales Bialiatski, FIDH Vice-President and President of the Human Rights Centre (HRC) "Viasna", and denounces it as a move to silence the Belarusian civil society.*

Today, the Pervomaiski District Court of Minsk sentenced human rights defender **Ales Bialiatski** to four and a half years of imprisonment under strict regime conditions, the confiscation of property and a fine for "concealment of profits on an especially large scale in pursuance of prior agreements" under Article 243, part 2, of the Criminal Code. The trial was monitored by a delegation of the Observatory.

The Observatory considers that the trial and detention of Mr. Ales Bialiatski, held since August 4, 2011 at the preventive detention centre No. 1 in Minsk, amounts to judicial harassment of a human rights defender for carrying out purely legitimate human rights activities, protected under all international human rights standards. This criminal case was fabricated to intimidate and silence the Belarusian civil society, in the current post-electoral repression of all voices dissenting with the regime.

"In Belarus, human rights organisations which carry out independent human rights monitoring, including the HRC "Viasna", are systematically denied the right to exist and carry out ordinary activities. The Belarusian law and its implementation by the authorities blatantly violates international human rights standards binding Belarus", says Souhayr Belhassen, FIDH President. "Human rights organisations cannot register and Article 193.1 of the Criminal Code even criminalises activities performed by non-registered organisations. Under these circumstances, following its closure in 2003, HRC "Viasna" had no other choice than open a bank account abroad or cease to exist".

The criminal case was based on information provided to the Belarusian authorities by the Lithuanian Ministry of Justice and Attorney General of Poland, concerning accounts opened by Mr. Bialiatski in foreign banks to operate HRC "Viasna". The Belarusian tax authorities wrongly considered the money on the account of Mr. Bialiatski's as his personal income and accused him of concealing it. This money, which was transferred by organisations for the purpose of funding ordinary human rights activities, was by no means used as personal funds but to finance legitimate activities of the HRC "Viasna", such as election monitoring and assistance provided to victims of political repression.

"There was never any doubt that the authorities knew that those were no private funds as all questioning of witnesses during the trial focused on "Viasna"", says Gerald Staberock, OMCT Secretary General. "It is sad that the political persecution of one of the leading human rights defenders in the region resulted from the cooperation of EU member States delivering sensitive banking information to the Belarusian authorities. If the EU Guidelines on Human Rights Defenders are to mean anything there need to be immediate measures within the EU to prevent mutual legal assistance when there is a real risk to human rights defenders".

The Observatory firmly denounces the sentencing of Mr. Bialiatski and calls upon the Belarusian authorities to immediately and unconditionally release him as his detention is arbitrary, guarantee in all circumstances his physical and psychological integrity, and stop any kind of harassment - including at the judicial level - against human rights defenders, in line with the United Nations Declaration on Human Rights Defenders, the Universal Declaration of Human Rights and international human rights instruments ratified by Belarus.

For more information on this case, please see: <http://freeales.fidh.net/> as well as the previous Urgent Interventions issued by the Observatory.

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