

URGENT APPEAL – THE OBSERVATORY

New information
BLR 001 / 0111 / OBS 004
Search and seizure/
Judicial harassment
Belarus
January 18, 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 urgent intervention in the following situation in **Belarus**.

New information:

The Observatory has been informed by reliable sources that Mr. **Ales Bialiatski**, President of the Human Rights Centre “Viasna” (Viasna) and FIDH Vice-President, was allowed by KGB officers to go home at approximately 11 p.m. on January 17, 2011 after the searches of Viasna offices, his residence and country house had been completed.

According to our information, following the search of Viasna's headquarters¹, the KGB carried out two simultaneous searches. One took place at Mr. Bialiatski's home in the presence of his wife, the other one at his country house in his presence. At 11 p.m., after the end of the searches, Mr. Ales Bialiatski was allowed to go back home.

The Observatory remains concerned by the ongoing harassment of Viasna and its members in the framework of the criminal investigation on the events of December 19, 2010, which seems to merely aim at sanctioning their human rights activities, and calls upon the Belarusian authorities to put an immediate end to it.

Furthermore, according to the information received, on January 14, 2011, the on-line information website *Sovetskaya Belorussiya* (Soviet Belarus) published an article in which it accused the opposition to the regime of being controlled and financed by foreign powers. The same article also contained alleged quotes from a skype chat between Mr. Ales Bialiatski and a donor as well as an alleged copy of a contract with another donor. Below, the author of the article insinuated that the funds mentioned as being allocated for human rights activities were misused for other purposes.

The Observatory urges the Belarusian authorities to refrain from harassing human rights defenders, and to guarantee their rights to freedom of association and expression. The Observatory more generally calls upon the Belarusian authorities to conform in all circumstances with the United Nations Declaration on Human Rights Defenders, the Universal Declaration of Human Rights as well as international and regional human rights instruments ratified by Belarus.

The Observatory also recalls that the paragraph 8 of the OSCE Parliamentary Assembly Resolution on Strengthening OSCE Engagement with Human Rights Defenders and National Human Rights Institutions², states that OSCE Participating States recognise “the need for particular attention, support and protection for human rights defenders by the OSCE, its Institutions and field operations, as well as by participating States”.

¹ See the Observatory's Press Release, January 17, 2011.

² Adopted by the OSCE Parliamentary Assembly in Kiev on July 10, 2007.

Background information:

On December 20, 2010, in the aftermath of election day, 15 persons in plain cloth raided "Viasna" headquarters at around 3 am. According to reliable information, the 15 persons belonged to the Committee for State Security (KGB).

At 3.45 am, ten Viasna members were arrested and taken to the police department of Pervomaisky district. Lawyers **Valentin Stefanovich** and **Vladimir Labkovich** were among those arrested. The others were Messrs. **Andrey Paluda**, **Zmitser Salaeu**, **Siarzhuk Sys**, **Uladzimir Mikalaeu**, **Aleg Zhlutka**, **Kanstantsin Staradubets**, **Vital Charniauski** and Ms. **Nasta Loyka**. Special forces then carried out a search of the premises. All Viasna computers and documentation were seized.

At the moment of the arrest, Viasna members were analysing the data that had been collected the day before from 600 election monitors across the country, in the framework of the "Human Rights Defenders for Free Elections" monitoring project, run jointly by Viasna and the Belarus Helsinki Committee (BHC).

During their interrogation at the police station, the ten Viasna members were asked to write down an explanatory note indicating their exact location on the election day, and whether they had joined the demonstrators. All were then released on the same day at 6 am.

Half an hour later, the security forces came again to the Viasna premises, looking particularly for Mr. Labkovich (who had just been released). The latter was not in the premises.

On January 17, 2011, at approximately 3 p.m., three KGB officers searched the headquarters of Viasna, in Minsk, in the presence of two witnesses, as required by the law. It is reported that the police had a search warrant related to the events that took place in the aftermath of the elections on December 19, 2010. The KGB officers asked other Viasna staff to leave the premises, seized a computer and forced Mr. Ales Bialiatski to follow them.

Actions requested:

The Observatory urges the authorities of Belarus to:

- i. Put an end to all forms of harassment against the above-mentioned organisations and their members, in particular Mr. Ales Bialiatski and ensure that in all circumstances its members are able to carry out their work freely without any hindrances;
- ii. Put an end to all acts of harassment against human rights defenders in Belarus;
- iii. Comply with all the provisions of the United Nations Declaration on Human Rights Defenders, in particular with:
 - its Article 1, which provides 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",
 - its Article 5 (a) and (b) which states that "for the purpose of promoting and protecting human rights and fundamental freedoms, everyone has the right, individually and in association with others, at the national and international levels to meet or assemble peacefully; and to form, join and participate in non-governmental organizations, associations or groups";

- its Article 6 (a) and (b) which provides that “everyone has the right, individually and in association with others to know, seek, obtain, receive and hold information about all human rights and fundamental freedoms, including having access to information as to how those rights and freedoms are given effect in domestic legislative, judicial or administrative systems; and as provided for in human rights and other applicable international instruments, freely to publish, impart or disseminate to others views, information and knowledge on all human rights and fundamental freedoms”;

- its Article 12.2, which states that “the State shall take all necessary measures to ensure the protection by the competent authorities of everyone, individually and in association with others, against any violence, threats, retaliation, de facto or de jure adverse discrimination, pressure or any other arbitrary action as a consequence of his or her legitimate exercise of the rights referred to in the present Declaration”;

iv. Comply with the provisions of the Document of the Copenhagen Meeting of the 2nd Conference on the Human Dimension of the Cooperation and Security Conference in Europe (CSCE) (1990), and uphold in all circumstances the principles and provisions enshrined in the international and regional human rights instruments ratified by Belarus and which, in particular, guarantee freedoms of association, demonstration, expression and opinion, in particular the European Convention on Human Rights and the International Covenant on Civil and Political Rights;

vi. More generally, ensure in all circumstances the respect for human rights and fundamental freedoms in accordance with 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
- Administration of the President of Belarus
- 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, 100 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, January 18, 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:



L'Observatoire pour la
Protection des Défenseurs
des Droits de l'Homme

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