

**Mandates of the Special Rapporteur on the situation of human rights in Belarus; the Special Rapporteur on extrajudicial, summary or arbitrary executions; the Special Rapporteur on the situation of human rights defenders; and the Special Rapporteur on the independence of judges and lawyers**

REFERENCE: UA  
BLR 1/2015:

17 April 2015

Excellency,

We have the honour to address you in our capacities as Special Rapporteur on the situation of human rights in Belarus; Special Rapporteur on extrajudicial, summary or arbitrary executions; Special Rapporteur on the situation of human rights defenders; and Special Rapporteur on the independence of judges and lawyers pursuant to Human Rights Council resolutions 26/25, 26/12, 25/18, and 26/7.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning alleged **death threats made against human rights lawyer and activist Mr. Leanid Sudalenka and his family**.

Mr. Leanid Sudalenka is the chairperson of the Homiel city branch of the civil society association '**Legal Initiative**', which provides survivors of human rights violations with legal support. The association specialises in preparing individual complaints to the United Nations Human Rights Committee. Mr. Sudalenka is also a lawyer, an active campaigner for the abolition of the death penalty in Belarus, and head of the **Homiel Centre for Strategic Litigation**. Mr. Sudalenka was the subject of a previous communication sent by various Special Procedures, dated 25 February 2011, see A/HRC/18/51, case no. BLR 2/2011. However, we regret that no response specifically addressing this communication has been received from your Excellency's Government to date.

According to the information received:

On 20 February 2015, an article entitled "Stars for a human rights defender" was published on the Internet website [www.gomelbest.com](http://www.gomelbest.com). In the article, Mr. Sudalenka was labelled a defender of "murderers" and accused of earning money

by lodging “strategic complaints” to the United Nation Human Rights Committee. The article referred specifically to one particular case in which Mr. Sudalenka provided legal aid to a mother, who had appealed to Belarusian authorities, as well as filed an appeal to the Court of Central District of Homiel, to reveal and declassify the location of her son’s grave. Her son had been executed on 22 October 2014 on murder charges. The last paragraph of the Internet article made what appears to be a direct threat against Mr. Sudalenka’s sons. Referring to the above-mentioned legal case, it states: “Leanid, imagine that one of your sons did not return home because he was caught by a schoolmate who held a grudge against him...and stabbed him 101 times”.

On 24 February 2015, Mr. Sudalenka filed a request with the head of the Homiel Regional Police Department, asking that a criminal investigation into the death threats against his sons be opened on charges of “death threats”, under Article 186 of the Criminal Code of Belarus.

On 28 February 2015, the Zheleznodorozhny District Police Department of Homiel took the decision to deny Mr. Sudalenka’s request for investigation into the death threats made against his family.

On 28 February 2015, Mr. Sudalenka received an email containing a further death threat against his family. The message contained a link to a video of the assassination of a Russian politician, Mr. Boris Nemtsov, in Moscow on 27 February 2015. The video was accompanied by the question, “how do you like this video?” This email was sent from an account registered in the name of the Mr. Sudalenka’s five-year-old son.

On 5 March 2015, Mr. Sudalenka submitted a complaint to the Prosecutor of Homiel city with regard to the decision by the Zheleznodorozhny District Police Department not to investigate the death threats made against his family.

On 23 March 2015, Mr. Sudalenka was informed that the Prosecutor’s Office had overturned the decision by the police not to open a criminal investigation into the threats made against Mr. Sudalenka and his family and had ordered the police to begin an investigation into these threats.

On 30 March 2015, the Zheleznodorozhny District Police Department informed Mr. Sudalenka of its decision to deny his request again. On 6 April, Mr. Sudalenka appealed the second decision of the Police Department not to initiate a criminal investigation before the Prosecutor of Homiel city.

On 7 April 2015, Mr. Sudalenka’s offices at the civil society association Legal Initiative and his home residence were raided by the police. In both locations,

computers and laptops were confiscated on the alleged suspicion of “distribution of pornography”, which is prohibited under article 343 of the Criminal Code of Belarus. However, formal charges were not brought against Mr. Sudalenka at this stage.

Concern is expressed for the physical and psychological security and integrity of Mr. Sudalenka and his family. Grave concern is expressed at allegations that the death threats against his family, as well as the police raids, are linked to his legitimate and peaceful human rights work, in particular his legal work.

In view of the urgency of the matter, we would appreciate a response on the initial steps taken by your Excellency’s Government to safeguard the rights of Mr. Sudalenka in compliance with international instruments.

While we do not wish to prejudge the accuracy of these allegations, we would like to draw the attention of your Excellency’s Government to the relevant international norms and standards that are applicable to the issues brought forth by the situation described above.

The above mentioned allegations appear to be in contravention of the right to life and security and not to be arbitrarily deprived of life as set forth in article 3 of the Universal Declaration of Human Rights (UDHR) and 6 of the International Covenant on Civil and Political Rights (ICCPR), as well as principles 16 of the Basic Principles on the Role of Lawyers, adopted by the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Havana, Cuba, 27 August to 7 September 1990, according to which Governments should ensure that lawyers are able to perform all of their professional functions without intimidation, hindrance, harassment or improper interference, and that their security is adequately safeguarded.

We would also like to refer to the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms, also known as the UN Declaration on Human Rights Defenders, in particular articles 1, 2, 9 and 12.

We also want to recall that the Principles on the Effective Prevention and Investigation of Extra-legal, Arbitrary and Summary Executions (Principle 4) establish the obligation of States to ensure effective protection to those who receive death threats and are in danger of extra-legal, arbitrary or summary executions. Principle 9 also establishes the duty to conduct thorough, prompt and impartial investigations of all suspected cases of extra-legal, arbitrary and summary executions.

The full texts of the human rights instruments and standards recalled above are available on [www.ohchr.org](http://www.ohchr.org) or can be provided upon request.

As it is our responsibility, under the mandates provided to us by the Human Rights Council, to seek to clarify all cases brought to our attention, we would be grateful for your observations on the following matters:

1. Please provide any additional information and any comments you may have on the above-mentioned allegations.
2. Please provide the details, and where available the results, of any criminal investigation carried out in relation to the death threats against Mr. Sudalenka and his family. If this investigation has yet to take place, or if it has been inconclusive, please explain why.
3. Please kindly indicate what measures have been taken to ensure that human rights defenders, including lawyers, in Belarus are able to carry out their legitimate work in a safe and enabling environment without fear of threats or acts of intimidation and harassment of any sort.

While awaiting a reply, we urge that all necessary interim measures be taken to halt the alleged violations and prevent their re-occurrence and in the event that the investigations support or suggest the allegations to be correct, to ensure the accountability of any person responsible of the alleged violations.

Your Excellency's Government's response will be made available in a report to be presented to the Human Rights Council for its consideration.

Please accept, Excellency, the assurances of our highest consideration.

Miklós Haraszi  
Special Rapporteur on the situation of human rights in Belarus

Christof Heyns  
Special Rapporteur on extrajudicial, summary or arbitrary executions

Michel Forst  
Special Rapporteur on the situation of human rights defenders

Gabriela Knaul  
Special Rapporteur on the independence of judges and lawyers

