

1. After the wave of violence that followed the presidential election of December 2010, the human rights situation in Belarus deteriorated, and remains poor four years after the crackdown. Human rights defenders (HRDs) are subjected to intimidation and harassment, including judicial harassment, restrictions on freedom of expression, association, assembly, movement as well as to arbitrary detention and ill-treatment.

2. A crackdown took place in April 2014 in connection with the World Hockey Championship held in Minsk, when a number of HRDs and pro-democracy activists faced arbitrary detention or were convicted to administrative detention as the authorities tried to prevent the holding of protests during the international event.

3. Widespread impunity for law enforcement officers has contributed to human rights violations, including the use of torture in detention against political opponents and human rights defenders. Human rights lawyers have been disbarred because they represented detained opposition activists, denounced their conditions of detention or the violation of fair trial guarantees. Demonstrators have been arrested en masse.

### **Implementation of previous UPR recommendations**

4. During the previous UPR cycle, Belarus accepted a number of recommendations related to human rights defenders and civil society while 'noting' others. In particular:

- Belarus '**noted**' a recommendation to repeal or amend restrictive legislation such as the Law on Public Events and the Criminal Code Article 193-1, which restrict freedom of expression, assembly and association, in particular for human rights defenders and other members of civil society.

During the period under review, Belarus adopted a new Law on Public Gatherings as well as new legislation on NGOs, including access to funding, which are seen as more restrictive than the previous ones;

- Belarus **accepted** a recommendation to ensure that HRDs can peacefully exercise their right to freedom of expression and assembly, that it decriminalises activities of individuals on behalf of non-registered organisations by abolishing article 193-1 of the Criminal Code, and that it facilitates registration by NGOs (the Netherlands, Poland, Spain).

Article 193-1 of the Criminal Code has not been amended. As exemplified by the case listed below, registration continues to be denied.

- Belarus also **accepted** recommendations that it guarantees that everyone, including human rights defenders, can peacefully exercise their right to freedom of expression and assembly in conformity with Belarus' obligations under the International Covenant on Civil and Political Rights (Poland, Switzerland).

The cases listed in this submission illustrate Belarus' failure to implement this recommendation;

- Belarus **accepted** a recommendation calling to ensure that all trials observe international standards for fair trial, and that the Government responds to concerns by defence lawyers and non-governmental organisations regarding trials against human rights defenders (Norway).

The cases listed in this submission, in particular the trial against human rights defender Ales Bialiatski, illustrate Belarus' failure to implement this recommendation;

- Belarus **accepted** a recommendation calling for engagement with special procedures mandate holders, especially with the mandate on freedom of expression, human rights defenders and torture (Hungary).

Belarus refuses to cooperate with Miklós Haraszti, UN Special Rapporteur on Belarus, re-elected on 27 June 2014, who is not allowed to visit the country. Furthermore, requests for country visits made in 2010 and 2011 by the Special Rapporteur on human rights defenders as well as requests by other mandate holders remain pending.

## **Freedom of association**

5. The human rights community is routinely branded as politically motivated and accused of being the conduit of Western funding to domestic 'radical opposition'. Throughout 2011 and 2012, HRDs were subjected to repression on an unprecedented scale: arrests, searches at home and in the office, confiscation of electronic devices and documents, police surveillance and an intense smear campaign on state-owned media became a daily occurrence.

6. Human rights non-governmental organisations (NGOs) are systematically denied registration, while the Criminal Code criminalises members of non-registered groups. According to Article 193-1 of the Criminal Code, the "illegal organisation of activities of public associations, religious groups or foundations or participation in their activities" is punishable with six months to two years in prison. Furthermore, legislative amendments passed in 2011 made it illegal for NGOs to hold funds abroad and established criminal liability for receiving foreign grants or donations "in violation of the Belarusian legislation".

7. On 5 February 2013, the Ministry of Justice refused to provide the **LGBT Human Rights Center Lambda** with registration. In April 2013, Supreme Court confirmed this decision. This was the third attempt to register an LGBT organisation in Belarus; previous attempts were made in 2008 and 2011. After submitting the request for registration in December 2011, dozens of activists affiliated to the group received calls from the Committee of State Security and had intimidating 'informal interviews' with security officers.

## **Criminalisation of human rights defenders**

8. The 2011 legislative amendments restricting access to foreign funding were adopted in connection with the case of Mr **Ales Bialiatski**, chairman of Human Rights Center 'Viasna' (Spring), arrested in August 2011 on trumped up charges of tax evasion and sentenced in November 2011, following an unfair trial, to four and a half years of imprisonment and confiscation of his properties. Ales Bialiatski was released on amnesty on 21 June 2014, after spending almost 3 years in prison. The authorities have always maintained that the imprisonment of Ales Bialiatski was not politically motivated. On the occasion of the previous nationwide amnesty, in 2012, Ales Bialiatski was excluded from the amnesty on the pretext that he had received several formal reprimands by the prison authorities for alleged violations of prison rules. During his detention, he faced intimidation and unjustified solitary confinement, and received at least twelve reprimands for reasons such as bringing a piece of bread from the dining room to his cell after dinner or putting a curtain around his bed for privacy. As a result, his visitation rights and the right to receive parcels were restricted. He was declared as a 'malicious disturber', which resulted in his exclusion from the 2012 amnesty.

9. In November 2012, HRC 'Viasna' had to vacate its office, as it was located in an apartment owned by Ales Bialiatski, which was seized after his sentencing. Despite their numerous requests, HRC 'Viasna' also failed to obtain an explanation of the legal ground upon which its website had been included in the list of websites with restricted access, in June 2010.

### **Travel bans**

10. In March 2012, travel bans were imposed on several human rights defenders. Local sources considers that travel bans were imposed in response to the decision of the European Union, on 27 February 2012, to strengthen sanctions against the Belarusian regime.

11. On 12 March 2012, Mr **Oleg Volchek**, lawyer and director of the NGO Legal Aid to Population, was informed that there was a temporary travel ban imposed on him. On 23 March 2012, he applied to the Office of Registration and Visa at the Department of Internal Affairs of the Frunzenskiy district in Minsk for more detailed information on the ban. He was notified that the temporary travel ban was the result of information provided by the Ministry of Justice according to which a civil case was pending against him. He was not given details of the alleged civil case, and was advised to apply to the Ministry of Justice for further information.

12. On 15 March 2012, when Mrs **Zhanna Litvina**, head of Belarusian Association of Journalists, was going through passport control at Minsk airport, on her way to Warsaw, she was told that she was under a temporary travel ban and her passport was stamped "departure refused". On 13 March 2012, Mr **Aleh Hulak**, head of Belarusian Helsinki Committee, was notified that a travel ban had temporarily been imposed on him, reportedly on the basis that he was the subject of an administrative law suit. Mr **Garry Paganiayla**, lawyer of Belarusian Helsinki Committee, also received information that he was part of a list of citizens facing a travel ban, without further explanation. On 11 March 2012, **Valiantsin Stefanovich**, member of HRC 'Viasna' was stopped at the border and prohibited from travelling to Lithuania with no explanations given as to the reasons of this measure.

13. Some HRDs challenged the travel bans in court and the authorities eventually declared that they had been imposed erroneously. The ban were eventually lifted for all human rights defenders.

14. Even when allowed to travel, human rights defenders face harassment when crossing borders. On numerous occasions, HRDs were stopped and singled out for search at the border and the authorities confiscated human rights reports or any other human rights related materials printed abroad.

### **Peaceful demonstrations**

15. The authorities continued to ban peaceful demonstrations, to disperse unauthorised demonstrations and arrest people who take part in such demonstrations. The Law on Public Gatherings provides local authorities with the right to decide on the date, time and place of any public actions, and to identify places where demonstrations cannot take place. Since the Law on Public Gatherings was amended on 27 November 2011, any planned public gathering, or any non-spontaneous gathering (including, for example, distributing leaflets), constitutes 'a picket' and can therefore be considered in violation of the law, if not authorised. Organisers of public gatherings are required to indicate the financial sources used for the event, and are not allowed to spread information about the event, including through social networking sites, until official permission is

granted.

16. Recently, the majority of the requests for holding a peaceful gatherings submitted to city administrations have been refused. The most common reason given for such refusal was the absence of agreements between organisers and different State services such as police, medical teams or cleaning services. However, State services would refuse such agreements if the gathering is not already authorised by the city administration. Attempts to appeal the refusals of authorisation on this ground failed.

17. The law has also been used arbitrarily to hide public demonstrations and protests from the public attention: most Belarusian city administrations have banned demonstrations in the city centre.

18. Participants to unauthorised demonstrations have been condemned to administrative sentences or fines. Several human rights defenders were detained and fined for participation and organising of unauthorised gatherings, and one was sentenced to administrative arrest despite the fact that he was merely monitoring a peaceful protest.

19. On 14 November 2013, Mr **Andrey Bondarenko**, head of NGO 'Platform', which defends the rights of prisoners, was found guilty of "organisation and holding of unauthorised event" under Article 23.34(1) of the Code of Administrative Proceedings and condemned to five days' detention. He was arrested during a public action in memory of the detainees who died under suspicious circumstances in pre-trial detention facilities.

20. On 4 August 2013, members of HRD 'Viasna' Mr **Vladimir Labkovich** and Mrs **Tatiana Reviaka** were arrested because they were distributing postcards in the streets of Minsk on the occasion of the second anniversary of the imprisonment of human rights defender Ales Bialiatski. They were found guilty of violation of the rules for holding mass gathering and were sentenced to an administrative fine.

21. Journalist and human rights defender Ms **Iryna Khalip** was arrested on 19 December 2010 after a protest rally in Minsk following the presidential elections. She was detained at a KGB (State Security Agency) pre-trial detention facility where she had very limited access to her lawyer. On 29 January 2011, she was placed under house arrest and was denied any contact with the outside world, including by telephone or reading newspapers. On 16 May 2011, the Zavodskoy district court of Minsk found her guilty of "taking part or organising actions that violate public order" and sentenced her to two years in jail in a penal colony. She was released in the courtroom as the sentence was suspended.

### **Forced psychiatric treatment against HRDs**

22. Forced psychiatric treatment against human rights defenders has been reported. Mr **Ihar Pastnou**, a doctor from the regional psychiatric clinic in the city of Vitebsk, carried out investigations on corruption within the Vitebsk regional public health service. He recorded videos uncovering facts of corruption, which he uploaded on YouTube. On 16 August 2013, he was detained at his working place and sent for compulsory treatment. Five days later, on 21 August, the Vitebsk district court confirmed his arrest. He was held incommunicado for a few days, without access to his lawyer. He was eventually released from the psychiatric clinic on 20 September 2013.

## Recommendations

23. Front Line Defenders calls upon the member states of the UN Human Rights Council to urge the authorities in Belarus to prioritise the protection of human rights defenders and in doing so to:

- (a) Ensure full respect for the right to freedom of association, including by granting registration to human rights organisations and repealing Article 193, which criminalise the activities of non-registered NGOs;
- (b) Repeal legislative amendments adopted in 2011 which further restrict and criminalise the activities of human rights groups, including their access to funding;
- (c) Take effective measures to guarantee the exercise of the right to freedom of peaceful assembly, including by amending relevant legislation, providing authorisation to demonstrate and repealing bans on demonstrations;
- (d) Cease the practice of prosecuting human rights defenders, protesters and other members of civil society in relation to their exercise of their freedom of association, assembly and expression, in particular in connection to protests and demonstrations;
- (e) Accept the request for a country visit by UN special procedures mandate holders, in particular the Special Rapporteur on the situation of human rights defenders;
- (f) Cooperate with the UN Special Rapporteur on the situation of human rights in Belarus, and provide him unfettered access to the country;
- (g) Guarantee in all circumstances that human rights defenders in Belarus are able to carry out their legitimate human rights activities without fear of reprisals, and free of all restrictions including judicial harassment.