

## URGENT APPEAL – THE OBSERVATORY

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**BLR 002 / 0111 / OBS 008**

Disciplinary measure

**Belarus**

January 26, 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**.

### **Description of the situation:**

The Observatory has been informed by reliable sources that the Belarus Helsinki Committee (BHC) was warned by the Ministry of Justice of the Republic of Belarus for “discrediting Belarus” by sending a request for urgent action to the United Nations Special Rapporteur on Independence of Judges and Lawyers.

According to the information received, on January 12, 2011, the Justice Ministry has issued a written warning to BHC for violations of the law on civic organisations and mass media and for spreading dubious information discrediting the law enforcement and justice agencies of the republic. The warning was only delivered to BHC on January 19.

At issue is a letter the organisation sent on January 11, 2011, to the United Nations Special Rapporteur on the Independence of Judges and Lawyers detailing the intimidation faced by the lawyers of opposition leaders arrested after a large demonstration to protest against Mr. Lukashenko’s victory in disputed elections on December 19, 2010 in Minsk.

More than 30 opposition leaders face a maximum of 15 years in prison for their role in the demonstration, which the police violently dispersed. Lawyers have denounced the lack of access to their clients and the threats of disbarment or worse for bringing their complaints to the news media. In a statement issued on January 12, the ministry declared that the Helsinki Committee’s letter to the Special Rapporteur on Independence of Judges and Lawyers was “an attempt to discredit the Republic of Belarus in the eyes of the international community.”

The warning could lead to the closing of the prominent human rights group by a court of law upon request of the Ministry of Justice since, according to Article 29 of the Law on NGOs, the decision to dissolve an organisation requires two warnings issued by the Ministry of Justice for the same offence during the year.

The Observatory considers that the warning issued against BHC is a direct reprisal for its legitimate exercise of the right to make complaints before international human rights bodies in accordance with Article 9.4 of the United Nations Declaration on Human Rights Defenders.

Furthermore, 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 Institutions<sup>1</sup>, 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”.

### **Actions requested:**

The Observatory urges the authorities of Belarus to:

- i. Put an end to all forms of harassment against the members of BHC and against all human rights defenders in Belarus and ensure they are, in all circumstances, 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, , adopted on December 9, 1998 by the United Nations General Assembly, 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”;
  - as well as 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 all the provisions of the United Nations Basic Principles on the Role of Lawyers.
- v. 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](mailto: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](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)
- 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](mailto: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](mailto:embbel@skynet.be)

<sup>1</sup>

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



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

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Paris-Geneva, January 26, 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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