

Belarus: Judicial harassment of environmental rights defender Alena Masliukova

Tuesday 12 May 2020

New information

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Search / Illegal seizure /

Judicial harassment

Belarus

May 12, 2020

The Observatory for the Protection of Human Rights Defenders, a partnership of FIDH and the World Organisation Against Torture (OMCT), has received new information and requests your urgent intervention in the following situation in Belarus.

New information:

The Observatory has been informed by reliable sources about the judicial harassment of Ms. **Alena Masliukova**, an environmental rights defender and member of Human Rights Centre “Viasna” (HRC Viasna) in Svetlogorsk, as well as the search of her apartment and the illegal seizure of her equipment, in the context of the repression of an environmental protest movement against the construction of a bleached-pulp factory in Svetlogorsk.

According to the information received, on April 23, 2020, Captain Dovletyarov and Lieutenant Levenkov, two police officers from the Svetlogorsk District Department of Internal Affairs in civilian clothes searched the apartment of Ms. Alena Masliukova, in relation to a publication Ms. Masliukova made on social media, where she criticized the authorities’ environmental policy. Upon Ms. Masliukova’s request, the officers showed her a warrant for a search and arrest of equipment used to make the publication. According to the warrant, on February 24, 2020, the police received a statement from a citizen, Ms. Zobova, accusing Ms. Masliukova of insulting her in a social media post (under Article 189 of the Criminal Code).

Ms. Masliukova published the post [1] on February 16, 2020, following a visit of the Belarus President Lukashenko to the Svetlogorsk bleached-pulp factory two days earlier. She made a repost of the broadcast of his visit and shared her considerations regarding the unreliable and inaccurate information featured in the video. Ms. Zobova, who works on the factory, appeared on the 10th minute of the video² to ask the President a supposedly staged question, which is a widespread practice during high-level official visits. In her question Ms. Zobova referred to environmental activists that oppose the construction of the factory as the “yellers”. At the very end of the post, Ms. Masliukova wrote in defence of eco-activists, that “if it were not for the yellers, it’s hard to imagine what such kiss-asses as Galina Zobova would do to Belarus.”

As a result of the search, the police confiscated Ms. Alena Masliukova’s laptop and smartphone. The Observatory fears that the search may be linked to Ms. Masliukova’s role in opposing the construction of a bleached-pulp factory in Svetlogorsk, which she and local environment rights defenders say presents a great danger to the environment.

After the search Ms. Masliukova was asked to come to the police Svetlogorsk District Department for an

interrogation on April 24, 2020. After she did so, Captain Davletyarov informed her that the interrogation is a part of a preliminary inspection carried out under Article 189 of the Criminal Code of the Republic of Belarus and the case has not been opened and will be suspended until the results of the technical examination are received. The results were not available at the time of publication of this Urgent Appeal.

Ms. Masliukova noted that the police officers who inspected her apartment, did not examine the information published on her social media accounts, which allegedly was the reason of the complaint against her. The Observatory further notes that the seizure of an equipment prior to the opening of a criminal case is contrary to the provisions of Article 23 of the Constitution and part 2 of Article 173 of the Procedure Criminal Code. The following day, on April 24, Ms. Masliukova lodged a complaint on the unlawful seizure of her phone and laptop before the Svetlogorsk District Prosecutor's Office.

The Observatory recalls that Article 189 of the Criminal Code ("insult") was amended in 2019. Prior to that, an insult could only be considered a criminal offense if the offense was committed again by a person already convicted of the same offense within a one year spectrum. The Observatory considers that this legislation does not comply with international standards as the insult should be considered under civil and not criminal responsibility.

The Observatory strongly condemns the judicial harassment of Ms. Alena Masliukova as well as the search of her apartment and illegal seizure of her equipment, which seem to be only aimed at sanctioning her peaceful human rights activities and calls on the authorities to put an end to any act of harassment, including at the judicial level, against Ms. Alena Masliukova and all human rights defenders in Belarus.

Background information:

On September 24, 2018, Ms. Alena Masliukova and Mr. **Anatoly Zmitrovich**, an environment rights defender, appeared before the Svetlogorsk District Court on charges of "taking part in an unauthorised mass event" (Part 1 of Article 23.34 of the Code of Administrative Offences). They faced up to 15 days of administrative detention.

The charges related to a flash-mob which took place on September 15, 2018 on a public square in Svetlogorsk to protest against the environmental damage caused by a bleached-pulp factory. The flash-mob gathered at least 150 people, many of them held green balloons and wore medical masks as symbols of clean air. During the event, police officials warned the protesters that the event was unauthorized and subject to sanctions under Article 23.34 of the Code of Administrative Offences.

On September 14, 2018, Ms. Alena Masliukova was summoned by the District Prosecutor A. Evseenko who threatened her of prosecution in case of violation of the legislation on mass events, alleging that she was involved in the organization of a mass protest of the following day. Ms. Alena Masliukova denied every involvement in the organisation of the event.

On September 15, 2018, Mr. Anatoly Zmitrovich filed a request before the District Executive Committee of Svetlogorsk in order to organise a protest against the factory. The request was denied, arguing that another event had already been planned for that same day. Therefore, a group of activists decided to hold a flash-mob instead.

Five days after the flash-mob, on September 20, 2018, Ms. Alena Masliukova and Mr. Anatoly Zmitrovich were summoned to the Svetlogorsk District Police Department, where police officer Dmitri Shpak charged them under Part 1 of Article 23.34. The two claimed that they had not participated in any unauthorised mass event. None of the other flash-mob participants are known to have been summoned. Ms. Alena Masliukova claims she observed the event in her capacity as human rights defender while Mr. Anatoly Zmitrovich links his prosecution with the fact that it was him who submitted the application for authorisation to organise the protest that was subsequently denied.

On October 8 and 9, 2018, Mr. Anatoly Zmitrovich and Ms. Alena Masliukova were respectively convicted by the Svetlogorsk District Court for the organisation of the "Svetlogorsk - For Clean Air" flash-mob that

took place on September 15, 2018, to protest against the damages caused by a bleached-pulp factory. Both of them were sentenced to a fine of 612,5 BYR (around 250 Euros), equivalent to two-thirds of the average monthly salary in Belarus. They appealed the decision. Consecutively, Mr. Anatoly Zmitrovich and Ms. Alena Masliukova appealed the decision of the Svetlogorsk District Court in courts of all levels of the Belarusian judicial system, including the Supreme Court of Belarus. All courts denied them fair consideration. As of now, the lawyers of the HRC "Viasna" are preparing materials for a submission to the United Nations Human Rights Committee.

Actions requested:

Please write to the authorities of Belarus, urging them to:

- i. Guarantee in all circumstances the physical and psychological integrity of Ms. Alena Masliukova, as well as of all human rights defenders in Belarus;
- ii. Put an end to any form of harassment, including at the judicial level, against Ms. Alena Masliukova and all human rights defenders in Belarus;
- iii. Comply with the provisions of the United Nations Declaration on Human Rights Defenders adopted by the UN General Assembly on December 9, 1998, in particular with its Articles 1, 2, 5 and 12.2;
- iv. Ensure in all circumstances respect for human rights and fundamental freedoms in accordance with international human rights standards and international instruments ratified by Belarus.

Addresses:

- President Aliaksandr Lukashenko, Belarus, fax: + 375 172 26 06 10 or + 375 172 22 38 72, email: contact@president.gov.by ;
- General Prosecutor, Alexandr Konyuk, Belarus, fax: + 375 17 226 42 52, email: info@prokuratura.gov.by ;
- Minister of Justice of Belarus, Mr. Oleg Slizhevsky, Belarus, fax: + 375 17 200 86 87, email: kanc@minjust.by ;
- Chairman of the State Control Committee of Belarus, Mr. Leonid Anfimov, Belarus, fax: +375 17 289 14 84, email: kgk@mail.belpak.by ;
- Permanent Mission of Belarus to the United Nations in Geneva, Mr. Yury Ambrazevich, Switzerland, Fax: +41 22 748 24 51, email: mission.belarus@ties.itu.int ;
- H.E. Mr. Aleksandr Mikhnevich, Embassy of Belarus in Brussels, Fax: + 32 2.340.02.87, Email: belgium@mfa.gov.by ;
- Svetlogorsk district court, Belarus, fax: +375 (2342) 7-02-47, 4-02-39; e-mail: svetlgorsk@court.by .

Please also write to the diplomatic representations of Belarus in your respective countries.

Paris-Geneva, May 12, 2020

Kindly inform us of any action undertaken quoting the code of this appeal in your reply.

The Observatory for the Protection of Human Rights Defenders (the Observatory) was created in 1997 by FIDH and the World Organisation Against Torture (OMCT). The objective of this programme is to intervene to prevent or remedy situations of repression against human rights defenders. FIDH and OMCT are both members of ProtectDefenders.eu, the European Union Human Rights Defenders Mechanism implemented by international civil society.

To contact the Observatory, call the emergency line:

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[1] See: <https://ok.ru/profile/485373944717/statuses/151149056266381>.

[2] See: https://youtu.be/0IYW_Hi6ivQ?t=595