



To:
Supreme Administrative Court of Lithuania
Žygimantų g. 2, 01143 Vilnius, Lithuania

30th December 2023

Case No : eA-2701-575/2023

The undersigned representatives of Non-Governmental Organizations respectfully request to join to the case eA-2701-575/2023 their intervention regarding freedom of association of non-governmental organizations operating in the field of human rights.

In accordance with Article 5(1) of the Law on Administrative Proceedings No VIII1029 (Official Gazette, 1999, No 13-308; 2000, No 85-2566) every interested party shall have the right to apply to a court in accordance with the procedure established by law in order to defend a violation or contestation of his or contested right or interest protected by law. In accordance with Article 5(2) public interest is also subject to judicial protection and a non-governmental organization may request leave to intervene in judicial proceedings as a third party in a case concerning the legal interest of another person, if the case falls within the scope of its statutory activity. In accordance with Article 55 organizations or natural persons might join the case defending the public interest or the rights of the state, municipality, and individuals. If the right to intervene is rejected, the undersigned organizations further request to join their intervention as a conclusion in support of the applicant.

The undersigned representatives of international and national Non-Governmental Organizations wish to assist the Court by putting before it the following argumentation:

- (a) arguments relating to the working methods of Non-Governmental Organizations engaged in promotion and protection of human rights;
- (b) arguments related to the right to assembly and freedom of human rights organizations;
- (c) information regarding the work of Olga Karach in defense of human rights.

Regarding the working methods of Non-Governmental Organizations engaged in promotion and protection of human rights

The undersigned representatives of international and national Non-Governmental Organizations operating in the field of protection of human rights wish to underline that the work of human rights defenders and human rights organizations include inter alia the following:

- correspondence and appeals to bodies and officials regarding infringement of human rights, meetings and contacts with officials responsible for human rights violations in order to convey to them the position of human rights defenders and disagreement with their actions corresponding on human rights violations, both at the national and international levels;
- providing truthful and objective information about human rights violations in their country of operation to officials inside and outside the country of operation, including international organizations and mechanisms, thematic special rapporteurs, national institutions in charge of human rights, such as human rights ombudsmen, diplomats, and other public authorities, etc.

- participation in conferences and events with objective to share and disseminate information about the human rights situation on topics prioritized by the organization, engaging with officials and authorities, delivering reports on assigned topics, as well as organization of briefings, meetings, trainings, workshops on human rights violations;
- assisting victims whose rights have been violated, assisting their families, facilitating legal and psychological advice, defending the interests of the victim in administrative procedures and before international human rights institutions and internationally;
- drafting monitoring and thematic reports on the human rights situation, submitting, presenting monitoring data to various international bodies.

The undersigned representatives of international and national Non-Governmental Organizations operating in the field of protection of human rights wish to reiterate that as a human rights defender, Olga Karach has attended conferences and workshops, both within Belarus and in different countries, in order to present information about human rights violations, including to national and foreign officials and authorities. This is part of her human rights work.

On the right to assembly and freedom of human rights organizations

The undersigned representatives of international and national non-governmental organizations operating in the field of protection of human rights underline that human rights defenders take personal risks to make a safer, more equal, more inclusive and more just world for everyone. Yet, in many parts of the world they are harassed, jailed, prosecuted, attacked, and even killed, often with complete impunity.

EU Agency for Fundamental Rights suggests how EU institutions and Member States could use the flexibility in existing legal provisions and provide shelter for defenders who seek protection.¹ There are circumstances in which moving to another country in the region, or to the EU, may be the only way of protecting defenders and enabling them to continue their work concerning their countries of origin in the long term. This has been underlined by the EU-funded ProtectDefenders.eu mechanism (a consortium of 12 NGOs) and the European Parliament, among others, and is reflected in the EU guidelines on human rights defenders and the respective guidance notes.² There are also situations in which human rights defenders need to travel for respite, or to participate in events by international organizations, the EU or other Member States.

A number of human rights defenders, and in many cases also their family members, are facing risks for their life, physical integrity and liberty. In some situations, risks are immediate and pressing. Human rights defenders and/or their family members may receive death threats, suffer a life attack, face a high risk of arbitrary arrest or detention, or be subject to other similar risks of mistreatment. Providing support to human rights defenders is one of the EU's priorities in its external human rights policy.

The rights to freedom of expression, to peaceful assembly and to association are fundamental human rights, enshrined in Articles 19 and 20 of the Universal Declaration of Human Rights and guaranteed under Articles 19, 21 and 22 of the International Covenant on Civil and Political Rights (ICCPR). These rights can be subjected only to restrictions which are prescribed by law and necessary in a democratic society in the interests of national security or public safety, public order (*ordre public*), the protection of public health or morals or the protection of the rights and freedoms of others.

Resolution 24/5 of the Human Rights Council stresses that: "(...) respect for the rights to freedom of peaceful assembly and of association, in relation to civil society, contributes to addressing and resolving challenges and issues that are important to society, such as the environment, sustainable development, crime prevention, human trafficking, empowering women, social justice, consumer protection and the realization of all human rights"³. It

¹ Protecting human rights defenders at risk: EU entry, stay and support <https://fra.europa.eu/en/publication/2023/human-rights-defenders>

² <https://protectdefenders.eu/wp-content/uploads/2022/06/Visa4HRD-ProtectDefenders.eu-Joint-Statement.pdf>

³ [Human Rights Council, Resolution 24/5](#). The rights to freedom of peaceful assembly and of association, UN Doc. A/HRC/RES/24/5, 8 October 2013, para. 2.

also reminds States of “their obligation to respect and fully protect the rights of all individuals to assemble peacefully and associate freely [...], and to take all necessary measures to ensure that any restrictions on the free exercise of the rights to freedom of peaceful assembly and of association are in accordance with their obligations under international human rights law”.

States’ positive obligation to facilitate the exercise of the rights of freedom of expression, peaceful assembly and association includes, among others, the duty to establish and maintain an enabling environment for civil society to operate freely.⁴ Regarding the right to freedom of association in particular, it is crucial that individuals exercising this right are able to operate freely, without fear that they may be subjected to any threats, acts of intimidation or violence⁵.

Thematic reports of special procedures mandate holders have further specified elements of States obligations concerning the rights to freedom of expression, peaceful assembly and association. In a 2013 report, the Special Rapporteur on the situation of human rights defenders notes: “the consolidation of more sophisticated forms of silencing their voices and impeding their work, including the application of legal and administrative provisions or the misuse of the judicial system to criminalize and stigmatize their activities. These patterns not only endanger the physical integrity and undermine the work of human rights defenders, but also impose a climate of fear and send an intimidating message to society at large”⁶.

Describing a day-to-day work of a human rights defender as a threat to national security without providing any factual information or charges threatens and undermines the work of every human rights defender, who found a refuge in Lithuania.

Regarding the work of Olga (Volha) Karach

The undersigned representatives of international and national Non-Governmental Organizations underline that Olga Karach is a well-known human rights defender and peacemaker from Belarus, currently living in exile in Lithuania. Olga Karach is the director of the Belarusian human rights organization in exile "Nash Dom", registered in January 2014, declared extremist organization for criticizing the regime of A. Lukashenko.

Her human rights awards include: 2023/2024 - Nomination to the Nobel Peace Prize; 2024 Alexander Langer Award; 2023 Sean MacBride Award; 2022 the Human Rights Award of the City of Weimar (Germany); 2019 International Bremen Peace Award; 2010 Radebeul Courage Prize in Germany. In 2007 the Belarusian group of Amnesty International declared Olga Karach the Human Rights Defender of the Year.

Since 1 March 2022, “Nash Dom” has been running the "No Means No" campaign as part of the global #ObjectWarCampaign to help Belarusian conscientious objectors to exercise their human right to conscientious objection. The campaign to help Belarusian conscientious objectors and deserters also has the strategic goal of preventing the Belarusian army from participating in the war in Ukraine. The campaign "No means No" is informational in nature, it also provides legal support to Belarusian conscientious objectors and deserters; together with partners in the coalition, it advocates for Belarusian conscientious objectors and deserters to be granted legal protection in the EU countries so that they can be protected from the Belarusian army.

Also "Nash Dom" is known for campaigns in defense of women and children. The campaign "Children-328" (running since 2017) is an advocacy campaign for children of prisoners sentenced to long terms in Belarusian prisons (8-10 years) for minor non-violent drug-related offences. "Nash Dom" systematically seeks legislative changes, amnesty, and the release of children-328 (328 is the number of the drugs related articles in the Belarusian criminal code under which these children are convicted).

⁴ Report of the Special Rapporteur on the rights to freedom of peaceful assembly and of association, UN Doc. A/HRC/20/27, 21 May 2012.

⁵ Ibid, para. 63.

⁶ Report of the Special Rapporteur on the situation of human rights defenders, UN Doc. A/HRC/25/55, 23 December 2013, para 59.

"Defense and Solidarity" (running since 2010) - campaign to help victims of repression of the Belarusian regime, mainly women during the 2020 protests. It consists in organizing parcels, providing legal advice, information and other assistance to victims of repression of the Belarusian regime. A freeline of women human rights defenders was organized, to which about 2000 victims addressed.

The campaign "252+1" (running since 2013) is an advocacy campaign against the list of prohibited professions for women in Belarus, which initially included 252 professions. Thanks to the campaign, the number of prohibited professions has been reduced to 186, the campaign is open-ended.

Olga Karach and her organization produced or contributed to many human rights monitoring activities, the results of which are publicly available.

The undersigned representatives of international and national Non-Governmental Organizations hope these arguments will be conducive to ensuring stable and safe environment for human rights defenders, including those in exile, in Lithuania and thus for Olga Karach and her family as well.

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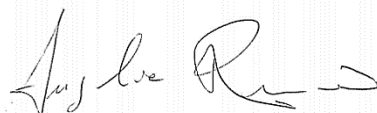


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