

## **Criminal proceedings against Mr. Leanid Svetsik**

### **New information**

**BLR 001 / 0608 / OBS 095.1**

### **Judicial harassment**

### **Belarus**

April 16, 2009

The Observatory for the Protection of Human Rights Defenders, a joint programme of the International Federation for Human Rights (FIDH) and the World Organisation Against Torture (OMCT), has received new information and requests your urgent intervention in the following situation in Belarus.

### **New information:**

The Observatory has been informed by sources about the initiation of criminal proceedings against **Mr. Leanid Svetsik**, one of the founders of the human rights association “Nasha Viasna” and a member of the Vitsebsk branch of the human rights centre Viasna.

According to the information received, on March 31, 2009, Mr. Leanid Svetsik was charged with “fomentation of racial, national or religious enmity” (Article 130 of the Criminal Code) and “defamation of the President” (Part 2 of Article 367 of the Criminal Code).

The Observatory denounces these blatantly unfair charges and considers them as a pretext to silence Mr. Svetsik's human rights activities. Indeed, the Observatory fears that these acts of judicial harassment might be directly related to the support given by Mr. Svetsik to victims of threats by the Russian neo-nazi organisation Russian National Unity (RNU). Since 2006, Mr. Leanid Svetsik has indeed helped those who had received RNU threats in applying to the appropriate State organs for protection of their rights (See background information). He is also providing legal aid for victims of human rights violations and has taken part in the preparation of five complaints concerning violations of citizens' rights by the Belarusian authorities.

The Observatory expresses its deepest concern about these acts of judicial harassment against Mr. Leanid Svetsik as they seem to merely aim at sanctioning his human rights activities, and recalls that as a Participating State of the Organisation for Security and Cooperation in Europe (OSCE), Belarus must conform with paragraph 8 of the OSCE Parliamentary Assembly Resolution on Strengthening OSCE Engagement with Human Rights Defenders and National Human Rights Institutions<sup>[1]</sup>, which states

that the OSCE Participating States recognise “the need for particular attention, support and protection for human rights defenders by the OSCE, its Institutions and field operations, as well as by participating States”.

The Observatory urges the European Commission Delegation as well as European Union (EU) Member-States embassies in Belarus to call upon the Belarusian authorities to drop all charges against Mr. Svetsik, in line with the EU Guidelines on Human Rights Defenders.

### **Background information:**

On May 20, 2008, a complaint on above-mentioned RNU threats was brought before the Vitsebsk oblast KGB department.

Three days later, on May 23, 2008, three KGB officers burst into the apartment of Mr. Svetsik and showed him a ruling of the Prosecutor's office initiating criminal proceedings for “fomentation of national and religious enmity”. The ruling described Mr. Svetsik as a witness in a case of threats against Belarusian citizens from the RNU.

The KGB officers also brought with them several persons to witness the search, which was directed by the Senior Lieutenant of the KGB and lasted from 9 a.m. to 6 p.m. During the search the KGB confiscated his computer and other office supplies, as well as printed human rights editions including the calendars which were dedicated to the 60th anniversary of the creation of the United Nations.

On that day, Mr. Svetsik was then brought to Vitsebsk oblast KGB office and was interrogated for more than two hours by an officer. The interrogation was videotaped. He was then handed out the writ for the next interrogation, which was set on May 28, 2008. Mr. Svetsik went back to the KGB office on May 30, as he had to wait for his lawyer from Minsk. On that day, he and his lawyer signed a paper rejecting the accusations of the Public Prosecutor.

On September 18, 2008, the case against Mr. Svetsik was suspended. Judicial proceedings were reopened on March 31, 2009 and Mr. Svetsik is now facing new charges. The police would have failed to explain the grounds for the resumption of proceedings.

On February 26, 2009, the Belarusian authorities refused to register the human rights organisation Nasha Viasna.

### **Actions requested:**

The Observatory urges the authorities of Belarus to:

0. Guarantee in all circumstances the physical and psychological integrity of Mr. Leanid Svetsik and all human rights defenders in Belarus;
0. Drop all charges against Mr. Svetsik as they merely aim at sanctioning his human rights activities;
0. Put an end to all acts of harassment, including at the judicial level, against Mr. Leanid Svetsik as well as against all human rights defenders in Belarus;
0. Comply with all the provisions of the United Nations Declaration on Human Rights Defenders, in particular with Article 1, which provides that “everyone has the right, individually and in association with others, to promote and to strive for the protection and realization of human rights and fundamental freedoms at the national and international levels”, Article 6.b, which provides that “everyone has the right, individually and in association with others [...] freely to publish, impart or disseminate to others views, information and knowledge on all human rights and fundamental freedoms”, as well as with Article 12.2, which states that “the State shall take all necessary measures to ensure the protection by the competent authorities of everyone, individually and in association with others, against any violence, threats, retaliation, *de facto* or *de jure* adverse discrimination, pressure or any other arbitrary action as a consequence of his or her legitimate exercise of the rights referred to in the present Declaration”;
0. Comply with the provisions of the Document of the Copenhagen Meeting of the 2nd Conference on the Human Dimension of the Cooperation and Security Conference in Europe (CSCE) (1990), and uphold in all circumstances the principles and provisions enshrined in the international and regional human rights instruments ratified by Belarus and which, in particular, guarantee freedoms of association, demonstration, expression and opinion, in particular the European Convention on Human Rights and the International Covenant on Civil and Political Rights;
0. More generally, ensure in all circumstances the respect for human rights and fundamental freedoms in accordance with in accordance with the Universal Declaration of Human Rights and with international and regional human rights instruments ratified by Belarus.

## **Addresses:**

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- General Prosecutor, Grigorii Vasilevich, Internatsionalnaya str. 22, 220050 Minsk, Belarus, Fax: + 375 17 226 42 52
- Prosecutor's Office of Vitebsk, 210601, ul Zestkova, 14 , Vitebsk, Belarus. 1./Fax: +375 212 47-73-27 / +375 212 47-64-44
- Mr. Vladimir Naumov, Minister of Internal Affairs, Gorodskoi Val str., 2, 220050 Minsk, Belarus. Fax: +375 17 203 99 18
- Mr. Andrei Savinykh, Deputy Permanent Representative, Permanent Mission of Belarus to the United Nations in Geneva, 15 avenue de la Paix, 1211 Geneva 20, Switzerland, Fax: +41 22 748 24 51. Email: [mission.belarus@ties.itu.int](mailto:mission.belarus@ties.itu.int)
- Embassy of Belarus in Brussels, 192 avenue Molière, 100 Ixelles, Belgium, Fax : + 32 2.340.02.87, Email : [embbel@skynet.be](mailto:embbel@skynet.be)

Please also write to the diplomatic mission or embassy of Belarus in your respective country.

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Geneva-Paris, April 16, 2009

Kindly inform us of any action undertaken quoting the code of this appeal in your reply.

The Observatory, a FIDH and OMCT venture, is dedicated to the protection of Human Rights Defenders and aims to offer them concrete support in their time of need. The Observatory was the winner of the 1998 Human Rights Prize of the French Republic.

To contact the Observatory, call the emergency line:

**E-mail: [Appeals@fidh-omct.org](mailto:Appeals@fidh-omct.org)**

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[1] Adopted by the OSCE Parliamentary Assembly in Kiev on July 10, 2007.

L'OMCT a son siège à Genève, en Suisse. Elle coordonne le réseau SOS-Torture composé de 282 organisations régionales et internationales dans 93 pays sur cinq continents.

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