

URGENT APPEAL – THE OBSERVATORY

BLR 003 / 0211 / OBS 021

Warning / Obstacles
to freedom of association

Belarus

February 16, 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), requests your urgent intervention in the following situation in **Belarus**.

Description of the situation:

The Observatory has been informed by reliable sources of a warning issued today against Mr. **Ales Bialatski**, President of the Human Rights Centre (HRC) "Viasna" and FIDH Vice-President, by the Public Prosecutor.

On February 14, 2011, Mr. Bialatski had been summoned by phone to the office of the Public Prosecutor "for a talk" today.

A written warning was handed to Mr. Bialatski by the Public Prosecutor on the same day alleging that the human rights activities of the HRC "Viasna" are breaching the Belarusian legislation since the organisation is not registered with the Ministry of Justice, and that criminal proceedings could therefore be launched.

The Observatory recalls that on the basis of Article 193.1 of the Belarusian Criminal Code, criminal proceedings can be launched against individuals acting within a non-registered organisation. The Observatory deplores that the HRC "Viasna" has been denied registration, most recently on August 12, 2009 by the Belarusian Supreme Court¹, contravening a July 2007 United Nations Human Rights Committee² decision, which had concluded that the dissolution of Viasna violated Article 22.1 of the International Covenant on Civil and Political Rights and that the co-authors of the complaint were "entitled to an appropriate remedy, including the re-registration of Viasna".

The Observatory denounces the issuance of this warning, which manifestly aims at sanctioning the human rights activities of Mr. Bialatski and the HRC "Viasna".

The Observatory urges the Belarusian authorities to refrain from harassing human rights defenders. The Observatory 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.

Actions requested:

The Observatory urges the authorities of Belarus to:

- i. Repeal the warning issued against Mr. Ales Bialatski as it only aims at sanctioning his human rights activities;

¹ See the trial observation report of the Observatory on the denial of registration of the Public Human Rights Association "Nasha Viasna", October 2, 2009.

² See Communication No. 1296/2004 of the UN Human Rights Committee.

ii. Put an end to all forms of harassment against Mr. Ales Bialatski and the staff members of HRC "Viasna" 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;

iii. Put an end to all acts of harassment against human rights defenders in Belarus;

iv. 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";

– its Article 5, which provides that "everyone has the right, individually and in association with others, at the national and international levels [...] to meet or assemble peacefully; [...] to form, join and participate in non-governmental organizations, associations or groups [...] to communicate with non-governmental or intergovernmental organizations.

– Its Article 6 (b) and (c) which states that "Everyone has the right, individually and in association with others, 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; to study, discuss, form and hold opinions on the observance, both in law and in practice, of all human rights and fundamental freedoms and, through these and other appropriate means, to draw public attention to those matters,

– and its Article 12.2 which provides 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".

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:

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

Paris-Geneva, February 16, 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:

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