

URGENT ACTION

CHARGES SUSTAINED AGAINST JOURNALIST

Charges against journalist Andrzej Poczobut of “libelling the President” have not been dropped. He still faces a prison sentence in Belarus of more than seven years. He has been targeted for his work as a journalist and for the legitimate exercise of his right to freedom of expression.

This week the Investigative Committee of the Republic of Belarus made a decision to continue the investigation into the criminal case against **Andrzej Poczobut** until 21 November. Andrzej Poczobut is a correspondent of Gazeta Wyborcza – a Polish daily newspaper – and a prominent Polish-Belarusian minority activist. He was arrested on 21 June in his apartment in Grodno, Western Belarus. He was released on 30 June under bail conditions which state that he cannot leave Grodno, where he lives with his family; must appear for interrogation when asked by investigators; and must register with the police three times a month. Since his release on bail, Andrzej Poczobut has not been invited to any interrogations by investigators. His bail conditions remain the same.

He is officially charged with “libelling the President” under Article 367 (2) of the Criminal Code of the Republic of Belarus, for 12 written articles that were published in Belarusian independent media. He has written about prisoners of conscience in Belarus and criticized the authorities’ response to a wave of “silent protests” in the country in June-August 2011, when groups gathered without speaking to show opposition to government policies. He also criticized the process and decision made in the criminal case of Uladzislau Kavalyou and Dzmitry Kanavalau, who were both executed in March 2012 in connection with a series of bomb attacks in Belarus. Andrzej Poczobut believes that his arrest is an attempt to intimidate him and prevent him from carrying out his journalistic activities.

Andrzej Poczobut also received a three-year suspended prison sentence on 5 July 2011 on the same charges for other newspaper articles. If found guilty under the new charge, he would serve both sentences consecutively and could face imprisonment for over seven years.

Please write immediately in Belarusian, Russian or your own language:

- Calling on the authorities to terminate criminal persecution and drop the charges against Andrzej Poczobut immediately;
- Urging them to guarantee the right to freedom of expression in line with their international human rights obligations, including Article 19 of the International Covenant of Civil and Political Rights.

PLEASE SEND APPEALS BEFORE 5 DECEMBER 2012 TO:

President

Alyaksandr Lukashenka
Administratsia Prezidenta Respubliki Belarus
ul. Karla Marksa 38
220016 Minsk, Belarus
Fax: +375 17 226 06 10/ +375 17 222 38 72 (Please say "fax"
clearly if someone answers)
Email: contact@president.gov.by

Salutation: Dear President Lukashenka

General Prosecutor

Alyaksandr Koniuk
Internatsionalnaya str. 22
220050 Minsk, Belarus
Fax: +375 17 226 42 52 (Please say "fax" clearly if someone
answers)
Email: info@prokuratura.gov.by
Salutation: Dear General Prosecutor

Also send copies to diplomatic representatives accredited to your country.

Please check with your section office if sending appeals after the above date. This is the second update of UA 181/12. Further information:
<http://amnesty.org/en/library/info/EUR49/009/2012/en>

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ADDITIONAL INFORMATION

Amnesty International believes that Andrzej Poczobut's arrest and his subsequent release on bail are part of a longstanding pattern of harassment of civil society activists and journalists by the Belarusian authorities. Following the Presidential elections in December 2010, there has been an unprecedented deterioration in the human rights situation in the country. Key opposition figures have been detained, ill-treated and convicted in unfair trials. Critical NGOs, civil society activists and journalists face continuing harassment.

The right to freedom of expression in Belarus is guaranteed in Article 33 of the Belarusian Constitution, and international treaties Belarus has ratified and therefore is legally bound to observe. Amnesty International considers that the use of the Belarusian Criminal Code to curb the legitimate exercise of the right to freedom of expression violates the government's international human rights obligations, particularly under Article 19 of the International Covenant of Civil and Political Rights. Amnesty International recognizes that Article 19 of the ICCPR specifies that certain restrictions on the right to freedom of expression may be imposed if they are necessary to respect the rights or reputations of others, or for the protection of national security or public order. However, Article 19 also recognizes wide latitude for robust criticism of government and other public officials. Criminal law should therefore not be used in such a way as to stifle criticism of state authorities' policies or measures, or to intimidate those who voice legitimate concerns about the actions of state authorities.

A number of Articles of the Belarusian Criminal Code are being used by the Belarusian authorities for these very purposes. For example, Belarus retains criminal defamation provisions in its Criminal Code in Article 188 (libel), Article 189 (insult), Article 367 (libel in relation to the President), Article 368 (insult of the President) and Article 369 (insult of a government official). Libel and insult contained in media sources can be prosecuted under Articles 188 and 189, which carry a sentence of up to two years' imprisonment. Libelling the President (Article 367) can result in up to five years in prison.

Name: Andrzej Poczobut
Gender m/f: m

Further information on UA: 181/12 Index: EUR 49/018/2012 Issue Date: 24 October 2012