

## Belarus

### **End the Silencing of Human Rights Defenders** The case of the *Belarusian Helsinki Committee*

In the course of their work human rights defenders in Belarus face a deliberate campaign by the Belarusian authorities to frustrate and undermine their activities, aimed at silencing them. In 2003 and the beginning of 2004 a disturbing number of non-governmental organizations (NGOs), directly and indirectly engaged in the promotion and defence of human rights in Belarus, have been closed by a judiciary whose independence has been repeatedly called into question by the international community (see *Belarus: stifling the promotion of human rights*, AI Index: EUR 49/004/2004).

On 21 June 2004 the UN Secretary General's Special Representative on human rights defenders, Hina Jilani, issued a statement about her serious concern at the reported curtailment of the freedom of association in Belarus. She expressed "particular alarm with regard to the situation of the Belarusian Helsinki Committee (BHC), reportedly the last nationally operating human rights NGO, which is threatened with closure". One of the last remaining officially registered human rights organizations in Belarus is the BHC. The organization is active on a range of national human rights issues, including the determination of the fate of leading "disappeared" opposition politicians, including Viktor Gonchar.

In January 2004 the tax inspection office of the Minsk Moskovskaia District accused BHC of using a grant, provided by the EU TACIS<sup>1</sup> program without registering the foreign humanitarian aid and not paying taxes in accordance with national legislation. A 1994 memorandum, agreed by the Belarusian authorities and the European Union, grants tax exemption to this program. In June 2004 BHC was cleared by the Minsk Economic Court of all charges for tax evasion, a decision which was upheld by the Appellate Court at the end of July 2004. The court decision confirmed that the organization's activities were lawful and complied with all procedures as required by the Belarusian authorities.

Despite this court decision a criminal investigation into the alleged tax evasion is ongoing against the chair of BHC, Tatiana Protsko, and BHC's head accountant, Tatiana Rutkevich. If convicted, they could face a sentence of up to seven years' imprisonment. As part of the criminal investigation an additional audit of the BHC's activities was announced, to be coordinated by the Ministry for Taxes and Collections, which will involve the Ministries of Economic Affairs, Foreign Affairs and Justice. The BHC interpreted these actions by the Belarusian authorities as deliberate steps aimed at curtailing its legitimate human rights work.

On 16 September 2004 the Belarusian Helsinki Committee learned through the media that the Ministry of Justice had submitted a complaint against the organization with the Supreme Court to close the organization down. The BHC did not receive any information about these legal proceedings or the content of the allegations against it. The BHC later learned that the Supreme Court had requested further information, after which the Ministry reportedly withdrew the complaint. One of the alleged reasons for the reported legal proceedings was BHC's complaint, filed with the Supreme Court on 15 September, which questioned the legality of the decision to call a referendum on changing the constitution's restrictions to presidential terms in office. BHC expects further pressure from the authorities as the organization has been actively involved in the monitoring of the parliamentary election and the controversial referendum.

Amnesty International is concerned that the closure and pressure on NGOs and their members, referred to above, are in violation of international human rights law and standards. The rights to freedom of association and peaceful assembly are enshrined in Articles 21 and 22 of the International Covenant on Civil and Political Rights, to which Belarus is a state party. 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

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<sup>1</sup> European Union Technical Assistance to the Commonwealth of Independent States.

UN Declaration on Human Rights Defenders.

## TAKE ACTION NOW!

**Urgent action is needed. Please write appeals calling on the Belarusian authorities to:**

- stop the deliberate pattern of obstruction, harassment and intimidation of human rights defenders, by closures, and threats thereof, of several NGOs, including *Legal Assistance to the Population, Spring-96* and the *Belarusian Helsinki Committee*, directly and indirectly engaged in the promotion and defence of human rights in Belarus;
- adhere to the principles of the UN Declaration on Human Rights Defenders (*Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms* adopted by the United Nations General Assembly, 9 December 1998).

**Please write appeals to:**

**1) President of the Republic of Belarus**

**Alyaksandr G. LUKASHENKA**

Karl Marx Str. 38  
220016 g. Minsk  
Belarus

or send a letter directly from his web-site:

[www.president.gov.by/eng/president/mail.shtml](http://www.president.gov.by/eng/president/mail.shtml)

Fax: +375 (172) 26 06 10 or +375 (172) 22 38 72

E-mail: [pres@president.gov.by](mailto:pres@president.gov.by)

**2) Minister of Justice**

**Viktor G. GOLOVANOV**

Kollektornaia Str. 10  
220084 g. Minsk  
Belarus

Tel: + 375 (172) 20 6779

Fax: +375 (172) 20 9755

E-mail: [info@minjust.belpak.by](mailto:info@minjust.belpak.by)

**3) Chairman of the Belarusian House of Representatives**

Sovetskaia Str. 11  
220010 g. Minsk  
Belarus

Fax: +375 (172) 27 37 84

***\*Showing support and international solidarity for Belarusian human rights defenders is one of the objectives of this action; please send a copy to the Belarusian Helsinki Committee, Karl Libknekht Str. 68-1202, 20036 g. Minsk, Belarus.***