

**To Permanent Representatives of all
member states of the UN Human Rights Council**

RE: Addressing the situation of human rights in Belarus at the UN Human Rights Council

Geneva, May 30, 2011

Your Excellency,

The undersigned NGOs are writing to **urge your Government to support the adoption of a resolution on the human rights situation in Belarus at the 17th session of the UN Human Rights Council (HRC)**. We believe that in light of the alarming situation a Human Rights Council resolution unequivocally condemning the widespread human rights violations perpetrated in the aftermath of the December 19, 2010 presidential election and setting forth a monitoring and reporting mechanism for Belarus is needed. The current level of repression in Belarus is unprecedented and the government's efforts to stop international monitoring and shut down debate on its human rights record need to be countered.

On 21 February 2011, 130 international and national NGOs and activists called on the HRC to condemn the violations and to maintain pressure on the Government of Belarus. On 11 April 2011, a group of international and regional NGOs called the European Union to take the leadership for the adoption of an HRC resolution on the situation of human rights in Belarus and to establish a mechanism to document and report on these violations at the Council. We call on your Government to support the initiative on Belarus to be taken at the on-going session of the HRC.

An already poor human rights situation in Belarus deteriorated significantly in the wake of the December 19, 2010 presidential election. That night, tens of thousands of demonstrators protested the election outcome. Riot police violently broke up the largely peaceful gathering, beating dozens of people, including the elderly and those who were trying to leave the square, and arresting hundreds. At least 700 protesters were sentenced, in unfair summary proceedings, to 10-15 days of detention.

The Belarusian authorities launched criminal investigations against at least 61 people for rioting or public disorder, including seven former presidential candidates. But a major report by the Committee on International Control over the Human Rights Situation in Belarus (CIC), a coalition of more than 40 NGOs which has permanent human rights monitoring mission on the ground, found that while the demonstration may have been unauthorized, there was no evidence of "mass rioting." The government's decision to use unsubstantiated serious charges of the criminal code to prosecute demonstrators seems aimed at intimidating Belarus's political opposition movements and their supporters.

To date Belarusian courts have sentenced as many as 39 individuals for up to 6 years in prison for rioting or public disorder charges. Defendants have included political activists, presidential candidates, and journalists. Human rights monitors and independent experts continue to report that the trials lack due process and those accused are being convicted despite a lack of evidence that they engaged in violent conduct or incited others to violence. The CIC report, which analyzes some of the court proceedings, found the evidence against the defendants to be "weak" and "formulaic."

At least 12 more individuals are under investigation, and trials are currently under way. They are still in detention while on or awaiting trial with limited or no access to legal counsel.

Lawyers for several detainees who had spoken out publicly about their clients' cases received warnings and other threats from the Ministry of Justice. As of March 2011, four lawyers had their licenses revoked while one has been disbarred.

There are credible reports of abuse and ill-treatment in custody of those arrested and detained in connection with the December 19 events, including physical abuse (including forced exposure to cold, stress positions, and sleep deprivation), degrading conditions of detention, threats of harm to families if the accused refused to admit guilt, denial of medical care, and denial of contact with family.

The government has also unleashed a campaign of harassment and intimidation against civil society in the aftermath of the December 19 protest. In the past three months it has expelled at least seven human rights defenders (Russian nationals) who were monitoring the human rights situation in Belarus, in an attempt to prevent anyone from documenting or criticizing the on-going crackdown, and banned them from re-entering Belarus. All of the expelled human rights defenders were affiliated with the CIC International Observation Mission. The government also banned at least three Ukrainian human rights defenders who are CIC colleagues from entering Belarus.

Authorities also repeatedly raided the offices of human rights groups and other NGOs, interrogated their staff, and confiscated equipment. Since it is a criminal offense in Belarus to be involved in a non-registered organization and the authorities have not permitted most civil society groups to register, activists are at risk of prosecution. On May 4, when the CIC was scheduled to release its report, cited above, police raided the office of the Belarusian NGO Viasna, where the presentation was to take place. They detained, and subsequently released, six of the CIC's members. Police and security forces also searched the premises of four independent media outlets and the homes of 12 journalists and confiscated their equipment. Belarus authorities also revoked the license of at least one radio station.

On March 28, criminal proceedings were initiated against Andrzej Poczobut, a journalist for the main Polish daily "Gazeta Wyborcza", on criminal charges of 'Insulting of the President of the Republic of Belarus'. NGOs have documented at least 20 politically motivated expulsions from universities as well as cases of people being dismissed for political reasons from jobs in the public sector.

While regional intergovernmental organizations have expressed strong concern about the situation in Belarus, the UN's distinctive, authoritative voice is missing and can make a difference. The Human Rights Council has the clear mandate to "address situations of violations of human rights, including gross and systematic violations and make recommendations thereon". It cannot remain silent in the face of the ongoing human rights violations happening in Belarus. An HRC resolution would be instrumental in raising international pressure on the Government of Belarus to end the ongoing crackdown and commit to urgently needed human rights reforms by:

- ensuring that detained individuals are guaranteed a fair trial, with unimpeded access to counsel of their own choosing;
- investigating the treatment of all arrested, from the legality of and treatment in detention to violations of procedural rights during their summary trials;
- investigating excessive and disproportionate use of force by the law enforcement officers when dispersing the demonstration in Minsk on December 19;
- lifting all unjustified restrictions placed on NGOs and civil society, including by initiating legislation to repeal article 193.1 of the criminal code, which imposes criminal penalties for participating in unregistered organizations;
- bringing regulations on freedom of assembly in compliance with OSCE ODIHR and Venice Commission Guidelines on freedom of peaceful assemblies
- guaranteeing freedom of expression and ceasing harassment of human rights defenders, independent media, and lawyers; and
- ceasing the detention and expulsion of independent international monitors from the country
- permitting the office of the Organization for Security Co-operation in Europe (OSCE) in Belarus to reopen.

The Belarusian government cares deeply about its standing in the UN. A Human Rights Council resolution will send a strong message that Belarus is under scrutiny and could mitigate an intensification of the crackdown. It would come at a key moment, as trials continue and completed cases go on to appeals courts. The refusal by the Belarusian government to extend the mandate of the Organization for Security and Co-operation in Europe (OSCE), effectively closing the organization's presence in the country after its critical assessment of the December 2010 presidential election, further underscores the need for a monitoring and reporting mechanism that a Human Rights Council resolution can establish.

We thank you for your attention to these concerns and would welcome the opportunity to provide any further information about the human rights situation in Belarus that you may find helpful.

Yours sincerely,

1. African Centre for Democracy and Human Rights Studies (ACDHRS)
2. African Democracy Forum
3. Amnesty International
4. Cairo Institute of Human Rights Studies
5. CIVICUS: World Alliance for Citizen Participation
6. Democracy Coalition Project
7. East and Horn of Africa Human Rights Defenders Project (EHAHRDP)
8. Human Rights House Foundation
9. Human Rights Watch
10. International Federation for Human Rights (FIDH)
11. International Service for Human Rights (ISHR)
12. West African Human Rights Defenders Network (WAHRDN)

Organizations participating in the CIC:

13. Association Promo-LEX (Moldova)
14. All-Ukrainian YNGO "Foundation of Regional Initiatives"
15. Austrian Helsinki Association - For Human Rights and International Dialogue (Austria)
16. Belarus Watch (Lithuania)
17. Center for Civil Liberties (Ukraine)
18. Center for the Development of Democracy and Human Rights (Russia)
19. Civil Defense Fund (Lithuania)
20. Helsinki Foundation for Human Rights (Poland)
21. Human Rights Center "Postup" (Ukraine)
22. Human Rights Institute (Russia)
23. International Civil Initiative for OSCE (ICI OSCE)
24. International Youth Human Rights Movement (YHRM)
25. International Youth Resource Center (Ukraine)
26. Kharkiv Regional Foundation "Public Alternative" (Ukraine)
27. Legal Policy Research Center (Kazakhstan)
28. Moscow Helsinki Group (Russia)
29. Network of Human Rights Defenders Voice of freedom (Kyrgyzstan)
30. Project "No Borders" of the Social Action Center (Ukraine)
31. Public Foundation "Nota Bene" (Tajikistan)

Also signing are:

32. Association of regional human rights organizations (Russia)
33. Centre of legal Transformation (Belarus)
34. International center for journalism "Media Net" (Kazakhstan)
35. Kazakhstan International Bureau for Human Rights and the Rule of Law
36. Viasna Human Rights Center (Belarus)
37. Youth Center for Democratic Initiatives (Armenia)