

Mandates of the Special Rapporteur on the situation of human rights in Belarus; and the Special Rapporteur on the situation of human rights defenders.

REFERENCE: UA
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6 November 2014

Excellency,

We have the honour to address you in our capacity as Special Rapporteur on the situation of human rights in Belarus; and Special Rapporteur on the situation of human rights defenders pursuant to Human Rights Council resolutions 26/25 and 25/18.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning **the withdrawal of permanent residence permit and deportation for three years of Ms. Elena Tonkacheva, a citizen of the Russian Federation, on the basis of civil offences, such as speeding violations.**

Ms. Elena Tonkacheva is a prominent human rights defender working for the promotion and protection of human rights in Belarus since 1996. She is a chairperson of the board of the Centre for Legal Transformation (LawTrend), which works on human rights protection and education and carries out legal analysis.

Ms. Tonkacheva was subject of an allegation letter dated 1 June 2011 and sent by 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. We acknowledge the response received from the Government on 10 June 2011.

According to the information received:

On 23 September 2014, Ms. Tonkacheva was notified by the internal affairs authorities of the Pervomayskiy District in Minsk that they had begun the process of nullifying her permanent residence permit in Belarus. On 30 October 2014,

Elena Tonkacheva was further informed that her permit had been withdrawn on the basis of committing five civil offences within the last twelve months that included minor speeding violations, as allegedly recorded on the traffic police's cameras.

On 5 November 2014, internal affairs authorities reportedly applied deportation procedures ("vysylka") against Ms. Tonkacheva in the interest of "public order", as a result of which she was handed a deportation order, to be executed within one month. As a consequence, she will be barred from entering Belarus for three years. Allegedly, Ms. Tonkacheva had not been provided with full details of her case until the decision of the deportation was communicated to her.

Ms. Tonkacheva is a citizen of the Russian Federation and has resided in Belarus since 1985. She has a family, including a daughter who is a citizen of Belarus, and extensive professional connections in Belarus. The withdrawal of her permanent residence permit and the deportation appear to be disproportionate and motivated by her human rights activities, which may constitute an interference with Ms. Tonkacheva's private and family life.

Concern is expressed that the administrative decision to revoke the permanent residence status of Ms. Tonkacheva may be linked to her legitimate activities promoting and defending human rights and fundamental freedoms in Belarus.

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.

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.

The full texts of the human rights instruments and standards recalled above are available on www.ohchr.org or can be provided upon request.

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 Ms. Tonkacheva in compliance with international instruments.

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 comment you may have on the above-mentioned allegations.
2. Please provide information on the grounds and the process of assessment of revocation of her permanent residence permit, leading to Ms. Tonkacheva's deportation. Please explain how it is compatible with the aforementioned international human rights norms and standards.
3. Please kindly indicate what measures have been taken to ensure that human rights defenders 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 Haraszti
Special Rapporteur on the situation of human rights in Belarus

Michel Forst
Special Rapporteur on the situation of human rights defenders