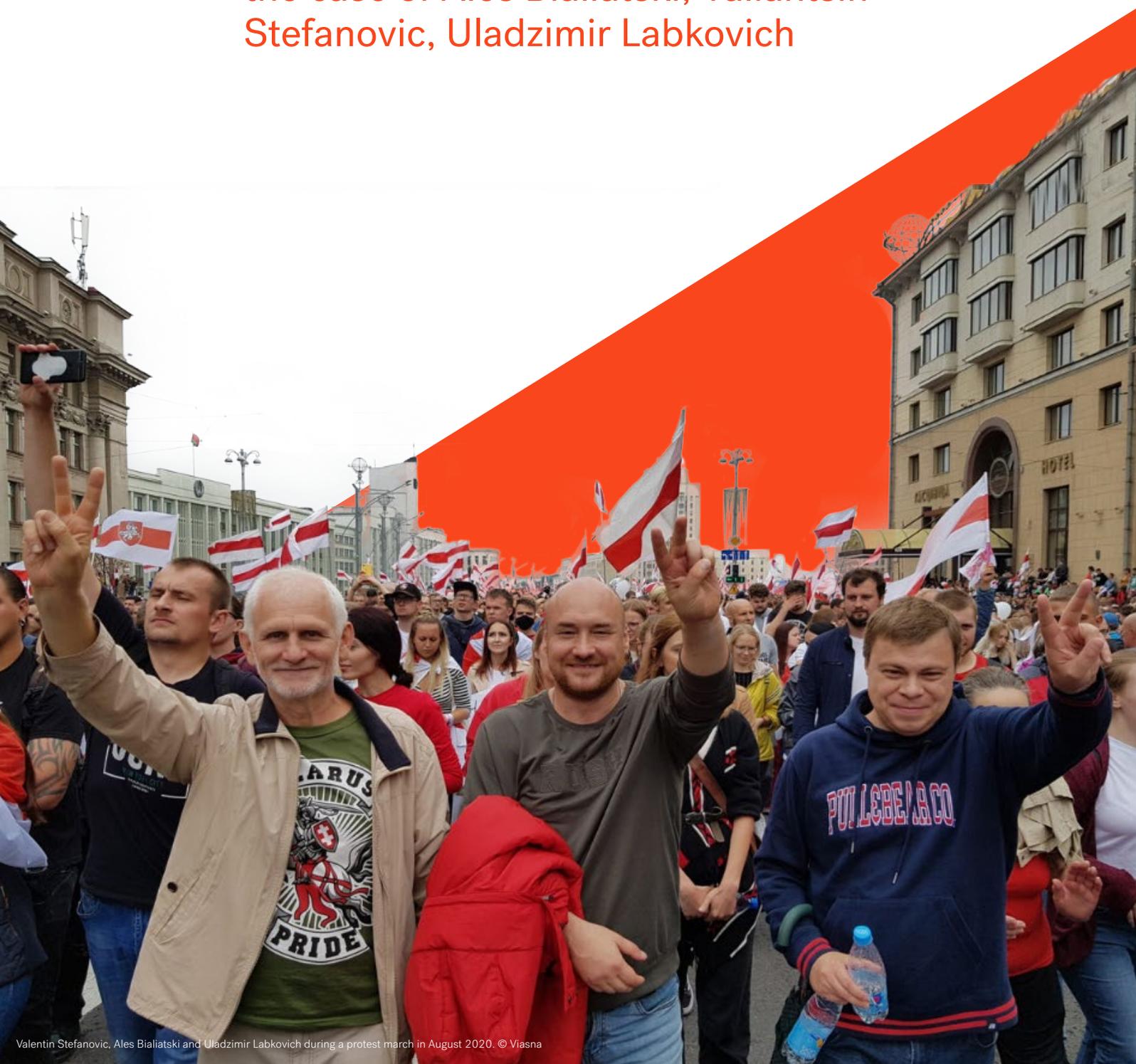




**THE OBSERVATORY**  
for the Protection of  
Human Rights Defenders

# Injustice Unveiled

The trial against Viasna activists in Belarus :  
the case of Ales Bialiatski, Valiantsin  
Stefanovic, Uladzimir Labkovich





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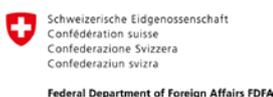
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# Case summary

Between January 5 and March 3, 2023, a criminal trial took place in the Leninsky District Court in Minsk, Belarus, against leaders of the Belarus Human Rights Center “Viasna” (Viasna): **Ales Bialiatski**, Viasna’s chair, and Nobel Peace Prize laureate; **Valiantsin Stefanovic**, Viasna co-chair, and FIDH Vice-President; **Uladzimir Labkovich**, Viasna’s lawyer and coordinator of the organisation’s campaign for free elections; and **Zmitser Salauyou**, Viasna member, who was tried in absentia. They were accused of “smuggling” and “financing group actions that grossly violated public order”. On March 3, 2023, Judge Marina Zapasnik sentenced Ales Bialiatski, Valiantsin Stefanovic, and Uladzimir Labkovich to ten, nine, and seven years in prison, respectively; a conviction which was later upheld in the appeal. Zmitser Salauyou was sentenced to eight years’ imprisonment.

During the trial, representatives from the Observatory for the Protection of Human Rights Defenders (a partnership of the International Federation for Human Rights (FIDH) and the World Organisation Against Torture (OMCT) - from now on the Observatory, - and Viasna, monitored the proceedings on different days to support the defendants and observe the trial’s fairness and transparency. Their presence in the courtroom allowed them to provide valuable first-hand accounts of the trial and document any violations of the right to due process and fair trial that arose during the proceedings. Their observations and testimonies provide an important insight into the trial and served as the basis for this report.

## 1. Background

### (1.1) Supreme Court Strips Viasna of Legal Status

Viasna is a non-governmental organisation established in 1996 to provide legal and other assistance to detained or injured participants in mass protest actions of the democratic opposition in Belarus, as well as their families. The organisation was registered in 1999 and has since been one of the leading human rights organisations in Belarus. Viasna’s activities include monitoring the human rights situation in Belarus, preparing shadow reports on Belarus for international human rights bodies, observing elections, and providing legal aid to citizens.<sup>1</sup> Despite frequent persecution by the authorities, Viasna continues to advocate for human rights to date.<sup>2</sup>

In 2003, amid a broader crackdown against civil society,<sup>3</sup> the Belarusian government dissolved Viasna, alleging “gross violation of election laws” related to its observers’ monitoring of the 2001 presidential elections.<sup>4,5</sup> This decision was widely criticised by international observers, human rights organisations, and treaty bodies, including the United Nations Human Rights Committee, which found the dissolution to be a violation of the right to freedom of association.<sup>6</sup> Following this decision, Viasna leaders repeatedly applied for re-registration, but their requests were systematically denied by the Ministry of Justice on formalistic grounds.<sup>7,8</sup>

Despite the government’s refusal to recognise its legal status, Viasna openly continued its human rights

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<sup>1</sup> Viasna, *About Viasna*, July 24, 2002, available at: <https://spring96.org/en/about>

<sup>2</sup> Human Rights Committee, *Aleksander Belyatsky et al.*, CCPR/C/90/D/1296/2004, August 7, 2007, para 2.1

<sup>3</sup> Human Rights Watch, *World Report 2003 - Belarus*, January 14, 2003, available at: <https://www.refworld.org/docid/3e28183e2.html>

<sup>4</sup> *Aleksander Belyatsky et al.*, para 2.3.

<sup>5</sup> The elections were widely criticised for being neither free nor fair by international observers, including the Organization for Security and Cooperation in Europe (OSCE) and the Council of Europe. See in: OSCE, *International Limited Election Observation Mission 2001, Presidential Election in the Republic of Belarus*, September 10, 2001, available at: <https://www.oscepa.org/en/documents/election-observation/election-observation-statements/belarus/statements-4/1383-2001-presidential/file>

<sup>6</sup> *Aleksander Belyatsky et al.*, para 8 and 9.

<sup>7</sup> FIDH, *The authorities refuse to re-register the Human Rights Centre “Viasna” in spite of UN Human Rights Committee’s decision*, August 31, 2007, available at: <https://www.fidh.org/en/region/europe-central-asia/belarus/The-authorities-refuse-to-re>

<sup>8</sup> Human Rights Committee, *Natalya Pinchuk v. Belarus*, CCPR/C/112/D/2165/2012, November 17, 2014, para 2.4

activities. This determination to defend human rights has put its members at high risk of persecution, including recent criminal cases against them following the massive crackdown on human rights NGOs that started in 2020 and is ongoing.

*“As for Viasna, there have always been threats against us, and for some reason, they coincided with the election campaigns. In our country we have such rationale: those who participated in the elections go to jail [...] So it was in 2001, 2006, 2010, and 2020. Viasna was liquidated two years after the 2001 presidential election. In 2006, there was a situation similar to this [the 2023 criminal case against Viasna] when those who acted without registration were announced on television as enemies of the Republic of Belarus,”*  
- said Valiantsin Stefanovic in his last word to the court in 2023.<sup>9</sup>

## (1.2) First “tax evasion” case against Ales Bialiatski

After the 2010 presidential election in Belarus, a new wave of repression against civil society followed. The re-election of today’s de facto President Aliaksandr Lukashenka, who had been in power for 16 years, with 80% of the vote, was widely recognised as fraudulent by independent observers, including the Organization for Security and Cooperation in Europe (OSCE) observation mission.<sup>10,11</sup> As part of this 2011 crackdown, Ales Bialiatski was arrested and charged with tax evasion.<sup>12</sup> The prosecution claimed that Bialiatski had failed to declare a private foreign account registered in his name and had deliberately concealed income from foreign donors to avoid paying taxes. This account was a part of the fundraising for Viasna, which the government had deregistered and taken steps to dissolve.

The case drew condemnation from human rights groups and governments worldwide, which called for Bialiatski’s release and for the charges against him to be dropped.<sup>13</sup> Yet, he was sentenced to four and a half years in prison in 2011, and the judgement was upheld on appeal in 2012. The United Nations (UN) Working Group on Arbitrary Detention<sup>14</sup> and the UN Human Rights Committee<sup>15</sup> found that Bialiatski’s detention was arbitrary and violated the International Covenant on Civil and Political Rights (ICCPR).

Bialiatski was eventually released in 2014 following an amnesty, however, he and other Viasna activists continued to face harassment and persecution.

<sup>9</sup> Viasna, *What Bialiatski, Stefanovic, and Labkovich said in their last word in court: full translation of their speeches*, February 15, 2023, available at: <https://spring96.org/en/news/110790>

<sup>10</sup> DW, *Belarus sanctions*, January 2, 2011, available at: <https://www.dw.com/en/eu-imposes-sanctions-against-belarus/a-14807433>

<sup>11</sup> See: Organization for Security and Co-operation in Europe, *Belarus, Presidential Election, 19 December 2010: Final Report*, February 22, 2011, available at: <https://www.osce.org/odihr/elections/75713>; Statement by EU High Representative Catherine Ashton on the presidential elections in Belarus, December 20, 2010, A 268/10, available at: [https://www.consilium.europa.eu/uedocs/cms\\_data/docs/pressdata/EN/foraff/118650.pdf](https://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/EN/foraff/118650.pdf); The New York Times, *Opinion, Lukashenko the Loser*, by Carl Bildt, Karel Schwarzenberg, Radek Sikorski and Guido Westerwelle, December 23, 2010, available at: [https://www.nytimes.com/2010/12/24/opinion/24iht-edbildt24.html?\\_r=1&scp=2&sq=Carl%20Bildt&st=cse](https://www.nytimes.com/2010/12/24/opinion/24iht-edbildt24.html?_r=1&scp=2&sq=Carl%20Bildt&st=cse)

<sup>12</sup> Working Group on Arbitrary Detention, *Opinions adopted by the Working Group at its sixty-fourth session*, No. 39/2012 (Belarus), November 23, 2012, A/HRC/WGAD/2012/39, Para 39.

<sup>13</sup> The Observatory (FIDH-OMCT), *Human rights defender Ales Bialiatski sentenced to 4.5 years of imprisonment, a sad day for the defence of human rights in the world*, November 24, 2011, available at: <https://www.fidh.org/en/region/europe-central-asia/belarus/Human-rights-defender-Ales>

<sup>14</sup> *Opinions adopted by the Working Group on Arbitrary Detentions at its sixty-fourth session*, No. 39/2012 (Belarus), para 50.

<sup>15</sup> *Natalya Pinchuk v. Belarus*, para 9

### (1.3) Attacks against Viasna since 2020



Valentin Stefanovic and Ales Bialiatski with a letter of guarantee for Marfa Rabkova before her trial, 2020. © Viasna

Since May 2020, the Belarus authorities have launched a brutal crackdown on the country's democratic and human rights movement, with the aim of quashing any support to the opposition candidates challenging Aliaksandr Lukashenka's bid for his sixth consecutive term in office. The situation has escalated significantly since Lukashenka was officially reelected with over 81 percent of the vote in the disputed presidential elections of August 2020, which were widely condemned by the international community as lacking democratic legitimacy.<sup>16</sup> Human rights violations have been rampant, with over 30,000 arrests of peaceful protesters, thousands of prosecutions, and over one thousand cases of torture and ill-treatment reported.<sup>17</sup> Journalists, lawyers, and human rights defenders have been targeted for providing legal, psychological, and humanitarian assistance to victims of these repressions.<sup>18</sup>

The crackdown on civil society intensified throughout 2021 and into 2023, with the authorities shutting down 824 non-governmental organisations and criminalising involvement in unregistered or liquidated organisations.<sup>19</sup> These actions have effectively criminalised human rights work in Belarus, leading to the arbitrary detention and persecution of many activists, forcing many human rights defenders into exile. Among the first targets were Viasna activists **Marfa Rabkova**, **Andrei Chapiuk**,

<sup>16</sup> Euronews, EU announces sanctions against Belarus over 'violence' on protesters and electoral 'falsification', August 14, 2020, available at: <https://www.euronews.com/2020/08/14/eu-announces-sanctions-against-belarus-over-violence-on-protesters-and-electoral-falsifica>; OSCE Office for Democratic Institutions and Human Rights, ODHR gravely concerned at situation in Belarus following presidential election, August 10, 2020, available at: <https://www.osce.org/odhr/belarus/459664>

<sup>17</sup> Annual report of the United Nations High Commissioner for Human Rights and reports of the Office of the High Commissioner and the Secretary-General, *Situation of human rights in Belarus in the context of the 2020 presidential election*, A/HRC/46/4, February 15, 2021, para 27.

<sup>18</sup> FIDH, *Mobilising for Justice in Belarus*, June 27, 2021, available at: <https://belarus.fidh.org/Mobilising-for-Justice-in-Belarus-FIDH-Launches-Website-Tracking-Systematic>

<sup>19</sup> Annual report of the United Nations High Commissioner for Human Rights and reports of the Office of the High Commissioner and the Secretary-General, *Situation of human rights in Belarus in the run-up to the 2020 presidential election and in its aftermath*, February 3, 2023, A/HRC/52/68, para 37.

**Leaid Sudalenka**, and **Tatsiana Lasitsa**,<sup>20</sup> all of whom have been detained, tried, and sentenced to prison for their human rights activities.<sup>21</sup> Other Viasna members and volunteers have also been arbitrarily detained and harassed since February 2021.<sup>22,23,24</sup>

*As Ales Bialiatski summarises in his trial speech, the political underpinning of criminal proceedings against Viasna human rights defenders “is evidenced by the overall situation in the country, permeated with mass repression and total human rights violations during and after the election campaign in 2020. [...] Independent journalists and bloggers, analysts and political scientists, independent trade union activists, political parties and movements’ leaders and activists, presidential election teams members and the candidates themselves, national culture figures, writers, musicians, artists, teachers and students, athletes, ordinary protesters, and just random people were exposed to the machinery of repression. [...] It is not surprising that at this time when human rights in Belarus went down the tubes, human rights defenders were also among those jailed.”*

## 2. A criminal case against Bialiatski, Stefanovic, and Labkovich

### (2.1) 17-month investigation and 300 volumes of casefile

In February 2021, the Investigative Committee of the Republic of Belarus opened a criminal case without suspects under Article 342 of the Criminal Code for “organising and preparing actions that gravely violate public order.” This led to investigations and searches targeting human rights defenders. Among other human rights defenders, several Viasna employees, including Bialiatski and Stefanovic, were interrogated as witnesses in this case.<sup>25</sup> The same month, in a press statement, the Ministry of Internal Affairs accused unknown human rights organisations of “financing protests.”<sup>26,27</sup>

In July 2021, a new criminal case was opened against three Viasna leaders, Ales Bialiatski, Valiantsin Stefanovic, and Uladzimir Labkovich, under Article 24 3.2 of the Criminal Code for “tax evasion”. Another defendant in this case, Zmitser Salauyou, managed to flee the country and was under criminal investigation in absentia. The Investigative Committee accused the four of continuingly managing the organisation [Viasna] in contravention of the 2003 Supreme Court decision that liquidated Viasna as a legal entity. The Investigative Committee alleged that the four paid on Viasna’s behalf for various services for a total of at least 879 887 Belarusian rubles,<sup>28</sup> from 2013 to 2020.

On July 14, 2021, the morning following the adoption of the United Nations Human Rights Council

<sup>20</sup> Tatsiana Lasitsa was released on pardon on September 24, 2022, after spending 20 months in arbitrary detention, see details: <https://prisoners.spring96.org/en/person/taccjana-lasica>

<sup>21</sup> The Observatory (FIDH-OMCT), *Belarus: Judicial harassment against the Human Rights Centre ‘Viasna’*, March 10, 2021, available at: <https://www.omct.org/en/resources/statements/belarus-release-marfa-rabkova-free-all-detained-viasna-members>

<sup>22</sup> The Observatory (FIDH-OMCT), *Belarus: Sentencing and arbitrary detention of Marfa Rabkova, Andrey Chapiuk and Nasta Loika*, September 7, 2022, available at: <https://www.omct.org/en/resources/urgent-interventions/belarus-arbitrary-arrest-and-sentencing-of-maria-rabkova-andrey-chapiuk-and-nasta-loika>

<sup>23</sup> The Observatory (FIDH-OMCT), *Belarus: Administrative detention and judicial harassment of Ms. Maryna Kastylianchanka and arbitrary detention and subsequent release of Mr. Aliaksandr Paplauski*, November 4, 2020, available at [fidh.org/en/issues/human-rights-defenders/belarus-administrative-detention-and-judicial-harassment-of-ms-maryna](https://fidh.org/en/issues/human-rights-defenders/belarus-administrative-detention-and-judicial-harassment-of-ms-maryna)

<sup>24</sup> The Observatory (FIDH-OMCT), *Belarus: Judicial harassment against the Human Rights Centre ‘Viasna’*.

<sup>25</sup> *Ibid.*

<sup>26</sup> Investigative Committee of Belarus Telegram channel, February 16, 2021, available at: <https://t.me/skgovby/3945>

<sup>27</sup> Viasna, *Aleksandr Bialiatski summoned for interrogation to the Investigative Committee*, April 7, 2021, available at: <https://spring96.org/be/news/102803>; Viasna, *Aleksandr Bialiatski after interrogation: The criminal case has clear political overtones*, April 9, 2021, available at: <https://spring96.org/be/news/102883>; Viasna, *Interrogations of the Human Rights Center Viasna members continue*, May 3, 2021, available at: <https://spring96.org/be/news/103190>; Viasna, *Evaded registering Viasna as a tax agent: why three Viasna employees are being held behind bars for four months*, November 14, 2021, available at: <https://spring96.org/ru/news/105681>

<sup>28</sup> Approximately 500,000 EUR depending on the exchange rate that has doubled during the indicated period.

resolution condemning the human rights situation in Belarus,<sup>29</sup> Ales Bialiatski, Valiantsin Stefanovic, and Uladzimir Labkovich were arrested and interrogated, their apartments were searched and all IT equipment confiscated.<sup>30</sup> After several days in detention, the three were transferred to pre-trial detention center No. 1 in Minsk where they remained detained for 17 months awaiting trial.

Their detention was extended at least eight times in closed-door sessions. The defence lawyers appealed all courts' decisions on such extension, to no avail. As detailed below, throughout their 17 months of pretrial detention, the three human rights defenders have been systematically denied family visits and medical care, and access to their lawyers has been severely limited.

On September 26, 2022, unable to substantiate the first version of charges, the investigation dropped the charge of "tax evasion" and substituted it for new charges that carry a maximum of 12 years of imprisonment, namely:

- "Smuggling" (illegal movement of cash across the customs border of the Eurasian Economic Union on a large scale by an organised group) under Article 228.4 of the Criminal Code; and
- "Financing group actions grossly violating public order" under Article 342.2 of the Criminal Code.<sup>31</sup>

On November 14, 2022, the investigation concluded and the criminal case was sent to the prosecutor. On December 14, 2022, the case reached the Leninsky District Court of Minsk. The indictment contained two charges:

- The four defendants were accused of receiving money on a foreign bank account established for that purpose in the name of a Lithuanian organisation "Pavasaris", from April 4, 2016 to July 14, 2021, to finance illegal Viasna activities while acting as part of an organised group. It was alleged that the said amount, at least 201,000 EUR, and 54,000 USD, was transferred in cash across the customs border of the Eurasian Economic Union (EEU) in small instalments to avoid declaration.
- Secondly, according to the prosecution, the three were preparing citizens to participate "in group actions that grossly violate public order" as well as providing financial and material support for such actions under the guise of human rights and charitable activities, including on behalf of Viasna, from May 2020 to July 14, 2021.<sup>32</sup>

*"The previous inquiry [under the charge of "tax evasion"] lasted 14 months and revolved around different charges. Although it was unsuccessful, it led to the detention of human rights activists for over a year and provided an opportunity for witness interrogation. Currently, the prosecution is attempting to utilise the statements from those witnesses to bolster their new, nonsensical case. This mishmash of information contains facts, conjectures, and suppositions that can only be accepted by a court that disregards the principles of justice and the necessary legal procedures", - said Pavel Sapelka, lawyer and member of the Viasna Interim Board.<sup>33</sup>*

The case materials were primarily built on open source materials, including articles from Viasna's website spring96.org and publications on Viasna's social media networks, as well as the list of political

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<sup>29</sup> Human Rights Council, Human Rights Council Adopts Nine Texts: Establishes Mechanism to Protect Africans and People of African Descent against Excessive Use of Force by Law Enforcement Officers, Renews Mandate on Belarus, July 13, 2021, available at: <https://www.ohchr.org/en/press-releases/2021/07/human-rights-council-adopts-nine-texts-establishes-mechanism-protect>

<sup>30</sup> The same day, about 30 searches have been conducted at the apartments of four other Viasna employees, Siarhei Sys, Andrei Paluda, Viktor Sazonau and Alena Laptsenak, as well as in offices of other human rights organisations across Belarus, notably Belarusian Helsinki Committee, Belarusian Association of Journalists, LawTrend Legal transformation Center, Human Constanta and Gender Perspectives. See details: The Observatory (FIDH-OMCT), *Belarus: Coordinated searches and detentions of journalists and human rights defenders*, July 14, 2021, available at: <https://www.fidh.org/en/issues/human-rights-defenders/belarus-coordinated-searches-and-detentions-of-journalists-and-human>

<sup>31</sup> Viasna, *Smuggling and financing of the protests - political prisoners - defenders from 'Viasna' got toughened charges*, September 26, 2022, available at: <https://spring96.org/ru/news/109179>

<sup>32</sup> Viasna, *Viasna members go on trial*, January 5, 2023, available at: <https://spring96.org/en/news/110335>

<sup>33</sup> Viasna, *Viasna's lawyer Pavel Sapelka comments on the trial of his colleagues: "This is a crackdown on human rights defenders in the guise of justice"*, January 16, 2023, available at: <https://spring96.org/en/news/110428>

prisoners maintained by Viasna.<sup>34</sup> Additionally, the indictment contained documents seized in the office of Viasna Homieł branch as well as criminal case files of the case involving Leanid Sudalenka and Tatsiana Lasitsa, their correspondence with dozens of people, including the UN Special Rapporteur on the Situation of Human Rights in Belarus, Anaïs Marin, and videos of individuals whose fines for participating in unauthorised peaceful protests were paid by the BY\_HELP initiative.<sup>35</sup> It also included wiretapped conversations of some of the Viasna members, including a private conversation between Leanid Sudalenka and his wife during a prison visit.<sup>36</sup> The case materials consist of 283 volumes of 300 pages each, which is equivalent to 85 thousand pages. There are about a hundred witnesses in the case, and the law enforcement officials conducted 120 searches in different locations in an attempt to substantiate the accusations.

## (2.2) The trial against Viasna leaders

The trial was held at the Leninsky District Court of Minsk and lasted from January 5 through March 3, 2023, with hearings taking place every day with several breaks. Judge Maryna Zapasnik heard the case, and Aliaksandr Karol was the state prosecutor. The trial was formally open to the public, but observers and independent journalists were unable to attend it: many either fled the country over the previous months of repression or were behind bars, and some were barred entry to the proceedings or asked to leave after being admitted.

The three defendants appeared in the courtroom handcuffed and were placed in a metal cage. Ales Bialiatski requested additional time to study the case materials, given that the accused had only been given one month to read through the voluminous case file. This and other motions were consistently rejected by the judge, including requests to remove the handcuffs from the accused, to change the measure of detention to house arrest, and a motion for the recusal of the judge due to her alleged partiality.<sup>37</sup> The trial was conducted in Russian, despite Ales Bialiatski's repeated requests to conduct it in his native, Belarusian.

*“The prosecution and the court have categorically refused to speak Belarusian, despite the fact that, as a defendant, I am a Belarusian-speaking person. I speak, write, and think in Belarusian. I remind you that the Belarusian language is the state language, and you, as state officials, must speak the two state languages, including Belarusian, not mumble-jumble. They put me in an unequal position with the prosecution”, - said Ales Bialiatski in his last statement.*

About 100 witnesses were interrogated to build the case file, but only a few were questioned in court. The prosecutor read transcripts of testimonies from witnesses who failed to appear, despite the objections of the accused and their lawyers who were consequently deprived of the opportunity to cross-examine the witnesses.<sup>38</sup> Some of the rare witnesses who did appear gave evidence that did not support the prosecution case, such as in the case of one witness from Homiel who claimed not to know the defendants and was surprised that he had been called as a witness in this case.<sup>39</sup>

On the first day of the hearing on January 5, the prosecutor read the indictment and then the list of the imputed criminal actions. The four defendants were accused of receiving 201,000 EUR and 54,000 USD

<sup>34</sup> Viasna, *Wiretap recordings, a list of political prisoners, and materials from Viasna website: what's inside Viasna case file*, January 31, 2023, available at: <https://spring96.org/en/news/110604>

<sup>35</sup> #BY\_help civic campaign, available at: <https://www.belarus97.pro/eng>

<sup>36</sup> Viasna, *Viasna trial through the eyes of a spectator: Prosecution evidence is questionable and security measures unprecedented*, January 18, 2023, available at: <https://spring96.org/en/news/110473>

<sup>37</sup> Viasna, *Both persecuted artist Ales Pushkin: what is known about prosecutor and judge in Viasna case*, January 13, 2023, available at: <https://spring96.org/en/news/110411>

<sup>38</sup> Viasna, *Testimonies by Secret Witnesses and Interrogation of Customs Officers: Fourth and Fifth Court Sessions in Viasna Case*, January 13, 2023, available at: <https://spring96.org/en/news/110424>

<sup>39</sup> Viasna, *Trial against Viasna: Days 6 and 7*, January 16, 2023, available at: <https://spring96.org/en/news/110444>

on foreign bank accounts and transferring this money in cash across the customs border of the Eurasian Economic Union (EEU) as part of an organised group and with the aim to finance illegal actions under the guise of human rights and charitable activities, including on behalf of Viasna.

To corroborate the accusation, the prosecutor specified several instalments that were allegedly transferred across the EEU border on different dates and by different Viasna activists. The specified amounts were under 10,000 USD and did not require declaration under the Belarus customs law. The sum of the cited instalments is less than the total amount incriminated. The prosecutor arbitrarily concluded that the rest of the incriminated amount was brought into Belarus in a similar manner, i.e. through the customs border in cash. The prosecutor further claimed without any justification that the accused deliberately moved the said amount in small portions to avoid declaration.

As pointed out by one of the Bialitski' attorneys during the deliberations, the accusation contained no information about the movement of specific sums of money, at specific times, through specific checkpoints. According to the accusation, the amount in question was moved across the border by different individuals. However, according to the attorney, "in the materials of the criminal case there are no testimonies of these individuals about the movement of funds. There are no testimonies of third persons about these circumstances. Nor are there any testimonies in the materials of the operational and investigative activities, that is, it should be acknowledged that the specified accusation is only an assumption of the prosecution."



Valentin Stefanovic with his wife, Alina Stefanovic, Ales Bialitski and Uladzimir Labkovich at the march on Freedom Day, on March 25, 2002. © Viasna

Among the actions that the prosecutor called “illegal” as he continued reading the second part of the accusation, related to the charge of “financing group actions grossly violating public order”, were the following:

- Continuation of Viasna’s activities after its liquidation;
- Election observation in Belarus, including organisation of observation by representatives of foreign states;
- Paying fines for persons convicted of “administrative offences against the public order and the public administration” and “other offences related to protesting against the actions of public bodies”;
- Reimbursing fines and paying for meals in places of administrative detention for those “who have committed the named administrative offences”;
- Paying lawyers’ fees in criminal cases “associated with gross violations of the public order and protesting against the actions of public bodies”;
- Publishing information about the illegality of the activities of law enforcement agencies.<sup>40</sup>

By “gross violations of the public order” the prosecution meant the peaceful protests that took place in Belarus after the rigged elections of August 2020. Viasna’s legitimate assistance to the protestors was therefore presented by the prosecution as organised crime.

As highlighted by the attorney of Ales Bialiatski, the charge of “organising group actions that grossly violate public order” is also unfounded: the materials of the criminal case do not provide any evidence of Bialatski’s involvement in such actions. The case materials were often contradictory and based on conjecture and hearsay evidence. Some documents were unauthenticated photocopies and no original were produced. For instance, to corroborate the accusation, the prosecutor listed sporadic reimbursement of expenses incurred by protesters brought to administrative responsibility for participating in unsanctioned mass events, or their relatives. However, “there is no information that these persons were inclined to participate in such mass events or that these persons were promised in advance compensation of all related expenses”.

The attorney added that “one of the functions of any human rights organisation is precisely the provision of multifaceted assistance to persons brought to this or that responsibility. This assistance is always provided by such organisations as part of their human rights activities.”

*During the interrogation of defendants, Valiantsin Stefanovic reiterated that “Viasna’s activity is legitimate and legal. Its activities have been and are being carried out in accordance with the UN Declaration on Human Rights Defenders. [...] There is no such thing as a licence to be a human rights defender, nor could there ever be.”<sup>41</sup>*

In their last words, Ales Bialiatski, Valiantsin Stefanovic, and Uladzimir Labkovich maintained their innocence, criticised the lack of due process and fairness in their trial, and spoke out against the political repression in Belarus. They expressed their commitment to the peaceful defence of democracy, human rights, and justice in their country, and called on the international community to support the Belarusian people.<sup>42</sup>

<sup>40</sup> FIDH-EasternEurope&CentralAsia Twitterpublication, January 5, 2023, available at: [https://twitter.com/fidh\\_ru/status/1610912820522000384](https://twitter.com/fidh_ru/status/1610912820522000384)

<sup>41</sup> Viasna, “The case is unprecedented. What is that if not politics?” Human rights defenders interrogated in the Viasna case, February 7, 2023, available at: <https://spring96.org/en/news/110688>

<sup>42</sup> Viasna, What Bialiatski, Stefanovic, and Labkovich said in their last word in court: full translation of their speeches, February 15, 2023, available at: <https://spring96.org/en/news/110790>

*In his last word, Ales Bialiatski called for “a broad public dialogue” aimed at national reconciliation: “it must be preceded by the release of all political prisoners, a broad amnesty — and an end to repression [...] Both the authorities and representatives of the general public, political parties and movements, those who are now in prison, and those who are fleeing the repression and have been forced to go abroad should take part in such a dialogue. It is a feasible proposal, as long as there is a desire and political will to do so”.<sup>43</sup>*

On March 3, 2023, Judge Maryna Zapasnik sentenced Ales Bialiatski to ten years of imprisonment, Valiantsin Stefanovic to nine years, and Uladzimir Labkovich to seven years. Zmitser Salauyou who was tried in absentia received an eight-year prison sentence.<sup>44</sup>

### (2.3) Appeal

On March 29, 2023, the prosecutor lodged an appeal against the verdict of the Leninsky District Court of Minsk, arguing that the court sentenced Uladzimir Labkovich to six years - a term below the lower limit of seven years under Article 228.4 of the Criminal Code (in addition to one year under Article 342.2).<sup>45</sup> The defence lawyers have also filed their appeals.

On April 21, 2023, the Minsk City Court considered the appeals and a prosecutorial protest. The court left the appeals of the Viasna members and their lawyers without satisfaction. However, the judge did agree to the prosecutor’s request to fix the initial mistake in the wording of the verdict when sentencing Labkovich to six years of imprisonment under Article 228.4, without altering the overall sentence term for Uladzimir Labkovich.

The verdict against the three human rights defenders came into force on April 21, 2023. Ales Bialiatski, Valiantsin Stefanovic, and Uladzimir Labkovich will soon be transferred to penal colonies. Zmitser Salauyou, who was tried in absentia and sentenced to eight years, did not appeal, and his verdict took effect on March 3.<sup>46</sup>

## 3. Assessment of the case against international standards

### (3.1) The right to freedom of association

Ales Bialiatski, Valiantsin Stefanovic, and Uladzimir Labkovich were prosecuted and subsequently convicted on “smuggling” charges due to Viasna’s leadership’s holding a foreign bank account, transferring money to Belarus, and making transactions in Belarus to finance Viasna’s activities, which were named “illegal”. The Belarus authorities had repeatedly refused to register Viasna as an association under the Belarus laws, thus preventing Viasna leaders from legally operating in Belarus.

In 2007, the UN Human Rights Committee had already found the decision to liquidate Viasna to be in breach of Article 22 of the ICCPR (“freedom of association”), which has been ratified by Belarus.<sup>47</sup> Article 22(2) provides that everyone should be entitled to freely associate, and that this right could be restricted if the restriction is “prescribed by law” and “necessary in a democratic society,” meaning that it must be proportionate to a legitimate government interest. In 2012, the Human Rights Committee stated in relation to the 2011 case against Ales Bialiatski:

<sup>43</sup> Ibid.

<sup>44</sup> Viasna, *Viasna leadership receives from 7 to 10 years in jail*, March 3, 2023, available at: <https://spring96.org/en/news/110949>

<sup>45</sup> Viasna, *Prosecution requests 12-year sentence for Nobel Peace Prize laureate Ales Bialiatski*, February 9, 2023, available at: <https://spring96.org/en/news/110710>

<sup>46</sup> Viasna, *Viasna leader’s appeal denied, harsh prison sentences upheld*, April 21, 2023, available at: <https://spring96.org/en/news/111496>

<sup>47</sup> Human Rights Committee, *Aleksander Belyatsky et al.*, CCPR/C/90/D/1296/2004, August 7, 2007, para 8 and 9.

*“The court did not take into account evidence that the funds were received and spent for the legitimate purposes of the association; that he [Ales] had been convicted and sentenced to four and a half years of incarceration [...]; and that the court did not explain how those measures were consistent with his right to freedom of association, in particular, how the conviction and sentence were proportionate to any of the goals stated in article 22, paragraph 2.”*

Back then, the Committee found that the conviction of Ales on charges of “tax evasion” violated his right to freedom of association.

The same analysis applies to the current prosecution of Viasna leaders. The alleged crime under Article 228.4 (“smuggling”) of the Belarus Criminal Code arises from the Government of Belarus’ original decision to liquidate Viasna. This decision was aimed at and has resulted in the elimination of any legal means of financing the organisation and its legitimate human rights activities. Such a broad restriction to the financing of Viasna did not pursue any legitimate government objective, and thus in and of itself violated the defendants’ freedom of association. Moreover, even if any cross border transfers did take place in order to finance Viasna’s legitimate human rights activities, the subsequent prosecution of Viasna leaders and draconian prison sentences, all stemming from the liquidation decision, could not be proportional to any legitimate aim of the authorities, even if it existed.

In relation to the second charge “Group actions that grossly violate public order” under Article 342.2 of the Criminal Code, the Belarus authorities have been using a restrictive national legal framework to label legitimate peaceful exercise of the freedom of assembly as “group actions grossly violating public order”. Belarus legislation regulating the right to freedom of assembly does not meet international norms and standards, according to United Nations human rights mechanisms.<sup>48,49</sup> In 2021, the legislation was further tightened, as the amendments to the Belarus law on mass gatherings banned all protests without official permission and introduced criminal liability for joining at least two unauthorised protests over a year.<sup>50</sup>

In connection with the 2020 post-electoral protests, a 2021 report by the UN High Commissioner for Human Rights stated that many accounts, reports and footage of the marches consistently show that, although participants were overwhelmingly peaceful, the protests were systematically and in many cases violently dispersed by security forces.<sup>51</sup> “The authorities discredited the protests and minimised the public support for them, persistently claiming that protesters were violent”.<sup>52</sup>

The Belarus authorities attempted to discredit Viasna’s assistance to protesters by labelling it as “financing and organising group actions grossly violating public order” even though Viasna’s actions constituted support to thousands of victims of police violence who engaged in the legitimate exercise of their right to freedom of assembly. Specifically, Viasna provided legal assistance to victims of arbitrary arrests, inhuman treatment and torture, police violence during and after demonstrations, including at notorious Okrestina and other pre-trial detention facilities, including by documenting violations, representing victims in courts and providing referrals to rehabilitation and medical services.<sup>53</sup>

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<sup>48</sup> Annual report of the United Nations High Commissioner for Human Rights and reports of the Office of the High Commissioner and the Secretary-General, *Situation of human rights in Belarus in the run-up to the 2020 presidential election and in its aftermath, Situation of human rights in Belarus in the context of the 2020 presidential election*, A/HRC/46/4, February 15, 2021, para 31.

<sup>49</sup> Annual report of the United Nations High Commissioner for Human Rights and reports of the Office of the High Commissioner and the Secretary-General, *Situation of human rights in Belarus in the run-up to the 2020 presidential election and in its aftermath*, A/HRC/52/68, February 3, 2023.

<sup>50</sup> Situation of human rights in Belarus, Report of the Special Rapporteur on the situation of human rights in Belarus, Anaïs Marin, A/HRC/50/58, May 4, 2022, para 87-90.

<sup>51</sup> *Situation of human rights in Belarus in the context of the 2020 presidential election*, A/HRC/46/4, para 22.

<sup>52</sup> *Situation of human rights in Belarus in the context of the 2020 presidential election*, A/HRC/46/4, para 30.

<sup>53</sup> Viasna, *Human Rights Situation in Belarus in 2022, annual analytical report*, January 21, 2023, available at: <https://spring96.org/en/news/110509>

### (3.2) The right to liberty

In 2003, Viasna was dissolved, resulting in the loss of its ability to open bank accounts, collect funds, and pay taxes. The Belarusian government also prohibits the receipt of foreign donations for human rights activities, categorising them as gratis foreign aid for a limited set of purposes. This left association members with no choice but to use foreign accounts to receive funding for their work. However, this activity led to the sentencing and imprisonment of Ales Bialiatski, Valiantsin Stefanovic, and Uladzimir Labkovich. Their peaceful exercise of international human rights, specifically those outlined in Articles 19 and 22 of the ICCPR, led to their unjust detention.

Article 9 of the ICCPR guarantees the right to liberty and security of a person and provides specifically that “[n]o one shall be subjected to arbitrary arrest or detention”. The prosecution of Viasna leaders for exercising their basic right of freedom of association and for helping victims of repression is a clear attempt to punish and deter their work as human rights defenders, and their detention is therefore arbitrary.

Additionally, numerous procedural violations accompanied the detentions of Bialiatski, Stefanovic, and Labkovich, making their detention unlawful. During the investigation, their pre-trial detention terms were extended at least eight times by the prosecution, while Article 9 of ICCPR specifies that only a judge can have such authority. Lawyers of the accused appealed the decisions on the extension of the detention term, however, the appeal courts confirmed the prosecution’s decision by invoking the gravity of the charges without providing any valid justification for the restriction of liberty. The courts’ decisions with regard to the three accused were identical and disregarded the individual circumstances of each accused.

The general context of repressions against human rights NGOs, which were accompanied by numerous procedural irregularities in the cases and investigations opened against them, also reveal that the detentions of Bialiatski, Stefanovic, and Labkovich were intended to punish human rights defenders and deter them from carrying out their legitimate human rights work. According to the UN Office of the High Commissioner for Human Rights (OHCHR), the mass arrests and detentions that took place following the August 2020 protests against the rigged elections were carried out by the authorities in order to intimidate, punish, and deter the population from exercising their rights, resulting in fear and self-censorship. Arbitrary arrests and detentions continued even after the immediate aftermath of the elections, with several additional waves of arrests targeting journalists, human rights defenders, and trade union activists in December 2020, January and February, July 2021, and April 2022.<sup>54</sup> As of May 17, 2023, there were 1,501 political prisoners in Belarus.

The context surrounding these arrests also reveals numerous procedural violations. The OHCHR has highlighted that the officers carrying out the arrests did not identify themselves properly, and even when arrest and search warrants were presented, those being arrested were not given the opportunity to read them. Officers often used coercion to enter homes, conducted searches, and demanded that mobile phones be unlocked. Computers and other items were seized without explanation.<sup>55</sup> These irregularities tend to show that the authorities did not have any basis for searches and arrests in fact or law, and that they merely engaged in unlawful “fishing expeditions” for anything that might substantiate any plausible claim. These violations were also evident in the case of the Viasna human rights defenders, underscoring their arbitrary nature.

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<sup>54</sup> *Situation of human rights in Belarus in the run-up to the 2020 presidential election and in its aftermath*, A/HRC/52/68, February 3, 2023, para 22, 23.

<sup>55</sup> *Situation of human rights in Belarus in the run-up to the 2020 presidential election and in its aftermath*, A/HRC/52/68, February 3, 2023, para 22, 23

### (3.3) Fair trial standards

#### **The right to a fair and public hearing by a competent, independent and impartial tribunal**

Article 14, paragraph 1 of the ICCPR guarantees a fair and public hearing by a competent, independent, and impartial tribunal. The UN Human Rights Committee's General Comment 32 emphasises the absolute nature of this right, particularly the requirement of an independent court. However, international institutions have repeatedly highlighted the lack of independence of Belarusian courts.<sup>56</sup> Additionally, Judge Maryna Zapasnik had previously imposed heavy judgements in administrative cases against protesters in 2020.<sup>57</sup> Notwithstanding the aforementioned contextual elements, the procedural developments in the case suggest the alleged breach of Article 14 of the ICCPR.

Firstly, the prosecution's change of the criminal charges against Ales Bialiatski, Valiantsin Stefanovic, and Uladzimir Labkovich shortly before the start of the proceedings deprived them of adequate time to prepare their defence, which is a violation of the right to a fair trial as provided by Article 14(3)(b) of the ICCPR.

Secondly, not giving the defendants enough time to study the case materials may also be considered a violation of Article 14(3)(a) and (e) of the ICCPR, which guarantees the right to be informed promptly and in detail of the charges against them as well as 14(3)(b) providing for the adequate time and facilities to prepare a defence.

Thirdly, the court's denial of most defence petitions suggests partiality and a deliberate attempt to create disadvantageous conditions for the defence party, which is also a violation of Article 14(1) of the ICCPR.

Most of the over a hundred witnesses interrogated by the prosecution did not attend the trial, citing reasons such as lack of funds for travel, childcare, and poor health. The defence objected, arguing that these reasons were not sufficient to preclude their presence and that the statements seemed like carbon copies. Despite the defence's objections, the court deemed the reasons for non-appearance valid and read their testimony given during the investigation. It later emerged that the witnesses had received a template of non-appearance request from the court, which contained a pre-filled statement that the person "fully supports the testimony given earlier." This additionally suggests that the court was not initially interested in questioning witnesses in the Viasna case and highlights the court's partiality. The inability of the defence to interrogate the witnesses who testified against them is a violation of Article 14(3)(e), which guarantees the right to examine, or have examined, the witnesses against them.

Finally, the imprisonment and disbarment of the defence lawyers could also be seen as an attempt to hinder the ability of the defendants to mount an effective defence, which is a violation of Article 14(3)(d) of the ICCPR. Out of the four lawyers who provided legal representation to Ales Bialiatski at various stages, one was incarcerated and subsequently sentenced to eight years of imprisonment, two others were disbarred in recent months, and only one had the opportunity to continue defending Ales throughout the trial. One of Valiantsin Stefanovic's lawyers was also disbarred after the trial had ended.

Overall, these elements suggest that there may have been a violation of several provisions of Article 14 of the ICCPR in the trial against Ales Bialiatski, Valiantsin Stefanovic, and Uladzimir Labkovich.

#### **The right to a public and transparent hearing**

The right to a public and transparent hearing is a fundamental human right enshrined in international human rights law, including Article 14 of the ICCPR.

During the pretrial stage, all the hearings on the prolongation of the pretrial detention terms of the defendants were closed to the public and therefore the right to public hearing was violated as the proceedings were not subject to public scrutiny.

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<sup>56</sup> Human Rights Committee, *General Comment No. 32, Article 14: Right to equality before courts and tribunals and to a fair trial*, CCPR/C/GC/32, August 23, 2007.

<sup>57</sup> Viasna, *Both persecuted artist Ales Pushkin: what is known about prosecutor and judge in Viasna case*, January 13, 2023, available at: <https://spring96.org/en/news/110411>

Although the trial on the criminal case was technically open to the public, access was restricted for many, including activists and independent journalists. Foreign diplomats were also prevented from attending as accreditation is required under Belarusian legislation, which shows a lack of transparency of the Belarus courts. Nevertheless, observers representing the Observatory and Viasna were present on different days to monitor the trial. On January 5, 2023, the first day of the proceedings, the Observatory representative Aida Bayzhumanova, Executive Director of Bir Duino Kyrgyzstan, FIDH member organisation, was admitted to the court but was later expelled for violating court rules for taking photos in the courtroom. On March 3, 2023, another FIDH representative, Artak Kirakosyan, Director of the Civil Society Institute, FIDH member organisation in Armenia, was denied access without explanation.

Restriction of public access to the trial and preventing independent observers from monitoring the proceedings undermine the integrity of the trial and the right to a public and transparent hearing, which are essential components of a fair trial.

Additionally, on January 6, 2023, Yekaterina Yanshina, a Russian human rights defender and journalist, who attended the hearing in Minsk to support the Belarusian human rights defenders on trial, was detained in court, sentenced on petty hooliganism charges and released after 15 days of administrative arrest. Ten organisations have since condemned her detention and called for her immediate release as well as the cessation of judicial harassment against her and other human rights defenders in the country. The arbitrary detention of Yekaterina Yanshina, a human rights defender and journalist who attended the trial to support her fellow human rights defenders, further underscores the Belarusian authorities' disregard for this fundamental right.<sup>58</sup>

### **Presumption of innocence**

Prior to the Court's verdict on March 3, 2023, the Belarusian investigation and prosecution authorities made several public statements that accused the Viasna leaders of involvement "in the illegal transfer of significant financial resources, primarily coming from abroad, tax evasion and the financing of various kinds of protest activity in Belarus".<sup>59</sup> By making public statements before the trial, the prosecution authorities in Belarus prejudged the guilt of the accused and thus shaped the public opinion. This undermined the fairness of the trial and violated the fundamental principle of the presumption of innocence in this case.

## **(3.4) Freedom from torture or cruel, inhuman, or degrading treatment**

Throughout the 17-month duration of the investigation, Ales Bialiatski, Valiantsin Stefanovic, and Uladzimir Labkovich were subject to pretrial detention, even though Belarusian law offers alternatives to pretrial detention such as house arrest. The three human rights defenders were frequently denied medical assistance and visitation rights to their families, they have been kept in poor detention conditions that amount to inhumane. Additionally, their communication with legal counsel and acquaintances was significantly restricted. During the trial, the three defendants were compelled to appear in a metal cage and were handcuffed in the courtroom during hearings, which violated their human dignity and amounted to inhuman or degrading treatment. Furthermore, this latter breached their right to the presumption of innocence.

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<sup>58</sup> Viasna, *Human rights defender and journalist Yekaterina Yanshina jailed for 15 days for covering the Viasna trial*, January 9, 2023, available at: <https://spring96.org/en/news/110376>

<sup>59</sup> BelTA, *Investigative Committee: information was received on the involvement of few NGOs and the media in the shadow movement of funds*, July 16, 2021, available at: <https://www.belta.by/society/view/sk-poluchena-informatsija-o-prichastnosti-rjada-ngo-i-smi-k-tenevomudvizheniju-finansovyh-sredstv-450835-2021/>

# Concluding remarks

The trial and conviction of leaders of the Belarus Human Rights Center Viasna amounted to violations of freedom of association, the right to be free from arbitrary detention, and the right to a fair trial and freedom from inhuman or degrading treatment. The prison sentences against Ales Bialiatski, Valiantsin Stefanovic, Uladzimir Labkovich, and Zmitser Salauyou represent a grave injustice for legitimate human rights activities, however, it is one of many examples of unjust persecution of human rights defenders in Belarus.

Among other Viasna activists who were unjustly prosecuted is Marfa Rabkova, the coordinator of Viasna's volunteer service. She was sentenced in appeal to 14 years and nine months of imprisonment in February 2023. She was the first Viasna member to be targeted, and since her arbitrary arrest in September 2020, her health has deteriorated considerably due to the lack of adequate medical care while in detention. She is now serving her prison sentence in a general-security penal colony. Andrey Chapiuk, a Viasna volunteer who was arbitrarily arrested in October 2020, was sentenced in appeal in February 2023 to five years and nine months of imprisonment. Shortly after, he was transferred to a penal colony, where he is currently serving his unjust prison sentence.<sup>60</sup> Among other human rights defenders who were unjustly imprisoned, arbitrarily detained, or otherwise harassed by the Belarus authorities for their human rights activities are Leanid Sudalenka, Tatsiana Lasitsa, and Nasta Loika.

It is disconcerting that in addition to flouting human rights norms, Belarus refuses to comply with its international obligations and is unmoved by the international attention to the plight of human rights defenders as well as by the international recognition of the peaceful and legitimate human rights work carried out by Viasna and its members.

Since gaining its independence from the Soviet Union in 1991, Belarus has experienced different periods of reactionism, but the current repressive wave seems to be the harshest. The recent sentencing of human rights defenders to harsh prison terms took place against the backdrop of systematic repression, mass arbitrary detentions, or banishment into exile of civil society, including human rights groups, journalists, and political opposition. The recent report of the United Nations High Commissioner for Human Rights indicates that "some of the violations [committed in Belarus between 1 May 2020 and 31 December 2022] may also amount to crimes against humanity."<sup>61</sup> It is imperative that the international community stands in solidarity with the people of Belarus, and demands justice for the imprisoned activists.

The Observatory calls upon the international community to utilise all available diplomatic, economic, and political means to pressure the Belarusian government to respect the rule of law, release all political prisoners, and allow for free and fair elections. This includes targeted sanctions against those responsible for human rights violations, providing assistance to civil society organisations, and encouraging European business actors to conduct due diligence to ensure that they are not supporting human rights violations in the country. European private companies must also leverage their economic power to advocate for change and demand accountability from the Belarusian government. Failure to act now would not only embolden the Belarus regime to continue its crackdown on civil society but would also send a chilling message to other authoritarian regimes around the world that they can act with impunity.

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<sup>60</sup> Viasna, *Viasna leader's appeal denied, harsh prison sentences upheld*, April 21, 2023, available at: <https://spring96.org/en/news/111496>

<sup>61</sup> Situation of human rights in Belarus in the run-up to the 2020 presidential election and in its aftermath, A/HRC/52/68, para 54.



### **Establishing the facts**

**Investigative and trial observation missions** – Through activities ranging from sending trial observers to organising international investigative missions, FIDH has developed rigorous and impartial procedures to establish facts and responsibility.

Experts sent to the field give their time to FIDH on a voluntary basis.

FIDH has conducted more than 1,500 missions in over 100 countries in the past 25 years. These activities reinforce FIDH's alert and advocacy campaigns.

### **Supporting civil society**

Training and exchanges – FIDH organises numerous activities in partnership with its member organisations, in the countries in which they are based. The core aim is to strengthen the influence and capacity of human rights activists to boost changes at the local level.

### **Mobilising the international community**

Permanent lobbying before intergovernmental bodies – FIDH supports its member organisations and local partners in their efforts before intergovernmental organisations. FIDH alerts international bodies to violations of human rights and refers individual cases to them.

FIDH also takes part in the development of international legal instruments.

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Created in 1985, the World Organisation Against Torture (OMCT) works for, with and through an international coalition of over 200 non-governmental organisations - the SOS -Torture Network - fighting torture, summary executions, enforced disappearances, arbitrary detentions, and all other cruel, inhuman and degrading treatment or punishment in the world and fighting for the protection of human rights defenders.

### **Assisting and supporting victims**

OMCT supports victims of torture to obtain justice and reparation, including rehabilitation. This support takes the form of legal, medical and social emergency assistance, submitting complaints to regional and international human rights mechanisms and urgent interventions. OMCT pays particular attention to certain categories of victims, such as women and children.

### **Preventing torture and fighting against impunity**

Together with its local partners, OMCT advocates for the effective implementation, on the ground, of international standards against torture. OMCT is also working for the optimal use of international human rights mechanisms, in particular the United Nations Committee Against Torture, so that it can become more effective.

### **Protecting human rights defenders**

Often those who defend human rights and fight against torture are threatened. That is why OMCT places their protection at the heart of its mission, through alerts, activities of prevention, advocacy and awareness-raising as well as direct support.

### **Accompanying and strengthening organisations in the field**

OMCT provides its members with the tools and services that enable them to carry out their work and strengthen their capacity and effectiveness in the fight against torture. OMCT presence in Tunisia is part of its commitment to supporting civil society in the process of transition to the rule of law and respect for the absolute prohibition of torture.

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**THE OBSERVATORY**

# Activities of the Observatory

The Observatory is an action programme based on the belief that strengthened cooperation and solidarity among human rights defenders and their organisations will contribute to break the isolation they are faced with. It is also based on the absolute necessity to establish a systematic response from NGOs and the international community to the repression of which defenders are victims.

**With this aim, the Observatory seeks to establish:**

- > A mechanism of systematic alert of the international community on cases of harassment and repression of defenders of human rights and fundamental freedoms, particularly when they require urgent intervention;
- > The observation of judicial proceedings, and whenever necessary, direct legal assistance;
- > International missions of investigation and solidarity;
- > A personalised assistance as concrete as possible, including material support, with the aim of ensuring the security of the defenders victims of serious violations;
- > The preparation, publication and world-wide dissemination of reports on violations of the rights and freedoms of individuals or organisations working for human rights around the world;
- > Sustained action with the United Nations and more particularly the Special Rapporteur on Human Rights Defenders, and when necessary with geographic and thematic Special Rapporteurs and Working Groups;
- > Sustained lobbying with various regional and international intergovernmental institutions, especially the Organisation of American States (OAS), the African Union (AU), the European Union (EU), the Organisation for Security and Co-operation in Europe (OSCE), the Council of Europe, the International Organisation of the Francophonie (OIF), the Commonwealth, the League of Arab States, the Association of Southeast Asian Nations (ASEAN) and the International Labour Organisation (ILO).

The Observatory's activities are based on consultation and co-operation with national, regional, and international non-governmental organisations.

With efficiency as its primary objective, the Observatory has adopted flexible criteria to examine the admissibility of cases that are communicated to it, based on the "operational definition" of human rights defenders adopted by FIDH and OMCT: "Each person victim or at risk of being the victim of reprisals, harassment or violations, due to his or her commitment, exercised individually or in association with others, in conformity with international instruments of protection of human rights, to the promotion and realisation of the rights recognised by the Universal Declaration of Human Rights and guaranteed by the different international instruments".

To ensure its activities of alert and mobilisation, the Observatory has established a system of communication devoted to defenders in danger.

**This system, called Emergency Line, can be reached through:**

E-MAIL: [alert@observatoryfordefenders.org](mailto:alert@observatoryfordefenders.org)

FIDH TEL: + 33 1 43 55 25 18

OMCT TEL: + 41 22 809 49 39







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