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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 situation of human rights in Belarus; 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 Belarus (2012) Assembly & Association (2010-1) G/SO 214 (107-9)
BLR 2/2013

28 March 2013

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 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 resolutions 20/13, 15/21, and 16/5.

In this connection, we would like to draw the attention of your Excellency's Government concerning the **confirmed forced cessation of Platforma's activities in appeal**. Platforma is a human rights non-governmental organizations specialized in the protection of the rights of prisoners.

The forced cessation of Platforma's activities was the subject of a communication sent on 18 October 2012 by the Special Rapporteur on the situation of human rights in Belarus; the Special Rapporteur on the rights to freedom of peaceful assembly and of association; the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; and the Special Rapporteur on the situation of human rights defenders. We would like to thank your Excellency's Government for its responses dated 31 October 2012 and 22 January 2013, but regret that these do not address all the concerns raised in that letter. In addition, we would like to draw your Excellency's Government's attention to the new information we have received concerning the forced cessation of Platforma's activities.

According to the new information received:

On 24 October 2012 [26 October according to the response of your Excellency's Government], following the decision of the Minsk Economic Court to terminate the activities of the NGO, Platforma filed an appeal to the appellate instance of the Minsk Economic Court, which scheduled the hearing for 13 November 2012.

On 12 November 2012, representatives of Platforma filed to no avail a written notification with the Minsk Economic Court in order to postpone the hearing as none of them could be present on this day.

On 13 November 2012, the appeal was heard in the absence of representatives of Platforma and the appellate instance of the Minsk Economic Court, upheld the decision of the Minsk Economic Court.

Serious concern is reiterated that the confirmed forced cessation of Platforma's activities in appeal may be linked to its legitimate human rights activities. Further concern is expressed that this decision may form part of a continued campaign of harassment of members of non-governmental organizations striving for the promotion and protection of human rights in Belarus, in the exercise of their right to freedom of association.

While we do not wish to prejudge the accuracy of these allegations, we would like to remind your Excellency's Government of article 22 of the International Covenant on Civil and Political Rights, 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 would like to refer to Human Rights Council resolution 21/16, and in particular operative paragraph 1 that "reminds States of their obligation to respect and fully protect the rights of all individuals to assemble peacefully and associate freely, online as well as offline, including in the context of elections, and 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 rights to freedom of peaceful assembly and of association are in accordance with their obligations under international human rights law."

Similarly, we would like to refer to the first thematic report Special Rapporteur on the rights to freedom of peaceful assembly and of association (A/HRC/20/27), which states that the "[s]uspension or involuntarily dissolution of associations should be sanctioned by an impartial and independent court in case of a clear and imminent danger resulting in a flagrant violation of domestic laws, in compliance with international human rights law" (para. 100).

In this connection, 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 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.

Moreover, since 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 cooperation and your observations on the following matters:

1. Are the new facts alleged in the above summary accurate?
2. Please provide full details on the appeal procedure initiated by Platforma.
3. Please indicate how the decision of the appeal instance is compatible with the aforementioned international human rights norms and standards.
4. Please indicate what measures are taken to ensure a safe and conducive environment for human rights defenders in Belarus.

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 persons 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.

Miklós Haraszti

Special Rapporteur on the situation of human rights in Belarus

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