



**MISSION PERMANENTE
DE LA REPUBLIQUE DU
BELARUS AUPRES DE
L'OFFICE DES NATIONS UNIES
ET DES AUTRES
ORGANISATIONS
INTERNATIONALES A GENEVE**

OHCHR REGISTRY

11 APR 2012

Recipients: SPP.....

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The Permanent Mission of the Republic of Belarus to the United Nations Office and other International Organizations at Geneva presents its compliments to the Office of the United Nations High Commissioner for Human Rights and has the honour to refer to the joint allegation letter of 30 March 2012 AL G/SO 214 (3-3-16) G/SO 214 (33-27) Terrorism (2005-4) BLR 1/2012 by the Special Rapporteur on the independence of judges and lawyers, the Special Rapporteur on extrajudicial, summary or arbitrary executions, the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism.

Once again, the Belarusian side brings to the Special Rapporteurs its understanding that the practice of sending by special procedures of their joint communications or appeals is nothing but the *accumulation of human rights functions at a time* and therefore is a violation of paragraph 44 of the institution-building package of the Human Rights Council (see A/HRC/RES/5/1). In this context Belarus also notes the violation by the special rapporteurs of Article 3 (d) of the Code of Conduct, which obliges every mandate-holder "to focus exclusively on the implementation of their mandate" (see A/HRC/RES/5/2).

As mandate-holders acknowledged themselves, the Government has already answered to their appeal regarding the death sentences against Mr. Konovalov and Mr. Kovalev. The Government considers its answer of 29 December 2011 as fully comprehensive and sufficient for understanding the legal nature of the case, judicial proceedings, the trial as well as the gravity of the terrorist crimes Mr. Konovalov and Mr. Kovalev committed against civilian population.

Office of the United Nations
High Commissioner for Human Rights
Geneva

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A huge number of victims of this crime of terrorism gives self-explanatory answers to a number of issues raised by the Special Rapporteurs. As for the rest of the questions, it is not possible to provide additional comments on the allegations retransmitted by the Special Rapporteurs to the Government because, inter alia, of the failure of their "source" to prove them by *specific, clear, justifiable and legally substantiated facts*.

Under these circumstances, the Belarusian side terminates correspondence with regard to the crime committed by Mr. Konovalov and Mr. Kovalev and considers this response as a final one.

The Permanent Mission requests OHCHR to communicate the substance of this note to the Special Rapporteurs and *entirely reflect* it in their relevant reports to be submitted to the Human Rights Council.

The Permanent Mission of the Republic of Belarus avails itself of this opportunity to renew to the Office of the United Nations High Commissioner for Human Rights the assurances of its highest consideration.



Geneva, 10 April 2012