

PRESS RELEASE - THE OBSERVATORY

BELARUS: First year of imprisonment for Ales Bialiatski, a sad illustration of the ongoing repression of the Belarusian civil society

Paris-Geneva, August 3, 2012. On the eve of the one-year anniversary of the arrest of Mr. Ales Bialiatski, President of the Human Rights Centre (HRC) "Viasna" and FIDH Vice-President, 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), remains extremely concerned about his ongoing arbitrary detention as well as about acts of harassment against him and against other human rights defenders in Belarus.

August 4 will mark a sad anniversary for Mr. Ales Bialiatski and for all human rights defenders in Belarus.

One year ago, Mr. Bialiatski was arrested by the police representative of the Department of Financial Investigations and charged with "concealment of profits on an especially large scale" under Article 243, part 2, of the Criminal Code of the Republic of Belarus.

On November 24 of the same year, after almost four months of pre-trial detention, the Minsk Pervomaiski District Court sentenced him to four and a half years of imprisonment under strict regime conditions, confiscation of property, including the premises used for Viasna's offices, and a fine of 757,526,717 Belarusian Rubles (approximately 70,000 Euros). On January 24, 2012, the Minsk City Court confirmed the sentence on appeal, after all the motions filed by Mr. Bialiatski's lawyers were rejected. On February 28, 2012, Mr. Bialiatski was transferred to Babruisk Penal Colony No. 2, where, by court order, he has to serve his sentence.

On March 29, 2012, the same court issued a new decision, but neither Mr. Ales Bialiatski nor his colleagues or relatives had been even notified of that hearing. Mr. Bialiatski was thus ordered to pay an additional amount of 140,366,151 rubles (nearly 12,700 Euro) in penalty, in addition to the previous fine that had already been paid in January 2012. The court justified this sentence on the pretext that the fine that Mr. Bialiatski was ordered to pay following his sentencing had not been indexed to the inflation, and had therefore to be up-scaled, although the Belarusian Tax Code does not provide for any kind of indexing.

In addition, several arbitrary restrictive and discriminatory measures have been imposed on Mr. Ales Bialiatski in the framework of his detention on the grounds that he refused to admit having committed a crime,, did not belong to "amateur talent groups"¹ and because a "measure of reprimand" was reportedly issued against him. Therefore, his basic prison wages have been reduced to a fifth of what is ordinarily granted to other inmates to buy items at the prison stores. His right to receive and send letters has also been curtailed, as the prison authorities have failed to deliver a significant portion of his correspondence. Moreover, in June 2012, Mr. Bialiatski's meetings with his wife were reduced from three days to one, and the amount of food parcels is also limited.

By depicting him as an offender, the prison administration clearly aimed at depriving him from the possibility to fall into the scope of the amnesty law of July 3, 2012, and to benefit from other early release measures.

The Observatory is gravely concerned about the ongoing harassment against Mr. Ales Bialiatski, as well as about his unacceptable conditions of detention, which seem to merely aim at sanctioning his human rights activities. The Observatory is also alarmed by the fact that a recent court decision was reportedly issued at the beginning of July 2012 by the

¹ Referring to "social and cultural activities" within the prison.

Partizanski Court of Minsk City which confirmed the seizure of the offices of the HRC “Viasna”.

The Observatory recalls more generally that other Belarusian human rights defenders have also been harassed and arrested over the past months. One of them, Mr. **Aleh Volchek**, Head of the organisation “Legal Aid to the Population”, was arrested and sentenced to administrative detention twice over the past 8 months. He was first sentenced to four days' administrative detention in January, 2012, under charges of “petty hooliganism” - a sanction that did not occur long after he had published a report about Mr. Ales Bialiatski's trial. On May 24, 2012, Mr. Volchek was arrested again and sentenced to nine days' administrative imprisonment by the Minsk Tsentralniy District Court, under Article 17.1 of the Code of Administrative Offences (“swearing against the police”). His arrest and detention could be related to an article published on the Charter 97 website on May 21, in which he denounced the beatings carried out by the police against young demonstrators, whom they labelled as “criminals”.

Another example of that unrelenting harassment of human rights defenders by Belarusian authorities is that a number of human rights defenders, among whom Mr. **Valentin Stefanovich**, Vice-President of “Viasna”, and Mr. Oleg Hulak, President of the Belarussian Helsinki Committee, were registered in the authorities' database of those subjected to foreign travel restrictions, on an unjustified ground. During four months of procedures, the judge continuously postponed the hearings, while Article 337.1 of the Code of Civil Procedure requires the court to consider civil cases within one month following the submission of a lawsuit. It is only in July 2012 that the Interior Ministry's Immigration and Citizenship Department finally acknowledged its “mistake”, and eventually removed their names from the travel ban list, however refusing to follow up on the complaints concerning the procedural violations.

“For the past year, the situation in Belarus continued to go from bad to worse”, says Souhayr Belhassen, FIDH President. “All human rights principles are challenged today in Belarus”. “The ongoing arbitrary detention of Ales Bialiatski is one of the sad illustrations of the constant harassment faced by the civil society in the country”.

“All influential actors have to take up their responsibility to prevent the shocking human rights situation in Belarus - a European country - from becoming the normalcy. And it is about time that the UN Human Rights Council, as the main international human rights body, assumes its responsibility and examines the violations of human rights by the Belarus authorities”, said Gerald Staberock, OMCT Secretary General.

The Observatory firmly denounces the ongoing arbitrary detention of Mr. Bialiatski and calls upon the Belarusian authorities to immediately and unconditionally release him, guarantee in all circumstances his physical and psychological integrity, and put an end to any kind of harassment – including at the judicial level – against all human rights defenders, in line with the United Nations Declaration on Human Rights Defenders, the Universal Declaration of Human Rights and international human rights instruments ratified by Belarus.

For more information on this case, please see: <http://freeales.fidh.net/> as well as the previous Urgent Interventions issued by the Observatory.

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