



5 August 2011

Call for immediate and unconditional release of Ales Bialiatski

On 4 August 2011, Ales Bialiatski, Chair of the Human Rights Center *Viasna* in Belarus, was detained in Minsk. We see his detention as a direct result of Ales Bialiatski's legitimate activities in defense of human rights in Belarus. The framework of the criminal case against Ales Bialiatski is instigated under Article 243, part 2 of the Criminal Code of the Republic of Belarus, for "concealment of profits on an especially large scale". This article envisages up to 7 years of imprisonment with the confiscation of property.

We call upon the Belarusian authorities to immediately and unconditionally release Ales Bialiatski and to stop the criminal persecution of human rights defenders, journalists, lawyers and activists in Belarus.

Ales Bialiatski has in the last years been the subject of a nationwide smear campaign broadcasted on public radio and television channels in Belarus, where he is labeled as Belarus' "Public Enemy Number 1". Bialiatski's private properties have been searched and material confiscated; the premises of *Viasna* have been searched numerous times and are under surveillance. The persecution of Ales Bialiatski and *Viasna* escalated after the presidential elections of 19 December 2010, as it did for the whole community working for human rights and fundamental freedoms in Belarus.

Human rights NGOs in Belarus are systematically denied registration, which is a precondition to operate openly and legally in the country. *Viasna* was formally closed down by a court decision in 2003, after its active participation in presidential election observation. Since then it has been denied legal registration and was forced to continue its activities underground. Hence, the organization could not hold a bank account in Belarus, and was denied the right to receive official funding for its activities inside the country. The United Nations Human Rights Committees has ruled that the authorities were under an obligation to re-register *Viasna* and further prevent violations of the right to freedom of association guaranteed under the International Covenant on Civil and Political Rights ratified by Belarus (View Belyatsky et al. vs. Belarus of 24 July 2007)¹.

In addition, the Criminal Code of the Republic of Belarus criminalizes members of non-registered groups. According to Article 193.1 of the Criminal Code, the "illegal organization or activities of public associations, religious groups or foundations or participation in their activities" is punishable with six months to two years in prison.

Upholding its right to continue legitimate and peaceful activities for the promotion and protection of universal human rights, *Viasna* opened individual bank accounts in the neighboring countries, primarily Lithuania, for its continued activities. Foreign donations to legitimate human rights activities have been transferred to these individual bank accounts for years – without being further reported to the Belarusian authorities

¹ See: <http://humanrightshouse.org/Articles/11201.html>



due to the knowledge about the deteriorating situation in the country and the reason behind why bank accounts had to be kept in a foreign country.

However, in June 2011, upon the request of the Belarusian authorities, Lithuanian authorities handed over information on Ales Bialiatski's individual bank account for the last years to the Belarusian authorities and in doing so, created favorable conditions for the instigation of the criminal case against Ales Bialiatski. We regret that. In June 2011, Belarusian authorities notified Bialiatski that an investigation of his private financial affairs was taking place.

Ales Bialiatski is now detained for receiving foreign donations to the human rights activities and for not reporting this as private financial assets to the Belarusian authorities. "I think the reason behind these charges is the fact that our organization [*Viasna*] has been providing different assistance to victims of political repressions in Belarus," – stated Tatsiana Reviaka, Bialiatski's colleague at *Viasna* and the President of the Belarusian Human Rights House in Vilnius. Hundreds of victims have received legal and other kinds of assistance from *Viasna* in Belarus.

Ales Bialiatski's arrest is a new step to repress civil society and legitimate human rights activities in Belarus -- unprecedented repression has taken place in the country since 19 December 2010 and the authorities' attack against this prominent human rights defender shows their willingness to shut down critical voices.

We urge the Belarusian authorities to ensure the immediate and unconditional release of Ales Bialiatski.

We call upon the repeal of Article 193.1 of the Criminal Code of the Republic of Belarus, to ensure compliance with universal and European standards on the right to freedom of association.

We also call upon the international community to make use of its political will, authority and power to demand that human rights defenders in Belarus can carry out their legitimate and peaceful human rights activities without fear of reprisals and free of all restrictions including judicial harassment.

Belarusian Human Rights House in exile in Vilnius, Lithuania

Human Rights House Baku (on behalf of the following NGOs):

- Association for the Protection of Women's Rights after D. Aliyeva (APWR)
- Azerbaijan Lawyers Association
- Human Rights Centre of Azerbaijan (AHRC)
- Institute for Reporters' Freedom and Safety (IRFS)
- Legal Education Society
- Media Rights Institute
- Society for Humanitarian Research
- Women's Association for Rational Development (WARD)



Human Rights House Sarajevo (on behalf of the following NGOs):

- Association of Female Citizens "Renaissance"
- Foundation CURE
- Helsinki Committee for Human Rights in Bosnia and Herzegovina
- Regional Co-ordinator for Youth Groups
- Serb Civic Council - Movement for Equality - The Council of the Sarajevo Canton
- Woman and Society Centre

Human Rights House Oslo (on behalf of the following NGOs):

- FIAN Norway
 - Health and Human Rights Info
 - Human Rights House Foundation
 - Norwegian Burma Committee
 - Norwegian Helsinki Committee
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- Armenian Helsinki Association (Armenia)
 - Asparez Journalists' Club, Gyumri (Armenia)
 - Civic Belarus (Czech Republic)
 - Civil Rights Defenders (Sweden)
 - Danish Helsinki-Committee for Human Rights
 - Danish Institute for Human Rights (Denmark)
 - Helsinki Citizen Assembly, Vanadzor (Armenia)
 - Human Rights Watch
 - Index on Censorship (United Kingdom)
 - International Partnership for Human Rights (IPHR) (Brussels)
 - Jurists against Torture (Armenia)
 - Libereco – Partnership for Human Rights (Germany)
 - NGO M'ART (Ukraine)
 - Östgruppen - Swedish Initiative for Democracy and Human Rights (Sweden)
 - People in Need (Czech Republic)
 - Public Information and Need of Knowledge (Pink Armenia) (Armenia)
 - The Netherlands Helsinki Committee
 - The Rafto Foundation for Human Rights (Norway)
 - Ukrainian Helsinki Human Rights Union
 - Shahkhatun. Wives of Armenia's Political Prisoners (Armenia)
 - Women's Resource Center of Armenia (Armenia)
 - Real World, Real People (Armenia)
 - "Guarantee" Center of Civil Society NGO (Armenia)
 - Youth Human Rights Movement (the Russian Federation)