

**THE OBSERVATORY (FIDH- OMCT) - Viasna (Belarusian human rights NGO)**

**Open letter to Mr. A. Lukashenko,  
President of the Republic of Belarus**

**Paris-Geneva-Minsk, December 9, 2005**

**Re : Amendments to the Criminal Code /Serious infringements to freedom of association and expression**

Mr. President of the Republic,

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), and Viasna, a Belarusian human rights NGO, express their deepest concern about the adoption in second and final reading, on December 8, 2005, of amendments to the Belarusian Criminal Code by the Upper Chamber of Parliament, which strengthen penal responsibility concerning “acts against people and public security”.

The Observatory and Viasna consider that these amendments constitute blatant violations of international and regional standards in term of freedom of expression and association and represents a very serious risk for the existence of an independent society in Belarus<sup>1</sup>.

First of all, the new amendments introduce criminal sentences for the illegal organisation of activities by an association or a foundation, or participation in their actions (article 193-1). In particular, it stipulates that anyone who organises activities in the framework of a suspended or liquidated association may face a fine and be arrested up to six months in prison. In serious cases (for which there is no definition), one can be subjected to a “restriction of freedom” sentence for a period up to two years<sup>2</sup>. Our organisations fear that human rights defenders be particularly targeted by this new disposal, since most of independent human rights NGOs were liquidated during the past three years, and since reasons for liquidation were even broadened in the recent “Law on Public Association”, adopted in August 2005.

Moreover, any person who provides training or any other type of education aiming at participating in “mass activities”, or any person who funds such activities, may face a prison term up to six months, or be sentenced to a “restriction of freedom” sentence of three years (article 293). Also, any person who provides training or any other form of education, aiming at the participation in “group activities which seriously violate public order”, or any funding or other material assistance of such activity, may be sentenced to prison up to six months and to a “restriction of freedom” sentence up to two years (article 342). However, there is no precision on the definition neither of a “mass activity” nor of a “group activity”, and the Observatory and Viasna fear that the vagueness of the terms may give the authorities a new opportunity to arbitrarily sanction members of independent organisations.

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<sup>1</sup> See Viasna and Observatory press release dated December 1, 2005.

<sup>2</sup> Restriction of freedoms sentences meaning that people are sent to “work camps” either in villages where they are obliged to live, work and report to the police, or to closed work camps, sometimes in very strict and difficult conditions.

Furthermore, these amendments also provide very serious infringements to freedom of information. Indeed, the new amendments stipulate that “providing false information to a foreign State or international organisations, concerning the political, economical, military or international situation of the Republic of Belarus, as well as on the judicial situation of Belarusian citizens or any power instance”, is punishable by either a six-month prison term or a two-year “restriction of freedom” sentence. The amendments also state that any person who would communicate with foreign States or international organisations, “to the detriment of internal security, sovereignty or territorial integrity”, as well as disseminate material with such content, could be sentenced to prison from six months to three years. If such information was distributed through mass media, the “perpetrators” could be sentenced from two to five years in detention. Again, the vagueness of the terms used may lead to arbitrariness.

Finally, the new provisions stipulate that “people suspected of terrorism or vandalism may be detained during ten days before being charged”.

Viasna and the Observatory are very preoccupied by these new amendments, which put at serious risk the very activities of independent human rights defenders in Belarus and constitute an additional tool for the authorities to crackdown on the independent civil society.

As a consequence, Viasna and the Observatory respectfully urge you to reconsider introducing such legal provisions and not to sign those amendments.

More generally, Viasna and the Observatory ask the highest Belarusian authorities to put an end to any kind of harassment against human rights organisations and their members; to put Belarusian legislation in conformity with the provisions of the UN Declaration on Human Rights Defenders, adopted by the United Nations General Assembly on December 9, 1998, which states that “for the purpose of promoting and protecting human rights and fundamental freedoms, everyone has the right to communicate with non-governmental or international organisations” (article 5c) and that “everyone is free (...) to publish, impart or disseminate to other views, information and knowledge on all human rights and fundamental freedoms” (article 6b); and to conform with international and regional standards relative to freedoms of association and expression in particular the International Covenant on Civil and Political Rights, and the Document of the Copenhagen Meeting of the Conference on the Human Dimension of the Conference for Security and Cooperation in Europe (CSCE).

We hope you will take this request into consideration,

We remain,

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