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21 April 2015

## **Belarusian authorities must stop persecution of Belarusian human rights defender Leanid Sudalenka**

Mr Minister, Mr Prosecutor General, Mr Chairperson,

**We, the undersigned members and partners of the Human Rights House Network, call upon Belarusian authorities to stop the prosecution of the human rights defender Leanid Sudalenka, and to investigate the threats made against Leanid Sudalenka and his family and facts of dissemination of pornographic material via the Internet.**

On 8 April 2015, police searched the home and the office of Leanid Sudalenka, Belarusian human rights defender, and confiscated 8 computers on suspicion of dissemination of pornographic material via Leanid Sudalenka's email address. On 14 April 2015, a criminal case was opened by the Investigation Committee of the Republic of Belarus on charges of dissemination of pornographic material via the Internet. The investigation claims that pornographic material was disseminated from the email address of Mr Sudalenka at mail.ru and from the IP address of the computers in the office where Mr Sudalenka works. However, the e-mail account of Mr. Sudalenka at mail.ru was hacked, and Mr. Sudalenka did not have any control over that account at the time of dissemination of pornographic material.

Leanid Sudalenka is a prominent human rights defender, who actively works on protecting victims of human rights violations, including by helping them to submit individual complaints to the United Nations Human Rights Committee. He has gained a great number of complaints he submitted to the Committee.

Leanid Sudalenka is also an active participant in the campaign "Human Rights Defenders against Death

Penalty.” His most recent complaint submitted to the Human Rights Committee was the one of Olga Grunova asking the Belarusian authorities to disclose the location of the grave of her son, who was sentenced to death and executed on 22 October 2014 to her knowledge.<sup>1</sup>

Following the submission of this particular complaint, Leanid Sudalenka received death threats directed at his children. He requested the police to investigate the threats against his family, but his request was turned down. After his complaint to the Office of the Prosecutor of Gomel, the police re-examined his request and yet turned it down again. Leanid Sudalenka’s complaint against this decision is currently pending at the Prosecutor’s Office.

We see the actions undertaken in relation to Leanid Sudalenka as linked to his defence of Olga Grunova and his recent submission of a new complaint to the Human Rights Committee. The link between the submission of this complaint and the death threats is clear. Furthermore, the police investigation began only after he submitted a complaint against the police for the refusal to investigate serious threats against his children. These actions are indeed part of a campaign aimed at intimidating Leanid Sudalenka because of his human rights work.

This prosecution of Leanid Sudalenka follows the expulsion from Belarus of the human rights defender Elena Tonkacheva, leader of the Legal Transformation Centre.<sup>2</sup>

Belarusian human rights defenders are one of the driving forces that is constantly working on reforming the country. However, they continue to face systemic and systematic violations of their core rights to freedom of expression, association and peaceful assembly. There is no space in Belarus for human rights defenders to assess public policies independently from the State and defend the rights of victims of human rights violations. Human rights defenders face criminalisation by the country’s legislation and face threats and harassment, arbitrary detention, including short-term detentions and long-term imprisonments, torture and ill treatment, and restrictions on movement.

In the upcoming electoral period, ahead of the presidential election to take part before 15 November 2015, authorities have an obligation to even more protect those participating in the public debate, as reported to the United Nations General Assembly in October 2013 by the Special Rapporteur, Maina Kiai.<sup>3</sup> Unfortunately, the Belarusian authorities have ignored the recommendations made by the Special Rapporteur on Belarus Miklós Harastzi on the protection and promotion of all human rights during electoral periods,<sup>4</sup> and we see the renewed harassment, persecution and prosecution of human rights defenders as an act of intimidation against independent voices ahead of the November 2015 presidential election.

As Miklós Harastzi recently put it, the case of Elena Tonkacheva further “[demonstrate] the immense challenges that continue to exist for human rights defenders to fulfil their work in Belarus.”<sup>5</sup> The case of Leanid Sudalenka is of the same nature.

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<sup>1</sup> More information about the case available at <http://humanrightshouse.org/Articles/20665.html>.

<sup>2</sup> More information about the case available at <http://humanrightshouse.org/Articles/20679.html>.

<sup>3</sup> Report of the United Nations Special Rapporteur on the rights to freedom of association and peaceful assembly Maina Kiai to the UN General Assembly on the rights to freedom of association and peaceful assembly in electoral periods, 7 August 2013, available at <http://freeassembly.net/rapporteurpressnews/maina-kiai-to-present-elections-report-to-un-general-assembly-on-oct-29/>.

<sup>4</sup> Report of the United Nations Special Rapporteur on the human rights situation in Belarus Miklós Harastzi to the UN General Assembly, 6 August 2013, available at [http://ap.ohchr.org/documents/dpage\\_e.aspx?m=140](http://ap.ohchr.org/documents/dpage_e.aspx?m=140).

<sup>5</sup> Press release in regard to Elena Tonkacheva’s deportation, 6 March 2015, available at <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=15650&LangID=E#sthash.fxzBWSvS.dpuf>.

**We hereby call upon you to stop the prosecution of the human rights defender Leanid Sudalenka, and to investigate the threats made against Leanid Sudalenka and his family and facts of dissemination of pornographic material via the Internet.**

**We further call upon you to:**

- **Conduct prompt, impartial and thorough investigations into facts of dissemination of pornographic material via the Internet and into acts of intimidation and violence against Mr. Sudalenka and his family, and bring those responsible to justice;**
- **Put an end to any acts of intimidation and reprisal against victims of human rights violations, human rights defenders and lawyers submitting cases to the United Nations Human Rights Committee, or other international bodies, including the Special Rapporteur on the situation of human rights in Belarus, and fully cooperate with and implement recommendations by such bodies and views issued by the Committee;**
- **Create a safe and enabling environment, in which human rights defenders can operate free from hindrance and insecurity, in the whole country and in all sectors of society, including by extending support to local human rights defenders as stipulated in the United Nations Human Rights Council resolution 22/6 of 21 March 2013.**

Yours sincerely,

Barys Zvozkau Belarusian Human Rights House, Vilnius (on behalf of the following NGOs):

- Belarus Watch
- Belarusian Association of Journalists
- Belarusian Helsinki Committee
- City Public Association "Centar Supolnasc"
- Human Rights Centre "Viasna"

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

- Article 42 of the Constitution
- Caucasian Centre for Human Rights and Conflict Studies
- Georgian Centre for Psychosocial and Medical Rehabilitation of Torture Victims
- Human Rights Centre
- Media Institute
- Union Sapari - Family without Violence

Human Rights House Azerbaijan:

- Human Rights Center of Azerbaijan
- *Due to the risk of retaliation against Azerbaijani human rights defenders, we decided not to indicate the names of other Azerbaijani NGOs who would be signing this letter.*

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

- Chernihiv Public Committee of Human Rights Protection
- Center of Humnistic Tehnologies "AHALAR"
- Center of Public Education "ALMENDA"
- Human Rights Center "Postup"
- Local Non-governmental Youth organizations M'ART
- Transcarpathian Public Center
- Ukrainian Helsinki Human Rights Union

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

- Association of Ukrainian Human Rights Monitors on Law-Enforcement

- Center for Civil Liberties
- Kharkiv Human Rights Protection Group
- Ukrainian Helsinki Human Rights Union

Human Rights House Oslo:

- Norwegian Helsinki Committee
- Health and Human Rights Info

Human Rights House Belgrade:

- Lawyers Committee for Human Rights

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

- Charitable Foundation
- Civic Initiatives Development Centre
- Confederation of Free Labor
- For Ecological and Social Justice
- Free University
- Golos
- Interregional Trade Union of Literary Men
- Lawyers for labor rights
- Memorial
- Ms. Olga Gnezdilova
- Soldiers Mothers of Russia
- Voronezh Journalist Club
- Voronezh-Chernozemie
- Youth Human Rights Movement

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

- “Shahkhatun” Women’s Democracy Support
- Democracy Today
- Helsinki Association for Human Rights
- Helsinki Citizens’ Assembly Vanadzor
- Insuring Equal Rights
- Journalists’ Club “Asparez”
- Public Information and Need of Knowledge (PINK Armenia)
- Real World, Real People
- Women’s Resource Center
- “Socioscope” Societal Research & Consultancy Centre
- “The Rule of Law” Human Rights NGO

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

- APEO/UPIM Association for Promotion of Equal Opportunities for People with Disabilities
- B.a.B.e.
- CMS - Centre for Peace Studies
- Documenta - Centre for Dealing with the Past
- GOLJP - Civic Committee for Human Rights
- Svitanje - Association for Protection and Promotion of Mental Health

The Assembly of Pro-Democratic NGOs, Belarus

Vivarta, United Kingdom

Copies to:

- United Nations Special Rapporteur on the situation of human rights defenders
- United Nations Special Rapporteur on the rights to freedom of association and peaceful assembly
- United Nations Special Rapporteur on the human rights situation in Belarus
- Office for Democratic Institutions and Human Rights of the Organisation for Security and Cooperation in Europe (OSCE ODIHR)
- Cabinet of Commissioner Johannes Hahn for European Neighbourhood Policy and Enlargement Negotiations
- Delegation of the European Union in Belarus
- Subcommittee on Human Rights of the European Parliament
- Diplomatic community in Minsk, Brussels, Geneva, New York and Strasbourg
- Various ministries of foreign affairs and parliamentary committees on foreign affairs

***About the Human Rights House Network ([www.humanrightshouse.org](http://www.humanrightshouse.org))***

*The Human Rights House Network (HRHN) unites 90 human rights NGOs joining forces in 18 independent Human Rights Houses in 13 countries in Western Balkans, Eastern Europe and South Caucasus, East and Horn of Africa, and Western Europe. HRHN's aim is to protect, empower and support human rights organisations locally and unite them in an international network of Human Rights Houses.*

*The Barys Zvozkau Belarusian Human Rights House opened in Vilnius on 30 January 2007 as a result of joint efforts by human rights NGOs in Belarus and the Human Rights House Foundation (HRHF). The house, called "an island of liberty" by Belarusian human rights defenders, assists them in their activities aimed at increased respect for and protection of human rights and democratic freedoms in Belarus.*

*The HRHF, based in Oslo (Norway) with an office in Geneva (Switzerland), is HRHN's secretariat.*

*HRHF has consultative status with the United Nations and HRHN has participatory status with the Council of Europe.*