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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 independence of judges and lawyers; the Special Rapporteur on extrajudicial, summary or arbitrary executions; and the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism.

REFERENCE: AL G/SO 214 (3-3-16) G/SO 214 (33-27) Terrorism (2005-4)
BLR 1/2012

30 March 2012

Excellency,

We have the honour to address you in our capacities as Special Rapporteur on the independence of judges and lawyers; Special Rapporteur on extrajudicial, summary or arbitrary executions; Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism pursuant to General Assembly resolution 60/251 and to Human Rights Council resolution 17/2, 17/5, and 15/15.

On 9 December 2011, we addressed a communication to your Excellency's Government regarding the imminent execution of Mr. **Dzmitry Kononov** and Mr. **Vladislav Kovalev**. We acknowledge receipt of your Excellency's Government's reply dated 2 January 2012.

According to new information received:

On 14 March 2012, the President of Belarus reportedly denied the clemency petitions filed by Mr. Dzmitry Kononov and Mr. Vladislav Kovalev. Both men were reportedly executed on or around that day. It is alleged that the lawyer of Mr. Vladislav Kovalev had tried to gain access to his client in remand prison in Valadarski Street, Minsk. On 15 March 2012 he was told that Mr. Kovalev was no longer there. Reportedly, the family of Mr. Vladislav Kovalev was not given advance notice of the date and place of his execution.

However, on 17 March 2012, the family of Mr. Vladislav Kovalev received a letter from the Supreme Court of Belarus confirming his execution. His, as well as Mr. Kononov's execution, were allegedly confirmed the same evening on State television. A complaint on behalf of Mr. Kovalev had been filed with the United Nations Human Rights Committee, which had requested the Government of

Belarus not to proceed with the execution until the Committee had reviewed and issued a decision in the case.

We call into question the executions of Mr. Kovalev and Mr. Konovalov in light of the allegations of procedural irregularities during the investigation and trial, lack of sufficient forensic evidence establishing beyond any reasonable doubt the liability of Mr. Kovalev and Mr. Konovalov, as well as the reported failure of the authorities to thoroughly investigate Mr. Kovalev's statements during his trial that his confession had been extracted under duress.

In the response provided by your Excellency's Government on 2 January 2012, it was stated that "[t]he Court thoroughly analysed [Mr. Vladislav Kovalev's] testimony given by him during the preliminary investigation and found it to be truthful and relevant. At the same time statements made by him at a court session to the effect that he had confessed to the crimes under psychological pressure were proven to be groundless." We would appreciate it if your Excellency's Government could provide us with more detailed information on the investigation conducted into the above allegations of procedural irregularities before and during trial leading to the imposition of the death sentence, including an account of the measures taken by the Supreme Court to investigate the statements by Mr. Kovalev to the effect that his confession had been obtained under duress and for which reasons the Court satisfied itself with the conclusion that these allegations were groundless.

In your Excellency's Government's reply it was further stated that "convict [Mr. Vladislav Kovalev] forwarded to the Supreme Court of the Republic of Belarus clemency application addressed to the President of the Republic of Belarus and supervisory complaint stating his disagreement with the Court's sentence". We would appreciate if your Excellency's Government could provide us with detailed information on the examination and outcome of the supervisory complaint filed by Mr. Kovalev, which we understand is a separate procedure from clemency petitions.

Moreover, we would be grateful if your Excellency's Government could provide us with information regarding the reasons that informed the decision of the President of Belarus to refuse the clemency petitions, in spite of the request of a number of international and regional bodies to halt the executions and allow necessary time to reconsider the evidence and potentially commute their sentence to life imprisonment.

We would appreciate a response within sixty days. We undertake to ensure that your Excellency's Government's response to each of these questions is accurately reflected in the reports we will submit to the Human Rights Council for its consideration.

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

Gabriela Knaul
Special Rapporteur on the independence of judges and lawyers

Christof Heyns
Special Rapporteur on extrajudicial, summary or arbitrary executions

Ben Emmerson
Special Rapporteur on the promotion and protection of human rights
and fundamental freedoms while countering terrorism