

**NATIONS UNIES**  
**HAUT COMMISSARIAT DES NATIONS UNIES**  
**AUX DROITS DE L'HOMME**

**PROCEDURES SPECIALES DU**  
**CONSEIL DES DROITS DE L'HOMME**

**UNITED NATIONS**  
**OFFICE OF THE UNITED NATIONS**  
**HIGH COMMISSIONER FOR HUMAN RIGHTS**

**SPECIAL PROCEDURES OF THE**  
**HUMAN RIGHTS COUNCIL**

**Mandates of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; the Special Rapporteur on the rights to freedom of peaceful assembly and of association; and the Special Rapporteur on the situation of human rights defenders**

REFERENCE: AL G/SO 214 (67-17) Assembly & Association (2010-1) G/SO 214 (107-9)  
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11 September 2012

Excellency,

We have the honour to address you in our capacities as Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; Special Rapporteur on the rights to freedom of peaceful assembly and of association; and Special Rapporteur on the situation of human rights defenders pursuant to Human Rights Council resolution 16/4, 15/21, and 16/5.

In this connection, we would like to bring to your Excellency's Government's attention information we have received concerning the alleged harassment of human rights defender Ms. **Tatsiana Revyaka**.

Ms. Tatsiana Revyaka is a board member of the Human Rights Centre "Viasna" (HRC "Viasna"), a human rights organization which focuses on the defence, protection and promotion of political and social rights in Belarus.

Members of HRC "Viasna" have been the subject of several communications sent to your Excellency's Government. Most recently, Mr. Ales Bialiatski, Chairman of "Viasna", was the subject of a communication sent on 21 May 2012 by the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, the Special Rapporteur the rights to freedom of peaceful assembly and of association, the Special Rapporteur on the situation of human rights defenders and the Special Rapporteur on the independence of judges and lawyers, in which concern was expressed at the upholding of a sentence imposed on Mr. Bialiatski of four and a half years imprisonment and fines totalling 757 million rubles for "tax evasion on a large scale". Regrettably, no response has been received to date from your Excellency's Government in relation to this communication.

According to the information received:

On 17 August 2012, Ms. Tatsiana Revyaka was summoned to the offices of the State Security Agency (KGB) on the basis that she was “knowledgeable of circumstances relevant to the national security of the Republic of Belarus”. Upon her arrival, Ms. Revyaka was reportedly interrogated in relation to a publication on the website of Viasna dated 15 August 2012, entitled “Mahiliou KGB interferes with electoral process”.

Sources indicate that the publication relates to the alleged break-in by a KGB officer in Mogilev of the apartment of Mr. Uladislau Yaroshau, a signature collector and student at Mogilev State University. The officer reportedly attempted to gain information on the collection of signatures and threatened to dismiss Mr. Yaroshau from his university, proposing that he instead cooperate with the KGB.

It is alleged that the officers showed Ms. Revyaka a printout from the website [www.charter97.org](http://www.charter97.org) containing the same information as the abovementioned article, under the heading “Mogilev KGB terrorizes collectors of signatures”. The officers reportedly inquired about the authors of the article, the source of the information and asked Ms. Revyaka whether she verified the dates mentioned, arguing that publishing such information without verification would discredit state security in Belarus. Despite the alleged interrogation, the officers reportedly told Ms. Revyaka that the KGB had no legal motivation to open judicial proceedings against her.

Concern is expressed that the acts alleged above could be directly related to the legitimate and peaceful human rights work of Ms. Tatsiana Revyaka and the legitimate exercise of her right to freedom of opinion and expression. Without prejudicing the accuracy of these allegations, grave concern is expressed that the alleged acts may form part of a continued campaign of harassment of members of human rights organizations including HRC “Viasna” and to arbitrarily prevent members of these organizations from carrying out their legitimate work in the defence of human rights.

While we do not wish to prejudge the accuracy of these allegations, we would like to refer your Excellency's Government to the fundamental principles set forth in 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, and in particular articles 1 and 2 which state that “everyone has the right individually or 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” and that “each State has a prime responsibility and duty to protect, promote and implement all human rights and fundamental freedoms, inter alia, by adopting such steps as may be necessary to create all conditions necessary in the social, economic, political and other fields, as well as the legal guarantees required to ensure that all persons under its jurisdiction, individually and in association with others, are able to enjoy all those rights and freedoms in practice”.

Furthermore, we would like to bring to the attention of your Excellency's Government the following provisions of the Declaration:

- article 5 points b) and c) which provide that for the purpose of promoting and protecting human rights and fundamental freedoms, everyone has the right to form, join and participate in non-governmental organizations, associations or groups, and to communicate with non-governmental or intergovernmental organizations.
- article 6 point a) which provides that everyone has the right, individually and in association with others to know, seek, obtain, receive and hold information about all human rights and fundamental freedoms, including having access to information as to how those rights and freedoms are given effect in domestic legislative, judicial or administrative systems.
- article 12 paragraphs 2 and 3 of the Declaration which provide that the State shall take all necessary measures to ensure the protection by the competent authorities of everyone, individually and in association with others, against any violence, threats, retaliation, de facto or de jure adverse discrimination, pressure or any other arbitrary action as a consequence of his or her legitimate exercise of the rights referred to in the Declaration. In this connection, everyone is entitled, individually and in association with others, to be protected effectively under national law in reacting against or opposing, through peaceful means, activities and acts, including those by omission, attributable to States that result in violations of human rights and fundamental freedoms, as well as acts of violence perpetrated by groups or individuals that affect the enjoyment of human rights and fundamental freedoms.

We would further like to appeal to your Excellency's Government to take all necessary steps to secure the right to freedom of opinion and expression in accordance with fundamental principles as set forth in article 19 of the International Covenant on Civil and Political Rights (ICCPR), which provides that "Everyone shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice."

We would also like to appeal to your Excellency's Government to take all necessary steps to ensure the right to freedom of association, as recognized in article 22 of the ICCPR, which provides that "Everyone shall have the right to freedom of association with others, including the right to form and join trade unions for the protection of his interests". We reiterate that the enjoyment of the right to association also entails the ability of its members to freely conduct their legitimate activities without fear from being subjected to acts of intimidation, harassment or violence.

In this context, we would like to refer to Human Rights Council resolution 15/21, and in particular operative paragraph 1 that "Calls upon States to respect and fully protect

the rights of all individuals to...associate freely... including persons espousing minority or dissenting views or beliefs, human rights defenders, trade unionists and others, including migrants, seeking to exercise or to promote these rights, and to take all necessary measures to ensure that any restrictions on the free exercise of the right... to freedom of... association (is) in accordance with their obligations under international human rights law.”

Moreover, 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. Since we are expected to report on these cases to the Human Rights Council, we would be grateful for your cooperation and your observations on the following matters:

1. Are the facts alleged in the above summary of the case accurate?
2. Has a complaint been lodged by or on behalf of the alleged victim?
3. Please provide the details, and where available the results, of any investigation, and judicial or other inquiries carried out in relation to this case. If no inquiries have taken place, or if they have been inconclusive, please explain why.
4. Please explain what measures have been taken to ensure that human rights defenders, including civil society and activists, can operate in a free and enabling environment and can carry out their legitimate activities without fear of harassment, stigmatization or criminalization of any kind.

We would appreciate a response within sixty days. Your Excellency’s Government’s response will be made available in a report to the Human Rights Council for its consideration.

While waiting for your response, we urge your Excellency’s Government to take all necessary measures to guarantee that the rights and freedoms of the above mentioned person are respected and, in the event that your investigations support or suggest the above allegations to be correct, the accountability of any person responsible of the alleged violations should be ensured. We also request that your Excellency’s Government adopt effective measures to prevent the recurrence of these acts.

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

Frank La Rue  
Special Rapporteur on the promotion and protection of the right to  
freedom of opinion and expression

Maina Kiai  
Special Rapporteur on the rights to freedom of peaceful assembly and  
of association

Margaret Sekaggya  
Special Rapporteur on the situation of human rights defenders