

November 17, 2022

Ms Emily O'Reilly
European Ombudsman

Věra Jourová
Vice-President and Commissioner for Values and Transparency

Didier Reynders
Commissioner for Justice

Dear Ms. O'Reilly,
Dear Commissioners,

Belarus civil society actively discusses the situation in Belarus Democratic movement related to the unusual for Belarus legal practice conducted on the territory of the European Union. According to the contract shared by some representatives of Belarus civil society and confirmed by the so-called "Tikhanovskaya Office" (later called as "the Office") several hundred politicians, social activists, bloggers, and journalists were forced to sign an agreement, that prohibits the criticism of Tikhanovskaya and her new associates for the period of 10 years. The violators have to pay a 30 thousand euros fine. Similar agreement was also signed with the company "Infopoint" that belongs to the advisor of S.Tikhanovskaya F.Vyachorko and registered under the same address as "the Office". According to the established business practice all bloggers and journalists have to follow instructions received from "the Office" about what events to cover, whom to venerate and who should be the next target for verbal attacks. This network "Infopoint" includes at least 36 (!) mass media, the information agenda of which is set by Franak Viachorka, and unwanted posts and information are deleted.

We are familiar with same vicious practice of the Lukashenko regime. Under such practice the independent media is subordinated to a will of one person and has to follow the orders from one center. However, in Belarus we were unaware of the practice that can penalise those, who disagree to follow the instructions from "the Office" or "Infopoint". Besides losing access to international funds, politicians, civil activists and journalists are threatened with significant penalties for people that appeared abroad in a desperate situation when even their physical survival depends on a will of "the Office". Such information, after it became public, seriously discredits the Belarus democratic movement, the desire of people for change. The credibility of European institutions can also be undermined.

It is worth recalling that Svetlana Tihanovskaya during the 2020 campaign collected 104 thousand signatures for her endorsement, though signatures were given to her on behalf of Segei Tikhanovsky, her husband, who was excluded from the race. Other two candidates - Viktor Babariko and Valery Tsepkalo together collected 630 thousand signatures for their nomination as candidates - the record number in Belarus history. After they were denied registration they called their supporters "to vote for Tikhanovskaya" and put all their human and financial resources to support the only person whom Lukashenko allowed to be on a ballot list and who had only 3 people in her team and did not have even a car to move all over the country.

On top of that, Veronica Tsepkalo, the wife of Valery Tsepkalo and Maria Kolesnikova, a core member of the team of Viktor Babariko, also became the faces of Belarus protests. They risked their life and freedom even more than Tikhanovskaya, because unlike her, they did not have permission from the dictator to participate in the political campaign. They could be physically eliminated or

imprisoned because they were the only two that criticised Lukashenko personally. This female trio represented different segments of Belarus society - Veronica Tsepka as an IT manager, representing the working people, Maria Kolesnikova - a representative of creative intelligentsia, and Svetlana Tikhonovskaya, who never worked and never participated in any public or social activity - the unemployed people. They did not have any positive program except the release of political prisoners and new elections.

Unfortunately, Tikhonovskaya as soon as she arrived to Vilnius in August 2020 cut off all contacts with the members of the coalition that supported her during the political campaign in Belarus, fired even her small personal team right after she moved from Belarus. Instead of keeping a broad political movement "the Office of Tikhonovskaya" was created - a direct indication that the people that risked their life and freedoms were in no need for her anymore. Moreover, the new members of her new team, that did not participate in any political campaign on the territory of Belarus started to discredit those, whom Tikhonovskaya owed her appearance from nowhere. Accidentally or not, one of the non-state media ("Euroradio") regularly invites a psychiatrist, who makes diagnoses of people who were together with Tikhonovskaya, about their mental disorders, psychological problems and phobias. This causes frustration to ordinary people and undermines the credibility of the media. None of the people that became the part of "the Office of Tikhonovskaya" and the so-called "Cabinet of Tikhonovskaya" participated in any political campaigns in 2020 on the territory of Belarus, did not risk their lives, freedom or property. These people had to sign agreements that banned criticism of Tikhonovskaya and obliged only to venerate her.

In light of the above, we would like to have your legal assessments about the following:

1. Does such practice exist in the countries of the European Union? Can the leader of a political party or social movement demand from other party members or activists to sign an agreement that prohibits criticizing his/her activity for a certain period of time and bears serious financial responsibility in case of criticism? Do the people that receive the financial support are obliged to follow the instructions of a "leader" to compromise and discredit those politicians and social activists that disagreed with his/her decisions?
2. In our opinion such a situation has become possible partly because of the current system of financial aid provided by European institutions, when the allocation of financial resources is carried out through "the Office" directly or by its recommendation. We would like to know your opinion whether the signing of the agreement that forces people, who appeared in a financially desperate situation, to subordinate their political will and consciousness to a certain individual is ethically acceptable in the countries of the European Union?
3. More than 60 million euros allocated annually by the European Union to support NGOs and media raised a lot of discussions and speculations in Belarus civil society both inside the country and among Belarusians living abroad. Why is it impossible to spend this money to promote a broad democratic movement in Belarus, and not only serve the interest of a small group of people that did not even participate in any political and social activity on the territory of Belarus neither in 2020 nor before?
4. Is it acceptable that the European money is used to disrespect, harass and discredit democratic leaders of Belarus who disagreed to sign such an agreement?

In 2.5 years, the situation in Belarus has aggravated greatly. Lukashenka's regime has jailed thousands of citizens for their political views. These facts, after becoming public, seriously demotivate Belarus people to continue their fight for democracy. Belarusians are shocked to find out that at the time, when several people were killed, thousand tortured and dosens of thousands imprisoned somebody is just making money for their own benefits. People in Belarus are losing their hope for a better future since they start to believe they are simply used for someone's political or financial interests.

We kindly ask you to make a deep investigation and provide your legal feedback and ethical assessment in order to restore the faith of Belarus people into justice and the rule of law. We would also like to ask you to allocate certain amount of resources in order to bail out from social slavery those journalists and civil activists, who appeared in desperate live situation and had to sign such an agreement.

Attachments

Appendix - A text of the NDA.

*Best regards,
Team of the Belarus Democratic Forum*

P.S. According to "the Office" and "Infopoint", they sign NDA to protect against data leakage to the Belarusian KGB. However, as it turned out the other day, their employees allowed a large-scale leak of personal data of citizens. Users since the summer of 2020 had been sending information about personal data of citizens involved in repressions in Belarus, which was subsequently published in the "Black Book of Belarus" channel. A year ago, the channel's owners became aware that there was an agent of the Belarusian secret services among the administrators, who had gained access to all the message senders. However, "Infopoint" reported this only now and recommended everyone who sent information to leave Belarus to avoid arrest. From the actions of "the Office" and "Infopoint", dozens of people have been jailed for 5 to 11 years. Several thousand people who believed them may be at risk of arrest. No one was punished for this crime against the people.

Cc: Josep Borrell Fontelles, EU High Representative for Foreign Affairs and Security Policy / Vice-President European External Action Service
Ministers of Foreign Affairs of EU Member States
Members of the European Parliament