



Geneva, Oslo, 14 April 2017

Centralnyj District Court  
Kirov Street 21, Minsk  
220030  
Belarus  
E-mail: [centr-minsk@court.by](mailto:centr-minsk@court.by)

### **Tatsiana Reviaka's trial, Tuesday 18 April 2017**

Mr Chairperson,

1. The Human Rights House Foundation (HRHF) has the honour to hereby submit information on the case against Tatsiana Reviaka, due to be heard on 18 April, 2017.
2. Tatsiana Reviaka is the president of the Barys Zvozkau Belarusian Human Rights House and a member of the Human Rights Centre Viasna. She is widely known for her work as a human rights defender, working for, and alongside victims of human rights violations and their families, and specifically for working for the rights of all people in Belarus.
3. Since the beginning of 2017, hundreds of people have protested peacefully in the streets of different cities of Belarus, against the Presidential Decree Nr 3 “On preventing social dependency”, which imposes a 250 dollars tax on those who work less than half a year and do not register at the country’s labour offices.<sup>1</sup>
4. Tatsiana Reviaka was lawfully monitoring those peaceful assemblies in Minsk when she was detained and held for three hours at the Centralnyj District Office of Internal Affairs on 26 March 2017.
5. The United Nations Special Rapporteur on the situation of human rights in Belarus, Miklos Haraszti, described the decree as “an arbitrary and cruel measure”, estimated to affect more than 470,000 Belarusians.<sup>2</sup> In September 2016, he stressed the “persistence of a system of short-term arrests and detentions, on highly disputable grounds, of political opponents and activists as a method of harassment and intimidation.”<sup>3</sup>

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<sup>1</sup> Hundreds Protest In Belarus City Against Tax On Jobless, RFE/RL's Belarus Service, 11 March 2017, available at <http://www.rferl.org/a/belarus-protests-parasite-law-pinsk/28363781.html>.

<sup>2</sup> UN Special Rapporteur concerned about recurring violence against demonstrators in Belarus, 14 March 2017, available at

<http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=21375&LangID=E#sthash.j12zUKII.dpuf>.

<sup>3</sup> UN Report on the situation of human rights in Belarus A/71/394, 21 September 2016, para. 85.

6. Protesters are therefore exercising their freedom to peacefully assemble to denounce the Presidential Decree. Human rights defenders are playing key role in such events, including through their organisations and mobilisation of others, by documenting, reporting on and demanding accountability for violations of the rights of protesters.
7. Belarus is increasingly limiting the right to freedom of assembly using justifications such as “unauthorized assemblies” or “unlawful assemblies” with consequent measures such as administrative and criminal sanctions. Belarusian legislation *de facto* bans the right to freedom of peaceful assembly without prior authorisation from the authorities. In addition to criminalizing peaceful protests, Belarusian authorities have systematically refused to authorize peaceful assemblies to be held in city centres, if they were critical towards the government’s policies. Thereby, Belarus is in breach of its own constitutional provision guaranteeing the right to peaceful assembly and international human rights law.
8. International law indeed protects the right to freedom of peaceful assembly as the right gather publicly or privately and collectively express, promote, pursue and defend common interests. As highlighted by the United Nations Special Rapporteur on the rights to freedom of peaceful assembly and of association, Maina Kiai, it includes the right to participate in peaceful assemblies, meetings, protests, strikes, sit-ins, demonstrations and other temporary gatherings for a specific purpose.<sup>4</sup> Belarus is a member of the United Nations and a party to the International Covenant on Civil and Political Rights. As foreseen by the Human Rights Council, “everyone must be able to express their grievances or aspirations in a peaceful manner, including through public protests, without fear of reprisals or of being intimidated, harassed, injured, sexually assaulted, beaten, arbitrarily arrested and detained, tortured, killed or subjected to enforced disappearance”.<sup>5</sup>
9. Tatsiana Reviaka is now brought to court due to her participation in the peaceful protests in Minsk as an observer, who monitored the course of events and prepared a report on them. The charges brought against the monitors of the protests, such as against Tatsiana Reviaka, are in breach of international human rights law.
10. The trial of Tatsiana Reviaka should not set an example of the harassment and intimidation faced by human rights defenders, journalists and others monitoring and reporting on protests in Belarus. We believe this harassment is a form of retaliation against her work.
11. Given the above-mentioned elements, in line with Tatsiana Reviaka’s right under international human rights law and national legislation of Belarus to participate and monitor peaceful protests, we have the honour to inform your Court about the international obligations to which the Republic of Belarus is committed. We also inform your Court that any criminal or administrative sanctions against Tatsiana Reviaka would be seen as a violation of the international human rights standards. We therefore believe there is a great role of the Court in granting justice to Tatsiana Reviaka, as well as any

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<sup>4</sup> “What are the rights to freedom of peaceful assembly and of association?”, available at <http://freeassembly.net/about/freedoms/>.

<sup>5</sup> Resolution of the UN Human Rights Council on the promotion and protection of human rights in the context of peaceful protests, 11 April 2014, UN Doc A/HRC/RES/25/38.

other participants to peaceful protests and observers with similar charges, by dropping all charges in relation to his participation and monitoring of the above-mentioned protests.

Yours sincerely,

A handwritten signature in blue ink, appearing to read 'F. Irminger', with a large, stylized flourish underneath.

Florian Irminger  
Head of Advocacy

Human Rights House Foundation