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Human Rights Defenders under Pressure in Belarus

Amnesty International is extremely concerned about the recent closures, and threats thereof, of several non-governmental organizations (NGOs) directly and indirectly engaged in the promotion and defence of human rights in Belarus. The closure of these NGOs, and threats thereof, which were in clear violation of Belarus' international human rights obligations, appear to have taken place in a context of increasing intolerance on the part of the Belarusian authorities of peaceful dissent within the country. In view of a whole series of official warnings issued to NGOs in 2003 by the Ministry of Justice, Amnesty International is concerned that the practice appears to amount to a deliberate pattern of obstruction, harassment and intimidation of human rights defenders and other representatives of civil society in Belarus. Similar concerns have recently been brought to the attention of the Belarusian authorities by the Organization for Security and Co-operation in Europe (OSCE) and have also been long-standing subjects of concern of various international human rights mechanisms (see below).

The closure of one of Belarus' most prominent human rights organizations, *Legal Assistance to the Population*, on 8 September 2003 underscores Amnesty International's concerns in this respect. Minsk City Court took the decision to close *Legal Assistance to the Population* after the organization had received two official warnings from the Ministry of Justice in the course of the year. The Ministry of Justice had issued the warnings on the basis that the organization had rendered free legal assistance to the general public - individuals not members of the organization - and had used an organizational symbol different to that it had used at the time of registration. The closure of such an important human rights organization, whose staff members have been active in a range of national human rights issues, including the determination of the fate of Belarus' "disappeared" opposition leaders, must be regarded with great regret and alarm.

Amnesty International is especially concerned that the warnings were issued to *Legal Assistance to the Population* for relatively questionable, if not spurious, reasons. The organization knows of several other NGOs engaged in the promotion and defence of human rights in Belarus which have received similar warnings. The Head of the OSCE Office in Minsk, Ambassador Eberhard Heyken, also commented on the predisposition of the Ministry of Justice to issue warnings in an 11 September 2003 OSCE press release, which stated: "Closure of non-governmental organizations for alleged violations of the law is a continuing concern for international observers ... The Head of Office is concerned that independent NGOs continue to come under severe scrutiny by the authorities and forced to cease activities by court order." The Head of the OSCE Office added that certain NGOs had received warnings for violations "that cannot be viewed as anything other than negligible" and stated that "[t]hese events, unfortunately, do not seem to be isolated, but rather part of a broader campaign on behalf of the authorities".

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The moves by the Ministry of Justice to close another prominent human rights organization, *Spring-96*, is a case in point. Representatives of *Spring-96* reportedly learned on 13 September 2003 that the Ministry of Justice had initiated legal proceedings to close the organization on the basis of several alleged operational violations, including - similar to *Legal Assistance to the Population* - that it had rendered legal assistance to individuals who were not members of the organization and had used non-legally binding documentation when registering as a public association in 1999. The Belarusian Supreme Court is scheduled to consider the case on 23 September 2003.

In the month of August 2003 alone two NGO resource centres were closed by the Belarusian authorities. On 14 August the Belarusian Constitutional Court upheld a ruling made by Gomel Regional Court in June to close the NGO resource centre *Civic Initiatives*. The resource centre, located in Gomel on Belarus' south-eastern border with Ukraine, was reportedly used by approximately 100 civil society groups in the region. Gomel Regional Court was said to have made its decision on the basis that *Civic Initiatives'* activities had allegedly violated its founding statute and other legislation regulating its activities. The closure of the NGO resource centre *Ratusha* by a court in Grodno on 21 August 2003 appeared to be another example of harassment and intimidation of civil society by the Belarusian authorities. *Ratusha*, which provided vital support for a wide range of NGOs in Belarus' western region, was closed after receiving two official warnings for reportedly owning and operating printing equipment without the required permit.

The influential human rights organization, *Belarusian Helsinki Committee*, also appears to have been targeted by the Belarusian authorities. According to reports, it received an official warning from the Ministry of Justice on 19 August 2003 for omitting the quotation marks from the organization's name on its official letterheads and organizational symbol. Amnesty International is concerned that the *Belarusian Helsinki Committee* could face closure if it receives a further warning from the Ministry of Justice.

In 2003 so far, the Ministry of Justice has also issued other warnings to various NGOs, a number of which resulted in their closure. In June, July and September respectively the youth associations *Youth Christian Social Union* and *Kontur Centre of Youth Initiatives* and the women's association *Women's Answer* were closed by the authorities.

Amnesty International is also concerned that NGOs have not been the only sector of civil society to have been affected by the official system of warnings. Throughout the year a comparable system of official warnings, albeit administered by the Ministry of Information, appears to have been employed to keep in check Belarus' independent press. In the months of May and June 2003 five independent newspapers were suspended after they received official warnings from the Belarusian authorities, including *Navinki*, *Belaruskaya Delovaya Gazeta* and its monthly supplement, *Dlya Sluzhebnogo Polzovania*, *Ekho* and *Predprinimatelskaya Gazeta*. The suspension of the aforementioned newspapers drew considerable international criticism from an array of organizations which promote and defend press freedom.

Amnesty International is concerned that the closures of the NGOs, referred to above, or threats thereof, were in violation of international human rights law and standards. The rights of freedom of association and peaceful assembly are enshrined in Articles 21 and 22 of the International Covenant on Civil and Political Rights (ICCPR), to which Belarus is a state party. It is also relevant to note that these rights are also enshrined in the United Nations (UN) Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms, otherwise known as the Declaration on Human Rights Defenders.

This Declaration, which was adopted by the UN General Assembly in December 1998, sets out principles aimed at ensuring that states take measures to ensure that human rights defenders are free to carry out their legitimate activities to promote and defend human rights without fear of reprisals, hindrance or obstacles. Article 1 of the Declaration on Human Rights Defenders states: "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 1 is a universal assertion of the fundamental right of individuals and groups to promote and work to protect and defend human rights and fundamental freedoms.

The right of human rights defenders to come together in order to promote and safeguard human rights is enshrined in Article 5 of the Declaration, which states: "For the purposes of promoting and protecting human rights and fundamental freedoms, everyone has the right, individually and in association with others, at the national and international levels: (a) To meet or assemble peacefully; (b) To form, join and participate in non-governmental organizations, associations or groups; (c) To communicate with non-governmental or intergovernmental organizations". Amnesty International believes, however, that the system of official warnings, to which NGOs are subjected in Belarus, has deliberately been used in combination with the bureaucratic system of registration and the complicated set of operational guidelines to impede the legitimate activities of such organizations and ultimately silence human rights defenders in the country.

The Special Representative on human rights defenders, Hina Jilani, has expressed concern about such practices in several countries, including Belarus. The Special Representative on human rights defenders acknowledged in her third report to the UN Commission on Human Rights, published in January 2003, that "there are clear trends illustrating a strategy within some States of restricting the environment in which human rights defenders operate. Organizations are closed down on the slightest pretexts, sources of funding are cut off or inappropriately restricted, efforts to register an organization with a human rights mandate are intentionally slowed by bureaucracy".¹ The Special Representative on human rights defenders transmitted a number of her concerns to the Belarusian government, including concerns about the system of official warnings administered by the Ministry of Justice. These and other concerns were published in the Special Representative's second report to the UN Commission on Human Rights, published in February 2002.²

During its consideration of Belarus' fourth periodic report in October 1997 the UN Human Rights Committee voiced similar concerns. The UN Human Rights Committee stated that it was concerned about "... the difficulties arising from the registration procedures to which non-governmental organizations and trade unions are subjected" and about "... reports of cases of intimidation and harassment of human rights activists by the authorities, including their arrest and the closure of the offices of certain non-governmental organizations". The Committee, stressing that the free functioning of non-governmental organizations is essential for protection of human rights and dissemination of information in regard to human rights, recommended that laws, regulations and administrative practices relating to the registration and activities of non-governmental organizations be reviewed without delay in order that their establishment and free operation may be facilitated in accordance with Article 22 of the ICCPR.³

It is also relevant to note that Amnesty International previously brought to the attention of the Belarusian authorities its concerns regarding the treatment of human rights defenders and their organizations in Belarus, including the official system of registration for NGOs and the related system of warnings. In the report, *In the Spotlight of the State: Human Rights Defenders in Belarus* (AI Index: EUR 49/005/2001), published in August 2001, Amnesty International expressed concern about several human rights organizations which had received warnings from the Ministry of Justice including the *Human Rights Centre, Spring-96* and the *Mogilov Human Rights Centre*. Amnesty International urged the Belarusian authorities to take immediate measures to bridge the gap between the theory of the Declaration on Human Rights Defenders and their actual treatment in practice. To this end the organization made various recommendations. Disappointingly, Amnesty International received no response from the Belarusian authorities to its report and its related recommendations.

In the light of the concerns highlighted in this short report Amnesty International wrote to Minister of Justice Viktor Golovanov on 18 September 2003, urging him in his capacity as Minister of Justice to immediately take measures to ensure that Belarus fulfils its international human rights obligations, including under the ICCPR and the Declaration on Human Rights Defenders. In particular, human rights defenders in the country should be allowed to exercise their rights of association and peaceful assembly without fear of obstruction, harassment, intimidation or fear of reprisals.

¹ UN Doc. E/CN.4/2003/104, 3 January 2003 – paragraph 18.

² UN Doc. E/CN.4/2002/106, 27 February 2002 - paragraphs 20-37 (Annex).

³ UN Doc. CCPR/C/79/Add.86, 19 November 1997 - paragraph 19.