



International Observation Mission
of the Committee on International Control over
the Situation with Human Rights in Belarus

Statement No.9
“On the persecution of human rights
defenders in Belarus under the pretext
of combating tax violations”

Acting on behalf of the Committee on International Control over the Situation with Human Rights in Belarus (CIC), which brings together representatives of national and international civil society organizations and networks from the OSCE countries;

monitoring the overall situation with the observance of fundamental human rights in the Republic of Belarus, including issues of the freedom of association and compliance with the conditions for the unhindered activities of human rights defenders;

emphasizing that human rights are subject to the direct and legitimate concern of international civil society;

urging the Belarusian authorities to follow the undertaken international obligations on human rights, in particular, to guarantee the freedom of establishment and activities of non-governmental organizations, including the ability to legally obtain their financing to carry out their statutory activities;

expressing its solidarity with the civil society and human rights organizations in Belarus, which for many months continue to operate under constant pressure from the authorities,

the International Observation Mission:

1. *Expresses grave concern* at the arrest on August 4th, 2011 of the head of the Human Rights Centre “Viasna”, vice-president of the International Federation for Human Rights (FIDH), Ales Bialiatski and incitement of a criminal case against him under Art. 243 part 2 of the Criminal Code of Belarus (tax evasion that has caused damage on a large scale), as well as the preceding procedural violations during the search, detention and interrogation;

believes that these allegations clearly related exclusively to human rights work of Ales Bialiatski and the Centre which he heads, particularly on election monitoring and the provision of legal and material assistance to the individuals and the families of those convicted in cases related to the events of December 19th, 2010, and recent actions of the “silent protest”, considering the allegations in the context of previous attempts to obstruct the activities of the Human Rights Centre “Viasna”, since its liquidation by the Supreme Court of the Republic of Belarus in 2003, searches and confiscation of equipment belonging to it after December 19th, 2010 and ending with the warning issued to Ales Bialiatski in February 2011 on the “inadmissibility of carrying out activities on behalf of an unregistered organization”;

regards the allegations as baseless, as the funds obtained by Mr. Bialiatski were not his personal income, as they were being transferred from his account towards the objectives of supporting Belarusian civil society and ensuring human rights protection in accordance with the contracts of the donations, and were spent precisely for these purposes.

2. *Notes* that this situation has been made possible only because of the incompliance of the Belarusian legislation on the freedom of association with recognized international standards, as it does not allow non-governmental organizations to acquire registration in accordance with a reasonable, transparent and simple procedure; provides a procedure for their elimination on the unlawful grounds; requires irrational burdens of taxation; impedes the realization of their financial support from international institutions, and makes any legitimate civil society and human rights initiatives hostage to the imperfections of the system of the aforementioned rules.

3. *Believes* that the responsibility for what happened is also borne by other participating States of the OSCE who have not been able to achieve the compliance of the national legislation of the Republic of Belarus with international standards on freedom of association, and instead preferred to use ways to support Belarusian civil society in the circumvention of national legislation, thus putting at risk the personal liberty and security of Belarusian human rights defenders and civil society activists;

notes with deep regret that the arrest of the Belarusian human rights activist was in part due to the inconsistent and short-sighted attitude of the authorities of the Republic of Lithuania, which did not appreciate the risks to personal liberty and security of Ales Bialiatski, in transferring to the Belarusian authorities information on bank accounts opened in Lithuania for the human rights activities of the Belarusian civil society organizations and initiatives.

4. *Draws attention* to the fact that other representatives of the Belarusian human rights and civil society organizations may be under a similar threat, many of which under the circumstances, could have been forced to find ways to ensure the implementation of their activities outside the jurisdiction of the Republic of Belarus;

5. *Is also concerned* about the continuing pressure on human rights defenders, implemented through other means – in particular, repeated warnings from the Ministry of Justice to the address of the Belarusian Helsinki Committee.

In connection with the abovementioned, **the International Observation Mission demands:**

1. The release of Ales Bialiatski from custody and termination of criminal proceedings against him in connection with his actions in the absence of a crime;

2. Termination of continued pressure on human rights and civil society organizations, in particular, the Human Rights Centre “Viasna” and the Belarusian Helsinki Committee, their staff and activists;

3. That the national legislation of the Republic of Belarus be brought in conformity with international standards on freedom of association, through amendments to the legislation guided by the recommendations of intergovernmental organizations (including by requesting official expertise of the European Commission for Democracy through Law), as well as taking into account the advice of national and international experts;

4. Announcement prior to the review of the legislation of a moratorium on investigations and prosecutions in respect of civic and human rights organizations, including the Human Rights Centre “Viasna” and the Belarusian Helsinki Committee, their staff and activists;

5. Adoption by the authorities of the Republic of Lithuania measures to minimize damage caused by the transmission of information on bank accounts of Belarusian civil society activists by its Ministry of Justice to the law enforcement agencies of Belarus, by providing them should the need arise defense in the form of skilled Lithuanian lawyers, as well as allocating funds for the payment of possible penalties;

6. Prevention of analogous actions in the transfer of information on human rights defenders and human rights organizations to the Belarusian authorities from the other OSCE participating states;

7. Inclusion of the situation with human rights and the rule of law in Belarus on the upcoming agenda of all formal meetings and activities of intergovernmental organizations (UN, OSCE and the Council of Europe), including at the highest level (UN General Assembly, OSCE Ministerial Conference).

August 8th, 2011

*Head of the Mission
Andrey Yurov*