

URGENT APPEAL – THE OBSERVATORY

New information
BLR 007 / 0811 / OBS 104.2
Arbitrary detention / Judicial harassment
Belarus
August 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), has received new information and requests your intervention in the following situation in **Belarus**.

New information:

The Observatory has been informed of the existence of formal charges against Mr. **Ales Bialatski**, President of the Human Rights Centre (HRC) "Viasna" and Vice-President of FIDH, and of the extension of his detention term.

According to the information received, on August 14, 2011, the detention of Mr. Ales Bialatski was extended by two months by decision of the Prosecutor, after Mr. Bialatski was officially charged under Article 243 part 2 of the Criminal Code ("concealment of profits on an especially large scale") on August 12.

Mr. Bialatski remains detained at the detention centre #1 of the Interior Ministry, located in Valadarski street, and which is known for its harsh conditions of detention.

The Observatory calls for his immediate and unconditional release, as his arbitrary detention seems to merely aim at sanctioning his human rights activities.

The Observatory recalls indeed that this criminal case against Mr. Bialatski was opened by the Belarusian authorities on the basis of information related to Mr. Bialatski's bank account, registered at DnB NORs bank in Vilnius, Lithuania. The Belarusian tax authorities interpreted the amount on the account of Mr. Bialatski's as his personal income and accused him of concealing it.

In reality, this money, which was transferred by international organisations, was by no means used as personal funds but to finance the legitimate human rights activities of the HRC "Viasna", such as assistance provided to victims of the political repression in the post-electoral context.

The Observatory recalls that Mr. Bialatski has always acted in accordance with international human rights standards and in particular with the provisions of the United Nations Declaration on Human Rights Defenders adopted by the UN General Assembly on December 9, 1998, which states 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" (Article 1);
- "to form, join and participate in non-governmental organizations, associations or groups" and "to communicate with non-governmental or intergovernmental organizations" (Article 5(b) and (c));
- "to offer and provide professionally qualified legal assistance or other relevant advice and assistance in defending human rights and fundamental freedoms" (Article 9.3(c));
- "to solicit, receive and utilize resources for the express purpose of promoting and protecting human rights and fundamental freedoms through peaceful means" (Article 13).

However, in Belarus, the legitimate use of these funds is in reality made illegitimate by repressive laws aiming to silence civil society activities.

It is indeed only because Belarusian independent human rights organisations, including the HRC "Viasna", are confronted with systematic refusals of registration, and because Article 193.1 of the Criminal Code of Belarus criminalises activities "as part of an unregistered organisation", that the funds dedicated to the human rights activities of the HRC "Viasna" had to be transferred on this Lithuanian bank account.

Background information:

On August 4, 2011 Mr. Bialatski was arrested in the street by the police representative of the Department of Financial Investigations.

On the same day, a search was carried out in Mr. Bialatski's house. Meanwhile, the police was waiting at the offices of the HRC "Viasna", where Mr. Bialatski was to be brought just after the search of his home, for a search of the office.

On August 5, 2011, Mr. Bialatski was transferred to a cell within the Financial Investigation Department of the State Control Committee, before being remanded in prison for ten days in the detention centre of the Interior Ministry.

Actions requested:

The Observatory urges the authorities of Belarus to:

- i. Guarantee in all circumstances the physical and psychological integrity of Mr. Ales Bialatski as well as of all human rights defenders in Belarus;
- ii. Release Mr. Ales Bialatski immediately and unconditionally since his detention is arbitrary as it seems to merely sanction his human rights activities;
- iii. Put an end to all forms of harassment against him, and more generally against all human rights defenders in the country;
- iv. Comply with all the provisions of the United Nations Declaration on Human Rights Defenders, in particular with articles mentioned above;
- v. More generally, ensure in all circumstances the respect for human rights and fundamental freedoms 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: contact@president.gov.by
- 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, 1050 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, August 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:

- 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