

Mandates of the Special Rapporteur on the situation of human rights defenders; the Working Group on Arbitrary Detention; the Special Rapporteur on the situation of human rights in Belarus; the Working Group on Enforced or Involuntary Disappearances; the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health and the Special Rapporteur on the independence of judges and lawyers

Ref.: AL BLR 4/2024
(Please use this reference in your reply)

6 June 2024

Excellency,

We have the honour to address you in our capacities as Special Rapporteur on the situation of human rights defenders; Working Group on Arbitrary Detention; Special Rapporteur on the situation of human rights in Belarus; Working Group on Enforced or Involuntary Disappearances; Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health and Special Rapporteur on the independence of judges and lawyers, pursuant to Human Rights Council resolutions 52/4, 51/8, 53/19, 54/14, 52/9, 51/21 and 53/12.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning **the alleged arbitrary arrests and detentions and other alleged violations of a human rights defender. Other alleged violations include home and personal searches, and involuntary hospitalization, as well as the alleged enforced disappearances, torture and ill-treatment, grave detention conditions, denial of access to legal assistance, other due process violations, and the alleged smear campaign against him on state television, all reportedly in connection with his legitimate human rights work and the exercise of the right to freedom of expression.**

Mr. [REDACTED] [REDACTED] is a Belarusian human rights defender and lawyer. He provided legal assistance in human rights cases, monitored trials and elections, and documented human rights violations.

According to the information received:

Alleged events of November 2023

Around 10 a.m. on 9 November 2023, Mr. [REDACTED] [REDACTED] was allegedly arrested near the front door of his apartment building in the city of Baranavichy, in Brest region, by two police officers acting without an arrest warrant.

Police officers and officers of the Main Directorate for Combating Organized Crime and Corruption within the Ministry of Internal Affairs ("GUBOPiK") then searched his apartment pursuant to a warrant related to an investigation under article 341 of the Criminal Code ("desecration of structures and property damage"). They suspected his involvement in writing protest messages on Uborevicha Street in Baranavichy from 31 October to 1 November 2023.

However, according to the information received, no specific messages were mentioned or provided, and the connection to Mr. ██████████ was neither substantiated nor explained, suggesting that this was merely a pretext for the search.

The search was allegedly conducted with procedural violations. Mr. ██████████ was not asked to voluntarily surrender the sought items, and the search covered all premises simultaneously without his or witnesses' presence. Seized items included two laptops, two phones, a disc, four notebooks with "No to Death Penalty" inscriptions and a link to a human rights campaign against the death penalty, carrier bags with an independent trade union logo, trade union leaflets, and some printed materials. According to the information received, despite Mr. ██████████ requests, the police refused to provide him with a copy of the search report.

After the search, Mr. ██████████ was taken to the Department of Internal Affairs of the Baranavichy City Executive Committee. According to the information received, despite his request for a lawyer and his demand to have the grounds for his detention, as well as his rights and obligations explained to him, no such information was provided, and his requests were ignored.

Around 8 pm on the same day, Mr. ██████████ was brought to the Baranavichy temporary detention center and informed about the charges. He was allegedly subjected to a degrading personal search, which involved being required to strip naked and squat down with all clothes off. Mr. ██████████ was also interrogated by the GUBOPiK. He was reportedly made to stand facing the wall with his legs wide apart, arms raised, and the backs of his hands against the wall, while being questioned. He allegedly responded to all questions with the statement, "I need a lawyer". After each such request, he was allegedly hit on the head with a fist, approximately 15 times in total. Persons associated with Mr. ██████████ have only determined his whereabouts on 10 November 2023.

On 10 November 2023, a police officer presented Mr. ██████████ with an administrative offense report under part 2 of article 19.11 of the Code of Administrative Offenses ("distribution of information products included in the republican list of extremist materials, as well as manufacturing, publishing, storage, or transportation for the purpose of distribution of such information products"). This was related to storing and intending to distribute four notebooks labeled "No to Death Penalty". According to the police, the weblink displayed on the notebooks had been designated as an extremist material by court because of its connection with a human rights organization designated as an "extremist group". The officer reportedly told Mr. ██████████ that he would also face penalties for bags with the trade union logo and leaflets, hinting at future administrative detentions or criminal charges.

The same day, the Baranavichy District and Baranavichy City Court sentenced him to 15 days of administrative detention. The trial was allegedly conducted via a conference call. According to the information received, Mr. ██████████ was allowed to be represented by his lawyer at the hearing but had no prior or later access to legal assistance until the end of his detention. Mr. ██████████ unsuccessfully appealed the court decision.

According to the information received, conditions in Mr. ██████ cell were harsh: lights were always on, no bedding or mattresses were provided, drinking water was unavailable, hygiene products were scarce, and the temperature was 15°C. The detainees were allegedly woken up every two hours at night to state their names and not allowed to sit on their beds during the day.

On 13 November 2023, Mr. ██████ sat on his bed during the day. As punishment, he and his cellmates were allegedly put on the lower tier of the bed and handcuffed to each other through the upper tier, causing them to sit with their hands raised up for approximately half a day.

On 14 November 2023, Mr. ██████ refused to have lunch in the cell, and the detention facility staff allegedly poured soup on the floor inside the cell.

According to the information received, Mr. ██████ was unable to file a complaint about the detention conditions as he was denied access to legal assistance and writing materials. On 16 November 2023, it became known that he began a hunger strike to protest violations of his rights. In response to the hunger strike, on 17 November 2023, Mr. ██████ was allegedly admitted to Baranovichi Psychoneurological Dispensary, without consent or a court order. According to the information received, he stayed there for three days, during which he was restrained to a bed for about three hours, coerced into taking medication under threat of prolonged hospitalization, and resumed eating. According to the medical statement dated 20 November 2023, provided to us, his diagnosis was “reaction to severe stress, and adjustment disorders” (ICD F43).

On 20 November 2023, Mr. ██████ was allegedly transferred back to the temporary detention center. He was reportedly released on 27 November 2023, three days after the detention term imposed by the court, as the three days he spent in the hospital were allegedly not counted toward his detention period.

Alleged events of March 2024

On the morning of 12 March 2024, police and GUBOPiK officers broke down the door of Mr. ██████ apartment in Baranavichy. They allegedly laid everyone present on the floor face down, including Mr. ██████ his son, ex-wife, and 73-year-old mother, and handcuffed them. The police allegedly hit Mr. ██████ ex-wife several times and beat Mr. ██████ and his son.

The apartment was searched under a warrant allegedly issued in relation to the criminal case under article 361.1 of the Criminal Code (“establishment of or participation in an extremist group”) concerning the activities of a human rights organization designated as an “extremist group”. According to the information received, initially two witnesses were present, but the police asked them to sign a search report stating that nothing was seized and leave after just 20 minutes. After that, the search allegedly continued for another 40 minutes, and four mobile phones, a computer, and a printer were reportedly seized.

After the search, Mr. ██████████ was arrested under a warrant issued in relation to the same criminal case. He and his son were allegedly taken to the Department of Internal Affairs of the Baranavichy City Executive Committee in handcuffs. They were seated in different rooms and interrogated by GUBOPiK officers about Mr. ██████████ human rights work, in particular trial monitoring.

Mr. ██████████ interrogation lasted approximately from 9 a.m. to 7 p.m. He was brought home twice during this period to search for his cell phone, both times without witnesses and paperwork. GUBOPiK officers allegedly found and seized Mr. ██████████ phone. According to the information received, during Mr. ██████████ interrogation, GUBOPiK officers beat him with their fists and feet, even while he was lying down, gagged him, and expressed regret for not having a stun gun. Mr. ██████████ son was also allegedly beaten. After Mr. ██████████ and his son were deprived of their liberty, their fate and whereabouts were unknown to people associated to them, who could not obtain this information from authorities. It is only when Mr. ██████████ son was released and returned home several hours later that these circumstances were clarified.

Around 7 p.m., Mr. ██████████ was transferred to the Baranavichy temporary detention center, without receiving any documents regarding the charges against him. On 13 March 2024, at the trial, he discovered that he was accused under article 24.3 of the Code of Administrative Offenses (“disobedience to a lawful order or requirement of an official in the exercise of his official powers”) for not opening the door to law enforcement officers. The Baranavichy District and Baranavichy City Court sentenced him to 15 days of administrative detention. According to the information received, Mr. ██████████ was allowed to be represented by lawyer at the hearing, but had no prior or later access to legal assistance until the end of his detention. Mr. ██████████ unsuccessfully appealed the court decision.

In detention, walking, hygiene procedures, and showers were allegedly prohibited. Mr. ██████████ was allegedly prevented from receiving food parcels, not provided a mattress or bedding, and prohibited from sitting or lying on his bed during the day. At night, his cell was allegedly constantly illuminated by bright light, and detainees were allegedly woken up every two hours to state their names and the articles under which they were convicted. Mr. ██████████ ██████████ was released on 27 March 2024.

According to the medical statement dated 27 March 2024, provided to us, the doctor confirmed that Mr. ██████████ suffered an injury on 13 March 2024, resulting in a chest soft tissue contusion on the left side and post-traumatic neuralgia on the left side. Mr. ██████████ did not file complaints because he feared police harassment.

On 3 April 2024, the All-National Television of Belarus (ONT TV Channel) released a video report about the arrest of Mr. ██████████ ██████████ and several other individuals. The report was titled “GUBOPiK Comes to Viasna: Special Unit ‘STORM’ Fighters Arrested Extremist Human Rights Defenders”. The report shows officers of the special riot police unit of the Ministry of Internal Affairs breaking down the door of Mr. ██████████

apartment and arresting the human rights defender, who was immobilized and lying on the floor. The report alleges that he was “an accomplice of the extremist organization”, supposedly collecting and passing on personal data of participants in trials to human rights defenders from the human rights organization designated as an “extremist group”.

While we do not wish to prejudge the accuracy of these allegations, we would like to express our grave concern at the alleged arbitrary arrests and detentions of Mr. ██████████ ██████████ home and personal searches, and involuntary hospitalization, as well as the alleged enforced disappearances, torture and ill-treatment, grave detention conditions, denial of access to legal assistance, other due process violations, and the alleged smear campaign against him on state television, all of which appear to be related to his legitimate human rights work and the exercise of the freedom of expression.

We are deeply concerned that the case of Mr. ██████████ ██████████ is not an isolated instance of detention and ill-treatment of lawyers dealing with politically motivated cases.¹ The shortfalls of the legislative framework on administrative offences allow the law enforcement and security agencies to deprive the lawyers of liberty, while circumventing the procedural guarantees, as enshrined in the criminal procedural legislation. For instance, lack of obligation of the authorities to provide the detained person with a lawyer or lax obligations to inform the family of the detained person may be misused to the extent that the situation would amount to enforced disappearance. In this regard, it must be recalled that, in order to constitute an enforced disappearance, the deprivation of liberty of the person concerned must be followed by a refusal to acknowledge such deprivation of liberty or by concealment of the fate or whereabouts of the disappeared person, which place such a person outside the protection of the law, regardless of the duration of the said deprivation of liberty or concealment.

We also express our utmost concern regarding the continuous intimidation and harassment of the human rights defenders in Belarus in connection to their human rights work, as highlighted in a number of recent opinions of the Working Group on Arbitrary Detention concerning Belarus.² We remain concerned at the chilling effect that this might have on human rights defenders in Belarus, discouraging them from exercising their rights.

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

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/or comment(s) you may have on the above-mentioned allegations.

¹ OHCHR, Situation of human rights in Belarus in the run-up to the 2020 presidential election and its aftermath, A/HRC/55/61, para. 21.

² Opinions No. 45/2023; No. 64/2023; and No. 24/2022.

2. Please provide information about the factual and legal basis for any administrative and criminal cases against Mr. [REDACTED] [REDACTED] his arrests and detentions, hospitalization, and searches of his home and body and explain how these are compatible with your Excellency's Government's international human rights obligations.
3. Please provide information on whether any investigation was launched into the alleged enforced disappearance and torture and ill-treatment of Mr. [REDACTED] [REDACTED]. If no investigation was opened, please explain why.
4. Please indicate what measures have been taken to ensure that human rights defenders in Belarus can exercise their right to freedom of expression and carry out their legitimate work freely and in a safe and enabling environment without acts of intimidation and harassment.

We would appreciate receiving a response within 60 days. Past this delay, this communication and any response received from your Excellency's Government will be made public via the communications reporting [website](#). They will also subsequently be made available in the usual report to be presented to the Human Rights Council.

Further, we would like to inform your Excellency's Government that after having transmitted the information contained in the present communication to the Government, the Working Group on Arbitrary Detention may also transmit the case through its regular procedure in order to render an opinion on whether the deprivation of liberty was arbitrary or not. The present communication in no way prejudices any opinion the Working Group may render. The Government is required to respond separately to the present communication and the regular procedure,

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.

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

Mary Lawlor
Special Rapporteur on the situation of human rights defenders

Ganna Yudkivska
Vice-Chair of the Working Group on Arbitrary Detention

Anaïs Marin
Special Rapporteur on the situation of human rights in Belarus

Aua Baldé
Chair-Rapporteur of the Working Group on Enforced or Involuntary Disappearances

Irene Khan
Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression

Tlaleng Mofokeng
Special Rapporteur on the right of everyone to the enjoyment of the highest attainable
standard of physical and mental health

Margaret Satterthwaite
Special Rapporteur on the independence of judges and lawyers

Annex

Reference to international human rights law

In connection with above alleged facts and concerns, we would like to draw the attention of your Excellency's Government to the following human rights standards.

We would like to refer your Excellency's Government to articles 6, 7, 9, 10, 14, 16, 17 and 19, read in conjunction with article 2.3 of the International Covenant on Civil and Political Rights, ratified by Belarus on 12 November 1973.

Article 19 requires the States parties to guarantee the right to freedom of expression, including the right to seek, receive, and impart information and ideas of all kinds. As interpreted by the Human Rights Committee in general comment No. 34 (CCPR/C/GC/34), such information and ideas include, inter alia, discussion of human rights (paragraph 11). All forms of expression and means of their dissemination are protected, including, inter alia, written language and such non-verbal expression as images and objects of art, pamphlets, and all forms of audio-visual modes of expression (paragraph 12).

We would like to remind your Excellency's Government that any restrictions to the right to freedom of expression must meet the criteria established by international human rights standards, such as article 19(3) of the ICCPR. Under these standards, restrictions must be provided for by law and conform to the strict tests of necessity and proportionality. Article 19(3) may never be invoked to justify the muzzling of any advocacy of human rights (paragraph 23). Nor, under any circumstance, can an attack on a person, because of the exercise of their freedom of opinion or expression, including such forms of attack as arbitrary arrest and torture, be compatible with article 19(3). It is the States parties' duty to put in place effective measures to protect against attacks aimed at silencing those exercising their right to freedom of expression (Id.). All such attacks should be vigorously investigated in a timely fashion, the perpetrators be prosecuted, and the victims receive appropriate forms of redress (Id.).

We would also like to refer your Excellency's Government to article 17 of the ICCPR, which guarantees that no one shall be subjected to arbitrary or unlawful interference with his privacy, family, home, or correspondence, or unlawful attacks on his honor and reputation. As emphasized by the Human Rights Committee in general comment No. 16 (CCPR/C/GC/16), the expression "arbitrary interference" can extend to interference provided for under the law and even interference provided for by law should be in accordance with the provisions, aims, and objectives of the ICCPR and should be, in any event, reasonable in the particular circumstances (paragraph 4). Searches of a person's home should be restricted to a search for necessary evidence and should not be allowed to amount to harassment (paragraph 8). Effective measures should ensure that personal and body searches are carried out in a manner consistent with the dignity of the person who is being searched (Id.).

We would like to refer your Excellency's Government to article 9 of the ICCPR, which guarantees everyone the right to liberty of person. As emphasized by the Human Rights Committee in general comment No. 35 (CCPR/C/GC/35),

deprivation of liberty must not be arbitrary and must be carried out with respect for the rule of law (paragraph 10). Examples of deprivation of liberty include, inter alia, police custody, remand detention, imprisonment after conviction, involuntary hospitalization, being involuntarily transported, and the use of physical restraining devices on a person who is already detained (paragraph 5). The notion of “arbitrariness” is not to be equated with “against the law” but must be interpreted more broadly to include elements of inappropriateness, injustice, lack of predictability, and due process of law, as well as elements of reasonableness, necessity, and proportionality (paragraph 12). According to the same general comment (paragraph 17) and the jurisprudence of the Working Group on Arbitrary Detention, arrest or detention of an individual as punishment for the legitimate exercise of the rights guaranteed by the ICCPR, including freedom of opinion and expression, is arbitrary. The Human Rights Committee also specifically notes that unauthorized confinement of prisoners beyond the length of their sentences is arbitrary as well as unlawful and the same is true for unauthorized extension of other forms of detention (paragraph 11). The Human Rights Committee further stresses that persons who are deprived of liberty shall be informed, at the time of any deprivation of liberty, of the reasons for it (paragraph 24). That information must be provided immediately (paragraph 27).

In the same General Comment, the Human Rights Committee emphasizes the particular harms that may result in situations of involuntary hospitalization (paragraph 19). The deprivation of liberty must be necessary and proportionate, for the purpose of protecting the individual in question from serious harm or preventing injury to others (Id.). It must be applied only as a measure of last resort and for the shortest appropriate period of time and must be accompanied by adequate procedural and substantive safeguards established by law (Id.). The procedures should ensure respect for the views of the individual and ensure that any representative genuinely represents and defends the wishes and interests of the individual (Id.). The individuals must be assisted in obtaining access to effective remedies for the vindication of their rights, including initial and periodic judicial review of the lawfulness of the detention, and to prevent conditions of detention incompatible with the Covenant (Id.).

With regard to the alleged involuntary hospitalization, we would also like to refer your Excellency’s Government to article 12 of the International Covenant on Economic, Social, and Cultural Rights (“ICESCR”), ratified by Belarus on 12 November 1973, which guarantees the right of everyone to the enjoyment of the highest attainable standard of physical and mental health. In its general comment No. 14 (E/C.12/2000/4), the Committee on Economic, Social, and Cultural Rights highlighted that the States parties’ obligation to refrain from applying coercive medical treatments, unless on an exceptional basis for the treatment of mental illness or the prevention and control of communicable diseases (paragraph 34). Such exceptional cases should be subject to specific and restrictive conditions, respecting best practices and applicable international standards, including the Principles for the Protection of Persons with Mental Illness and the Improvement of Mental Health Care (Id.).

With regards to hunger strikes, we would like to refer your Excellency’s Government to the World Medical Assembly’s Declaration of Malta on Hunger Strikes (adopted in November 1991, revised in October 2006), which emphasizes the duty of all physicians to, inter alia, act ethically (principles 1) and respect individuals’ autonomy (principle 2). Informed consent is an integral part of respecting, protecting

and fulfilling the right to health (A/64/272, para. 18), and as such any medical intervention linked to hunger strikes should guarantee informed consent as a fundamental feature of respecting an individual's autonomy, self-determination and human dignity. The Declaration further states that: "Forcible treatment is never acceptable. Even if intended to benefit, feeding accompanied by threats, coercion, force or use of physical restraints is a form of inhuman and degrading treatment" (guideline 13).

With regard to the alleged enforced disappearances, according to the general comment No. 35 (CCPR/C/GC/35), paragraph 17, general comment No. 36 (CCPR/C/GC/36), paragraphs 57-58, as well as the jurisprudence of the Working Group on Arbitrary Detention, these would amount to violations of article 6 (right to life), article 7 (prohibition of torture or cruel, inhuman, or degrading treatment or punishment), article 9 (liberty and security of person), and article 16 (right to recognition as a person before the law), read alone and in conjunction with article 2, para. 3 (right to an effective remedy) of the ICCPR, read alone and in conjunction with article 2(3). Equally, the right not to be subjected to an enforced disappearance is of a non-derogable nature and the prohibition of this crime under international law has attained the status of jus cogens. The Human Rights Committee stressed in general comment No. 36 (CCPR/C/GC/36) that States parties must take adequate measures to prevent the enforced disappearance of individuals (paragraph 58). States parties should also ensure that the enforced disappearance of persons is punished with appropriate criminal sanctions and introduce prompt and effective procedures to investigate cases of disappearances thoroughly, by independent and impartial bodies (Id.). They should bring to justice the perpetrators of such acts and omissions and ensure that victims of enforced disappearance and their relatives are informed about the outcome of the investigation and are provided with full reparation (Id.).

We would like to recall the Declaration on the Protection of all Persons from Enforced Disappearance, adopted by the General Assembly Resolution 47/133 on 18 December 1992. Pursuant to article 7 of the Declaration on the Protection of All Persons from Enforced Disappearance, no circumstances whatsoever, whether a threat of war, a state of war, internal political instability or any other public emergency, may be invoked to justify enforced disappearance. Moreover, articles 9-12 establish the guarantees to be afforded to any person deprived of liberty. In this connection, we stress that a failure to acknowledge deprivation of liberty by State agents and refusal to acknowledge detention constitute an enforced disappearance, even if it is of a short duration. Article 13 of the Declaration sets forth the State's obligation to investigate promptly, thoroughly and impartially any complaints of enforced disappearance. Article 19 of the Declaration requires that victims of acts of enforced disappearance and their family obtain redress and integral reparation for the harm suffered. The Declaration also proclaims that each State shall take effective legislative, administrative, judicial or other measures to prevent and terminate acts of enforced disappearance in any territory under its jurisdiction.

We would like to remind your Excellency's Government that enforced disappearance has different impact depending on whom it targets. For instance, according to the Study on enforced disappearances and economic, social and cultural rights by the Working Group on Enforced or Involuntary Disappearances (A/HRC/30/38/Add.5), human rights defenders are also targeted to intimidate and prevent others from claiming and exercising their rights. Due to collective character of certain economic, social and cultural rights, the disappearance of one person may

have a negative effect on the larger community.

With regard to the alleged violence suffered by the human rights defender, we would like to refer your Excellency's Government to article 9 of the ICCPR, which guarantees the right to security of person. As emphasized by the Human Rights Committee in general comment No. 35 (CCPR/C/GC/35), this right protects individuals against intentional infliction of bodily or mental injury, regardless of whether the victim is detained or non-detained (paragraph 9). The States parties must take both measures to prevent future injury and retrospective measures, such as enforcement of criminal laws, in response to past injury (Id.). The States parties must respond appropriately to patterns of violence against categories of victims such as intimidation of human rights defenders (Id.). They should also prevent and redress unjustifiable use of force in law enforcement (Id.).

We would also like to refer your Excellency's Government to the absolute and non-derogable prohibition of torture and other cruel, inhuman, or degrading treatment or punishment, as enshrined in article 7 of the ICCPR and articles 2 and 16 of the Convention against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment ("CAT"), ratified by Belarus on 13 March 1987. Article 12 and 16 of the CAT further require the competent authorities to undertake a prompt and impartial investigation wherever there are reasonable grounds to believe that such act has been committed.

With regard to detention conditions, we would like to remind your Excellency's Government of article 10 of the ICCPR, which requires that all persons deprived of their liberty shall be treated with humanity and with respect for the inherent dignity of the human person. In this regard, we would also like to refer your Excellency's Government to the UN Standard Minimum Rules for the Treatment of Prisoners adopted by the General Assembly on 17 December 1955 (the Mandela Rules). We wish to draw your Excellency's Government's particular attention to rules 1, 12-17, 18, 21, 22, 36, 39, 43, 61, and 119-121 concerning the respect due to the inherent dignity and value of all prisoners as human beings, protection from torture and other cruel, inhuman, or degrading treatment or punishment, safety and security of prisoners, accommodation, personal hygiene, bedding, food and drinking water, discipline and sanctions, prohibition of collective punishment, right to be promptly informed about the reasons for detention and any charges, access to lawyer, and provision of writing materials for the preparation of documents related to their defense.

We would also like to remind your Excellency's Government about article 14 of the ICCPR, which enshrines the right to equality before courts and tribunals and to a fair trial. We would like to refer your Excellency's Government to the UN Basic Principles on the Role of Lawyers, adopted on 7 September 1990 by the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, held in Havana (Cuba). Principles 1 and 2, in particular, contain the States' obligations to ensure prompt and effective access to lawyers.

Furthermore, 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, adopted on 9 December 1998 (also known as the UN Declaration on Human Rights Defenders). Articles 1 and 2 of

the Declaration state that everyone has the right to promote and 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.

Likewise, 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 6 (a)-(c), which provides for the right to know, seek, obtain, receive, and hold information about all human rights and fundamental freedoms; to freely publish, impart, or disseminate to others views, information, and knowledge on all human rights and fundamental freedoms; and to study, discuss, form, and hold opinions on the observance, both in law and in practice, of all human rights and fundamental freedoms and to draw public attention to those matters;
- article 9(1), which provides for the right to benefit from an effective remedy and to be protected in the event of the human rights violations;
- article 9(3)(b), which provides for the right to attend public hearings, proceedings, and trials so as to form an opinion on their compliance with national law and applicable international obligations and commitments; and
- article 12(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 their 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, and acts of violence perpetrated by groups or individuals that affect the enjoyment of human rights and fundamental freedoms.