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Vilnius, Oslo, Geneva, 14 April 2010

Cases of Andrei Zhuk and Vasily Yuzepchuk examined by the United Nations Human Rights Committee

Your Excellency,

Various trustworthy sources, including the Human Rights Centre “Viasna”, Amnesty International, the Council of Europe and its Parliamentary Assembly, the European Parliament, and the Parliamentary Assembly of the Organisation for Security and Co-operation in Europe, report that Mr. Andrei Zhuk and Mr. Vasily Yuzepchuk were executed around 18 March 2010. We condemn these executions.

The cases of Andrei Zhuk and Vasily Yuzepchuk were pending at the Human Rights Committee, which had requested interim measures of protection (rule 92 of the Rules of Procedure of the Human Rights Committee adopted on 22 September 2005). The Committee issued a press release on 30 March 2010 in which it “expressed its dismay and indignation at the apparent execution of the two individuals, and its concern at the State party’s failure to cooperate in good faith with the Committee, in its work on individual communications submitted under the Optional Protocol to the Covenant.”

At its 98th session, the United Nations Human Rights Committee discussed in a public meeting the pendent cases of Andrei Zhuk (case 1910/2009) and Vasily Yuzepchuk (case 1906/2010). Under the Option Protocol to the International Covenant on Civil and Political Rights, the Human Rights Committee has the competence to receive and consider communications from individuals subject to the jurisdiction of the State parties to the Covenant, who claim to be victims of a violation of any right set forth in the Covenant. The Republic of Belarus ratified the Optional Protocol on 30 September 1992 and thereby recognised the competence of the Human Rights Committee to consider complaints under the Optional Protocol. In paragraph 19 of its General Comment 33 published on 5 November 2008, the Human Rights Committee clearly considers that the “failure to implement [...] interim or provisional measures is incompatible with the obligation to respect in good faith the procedure of individual communication established under the Optional Protocol.” By proceeding to the execution of Andrei Zhuk and Vasily Yuzepchuk whose cases were pending before the Human Rights Committee, **the Republic of Belarus violated its obligations under the Covenant and its Optional Protocol, specifically the State’s obligation to respect the interim or provisional measures of protection requested by the Human Rights Committee.**

We, more than 50 organisations, are alarmed by the Republic of Belarus’ constant violation of its obligations under the International Covenant on Civil and Political Rights, and its permanent lack of implementation of the recommendations adopted by the Human Rights Committee. **We call upon you, Mr. President, and the government of the Republic of Belarus, to consider the rule of law as the principle under which penal justice is executed -- and to therefore fully implement the recommendations of the United Nations Human Rights Committee.**

We also call upon you, Mr. President, and the government of the Republic of Belarus, to establish an immediate moratorium on the use of the death penalty, in line with the United Nations General Assembly resolution 63/168 adopted on 18 December 2008.

Finally we, **the more than 50 organisations signing this letter, urge the Belarusian authorities to put an end to the harassment against all human rights defenders**, including the ones active nationally in favour of a moratorium on the death penalty. Most recently, some members of the Human Rights Centre "Viasna" (Ales Bialiatski, Valiantsin Stefanovich, and Iryna Toustsik) were arrested on 23 March 2010 while protesting against the use of the death penalty and the executions of Andrei Zhuk and Vasily Yuzepchuk. Civil Rights Defenders, the Norwegian Helsinki Committee, the Human Rights House Foundation, and the Belarusian Human Rights House in exile in Vilnius, wrote to you on 25 March 2010, calling upon you to end such kind of harassment. We hereby repeat this call.

Yours sincerely,

Belarusian Human Rights House in exile in Vilnius
Including United Centre of Initiatives for Belarus, Lithuania

The House of the Helsinki Foundation for Human Rights in Poland (on behalf of the following NGOs):

- Helsinki Foundation for Human Rights
- Helsinki Committee
- POLIS Young Journalists Association
- HORIZON - Against Death Penalty Group

Human Rights House Baku, Azerbaijan

- Society for Humanitarian Research
- Womens Association for Rational Development
- Institute for Reporter Safety and Freedom
- Legal Education Society
- Media Rights Centre

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

- Human Rights House Foundation
- Norwegian Helsinki Foundation
- Norwegian Tibet Committee
- Norwegian Burma Committee
- Health and Human Rights Info

Human Rights House Sarajevo, Bosnia and Herzegovina (on behalf of the following NGOs):

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

Human Rights House Skopje, Macedonia (on behalf of the following NGOs):

- Association for Democratic Initiatives (ADI)
- The First Children's Embassy in the World – "Megjashi"
- Helsinki Committee for Human Rights of the Republic of Macedonia
- Macedonian Women's Rights Centre (MWRC) - Shelter Centre
- Polio Plus – Movement Against Disability

Human Rights House Tbilisi, Georgia

- Union Safari - Family without Violence
- Article 42 of the Constitution
- The Caucasian Centre for Human Rights and Conflict Studies (CAUCASIA)
- The Georgian Centre for Psychosocial and Medical Rehabilitation of Torture Victims
- The Human Rights Centre (HRIDC)

Open Word House, United Kingdom (on behalf of the following NGOs):

- Index on Censorship
- English PEN

Russian Research Centre for Human Rights, Russian Federation (on behalf of the following NGOs):

- Independent Psychiatric Association of Russia
- Moscow Center for Prison Reform
- Moscow Helsinki Group
- Right of the Child
- Non-violence International
- Social Partnership Foundation
- Union of the Committees of Soldiers' Mothers of Russia

Armenian Helsinki Association, Armenia

Centre for Civil and Political Rights, Switzerland

Civic Belarus, Czech Republic

Civil Rights Defenders, Sweden

HURINET-Uganda (a network of 35 organisations), Uganda

International Federation for Human Rights (FIDH), France

Rafto Foundation, Norway

Copies have been sent to:

His Excellency Mr. Viktor Golovanov, Minister of Justice of the Republic of Belarus

His Excellency Mr. Vladimir Andreichenko, Speaker of the House of Representatives of the Republic of Belarus

His Excellency Mr. Mikhail Khvostov, Ambassador Extraordinary and Plenipotentiary, Permanent

Representative, Permanent Mission of the Republic of Belarus to the United Nations Office in Geneva

His Excellency Mr. Vladimir Senko, Ambassador, Head of the Mission of the Republic of Belarus to the European Communities

United Nations Human Rights Committee

Directorate General of Human Rights and Legal Affairs of the Council of Europe

The Office for Democratic Institutions and Human Rights of the Organisations for Security and Co-operation in Europe

Norwegian Ministry of Foreign Affairs

Standing Committee for Foreign Affairs of the Norwegian Parliament

Lithuanian Ministry of Foreign Affairs

Swiss Ministry of Foreign Affairs

Delegation of the European Commission to the Republic of Belarus