

**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: AL  
BLR 2/2015:

12 November 2015

Excellency,

We have the honour to address you in our capacities 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 alleged targeting and persecution of human rights defender Mr. **Leanid Sudalenka**.

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 two previous communications sent by various Special Procedures, dated 17 April 2015, see A/HRC/30/27, case no. BLR 1/2015, and 25 February 2011, see A/HRC/18/51, case no. BLR 2/2011. We acknowledge the response by your Excellency's Government to the communication BLR 1/2015, which was received on 15 June 2015. However, we regret that no response addressing the communication BLR 2/2011 has been received from your Excellency's Government to date.

According to the information received:

On 24 May 2015, Mr. Leanid Sudalenka was detained whilst crossing the Belarussian border at the Kamenny Log checkpoint between Belarus and Lithuania, and was subjected to a personal search following the examination of his passport by customs and border control officials.

On 25 August 2015, Mr. Sudalenka travelled by train from Lithuania to Homiel. Upon reaching the Gudogay checkpoint at the Belarussian border, he passed customs control without difficulties. After having his passport examined he was

informed by a senior border control officer to depart the train at Molodechno station for a personal search. On arrival at Molodechno station, approximately 12 border and custom control officials surrounded Mr. Sudalenka and demanded that he depart the train in order to undergo a personal search. Upon requesting an explanation for this demand, Mr. Sudalenka was allegedly warned of his potential liability for disobedience and delaying the train. Mr. Sudalenka was then physically lifted from the train and taken to a room at the Minsk regional customs office of Molodechno station. He was held in the room for two hours, during which time customs officials searched his person and his luggage. Mr. Sudalenka was not permitted to leave the room and was kept under constant surveillance by border control officers until his release.

On 14 October 2015, Mr. Sudalenka was summoned to the Homiel Department of Customs Investigation and formally accused of disobeying the lawful demands of persons in the execution of their duties, under article 23.4 of the Administrative Code.

On 20 October 2015, the trial of Mr. Sudalenka began at the Central District Court of Homiel City. However, the case was returned by the competent judge to the Homiel Department of Customs Investigation in order for deficiencies in its case to be corrected.

Concern is expressed that the detention, searching and charges brought against Mr. Leanid Sudalenka are directly related to his legitimate human rights work and are part what appears to be persistent targeting and persecution against the human rights defender.

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.

In connection with the above alleged facts and concerns, please refer to the **Reference to international law Annex** attached to this letter which cites international human rights instruments and standards relevant to these allegations.

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 therefore 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 details of the legal grounds for the search of Mr. Sudalenka on 24 May 2015 at the Kamenny Log border checkpoint, as well as for his detention and search at the Minsk Regional Customs Office on 25 August

2015, and for the charges brought against him, and how these proceedings are compatible with international norms and standards, as stated, inter alia, in the UDHR and the ICCPR.

3. Please kindly indicate what measures have been taken to ensure that human rights defenders are able to carry out their legitimate work in a safe and enabling environment without fear of threats or acts of intimidation and persecution of any sort.

We would appreciate receiving a response within 60 days.

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(s) responsible for 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

**Annex**  
**Reference to international human rights law**

In connection with above alleged facts and concerns, we would like to draw your attention to the following human rights standards:

We would like to draw the attention of your Excellency's Government to articles 8, 9 and 12 of the Universal Declaration of Human Rights (UDHR) and article 9 of the International Covenant on Civil and Political Rights (ICCPR), ratified by Belarus on 12 November 1973.

We wish 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, also known as the UN Declaration on Human Rights Defenders. In particular, we would like to refer to articles 1 and 2 of the Declaration which state that everyone has the right 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.

Furthermore, we would like to bring to the attention of your Excellency's Government the following provisions of the UN Declaration on Human Rights Defenders:

- article 9, paragraph 3, point c), which provides for the right to provide legal assistance in defending human rights and fundamental freedoms; and

- article 12, paragraphs 2 and 3, which provides that the State shall take all necessary measures to ensure the protection of everyone 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.