

Situation in the Field of Human Rights in Belarus in 2008

Analytical Review

Minsk 2009

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The Review provides a profound analysis of the situation in the sphere of Human Rights in Belarus in 2008. The edition features the most typical and apparent facts of Human Rights violations within the period under analysis.

The Review was compiled on the basis of personal claims by victims of Human Rights violations and facts registered by Human Rights activists, as well as information from open sources (www.spring96.org, www.baj.org, www.nn.by etc.)

The book is accompanied with photographs by www.spring96.org, www.photo.bymedia.net, www.nn.by, www.svaboda.org, www.charter97.org.

ISBN 983-5-002088-22-8

Introduction

2008 demonstrated the development of different processes in the sphere of Human Rights in Belarus. On one hand, Belarusian authorities continued their traditional practice of strong restriction of civic and political freedoms in the country, on the other hand, we observed significant changes that have practically created a new situation and laid the foundation for cautious optimism. The actions of authorities were based on two basic assumptions: keeping control over the Belarusian society (using a whole range of various repressive methods), and improvement of relations with the European Union through certain concessions in the sphere of Human Rights.

Alexander Lukashenka has traditionally served as the mouthpiece of the official state policy in the civic and political development of the country. In February 2008 he characterized the external political trends in the actions of the Belarusian government, stressing the desire to preserve an independent policy in relations with Russia: "For instance, the form of incorporation of Belarus into Russia is unacceptable for us. This will be like Chechnya, but in the West." A. Lukashenka explained why the government had to find ways to normalize relations with the countries of the European Union: "Recent developments and the superpragmatic stance that the leadership of the Russian Federation has taken show that we cannot rely on just one market, even if we have close and brotherly ties with this state." That is why diversification of the economic relations was chosen: "We have very good relations with Russia; we have brilliant relations with Ukraine. So we should have good relations with the European Union as well. It is our neighbor", the president noted.

In February Belarusian Minister of Foreign Affairs, Sergey Martynau, visited Berlin. In the opinion of Uta Zapf, member of the Bundestag and head of the OSCE Parliamentary Assembly's Subcommittee for Belarus, "Minister Martynau's participation in the conference for security and his further talks in Berlin gave a signal that the country was ready for the dialogue with Europe..." Martynau said: "It takes two to tango".

Political prisoners in the country were one of the main obstacles on the path to normalizing relations between the Belarusian government,

the European Union and the United States. In the beginning of 2008 youth leaders Zmitser Dashkevich and Artur Finkevich, politicians Alexander Kazulin and Andrei Klimau, entrepreneurs Mikalai Autukhovich and Yury Liavonau were in prison. On January 18th, after three months in pre-trial detention center, journalist Alexander Zdzvishkou was sentenced to three years of imprisonment. Civic activist Valery Misnikau was kept in a psychiatric hospital, Alexander Kruty was retained in custody waiting for trial.

Although the Belarusian government denied the existence of political prisoners in the country, high-ranking representatives of the European community insisted that improvement of EU-Belarus relations was possible only with their release. This demand was also among the twelve conditions of the European Union for Belarus, formulated in 2006. In this situation the government could do nothing but release the political prisoners ahead of time. In the beginning of the year four prisoners were released: Mikalai Autukhovich got liberty on January 18th, Yury Liavonau – on January 21st, Zmitser Dashkevich – on January 23rd, and Artur Finkevich – on February 5th. Already on February 12th A. Lukashenka reported about the absence of political prisoners in the country: “We have turned over this painful page in our relations with the West, and we are the first to offer a breakthrough. Now it is European Union’s turn to demonstrate its good will towards the Belarusian people”.

However, European structures and the United States continued to insist upon the release of the rest of political prisoners. PACE President Louis Maria de Puig stated “the release of all political prisoners is a firm demand of PACE”. The same was said by the United States Embassy: “The United States of America continuously insists on the release of all political prisoners in Belarus”. Under the international pressure the authorities released Andrei Klimau on February 16th, and Alexander Zdzvishkou – on February 22nd. Alexander Kruty was let out of Zhodzina detention centre on February 19th. A. Lukashenka again claimed that “the Opposition is set free”, and “we can make this step in order to normalize the relations with Europe”.

Greeting the early release of the activists of the pro-democratic opposition, the European parliament passed a resolution on February 22nd, urging the Belarusian government “to immediately and unconditionally release the last political prisoner” – the former presidential candidate in the election-2006 Alexander Kazulin. However, his release was delayed, and only on February 15th, answering journalists’ questions in Vitebsk, Alexander Lukashenka revealed the reasons for that: “I have

decided to free the people whose release the West and the USA had been standing up for. As far as I have been informed, Kazulin was the only one who was not satisfied with the situation. The question was that his wife was ill... Today there is a question about her treatment in Germany, and that she needs her husband to accompany her.” This way, the authorities wanted to release Kazulin as if because of the illness of his wife. Volha, the daughter of the political prisoner, said they were ready to release Kazulin under the condition that “he would have no right to enter in Belarus for a certain period of time.” However, Kazulin and his family refused such a trade-off. Kazulin’s wife Iryna claimed in the open letter, “The things that his [*Lukashenka’s — Author*] messenger told us were unacceptable. That would be a disgraceful flight from the country.” Alexander Kazulin remained behind bars.

The situation became really dramatic with Iryna Kazulina’s death on February 23rd. In conjunction with her death the European Union expressed the hope for “immediate and unconditional release of Alexander Kazulin, which could become a human step and would allow him to attend his wife’s funeral”. Commissioner for External Relations and European Neighbourhood Policy Benita Ferrero-Waldner stated: “I am calling on Belarusian authorities one more time to release A. Kazulin.” The European Parliament’s delegation for Belarus also called on the Belarusian government to allow Kazulin to attend his wife’s funeral, and stood up with the appeal to set him free. The PACE Rapporteur on Belarus Andrea Rigoni addressed appeal to the Belarusian authority “to immediately release Alexander Kazulin, in time for him to attend his wife’s funeral... The authorities cannot bring Mrs. Kazulina back to life but they can and must give Alexander Kazulin his unconditional freedom.” The same appeal was made by Hans-Jochen Schmidt, head of the OSCE Office in Minsk. But Belarusian authorities were not eager to make such a decision.

25 February A. Kazulin’s daughters Yulia and Volha went on a hunger strike. They demanded for the release of their father for him to attend the funeral and warned the funeral would not take place without his presence. The prisoner himself declared his intention to start a dry hunger strike as a protest as well. Public activists and Human Rights advocates announced holding daily actions demanding to free Mr. Kazulin at least for the funeral. The authorities could not face such pressure and on 26 February Alexander Kazulin received a three-day leave to attend his wife’s funeral.

During the next months there were continual demands from the international community to release Alexander Kazulin. The head of the European Parliament Hans-Gert Poettering said that negotiations with Minsk are impossible without A. Kazulin's release. The demand to "immediately free Alexander Kazulin" was pronounced by the EU Supreme Representative on foreign and security policy Xavier Solana. March, 7th in regard to signing the agreement on opening the European Commission representative office in Minsk, the EU Commissioner Benita Ferrero-Waldner expressed hope that "The opening of the EC delegation and the release of several political prisoners over the past days can help us build positive momentum. I look forward to Belarus confirming these signals with the release of Mr. Kazulin."

Certain steps to free A. Kazulin were made by the U.S. administration. The U.S. Assistant Secretary of State for Democracy, Human Rights, and Labor, David Kramer, said that "expectations that Kazulin would be released in February, as had been promised, or after the funeral of his wife, as it seemed later, were not realized." Meanwhile the Deputy Assistant Secretary of State, David Merkel, informed that an agreement was signed with Belarusian authorities according to which "all six political prisoners are to be released simultaneously. The Belarusian regime was either unable or did not want – I think it's clear it did not want – to release Alexander Kazulin". After the return of A. Kazulin to prison the U.S. administration "continued to exert pressure on Belarusian authorities to assure his final release".

It should be mentioned that active work among Belarusian citizens on dispersing information about the political prisoners, pickets, solidarity actions was carried out by youth, Human Rights organizations and independent mass media. Mass actions in support of political prisoners in Belarus were held outside the country by international Human Rights organizations.

Despite A. Kazulin remained imprisoned one can say that in Belarus the year 2008 opened with the process of comparative "warming" towards political prisoners.

The beginning of the year can be characterized by the aggravation of social contradictions in society. Several thousand small undertakers dissatisfied with the limitation of their economic rights took part January, 10th in a mass protest action in the centre of the capital; some youth and political activists joined them. The large-scale participation and activity of the demonstrators (the entrepreneurs practically blocked the city centre

for several hours) were completely unexpected by Belarusian authorities. In order to suppress the mounting social protests, authorities started brutal mass reprisals against the action participants. Over forty people (chiefly youth activists, political leaders, and leaders of the entrepreneurial movement) were detained and penalized under the administrative law, some of them were beaten severely. The Minister of the Interior, Uladzimer Navumau, said that he “would not consider this as a rally, but as an act of hooliganism”. A criminal case was immediately brought with regard to “organization of mass actions that blatantly violate public order”. January, 21st despite the repressions and preventive measures to debar a second protest action, entrepreneurs went protesting again; as a result of new detentions 21 more people were convicted.

Commenting upon the protest of entrepreneurs A. Lukashenka said, “They (*the demonstrators – author*) perhaps need this destabilization. We will not allow quiet and calm Minsk to be turned turbulent”. These unequivocal directions resulted in the charge of 14 participants of the action who had been penalized under the administrative law, of “organization and preparation for the actions that blatantly violate public order”. One of them, the youth activist Andrei Kim, was additionally convicted of inflicting injury to a policeman on 21 January and then imprisoned. A criminal case was also brought against one of the leaders of the entrepreneurial movement Siarhei Parsiukevich who was charged of a fight with a policeman-guard while serving an administrative sentence.

The inconsistency of Belarusian authorities with regard to the question of respect for Human Rights in the country, namely the custody of A. Kazulin and an inexorable pressure on the participants of peaceful acts of protest, resulted in the extension of economic sanctions by the USA against several Belarusian petrochemical enterprisers. The sanctions were imposed on 6 March. At the same time, as David Kramer said, as early as 5 March consultations with representatives of the Belarusian government were held concerning release of the political prisoners. The Belarusian party was informed that in case political imprisonment exists in Belarus, “the question of extending sanctions” would be considered. Despite warnings, Belarusian authorities did not expect such developments. A. Lukashenka attacked the U.S. position and said that “this way the USA showed yet again its cynical attitude toward international law”. He refused to admit direct connection between the situation with Human Rights in the country and imposition of the economic sanctions; “What has “Belnaftakhim”, what has democratization to do with

it?” said A. Lukashenka. Consequently, the Belarusian ambassador Mikalai Khvastou was recalled from Washington and Belarusian authorities forced the U.S. ambassador Karen Stewart leave Minsk; thus A. Lukashenka's threatening was fulfilled that in case of sanctions “she will be the first to be chucked out”. During the spring 27 more U.S. diplomats had to leave Minsk.

Meanwhile a campaign to compromise the work of the U.S. embassy began and all cultural and educational programs belonging to the USA were closed.

At the same time Belarusian authorities tried to separate the coordinated policy of the European Union and the USA regarding Belarus. As A. Lukashenka said, “it is absolutely unacceptable that the European Union today begins to dance to U.S. tunes... We do not like that they position themselves as independent politicians but when it comes to serious matters they immediately get settled in the wake of the U.S. policy”.

Belarusian authorities answered to additional economic sanctions with aggravation of pressure on the civil society in the country. The criminal cases brought against the participants of the entrepreneurs' protest action – the so called ‘trial of 14’ (according the number of the accused) became particularly urgent. Investigative actions were intensified, and the accused appeared to be hostages of the Belarusian government in the foreign-policy negotiations with the European Union and the USA, the object of political trade for the Belarusian officials.

In April a criminal procedure against ten of the accused began. Andrei Kim was sentenced to 1,5 year of imprisonment, seven persons – to 2 years of “personal restraint without referral to special facilities”, and two persons were fined. 27 May three more accused persons were sentenced to “personal restraint”. 23 April Siarhei Parsiukevich was sentenced to 2, 5 years of custodial coercion.

Thus, in Spring the number of political prisoners in Belarus increased. On this occasion the calls of the international community about the necessity to free the political prisoners recommenced. “We call upon for immediate and unconditional release of Andrei Kim and all other political prisoners in Belarus”, said the official representative of the U.S. Department of State Tom Casey. The PACE Rapporteur on Belarus Andrea Rigoni called the sentences unjustifiably severe and highlighted that an abuse of law for political purposes took place. The EU Commissioner Benita Ferrero-Waldner stated that these sentences of “the participants of a peaceful rally violate fundamental rights and freedoms”.

One of the prominent events of Spring 2008 was the crackdown on the rally dedicated to the 90th anniversary of the Belarusian People's Republic. 25 March over a hundred participants of the act were detained in Minsk, many of them were beaten severely, some were taken to the hospital. 76 detained were accused, independent journalists among them. That day detentions and arrests took place in Homel, Baranavichy, and Vitebsk.

The cruelties of Belarusian authorities toward political opponents did not pass unnoticed by the international community. The EU Commissioner Benita Ferrero-Waldner and the head of the European Parliament Hans-Gert Poettering called for the release of the detained. Mr. Poettering was particularly anxious about the arrest of the famous Belarusian artist and public figure Ales Marachkin on the eve of the action in his studio; the painter's art exhibition had shortly before that taken place in the building of the European Parliament. 28 March the European Union called upon Belarus to immediately free all political prisoners and to desist from any further prosecution of them". A specific statement of the OSCE Permanent Council issued in Vienna, called upon Belarusian authorities "to fulfil their obligations to the OSCE that concern Human Rights and basic freedoms, and to urgently release Alexander Kazulin, as well as the peaceful protesters and journalists that have been detained and arrested".

It should be mentioned that the social and political situation in Belarus in 2008 was thoroughly monitored by the European Union and the USA more than ever. Cases of most blatant violation of Human Rights in the country were followed by immediate international reaction, but this, unfortunately, did not restrain Belarusian authorities from further repressive acts.

27 March searches were executed in the apartments of up to 30 journalists, some of them detained and questioned in KGB. The searches were held by KGB agents by the order of Minsk public prosecutor A. Stuk in the rented and private apartments of journalists who had some relation to the independent television channel "Belsat", "Radio Racyja", and "European Radio for Belarus", as well as in the offices of several public organizations and parties. Officially the journalists were interrogated as witnesses in the criminal case brought in 2005 against the authors of satirical animated cartoons A. Abozau, P. Marozau, and A. Minich for "slander against the President of the Republic of Belarus". But the actual causes for that mass attack on the journalists were voiced by the head of the press service department of the Belarusian Ministry of Foreign Affairs

M. Vanshyna. She explained that “some private persons who had been long illegally practicing journalism on foreign money on the territory of the Republic of Belarus” been under pressure of the authorities. “The illegal nature of their work in Belarus has never been concealed by their foreign bosses who frequently and openly stated that in the press”, she said.

So the primary aim of the intimidation and neutralization of the independent journalists was to show the international community, as well as the Belarusian society, that the limits of repressions in Belarus had not reached their highest point, and the situation with Human Rights in the country could be considerably worsened. The OSCE Representative on Freedom of the Media Miklos Haraszti severely criticised the actions of Belarusian authorities directed against independent journalists: “I condemn these targeted attacks on independent media as an unconcealed violation of OSCE commitments signed by the government of Belarus to protect freedom of the press”.

The high activity of public activists aimed at the work among Belarusian citizens aroused an equally high level of repressions: numerous detentions, convictions, and administrative arrests of public and political activists for their attempts to hold pickets or spread information were recorded.

Authorities continued to refuse registration to non-governmental organizations that seemed disloyal to them; political parties were in every possible way limited in their work. In Spring the United Civil Party could not find accommodation to hold its regular convention over a month – refusals were received from more than 20 different institutions in Minsk.

But the situation in the international arena assumed a menacing character for the Belarusian government. 7 April the EU Council of Ministers prolonged the sanctions against a number of high-ranking Belarusian officials for one year. 16 April the Parliamentary Assembly of the Council of Europe approved these steps of the European Union and the USA and called to impose new sanctions on the Belarusian officials guilty of serious abuse of Human Rights. The EU Commissioner B. Ferrero-Waldner expressed concern over continuing politically reasoned arrests and prosecution of representatives of civil society in Belarus.

The U.S. Charge D’Affaires in Belarus, Jonathan Moore, informed that in case political prisoners are not freed, the USA will impose new sanctions in the near future: “I don’t know when and I don’t know to what enterprises they will apply... but I think it will happen soon.” The Deputy

Assistant Secretary for European and Eurasian Affairs at the U.S. Department of State David Merkel highlighted that “the violent dispersal of the crowd in March, threatening, and staff reduction of our embassy are additional actions of the government that might require to be given account of”. There was almost a severance of diplomatic relations: early May the U.S. Department of State discussed the suspension of the work of the Belarusian embassy and consulate to the USA and the work of the U.S. embassy to Belarus. Eventually 15 May an additional adjustment of economic sanctions of the USA against Belarus was carried out, and three more enterprises of the concern “Belnaftakhim” were black-listed. However, the contacts between the U.S. diplomats and Lukashenka’s administration had been maintained for several months.

Certain steps of the U.S. administration caused a nervous reaction of high-ranking Belarusian officials. In April the head of the National Bank of Belarus Piotar Prakapovich expressed his concern: “it’s important that the European Union not join in the U.S. sanctions”. In May A. Lukashenka stated that “the USA is trying to make the EU impose sanctions on Belarus. This will damage the interests of Europe. Fortunately for all, the EU has not adopted the American attitude”.

At the same time A. Lukashenka had to justify himself. At the turn of April while speaking to the National Assembly he said “We made a decision to dismiss the subject (*of political prisoners – author*). Five are at large, the sixth refused. There can be no complaints to us.” Regarding possible actions by Belarusian authorities in answer to the requirements of the European Union A. Lukashenka said “We are ready to make concessions and compromises, but not in the fundamental issues”.

In A. Lukashenka’s interview to mass media in April conciliatory notes could be heard: “We do not want to quarrel with anybody – neither with the East or the West. I think the relations with the USA will come to normal, and there are chances for normalizing relations with the European Union”. A. Lukashenka expressed hope that “in the near future we will establish normal relations with everybody, despite certain rough edges”. In the middle of May in an interview to the agency “Reuters” A. Lukashenka said “Let’s establish normal relations. If you are ready, let’s start tomorrow”, but at the same time he repeated his interpretation of the situation concerning political prisoners: “Firstly, I think it’s not their business (*of the EU and the USA – author*)... On the other hand, we would not like that because of six persons the whole country should suffer. I have personally made a decision to free them. Five agreed, and the

sixth refused... I will not drag him by the ears. To date we don't have political prisoners".

At the end of June elections to the House of Representatives of the National Assembly of Belarus were announced. Belarusian authorities assured that they would not impose handicaps on international observers. The EU Commissioner B. Ferrero-Waldner stated in turn that the European Union will "closely watch the course of events during the elections" exactly from the perspective of the respect for Human Rights and the rule of law. The U.S. Charge D'Affaires in Belarus Jonathan Moore also mentioned that "the positions of the USA and the European Union on the question of elections in Belarus coincide". The European Union and the USA realleged that they were not going to cooperate with Belarusian authorities without the release of political prisoners. A special statement issued by the European Parliament stressed that the accession of Belarus to the EU co-operation programme was possible provided that democratic standards are observed, including release of all political prisoners, unimpeded work of independent mass media, and equal terms for all parliamentary candidates. Then in June at a bilateral summit of the European Union and the USA in Slovenia a joint statement was issued demanding once again "to unconditionally and immediately free all the political prisoners". The USA stated that it was not going to lift the economic sanctions imposed on Belarusian enterprises if the political prisoners are not released.

Concerning the demands of the European Union and the USA of democratization and Human Rights in the country, A. Lukashenka obstinately held to the same position. Early July he continued to state that Belarus "is a stronghold of stability and goodwill", a barrier for the western world against undocumented immigration, human trafficking, drug, weapon and radioactive material trafficking, and highlighted that for this Belarus receives "unconcealed economic and political pressure". In the middle of July A. Lukashenka expressed his cautions: "Some western politicians are constantly calling for an unconstitutional change of government, for implanting of the western model of the so called democracy", and they do so, according to his belief, for the "destabilization of the situation, extermination of the political system, submission of the sovereign state to the forces that strive to establish a unipolar world".

Meanwhile, strained economic relations with Russia (with which the Belarusian government was in difficult negotiations regarding gas prizes),

pessimistic assessment of the future cooperation with Russia within the framework of “the union state” (in July A. Lukashenka mentioned that “Sooner or later inequality will cause its breakdown (*of the union state – Author*). We realize it and they in Russia realize it as well”), economic problems in the country forced the authorities to seek ways of improving the relations with the European Union and the USA.

In this situation in an attempt to change the crucially negative image of Belarus in the EU countries Belarusian authorities asked the famous British imagemaker, former PR adviser of the British prime-minister Margaret Thatcher, Timothy Bell, to work out a plan of action for improving the image of the Belarusian regime in the eyes of the European community. At the first meeting in March, according to Timothy Bell, A. Lukashenka “said that for many years he disregarded foreign relations, and now it was time to mend matters. He needs to attract foreign investments, and he should normalize relations with the West”.

Concerning steps to improve the image of Belarus the goal was set “to bring a more precise idea about Belarus in contrast to the image created in the mass media”, to raise the investment attractiveness of the country, and to win lifting of sanctions imposed by the European Union and the USA. Mr. Bell described his another task the following way: “The European Union is concerned about the course of the parliamentary elections in Belarus. And this is our main aim – to explain to your government what the European Union expects from it”.

A great concern was excited by the adoption of the new law “On mass media”.¹⁷ 17 and 24 June the law was adopted at two readings by the House of Representatives. 28 June it was approved by the Council of the Republic and 17 July it was signed by A. Lukashenka. The new law on mass media was published on 7 August and is to come to power six months from that date. Under the law, the requirements for re-registration of mass media, the terms for distribution, accreditation of journalists become tougher. A notice to mass media can be issued by the Ministry of Information or a prosecutor of any level, including for “spreading inadequate information that can cause harm to state or public interests”. If two or more notices are given the decision about the termination of the issue is made by the court at the suit of either the Ministry of Information or a prosecutor of any level. But the most repressive and restricting provision of the law is registration of internet media and control over the internet by the Ministry of Information and the public prosecutor’s office. The purpose for adopting the new law was voiced by the Deputy Minister of Information, L. Ananich, who stated that in Belarus a problem of

“misinformation spread by foreign web-sites” existed, “but there is China’s experience of blocking access to the sites of that kind on its territory”.

Representatives of the international community called upon the Belarusian government not to adopt the law “On mass media” in that variant. The OSCE Representative on Freedom of the Media, Miklos Haraszti, expressed regret that none of the recommendations of the OSCE had been included into the draft bill. EU Commissioner B. Ferrero-Waldner mentioned that “the new law will further restraint on the freedom of the press in Belarus”. The PACE Rapporteur on Belarus Andrea Rigoni suggested that “upon coming to power the law on mass media will restrain the freedom of information in Belarus even more, particularly in regard to electronic media, and will extend the power of government bodies to interfere in the work of mass media, which is a disregard of the European standards”.

The control over home computer networks initiated by Minsk authorities can be considered within the limitation of access to independent information in the internet. By July 2008 it was planned to dismantle all home computer networks on the ground that they had been set illegally. But actually their dismantling would deprive Minsk dwellers of cheap Internet connection and the possibility to actively exchange information without control of the authorities. The same reason underlies the struggle of local authorities in big cities with satellite dishes.

The persecution of independent print media went on. A revealing case of it is the pressure on the “Hazeta Slonimskaya” which is the last private newspaper in Hrodna region. For two years the newspaper had been excepted from the subscription catalogue and had not been sold in state newsstands “Belsayuzdruk”. In April the local authorities issued a notice to the newspaper that the license to sell it by retail can be revoked, and since June the lease of the office was not extended. The 50-year old newspaper editor Viktor Valadashchuk was called up for a military training in May; the head of local KGB office sent a letter to the psychoneurological department of Slonim district hospital with directions to check whether the journalist or any of his relatives was registered there.

During the elections most of repressions were directed against representatives of those associations that had announced boycott of the parliamentary elections. Dozens of youth activists, mainly representatives of the youth organizations “European Belarus” and “Young Front”, were arrested for far-fetched reasons. Thus, 28 June the activist of “European Belarus” Yauhen Afnahel was sentenced to 17 days in prison for “use of

foul language in a public place” and for the participation in an unauthorized mass action. On 7 August the leaders of “Young Front” Zmitser Dashkevich and Artur Finkevich were arrested for 7 days for the participation in an unauthorized mass action, and the activist of “European Belarus” Paval Kuryanovich was imprisoned for 15 days for “a disorderly conduct”.

On the night of 3 July at a concert in Minsk celebrating the Day of the Republic attended by hundreds of thousands people an explosion took place; 46 people were injured. A second explosive device was found by passers-by. Representatives of the democratic community called upon Belarusian authorities not to exploit the blast for “further restraint of freedom” and “persecution of political opponents”, and “to resist the temptation to use the accident for holding the parliamentary elections in emergencies”. And although Lukashenka soon gave his assurances that the case would be investigated “according to law, no matter who they (*the organizers of the blast – Author*) are”, the investigative action affected representatives of Belarusian democratic organizations. Almost immediately interrogations of opposition politicians, youth activists, trade union leaders, and journalists were conducted in every region of Belarus. The actions of the authorities sometimes went to the point of absurdity: in Mazyr a saliva test was made and statements were taken from the 71-year-old member of the Belarusian Party of Communists and prisoner of a Fascist concentration camp, Uladzimir Zhohla, in Rechyca – from the 85-year-old war veteran Barys Salanets.

7 July arrests began, and members of active youth organizations were taken to custody, among them are the vice chairman of the “BPF Youth” Ilya Bohdan, activist of the BPF Party Anton Koipish, activists of the civil campaign “European Belarus” Paval Kuryanovich, the member of the Council of the United Civil Party Alexander Serhiyenka, as well as former activists of not more existing organizations – the members of “Bely Lehiyon” Siarhei Chyslau, Miraslau Lazouski, Ihar Korsak, Viktor Liashchynski, the head of the Party of Liberty Siarhei Vysotski. Their apartments were searched; computers and printed materials were seized. The situation acquired the nature of a consistent persecution by the authorities of their political opponents, and only vigorous protests of Human Rights activists and democratic politicians brought further arrests to a stop, and all the detained were freed.

The Secretary of State of the Security Council, Viktor Sheiman, and the head of the president’s administration, Henadz Niavyhlas, were soon dismissed on the ground of the improper security level during the

festivities. The disappearance of such an odious figure as V. Sheiman from the political arena (suspected by the international community of the connection to kidnapping known Belarusian politicians, a businessman, and a journalist in 1999 and 2000), as well as the appointment of a new person to the post of the head of the president's administration, established more favourable conditions for activation of Belarus' relations with the European Parliament and the USA.

At the same time the relations with Russia exacerbated. The suggestions of the Belarusian government to revise a contract for delivery of Russian gas for cutting the price were discarded by the Russian party. Belarusian authorities in turn responded with long silence to the Russian-Georgian war. 12 August the Russian ambassador to Minsk, Alexander Surikov, said with a grudge, "We, Russia, always shared in your sorrow in international organizations; when the economic sanctions were imposed, when they started to discuss the absence of (*human* – *Author*) Rights, we supported Belarus and protected it. And we don't understand why state authorities of Belarus now keep silent". Therewith, the Russian-Georgian war, despite late but formally positive for Russia reaction from the Belarusian officials, alerted Belarusian authorities: they saw the measures for which Russian politicians were ready for reaching their geopolitical goals. The war urged the Belarusian government to seek for support for their policy in the European Union.

First of all the contacts with officials of the neighbour states were activated. In June the Polish Deputy Interior Minister Piotr Stachanczyk said in Brest, "Imposition of sanctions has taken us nowhere, but only consolidated the positions of Moscow in Belarus. We believe it's necessary to develop relations between people and business of this country, to speak with Belarusians". In July and September meetings of the Prime-Minister of Belarus S. Sidorski with the premiers of Lithuania and Latvia were held. 12 September in Bielaviezhskaja Pushcha in Viskuli a meeting of the Foreign Minister S. Martynau and his Polish counterpart Radosław Sikorski took place.

The turning point in the EU – Belarus relations was reached 16 August when the ex-presidential candidate and political prisoner was released from prison under a special decree of A. Lukashenka; 20 August Andrei Kim and Siarhei Parsiukevich were freed as well. For the first time in years there were no political prisoners in Belarus.

The international community immediately responded to the new state of affairs. Both individual states – France, Germany, the USA – and the EU and CE officials spoke about it. The EU Council for External Relations

and Security stated that “such developments create a chance for resuming the dialogue with Belarusian authorities and a possibility of revision of the restrictive measures imposed on Belarus”. Soon after that the Deputy Assistant Secretary for European and Eurasian Affairs at the U.S. Department of State, David Merkel, and the Deputy Director General of the Directorate General for External relations of the European Commission, Hughes Mingarelli, arrived in Minsk.

These steps, however, did not trigger immediate change. Belarusian authorities expected not only a quick positive response to the release of political prisoners, but also lifting of the sanctions against Belarusian officials. The press secretary of the Foreign Ministry said that “the Belarusian side has made a step to accommodate the European Union. It is clear. But our European colleagues seem to have problems with an adequate response to that step”. A. Lukashenka expressed the same thought stating that “no steps are made by the USA and the EU towards the wish of Belarus to normalize the relations with the West”.

Meanwhile the European Union unequivocally announced in the statement of the foreign ministers of 15 September that the EU intends to evaluate the situation in the country “in the light of the parliamentary elections and the progress made by Belarus on the way of compliance with democratic values and respect for Human Rights, and is ready to revise the restrictive measures against Belarusian officials”.

The Ambassador of Great Britain to Belarus, Dr. Nigel Gould-Davies, said at the meeting with journalists on 17 September “If the elections are held in an appropriate manner, this will be a possibility of a breakthrough in the relations between Belarus and the European Union”.

23 September a phone talk between A. Lukashenka and the EU Supreme Representative on Foreign and Security Policy, Xavier Solana, took place; the talk chiefly concerned the parliamentary elections. According to the press secretary of X. Solana, the EU Supreme Representative “clearly stated that these elections give Belarus a chance to show its respect for Human Rights”.

Taking into account the heightened attention to the parliamentary elections, the authorities still could not completely give up the traditionally repressive attitude to their opponents, and although in comparison to the previous election campaigns the repressions had smaller scale, the pressure on public activists still occurred. The authorities obviously had two courses. The first was more violent, and its existence was confirmed by the document “The decision for ensuring maintenance of public order and traffic safety during preparation and holding of the parliamentary

elections” (Human Rights advocates got a document pertinent to Brest region that was adopted 7 August by the chief of Brest Department of Internal Affairs and approved by the regional head of KGB and the prosecutor; these ‘decisions’ were probably worked out in every region of the country). The document directed to create a regional situation room, to strengthen the control over public activists with the possibility of their neutralisation during the election campaign. The second course of actions supposed that confrontation of the authorities and their political opponents should not be brought up to a dramatic level; it is this course that was applied.

Despite A. Lukashenka’s claims that “we offend against laws and hold the elections by the rules of the West and the OSCE”, the campaign was conducted according to the beforehand written and time- tested scenario. Relying on the imperfectness of Belarusian legislation the authorities were in virtually full control over the election process and could freely manipulate the results of the voting. Before the beginning of the elections A. Lukashenka conveyed an unambiguous message to organizers of the election process: “I want to emphasise: the bosses in precinct and district electoral commissions, in the central election committee are members of the commissions and chairmen. One should do what they say... None of the observers will be allowed to interfere”.

Yet the intrigue in the elections was that the authorities actually took into account the possibility of artificial inclusion of some opposition representatives into the Parliament, which, in their view, could promote recognition of the election results by the international community. But this scenario was not carried out, and the position of A. Lukashenka, who had stated he would not lead oppositionists to the Parliament by the hand, prevailed. Apparently, he warned of the appearance of a quasi- opposition, even if it would be appointed by the authorities, and none of the democratic opposition candidates got into the Parliament. The not-free and undemocratic nature of the Belarusian elections was confirmed by both Belarusian observers and the international observer mission of the OSCE ODIHR.

In the evening after the elections, 28 September, a not- numerous protest action took place in Minsk. And although the Minister of the Interior Uladzimer Navumau said that the police considers the demonstration as “a fragrant violation of public order”, there were no consequences for the protesters.

Belarusian authorities reacted rather quietly to a rather strict assessment of the election process. And though before the elections A. Luka-

shenka said “If this time the elections are regarded as “undemocratic” we will end up all the talks with them”, a convenient for the authorities interpretation of the election assessment was found, practically taken out of the generally negative conclusion of international observers: the elections were held in accordance to the Belarusian election code.

7 October the head of the OSCE, the Minister for foreign Affairs of Finland Alexander Stub met with A. Lukashenka to report to him the point of view of international observers: there were some improvements, but the elections were imperfect. A. Stub said that “a new chapter should be opened in the relations between the EU and Belarus”. 9 October the European Parliament passed a resolution on the situation in Belarus which recognized the parliamentary elections as undemocratic; still it was decided to suspend Visa sanctions against the majority of Belarusian officials for six months, but to keep restrictions regarding freezing of their financial assets in European banks. The black list now included only those suspected of organisation of political kidnappings and the chairwoman of the central election commission L. Yarmoshyna. 13 October the EU Council partially suspended the sanctions against Belarusian officials. The EU Commissioner B. Ferrero-Waldner reported that Minsk “made an essential step by freeing all the political prisoners and we should not delay our response”. “The Belarusians are faced with a historic choice. Either it takes the necessary steps towards democracy and independence, or it resigns itself to stagnation”, she emphasized. A. Lukashenka commented on these events the following way: “Europe made a small step, half a step, but a significant one”. In response, according to him, Belarus is ready to make “big steps”.

The decision of the European Union evoked varied assessment in Belarusian democratic society. Some politicians and public figures were sceptical about the steps of the European Union believing that the current regime is not capable of considerable political transformations. Others hailed such EU steps and reckoned that they would facilitate democratisation of Belarusian society.

None the less, as the course of events showed, A. Lukashenka considered the negotiations with the European Union as a process of trade but not of conscious burning structural changes. Thus, in the interview of 24 August he said, “If The European Union and the USA want it so much and they are ready to offer something in return... we will take the article about slander away from the electoral code”. In December A. Lukashenka repeated his stance: “If somebody thinks that I have

swallowed a gudgeon and will run as a hare by leaps and bounds they are wrong – we will comport ourselves with dignity”.

Such an approach of Belarusian authorities does not add optimism for the future.

Since Autumn 2008 a change of repressive tactics of Belarusian authorities towards democratic activists, participants of protests and pickets, distributors of printed materials has been observed. Administrative arrests has become not so frequent, the number of those who get fined has decreased.

But mass actions have still been not allowed for forced reasons. Refusals of holding various actions were received by public activists in Homel, Kobryn, Pinsk, Slutsk, Vitebsk, and other towns. If unauthorised actions were nevertheless held their participants were detained, often violently, printed materials and banners were seized, the detained were conveyed to police stations and then freed without drawn-up reports. Thus, 16 September, an act dedicated to the anniversary of V. Hanchar and A. Krasouski's disappearance was broken up. The participants of the action, leaders of democratic political parties among them, were beaten up by the special police officers, but there were no detentions. 2 November in Drahichyn an action of the remembrance of the dead Dziady was forbidden; a search had been carried out in the apartment of the action's organiser Uladzimier Kazeka; other local activists were warned by police of possible detentions. 6 November participants of an act of protest against exit ban were beaten up by the police in Minsk. 17 November in Minsk a youth action dedicated to Students' Day was stopped, five participants were detained and then freed, and Declarations of Rights of Belarusian Students were confiscated. 24 November, the act "MTS in Belarusian" was stopped by police in Minsk, six participants were detained and then released. 16 December an act of solidarity with the families of the kidnapped politicians was stopped by police on Kastychnitskaya Square.

There were hindrances in authorized actions as well. Thus, several times activists who distributed leaflets about the allowed rally of 2 November (the Day of Remembrance Dziady) were detained. The bus of activists from Mahiliou who were going to participate in the action was detained. Two participants of the action in Baranavichy were detained at the station and beaten up by police. 15 December in Minsk a large-scale social protest action of entrepreneurs was held. Although the action was authorised, the participants were warned that they could lose their sales outlets. In regions transport facilities of entrepreneurs that were going to

the rally in Minsk were taken under control, in some towns their departure was forbidden.

Distributors of both registered independent newspapers (“Novy Chas”, “Narodnaya Volia”, “Nasha Niva”, “Nasha Slova”), and unregistered newsletters of limited circulation (“Belarus Partyzanskaya” in Navapolatsk, the newspaper of Brest regional branch of the BPF Party, the local issue of Young Front “Svislitsckaye Rekha”, etc.) were occasionally detained.

The instability of the situation regarding the existence of political prisoners in the country was proved by the arrest of the student of Wroclaw University Alexander Barazenska. Barazenska, charged under the “case of fourteen” was in Poland when on 12 May an authorization was issued to take A. Barazenska into custody for failure to show up for interrogations, and he was announced wanted by police. 27 October A. Barazenska came voluntarily to the investigator, and was detained and sent to confinement cell. Thus, a new political prisoner appeared in Belarus. Taking into consideration the improved relations with the European Union and the USA that was a step backwards which showed inconsistency and unstability of actions of Belarusian authorities. The EU Commissioner B. Ferrero-Waldner called upon Belarusian authorities to release A. Barazenska stating that “it is essential that Belarus should remain a country without political prisoners and should respect freedom of speech, association, and assembly”. Despite international reaction, A. Barazenska spent 1,5 months in prison.

During A. Barazenska’s imprisonment numerous solidarity actions were held in Belarusian cities. In Minsk such actions were held almost every day in the city center and near the building of the pre-trial prison. The actions were broken up by the police; the participants were detained and then freed. On 28 October four people, on 21 November nine people, on 22 November fifteen, on 24 November thirteen were detained, on 16 November around twenty picketers were thrown out of the Kastychnitskaya Square.

The trial against A. Barazenska started 8 December. The youth activist was sentenced to a year of personal restraint without imprisonment.

In 2008 the authorities widely used such a method of struggle with youth activists as conscription. KGB in close co-operation with military enlistment offices worked out a plan of neutralisation, exclusion of members of democratic youth organizations from public life: recently virtually all youth activists subject to conscription have been stripped of deferment and were enlisted.

This problem is not new: criminal proceedings had been instituted against the youth activists Yauhen Suvorau (Mahiliou) and Mikita Sasim (Baranavichy) for 'evading' conscription service. Dozens of students who study under the programme of Kastus Kalinouski in Poland and at the European Humanities University in Vilnius are threatened by the criminal liability for 'evading' conscription – they are practically deprived of the right to return to Belarus, as they will then be prosecuted.

In 2007 the youth activist from Homel, Zmitser Zhalezchnichenka, was expelled from the university with violations of law and at the beginning of 2008 mustered up by force. In protest he refused to take oath.

Enlisted was also the member of the BPF Party, parliamentary candidate Vital Karatysh. 23 July he received certificates for members of his initiative group, and 25 July, after being examined by a medical board, he was enlisted.

In summer the chairman of the "BPF Youth" Ales Kalita was mustered up despite the fact that Mahiliou regional medical board evaluated him as ineligible for military service. Soon after the examination A. Kalita was sent by the enlistment office to Mahiliou regional hospital where doctors refused to make the final medical report, then to the National Military Hospital where he was pronounced fit for military service.

The same scenario was utilized for conscription of the next chairman of the "BPF Youth" Franak Viachorka. 16 January, 2008 he was detained during the trial against the activist of the "Youth of BPF" and sentenced to 15 days of imprisonment for "use of foul language". 18 January Franak Viachorka was expelled from the BSU (journalism department, 3rd year) "for academic failure", although he was one of the prominent students at his department. 23 April, he was detained and brought to a military enlistment office where a military commissar quickly issued a notice for his medical examination. 11 June Franak Viachorka received a conscription deferment because of an operation on his retina; on 10 July, under the decision of a military medical board he was pronounced "unfit for military service" over scoliosis and flat-footedness. At the end of September the regional military medical board reversed the decision of the district board and F. Viachorka was sent for re-examination to the Central Military Medical Centre where he was pronounced fit for flat-footedness, and the enlistment office issued a referral for re-examination for hypertension and other illnesses.

The same way the member of Young Front in Salihorsk, the organizer of several youth campaigns Ivan Shyla was persecuted, his diagnosis re-

written and he evaluated as eligible for military service. Before that I. Shyla was expelled from school before the final examination for his public activities.

The graduating student of the journalism department of BSU, Yury Dziashuk, activist of the “BPF Youth”, was told before the defence of his senior thesis and a completed medical examination in which military unit he would serve. In a military enlistment office in Minsk a KGB agent tried “to have a talk” with the youth activist Artsiom Zabaryn and promised him to help not to get enlisted on certain conditions. In summer attempts were made to muster up one of the participants of “the trial of 14” Uladzimer Siarheyev. An administrative report was drawn up in July on the activist of “The BPF Youth” Ales Krutkin (Navapolatsk) for failure to appear in a military enlistment office.

As in previous years, authorities paid great attention to ideological control over Belarusian society. In April “the chief ideologist” of the country, former KGB officer Aleh Praliaskouski was substituted for Usevalad Yancheuski who had led “Belarusian Patriotic Youth Union” (later reformed into “Belarusian National Youth Union”). On appointing U. Yancheuski A. Lukashenka emphasised “the importance of formation of an integral system of ideological work in Belarus”.

Mahiliou City Executive Committee included level of ideological work into the criteria for evaluating work of work collectives of the city. At the beginning of the year an informational and ideological centre was opened in Mahiliou Public Library with the aim of informing citizens about the work of local authorities and social and economic development of the city and the country.

The document “Information about oppositional organizations in Vitebsk region” was worked out under the direction of the head of the ideology department of Vitebsk Regional Executive Committee; the paper proves that the state shadows everybody who has oppositional views or can appear dissenting with the current policy of the authorities.

Reinforcement of the pro-presidential public association “Belaya Rus” has been going on; it is most probably considered to be a seed of a future pro-presidential party which will be created when necessary for the authorities.

The state actively supported the pro-governmental “Belarusian National Youth Union” (BRSM). The authorities openly lobbied for the interests of the BRSM at universities. The document signed by the senior deputy chairman of the president’s administration and the head of the chief ideological department of the administration suggests that web-

pages of student organizations of the BRSM should be created on websites of every institute of higher education, while chancellors of both state and private universities should “insure the use of the foyer and other vacant rooms of university buildings and hostels for arrangement of cultural and recreational events for students under the direction of the BRSM”.

The public initiatives of the BRSM had obviously pro-governmental character (work in electoral commissions during the parliamentary elections, organisation of state festivities, ideological control over the youth) and were frequently based on the forms of post-Komsomol patriotism. Thus, for example, the ideological department of Chashniki District Executive Committee and the local branch of the BRSM wrote a pledge of allegiance to profession (!) which should be given by all the graduates who come to the district to work by placement. At the first stage this pledge was given in the local community centre by young dairymaids, machine operators, builders, and shop assistants.

Membership in the BRSM was considered as a plus point during entrance to a number of departments that required a special interview under the president's decree №70 of 8 February, 2008 (these departments are “public administration”, “public administration and economics”, “international relations”, “international law”, “jurisprudence”, “economic law”, “journalism”, “international journalism”, and “customs administration”). According to the Minister of Education A. Radzkou, an entrant to these departments should not only be good at the subjects, but also have leadership experience, “for example, to be an activist in the BRSM”.

All over the country compulsory subscription to state newspapers, considered by the authorities as one of the main ideological tools of influence on society, was held. The chief ideologist of Homel region Anatol Katsila emphasised in March a special role of mass media “in propaganda methods of ideological work under new challenges” in the interview to the newspaper “Homelskaya Prauda”. The management of the Board of Education in Pinsk distributed instructions for school teachers so that they would subscribe to state newspapers and produce subscription tickets.

Sometimes reference to ideological disagreement was the reason for dismissing public activists from office. Thus, at the turn of the year the teacher of a Minsk school, activist of the youth wing of the United Civil Party, Alexander Halavach, was fired. His views did not coincide with “the

ideological course of the state”, as Katsiaryna Shauchuk, headmistress and deputy of the House of Representatives, explained.

Without having any right to that, ideologists actively participated in the “organization” of the election process. Thus, 23 the head of the ideological department of the district administration gave a briefing in September at the polling station №34 of District 18 in Vitebsk during which he reminded members of the electoral commissions of the president’s statement that it was they who were bosses at polling stations.

Holding posts of deputy administrators at various levels, ideologists decided the fates of cultural, music, charity actions, rock-fests, concerts, festivals and often restricted or forbade events of that kind. Thus, in Minsk celebration of an anniversary of the satellite TV channel “Belsat” and the festival of Belarusian music videos were forbidden. According to the leader of the famous Belarusian rock group “Liapis Trubetskoy”, Siarhei Mikhalok, “the requirements for holding a concert in Belarus are far tougher than in any other country... One should obtain a lot of permissions from various instances. We were going to have a concert in Vitebsk and had to show its organizers a list of songs and their short contents. When you place an advertisement about the concert you cannot feel secured that a week before the concert there won’t be a call from the department of culture. In short, there are a lot of ideologists and idiots in this system.”

Discussing possible steps for contacts between Belarus and the European Union, Belarusian officials tried to bypass the questions that touched democratization and Human Rights. Thus, the Minister for Foreign Affairs Siarhei Martynau defined the following “relations in the interest of both sides: from economy to struggle against smuggling, undocumented immigration, transit and environmental protection”. Nevertheless, in November Belarusian vice-premier, Andrei Kabiakou, stated that “the Belarusian side realises the necessity to do the so-called homework outlined in the dialogue with the EU, but hopes for adequate steps of the EU in response”. As an advertising drive aimed at improving the relations with the European Union, two Belarusian private newspapers “Narodnaya Volia” and “Nasha Niva” were returned in November to the subscription catalogue and allowed to be distributed through the official network of distribution; “Narodnaya Volia” was allowed to be printed in Belarus. 17 December the Public Association “Movement “For Freedom» led by Alexander Milinkevich was registered at the fourth push for the same reasons.

The European Union produced at the end of the year a new program for cooperation with five eastern countries – Armenia, Azerbaijan,

Georgia, Moldova, and Ukraine – called “Eastern Partnership”; the question of adding Belarus to the program was also discussed. The requirements for this were steps towards democratization and respect for Human Rights. As the EU Commissioner, Benita Ferrero-Waldner reported, “when we see that Belarusian authorities advance, that there are no political prisoners in Belarus, that the procedure of registration of NGOs and private mass media is simplified, then we’ll have to say: good, we invite you to join the European Neighbourhood Policy”. She emphasised that for the participation in the Eastern Partnership Belarus has to meet European standards; a probationary period for transition in Belarus was defined – the middle of April 2009.

Thus, the reckless, consistent, and rigorous struggle of Belarusian democratic community for the values of Human Rights, as well as a consistent stand of the European Union and the USA on this issue have led to certain positive transformations in 2008. Nevertheless, the changes that took place can be characterized as inconsistent and conflicting, with no systematic approach, which maintained the instability of the situation in the country regarding Human Rights.

1. The Death Penalty in Belarus

The right to life is a fundamental human right. The State must protect human life from all unlawful attempts and other threats and provide legal, social, economic, ecological and other conditions for a normal and worthy life.

The right to life is protected by international documents in the sphere of Human Rights as well as by the national Constitutions.

Belarus is a member country of the International Covenant on Civil and Political Rights, in Article 6, paragraph 1 of which it is stated: 'Every human being has the inherent right to life. This right shall be protected by law. No one shall be arbitrarily deprived of his life'.

Even though the Covenant does not provide obligatory refusal from capital punishment, some formulations of Article 6 definitely direct countries toward the restriction and abolishment of this extreme penalty: 'Nothing in this article shall be invoked to delay or to prevent the abolition of capital punishment by any State Party to the present Covenant' (Article 6, paragraph 6). The Republic of Belarus still has not joined the second optional protocol to the International Covenant on Civil and Political Rights, aimed at the abolishment of the death penalty (adopted by the UN General Assembly on 15 December 1989). The states that agreed to participate in this Protocol undertook to abolish this kind of penalty.

By its abstinence during the voting of the UN Moratorium on the Death Penalty (adopted by the UN General Assembly on 18 December 2008) the Republic of Belarus showed its lack of readiness to turn away from capital punishment.

In the Republic of Belarus the right to life is protected by Article 24 of the Constitution: 'Everyone has the right to life. The State protects human life from all unlawful attempts'. This very article of the Constitution determines the conditions for the use of death penalty: 'Until the death penalty is abolished, it may be applied in accordance with the law as an exceptional penalty for particularly serious crimes and only in accordance with the verdict of a court of law'. Thus, in this Article capital punishment is considered as a temporary measure. Article 59 (paragraph 1) of the Criminal Code provides that the death penalty may be imposed for severe

crimes connected with deliberate deprivation of life under aggravating circumstances. The death penalty is envisaged for 14 crimes: 12 in peaceful time and 2 more in the time of war. Article 84 (paragraph 19) of the Constitution gives the president authority to grant clemency. The death penalty can be commuted to life imprisonment. A person sentenced to death can appeal to the president for clemency within ten days after receiving a copy of the verdict or an answer to a cassation complaint. Appeals are initially considered by the Clemency Commission. The cases of all individuals sentenced to death are automatically considered regardless of whether or not the sentenced person has submitted an appeal for clemency. Then they are passed to the president for making the final decision. The orders for commutation of sentences or denial in clemency are signed personally by president.

The closeness of the results of the activities of the Commission on pardon and the president's decision on cases of death convicts for society causes great concern. Only once was there published information that in 2003 the Commission rejected two petitions for pardons and one case was returned to the Supreme Court for review, as a result of which the Supreme Court replaced death penalty with 15 years of imprisonment. Information about the results of the Commission's activity and the president's decisions can be obtained only from reports of inter-state organizations to which the Belarusian government presents the necessary data. In particular, according to the information presented to the OSCE, 'during the period from 1 July 2007 to 30 June 2008, no clemencies or commutations were granted'. (The Death Penalty in the OSCE Area. Background Paper 2008).

According to the UN information, as of November 2007, 146 countries either completely turned away from or introduced a moratorium on the death penalty, whereas in 51 countries (including Belarus) this kind of penalty was preserved.

At present Belarus is the last country in Europe where death sentences are made and executed. After the abolishment on 1 January 2008 of the death penalty in Uzbekistan, Belarus remains the last post-Soviet state where this kind of penalty is used.

The head of the Supreme Court characterized the situation of death penalty in Belarus as 'actual moratorium'. At the press-conference on 9 September he stated that 'death sentences are issued extremely seldom:

we have actually reached a moratorium and are psychologically ready for it, provided the appropriate decision is made on the level of the parliament and the president’.

According to the head of the Supreme Court, only one death sentence was issued in 2008 (in 2007 there were four, in 2006 – nine, in 2005 – two and in 2004 – two - author), three persons got life imprisonment (all in all, 130 persons are currently serving life sentences in Belarus).

At the press-conference on 10 December the Minister of the Interior, Uladzimir Navumau, also said that only one death sentence was issued in Belarus in 2008. He called capital punishment a factor that withheld people from grave crimes.

At the same time, according to official information and the mass media where the cases that resulted in death sentences were elucidated in 2008, there are at least two such cases (!).

In particular, according to the information placed on the web-site of the General Prosecutor’s Office, on 21 March 2008 a death sentence came into power that was issued by the college board on criminal cases of Minsk regional court for 21-year-old native of Salihorsk district, Mikalai Kaliada. He was accused of having committed three murders, two attempts on human life, robbery and hooliganism. The Belarusian authorities informed the OSCE about this very case. This information can be found in the organization’s document on the usage of capital punishment in 2008. The Belarusian authorities also informed the OSCE that there were no cases where death penalty was replaced with a softer penalty as a result of the pardoning procedure, which means that the sentence to M.Kaliada was left. However, it is also known that on 20 June 2008 Homel regional court sentenced 27-year-old citizen of Homel, Pavel Leny, to death on an accusation of the rape and murder of a nine-year-old boy (<http://naviny.by>). In October the Belarusian mass media informed that P.Lenya was executed (www.svaboda.org/content/Article/1328779.html). The information about this sentence and its implementation was not mentioned by the authorities, which is incomprehensible and a cause for concern.

On 5 February from the words of the press-secretary of the Supreme Court, Anastasia Tsimanovich, made apparent the execution of three leaders of a Homel gang – Ihar Danchanka, Valery Harbaty and Siarhei Marozau (the Supreme Court twice sentenced Danchanka and Marozau

to death in December 2006 and in October 2007; Harbaty was sentenced to be shot in December 2006). However, at the time of execution the hearings for the case of the Marozau gang still continued: in January 2008 the Supreme Court heard the criminal case against Siarhei Marozau and three more members of the gang. The speed of the execution causes not only surprise, but also anxiety. According to one version, Siarhei Marozau was shot before the beginning of the court hearings (19 February) because he started giving testimonies against high-ranking officials of the KGB and MIA, thanks to the protection of which his gang acted with impunity in Homel region throughout 1994-2004.

In 2007 the head of the Parliamentary Assembly of the Council of Europe Rene van der Linden addressed the president of Belarus with the call to abolish the death sentences to I. Danchanka, V. Harbaty and S. Marozau. He also emphasized that an introduction of a moratorium on the death penalty in Belarus would become 'an evident and decisive step for the convergence of Belarus with the Council of Europe'.

Having received information about execution of these criminals, the Secretary General of the Council of Europe, Terry Davis, stated that it was 'another manifestation of Belarus' open disrespect toward the human values and achievements that unite all European countries'. Terry Davis pointed out that, though not being a member of the Council of Europe, Belarus is a member of the UN and the execution of three citizens contradicts the letter and intent of the resolution of the UN General Assembly calling for a universal moratorium on the death penalty.

The ongoing use of capital punishment in Belarus was also condemned in the resolutions of the European Parliament of 22 February and 9 October 2008. The PACE resolution that was adopted on 15 April, after the discussion of the report on abuses criminal justice system in Belarus, called on Belarusian authorities to immediately introduce a moratorium on death penalty.

The open letter of the PACE rapporteur Andrea Rigoni to the chairman of the Chamber of Representatives of the National Assembly of Belarus Vadzim Papou and the head of the Soviet of the Republic Henadz Navitski had the greatest resonance, and was published on 14 April in Narodnaya Hazeta – the official edition of the Belarusian parliament. In his open letter Mr. Rigoni urged the heads of both chambers

of the parliament to take all possible measures for the introduction of a moratorium on the death penalty as an interim step towards its complete abolition. The letter emphasizes: 'Every capital execution is one too many. However hideous the crime which has been committed, however indisputable the evidence of guilt, nothing justifies assassination by the State'. Andrea Rigoni stated that he knew that at the 1996 referendum, Belarusian society voted for the preservation of this extreme penalty and insisted: 'Popular will should be the basis of every decision, but there are some issues on which the authorities of a country should assume the responsibility to lead the way. I call on you and the Institution over which you preside to lead the way towards the introduction of a moratorium on the death penalty in Belarus, as an intermediate step towards its complete abolition.'

At the press-conference on 17 April the head of the Chamber of Representatives Vadzim Papou thusly commented the address of A.Rigoni: 'Many people said that there was no need to publish Rigoni's material, because the people would be indignant. We have published it. Now let us see, how the population will react. Will there be any discussion or no? How will the people treat it? Then we will consider what to do next.'

In fact, it was the first proposal from the side of the authorities to hold a public discussion on a daily issue for the last years. Vadzim Papou also stated that 'the time has come to discuss the question of a moratorium on the death penalty in Belarus. Let us prepare together public opinion for the creation of preconditions for this decision. Let us see how the people will react to this issue. Of course, we cannot begin from abolishment of capital punishment. May be it would be useful to introduce a moratorium first? Even then we need to continue working with the society. Can it be any other way, when at the referendum 86% (to be more accurate, 80,44% - author) citizens of Belarus voted against the abolishment of the death penalty? Imagine the deputies making another decision. What Human Rights and democracy could we speak of if we had supported Europe and implemented its request?'

In fact, despite these sound statements, during the year the authorities conducted no informational work with the society and no measures aimed at changing the public opinion about the death penalty.

In 2008 the Belarusian authorities did not take any decisive measures aimed at the abolishment of the death penalty or a moratorium on it.

Discussion of this issue was mainly restricted to discussion of the perspective of Belarus' joining the Council of Europe and the abolition of the death penalty as one of the conditions for this political step.

During the January session of the Parliamentary Assembly of the Council of Europe in Strasbourg, Natallia Andreichyk, head of the commission on legislation and state-building of the Soviet of the Republic, stated that 'Belarus wants to advance on the way to the standards of the Council of Europe, which is witnessed by its intention to introduce a moratorium on the death penalty'.

In an interview with the news agency Interfax-Zakhad on 18 December, the head of the Chamber of Representatives of the National Assembly of the fourth Convocation, Uladzimir Andreichanka, stated that 'Belarusian authorities treat the position of the Council of European and PACE on death penalty with understanding and make necessary efforts for its restriction and complete abolishment'. Meanwhile, U.Andreichanka called as one of the obstacles for decisive steps in this direct 'the people's will, manifested at the referendum of 1996 at which more than 75% (80,44% — author) of citizens voted against the abolishment of the death penalty. However, we principally do not rule out the possibility to review the issue on the introduction of a temporary moratorium at a certain stage of social development. The complete abolishment of the death penalty is possible only by means of national referendum.'

By the way, Andreichanka's opinion about the necessity of national referendum for moratorium on or abolishment of death penalty does not correspond to the Conclusion of the Constitutional Court of Belarus of 11 April 2004 where it is said: 'The Constitutional Court thinks that in the present conditions the question of abolishment of this kind of penalty or introduction of moratorium on it as the first step, can be decided by the head of the state or the parliament'. Therewith, in the Conclusion it is pointed that the decision of the referendum 1996, at which 80,44% of citizens voted for preservation of death penalty, 'is not obligatory'.

In the interview to the BelTA news agency on 2 June, the head of the Supreme Court of Belarus, Valiantsin Sukala, stated that 'it is within the competency of the subjects of legislative initiative and the members of parliament to decide whether this kind of penalty should be preserved in criminal legislation or removed from it. Concerning judicial power, we have never insisted on its preservation and think that at present there are all

necessary preconditions for consideration of this issue with the aim to at least introduce a moratorium on the use of this exclusive kind of penalty.'

At the same time, sociologists register a considerable humanization of the views of Belarus' citizens on the death penalty. In particular, according to the information of the national questioning that was held in September 2008 by the Independent Institute of Socio-economic and Political Studies, 44,2% of the respondents spoke for the abolishment of capital punishment in the Republic of Belarus, while 47,8% were for its preservation. It means that references to the referendum that was held twelve years ago no longer reflect real public opinion and are used to justify the reluctance of the authorities to take political decisions.

In its yearly review presented in May 2008, the International Human Rights Organization Amnesty International called Belarus the 'last hangman in Europe'. During recent years it has often addressed the Belarusian authorities, urging them to turn away from the use of the death penalty, criticizing both its presence in the legal system and the procedure of its implementation. Continuing its work in this direction, in 2009 Amnesty International stated an organization of a wide campaign aimed at the abolishment of death penalty in Belarus. On 22-28 October, AI representative, Heather McGill, visited Belarus to monitor the situation and hold preliminary consultations with interested parties. She intended to hold meetings with Belarusian officials, including representatives of MIA, the office of the Prosecutor General, the Ministry of Justice and the Supreme Court. These agencies have been informed about it in advance by the appropriate inquiries. 'Representatives of Belarus' authorities could have met with me in order to discuss the issue of capital punishment and its abolition, which I was very interested in. It would be a productive step towards Europe. However, my attempts have still brought no result,' said Heather McGill. She managed to meet only with representatives of the Ministry of Justice, while other state structures refused the meetings, referring to the business of their administration.

Thus, 2008 did not bring a breakthrough in the solution of the issue of the death penalty in Belarus and the country's joining a European community that is free from the legalized assassination of people by the state.

2. The Issue of Politically Motivated Disappearances

2

In 2008 there was no visible progress in investigating the cases of the violent abductions of two famous Belarusian politicians Yury Zakharanka (ex- Minister of Internal Affairs, kidnapped on 7 May 1999), Viktor Hanchar (Deputy Chairman of the Supreme Soviet of the 13th Convocation, kidnapped on 16 September 1999), along with the businessman Anatol Krasouski (kidnapped together with V.Hanchar on 16 September 1999) and journalist Dzmitry Zavadski (ORT TV channel cameraman, kidnapped on 7 July 2000).

The investigation into the disappearance of Dzmitry Zavadski was suspended on 31 March 2006 'on the grounds of failure to reveal an utterly vanished person'. According to the information provided by A.V.Sytsko, prosecutor of the investigation supervision department, on 16 November 2007, 'the prosecutor's office continues fieldwork aimed at establishing the whereabouts of D. Zavadski or his body; and the persons who committed the crime. In case positive information is received, the investigation into the case will be resumed promptly.' There was no other official information concerning the kidnapping of D.Zavadski provided by the authorities.

In 2002 the members of the so called Ignatovich's group (Valery Ignatovich and Maxim Malik, both former officers of the Almaz Special-Assignment Police Force, received life sentences) were convicted of kidnapping D .Zavadski and committing a number of other crimes. However, the journalist's body has not been found.

According to the official letters by the prosecutor's office sent to the families of the missing persons, the investigation into the disappearances of Yury Zakharanka, Viktor Hanchar and Anatol Krasouski has not been suspended. They only stated that the investigation had been extended and the results of the investigation would be revealed later. The most recent official letters sent in December 2008 were signed by a special investigator of Minsk City Prosecutor's Office, Junior Counselor in Justice, Yury Varauka. It should be observed that over the 9 years of investigating the cases of disappearances of the politicians and the businessman,

Varauka is the 4th investigator: the kidnappings had been previously investigated by Uladzimer Chumachenka and Siarhei Kukharonak; the investigation into the disappearance of V.Hanchar and A.Krasouski was also headed by a Minsk City Prosecutor's Office investigator Siarhei Novikau. The case of Y.Zakharanka was investigated by a Minsk City Prosecutor's Office special investigator Sviatlana Boikava.

The majority of analysts consider the substitution of the investigator to be purely formal and do not attribute this to the prosecutor's office willingness to conduct an impartial investigation, aimed at establishing and further prosecution of the persons involved in the crimes. Meanwhile, the absence of any actual results of the many years of investigating into the facts of disappearances of several famous Belarusians suggests that the prosecutor's office fails to carry out a full-scale investigation, being blocked by high-ranking officials. Thus, the investigators have repeatedly ignored the information on the possible involvement of a number of active and former Belarusian officials in the violent disappearances of Y. Zakharanka, V. Hanchar, A. Krasouski and D. Zavadski (Minister of Internal Affairs Uladzimir Navumau, ex-Minister of Internal Affairs Yuri Sivakou, the former Secretary General of the Security Council Viktor Sheiman and Deputy Commander of the Public Order Corps of the Interior Forces Dzmitry Paulichenka). At the same time, the information is not officially denounced. However, the investigation fails to establish any facts concerning its credibility.

The General Prosecutor's Office did not issue any detailed statements on the progress of the investigation in 2008. During a press-conference on 16 January 2008, the Prosecutor General Piotr Miklashevich said: 'The work by the prosecutor's office is still under way.' He also added that 'unfortunately, no credible facts concerning the disappearances have been established yet.' Speaking of Dzmitry Zavadski's case, the Prosecutor General said that 'the stand by the prosecutor's office concerning Ignatovich has not changed; he keeps appealing the decision, but there are no grounds for the reverse of the verdict.'

At a press-conference on 25 June 2008, the Prosecutor General Ryhor Vasilevich declared that the investigation was under the prosecutor's supervision: 'The issue concerning the search for the missing persons is one of our priorities. We have considered it at an inter-departmental commission and are going to return to the question later. But I want to stress that over 48,000 people went missing over the past 5 or 7 years. 99% of them have finally turned up. But there is no doubt that the question

is under the prosecutor's control.' The statement by the newly appointed Prosecutor General concerning the progress of the investigation is more evidence of a well-practiced strategy ('every year people go missing, they are searched for'), being reluctant to admit the possible political reasons of the kidnappings and complicity of high-ranking officials in the crimes.

At the same time, political reasons for the disappearances of famous people can be easily seen in President Lukashenka's interview with the Financial Times newspaper of 18 November 2008. In response to the question on the celebrated cases, Aliaksandr Lukashenka only dwelled on the disappearance of Zavadski: 'Dzima (short for Dzmitry) Zavadski is the worst wound for me as president. He is an honest and decent person who had no relation to politics whatsoever ... The court passed its verdict in this criminal case and the person is serving a life sentence. But for me the most important matter is to find him, or if he died - to find his body. If it turns out that our court was wrong and misjudged the person, then I'll be on my knees begging forgiveness of relatives, friends, and Dzmitry Zavadski himself if he turns out to be alive.' Drawing the line between Zavadski and other missing persons, Lukashenka indirectly admits the different reasons for these disappearances, namely the absence of a direct political motive in the journalist's case.

While the Belarusian authorities pretend to conduct investigations into the kidnapping cases, the world community has repeatedly attempted to draw public attention to the issue. The UN General Assembly resolutions on the situation in the sphere of Human Rights in Belarus, adopted in 2003, 2004, 2005, 2006, and 2007, have repeatedly urged Belarusian authorities 'to suspend from their duties officials implicated in any case of enforced disappearance, summary execution and torture and other cruel, inhuman or degrading treatment or punishment, pending investigation of those cases, and to ensure that all necessary measures are taken to investigate fully and impartially such cases and to bring the alleged perpetrators to justice before an independent tribunal, and, if found guilty, to ensure that they are punished in accordance with the international Human Rights obligations of Belarus.' The cases of Yuri Zakharanka, Viktor Hanchar and Anatol Krasouski were heard at the 86th session of the UN Working Group on Enforced or Involuntary Disappearances in November-December 2008 in Geneva. Before the beginning of the session, the Working Group informed the families of the missing that the Belarusian Ministry of Foreign Affairs had once again assured it of the continuation of the official investigation. The families, in

their turn, addressed the Working Group with a complaint stating that the investigation was formal and there were no actual results whatsoever. Thus, if the high-ranking officials allegedly implicated in the disappearances were not ordered to be interrogated, the guilty would not be found and punished. In 2008 the families of the kidnapped persons submitted an individual complaint to the UN Human Rights Committee. On 4 December 2008 the Office the High Commissioner for Human Rights at the United Nations informed Iryna and Valerya Krasouskaya that their claim had been registered in the UN Commission on Human Rights. According to the claim of Krasouskayas, the Belarusian authorities violated articles 6, 7, 9, and 10 of the International Covenant on Civil and Political Rights: Article 6 – ‘right to life’, Article 7 – ‘freedom from torture’, Article 9 – ‘right to liberty and security of person’, Article 10 – ‘right to humane treatment of all persons deprived of their liberty.’ The claim was prepared by a Dutch law firm and it consists of 100 items, 25 documents of total more than 1000 pages is attached to it. Belarusian authorities have 6 months to respond to the claim.

In 2008 the European Union once again advanced its requirement spelled out in the document ‘What the European Union could bring to Belarus?’ 2 years ago: ‘To build the deeper relationship which we wish to have between the EU and the Belarusian people, to end the self-imposed isolation which the Belarusian government has brought upon its country’s citizens, we ask that the Belarusian authorities (...) properly and independently investigate or review the cases of missing persons...’ The consistent policy of the European Union concerning the issue was revealed in 2008 during the consideration of the travel ban suspension for a number of Belarusian officials involved in Human Rights violations. On 13 October 2008 the EU Foreign Ministers passed a decision to suspend travel bans for 36 high-ranking Belarusian officials, leaving 5 persons in the black list: Chair of the Central Electoral Commission Lidzia Yarmoshyna and 4 persons allegedly involved in political disappearances – Uladzimer Navumau, Viktor Sheiman, Yury Sivakou and Dzmitry Paulichenka (visa sanctions against these persons were introduced by the EU in 2004). In November 2008 the decision was supported by 9 more countries, which are not members of the European Union.

In 2008 international Human Rights organizations repeated their claims against the Belarusian authorities, urging them to investigate the ‘celebrated disappearances’. On 2 September 2008, the Secretary General of the International Federation for Human Rights (FIDH)

Luis Guillermo PEREZ, during his press-conference in Minsk, said that the Federation would 'keep a close eye on the investigation of these crimes'. 'We want the Belarusian authorities to understand that these crimes do not refer to the past. Until the bodies of the missing persons or these people themselves are found, this crime will be topical. Inactivity of the authorities in regard to this investigation and their non-interference mean that there is a group of people close to the authorities who were involved in this,' Mr.Perez said.

Bearing in mind the foreign policy aspect and Belarusian authorities' willingness to establish a dialogue with the European Union, certain analysts believe that the discharge and possible prosecution of the officials allegedly involved in the disappearances may be one of the first steps to build such a relationship. The dismissal from office of the Chair of the Security Council Viktor Sheiman in July 2008 was perceived by many as a move in this direction, although he was officially ousted due to 'inability to provide an adequate level of security during the celebration of the Republic Day on 3 July 2008', resulting in an explosion in downtown Minsk. After the dismissal, Sheiman took over the post of Chair of the Belarus-Venezuela high level commission. The retirement of Dzmitry Paulichenka from the post of Commander of the military unit № 3214 of the Interior Forces in October 2008 was initially perceived as the authorities' desire to get rid of the 'notorious colonel'. However, later that month he was promoted to Deputy Commander of the Public Order Corps of the Interior Forces. Despite a number of corruption scandals among high-ranking police officials in November-December 2008, Minister of the Interior Uladzimir Navumau managed to retain his post.

On the 16th day of each month (on 16 September 1999 V. Hanchar and A. Krasouski were kidnapped) various cities and towns of Belarus, Russia, the USA and EU countries host a traditional act of solidarity with the families of the missing persons and the victims of repression. In 2008 most of the Belarusian acts were violently broken up, resulting in mass detentions and administrative prosecution of their participants (later the practice of administrative prosecution for participating in the acts was stopped).

At the same time, all the 2008 applications to hold pickets commemorating the disappearances of Y. Zakharanka, D. Zavadski, V. Hanchar and A. Krasouski, aimed at drawing public attention to the tragic events and urging the authorities to conduct an independent investigation, were turned down. In May 2008, Minsk city authorities

banned a memorial act on the 9th anniversary of the disappearance of Yury Zakharanka and another act on 8th anniversary of the disappearance of Dzmitry Zavadski in July 2008, organized by the journalist's widow Sviatlana. According to Deputy Chair of Minsk City Executive Committee M. Tsitsiankou, the 7 July act was banned due to 'possible obstruction of pedestrian and vehicle traffic in front of the building of the Town Hall'. In 2008 Brest Town Executive Committee placed bans on three missing persons memorial act (7 May, 7 July and 16 September), which were to be held in the town center by local Human Rights activists. Instead, the authorities suggested that the activists should hold the acts in a specially determined place – the Lokomotiv stadium. All the attempts to appeal the decisions by the executive power were unsuccessful – both Minsk and Brest courts took the side of the authorities.

According to the organizers, the memorial acts were also meant to remind Belarusian authorities of the necessity to ratify the International Convention for the Protection of All Persons from Enforced Disappearance, adopted by the United Nations General Assembly on 20 December 2006 and opened for signature on 6 February 2007. As of February 2009, 81 states have signed, and eight have ratified. It will come into power when ratified by 20 states-parties. Belarus refused to sign the Convention, saying the treaty 'is not topical for Belarus, since the issue of enforced disappearance does not exist in the country.' The families of the kidnapped persons are of a different opinion, saying that the Convention may be an additional means of protection from enforced disappearances and other violations of the right to liberty and personal security in Belarus. As of yet, their demands have been left unanswered.

Thus, in 2008 the official investigation of the violent kidnappings of Yury Zakharanka, Viktor Hanchar, Anatol Krasouski and Dzmitry Zavadski had obviously reached a deadlock, its results being concealed from the victims' families and society. As a result, the investigation failed to establish and punish the perpetrators involved in the disappearances.

* * *

The mother of the kidnapped businessman Anatol Krasouski, Ksenia Sidarauna Krasouskaya, died on 7 September 2008 never to learn the fate of her son.

3. Politically Motivated Criminal Prosecution

3

In 2008 Belarusian authorities had, under pressure from the international community, to release all political prisoners, officially denying the existence of any political convicts whatsoever.

At the beginning of the year, there were 6 convicts considered political prisoners by the international community and Belarusian Human Rights NGOs: Aliaksandr Kazulin, former leader of the Belarusian Social Democratic Party (Hramada) and one of the candidates who ran for the office of President of Belarus on March 19, 2006; Dzmitry Dashkevich, Chair of the Young Front youth organization; Artur Finkeich, member of the Young Front organization; Mikalai Autukhovich, businessman; Andrei Klimau, politician and journalist; Aliaksandr Zdzvzhkou, journalist.

As a result of a series of negotiations with representatives of the European Union, 5 political prisoners were granted early release: Dzmitry Dashkevich, Artur Finkevich, Aliaksandr Zdzvzhkou, Andrei Klimau and Mikalai Autukhovich. Their releases were not always correct from a legal point of view: the sentences of D.Dashekvich, A.Finkevich and A.Zdzvzhkou were reversed by superior judicial bodies, M.Autukhovich's imprisonment was reduced to correctional work, A.Kilmau was pardoned by presidential decree. However, Aliaksandr Kazulin was still in prison.

After the above-mentioned political prisoners were released, the Belarusian authorities started a new campaign of criminal prosecution for political beliefs: 14 youth activists were accused of participating in an unauthorized demonstration, resulting in Andrei Kim's imprisonment; the rest were awarded various non-imprisonment sentences. Siarhei Parsiukevich, businessman and civil activist, was sentenced to imprisonment; Katsiaryna Slauyova, member of the Young Front youth organization, was convicted of activities on behalf of an unregistered organization, however, receiving a judicial warning.

At the same time, considering the aggravating economic situation in the country, in the summer of 2008 the Belarusian authorities had to commence a negotiation with the European Union, resulting in the release of Aliaksandr Kazulin, Andrei Kim and Siarhei Parsiukevich in August 2008. The release of all the political prisoners was the beginning of a negotiation

between the European Union and the Belarusian authorities concerning the further democratization of Belarus.

The Criminal Prosecution of Aliaksandr Zdzvizhkov

In February 2006 the Belarusian General Prosecutor's Office initiated an investigation into the facts of publishing caricatures of the Prophet Muhammad in the Zhoda newspaper. Zhoda's vice-editor-in-chief Aliaksandr Zdzvizhkov was accused of violating part 1 of Article 130 of the Criminal Code of the Republic of Belarus – 'deliberate acts, aimed at incitement of racial, national or religious hatred.' Since the journalist left Belarus in the summer of 2006, the investigation had to be suspended to be recommenced in November 2007 – during his stay in Belarus, Aliaksandr Zdzvizhkov was arrested and put into the KGB detention center.

On 11 January 2008 Minsk City Court headed by Judge Ruslan Aniskevich began a closed hearing of Aliaksandr Zdzvizhkov's criminal case. This time, the journalist was charged with violating part 2 of Article 130 of the Criminal Code of Belarus – 'incitement of racial, national or religious hatred, committed by an official with an abuse of power.' The court found Aliaksandr Zdzvizhkov guilty and sentenced him to 3 years of imprisonment in a strict regime colony on 18 January 2008.

On 22 February the panel of judges of the Supreme Court of Belarus, having considered Aliaksandr Zdzvizhkov's cassational appeal, reversed the verdict by Minsk City Court and resolved to reduce the sentence from 3 years to 3 months of imprisonment. Having served a three-month term by the time, Aliaksandr Zdzvizhkov was released from custody on the same day.

The Criminal Prosecution of Aliaksei Sarnou

The criminal prosecution of a 23-year-old Hrodna resident Aliaksei Sarnou was initiated on 17 January 2007 on a charge of inscribing slogans 'Give back our social benefits!' on the walls of building in Hrodna. During arrest the police found several cans of spray paint in Sarnou's rucksack. At first, the youth was accused of violating Article 341 of the Criminal Code. Then he was charged with 'disorderly conduct' – Article 339 of the Criminal Code. On 26 March 2008 Judge Dzmitry Korbynets of Hrodna Leninski Borough Court found Aliaksei Sarnou guilty and fined him BYR 1,225,000.

The Criminal Prosecution of Katsiaryna Salauyova

The criminal prosecution of Katsiaryna Slauyova, youth activist from the town of Polatsk, was initiated on 28 December 2007. The activist was accused of violating Article 193.1 of the Criminal Code of Belarus ('organizing activities of a public association, religious organization or foundation without state registration or participating in its activities') after her membership in the Young Front youth organization was revealed.

On 8 April 2008 Polatsk Town Court headed by Judge Marozava found Katsiaryna Slauyova guilty and sentenced her to a fine of BYR 1,750,000.

3

The Criminal Prosecution of Andrei Tsianiuta, Kiryl Atamanchyk and Arsen Yahorchanka

Andrei Tsianiuta (Homel), Kiryl Atamanchyk (Zhlobin) and Arsen Yahorchanka (Svetlahorsk) were accused of illegal membership in the Young Front youth organization (Article 193.1 of the Criminal Code of Belarus – 'organizing activities of a public association, religious organization or foundation without state registration or participating in its activities'). The criminal prosecution of these activists was initiated on 18 September 2007 by the KGB Homel Regional Department. In November the investigation was suspended to be resumed in December 2007. Early in 2008 Andrei Tsianiuta addressed the KGB Chair Yuri Zhadobin with a complaint, urging to stop the criminal prosecution or submit the case to the court. The claim was redirected to Homel Regional Prosecutor's Office and eventually allowed. On 25 April 2008 Andrei Tsianiuta received a notice issued by an investigator of the KGB Homel Regional Department D.Sidliarou, stating that the criminal prosecution of the activist had been closed.

The criminal prosecution of Kiryl Atamanchanka and Arsen Yahorchanka was stopped in May 2008 without any explanations. However, the two youth activists were still considered suspects.

The Case of 14. The Criminal Prosecution of Andrei Kim, Aliaksandr Barazenska, Aliaksei Bondar, Artsiom Dubski, Tatsiana Tsishkevich, Ales Straltsou, Mikhail Kryvau, Mikhail Subach, Pavel Vinahradau, Mikhail Pashkevich, Ales Charnyshou, Uladzimir Siarheyau, Anton Koipish and Maksim Dashuk

14 participants of the 10 January 2008 unauthorized entrepreneurs protest act were accused of violating Article 342 of the Criminal Code of Belarus – 'organizing and preparing actions which brutally violate public

order, or active participating in these actions.’ The case was named ‘the case of 14’ after the number of persons involved in it.

One of the accused, Andrei Kim, also charged with violating Article 364 of the Criminal Code (‘violence or threat of violence towards a policeman’), was put into investigative detention center in Minsk. The others were awarded a milder measure of restraint – recognizance not to leave. The latter charge dealt with the events of the 21 January 2008 demonstration.

Minsk Tsentralny Borough Court considered the cases in three phases. The first hearing started on 18 April 2008, when the court considered the cases of A. Kim, A. Bondar, U. Siarheyau, A. Dubski, A. Straltsou, M. Pashkevich, A. Charnyshou, A. Koipish, M. Kryvau and T. Tsishkevich. The indictment stated that from 14.00 till 17.00 the youngsters had taken part in the 10 January 2008 act, being aware of its illegal character, disturbed public order, ‘chanted, leading the way’, ignored warnings by the police and blocked Independence Avenue from 15.00 till 17.00, thus causing damage of BYR 124,800,000 to the enterprises of Minsk. The trial featured a number of testimonies by police, who claimed that the demonstrators had behaved aggressively, reeked of alcohol, used foul language, etc. Meanwhile, some of the witnesses failed to determine the amount of activity of the accused. Nor was it proven by video evidence. The representatives of Minsk enterprises interrogated during the trial said they did not have any financial claims to the accused. In particular, a representative of the Minsktrans public transport enterprise said that the traffic at Independence square had been blocked for a short period of time, but it did not cause any financial damage to the enterprise. The defenders, in their turn, claimed that, for lack of corpus delicti, the accused had to be acquitted.

On 23 April 2008 Judge Alena Ilyina found all the accused guilty and sentenced Andrei Kim to 18 months of imprisonment in the general regime colony, Uladzimir Siarheyau and Anton Koipish were each fined BYR 3,500,000. Aliaksei Bondar, Artsiom Dubski, Ales Straltsou, Mikhail Pashkevich, Ales Charnyshou, Mikhail Kryvau and Tatsiana Tsishkevich were each sentenced to 2 years of personal restraint without being sent to an open type institution.

On 26 May 2008 Judge Valery Yesman considered the case of Pavel Vinahradau, Mikhail Subach and the under-aged Maksim Dashuk. They were found guilty and on 28 May M.Subach and P.Vinahradau were

sentenced to 2 years of personal restraint each without being sent to an open type institution. Maksim Dashuk was sentenced to 18 months of personal restraint each without being sent to an open type institution.

3 Aliaksandr Barazanka, a student of Wroclaw University, was declared a wanted person, after he failed to appear on summons, being in Poland. On 27 October A.Barazanka accompanied by a lawyer turned up at the police department, where he was arrested and put to Minsk investigatory detention center. The trial of A.Barazanka started on 8 December 2008 by Judge Natallia Vaitsiakhovich. During the trial four witnesses were interrogated. It also featured a video recording of the act without any evidence of the accused participating in the demonstration. Nevertheless, the court found A. Barazanka guilty and sentenced him to 1 year of personal restraint each without being sent to an open type institution. Upon the announcement of the judgment A. Barazanka was released.

The Criminal Prosecution of Andrei Kim

The youth activist Andrei Kim was detained on 21 January 2008 shortly after the unauthorized entrepreneurs rally. On 22 January Judge Tatsiana Pauliuchuk of Minsk Tsentralny Borough Court found Andrei Kim guilty of violating 2 Articles of the Administrative Code of Belarus (Article 22.34 – ‘violating the procedure of organizing and conducting mass actions’ and Article 17.1 – ‘disorderly conduct’) and sentenced him to 10 days of arrest and a fine of BYR 1,050,000. While serving the sentence, the General Prosecutor’s Office initiated criminal prosecution of Andrei Kim on a charge of violating Article 364 of the Criminal Code (‘violence or threat of violence towards a policeman’) and Article 342 (‘organizing and preparing actions which brutally violate public order, or active participating in these actions’). Under these charges, Andrei Kim was an active participant of collective acts which brutally violated public order and were connected with open disobedience of orders by the police. He was also accused of beating a road police officer with his hand in Independence Avenue, resulting in a slashed eyebrow. Andrei Kim was then placed into the investigational detention center of the Ministry of the Interior.

The criminal case of Andrei Kim was considered by Judge Alena Ilyina of Minsk Tsentralny Borough Court together with another 9 participants of the 10 January 2008 rally accused of ‘organizing and preparing actions which brutally violate public order’. During the trial most of the witnesses (along with a video recording) failed to state whether it was Andrei Kim who had hit the road policeman. Despite the absence of clear evidence,

Andrei Kim was found guilty of using violence against a policeman and sentenced to 18 months of personal restraint in a general regime colony. The verdict was based on the testimony by the policeman solely.

On 20 August Andrei Kim was released by a decree of President Lukashenka.

The Criminal Prosecution of Siarhei Parsiukevich

The Vitsebsk businessman Siarhei Parsiukevich was detained on 13 January 2008. On 14 January Judge Tatsiana Pauliuchuk of Minsk Tsentralny Borough Court sentenced him to 15 days of administrative arrest under Article 23.34 of the Administrative Code of Belarus ('violating the procedure of organizing and conducting mass actions') for participating in the 10 January 2008 rally.

While serving the sentence at the Center of Offenders Isolation, S. Parsiukevich was beaten by the prison guard. The torture took place in an isolated room. However, Parsiukevich's cellmates heard him cry and ask for help. It was not until his release that S. Parsiukevich could undergo a medical examination to record the battery and submit a claim to the prosecutor's office. However, it was S. Parsiukevich himself who was accused of battery. On 4 March 2008 the businessman was summoned to Minsk Maskouski Prosecutor's Office, where he was arrested and put into the investigational detention center of the Ministry of the Interior. He was charged with violating Article 364 of the Criminal Code – 'violence or threat of violence towards a policeman'.

On 23 April 2008 Minsk Maskouski Borough Court (Judge Uladzimer Audzeyenka) found S. Parsiukevich guilty and sentenced him to 2.5 years of imprisonment in a general regime colony. The judge also obliged the convict to pay BYR 1,100,000 to the policeman as a compensation for moral damage.

On 20 August was released by a decree of President Lukashenka.

The Criminal Prosecution of Leanid Svetsik

On 20 May 2008 the KGB Vitsebsk Regional Department initiated an investigation after several civil activists received threat letters from a neo-Nazi organization Russian National Unity. The investigators had to interrogate the addressees. On 23 May 2008 three KGB officers broke into the private apartment of the Vitsebsk Human Rights activist Leanid Svetsik and searched the premises. As a result, they confiscated a

personal computer, printed materials concerning Human Rights, as well as an EU certificate. After the search L. Svetsik was taken to the local KGB department, where he was interrogated for two hours.

Over the past years, L. Svetsik provided legal assistance to the persons threatened by the RNU organization. L. Svetsik was first declared a witness. However, on 4 August he was named a suspect under an order from a KGB investigator. On 22 September the criminal prosecution of Leanid Svetsik was suspended from handwriting expertise assigned by the investigation.

3

The Criminal prosecution of Anatol Liabedzka

The criminal prosecution of Chair of the United Civic Party Anatol Liabedzka was initiated by the General Prosecutor's Office for violating Article 367 of the Criminal Code ('slander against the President of the Republic of Belarus') on the basis of his interview with the Russian TV channel RTR on 21 February 2004. In the summer of 2004 the criminal case was suspended due to the inability to carry out the investigation, to interrogate Mr. Svanidze, host of the Zerkalo TV program, in particular.

Despite the fact that the investigation was suspended, in late 2007 Belarusian authorities imposed a temporary travel ban on Anatol Liabedzka.

The Criminal Prosecution of Aliaksandr Kruty

Aliaksandr Kruty was prosecuted for slander against the President in May 2003 for distributing leaflets saying that 'authorities incline towards evil (do evil). I say: Lukashenka does not incline towards evil.' In October 2007 A. Kruty was arrested in Minsk, put to an investigatory detention center in his home town of Niasvizh and finally taken to a mental hospital.

On 4 January 2008 Niasvizh District Court found A. Kruty guilty of violating Article 368 of the Criminal Code of Belarus ('slander against the President of the Republic of Belarus') and eventually released due to the insignificance of his offence.

The forensic medical examination assigned by the investigation found A. Kruty ill with paranoid schizophrenia. Therefore the court resolved to apply compulsory treatment to A. Kruty in a mental hospital. However, by announcing the decision Judge L. Drachan breached part 2 of Article 448 of the Criminal Code, stating that the court cannot apply compulsory treatment to an indemnified person whose actions do not constitute a menace to the society. Meanwhile, A. Kruty was put to Zhodzina

investigatory detention center, since he could not be freed from restraint unless taken to a mental hospital. The convict lodged a complaint with Minsk Regional Court, the decision by Niasvitzh District Court was reversed and A. Kruty was released.

The Criminal Prosecution in the Case of the 3 July 2008 Explosion in Minsk

Several Belarusian civil and political activists were prosecuted on suspicion of possible involvement in the 3 July 2008 explosion in downtown Minsk – part 3 of Article 339 of the Criminal Code ('very malicious disorderly conduct').

The investigation has been supervised by a number of Belarusian security and law enforcement agencies: the Ministry of the Interior, the KGB and the General Prosecutor's Office. It included numerous arrests, searches and interrogations of activists and members of various parties and civil initiatives, including several members of the Bely Lehiyon unregistered organization Siarhei Chyslau, Viktor Liashchynski, Ihar Korsak and Miraslau Lazouski, Deputy Chair of the BPF Youth organization and Human Rights activist Ilya Bohdan, BPF member Anton Koipish, Chair of the Belarusian Party of Freedom organizing committee Siarhei Vysotski, UCPB member Aliaksandr Siarheyenka and activist of the European Belarus campaign Pavel Kurianovich. The Oppositionists were not only interrogated about the explosion but about their political and civil activities as well.

Belarusian Human Rights activists and representatives of pro-democratic opposition called the authorities to conduct an impartial investigation of the offence and warned them against using the explosion as a reason for a new wave of harassing their political opponents. Nevertheless, a great number of political and civil activists were interrogated, searched and fingerprinted. Some of them were repeatedly interrogated, BPF member Yury Karetnikau was fingerprinted for 10 times and had to undergo a saliva examination twice.

All the suspects were released within 10 days. The criminal prosecution of these activists was later terminated for lack of corpus delicti.

4. Restriction of the Freedom of Expression and the Civil Right to Receive and Disseminate Information

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In 2008 there were no system changes concerning the freedom of expression and the right to receive and disseminate information. The state continued to exercise total control over the informational space. Only due to the necessity to improve the relations with European countries the Belarusian authorities made small concessions that were presented as a great liberalization in the media sphere within the framework of the political dialogue with the European Union.

As a result of the negotiations with the EU, in the beginning of the year the publicist Andrei Klimau and the journalist Alexander Zdvizhkov were released from jail.

Andrei Klimau had been sentenced to 2 years of jail on 1 August 2007 (for an article published at www.ucpb.org) and was granted parole on 15 February 2008 by a presidential decree. Bear in mind that Klimau was found guilty under part 3 of Article 361 of the Criminal Code – ‘public calls to coup d’etat in mass media’.

On 18 January 2008 the vice-editor of the *Zgoda* newspaper Alexander Zdvizhkov was sentenced to three years in high-security prison for ‘fomentation of racial, national or religious enmity’ (part 2 of Article 130 of the Criminal Code) for reprinting in *Zgoda* a cartoon of prophet Mohammad, taken from the Danish magazine *Jyllands Posten*. On 22 February the college board of the Supreme Court considered the cassation complaint of A. Zdvizhkov and reduced the penalty to three months of imprisonment. As Zdvizhkov had already spent three months under arrest by this time, he was released from jail the same day.

The Belarusian authorities presented as a considerable step towards the European Union the return of *Narodnaya Volia* and *Nasha Niva* newspapers to the state-owned distribution nets *Belsayuzdruk* and *Belposhta*, after a three-year break. *Narodnaya Volia* was even allowed to be printed in a Belarusian printing house.

However, the 'liberalization' of media space ended with these measures and did not concern any other socio-political editions. Such republican newspapers as *Tovarishch* and *Novy Chas* and the regional *Bobruyskiy Kurier*, *Borisovskiye Novosti*, *Vitebskiy Kurier M*, *Volnaye Hlybokayeë* *Hazeta Dlia Vas* (Ivatsevichy), *Hazeta Slonimskaya*, *Hantsavitski Chas*, *Intex-press* (Baranavichy), *Niasvizhski Chas* are still not sold at the newsstands of the state monopolist *Belsayuzdruk*. *Tovarishch*, *SNPlius*. *Svododnye Novosti Plius*, *Novy Chas*, *Borisovskiye Novosti*, *Vitebskiy Kurier M*, *Volnaye Hlybokaye*, *Hazeta Slonimskaya*, *Hantsavitski Chas* and *Intex-press* aren't distributed on subscription either. The issue of two independent regional newspapers – *Liakhavitski Chas* and *Miastsovy Chas* (Pinsk) had to be suspended in 2007-2008 because of difficulties with distribution. Earlier it happened to *BDG.Delovaya Gazeta*, *Salidarnasts*, *Birzha Informatsii* (Hrodna), *Mestnaya Gazeta* (Vaukavysk) and *Khimik* (Navapolatsk), who also experienced problems with printing and distribution.

Meanwhile, the state monopolists blankly rejected the political implication of their refusals to cooperate with non-state editions and explained such actions by 'economic expediency'. However, the example of *Nasha Niva* disproves this argumentation. On 8 October the director general of *Belposhta* Alexandra Charniak submitted a letter to the editorial board of the newspaper where it was stated: 'The republican unitary enterprise *Belposhta*, being an economic subject, has the right to be guided by economic expediency in its activities. As long as the obligation for inclusion of printed editions in the subscription catalog is not envisaged by the law, the right to choose the editions for forming of the catalog with the aim of their further distribution on subscription belongs to *Belposhta*.' On 6 October *Belsayuzdruk* refused to sell *Nasha Niva* at its newsstands: 'The republican unitary enterprise *Belsayuzdruk* does not intend to distribute the newspaper *Nasha Niva* with the aid of its newsstands in the near future,' was stated in the letter, signed by the deputy director of the enterprise Tatsiana Ivinskaya. However, when the Belarusian authorities decided to demonstrate their orientation on democratization to the West, on order of the presidential administration *Nasha Niva* was returned to the state distribution nets, which again confirms the political motivation of the prohibition to distribute independent socio-political editions. The authorities also requested that some of the editions introduced self-censorship so that they could be returned to the state distribution nets. In particular, in the beginning of

December the editorial office of *Bobruyskiy Kurier* received a telephone call from the ideological department of Mahiliou regional executive committee. The journalists were 'advised' to correct the newspaper's policy for which it could be returned to the newsstands of *Belsayuzdruk* within 2-3 months. However, the administration of *Bobruyskiy Kurier* answered that the editorial board was guided only by Belarusian legislation in its activities and was not going to follow anything else.

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The strict control of the informational space, the state ownership of the majority of printed and electronic mass media and the systems of printing and distribution are explained by the authorities' instinct of self-preservation. 'Mass media have at their disposal the weapon of the greatest destructive effect and therefore they must be controlled by the state,' stated A. Lukashenka on 12 February, in his appearance before students of the Belarusian State University, during the visit to the new building of the faculty of journalism. The head of the state did not even try to hide that state media had lost their public nature and turned into a propaganda tool: 'Serious mass media, as well as the whole ideology, are not privatized in Belarus'. At the same time, Lukashenka stated that there wasn't any predominant point of view in the media and there were 'many editions' who voiced the views that differed from the state one. However, he did not penetrate in the details of discriminative treatment of such editions by the state. 'Even if I limit journalists anywhere, it is only for the good of the State', he assured instead.

By the way, such an approach completely contradicts to Article 33 of the Constitution of the Republic of Belarus, according to which 'censorship and monopolization of mass media by the state, civil associations or private individuals are inadmissible'. This very article also guarantees to all citizens 'freedom of opinion, convictions and their expression. No one can be forced to express their convictions or turn away from them.'

The replacement of the informative and communicative function of mass media with the propagandist one has become the strategy of the state mass media. According to the head of the main ideological department of Homel regional executive committee Anatol Katsila, mass media play a special role 'in propagandist methods of ideological work in the conditions of new challenges. Understanding it, the authorities give all-sided assistance to mass media.' (*Homelskaya Prada*, №34 of 1 March).

The state order for forming of the necessary propagandist stereotypes is well-paid from the state budget of Belarus. As it follows from the law *On the state budget of the Republic of Belarus*, adopted on 26 December 2007, the financing of the state media cost to the budget more than 158 billion rubles (about \$74 million) in 2008. According to the law, more than 121 billion rubles was assigned for the needs of radio and TV, more than 15 billion – for periodicals and printing houses and more than 21 billion – for ‘other mass media’. Bear in mind that the budget contribution to state media increases each year: in 2004 it was about \$30 million, in 2006 – about \$40 million, in 2006 – more than \$60 million and in 2007 – about \$64 million.

In 2008 a special control was introduced for the preparation of future journalists: according to presidential decree №70 of 8 February, such majors as ‘journalism’ and ‘international journalism’ were reckoned to those with ‘special requirements’. The decree provides an obligatory preliminary ‘professional-psychological’ interview for the matriculants who intend to study journalism. According to the Ministry of Education, this interview is necessary for checking their personal and business qualities, skills and motivation. However, independent experts believe that it can be used for restriction of the access of opposition-minded persons to the profession of journalist.

One of the most important events of 2008 became the adoption of the law *On mass media*, the main juridical document that regulates the organization and the activities of mass media in Belarus. The law was worked out on presidential order of 9 December 2001, signed on 17 July 2008, published in *Narodnaya Gazeta* on 7 August 2008 and will come into force since 8 February 2009. On 17 and 24 June it was adopted in two readings by the Chamber of Representatives (the lower chamber of the parliament) and on 28 June the law was approved by the Soviet of the Republic (the upper chamber).

In the middle of July, before being passed to the president for signing, it was considered by the Constitutional Court. The law *On press and other mass media* (adopted in 1995) is in action until the enforcement of the new law. By the way, in 2003 the presidential administration returned the draft law *On mass media* for improvement. The authorities assured that the law will undergo international expertise, but did not keep their promise.

The Belarusian Association of Journalists asked them many times to direct the draft law for international expertise and proposed its own expert evaluation of the document. Similar proposals were made by a number of international organizations, including the OSCE representative on freedom of the media Miklos Haraszti, The PACE rapporteur on Belarus Andrea Rigoni, the International Federation of Journalists, the International campaign for freedom of expression *Article 19, Reporters Without Borders*, the Committee to Protect Journalists (New-York), etc. However, the authorities ignored the wishes and proposals of national and foreign media experts.

On the eve of the consideration of the law at the Chamber of Representatives the Belarusian Association of Journalists submitted to each of its 110 deputies individual addresses with enumeration of the most repressive provisions of this document and the request to foster its wide public discussion before adoption. However, there was no discussion on this matter. The Chamber of Representatives considered the law in the first reading for just a bit more than half an hour: 93 deputies voted for it, 1 – against. After the voting Uladzimir Zdanovich, the head of the commission on education, culture, science and scientific-technical progress voiced the opinion that the deputy who voted ‘against’ could have pushed the wrong button by mistake or there could be some failure of the software. In the second reading the law was also adopted almost unanimously: 96 votes ‘for’ and 2 ‘against’.

The Belarusian Association of Journalists protested against the adoption of the new law *On mass media* by the parliament. It stated that ‘freedom of expression is not only the most important civil and political right, but also a criterion of respect for other Human Rights. We consider inadmissible such hasty consideration and adoption of a legal act concerning this fundamental right, laid down in Articles 33 and 34 of the Belarusian Constitution.’ The journalist organization defined the most repressive and restrictive provisions of the Law: registration of Internet editions and control of Internet from the side of the Ministry of Information and the Prosecutor’s Office; re-registration of all mass media after enforcement of the law; considerable extension of the reasons for which the authorities can close mass media; complication of their activities and increase of the pressure on independent journalists and correspondents of foreign editions.

The EU commissioner on external relations and the European policy neighborhood policy Benita Ferrero-Waldner condemned the law *On*

RESTRICTION OF THE FREEDOM OF EXPRESSION...

mass media: 'The Belarusian authorities missed an opportunity for improving conditions for the activities of mass media in the country and making a step towards democratization'.

The deputy head of the presidential administration Natallia Piatkevich commented on the critical remarks about the law *On mass media* on 23 June, in the program *17 Moments*: 'They need to earn money somehow... There are getting less and less informational occasions for criticizing and shouting. Here they have an opportunity to make a problem out of nothing, the more that the law *On mass media* does not concern the population. It is a specific law that regulates the activities of a branch of the people's economy. Mass media get their profit the same way shops and plants do... People will receive information as they used to.'

In 2008 another law was adopted that considerably restricts the constitutional rights of Belarus' citizens – the law *On information, informatization and protection of information*. It was adopted by the Chamber of Representatives on 9 October, approved by the Soviet of the Republic on 22 October and signed by the president on 10 November 2008. On 17 November it was put into the National register of legal acts and on 26 November it was published in the state press. It means that the law will come into power at the end of May 2009, six months after the publication.

According to its authors, the law *On information, informatization and protection of information* is technical and should regulate the public access to information, the informational exchange, the measures for protection of information and the rights and obligations of owners of technical appliances. However, this law has evoked hard criticism of independent lawyers from the very beginning. Media experts are anxious that this law introduces a total control over all currents of information running through Belarus and distributed through any channels, and the state starts holding the monopoly on any information originating both from state organs and ordinary citizens.

Despite the fact that, according to Article 2, the action of the law 'does not spread on the public relations connected with the activities of mass media and protection of the information that is a subject of intellectual property', the experts believe that, as soon as the law directly concerns the issues connected with the search, ownership and dissemination of

information (which belong to the sphere of the professional activities of mass media), it can influence the work of mass media. After its enforcement journalists will face yet more difficulties in receiving information, especially from state organs. A great part of now accessible information will become closed or subject to restrictive use and the punishment for dissemination of information will be increased.

The law envisions state registration for Internet systems and resources. There is a differentiation: state resources are obliged to get registered at the Ministry of Communications, whereas private ones can do it on their own will, but their information must be protected according to the standards defined by the operative-analytical center of the presidential administration.

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At the first stage experts of the Belarusian Association of Journalists were invited to participate in improvement of the law. However, according to Mikhail Pastukhou, who participated in a number of sittings of the working group, in the end the majority of substantial proposals made by the BAJ lawyers were ignored. The only result is that under the influence of the BAJ criticism all references to the Internet were excluded from the law, though its essence remained the same.

On 1 October the Office of Prosecutor General, the State Control Committee, the Ministry of Internal Affairs, the State Security Committee (KGB) and the Ministry of Justice adopted a joint ruling for regulation of the activities of mass media. This document restricted the access of mass media to information on the criminal cases connected with the crimes that had a wide public resonance or undermined the authority of the state administration. From the ruling it follows that the mass media should present only the official point of view on such cases. The restrictions, imposed by the law-enforcement agencies and the Ministry of Justice, are aimed at withdrawal of law-enforcement agencies from public control in the cases that concern the society most of all, including corruption.

The experts associate this normative act with the well-deserved criticism towards law-enforcement agencies in connection with a number of celebrated cases of 2008. By the way, were it not for public resonance, some of these cases (including the “civil car barrier” on the road) would not have been tried.

The legislative measures for the restriction of public access to information contradict the constitutional right, guaranteed by Article 34:

‘Citizens have the right to receive, keep and disseminate complete, precise and timely information about the activities of state organs, civil associations, political, cultural and international life and the state of the environment. State organs, civil associations and duty officials must provide citizens of the Republic of Belarus with the opportunity to familiarize with the materials that concern their rights and legal interests.’ According to this article, the use of information can be restricted by the law only ‘with the aim to defend the honor, dignity, personal and family life of citizens and full realization of their rights’.

In 2008 the authorities continued the campaign for the removal of satellite antennas from facades of dwelling houses. Citizens were warned that upon refusal to remove the antennas they would be brought to administrative responsibility under Article 21.13 of the Administrative Code ‘Violation of the architectural composition of the facade’. The article envisages fines and forced removal of the antennas. Despite the fact that the action of the article spreads only on the people who installed satellite antennas after 1 March 2007 (when the new Administrative Code came into force) without the prior consent of the local authorities, standard orders to remove the antennas were submitted to all owners. The campaign reached the greatest scale in Minsk. Before it, the dismantlement of satellite antennas was practiced mostly in the western regions of Belarus. The formal aim of the campaign was preservation of the aesthetic look of the streets, but media experts are of the opinion that the real aim is restriction of access to foreign TV channels including the *BelSat*, which broadcasts to Belarus from Poland.

Understanding that independent and objective information is a great threat to their political survival, Belarusian authorities took brutal measures against non-controllable media and journalists. On 27-28 March they organized the most massive act against representatives of independent mass media in the modern history of Belarus: KGB conducted an anti-journalist raid with searches and confiscations of appliances simultaneously in Minsk, Brest, Homel, Mahiliou, Hrodna, Vitsebsk, Biaroza, Baranavichy, Navapolatsk, Pinsk and Babruisk. All in all, during these two days, officers of law-enforcement agencies searched the private apartments of 16 journalists and several offices. 25 representatives of press (including those who were at the offices during the searches and were detained or underwent other pressurization) became victims of these acts.

On 27 March officers of security services came to the Minsk office of Radio *Racyja* with warrants and took journalist Yuliya Kotskaya for interrogation, to Hrodna offices of *Batskawshchyna* NGO and the BPF Party, the apartments of journalists Andrei Aliaksandrau (Navapolatsk), Eduard Melnikau (Minsk), Henadz Sudnik (Mahiliou), Anatol Hatouchyts (Homel), Alena Stsiapanava (Vitsebsk), Tamara Shchapiotkina (Biaroza), Vadzim Barshcheuski (Vitsebsk), Aliaksei Bely (Baranavichy), Natallia Chukhno (Brest), Andrei Shobin (Babruisk), Vital Vasilkou (Mahiliou), Alexander Buchek (Pinsk) and Vadzim Arshynski (Mahiliou). Some experts of *European Radio for Belarus* were blocked into the office of one of the Minsk firms. In the evening a search was conducted in Pinsk in the office where Viktor Yarashuk and Alexander Buchek work. On 28 March in Horki KGB officers searched the apartment of Eduard Brokarau, editor of the non-state small-circulation newspapers *Uzgorak* and *Vybar*. In Asipovichy they searched the apartment of the journalist Ihar Simbirou, in Homel – that of Dzmitry Karpenka. As a result of the searches they confiscated system disks, CDs, video and audio materials, headphones, voice-recorders, photo cameras, printed production, etc.

The searches were performed on the basis of a special errand of the vice-prosecutor of Minsk Aliaksei Stuk to the first vice-chairman of the KGB on counter-intelligence, major general Viktor Vehera. The official reason was the investigation of a criminal case brought by Minsk city prosecutor's office in August 2005 on the fact of distribution of satirical political cartoons over the Internet. The case was brought under part 1 of Article 367 of the Criminal Code – 'insult of the honor and dignity of the president of the Republic of Belarus'. The members of the civil initiative *Third Way* Andrei Abozau, Pavel Marozau and Andrei Minich were suspected in this crime (they fled from Belarus in 2005). The investigation allegedly thought that the journalists could collaborate with the authors of the cartoons and distribute their production over the Internet and at the *BelSat* TV channel.

The same reason was given in the answer given to the Belarusian Association of Journalists by the Minsk city prosecutor's office. According to the investigator who signed the letter, Siarhei Ivanou, the searches were performed 'within the limits of the preliminary investigation of the criminal case on defamation of the president (part 1 of Article 367 of the Criminal Code of the Republic of Belarus) against A. Abozau, P. Marozau and A. Minich'. According to S. Ivanou, these searches of 27-28 March

‘were conducted for sufficient reasons and in conformity with the legislation’.

However, the reasons that were given in the ‘errand’ of the vice-prosecutor of Minsk Aliaksei Stuk and in the answer of the prosecutor’s office, are different from the commentary made on 27 March by the head of informational service of the Ministry of Foreign Affairs, Maryia Vanshyna, who said that the searches were related to the work of journalists for non-accredited foreign media. Bear in mind that interrogations, within the limits of the case on ‘insult of the honor and dignity of the president of the Republic of Belarus’ which served as the pretext for massive persecution of journalists, continued even later. In April the coordinator of the TV channel *Be/Sa*, Eduard Melnikau, was summoned to the prosecutor’s office of Minsk as a witness. The interrogation concerned not only the ‘cartoons’ case’, but also Melnikau’s relation to *Be/Sat*. E. Melnikau stated that he was dealing with registration of a representation of the TV channel in Belarus and was doing it absolutely legally.

The groundlessness of the searches and the coordinated acts of the security services within the limits of this campaign witness the desire of authorities to intimidate journalists, create new obstacles to their professional activities and, as a result, restrict the public access to independent information.

Journalists were also persecuted within the limits of the criminal case that was brought after a blast during the night of 3-4 July, during the celebration of the official Independence Day (Article 339, part 3 of the Criminal Code – ‘malignant hooliganism’). Journalists were called in to the police all over the country. Some of them were interrogated concerning their relationship to the blast. Even some searches related to this case were registered.

In particular, on 20 July in Vitsebsk the police searched the apartment of Zhana Papova, director of the publishing house *Vitebskiy Kurier* that printed the non-state socio-political newspaper *Vitebskiy Kurier M*. The search was conducted by officers of the police department on struggle against organized crime. They confiscated diskettes, CDs and memory cards and explained that the confiscated items could contain the scheme of an explosive device. After the search Zh. Papova was taken to the police station for questioning in connection with the blast in Minsk.

On 22 July two officers of Krychau district police department came to the apartment of Siarhei Niarouny, editor of the non-state small-circulation newspaper *Volny Horad*. They asked him where he had been on 4 July and who could confirm his words. They also asked who could organize the explosion and how he got to know about it. The talk was not documented by them. The policemen also visited the founder of the newspaper, Uladzimir Kudrautsau, and a member of the editorial office, Mikalai Herdziy, and asked them the same questions.

In 2008 a great alarm was caused by the practice of bringing of civil cases on 'extremism in informational materials' with the option of further criminal persecution of citizens on the basis of the law *On counteraction to extremism* (enforced in January 2007). This is the first time when the action of this law was spread to journalists, authors, owners and distributors of independent press. According to the law, the court can declare the informational materials that contain calls to extremist activities and their propaganda and are meant for public distribution - extremist.

The precedent was created by luye district court (Hrodna region), which on 9 September declared the August issue of an unregistered edition *Svaboda* extremist material (the verdict was issued by Alexander Toustsik).

The precedent was created by luye district court (Hrodna region), which on 9 September declared the August issue of an unregistered edition of *Svaboda* extremist material (the verdict was issued by Alexander Toustsik). The civil case was brought on the application that was submitted to the court on 4 September by the KGB head on Hrodna regional Ihar Siarheyenka. The application concerned the article *War in Georgia*. According to KGB officers, this article 'compromised the activities of the law-enforcement agencies of Belarus' who hadn't let the *Young Front* hold an anti-war picket near the Russian Embassy. In the application the *Young Front* was called a radical extremist organization and the aim of the picket was characterized as 'solidarity with the lawless actions of the Georgian authorities against the South-Osetian people'. Thus, according to the KGB department, 'the information that was published in the newspaper, is openly anti-Belarusian and is aimed at discrediting of the main directions of internal and external policy of the Republic of Belarus' and 'the articles that were published in it, contain the materials that promote the extremist activities and genocide of the Georgian authorities towards the Osetian people'. However, on 5

November the College Board of Hrodna regional court reversed the ruling of luye district court because the latter had tried the case with violation of the legal procedure (in absence of the interested sides).

On 12 December, during the second trial luye district court turned down the lawsuit of the Hrodna regional KGB department and stated that he had no powers to file such suits. On the initiative of the head of the Hrodna regional KGB Ihar Siarheyenka Kastychnitski district court of Hrodna brought more such cases: against the newspaper of the Belarusian Poles *Glos znad Niemna na uchodzstwie*, *Review-Chronicle of Human Rights Violations in Belarus in 2004*, *Belarusian Conspirator + Small Conspirator*, audio recording of programs of the Polish radio, CDs with recordings of the concert *Solidarity with Belarus*, *Fundamentals of the Strategy of United Democratic Forces*, the bulletin *Svobodnaya Dumka*, the books *Letters from Forest* by Paval Seviarynets and *Occasional President* by the journalists Sviatlana Kalinkina and Paval Sharamet. All these materials were confiscated by the Belarusian customs officers on the border. Among the defendants there were the journalists Barys Haretski, Andzhei Pisalnik and Valery Shchukin, the students of Kalinouski educational program Dzmitry Malchyk, Yauhen Skarabutan and Aliaksei Trubkin, the member of the United Civil Party Uladzimir Laryn and two citizens of luye district, who in 2006 occasionally witnessed a picket at the Belarusian-Polish border and received CDs from its participants with the electoral program of the candidate for president Alexander Milinkevich that were later confiscated by customs officers. The majority of these cases weren't brought to trial. In November the judge Alexander Sitsko informed Andzhei Pisalnik that the court decided not to try the case against the newspaper of the Belarusian Poles *Glos znad Niemna na uchodzstwie*. Before this the court also refused to consider the case against *Review-Chronicle of Human Rights Violations in Belarus in 2004*. However, no one managed to receive a copy of the appropriate court ruling.

On 24 October in Brest customs officers confiscated ten copies of the *ARCHE* magazine that were meant for the Polish authors of the magazine and a group of the Polish professors of history who specialized in the topics elucidated in the magazine. The customs officers suspected that 'the information published in the magazine can do harm to the national interests of the Republic of Belarus'. Soon the chief editor of the magazine received a letter from the State Customs Committee, signed

by the deputy head of the committee S. Barysiuk. There it was stated that according to the KGB conclusion of 5 November 2008 the *ARCHE* issue №7-8 for 2008 contained calls to extremist activities and propaganda of such activities. The case was directed to Maskouski district court of Brest with the petition for finding this informational production extremist and its subsequent destruction. Till the end of 2008 there was no information about the development of this case.

4 Only one court verdict on 'extremism' remained unchanged. In September Kastychnitski district court of Hrodna found three CDs with the recording of the concert *Solidary with Belarus* that had taken place in 2006 extremist, six CDs with the Polish documentary *Lekcja Bialoruskiego* ('A lesson of the Belarusian language') and seven CDs with photos from Kastychnitskaya Square, made during the mass act of protest against the rigged presidential elections in 2006. On 16 September the court verdict came into legal force. On 2 October information about it was published in *Zviazda* newspaper in conformity with the procedure provided by Article 14 of the Law *On counteraction to extremism*. It means that a copy of the court verdict was directed to the Ministry of Information 'for inclusion of the informational production in the republican list of the extremist materials liable to publication in the state media'. The name of the journalist Alexander Burakou, from whom the aforementioned production had been confiscated, was also mentioned there, though there were no official charges against him.

According to experts, the cases of finding informational production extremist materials are an example of the extremely restrictive attitude to the freedom of expression and the court verdicts without preceding expertise are very dangerous.

There is still no progress in the investigation of the murder of the journalist Veranika Charkasava (during the last years of her life she worked in a non-state newspaper *Salidarnasts*) who died from numerous knife wounds in October 2004 in her own apartment. The case was suspended in February 2007 'in connection with the impossibility to find the person who is to be brought to responsibility as a defendant' and hasn't been reopened since.

The same concerns the case on the disappearance of the ORT cameraman Dzmitry Zavadski, who was kidnapped on 7 July 2000. The case was suspended on 31 March 2006 'because of non-finding of the

missing person' and the journalist's whereabouts remain unknown. At the press-conference of 16 January the Prosecutor General Piatro Miklashevich stated that 'the position of the office of the Prosecutor General on Ihnatovich remains unchanged. Complaints keep coming from him, but there is no evidence that could put the court verdict to doubt (Miklashevich means Valer Ihnatovich, former officer of the special police squad *Almaz*, who in 2002 got a life sentence on charges in the kidnapping of D.Zavadski and a number of other felonies; some more people were also punished for these crimes together with Ihnatovich). On 18 November A. Lukashenka touched upon Zavadski case in the interview to the *Financial Times*: 'Dzima is the greatest wound for me as a president. He was an honest and decent man who had no relation to politics at all. The court has issued a verdict on this criminal case. A man has been sentenced to imprisonment for life for this crime. However, for me it is more important to find him or his body if he is dead. If it is discovered that the court made a mistake and issued the wrong verdict, I will get to my knees and beg the pardon of the relatives and friends or Dzima Zavadski, would he happen to be still alive'. Despite the interest to the case, demonstrated by A. Lukashenka, the official investigation stopped its work on finding the fate of the journalist.

During the year journalists were detained, arrested and beaten for implementation of their professional duties. On 10 January in Kastychnitskaya Square in Minsk, during the protest act of entrepreneurs the police detained the freelance correspondent of *Nasha Niva* Arsen Pakhomau. Despite the fact that he was directed to the action by the editorial board of the newspaper and had the appropriate document, On 11 January the judge of Tsentralny district court of Minsk Leanid Yasinovich sentenced him to 15 days of arrest under Articles 17.1 and 23.34 of the Administrative Code ('petty hooliganism' and 'participation in unauthorized mass action').

On 25 March, during the street procession to mark the Freedom Day the police detained the members of the editorial board of *Nasha Niva* Andrei Liankevich and Siamion Pechanko and the correspondent of the Lithuanian radio and TV Ruta Rybcheuskine together with the cameraman Jonas Grishkonis. All of them had journalist certificates and accreditations. The following day S. Pechanko was sentenced to 15 days of arrest under Article 23.34 of the Administrative Code by the judge of Maskouski district court of Minsk Tamara Unukevich. Andrei Liankevich

was beaten during the detention. The judge of Zavadski district court of Minsk Alena Laptseva returned the administrative case against him to Savetski district police department of Minsk for correction, but the police did not send it back to the court. Concerning the Lithuanian journalists who had been detained for two hours at Tsentralny district police department and had been released after identification and confiscation of the shootings, Belarus had to apologize for it. On 22 March the press-service of the Ministry of Foreign Affairs of Lithuania informed that during a meeting with the secretary of the Lithuanian MFA the Ambassador of Belarus in Vilnius Uladzimir Drazhyn 'passed apologies for the incident that happened on 25 March and during which the journalists of the news service of the Lithuanian radio and television were groundlessly detained with the use of physical force despite the fact that they had the accreditation from the Belarusian MFA.' By the way, the Belarusian authorities have never apologized for detentions and arrests of native journalists.

On 15 May freelance photo correspondent of *Nasha Niva* Yaraslau Stseshyk was detained for taking photos of a street poll, organized by youth activists near the supermarket in Niemiha Street. He was accused of the use of foul language in public (Article 17.1 of the Administrative Code, 'petty hooliganism'). Navabelitski district court of Homel fined the correspondent of *Tovarishch* Tatsiana Bublikava for participation in an excursion across the historical places of the city related to the life and activities of the member of the executive committee of the Belarusian People's Republic Paluta Badunova. On 22 April the judge Aleh Kharoshka found the journalist guilty under Article 23.34, part 1 of the Administrative Code ('participation in unauthorized mass action') and fined her, despite the fact that she was implementing a task of the editorial board of *Tovarishch* and had an appropriate document.

On 29 April in Nezalezhnastsi Avenue the police detained the journalist of *Narodnaya Volia* Vital Harbuzau who was watching members of the United Civil Party hand out an issue of *Narodnaya Volia* with the UCP address to citizens, business and the state *Price of Choice*. He was kept at Tsentralny district police department and for some time then was released without any reports drawn.

On 1 May the correspondent of the *Belorusy i Rynok* newspaper Henadz Barbarych was detained near Pershamaiski district police department for trying to find out the fate of the activists who had been

seized near the National Library at the official 'people's celebration' in honor of the Labor Day. The journalist was released after the police officers checked his documents.

On 10 December Hrodna correspondent Ivan Roman was watching the action of Human Rights activists in honor of the 60th anniversary of the Universal Declaration of Human Rights. Though he had his journalist certificate with him, he was detained by the police and kept at Leninski district police department of Hrodna for about two hours. There the police put down his passport data and then let him go. In general, the majority of mass actions were accompanied with detentions and a rude attitude toward journalists. On 21 January, during the disbandment of the entrepreneurs' rally in Minsk the police pushed journalists together with the participants of the act, paying no attention to their badges. The police operation was coordinated by the minister of interior Uladzimir Navumau. He threatened the journalist of Radio *Liberty* Liudmila Luniova with detention when she tried to record his voice. His guard tried to take the voice recorder from the journalist. Uladzimir Navumau also shouted at the journalist Aliona Sharamet, ordering her to stop taking photos and threatening that otherwise she would be sitting in 'some another place'. On 22 November, during an act of solidarity with the youth activist Alexander Barazenska who was kept in the pre-trial prison in Valadarski Street the police detained 15 people including the correspondent of *Nasha Niva* Yuliya Darashkevich who was implementing her professional duties.

Systematic refusals in access to information and the restrictive use of accreditation added to the general unfavorable situation for activity of non-state mass media.

On 28 February the executive committee of the National Olympic Committee (NOC) deprived the most popular sports newspaper in Belarus – Pressbol – of accreditation because many of its publications were allegedly tendentious and 'were not aimed at promotion of Olympic ideals'.

The deputy editor of *Narodnaya Volia* Maryna Koktysh was denied accreditation at the Chamber of Representatives of the National Assembly of the Republic of Belarus. On 25 March the editorial board of the newspaper addressed the CRNA and on 8 April received a negative answer, in which the head of the Regular Commission on Human Rights,

National Relations and Mass Media Yury Kulakouski proposed that the editorial board present another candidacy for accreditation, as Maryna Koktysh was denied admission to the House of the Parliament. However, nobody has presented any information as to where and why such decision had been taken.

Representatives of regional editions also faced accreditation denials in 2008. In January the Hantsavichy district soviet of deputies and the Hantsavichy district executive committee refused to issue accreditation to journalists of the non-state newspaper *Hantsavitski Chas* without any explanation. The following attempts to receive accreditation were also fruitless, though as a result the journalists were informed the reasons: in his answer the head of the regional soviet of deputies Ashmiansau referred to 'discredit of the power organs' and 'disinformation of the population in the mass media'.

On 15 February the correspondent of the *Intex-press* Ruslan Harbachou was not allowed to attend the seminar-council that was dedicated to the work of the local self-government and was held at Baranavichy city executive committee. The heads of the towns and districts of the Brest region and the administration of Brest regional executive committee including its head Kanstantsin Sumar participated in the event.

On 24 January the head of the information department of socio-political newspaper *Borisovskie Novosti* Anatol Mazgou was not admitted to the joint extended sitting of the Barysau district executive committee and the district soviet of deputies. The head of the ideological department of the DEC Liudmila Harnak stated that the journalist's presence was undesirable and ordered him to leave the event.

The editor of the small-circulation bulletin *Boykiy Kletsk* Siarhei Panamarou was not admitted to the meeting of the local entrepreneurs with the state officials that was held at Kletsk district executive committee. The guards forcibly pushed him out of the building, though he showed to them his journalist certificate. As a result of the rude actions of a policeman the journalist bumped against a wall. His face was smashed bloody.

On 19 June about twenty journalists weren't admitted to the hearings on the criminal case against road policemen who had stopped several civil cars to block the road for stopping a drunk driver on the Minsk-Mikashkevichy highway. The hearings took place at the court of Minsk district and the town of Zaslauye and only three or four journalists

managed to get in. The rest were stopped at the entrance and were told that the court hall was overcrowded.

On 22 April the political observer of the *Belorusy i Rynok* weekly H. Barbarych and the correspondent of Radio *Liberty* Aleh Hruzdilovich were removed from the court hall of Maskouski district court of Minsk. The reason was that H. Barbarych was holding in his hand a cellular phone that was switched off and A. Hruzdilovich was recording the trial with his voice recorder. According to Article 287, part 6 of the Criminal Process Code 'Ensuring of the publicity of the trial', 'those who are present at open trial have the right to make manual and tape transcripts' and the judge's permission is necessary only for making photo and video shots.

Representatives of foreign mass media also faced accreditation denials. On 28 May the correspondent of Radio *Racyja* Aliaksei Minchonak was officially denied accreditation at the Belarusian Minister of Foreign Affairs. The official reason was that earlier he 'used to work as a journalist for foreign media without MFA accreditation'. On the eve of the elections the Ministry of Foreign Affairs refused to issue accreditation to a new correspondent of the European Radio for Belarus who hadn't worked in Belarus without accreditation.

The situation with accreditation of the journalists for foreign media became better in November-December, which was connected with the declared liberalization in the sphere of mass media. In particular, the MFA issued temporary accreditation to correspondents of two Polish newspapers – Andzhei Pisalnik (*Rzeczpospolita*) and Andrei Pachobut (*Gazeta Wyborcza*). On 20 December the MFA accepted the documents for registration of the representation of the *BelSat* TV channel as a part of the Polish TV (TVP) in Belarus. The decision on *BelSat* must be taken by the Soviet of Ministers within two-month term.

The situation of the freedom of expression and the right to disseminate information did not improve during the main political campaign of the year, the elections to the Chamber of Representatives of the National Assembly. While the state media tried to minimize the concurrence between different political forces, making emphasis on the organizing and technical aspects of the election process, the invariably harsh policy towards non-state media didn't let the later ones normally receive and distribute information in the society.

The state organs and the election commissions of different levels often refused to inform the journalists of non-state editions about the details of the electoral campaign. For instance, on 20 August the head of the ideological department of Hantsavichy district executive committee refused to provide any information about the results of forming of precinct commissions to the *Hantsavitski Chas* newspaper. As a result, the journalists had to take the necessary information from a state newspaper that received such information without any problems. On 25-26 September representatives of the constituency election commission of Baranavichy and Baranavichy district refused to inform the correspondent of the non-state newspaper *Intex-press* Ruslan Harbachou about the number of people who voted early. The newspaper managed to get this information only at the Central Election Commission of Belarus.

On 23 September the photo correspondent of the non-state newspaper *Narodnaya Volia* Yuri Dziadzinkin was prohibited to take photos of voting at a precinct with reference to a special ruling of the head of the precinct commission. The secretary of the Central Election Commission Mikalai Lazavik demonstrated quite an interesting attitude to this issue: he confirmed that prohibition to a journalist of a registered media to work at a precinct was a violation of the election law, but added that this happened as a result of the journalist's inability to establish normal 'human relations'.

Non-state mass media were deprived of the opportunity to be distributed by subscription and the news-stands of the state monopolist *Belsayuzdruk* and therefore it was quite difficult for them to inform the electorate about the electoral process. Distributors of registered and unregistered independent media were detained and persecuted.

On 28 August Leninski district court of Minsk sentenced Paval Luksha who had been detained for distribution of the small-circulation newspaper *Vybar* on 18 August to ten days of arrest. The edition included articles with calls to boycott the elections and protest against the possible falsifications. The court qualified it as calls to participation in unauthorized mass actions and punished the activist under Article 23.34 of the Administrative Code ('violation of the order of organizing and holding mass actions').

On 27 September in Svetlahorsk the police detained the proxies of the candidate for deputy Siarhei Daineka, local activists of the Party of Communists Belarusian Viktor Akhramchuk, Sviatlana Mikhalchanka and

Siarhei Shavialenka, who distributed the non-state socio-political newspaper *Tovarishch* and the small-circulation editions *Vybar* and *Glotok Vozdukh*. At first they were guarded to Svetlahorsk district police department. Then the police searched Mikhalchanka's apartment. As a result they confiscated 17 copies of *Tovarishch* and one copy of the small-circulation bulletins *Levyi Marsh*, *Peresmenka* and *Naviny BNF*. The following day the activist was allowed to take back the seized copies of *Tovarishch*, whereas the bulletins were directed to the prosecutor's office 'for examination'.

On 28 August in Salihorsk the police detained Krystsina Samoilava, Ivan and Illia Shylas, Hleb Snorkin and Andrei Tychyna for distribution of the small-circulation newspaper *Svabodny Salihorsk* with materials about the boycott of the parliamentary elections. The youngsters were kept at the police station for some time. Then they were let go. The police also searched their apartments and confiscated computers and printed materials.

Distributors of independent press were detained and punished by court not only during the election campaign, but during the whole year.

On 20 January in Minsk the police detained the pensioner Sviatlana Danilava for distribution of *Narodnaya Volia* newspaper. In her bag the policemen also found copies of *Tovarish*, *Nash Vybor*, several copies of *Svaboda Belarusi* and *Nash Chas*. On 21 January the judge of Savetski district court of Minsk Liudmila Savastsian fined S.Danilava under Article 23.34 of the Administrative Code ('violation of the order of organizing and holding mass actions'), because *Nash Vybar* contained information about the entrepreneurs' rally, scheduled for 21 January.

On 24 March Leninski district court of Minsk fined Maryia Aliyeva and Alena Naporka for distribution of the small-circulation newspaper *Volnaya Serabranka*. The women were declared guilty of distribution of information about the unauthorized action in honor of the Freedom Day, 25 March (Article 23.34).

On 9 April the administrative commission of Chyhunachny district of Vitsebsk fined the distributor of non-state newspapers and magazines Barys Khamaida for 'trade in unauthorized place'.

While the majority of non-state socio-political editions had no access to the state distribution nets *Belposhta* and *Belsayzdruk* and their distributors were persecuted, the powerful administrative resource was used all over the country for making people subscribe to the state media.

In December the editorial board of the *Novy Chas* newspaper received a letter signed by the deputy head of Pershamaiski district executive committee of Minsk Vera Bohdan. The letter is addressed to the heads of enterprises, organizations and institutions and 'asks' their organizations to subscribe to 14 state newspapers, including the newspaper of the presidential administration *Sovetskaya Belorussiya* and send the subscription receipts to the ideological department of the executive committee.

4

The Belarusian Association of Journalists managed to obtain a copy of the *Plan of organizing measures for subscription to printed media for the first six months of 2009*', worked out by the ideologists of Brest regional executive committee. The document distributes duties between representatives of different branches of the local 'vertical', *Belposhta* (Belarusian post) workers and the heads of local enterprises. In particular, representatives of town and district executive committees must hold councils with the heads of enterprises and institutions for organization of the subscription campaign in the working collectives. The heads of enterprises and organizations of all forms of property, in their turn, must submit applications for office subscription without 'admission of decrease of the office subscription to the main republican editions, state regional and district newspapers'. The post workers got the task to make weekly reports to the ideological department about the state of the subscription campaign and present to Brest regional executive committee information about the enterprises and institutions who refused to subscribe or where the subscription decreased.

The Belarusian authorities continued practicing temporary blockage of the most popular socio-political Internet sources. On 10 January, the day when the entrepreneurs held a mass action of protest, the access to the web-sites of *Charter'97*, *Radio Liberty*, *The Belarusian Partisan*, *ucpb.org* (the web-site of the United Civil Party) and *livejournal.com* was blocked. During the next rally, held on 21 January, the web-sites of *Nasha Niva*, *Radio Liberty* and *Charter'97* were blocked.

On 26 April, several hours before the traditional commemorative street action *Chernobyl Way* the web-sites of *Charter'97*, *Radio Liberty* and the *Belarusian Partisan* opened very slowly or were inaccessible. The web-site of *Charter'97* started working only on 27 April, on 28 April there was a coordinated massive attack on the web-site of *Radio Liberty* and the *Belarusian Partisan* was blocked for three days.

Written warnings from the Ministry of Information still remained a means of pressurization and influence on the editorial policy of mass media, though the number of such warnings decreased: according to the information of the Law *On press and other mass media*, 56 written warnings were issued to 51 edition in 2008, whereas in 2007 there were 86 warnings to 76 mass media.

The most widespread reasons for issue of warnings to non-state mass media were: excess of the permitted percent of advertisement (*Hazeta Slonimskaya*), violations in placement of advertisement (*Hantsavitski Chas*), violations in the imprint formula and untimely information of the Ministry of Information about the change of the office address (*Vitebskiy Kurier M*), the change of language and inaccuracies in the imprint (*Novy Chas*), narrowing of the territory of distribution and the use of one language instead of two (*Bobruiskiy Kurier*), etc. At the same time, there were also registered some cases when warnings were issued for critical articles about socio-political events. In particular on 4 November the Ministry of Information issued a warning to the non-state regional newspaper *Borisovskie Novosti* for the article *Satan's ball or Huminski's third revelry*, dedicated to the results of the parliamentary elections in Barysau election constituency №62 and the possible violations at its precincts.

Thus, the state policy towards incontrollable media and independent journalists remained severe, despite the inconsiderable positive developments. The experts of the Belarusian Association of Journalists are of the opinion that it is impossible to ensure the freedom of expression and really improve the situation of the Belarusian mass media without:

1. provision of equal economic conditions for mass media of different forms of property, including the abolishment of the ban for distribution of non-state socio-political press by *Belsayuzdrukë* their return to the subscription catalogs of *Belposhta* and the return of *Tovarishch* and *Vitebskiy Kurier M* to the Belarusian printing houses;

2. provision of real access to information by means of : abolition of the Law *On state service* and the provisions of the sublegal acts that restrict the right to access to information about the activities of the state organs; guaranteeing of free accreditation of correspondents and the establishment of the official representations of foreign mass media in Belarus, introduction of accreditation by application; non-admission of the cases when duty officials refuse to provide information to journalists;

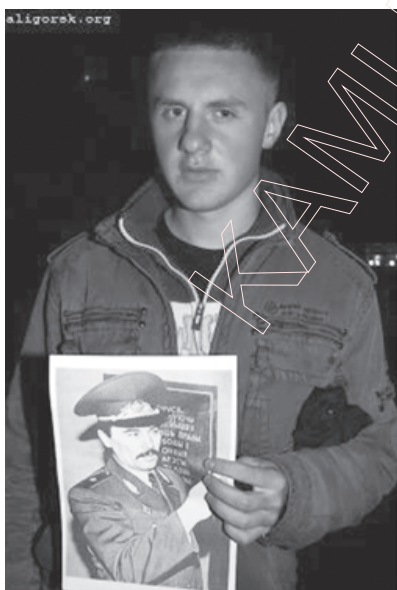
3. putting Belarusian legislation in line with the international legal norms, by means of: putting the Law *On mass media* and the practice of use of the Law *On counteraction to extremism* in line with the international standards; abolishment of or moratorium on five articles of the Criminal Code: Article 367 'Defamation of the president of the Republic of Belarus', Article 368 'Insult of the president of the Republic of Belarus', Article 369 'Insult of representative of power', Article 369-1 'Discredit of the Republic of Belarus' and Article 193-1 that penalizes actions on behalf of unregistered organizations, and the complete decriminalization of defamation in future.

4

According to the research of different international organizations, at present Belarus occupies one of the last places in the world ratings of freedom of expression and press. In the world rating of freedom of press for 2008, published by *Reporters Without Borders*, Belarus stands on 154th position out of 173, whereas according to the rating of the *Freedom House* it is on 188th position out of 195.



16 December. Minsk does not forget political disappearances.



16 October. Salihorsk.
Solidarity rally.



30 August. International Day
of the Disappeared. Belarus reminds
of the disappeared politicians and civil
activists.



The people demand Aliaksandr Kazulin's release for his wife Iryna's funeral.



The last farewell...



Aliaksandr Kazulin out of prison.



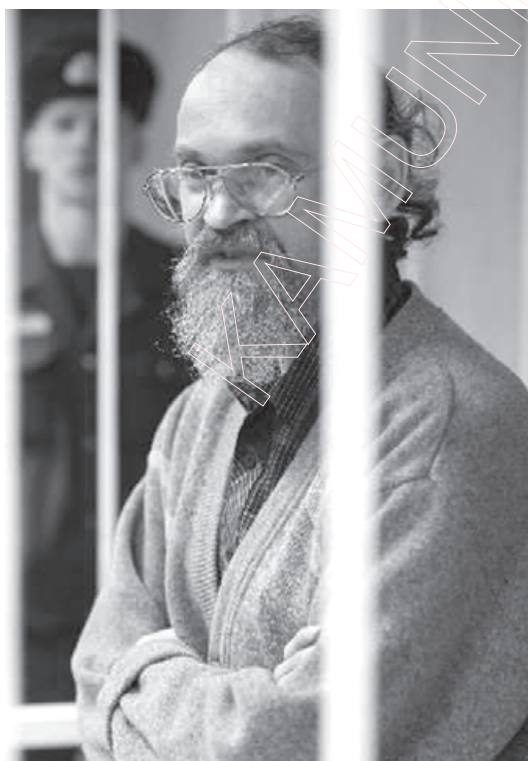
The release of the political prisoner Dzmitry Dashkevich.



The political prisoner Artur Finkevich greeted by friends upon his release.



Andrei Klimau and his wife Tatsiana.
The joyous meeting at large.



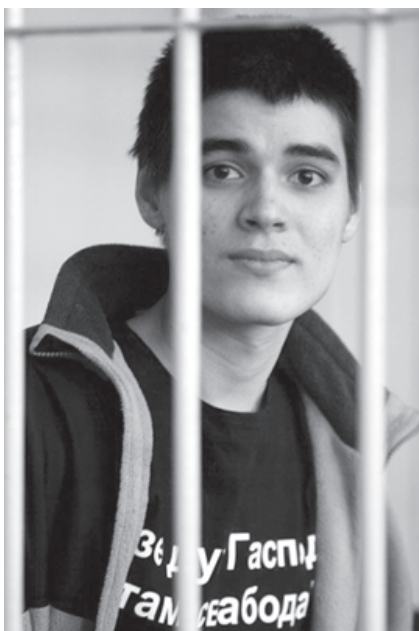
The trial of the journalist
Aliaksandr Zdzvishkou.



Rally
of entrepreneurs'
protest
on 10 January
in Minsk.



The arrests
and beating were
directly guided
by the Minister
of the Interior
Uladzimir
Navumau.



The political prisoner
Andrei Kim.



Andrei Kim released by Aliaksandr
Lukashenka's order of pardon.



The trial of the entrepreneur
Siarhei Parsiukevich.



Siarhei Parsiukevich released by Aliaksandr
Lukashenka's order of pardon.



The convicts of the 'case of 14'.



The solidarity rally during the trial of Aliaksandr Barazenska.



Aliaksandr Barazenska released in the courtroom.



25 March. Freedom Day demonstration in Minsk ended in mass arrests and beating of peaceful demonstrators.



Chernobyl
Shliakh. Minsk.
26 April.

The icon of Virgin Mary defiled by unknown persons at the Kurapaty memorial forest.



The ruined crosses at the Kurapaty memorial forest.



Forefathers remembrance day Dziady. The traditional procession to the Kurapaty memorial forest.



The parliamentary election.



The evening of 28 September, Minsk. Some people do not trust the official results of the election.



The arrest
of the participants
of the picket marking
the International
Human Rights Day.

The arrest
of the human rights
activist Iryna
Toustsik for
distributing copies
of the Universal
Declaration
of Human Rights.



International
Human Rights Day.
The arrest
of the human
rights activist
Ales Bialiatski.



The parade in Minsk
marking the Day
of the Republic.



It is symbolic.
A tower of the Minsk
prison in Valadarski
Street collapsed.

5. Political, National, Linguistic, Religious and Other Kinds of Discrimination

In 2008 the authorities continued consequent and severe discrimination of citizens for their political convictions. First of all it was manifested in politically motivated dismissals from work and expulsions from educational establishments.

The heads of enterprises and organizations usually used for dismissals the opportunities ensuing from the fact that the majority of the people in the country work on short-term contracts. In particular, in June the head of Haradok district branch of the Belarusian Popular Front Party, editor of the non-state newspaper *Da Peramohi* Leanid Autukhou was fired from the position of operator of purifying plants 'because of the expiration of the labor contract'. The head of Kobryn district council of the BPF Party, engineer of the bureau of gas-mains Alexander Mekh was also fired in June. In December the administration of weaving factory №2 in Baranavichy, where the activist of the United Civil Party Ryhor Hryk worked as a repairman for 17 years, did not extend the labor contract to him. All three activists were nominated candidates to the Chamber of Representatives during the latest parliamentary elections.

There were also registered some cases when heads of enterprises had to dismiss activists because of pressure from the side of the authorities or made the latter ones turn away from their civil or political activities under the threat of dismissal. In particular, for fear of repressions from the side of the authorities the administration of a private taxi firm threatened to dismiss Kanstantsin Zhukouski unless he stopped his activities as a candidate for deputy at the Buda-Kashaliova election constituency. The activist of the Belarusian Social Democratic Party (*Hramada*), candidate for deputy at Asipovichy constituency Taisiya Kabanchuk was fired from the position of storekeeper at Babruisk storehouse of Baranavichy poultry factory. After participation in the parliamentary elections the member of the UCP in Hrodna Viktor Padchynenkau had to resign from work under the pressure of the administration that, in its turn, was pressured by the authorities. In

December the deputy of Masty district soviet of deputies, translator Dzmitry Kukhlei was dismissed from *Mostadreu* enterprise. The member of the UCP, teacher of history at Homel gymnasium №46 Sviatlana Paliakova was made to take a less-privileged position of educator under the threat of dismissal.

The authorities used expulsion from educational establishments as a method of punishment of youth leaders and activists and a means of intimidation of wide circles of youth and students.

In June the deputy head of *Young Front* Ivan Shyla was not allowed to sit his last exam at secondary school №4 in Salihorsk (earlier he was tried under Article 193.1 of the Criminal Code, 'organization of a civil association, religious organization or fund that did not pass state registration or participation in them'). I. Shyla successfully passed the first two exams. However, before the last one the education department of Minsk regional pressured the pedagogical council of the school into voting for his non-admission to the last exam because of 'intensive civil activities and numerous detentions at street actions'. The schoolmaster V. Siankova retired to protest against the open and groundless pressure of the pedagogical collective. Ivan Shyla was left without secondary education certificate and therefore lost the opportunity to enter a higher educational establishment.

The pupil of secondary school №37 in Minsk, deputy head of *Young Front* Nasta Palazhanka was threatened with expulsion from the school. The schoolmaster, in his turn, was heavily pressured by the local education department, including threats of dismissal.

The second-year student of the Belarusian State University of Physical Culture Tatsiana Tsishkevich was sentenced to 20 days of imprisonment for participation in the street act of entrepreneurs in Minsk on 10 January. In February she was expelled from the university because of 'administrative violation against the public moral'. In April T. Tsishkevich was sentenced to two years of personal restraint without direction to an open penitentiary institution for participation in the same act. Mikhail Pashkevich, a leader of *Young Democrats*, the youth branch of the United Civil Party, was expelled from the sixth year of the historical faculty of the Belarusian State University, where he studied by correspondence. The reason was his participation in civil and political actions that resulted in numerous detentions and administrative punishments. The same month

POLITICAL, NATIONAL, LINGUISTIC, RELIGIOUS DISCRIMINATION

Mikhail was also sentenced to two years of personal restraint without direction to an open penitentiary institution for participation in the protest act of entrepreneurs. Sometimes the administrations of educational establishments concealed the political motivation of the expulsions. In the orders for expulsion they presented unclear, blurred formulations and references to internal regulations. In particular, the first-year student of the historical faculty of the Belarusian State University Ales Krutkin was expelled in summer 2008 for 'violation of the internal regulations of the university'. At first the dean's office tried to make the activist retract his documents 'by his own will', twice issued severe reprimands to him and proposed that he study by correspondence. Everything ended with the expulsion order. A. Krutkin, the winner of the national Olympics in the history of Belarus, has been many times drawn to administrative responsibility for participation in civil actions. The civil activist Stanislau Senakosau was also expelled from Mahiliou technical college №2 for 'violations of the internal regulations'.

On 22 January the deputy head of Homel regional branch of the BPF Party, student with excellent academic progress Dzmitry Zhalezniczenka was expelled from Homel State University for the second time. The student successfully appealed against the first expulsion at court and was rehabilitated at the university. However, six days after it he was expelled again and on 25 January was drafted into the army.

In February the activist of the BPF Youth Franak Viachorka was expelled from the third year of the faculty of journalism of the Belarusian State University despite his good academic progress. Franak was detained on 16 January at Tsentralny district court of Minsk. The following day he was arrested for 15 days for alleged 'dirty swearing near the district police department'. As a result he missed two exams and had to pass them to special examination commissions that gave him unsatisfactory marks, though during the previous exam session his average was 8.6 out of 10. Together with Viachorka the police detained the first-year student of Minsk State Linguistic University Anton Kalinouski, who also missed some exams as a result of arrest and was expelled with from the university with the same formulation.

The activist of *Young Front* Rastsislau Pankratau was expelled from the first year of Mahiliou State University for 'poor academic progress'. Before this he was pressured by KGB and the dean's office. KGB officers

interrogated him at the rector's office and inclined him to collaboration. The administration of the university tried to make him retract his documents 'by his own will', but he refused. Then he was not allowed to attend his summer exams. The youth activist Tatsiana Shambalava, candidate hopeful for the Chamber of Representatives, was expelled from the third year of the same university, also for 'poor academic progress'.

The activist of *Young Front* Artsiom Lastavetski was also expelled from the second year of the Belarusian State University of Radio Electronics and Informatics for 'poor academic progress'. It is quite interesting that he had passed his summer session and was transferred to the second year, and only then learned about the expulsion. Before it Artsiom had been detained several times by the police, who informed the dean's office about it.

5

In February the member of the BPF Party Ihar Pazharytski was expelled from Horki Agricultural Academy. He edited the independent student bulletins *Recha* and *Studentski Haradok* for several years and collected students' signatures against the construction of the nuclear power plant in Horki district. During the winter session I. Pazharytski had to take one of the exams four times. Finally he received a positive mark and was told that his case would be considered by a special commission. Later he came to the dean's office to ask when the sitting of the commission would take place and was told that he was expelled because of poor academic progress. The civil activist Pavel Kuryianovich was expelled from the fourth year of Minsk State Higher College of Radio Engineering for missing the practical training because of 20-day arrest. In April the administration of the Belarusian State Economical University threatened to expel the third-year student, *Young Front* activist Mauliuda Atakulava, who has been many times arrested and fined because of her civil activities. Her fellow students collected more than a hundred signatures against her expulsion and the students' labor committee also stood for her. The fifth-year student of the journalism faculty of the Belarusian State University, press-secretary of the BPF Party Katsiaryna Markouskaya, was also threatened with expulsion.

Presidential decree №70 introduced obligatory interviews for the university entrants on a number of specialties. These interviews were used for weeding out the 'undesirables' and their non-admission to the entrance exams. The activists of the BPF Party Viktoryia and Krystsina

POLITICAL, NATIONAL, LINGUISTIC, RELIGIOUS DISCRIMINATION

Chyzh, Alexander Kuzniatsou and Yuliya Mikhailava did not pass such interviews while trying to enter the juridical faculty of Vitsebsk Pedagogical University. After his expulsion from the third year of the faculty of journalism at the Belarusian State University Franak Viachorka came to an interview in order to try entering the university once again, but did not pass the interview either.

Friends of the expelled students held campaigns in their support: leaflets with information about politically motivated expulsions were distributed in auditoriums and dormitories. During one day the students of Minsk State Higher College of Radio Engineering collected 54 signatures under the petition for the rehabilitation of Paval Kuryianovich at the educational establishment. Ihar Pazharytski's friends handed out to the students and teachers of Horki Agricultural Academy the special issue of the *Horatski Vybar* newspaper with the article 'Expulsion of Ihar Pazharytski from the academy' and the newspaper *Studentski Haradok* to protest against his expulsion. There were also attempts to hold pickets in support of the expelled Franak Viachorka and Anton Kalinouski near the Belarusian State University and Minsk State Linguistic University. Reacting to massive expulsions of active students, the Belarusian democratic forces addressed the international community and foreign partners with calls to stop cooperating with Belarusian universities. For instance, in the address of the BPF Party, it was stated: 'The BPF Party calls on all state structures and private funds of the democratic countries of the world, the structures of the European Union and the European Universities to immediately stop or at least suspend any contacts with the Belarusian universities who practiced disgraceful political repressions'.

National discrimination and restriction of civil and political rights also continued in Belarus. The state did not foster the development of national communities, tried to manipulate them and did not demonstrate enough activity for stopping anti-Semitic incidents in the country.

National discrimination mostly concerned representatives of the Polish minority in Belarus. It was caused by the conflict that arose from the will of the Belarusian authorities to subdue and control the NGOs of the Polish minority (in particular, the Union of Poles in Belarus) and the reluctance of a considerable number of citizens to become dependent. In 2005 the Union of Poles in Belarus was split with direct participation of the Belarusian authorities. That's why during the recent years two

organizations continued acting under the same name. One of them has the official registration, is controlled and supported by the Belarusian authorities, while the other one has no registration and acts underground. Representatives of the latter organization are repressed by the authorities, but receive the support of the Polish state as plenipotentiary representatives of the Polish minority in Belarus. The situation was complicated with the actions of the Polish government that introduced special preferences for the Poles who were citizens of other countries, described in the *Law Card of Pole*. The Belarusian government stated that introduction of the Pole's card could seriously destabilize the international relations in the country, escalate tension in the Belarusian society, cause instability and mistrust between Belarusian citizens of different nationalities. The Polish authorities were proposed to introduce a moratorium on the use of the law towards Belarusian citizens and submit the law for international expertise concerning its compliance with the international norms. The press-secretary of the Belarusian MFA Andrei Papou stated that Minsk 'has nothing to do but reserve the right to take appropriate measures'. Nevertheless, the law came into power and in 2008 several thousands of Belarusian citizens used the opportunities that were presented by it.

Provocations were often staged against the head of the Union of Poles in Belarus in disgrace Anzhalika Borys and leaders and activists of the organization. In February unidentified people painted black crosses as symbols of death on the door and the windows of Anzhalika's apartment. On 29 March in Hrodna the police detained the car with A.Borys, the chief editor of *Magazyn Polski na uchodystwie* Ihlar Bantsar and the deputy head of the Union of Poles in Belarus Yuzaf Pazhetski in it. The police officers demanded that the car trunk be opened for examination. Having received a refusal, they entered the organization office and examined it. They policemen had to leave the office when about one hundred of adherents of the unregistered Union of Poles in Belarus gathered there.

Taking into consideration that a considerable number of the Belarusian citizens of Polish nationality lived on the border zone, the authorities often used the existing restrictions on movement for persecution of the organization activists. On 14 April the police detained A. Borys, I. Bantsar, a bus driver and eight Polish citizens for violation of the 'border regime' and drew up the reports about administrative violations. As a result the

detainees were fined. On 2 May the General consulate of Poland in Hrodna and the unregistered Union of Poles in Belarus organized a concert of the Polish band *Lombard*, dating back to the 20th anniversary of the establishment of the organization of the Polish minority in Belarus. The authorities refused to provide accommodation for the event, that's why it was held on the territory of a private firm. The concert went without any incidents. However, in a week a report for 'organization of unsanctioned mass action' was drawn on Anzhalika Borys. As a result she was fined. The same happened to the head Hrodna regional UCP branch Yury Istomin and the Human Rights activist Viktor Sazonau.

In August the head of Hrodna organization of the Union of Poles in Belarus Mechyslau Yaskevich and the editor of the newspaper *Głos znad Niemna na uchodźstwie* Inesa Todryk were detained on the Belarusian-Polish border for a long time and underwent a personal examination. On 4 September Mr. Yaskevich was detained in Hrodna. His car was searched. As a result, 51 copies of *Magazyn Polski na uchodźstwie* and *Głos znad Niemna na uchodźstwie* were confiscated from him.

In 2008 KGB departments initiated a number of civil cases for finding some informational materials extremist, which also concerned representatives of the Polish minority. In 2006 at the Belarusian-Polish border a copy of *Głos znad Niemna na uchodźstwie* was confiscated from Andzhei Pisalnik. In September 2008 Hrodna regional KGB department sued to Kastrychnitski district court of Hrodna, asking to find the confiscated copy of the newspaper extremist. In the middle of September A. Pisalnik was summoned to Kastrychnitski district court as the defendant, but in November the court turned down the KGB lawsuit.

In October the authorities tried to disrupt the assembly of teachers of the Polish language in Belarus, organized by the General consulate of Poland in Hrodna, the civil organization *Maciez szkolna* and the Union of Poles in Belarus in disgrace. About half of the invited people did not manage to come to the assembly: some of them were prohibited to go there by the administration of their schools, whereas for the rest the authorities organized a methodical conference and excursion to Augustouski channel.

The Polish newspaper *Rzeczpospolita* published the scandalous article 'The Polish MFA is ready to betray Anzelika Borys because of the meeting with Anzhalika Borys at the Polish MFA on 9 September, during

which she was proposed to turn away from her position at the UPB for geopolitical interests of Poland and warming of the Polish-Belarusian relations (the meeting took place a few days before the visit of the Polish minister of foreign affairs Radoslaw Sikorski to Belarus). According to the newspaper, the Belarusian and the Polish sides reached a secret agreement without participation of the Polish national minority in Belarus. The Polish side insisted on legalization of the unregistered Union of Poles in Belarus, whereas the Belarusian side proposed the amalgamation of the two unions with election of a new chairperson. Both sides agreed that Alina Miroshevich could head the new organization. Despite the fact that after a long period of silence high-rank Polish officials and A. Borys disproved this information, its truthfulness is confirmed by the later statement of the Union of Poles in Belarus that the Polish MFA was ready to sacrifice their interests for improvement of relations with the official Minsk. Soon the main council of the Union of Poles in Belarus in disgrace refused from the proposal of the Polish MFA on forming of the working group for negotiations with the registered Union of Poles and stated that such method of conflict resolution was unacceptable. The president of Poland Lech Kaczynski interfered with the conflict. After the meeting with A. Borys on 7 October he stated that the Polish state could not 'interfere with the activities of the well-operating organization of the Polish minority'.

Manifestations of anti-Semitism were also registered in 2008. At a press-conference in May the Ambassador of Israel in Belarus Ze'ev Ben-Aryeh enumerated the cases of vandalism at Jewish cemeteries, the painting of swastikas on the monument to ghetto in Slutsk and distribution of RNE leaflets in Vitsebsk. 'The most important thing in this case is the position of the government, its wish and ability to find the protractors and punish them... We have much hope that these facts will be publicly condemned by the top-rank officials.'

Linguistic discrimination of citizens continued as well. First of all it concerned those who speak Belarusian. The restriction of the usage of the Belarusian language in different spheres of life became the continuation of the russification policy that has been conducted on the territory of Belarus since the times of its occupation by the Russian Empire. According to Article 17 of the Constitution of the Republic of Belarus, the state languages in the country are Belarusian and Russian (Russian became an official language as a result of the referendum that

was held in 1995, after which Article 17 was amended), both of which possess equal status.

The relations in the sphere of development and the usage of state languages are regulated by the Law *On languages* in the edition of 13 July 1998. According to Article 3 of the law, citizens of the Republic of Belarus have the right to use their national languages, address to the state agencies, the organs of local self-government, enterprises, institutions, organizations and civil associations in Belarusian, Russian or any language, acceptable for the sides. Disposition decisions are to be drawn in Belarusian or Russian. According to Article 6, any privileges or restrictions of the rights of a person depending on language are inadmissible. Public insult of state or any other national languages, creation of obstacles and restrictions in their use, propaganda of enmity on the basis of language are punished by the law.

At the same time, numerous provisions of the law do not favor the equality of the state languages. In particular, according to Article 7 of the Law, acts of the state organs of the Republic of Belarus must be adopted and published in Belarusian **and/or** Russian; acts of organs of the local government and self-government must be adopted and published in Belarusian **and/or** Russian, and in the necessary cases – also in the national language of the language of the majority of population of the region. This means that acts of the state agencies of the Republic of Belarus can be adopted either in the Belarusian or in the Russian language, as the law does not oblige them to draw acts in both of the languages. As a result of the ‘and/or’ formula the state agencies and the organs of local self-government draw their acts in Russian only. All the laws that are adopted by the Chamber of Representatives in Belarus, are considered and adopted only in Russian; the same concerns almost all rulings of the government, ministries and local authorities.

The same formula is also included in the law *On languages* that regulates the usage of the state languages in office work, at the prosecutors’ offices and courts. As envisaged in the law *On judicature*, the Civil Process and the Criminal Process Codes, the languages of judicature in Belarus are Belarusian **and/or** Russian. In practice it means that a citizen who addresses the court in Belarusian has to participate in a trial that is lead in Russian. The judges state that they have the right to lead the trial in Russian, referring to the formulations of the abovementioned laws.

Concerning the relations of citizens with the state agencies and institutions, the Law *On languages* does not oblige state officials to draw disposal decision in the language of address (there is such provision in the Law *On applications of citizens*), which ensues in violation of the legal right of citizens to use the Belarusian language in relations with duty officials and state agencies. The citizens who apply to the state agencies in Belarusian, almost always receive answers in Russian, which contradicts the principle of equality of state languages, making one of them preferable and resulting in practical discrimination of citizens. Bear in mind that Article 4 of the Law *On languages* obliges the state officials to know the Belarusian and the Russian languages well enough to implement their office duties. However, in practice the state authorities have almost excluded the Belarusian language from the daily life of the country, giving preference to the Russian language. Thus, the absence of real legislative guarantees of equality of the two state languages resulted in the elimination of the Belarusian language from the state usage: laws and other acts of state and local government are not drawn in it; the predominant language of the state TV is Russian, the same concerns the language of judicature. It means that Belarusian-speaking citizens of the country undergo systematic discrimination.

The most complicated is the situation of the Belarusian language in the educational establishments. According to the *Association of Belarusian School*, in 2008 only 20,9% of pupils learned in Belarusian, and the number of Belarusian schools decreases by about 1% each year.

In 2008 the Law *On the rules of the Belarusian orthography and punctuation* was adopted without a wide public discussion and without consideration of the opinion of the linguists who do not represent the official linguistic institutions. As a result, since 1 September 2010, when the law will come into force, there will be no legal opportunity to issue any editions in Tarashkevich orthography that was used in Belarus before the reform of 1933 as a result of which some norms that were aimed at russification were introduced. The words of the education minister Alexander Radzouk witness that elimination of Tarashkevich orthography is one of the aims of the new law: 'The law will become an effective means or stopping the practice of unreasonable and unlawful use of Tarashkevich orthography in periodicals'.

In 2008 in Belarus there was held a wide action in support of the Belarusian language, initiated by the Union of Belarusian Writers, the

POLITICAL, NATIONAL, LINGUISTIC, RELIGIOUS DISCRIMINATION

Belarusian PEN-center and the Belarusian Language Society – countrywide dictation. Belarusian writers, artists, scientists and foreign diplomats took part in the action. The state authorities not only did not support this civil initiative, but even prohibited holding dictations in state buildings. In particular, the applications for accommodation of dictations at the National, Kupala and Pushkin libraries in Minsk were rejected.

6. Exercise of the Freedom of Associations

The situation with the exercise of the freedom of association in Belarus was quite controversial in 2008. On the background of the usual unfavorable attitude of the authorities to the activity of independent NGOs and the political parties in opposition, we could clearly see new tendencies which have their ground in the dialogue between Belarusian authorities and the West (primarily, with the European Union and some of its member countries, and the United States). The foreign factor complexified the internal political context of state regulation of the freedom of associations in Belarus, adding new dimensions. That kind of pattern makes us abstain from an unequivocal assessment of the freedom of association and the state of non-governmental organizations in the country in 2008: it would be a mistake both as a fundamental improvement in this sphere and to state absolutely lacking in changes.

On one hand, the legal climate for creation and activity of NGOs and non-profit organizations of other forms remained extremely unfavorable, as usual; in some spheres it got even worse (for example, the government cancelled the state property rent discount for NGOs). In the absolute majority of cases the authorities continued their earlier policy of arbitrary denials of registration to the unwanted non-governmental organizations, put pressure on the registered NGOs and political parties in opposition, and persecuted members of non-registered public and political associations and movements. Despite protests and criticism of the Belarusian and international Human Rights organizations, the Belarusian legislation still bans activity of non-registered NGOs, political parties, religious organizations and foundations. The ban is reinforced by the Criminal Code which foresees responsibility for such activity with possible penalty of imprisonment for up to 2 years. We have not registered any irreversible improvements in the legislation concerning non-governmental organizations or any signs that the authorities are looking at the possibilities to introduce such concessions.

On the other hand, we observe some tendencies towards a decrease in pressure on civic society structures, and towards a refusal from the most severe repressive and restrictive practices. To a certain extent, such

EXERCISE OF THE FREEDOM OF ASSOCIATIONS

tendencies have a positive reflection on the opportunities to exercise the freedom of associations. For instance, the procedure of registration of such forms of non-profit organizations as an “institution” and a “union of legal entities” was liberalized in practice. The order of accommodation of names of foundations was simplified insignificantly; other measures were taken in the direction of de-bureaucratization of relations between non-profit organizations and state bodies. Despite the fact that the procedure of registration of non-governmental organizations remains complicated and opens opportunities for arbitrary denials of registration, a number of NGOs were registered in 2008, including the indicative registration of the Human Rights and Educational public association “Movement “For Freedom”. There were less obstacles for organizing founding meetings of the new associations. Article 193-1 of the Criminal Code which foresees responsibility for activity of non-registered organizations was applied not as widely as in 2006 and 2007. The authorities also released political prisoner Zmitser Dashkevich who was convicted under that article in 2006.

These small, fragmented and inconsistent steps of the Belarusian authorities to improve the state of non-governmental organizations and the freedom of associations were caused primarily by their intention to normalize the relations with the West. While the Belarusian authorities intend to continue the dialogue, they feel the need to avoid drastic steps in the internal arena, abstaining from the most brutal repressions against non-governmental organizations and most severe restrictions of the freedom of association. However, the real approach to the European standards of interaction between the state and the civic society is still not feasible for the regime in power. That is why some of the alleviations registered in this sphere in 2008 are still not consistent, but scattered and primarily demonstrative. To a certain extent, some of the improvements (such as registration of some obviously oppositional NGOs against the background of dozens of registration denials to the others) may be qualified as the government's signals to the West. Insignificant steps in the sphere of practical political decisions are not accompanied with liberalization of the legislation on the non-governmental organizations or even of the general law enforcement practice.

There were no significant changes in the legal state of non-governmental organizations during 2008. For instance, Article 193-1 remained in the Criminal Code. In April 2008 Katsiaryna Salauyova, activist of the non-registered Young Front, was tried on those charges. She was

sentenced to a fine of 1, 750, 000 BYR (about 830 US Dollars). In April the police dropped criminal charges under Article 193-1 for activity in Young Front against Andrei Tsianiuta, youth activist from Homel. In May similar charges were suspended against Kiryl Atamanchyk and Arsen Yahorchanka, activists from Zhlobin and Svetlahorsk. We have not registered any use of this criminal article in the later months of 2008.

Young Front leader Zmitser Dashkevich, sentenced to imprisonment under Article 193-1 in 2006, was released in January 2008. The legal implementation of Dashkevich's release was quite dubious. However, it had an immense significance. No prisoners convicted for membership in non-governmental organizations remained behind bars in Belarus after the release.

However, the authorities continued to use Article 193-1 of the Criminal Code as a means of intimidation of civic activists, including giving prosecutor's warnings about possible charges of violation of this article. For instance, in November 2008 Viktor Harbachou, head of "For Free Development of Entrepreneurship" NGO, received a written warning signed by Barysau district prosecutor Uladzimir Shpakouski about criminal responsibility under Article 193-1 for speaking on behalf of non-registered organization in his media interviews. On December 10th during the conversation with the same prosecutor Harbachou was again warned about possible criminal charges. Meanwhile, "For Free Development of Entrepreneurship" NGO applied for registration in 2007 as a national-level non-governmental organization, but received a denial from the Ministry of Justice. Later the NGO got registered in Ukraine. However, that did not prevent the prosecution bodies to consider the organization as a non-registered one.

In 2008 we have not registered any signals or signs of the possible abolition of Article 193-1 of the Criminal Code.

Official registration remained unachievable for the associations which give membership to people who explicitly reveal their oppositional views. For example, from January to the 9th of October the Ministry of Justice and the regional departments of justice denied registration to the Social public association "BChD" (the second attempt to register), National charitable public association "Kaucheh", Human Rights educational public association "Movement "For Freedom" (the third attempt to register), Social patriotic public association "Haryzantal", Public association of pensioners "The Elders", Social environmental public association "Center for Support of Chernobyl Initiatives", as well as public

EXERCISE OF THE FREEDOM OF ASSOCIATIONS

association “Children and Teenage Club of Taekwondo “Hvarang” (Babruisk), Youth public association “Fitness League” (Minsk region), Youth public association “Aeolus’ Harps” (Mahilou region), Youth public association “Betel” (Vitebsk), the Union of the Left-wing parties (the second attempt to register), Trade Union of Small Business “Razam”, and other organizations. In 2008 Rechytsa district executive committee refused to put on records the local organization of the independent Belarusian Trade Union of Workers of the Radio-electronic Industry. The same happened with the local structure of this trade union in Mahiliou. In August the department of justice of Hrodna regional executive committee for the seventh time denied registration to the regional branch of the Belarusian Social Democratic Hramada. The organizations that tried to appeal against the decisions of the justice bodies in court (“Movement “For Freedom”, “Haryzantal”, association of pensioners “The Elders”, and BChD, were also refused on the judicial level and remained unregistered. The courts were not critical about consideration of the appeals against denial of registration. In none of the cases they ruled to register an NGO.

On October 17th the Ministry of Justice denied registration to pensioners’ NGO “Our Generation”. That was the third denial received by the founders of the pensioners’ organization during the last two years. On October 23th the Ministry of Justice denied registration to the Social patriotic public association “Haryzantal”. That was the second denial in 2008. In November Mahilou city executive committee issued the seventh denial of registration to the city branch of the independent Trade Union of Radio-electronic Industry and Other Industries. The official ground is the absence of the legal address. The city executive committee considered the application since August.

In the end of the year the Supreme Court of the Republic of Belarus had to consider at least two appeals against the Ministry of Justice and its denial of registration to NGOs. The appeals were filed by the Social environmental public association “Center for Support of Chernobyl Initiatives” and Social patriotic public association “Haryzantal”. In both cases the court cases were delayed because of the demands of the justice bodies to carry out graphological expert examination of the signatures of some founders of the organization despite the fact that they appeared in court and confirmed their wish to participate in creation of those NGOs. At the same time, the Supreme Court ordered a repeated expert examination of the signatures in the case of the “Center for

Support of Chernobyl Initiatives”, despite the fact that the first exam proved invalidity of the founders’ signatures in the application.

Having analyzed the official reasons of the registration denials, we have grounds to state that on the assumption of correctly prepared application documents, the main obstacle is the presence of political opponents of the authorities among founders. It is the political opponents, and the Human Rights organizations for whom registration remains an almost insuperable barrier.

Registration of the “Movement ‘For Freedom’” on the 17th of December (on their fourth attempt to get registered; the last denial was received in the summer of 2008) and of the Homel regional branch of the BPF Party on December the 18th, following its several attempts to restore its legal status during 2008, was quite symbolic.

After registration of the “Movement ‘For Freedom’” a number of organizations who had previously been denied registration, declared their intention to again try to receive a legal status. Among them are: Association of NGOs “The Assembly” (denied registration in 2003); Party of Freedom and Progress (was denied registration three times); the Human Rights Center “Viasna” (unlawfully shut down in 2003, which was recognized by the UN Committee for Human Rights, denied registration again in 2007); Public association “For Free Development of Entrepreneurship” (denied registration in 2007). The “Belarusian Christian Democracy”, which was denied registration as an NGO twice during the year, declared the intention to register as a political party.

In general, during 2008 the judicial bodies registered 94 new non-governmental organizations (mostly local ones), 14 new foundations, and 3 new unions of non-governmental organizations. Among them there are: Charitable public association “Kaucheh” (earlier it was denied registration in spring of 2008), International environmental public association “Nature and us”, Public association “Club of BATE Football Team Fans”, Charitable public association “A Drop of Life”, national public association of the former victims of Fascism of Ozarichi concentration camp, Belarusian public association of managers, Charitable public association “Skala”, National public association of client-centered psychotherapists, International public association “Center of Support of Sportsmen «Grand”, International public association “Rytsary Utrymera”, Belarusian public association of teachers of Russian language and literature, International charitable foundation of aid to children “Chance”, International Alpher Fund for Education and

EXERCISE OF THE FREEDOM OF ASSOCIATIONS

Science, International Fund for Development of Rural Areas, and others. In May 2008 Minsk city department of justice registered the Public Association of Comparative Legal Studies as a Minsk city organization. The founders of the NGO used to be members of the “Center for Constitutionalism and Comparative Legal Studies”, closed down in 2005. During 2008 authorities registered and put 28 new organizational structures of political parties, 1297 organizational structures of trade unions, and 10, 017 organizational structures of non-governmental organizations on the records. Generally, these numbers are similar to the number of organizations registered in 2007, but exceed the numbers of 2006 and 2005.

As for the compulsory liquidation of non-governmental organizations and political parties by courts, we should state that in 2008 the Belarusian authorities have practically refused from the practice. In February the Ministry of Justice withdrew its suit from the Supreme Court about closure of the Party of Communists of Belarus, filed on January 4th, 2008. The Ministry claimed the party carried out activity despite the earlier ruling of the Supreme Court about suspension of its activity for 6 months. (The Ministry considered creation of new organizational structures and participation of PCB members in international conferences as such an activity).

In February 2008 the Ministry of Justice withdrew its suit concerning the suspension of activity of the Belarusian Helsinki Committee from the Supreme Court. The suit was grounded on the fact that the organization had liabilities on tax sanctions. Nevertheless, the tax sanctions were not lifted, and the NGO still owes over 180 million BYR (over 80, 000 US Dollars) to the state budget for the violations which it allegedly committed during implementation of the project financed by the European Commission as long ago as in 2002 – 2003. Because of such high liabilities the Belarusian Helsinki Committee is deprived of the opportunity to use its own bank account, while any donations or other means that are transferred there, should be written off.

We have registered one fact of closure of an NGO, based on financial conflicts among its members. On the ground of the complaint of one of the founders the Ministry of Justice examined the activity of the “Charity for Children” NGO, and filed a suit about its liquidation. Altogether, in 2008 the courts closed down 28 public associations; some organizations made decisions about closure on their own. As of January 1st, 2009 15

political parties, 36 trade unions, 2221 non-governmental organizations, 22 unions of non-governmental organizations, and 75 foundations were registered in Belarus. This way, as compared to 2007, the number of non-governmental organizations decreased by 34 NGOs.

Number of non-governmental organizations in Belarus, according to the Ministry of Justice *

	April 1 st , 1998	August 12 th , 2002	October 30 th , 2003	January 1 st , 2004	January 1 st , 2005	January 1 st , 2006	January 1 st , 2007	January 1 st , 2008	January 1 st , 2009
Non-governmental organizations	2191	1980	2248	2214	2259	2247	2248	2255	2221
Unions of non-governmental organizations	-	8	16	16	17	16	17	19	22
Foundations							56	64	75

* The table does not reflect data on the number of political parties, trade unions, and religious organizations.

Participation of heads and members of some non-governmental organizations and political parties in mass events (rallies, meetings and demonstrations) became the ground for examination by the Ministry of Justice. For instance, the Party of Communists of Belarus, the BPF Party and the United Civil Party were required to give explanations about participation of their members in a protest rally of entrepreneurs, which took place on January 10th, 2008 in Minsk. However, when the parties gave their explanations, the incident did not have any further consequences. The authorities did not give out warnings or make steps towards closure of the above mentioned organizations. At the same time, immediately after the protest rally the Ministry of Justice filed a suit to close down the Perspektyva NGO, which stood for the rights of small

EXERCISE OF THE FREEDOM OF ASSOCIATIONS

Registration and liquidation of non-governmental organizations, according to the Ministry of Justice

Year	Registered	Liquidated by court	Liquidated by their own decision
2003	94	51	-
2004	155	38	69
2005	61	68	43
2006	85	-	-
2007	100	26*	48*
2008	94	28	-

* as of November, 2007

entrepreneurs, and which leader had been arrested for participation in the rally. However, later the Ministry of Justice withdrew its suit from the Supreme Court. Later, in a similar way the Ministry requested from the political parties the data about participation of their members in the protests against falsification of the election results on September 28th.

This way, the judicial bodies and courts almost did not use such most severe sanction as liquidation against NGOs and political parties in 2008. Meanwhile, in comparison with the previous years we have registered an obvious decrease of other, less severe, sanctions, such as written warnings. However, written warnings were still practiced. In April the Ministry of Justice gave written warning to BPF Adradzhennie NGO because its Hrodna regional branch did not have a legal address. The attempt to appeal against the warning to the Supreme Court was not fruitful. On May 6th the department of Justice took Hrodna regional organization of the NGO off the records, closing it down even before the Supreme Court made a decision of that dispute. In February 2008 the Supreme Court did not satisfy the complaint of the Christian Conservative Party of BPF against the written warning given for spreading the appeal "Assimilation is a crime against humanity" to officials, executive committees, educational establishments, justice bodies, prosecutors offices and other. The court refused to order a linguistic expert examination of the letter, which, in the opinion of the Ministry, contained

rude libelous statements about the nationalities' policy of the Russian Federation. In January 2008 a written warning was given to the Agrarian Party.

Non-governmental organizations continued to be under the strict supervision of the justice bodies. For instance, during ten months of 2008 the Ministry of Justice carried out 41 check-ups (this number does not include conducted check-ups of local organizations) of the activity of national-level NGOs (there were less check-ups during the previous years). According to the Ministry, the drawbacks in the activity of non-governmental organizations revealed during the check-ups were corrected "along the way" and did not cause any sanctions. Political parties experienced an especially high attention from the supervising bodies during the pre-election period. Failing to meet the legislation requirements, the Ministry carried out extraordinary check-ups of the congresses of all political parties nominating candidates for the Chamber of Representatives.

The activity of non-governmental organizations was also subject to numerous check-ups by tax inspection and other supervisory state bodies. In July 2008 the tax inspectorate was interested in the activity of the BPF party. In August the office of the party was visited by staff of the district fire service who made several remarks about the office of the party. In a month the office of the BPF Party was visited by a representative of the Ministry of Justice. Human Rights organizations – "Legal Initiative" and "Belarusian Helsinki Committee" were also subject to activity check-ups. In the latter case the check-up by the tax inspectorate did not reveal any new violations. We should note that the tax inspectorate also checked the activity of the NGOs which had been closed down long ago: the "Belarusian Fund "Kasiyapeya" NGO, shut down in 2003, and "Belarusian Euro Atlantic Association", closed down as long as almost ten years ago.

On December 19th the president issued Edict № 689 "About some measures of revision and supervisory activity in the Republic of Belarus", which suspended all check-ups and revisions of all legal entities, including NGOs, for 6 months. That might become a step for decreasing the pressure of check-ups on non-governmental organizations and political parties.

Besides the official check-ups, the authorities used other means to interfere into the activity of organizations without legal grounds. For instance, on November 18th, before the official registration of the "Movement for Freedom", its office was visited by officers of court and policemen. They made an inventory of all the property of the organization,

EXERCISE OF THE FREEDOM OF ASSOCIATIONS

referring to a court decision concerning the previous owners of the premises. In March 2008 the police in Orsha unlawfully searched the office which hosted several NGOs. As a result, printed materials were seized.

In 2008 the Belarusian authorities again failed to implement the decisions of the UN Committee for Human Rights, which recognized registration denials and closure of some Belarusian non-governmental organizations ungrounded and violating the Pact on Civil and Political Rights. At present the Committee made three decisions regarding violation of the freedom of association in Belarus: registration denial to Human Rights public association “Helsinki - XXI” (events of 2001), closure of Homel regional public association “Civic Initiatives” (events of 2003), and closure of the Human Rights Center “Viasna” public association (events of 2003).

In October 2008 Uladzimir Katsora, member of the closed down NGO “Civic Initiatives”, appealed to the Constitutional Court with the demand to implement the decision of the UN Committee for Human Rights and renew the official status of the NGO. Similar appeals were sent to the Ministry of Foreign Affairs and the Ministry of Justice. However, all the responses were negative.

In May 2008 the Supreme Court considered the supervisory complaint of Ales Bialiatski, Valiantsin Stefanovic, and Uladzimir Labkovich about the ruling of the Supreme Court of October 26th, 2007 which had left the decision of the Ministry of Justice to deny registration to Viasna in force. The founders of the organization were members of the Human Rights Center “Viasna” closed down by court. They believed that registration of the new organization could be the proper restitution of their right to association, violation of which had been confirmed by the UN Committee for Human Rights. However, in this case the Supreme Court also decided that the appeal was not to be satisfied.

The Belarusian authorities are conscious and defiant in their refusal to implement the decisions of the UN Committee for Human Rights, which has received a few more complaints from Belarus about the liquidation or denials of registration to non-governmental organizations.

In April 2008, the president cancelled the incentive rates of office rent for NGOs in the buildings of state property. Later, similar preferences for NGOs were cancelled in the buildings of communal property. As the Belarusian legislation requires NGOs to have legal addresses in office

buildings in order to keep their registration, hundreds of non-governmental organizations were forced to pay ten times more for the rent of their offices. At the same time, the authorities switched to the selective practice of giving rate preferences: pro-governmental organizations get the incentive rates for rent without any obstacles, while the majority of oppositional and independent associations have to pay the higher rent. Cancellation of incentive rates of office rent had a serious impact on the activity of non-governmental organizations, putting many of them on the edge of existence.

For instance, in December the head of the “Center for Human Rights” NGO Raisa Mikhailouskaya announced possible suspension of the activity of the organization because the office rent grew from 109 to 480 Euro a month (the organization rents the office since 1998). In December the “Society of Protection of Historical and Cultural Heritage” lost its office because it did not manage to pay the new rates of the rent. Among the organizations which claimed the new rates of office rent were excessive, there were: “Belarusian Language Society”, “Belarusian Association of Legal Advisers”, “Belarusian Union of Entrepreneurs”, “Belarusian Society of Valuers”, “Belarusian Association of Journalists”, and “Belarusian Fund of Culture”.

A special body which determines incentive rates of office rent (Republican Commission for Regulating the Usage of Administrative Buildings, Constructions, Production Facilities and Other Objects of State Property) gave tariff preferences to all political parties that support the ruling authorities. Simultaneously, they denied similar preferences to all political parties in opposition and many non-governmental organizations: denials were received by Public association BPF “Adradzhennie”, “Francysk Skaryna Belarusian Language Society”, and others. Only some non-governmental organizations managed to negotiate the return of the incentive rates of office rent: Public association “ABC Entrepreneurship”, and “Belarusian Congress of Democratic Trade Unions”.

In August 2008 the community services of Savetski district in Minsk threatened the BPF Party with cancellation of a rental contract. On December 4th the “Regional Center of the Disabled of Minsk region”, which is a structural unit of the National public association of the Disabled Veterans of Afghanistan, was informed about avoidance of the rental contract with the demand to leave the office before the New Year. The organization rented the office for over 20 years.

Just as during the previous years, in 2008 the authorities created obstacles and prosecuted activists for holding founding meetings of

EXERCISE OF THE FREEDOM OF ASSOCIATIONS

NGOs. For instance, on December 29th Kletsk district court fined local activist Siarhei Panamarou 30 basic units (about 500 US dollars) for holding a founding meeting of the city organization of the “Belarusian Society of Protection Historical and Cultural Heritage” on December 7th.

At the same time, the authorities did not permit activists and NGOs to hold meetings and rallies within the framework of their statute activity. For example, Paval Levinau, member of the Belarusian Helsinki Committee, was not allowed to hold pickets on December 10th in order to mark the 60th anniversary of Universal Declaration of Human Rights. In October Minsk authorities refused to rent a conference hall to the BPF Party for celebration of the 20th anniversary of the Party. Minsk city executive committee banned a charitable concert on Bangalore Square which was supposed to be held on November 1st as part of the national campaign “Belarusian Books – to Children”.

* * *

Evaluating the impact of the external political factor on transformation of the authorities’ policy in the sphere of the freedom of associations and non-governmental organizations, we should point out the significance of the documents adopted by the European Union to outline the path to possible improvements. The well-known Non-paper “What the European Union could bring to Belarus” of 2006 required respect of freedom of associations in Belarus as one of the necessary conditions, which are to be fulfilled by the Belarusian government for starting a dialog between Europe and Belarus. Despite very general wording, the condition demonstrated to the Belarusian authorities, how much importance their European partners attach to the activity of the civic society.

In 2008 the condition was developed in the new documents of the European structures, which made it more specific and indicated figures and criteria for assessment of the changes which are happening in Belarus. Resolution of the European Parliament of October 9th, 2008 urged the Belarusian government to lift obstacles for creation and activity of non-governmental organizations (Article 8, c), as well as to cancel criminal responsibility for activity of non-registered NGOs, political parties, religious organizations and foundations by abolishing Article 193 from the Criminal Code (Article 8, paragraph a). Adoption of the resolution and introduction of the 6-month period for its possible implementation became an important milestone for assessment of the real changes in Belarus. Non-governmental organizations of the country greeted the conditions of the European structures and, in order to fill them with

concrete contents, worked out the steps which the Belarusian government could possibly take. The following steps were recognized as the most important ones for the civic society in Belarus:

1. Abolishing Article 193 of the Criminal Code of Belarus, which foresees criminal responsibility for participation in activity of non-registered NGOs, political parties, religious organizations and foundations. At the same time, it is not enough to simply stop using the articles in practice. The very existence of the punishment for civic activity makes the normal development of the civic society impossible and pushes it to the underground. Abolishment of the criminal responsibility for activity of unregistered initiatives and groups also requires changes to the Law «About Public Associations». The Law “About Political Parties” and other norms of the Belarusian legislation that ban activity of unregistered organizations.

2. Stopping the practice of arbitrary denials of registration to non-governmental organizations and political parties, which are initiated by the opponents of the incumbent authorities. In particular, registration of the organizations which had earlier received numerous denials on doubtful grounds, could be an indicator that the authorities stopped the practice of politically-motivated denials: Public association “Human Rights Center “Viasna”, Social patriotic public association “Haryzantal”, Social public association “BChD”, etc. Associations and coalitions of political parties, such as the Union of Left-wing Parties, as well as the local structures of the political parties, should have a real possibility to get registered.

3. Implementation of the decisions of the UN Committee for Human Rights regarding the cases of unlawful restriction of the freedom of associations by the Belarusian government. The competence of this body to consider cases of Human Rights violations in Belarus is recognized by the Belarusian state. However, the government has failed to implement any decisions on the concrete cases. In particular, this is so regarding the decisions of the UN Committee for Human Rights on the cases about unlawful closure of the Human Rights Center “Viasna” and of Homel regional public association “Civic Initiatives”. There are two possible solutions of how to restore the rights of the members of these associations: either to revise the previously made court decisions about liquidation of these associations, or to register them as new organizations.

4. Abolishing the ban on usage of founders’ private apartments as legal addresses of non-profit organizations (NGOs, political parties,

foundations, and institutions). At present the ban is implemented on the ground of Article 272 of the Civil Code and Article 8 of the Housing Code. The ban can be abolished through a special statutory act, similar to President's Decree № 29 of December 17th, 2002, which enabled founders of private unitary enterprises to register legal addresses in their place of residence.

5. Legislative establishment of rental rate preferences to non-governmental organizations, political parties, trade union organizations if they place legal addresses in premises owned by the state.

6. Refusal to create obstacles for founding and other types of meetings and conferences organized by non-governmental organizations, or initiative groups and organizing committees.

At the suggestion of the Assembly of Democratic NGOs the above-mentioned points were included in the document «Priorities of the United Democratic Forces of Belarus in changes of the legislation for democratization of the situation in the country during the next 6 months», approved at the joint meeting of the representatives of the political and non-governmental organizations of Belarus on October 20th, 2008.

It's worth mentioning that decriminalization of activity of unregistered NGOs is a principle and immediate condition, according to the common conviction of the overwhelming majority of the Belarusian Human Rights activists. Consensus on that matter was reached at the conference “193-1: Current Situation and Ways to Overcome Consequences”, which took place on May 29-30, 2008 in Vilnius. The conference gathered representatives of the Assembly of Democratic Non-Governmental Organizations, the leading Human Rights organizations of Belarus (Human Rights Center “Viasna”, “Belarusian Helsinki Committee”, “Legal Initiative”, “Mahiliou Human Rights Center”, Movement “For Freedom”, “Foundation for Legal Technologies Development”, “Human Rights Alliance”, “Legal Assistance to Population”) and other interested organizations, as well as a representative of the “Swedish Initiative for Democracy and Human Rights”.

Obviously, the proposals clearly made by the European structures, influenced the attitude of the Republic of Belarus to the issue of freedom of associations. However, the government still refrains from introducing changes in the legislation, which would make the improvement of the situation of NGOs systematic and irreversible, independent from the political state of affairs.

7. The Freedom of Peaceful Assembly. Arbitrary Detentions for Civil and Political Activity

In 2008 the situation in the sphere of freedom of peaceful assembly remained unsatisfactory.

The Belarusian Law 'On Mass Actions' provides for a number of restrictions, unnecessary for a democratic society and constituting an obstacle in the way of exercising the freedom of peaceful assembly by Belarusian citizens. One of them – the right of local authorities to determine locations for holding mass actions, as well as the locations forbidden for using as places of demonstrations. In the majority of Belarusian cities and towns there are special decrees by the local authorities, which prohibit holding mass actions in downtown places and fix remote and abandoned locations, e.g. stadiums and parks, as authorized demonstrations places. Local authorities often determine the list of authorized locations without specifying the places banned for holding mass actions, which is interpreted as a ban to hold actions anywhere else except for the places assigned by local authorities. As a result, the opportunities to exercise the freedom of assembly are extremely limited.

A number of Brest activists applied for holding a demonstration named 'Hooligans March' in the city center on 30 July, aimed at attracting public attention to numerous detentions of civil and political activists on the eve of most significant events of the country, resulting in prosecution for 'disorderly conduct.' Brest city authorities banned the demonstration, claiming that the only licensed location for holding mass actions in the city was the Lakamatyu stadium. In 2008 Brest city authorities also banned three memorial pickets marking the anniversaries of kidnapping Yury Zavadski (7 May), Dzmitry Zavadski (7 July), Viktor Hanchar and Anatol Krasouski (16 September). Trying to protect their rights, the organizers of the 30 July demonstration lodged a complaint with Brest city authorities, demanding an official account for decision №1715 on 'fixing a permanent location for holding mass actions in Brest.' The claimants urged the authorities to explain 'if the assignment of a permanent location for holding mass actions (Lakamatyu stadium) meant a ban to hold mass

actions in other places of the city.’ Apart from that, the claimants lodged a complaint with Brest Leninski Borough Court against the unlawful ban. However, the court turned down the claim, reaffirming the decision by the city authorities.

Under the existing law, local executive committees authorized to consider and make decisions concerning applications by the citizens, have the right to change the date, time and place of demonstrations, as well as ban them. Meanwhile, the law states that every decision should be well-motivated. In spite of this, local authorities keep making groundless and absurd decisions, the courts coming down in favor of the executive power.

Svetlahorsk town executive committee banned a picket aimed at informing the people on the liquidations of political parties and NGOs by the authorities. In his decision, Deputy Chair of Svetlahorsk town executive committee S. Merkulau said: ‘In this case public protest is groundless.’ The applicants lodged a complaint with Svetlahorsk District Court, which took an ambiguous decision: on the one hand, it agreed that there was no reason for banning the action relying on the official’s reply; on the other hand, it took into account an objection by the town authorities, claiming that the demonstration could not take place due to the scheduled maintenance works at the local skating-rink. As a result, the court found the ban legitimate. The decision by Svetlahorsk District Court was reviewed by Homel Regional Court, which found the judgment ‘legal and well-grounded.’

Another provision of the Law, resulting in a considerable restriction of the freedom of peaceful assembly, is the one obliging the organizers of the action to pay the necessary expenses (public order, medical treatment, cleaning). The procedure and the amount of the fee are fixed by special decisions of competent executive bodies.

Unlike the previous years, when mass actions were banned after their organizers refused to pay the expenses, in 2008 the authorities worked out a new approach to financial claims to civil and political activists. Guided by the provisions of the Law concerning financial liability of applicants in case of damage to state property caused by the demonstrators, a number of Minsk state-owned enterprises sued organizers of the European March, which took place on 14 October 2007. The Harremautador state enterprise claimed that Anatol Liabedzka, Viktor Ivashkevich, Vintsuk Viachorka, Aliaksandr Milinkevich, Yauhen Afnahel and Zmitser Khvedaruk had caused damage by changing the demonstration route and leaving litter in the streets. Harremautador

demanded that the organizers of the action repaired the damage of BYR 2,135,974. The European March leaders were also sued by other Minsk state-owned enterprises, including Minsk Tsentralny Borough Housing Department (BYR 673,870 of damage to buildings and yards), Minsk Savetski Borough Housing Department (BYR 951,088 of damage to buildings, facades and big boards), Minsk Leninski Borough Housing Department (BYR 239,697 of damage to a rainwater pipe) and the Minskzelianbud state enterprise (BYR 1,433,798 of damage to lawns, trees and bushes. Thus, total amount of expenses that the oppositionists had to pay was BYR 10,000,000. The claims were accepted by the court in full.

The restricted possibilities of holding legal mass actions resulted in numerous unauthorized demonstrations. At the same time, the Belarusian legislation provides for administrative prosecution for similar actions and may result in a fine of up to BYR 1,750,000 or 15 days of arrest (Article 23.34 of the Administrative Code). In 2008 the authorities kept using administrative and criminal prosecution against participants in peaceful assemblies. The police used violence and non-lethal weapons; in most of the cases their usage was groundless. The peaceful actions of protest organized by entrepreneurs on 10 and 22 January 2008 were brutally broken up by the police. 25 persons were prosecuted for participation in the 10 January rally, 23 of them were sentenced to 15 days of imprisonment under Article 23.34 of the Administrative Code ('violating the procedure of organizing and holding mass actions'), one of the participants of the rally was sentenced to 20 days of arrest for 'disorderly conduct' (Article 17.1 of the Administrative Code). A week later 7 more persons were detained and fined for participating in the rally. On 21 January 25 persons were arrested: 7 persons were imprisoned and 18 persons were fined.

Shortly after the 10 January 2008 demonstration, 9 participants of the rally (Aliaksei Bondar, Artsiom Dubski, Ales Straltsou, Mikhail Pashkevich, Ales Charnyshou, Mikhail Kryvau, Mikhail Subach, Tatsiana Tsishkevich and Pavel Vinahradau) were sentenced to 2 years of personal restraint each without being sent to an open type institution, Aliaksandr Barazenska was sentenced to 1 year of personal restraint and the under-aged Maksim Dahsuk was sentenced to 18 months of personal restraint. Uladzimir Siarheyeyu and Anton Koipish were fined BYR 3,500,000 each. Another participant of the action Andrei Kim was accused of beating a road police officer and sentenced to 18 months of imprisonment in a general regime colony. The activists were accused of blocking the traffic

in Independence avenue, causing financial damage to transportation companies. However, none of the companies testified of any damage caused by the demonstrators which was an evidence of the peaceful character of the action.

The 25 March authorized demonstration marking the 90th anniversary of the proclamation of the Belarusian People's Republic was also brutally attacked by the riot police units, resulting in dozens injured and over a hundred detained, including minors, journalists and foreigners. As a result of a series of trials on 26 March, 26 persons were imprisoned and some 50 persons were fined for 'violating the procedure of organizing and conducting mass actions.'

In 2008 any unauthorized form of peaceful assembly was treated as a violation of the law. The demonstrators were dispersed and detained. 5 participants of the 16 January Solidarity Day demonstration (Katsiaryna Krasnova, Katsiaryna Halitskaya, Liudmila Atakulava, Maksim Viniarski and Pavel Kurianovich) were sentenced to 10-20 days of imprisonment. The celebration of the 60th anniversary of the Universal Declaration of Human Rights caused numerous detentions. On 10 December a number of Belarusian journalists and Human Rights activists (Viktar Sazonau, Uladzimir Khilmanovich, Yan Roman, Aleh Kalinkou, Aliaksandr Karaliou, Aliaksandr Padalian, as well as the Young Front members Andrei Sharenda, Yury Bakur and Stanislau Kuchynski) were detained in Hrodna, Mahuliou, Brest and Kobryn. On the same day the police arrested several Human Rights activists Ales Bialiatski, Uladzimir Labkovich, Aleh Matskevich, Maryna Statkevich, Siarhei Sys and Iryna Toustsik as they were distributing copies of the declaration to passers-by. The police used violent force and confiscated Iryna Toustsik's mobile phone. On the same day a number of members of the BPF Youth movement (Siarhei Karpovich, Franak Viachorka, Anton Koipish and Siarhei Semianiuk) were arrested by the police for the similar actions. 8 activists of the Young Belarus initiative (Artur Finkevich, Ales Krutkin, Ales Stsepanenka, Siarhei Kluyeu, Valery Sakovich, Raman Bahdanovich, Nika Lazouskaya and Volha Burnevich) were detained for organizing an unauthorized picket in front of the KGB building. The activists were later released.

Belarusian authorities kept using the practice of preventive detentions on the eve of demonstrations, resulting in administrative prosecution based on false accusations of 'using foul language.' The detentions were aimed at suppressing the civil and political activity of certain citizens.

On 24 March the police searched the studio of the artists Aliaksei Marachkin and confiscated banners and posters prepared for the 25

March demonstration. The painter was taken to the local police department and accused of 'disorderly conduct' (Article 17.1 of the Administrative Code). The following day Minsk Tsentralny Borough Court (judge Tatsiana Pauliuchuk) sentenced Aliaksei Marachkin to 5 days of imprisonment for using foul language in front of the police department. Preventive detentions were also used against trade activists of entrepreneurs' trade unions. On 9 January Rechytsa police detained businessman Aleh Shabetnik, who was one of the organizers of the 10 January rally. A. Shabetnik was accused of using foul language and sentenced to 5 days of arrest under Article 17.1 of the Administrative Code ('disorderly conduct'). On 9 January the police detained Viachaslau Siuchyuk, who was also accused of using foul language and sentenced to 10 days of imprisonment under Article 17.1 of the Administrative Code. On 10 January the road police stopped the car of businessman Alaiksandr Tsatsura, as he was going to Minsk with his family and friend Viktor Kryval to take part in the 10 January action. The police confiscated a number of papers and accused A. Tsatsura of breaking the traffic rules. They then were arrested and convoyed to Minsk District police department and charged with disobedience of orders by the police. Three of them were fined.

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Numerous activists were also prosecuted for distributing information on the upcoming demonstrations under the Law on Mass Actions. Meanwhile, the courts failed to analyze if their actions constituted any danger to the national security, public order, morals or health of the people.

On 13 February the Homel Office of the United Civil Party of Belarus was searched by the police, after two party members Uladzimir Shumilin and Andrei Aliashkevich were detained for distributing leaflets advertising Aliaksandr Milinkevich's meeting with residents of Homel. Local UCPB leader Uladzimir Katsora was arrested and sentenced to 7 days of arrest by Homel Savetski Borough Court. Uladzimir Shumilin and Andrei Aliashkevich were fined BYR 1,050,000 each.

Belarusian and international Human Rights organizations strongly criticize the Law on Mass Actions, containing a number of extremely ambiguous provisions. For instance, the Law holds that a meeting is a collective presence of citizens in a defined place, at a defined time, aimed at discussing the issues which concern their interests. In practice, the wide treatment of the notion results in administrative prosecution for holding indoor meetings. Another drawback of the Law is its equal

treatment of various mass actions, e.g. demonstrations and sports events. Demonstrations deal with the freedom of peaceful assembly, while cultural and sports events have nothing to do with it. The provisions are often used against demonstrators, e.g. for carrying a white-red-white national flag.

On 14 May Viktor Sazonau, Human Rights activist from Hrodna, was accused of violating the procedure of organizing and conducting mass actions, as he was waving a white-red-white flag at a rock concert hosted by the Polish Consulate in Belarus. Two more persons were accused of similar offence – Yury Istomin, UCPB local office leader, and Anzhalika Borys, head of the unrecognized Union of the Poles in Belarus. All of them were found guilty by Hrodna Leninski Borough Court and fined BYR 1,050,000 to 1,750,000.

On 1 May during the celebration of the Workers' Solidarity Day in front of the National Library of Belarus, several youth activists were arrested for waving white-red-white and EU flags. They were accused of 'violating the procedure of organizing and conducting mass actions' (Article 23.34 of the Administrative Code) and convicted in absentia on 15 May by Minsk Pershamaiski Borough Court. Zmitser Dashkevich, Artur Finkevich, Paval Yukhnevich and Yauhen Afnahel were sentenced to 7 days of arrest; Zmitser Khvedaruk and Mikalai Statkevich were sentenced to 10 days of imprisonment.

In certain cases memorial actions (flower-laying and other ceremonies) were also treated as violations of assembly regulations. On 23 April Viachaslau Siuchyuk, a member of the Belarusian Voluntary Society for the Protection of Historical and Cultural Monuments, was sentenced to 15 days of arrest under Article 23.34 of the Administrative Code for assisting the installation and consecration of a memorial cross in the village of Drazhna (Minsk region), commemorating 25 villagers murdered by Soviet partisans on 15 April 1943. The cross was later removed by order of local authorities. Another participant of the ceremony journalist Viktor Khursik was sentenced to 15 days of imprisonment. The case is an evidence of using an ideology discrimination approach to the treatment of the provisions of the Law on Mass Actions, since the participants of similar actions, commemorating the Soviet soldiers killed in the World War II, have never been prosecuted.

On 4 June Viachaslau Siuchyuk was sentenced to 10 days of arrest for participating in a memorial ceremony in the Kurapaty memorial forest outside Minsk. He was accused of participating in an unauthorized action

ANALYTICAL REVIEW 2008

under Article 23.34 of the Administrative Code ('violating the procedure of organizing and conducting mass actions'). The verdict was passed by judge Viachslau Tuleika of Minsk District Court.

Thus, in 2008 the freedom of peaceful assembly was still subjected to severe restrictions by the authorities, including administrative and criminal prosecution of demonstrators, preventive detentions, as well as the use of political expediency instead of abiding by the law. The true commitment to the freedom of peaceful assembly is only possible after introducing fundamental changes to the existing Law on Mass Actions, to comply with the international Human Rights standards.

8. Pressurization of Citizens by Secret Services in Connection with Civil and Political Activities

In 2008 the KGB considerably intensified the pressure on the country's citizens in connection with their civil and political activities. First of all, it was connected to the elections to the Chamber of Representatives of the National Assembly. Most attention was paid to activists of political parties and NGOs and independent journalists.

During the election campaign the KGB held special measures in cooperation with the prosecutor's office and the police departments of the regional executive committees. Human Rights Center *Viasna* received a copy of the document entitled 'Decision for keeping law and order and road safety during the preparation and holding of the elections to the Chamber of representatives of the National Assembly of the fourth convocation on the territory of Brest regional'. The document was approved by the head of the police department of Brest regional executive committee police colonel V. Krasnichenka and agreed with the head of Brest regional KGB department L. Dziadkou and with Brest regional prosecutor, senior justice advisor S. Khmaruk. As it follows from this document, dated 7 August 2008, the situational-operative headquarters (SOH) 'for coordination of the forces and means aimed at keeping law and order during the electoral campaign-2008' was established in Brest regional. There are enough reasons to think that such SOHs were established in each of the six regionals of Belarus.

Along with the measures that were really necessary for public security, the document also includes some other ones that witness a preparation to mass repressions of political opponents of the authorities and other-minded people. In particular, various state institutions and their heads were ordered *to take* preventive measures against the possible provocative actions and for the neutralization of the citizens and informal youth groups who could plot disorganization and disruption of preparation and holding of the elections or holding any actions for destabilization of the situation during the electoral campaign; *to organize* the work of the

special personnel for detection of the people who are apt to commit unlawful acts during preparation and holding of the elections, including organization of unauthorized mass actions; *to organize* timely information of the SOH about the movement of the destructively minded citizens by railway; *to hold* working meetings with the heads of the courts for reduction of the number of imprisonments during the elections; *to oblige* the road policemen to watch posting of leaflets, transportation of printed editions that were produced with violation of the established order, hanging of 'undefined' flags and not to admit any inscriptions on the facades of buildings and constructions and any unauthorized actions; *to organize control over* the prophylactic talks with the mailmen by the heads of village soviets concerning the inadmissibility of illegal agitation and distribution of printed materials of anti-state content, and about the necessity of timely informing the law-enforcement agencies about the citizens who deal with anti-state agitation and call to boycott the elections; *to organize* interaction with Brest regional KGB department and its territorial branches during the period of preparation and holding of the elections – concerning the issues of control of the movement and location of foreign citizens, leaders of destructive forces and the people who plot terrorist acts.

In a number of cases KGB officers openly pressured oppositional candidates, threatened them with dismissal from work and persuaded to refuse from participation in the electoral race. In particular, the head of Kobryn KGB department Andrei Basko openly threatened the engineer of the bureau of the gas-main *Beltransgaz*, the head of Kobryn branch of the BPF Party Alexander Mekh with dismissal for participation in the electoral campaign. Mekh's boss Ualdzimir Halashka also demanded that the worker withdrew his candidacy, threatening him with dismissal. Alexander Mekh recorded the talk with the KGB officer and the boss. After dismissal he applied to the court for rehabilitation at the working place, and attached the recording to his lawsuit. This evidence was ignored. Mekh's complaint against the unlawful actions of the KGB officer did not receive due reaction either.

KGB officers also actively practiced 'meetings and talks' with civil and political activists. In the majority of cases they did it informally, without giving official writs. They tried to invite the youth activist from Hrodna, Khrystsina Marchuk, to such a talk, but she refused to come without an official writ. On 15 April the writ was brought to her university and passed to her by the dean of the philological faculty. At the KGB office she was

questioned for two hours concerning her activities in *Young Front*. However, as the KGB officers refused to introduce themselves at the very beginning, she refused to give any official explanations and sign the minutes of the talk. In the end Kh. Marchuk was warned about the possibility of criminal punishment for activities on behalf of an unregistered organization.

Another means of pressure of activists was the official warning. In the middle of April Hrodna activist of the United Civil Party Uladzimir Laryn was summoned to Hrodna regional KGB department and officially warned about the possibility of bringing a criminal case under Article 342 of the Criminal Code ('organization and active participation in the actions that grossly violate law the public security') for organization of unauthorized mass actions. On 21 February the Hrodna regional KGB department officially warned the civil activist Edvard Dmukhouski about the inadmissibility of acts that grossly violate the public security. They qualified as such the traditional act in the memory of the Kalinouski brothers in the town of Svislach.

The families and relatives of civil and political activists were pressured as well. On 19 March a KGB officer came to the working place of the mother of the head of Rechytsa branch of the BPF Youth Ihar Mikhaleuski. He warned the woman about the possibility of administrative punishment of her son if he did not stop his activities. He paid a special attention to organization of a meeting of the presidential candidate Alexander Milinkevich and the upcoming 25 March act. He said that he'd rather Ihar Mikhaleuski didn't go to the action in Minsk. U. Laryn had to give written explanations and then was let go. In May Mr. Kandratouski, the head of the psycho-neurological department of Slonim tsentral district hospital, received a letter signed by the head of the local KGB department Alexander Mazalkou. The KGB officer ordered the medic to check whether the chief editor of the *Hazeta Slonimskaya* (the only non-state socio-political edition in Hrodna regional) Vitar Vadadashchuk and any of his relatives were registered at the psycho-neurological and narcological dispensaries. Besides, the military commissar of Slonim district Yury Trush proposed that V.Valadashchuk signed the document that would allow the security services to make some check-up measures that could temporary violate his right to privacy.

A special attention of the KGB was also turned to the activities of the independent journalists who worked for the foreign radio stations Radio

Racyja and the European Radio for Belarus and the TV channel *BelSat*. On 27-28 the secret services conducted a raid across the offices and private apartments of journalists all over Belarus. KGB officers held searches that were searched by the prosecutor's office and were formally connected to a criminal case that was brought in 2005 for defamation of the president. As a result computers and all information carriers were confiscated from the journalists. Till the end of the year almost all confiscated appliances were returned to them.

In 2008 the security services for the first time initiated several civil cases on confession of some informational editions extremist. According to the Law *On counteraction to extremism*, printed editions or publications can be confessed extremist by the court. On the initiative of the head of Hrodna regional KGB board Ihar Siarheyenka such cases were brought by Kastychnitski district court of Hrodna concerning some of the informational materials that had been confiscated by the Belarusian customs officers during the last three years. All in all, there were nine defendants in these cases. Among the so-called 'extremist materials' there was the 'Review-Chronicle of Human Rights violations in 2004' by HRC *Viasna*, confiscated from a youth activist Aliaksei Trubkin. As it was stated in the application of Hrodna regional KGB department, the book 'contains a considerable number of photo materials with unauthorized anti-Belarusian protest actions in the Republic of Belarus (*Freedom Day, Chernobyl Way, Dziady*) (...), contained materials with traits of calls to non-constitutional of the state power and organization of mass riot'. In November it became known that the court refused to consider the case, because the KGB application was filed with violations of the requirements of the Civil Process Code that weren't corrected in the due term.

On 9 September the judge of luye district court (Hrodna regional) Alexander Toustsik confessed August issue of the unregistered edition *Svaboda* extremist on the basis of the application filed by the head of Hrodna regional KGB department Ihar Siarheyenka. On 5 November the College Board on civil cases of Hrodna regional court reversed this verdict referring to process violations.

In November a lawsuit for confessing extremist some articles of the officially registered popular science socio-political magazine *ARCHE* (№7-8 for 2008) on the basis of the conclusion of the KGB was filed to the Maskouski district court of Brest. Ten copies of the magazine had been confiscated by the customs officers on the border in October.

PRESSURIZATION OF CITIZENS BY SECRET SERVICES...

2008 was defined by the use of military enlistment offices and the organs of the Ministry of Defense for struggle against opposition-minded people. This kind of pressure mostly concerned the students who had been expelled from high schools for their political and civil activities and therefore lost the right to deferment from military service. The main reasons that allow stating that the draft of the activists into the army was inspired by the security services is their active interference in the actions connected to their drafting, detention of the activists by persons in civvies and review of earlier medical conclusions concerning their state of health.

Another kind of pressure on civil and political activists is the control on the border. The personal belongings and the vehicles of the people who have been included in the special list that are formed with participation of KGB are usually searched when going abroad or returning home. The heads of shifts of the border guard have the order to look for financial means, printed materials and other information carriers that 'can do harm to the state system of the Republic of Belarus'. During such searches border guards and customs officers usually refuse to explain their actions.

Thus, in 2008 the control over certain civil and political activists and independent journalists, as well as over the civil society and political opposition in general remained one of the priorities for the security services.

9. The Use of Torture and Other Cruel, Inhuman or Degrading Treatment

The United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment adopted by the United Nations General Assembly on 10 December 1984 defines 'torture' as any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person for such purposes as obtaining from him or a third person information or a confession, punishing him for an act he or a third person has committed or is suspected of having committed, or intimidating or coercing him or a third person, or for any reason based on discrimination of any kind, when such pain or suffering is inflicted by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity.' Article 2 of the Convention commits parties to 'taking effective measures to prevent any act of torture in any territory under their jurisdiction.'

The Republic of Belarus ratified the Convention on 13 March 1987 (it came into force on 26 June 1987). However it adopted the position of evading the implementation of the undertaken international commitments. As yet, Belarus has submitted only three reports to the UN Committee against Torture – the initial report and two regular ones; a third regular report due in 1996 was not submitted until April 2000. A fourth and fifth reports were due on 25 June 2000 and 25 June 2004 respectively, but never were submitted.

Meanwhile, the issue of torture and other cruel or inhuman treatment remains extremely topical for today's Belarus. Human Rights organizations are especially concerned about convicts, mental patients and patients of medioprofilactic institutions.

In September 2008 Minsk hosted the presentation of the report 'Conditions of Detention in Belarus' drafted by the International Federation for Human Rights (FIDH) with the help of Belarusian Human Rights NGOs. The report was based on the results of profound work by the international research mission and is a precious source of information on the conditions of detention in Belarus, since, due to the absence of any control over the Belarusian penal system by independent national

and international structures, information on the conditions of detention is extremely scarce. The report arrives at a conclusion that 'prison conditions in Belarus are extremely unsatisfactory, and amount to inhumane treatment prohibited by the International Covenant on Civil and Political Rights, the UN Convention against Torture and Other Cruel, Inhumane and Degrading Treatment.' The Brest Human Rights activist Raman Kisliak has repeatedly attracted public attention to the unsatisfactory conditions in the city detention center and expressed his propositions concerning the improvement of the facility. In his addresses to the Ministry of the Interior, the Human Rights activist suggested installing daylight windows and ventilation in the cells. He also suggested separating smokers from the non-smoking convicts and providing a sufficient amount of drinking water. 'Female prisoners should be attended by female personnel only', says Raman Kisliak. However, his propositions were left unanswered. It must be admitted that the administration of the detention center in Brest has slightly improved the conditions, albeit leaving the problems of daylight windows and ventilation unattended.

Some prison buildings are in an extremely unsatisfactory condition. The condition of detention center №1 in Minsk constructed in the middle of the 19th century has been found unsatisfactory by a special governmental ad hoc committee. On 21 April 2008 part of the building collapsed and, although the event claimed no lives, it made the prison administration start solving the problem and consider the construction of a new detention center.

In 2006 the Ministry of Justice established a number of regional committees for the supervision over the prison facilities. However, the committees have not visited the facilities on a regular basis. They also failed to carry out a professional research of the prison conditions and work out recommendations for competent authorities.

Under Article 46 of the Law on Health Care, in case of tuberculosis a person may be subjected to forcible hospitalization by a judicial decision. Thus, tuberculosis clinics can also be considered as compulsory detention facilities.

In May 2008 the incident in Bagushevichy regional tuberculosis clinic (Vitsebsk region) evoked wide response. The inhuman conditions made several clinic patients address independent mass media with an open letter, complaining of sanitary violations, poor food catering, absence of any access to mass media and inability to take a shower, as well as restrictions to open-air walks.

Early in 2008 a number of patients of the Republican Tuberculosis Hospital in Navayel'nia (Hrodan region) went on hunger strike, demonstrating against the unsatisfactory treatment conditions.

Another issue strongly criticized by Human Rights NGOs is the excessive use of physical force and non-lethal weapons by riot policemen against demonstrators, as well as the use of violence against detainees.

As a result of the 10 January 2008 rally in Minsk, a number of youth activists, including Mikhail Pashkevich, Mikhail Kryvau, Arsen Pakhomau and Tatsiana Tsishkevich, were brutally beaten. Ms. Tsishkevich was hospitalized with a head injury, Mr. Kaksiuk had to appeal to for medical aid with a broken rib. Despite the injuries, the detainees had to spend the night in prison with no medical treatment at all. It was not until the trial when they were attended by an emergency team.

Over 20 persons were beaten during the brutal dispersal of the 25 March Independence Day demonstration in downtown Minsk. Two of the detainees had to appeal to for medical aid.

There were also several registered cases of tortures used by the police against civil activists. On 29 May, on the eve of President Lukashenka's visit to Babruisk, the local police detained Ales Chyhir. The activist was beaten and tortured: his neck was strained, his hair was pulled. The police used the so-called 'lastochka' position when the detainee is forced face down on the ground and his legs are tied tightly with a rope to the handcuffed hands. The policemen headed by Major Toustsik and Sergeant Major Pasholiin threatened to have his fingers cut off. Ales Chyhir was accused of disorderly conduct and disobedience of orders. On 30 May Judge Natalia Charapukha remitted the case for further investigation due to a number of significant drawbacks. Shortly after his injuries were registered by legal medical experts, Ales Chyhir lodged a claim with the local prosecutor's office and the internal investigation board of the regional police department against the unlawful actions by the policemen.

On 7 July Minsk police detained Barysau activist Alesia Yasiuk and following a search took her to Minsk Tsentralny Borough Court. There the girl was tortured by two policemen, headed by Major Anatol Shytyka, who broke Ms. Yasiuk's glasses and injured her right palm. Then she was undressed by a female policeperson in front of the male policemen. The torture was video-taped. 6 hours later she was released.

THE USE OF TORTURE AND OTHER CRUEL...

It should be observed that the information on the use of torture and other cruel treatment is to a large degree concealed by the authorities. Most of the victims avoid complaining of the unlawful actions by the police. With no public control over the work of the Ministry of the Interior and other security, defense and law enforcement agencies, numerous cases of the abuse of authority go unpunished.

10. Limitation of the Right to Liberty and Security of Person Usage of Forced Labor

The right to liberty and security of person is guaranteed by the international documents in the sphere of Human Rights and by national constitutions.

The universal nature of Human Rights, according to Article 2 of the Universal Declaration of Human Rights, means that they belong to everyone, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status. Denial of the universal nature of Human Rights for certain interests destroys the very system of Human Rights, opens the way to lawlessness, discrimination and repression.

Recently the government of Belarus has launched an active campaign against alcoholism. The problem of growing alcoholism in the society really exists; it requires a state program aiming at minimizing alcoholism, treatment and further social rehabilitation of the individuals suffering from alcohol and drug dependence. At the same time, the state bodies, when conducting measures aimed at struggling with the social plague, commit violations of Human Rights, groundlessly deprive people of freedom and disrespect their human dignity.

For a long time the authorities did not really advertise the existence of such establishments as Occupational Rehabilitation Centers (ORC) in our country. However, recently they have become a topic for discussion. The state leader and top officials of the country spoke in support of expanding the ORC system, building new camps for alcohol addicts and negligent parents, etc. quite a number of times during the last year. These circumstances require our scrupulous attention to legislative regulation and practice of citizens' isolation in ORCs, because that contradicts the Constitution and certain norms of the current legislation, as well as the international standards in the sphere of Human Rights.

The first Occupational Rehabilitation Center in the USSR was established in Kazakh Republic in 1967. Later on the ORC system was widely used for forced isolation of individuals with alcohol and drug

LIMITATION OF THE RIGHT TO LIBERTY...

dependence violating the public order and the standards of “socialist conduct”. Citizens were sent to ORCs by rulings of district courts for the term of 6 to 24 months. Court rulings were final and were not subject to cassation appeal. There was a criminal liability for escaping from ORC. Human Rights defenders in the USSR labeled ORC part of the Soviet punitive system.

On October 25th, 1990 the USSR Constitutional Supervisory Committee adopted Findings “About legislation on the issue of forced medical treatment and occupational rehabilitation of individuals with alcohol and drug dependence”. The Findings recognized some norms of the Soviet legislation in this sphere, including legislations of the union republics, inconsistent with the Constitution of the USSR and the international norms in the sphere of Human Rights. After the collapse of the USSR the ORC system was liquidated in the majority of the union republics. At present the ORC system exists in three countries of the former USSR – Belarus, Ukraine, and Turkmenistan.

In Belarus the ORC system was not applied in practice after 1991. Restoration of the practice of compulsory isolation of citizens with alcohol and drug dependence began in the late 1990^{ies} and has expanded recently. There are four Occupational Rehabilitation Centers in the country: in Svetlahorsk (Homel region), in Slutsk (Minsk region), in Navahradak (Hrodna region), and an ORC for women in Horki (Mahiliou region). Two more ORCs are under construction (on the basis of former minimum security jails). In 2008 844 were isolated in ORCs by court rulings, 134 of them are women.

The procedure of sending citizens with alcohol and drug dependence to ORC is regulated by the Law of the Republic of Belarus “About Measures of compulsory impact on alcoholics and drug-users, who systematically violate the public order and the rights of other persons”. The law was adopted by the Supreme Soviet of the BSSR on June 21st, 1991, and amended in 1994, 2000, and 2008. According to clause 1 of the Law, chronic dipsomaniacs and narcomaniacs, who systematically violate the public order and the rights of other persons because of alcohol and drug abuse, may be forcibly isolated in ORCs by decision of a district (city) court for the term of 1 to 1.5 years for their medical and social rehabilitation with obligatory labor treatment.

According to clause 3 of the Law, individuals, who were brought to account for violation of the public order or the rights of other persons

more than twice during a year, and committed those violations in the state of alcohol intoxication, or in the state of intoxication with narcotics, psychotropic, toxic, or other intoxicating substances, are sent to health care institutions for examination and diagnosing with chronic alcoholism or drug addiction on the basis of motivated ruling of a body of internal affairs. In case of evading a medical examination a person may be examined coercively in accordance with the procedure established by law. The decision of recognizing a person a chronic alcoholic or narcomaniac is made by a commission of psychiatrist or narcologists of psychiatric or narcological health care institutions.

Hence, two factors need to be present to send a person to an ORC: a person is to be recognized a chronic alcoholic or a drug-user; and is to be brought to administrative responsibility for violation of the public order or the rights of other persons more than twice during a year.

The case of sending a chronic alcoholic or a drug-user to an ORC is considered in the presence of a medical certificate by a district (city) court at the place of their residence (cases concerning individuals without a permanent place of residence are to be considered by courts at the place of their presence when the petition was presented). Courts are to consider the case in no more than ten days in an open sitting with participation of a person concerned in the petition, and, on their request, of a defender, with participation of a prosecutor, and, if necessary, with participation of representatives of non-governmental organizations, work collectives and state bodies, as well as family members and close relatives.

The term of isolation established by the Law is from 1 to 1.5 years. On petition of the ORC administration court might reduce the term.

According to clause 2 of the Law, individuals sent to Occupational Rehabilitation Centers, enjoy the rights of citizens of the Republic of Belarus with limitations, established by law and resulting from the necessity to provide compulsory isolation and medical and social re-adaptation with compulsory labor.

ORCs are subject to the Ministry of Internal Affairs and departments of internal affairs of the regional executive committees. The order of detention of citizens in ORCs is regulated by resolutions of the Ministry of Internal Affairs, as well as the Regulations "About Occupational Rehabilitation Centers for alcoholics and drug users who systematically violate the public order and the rights of other individuals", approved by the Resolution of the Supreme Soviet of the BSSR on June 21st, 1991.

LIMITATION OF THE RIGHT TO LIBERTY...

According to clause 2 of the Regulations, the main purpose of an Occupational Rehabilitation Center is compulsory isolation, medical and social re-adaptation with compulsory labor.

Occupational Rehabilitation Centers establish a regime providing compulsory isolation, implementation of medical and social instructions and labor duties by individuals kept there, as well as permanent supervision over them. Individuals, kept in Occupational Rehabilitation Centers, are not allowed to carry personal documents, money and other items prohibited for keeping. Safe keeping of personal documents and money is secured by the administration of the Center. In case of sufficient cause to suspect a person, kept in an Occupational Rehabilitation Center, of intention to carry or receive prohibited items, they undergo personal inspection, they undergo personal inspection, which is carried out by persons of the same sex. Parcels, packages and postal packets are also subject to inspection.

If an individual, kept in an Occupational Rehabilitation Center, shows physical resistance to the staff of the ORC, behaves tumultuously or commits other violent actions, it is possible, with the purpose of preventing harm-doing to themselves or the others, to use physical force, special means

(hand-cuffs, rubber sticks, tying devices, special chemical substances and other special means, as well as working animals) and firearms, in accordance with the current legislation.

Analysis of the rules of keeping individuals in ORCs shows that these individuals are kept in the conditions of strict isolation, which in fact are very similar to the conditions and policies of an ordinary prison. It is worth to especially point out the possibility of using firearms against the isolated citizens foreseen by the above-mentioned Regulations.

According to the information received from individuals kept in ORCs, they practically do not receive any medical treatment. The only basic “treatment” of such individuals is work therapy. Their labor is also often used in the interests of private companies, as well as for redecorating private houses and apartments. The extremely low payment for the work of the isolated citizens makes their work practically unpaid.

This way, the Law of the Republic of Belarus “About Measures of compulsory impact on alcoholics and drug-users, who systematically violate the public order and the rights of other individuals” establishes that citizens with alcohol or drug dependence are isolated under

compulsion on the basis of rulings made by district courts. Analysis of the rules and conditions of ORCs shows that compulsory isolation is, in fact, nothing else but deprivation of freedom. In this case deprivation of freedom is exercised beyond the framework of criminal prosecution, i.e. it is not connected to commission of crime and implemented not under the court's verdict. The only ground for such isolation is chronic alcoholism or drug-addiction of a person and the fact of them bearing administrative responsibility for violation of the public order or the rights of other persons more than twice during a year. That means, deprivation of freedom or compulsory isolation for the term of up to 1.5 years is carried out exclusively because of the citizens' illness (chronic alcoholism or drug-addiction), and their antisocial behavior. We should also point out that these persons have already been brought to administrative responsibility under the law for the infringements they had committed; i.e. they have already been punished for their unlawful actions. In this case, the legal status of the persons isolated in ORCs remains unclear. They are not convicted or under administrative arrest. The notion "isolated" is not used in any other pieces of legislation, besides this Law.

Meanwhile, duration and conditions of isolation of individuals in MLCs are in essence nothing else but deprivation of freedom, which may be pronounced only if an individual is found guilty of a crime, and his guilt is proved by a court verdict which came into force.

According to part 1 of Article 25 of the Constitution of the Republic of Belarus, the State secures freedom, inviolability and dignity of a person. Restriction and deprivation of personal freedom are possible only in cases and under the procedure, established by law. In the Republic of Belarus deprivation or restriction of freedom is possible exclusively within the framework of criminal prosecution for the committed criminal actions, in consequence of the effective verdict of the court. Grounds for restriction and deprivation of personal freedom are possible only in cases and under the procedure, established by the law – the Criminal Code of the Republic of Belarus. Isolation, i.e. deprivation of freedom for the term of up to 1.5 years in consequence of the ruling of the court, made under civic, and not criminal, legal proceedings, is not the procedure established by the law. This way, the Law of the Republic of Belarus "About Measures of compulsory impact on alcoholics and drug-users, who systematically violate the public order and the rights of other persons" is in explicit contradiction with the Constitution of the Republic of Belarus and violates the freedom and inviolability of a person.

LIMITATION OF THE RIGHT TO LIBERTY...

Besides that, the procedure of compulsory medical treatment of persons suffering with chronic alcoholism and drug-addiction contravenes the Law of the Republic of Belarus "About Health Care", because it foresees measures of compulsory medical treatment. According to this Law, medical care in Belarus is voluntary. The exclusion is the measures of compulsory medical treatment carried out under the court verdict and connected to commission of crime, i.e. within the framework of criminal proceedings. This kind of compulsory medical treatment is regulated by the norms of the Code of Criminal Procedures of the Republic of Belarus. Another exclusion is the cases of compulsory psychiatric treatment of individuals suffering with mental disorders, who pose a threat to themselves or others (Article 30 of the Law of the Republic of Belarus "About psychiatric assistance and guarantees of the rights of citizens in its rendering"), as well as cases of compulsory treatment of individuals who suffer from illnesses that endanger health of the population (Article 46 of the Law of the Republic of Belarus "About Health Care"). In the latter case compulsory treatment is exercised on the basis of a court decision which is made within the framework of a special civil proceeding (Article 391 - 393 of the Code of Civic Procedures). The ground of such compulsory hospitalization is the fact that an individual suffers from a disease which is injurious to health of citizens. The list of such diseases is established by the Resolution № 31 of June 13th, 2002 of the Ministry of Health Care of the Republic of Belarus "About establishment of the list of diseases which represent danger to the health of the population". Such diseases as chronic alcoholism or drug-addiction are not indicated in the list.

In the case of ORC treatment, compulsory medical treatment is exercised outside criminal proceedings and is not caused by the necessity to render psychiatric assistance or to protect the health of the population. This way, the practice of compulsory medical treatment, established by the Law of the Republic of Belarus "About Measures of compulsory impact on alcoholics and drug-users, who systematically violate the public order and the rights of other persons" is in contradiction with the Law of the Republic of Belarus "About Health Care", and violates the legal rights of citizens and their personal inviolability.

Compulsory labor for citizens, foreseen by the Law of the Republic of Belarus "About Measures of compulsory impact on alcoholics and drug-users, who systematically violate the public order and the rights of other persons" is in contradiction with Article 41 of the Constitution, which

establishes the right to work as a right of a citizen, and not a duty. We should also point out that in this case it is ill citizens, and not individuals convicted for crimes, are being forced to perform compulsory labor. At the same time, compulsory labor is considered as one of the types of “treatment”, as a kind of “medical and social re-adaptation”.

We need to point out that the Law “About Measures of compulsory impact on alcoholics and drug-users who systematically violate the public order and the rights of other persons” contravenes the international norms in the sphere of Human Rights, in particular, Articles 8 and 9 of the International Pact on Civic and Political Rights.

Thus, according to paragraph 3 a) of Article 8 of the International Pact on Civil and Political Rights, no one shall be required to perform forced or compulsory labor. (b) Paragraph 3 (a) shall not be held to preclude, in countries where imprisonment with hard labor may be imposed as a punishment for a crime, the performance of hard labor in pursuance of a sentence to such punishment by a competent court; According to 3 (c), the term «forced or compulsory labor» does not include: i) Any work or service, not referred to in subparagraph (b), normally required of a person who is under detention in consequence of a lawful order of a court, or of a person during conditional release from such detention; (ii) Any service of a military character and, in countries where conscientious objection is recognized, any national service required by law of conscientious objectors; (iii) Any service exacted in cases of emergency or calamity threatening the life or well-being of the community; (iv) Any work or service which forms part of normal civil obligations.

Article 9 of the Pact guarantees everyone the right to liberty and security of person. No one shall be subjected to arbitrary arrest or detention. No one shall be deprived of his liberty except on such grounds and in accordance with such procedure as are established by law.

10

This way, the Law of the Republic of Belarus “About Measures of compulsory impact on alcoholics and drug-users, who systematically violate the public order and the rights of other persons” and the practice of compulsory isolation of citizens in ORCs, their compulsory treatment and compulsory performance of labor is a serious violation of Human Rights. ORCs and similar establishments are the legacy of the Soviet, and even Stalinist, totalitarian system violating the fundamental Human Rights.

11. Human Rights Activity Pressure on Human Rights Defenders and Human Rights Organizations

During 2008 the Belarusian Human Rights organizations and groups and individual Human Rights defenders worked hard to defend the victims of Human Rights violations, collected and spread Human Rights information, analyzed and evaluated the Human Rights situation, and took part in the international conferences on Human Rights organized by the European Union, the Council of Europe, and OSCE.

During the first half of the year authorities attempted to discredit the Belarusian Human Rights defenders through official mass media. On June 12th Human Rights activists announced the campaign “Human Rights Defenders for Free Elections”, aimed at monitoring the parliamentary elections. The same day the First State TV Channel announced a news piece slandering the campaign organizers. On June 15th the piece was shown on the Panorama program, stating, with reference to a web-site of a “political scientist”, former member of the President’s Office, that Human Rights defenders Ales Bialiatski and Aleh Hulak had stolen 400,000 US dollars, allocated to the project of election monitoring.

Right before the beginning of the election the First State TV Channel showed the propagandist documentary series “Network”. The series showed the windows of a private apartment claiming that was the premises of the unregistered organization Human Rights Center “Viasna”, which was discrediting the Republic of Belarus. Let us remind the readers, that “discredit of the Republic of Belarus” is criminally prosecuted. The same program made negative comments and showed the private house of Ales Bialiatski, head of the Human Rights Center “Viasna”, which had been closed down by the authorities. In June his name was mentioned in negative context several times in different news pieces.

In June authorities also began a campaign of checking the income and property of the Human Rights defenders. The Ministry for Taxes and Duties sent orders to declare income and property to chairman of the Belarusian Helsinki Committee Aleh Hulak, ex-chair of BHC Tatsiana

Protska, BHC member Zmitser Markusheuski, chairman of the liquidated Human Rights Center “Viasna” Ales Bialiatski, Human Rights defender Valiantsin Stefanovich, and their family members.

Authorities paid special attention to movement of the Human Rights defenders across the border. For instance, from spring 2008 Human Rights defenders Ales Bialiatski, Valiantsin Stefanovich, Uladzimir Labkovich, Tatsiana Reviaka, Viktor Sazonau, and Uladzimir Khilmanovich were included in the special lists of the border guards. Every time they crossed the border their belongings were subject to special examination. Special acts about customs examination were drawn up every time some of them crossed the border.

On May 1st, the customs officers of the Varshauski Most border crossing confiscated two laptops and several thousand Euros from chair of the Belarusian Helsinki Committee Aleh Hulak and BHC regional activist Eduard Balanchuk. The state customs committee replied on the inquiry made by the Human Rights defenders that they should inquire about the money and office equipment in the KGB.

Dynamic activities of the Human Rights defenders provoked repressions of the Belarusian authorities. For instance, on March 27th, the police detained representative of the Belarusian Helsinki Committee Pavel Levinau when he was rendering legal assistance to journalist Vadzim Barshcheuski whose apartment had been searched. He was charged with using foul language and failure to obey the police officers. Protesting against violation of his rights and falsification of the documents which became the basis for accusation, Pavel Levinau went on a hunger strike. He officially informed acting prosecutor of Vitebsk region A. Leskavets. The Human Rights defender had to stop the hunger strike in 14 days for health reasons. On May 26th, after several sessions, the court found P. Levinau guilty and sentenced him to 10 days of arrest and a fine of 20 basic units. On July 15th Levinau visited the prosecutor of Vitebsk region in order to explain the situation and ask for abolishment of the unlawful court ruling in his case. The prosecutor promised to examine the case. However, at the doors of the prosecutor's office building the Human Rights activist was detained by riot policemen. He felt unwell in Pershamaiski district police department and was taken by ambulance to hospital № 2. Having received a phone call, the cardiologist on duty refused to hospitalize the Human Rights defender. Leaving the hospital, Pavel Levinau passed out and went to the ER with hypertension stroke.

HUMAN RIGHTS ACTIVITY PRESSURE ON HUMAN RIGHTS DEFENDERS...

Throughout the whole night four policemen guarded Levinau's ward. In the morning, when the activist was discharged from the hospital, they took him to jail where he served the sentence.

On May 23rd KGB officers searched the apartment of Vitebsk Human Rights activist, Leanid Svetsik, for nine hours. As a result of the search they confiscated office equipment and printed materials. After that the Human Rights activist was interrogated in the KGB headquarters. They acted within the criminal proceedings instigated on May 20th under Article 130.1 of the Criminal Code of the Republic of Belarus (fomentation of national and religious enmity). Svetsik was first considered a witness, and then a suspect in the case. For several years the Human Rights activist helped people who received threatening letters from the neo-Nazi organization RNU (members of Conservative Christian Party Yan Dziarzhautsau and Yan Tapyha, civic activist Viktoria Dashkevich, editor of the newsletter "Kuryer from Vitebsk" Uladzimir Bazan, ex-chairman of the city branch of the United Civic Party Alena Zaleskaya) to write complaints to the prosecutor's office and other state bodies. In September the criminal proceedings against L. Svetsik were suspended, however the Human Rights activist remained under the ban to cross the borders of the country. It's worth mentioning that recently Leanid Svetsik had prepared five complaints about violation of the rights of Belarusian citizens, taken by the UN Committee for Human Rights for consideration.

On June 26th police and KGB officers detained Eduard Balanchuk, member of the Belarusian Helsinki Committee and a participant of the election monitoring effort. His car was detained near the office of BHC in Minsk, where the Human Rights defenders were meeting. Eduard Balanchuk was accused of disobedience to police officers and disorderly conduct. The next day the Human Rights activist was sentenced to 10 days of administrative arrest and a fine of 30 basic units. KGB officers confiscated 10 laptops from his car.

On July 7th the police detained youth and Human Rights activist, Ilya Bohdan, as a suspect in the criminal case under part 3 of Article 339 of the Criminal Code ("exceptionally malignant hooliganism"), instigated after the explosion in the night of July 3rd in Minsk. Bohdan spent 10 days in jail. The police searched the apartment where he lived and confiscated a laptop and documents which had to do with his Human Rights activity. The criminal prosecution against Bohdan was stopped after several months because of absence of crime in the act. Bohdan also got his laptop and papers back.

In July Hrodna Human Rights activist, Viktor Sazonau, was interrogated by KGB within the framework of the investigation of the explosion in Minsk. Sazonau also had his fingerprints taken. In a week the Human Rights activist was invited to a police station where the officers took his biometric data.

On March 6th several people burst into the private house of Babruisk Human Rights activist Ihar Khodzka. They claimed they came to check the fire safety of the building. Instead, they searched the house and confiscated about 500 copies of Svaboda newspaper. Human Rights I. Khodzka and civic activist A. Chyhir were beaten when they tried to stop the officials from illegal actions.

On June 8th Homel Human Rights activist held a seminar for the activists of the youth pro-democratic movement on the topic of defense of Human Rights. Four policemen entered the office of the regional UCP branch, where the seminar was held. They claimed they were looking for a crime fugitive, who, according to the anonymous information they had received, was hiding in the office. The policemen called for the riot police, examined the office, wrote down the passport data of all the seminar participants, and left the building.

In December strangers damaged the windows and drew a swastika on the walls of the office building of Human Rights activists in Navapolatsk.

The events around celebration of the 60th anniversary of the Universal Declaration of Human Rights developed dramatically in some of the Belarusian cities. On December 10th Hrodna police detained Human Rights defenders and journalists Viktor Sazonau, Uladzimir Khilmanovich, Yan Roman, and Aleh Kalenkou, when they were distributing the Declaration copies. In Leninski police department the officers took their written explanations and confiscated the booklets with the text of the declaration and the capes which said "60 years of the Universal Declaration of Human Rights". The detained were released in 2.5 hours.

The same day in Mahiliou the police detained and kept in police station for several hours Human Rights activists and lawyers of an independent trade union Alexander Karaliou and Alexander Padalian, for handing out the texts of the Universal Declaration to passers-by.

On December 10, when activists handed out copies of the Declaration in the center of Minsk, the police used violence to detain Human Rights activists Ales Bialiatki, Uladzimir Labkovich, Aleh Matskevich, Maryna Statkevich, Valiantsin Stefanovich, Siarhei Sys, Iryna Toustsik, as well

HUMAN RIGHTS ACTIVITY PRESSURE ON HUMAN RIGHTS DEFENDERS...

as youth activists Franak Viachorka Siarzhuk Karpovich, Anton Koipish, and Siarhei Semianiuk. They were taken to Centralny police department and kept there for about two hours. Then the policemen released all the activists, having confiscated the booklets with the text of the declaration and the capes which said “60 years since the Universal Declaration of Human Rights”.

Authorities hampered the attempts of the Human Rights activists to mark the 60th anniversary of the Universal Declaration of Human Rights by holding authorized street actions. For instance, Vitebsk city executive committee did not permit Pavel Levinau to hold pickets because he had asked for the sites in the residential areas of the city instead of the predetermined city parks in the suburbs. The attempts to complain against the decision of the city authorities in court failed to succeed.

Brest city executive committee permitted to hold a rally dedicated to the 60th anniversary of the Universal Declaration of Human Rights at “Lakamatyu” stadium. Meanwhile, on the eve of the rally the police detained activists Zinaida Mikhniuk and Valiantsina Lazarenkava, who handed out invitations to the authorized event on the streets of Brest.

Baranavichy authorities completely ignored the proposal of the local Human Rights and civic activists to place at least one information banner in the streets of the city in order to mark the anniversary of the Universal Declaration. At the same time, they organized pressure on the people who signed the proposal. For instance, on December 4th a police officer visited Human Rights activist, Siarhei Housha. He claimed he was sent by deputy chief of Baranavichy police to carry out a check-up, because they had obtained information that the Human Rights activist kept prohibited literature at home. However, the policeman failed to present a search warrant.

This way, in 2008 the conditions of work of the Belarusian Human Rights defenders were close to extreme. For their Human Rights activity they regularly received threats, were detained and convicted, their offices were searched and examined, and office equipment was confiscated. Nevertheless, they continued to effectively work to defend the Human Rights in the country.

P6_TA-PROV(2008)0071

Belarus

**European Parliament resolution
of 21 February 2008 on Belarus**

The European Parliament,

- having regard to its previous resolutions on the situation in Belarus, in particular to its resolution of 6 April 2006 on the situation in Belarus after the presidential elections of 19 March 2006¹,

- having regard to the Commission's declaration of 21 November 2006 on the European Union's readiness to renew its relationship with Belarus and its people within the framework of the European Neighbourhood Policy (ENP),

- having regard to its Sakharov Prize for freedom of thought, which was awarded to the Belarusian Association of Journalists on 14 December 2004 and to Aleksander Milinkevich on 13 December 2006,

- having regard to Rule 115(5) of its Rules of Procedure,

A. whereas it has repeatedly condemned the failed presidential, parliamentary and local elections in Belarus,

B. whereas it has called on the Council and the Commission to make proposals to put further pressure on Lukashenko's regime within international organisations and has demanded that a complete package of specific, targeted sanctions – severely punishing the perpetrators of oppression without adding to the suffering of the citizens of Belarus – be put forward,

C. whereas it has particularly condemned the fact that local democracy, which is the cornerstone of any democratic governance and which expresses the will of ordinary people to fulfil their genuine hopes and expectations, has been disregarded and neglected in Belarus,

D. whereas the continuous political and administrative pressure exerted upon non-governmental organisations in Belarus, threatens their existence and undermines their independence,

E. whereas in January 2008 there was a series of protests by entrepreneurs in Minsk, and the leaders of those demonstrations were detained and often beaten,

F. whereas positive developments in the establishment of the Commission's delegation in Minsk have taken place recently,

1. Deeply regrets that the situation of democracy, Human Rights and the rule of law is not improving in Belarus; points out that continuous arbitrary arrests of members of civil society and opposition activists, notably the temporary detention of Aleksander Milinkevich, and the clampdown of the independent media, contradict the recent rhetoric of the Belarusian Government concerning their wish to improve relations with the European Union;

2. Expresses its regret over the sentencing of the journalist Aliaksandr Zdvizhkov to three years' imprisonment, considering that punishment to be unjustly harsh, and calls on the Belarusian Government to reconsider the decision;

3. Takes note of the recent release of several democratic opposition activists including the leaders of the Youth Movement of the Belarusian Popular Front and Young Front (Malady Front), at the same time condemns the arrests of these activists, who were detained for 15 days in prison and faced expulsion from university, following peaceful demonstrations on 16 January 2008 in Minsk to mark the day of solidarity with imprisoned Belarusian opposition activists and the families of missing prominent Belarusians;

4. Urges the Belarusian authorities to release immediately and unconditionally the remaining political prisoner, Alyaksandr Kazulin, and stop using intimidation, harassment, targeted arrests and politically motivated prosecutions against the activists of the democratic opposition and civil society in Belarus;

5. Welcomes the recent developments on the agreements to establish the Commission's delegation in Minsk as a positive step towards renewing dialogue with the European Union; encourages the Commission to use the full potential of the opening of the delegation;

6. Recalls that on 21 November 2006 the Europe Union declared its readiness to renew its relationship with Belarus and its people within the framework of the ENP as soon as the Belarusian Government demonstrates respect for democratic values and for the basic rights of the Belarusian people;

7. Emphasises that in order to engage in any substantial dialogue with the EU, Belarus needs to fulfil the remaining conditions laid down in the 'non-paper' entitled «What the European Union could bring to Belarus», which include the release of all political prisoners, the abolition of the death penalty, an assurance of a free media and freedom of

expression, the independence of the judiciary and respect for democratic values and for the basic rights of the Belarusian people;

8. Condemns the fact that Belarus is the only country in Europe which still has the death penalty, which is counter to European values;

9. Urges the Belarusian authorities to revoke Decree No 70 of 8 February 2008, provisions of which violate the right to education of Belarusian citizens by creating barriers to entry into higher education institutions;

10. Urges the Belarusian authorities to implement Organisation for Security and Cooperation in Europe (OSCE) standards in the organisation of the forthcoming parliamentary elections scheduled for 28 September 2008; calls on the Government to give democratic opposition representatives access to district election commissions, to grant registration to all parliamentary candidates and their observers, and not to create obstacles for a comprehensive and complete international election observation mission;

11. Calls on the Council and the Commission to take further steps towards the facilitation and liberalisation of visa procedures for Belarusian citizens, as only such action can help to fulfil the main goal of EU policy towards Belarus, namely to facilitate and intensify people-to-people contacts and to democratise that country; urges them in this context to consider the possibilities of waiving the cost of visas for Belarusian citizens entering Schengen territory, which is the only way to prevent Belarus and its citizens from becoming increasingly isolated;

12. Calls on Member States in the Schengen area to use all available tools (national visa costs) to facilitate the movement of Belarusian citizens within each Member State's territory;

13. Calls on the Council, the Commission and the international community as a whole to extend more support to the civil society of Belarus and, in particular, to increase financial aid to the independent media, to non-governmental organisations and to Belarusian students studying abroad; welcomes the financial support given by the Commission to the European Humanities University in Vilnius (Lithuania); calls on the Council and the Commission to consider financial support for the existing project aimed at the creation of the independent Belarusian television channel Belsat;

14. Expresses solidarity with the united democratic opposition of Belarus and the leader of that movement, Aleksander Milinkevich, and all Belarusian citizens who strive for an independent, open and democratic Belarus based on the rule of law; encourages the leaders of

the opposition to demonstrate unity and resolve in the upcoming parliamentary elections;

15. Deplores the decision of Belarusian authorities to refuse repeatedly entrance visas to the Members of the European Parliament and national parliamentarians in the last couple of years; calls on the Belarusian authorities not to create any further obstacles preventing the European Parliament delegation for relations with Belarus from visiting the country and from observing and obtaining first-hand experience in Belarus;

16. Condemns the restrictions imposed by the Belarusian authorities on foreign clergy, aimed at limiting their access to the country to serve religious organisations, and calls on the Belarusian authorities to cease these restrictions;

17. Instructs its President to forward this resolution to the Council, the Commission, the parliaments and governments of the Member States, the Secretary-General of the United Nations, the Parliamentary Assemblies of the OSCE and the Council of Europe, and the Belarusian authorities.

P6_TA-PROV(2008)0239²

The arrest of political opponents in Belarus

European Parliament resolution of 22 May 2008 on the arrest of political opponents in Belarus

The European Parliament,

- having regard to its previous resolutions on the situation in Belarus, in particular that of 21 February 2008,

- having regard to the Commission's declaration on 21 November 2006 of the European

Union's readiness to renew its relationship with Belarus and its people within the framework of the European Neighborhood Policy (ENP),

- having regard to the EU Presidency Declaration of 28 March 2008 on Belarus,

- having regard to the EU Presidency statement of 29 April 2008 on the renewed imprisonment and harassment of political opponents in Belarus,

- having regard to EU Presidency statement of 6 May 2008 on the recent developments in the relationship between Belarus and the United States,

- having regard to Rule 115(5) of its Rules of Procedure,

A. whereas two Belarusian pro-democratic activists, Andrei Kim and Siarhei Parsyukevich, have been given harsh sentences for taking part in peaceful entrepreneurs' demonstrations on 10 and 21 January 2008,

B. whereas the continued detention of Aliaksandr Kazulin is a further example of Belarus's disregard for its obligations to respect the principles and commitments of the Organization for Security and Co-operation in Europe (OSCE), of which Belarus is a member,

C. whereas it has called on the Council and the Commission to make proposals to put further pressure on Lukashenko's regime within international organizations and has demanded that a complete package of specific, targeted sanctions – severely punishing the perpetrators of oppression without adding to the suffering of the citizens of Belarus – be put forward,

D. whereas it has condemned the use of violence and arrests of large numbers of participants on the occasion of Freedom Day in Minsk and other Belarusian cities on 25 March 2008,

E. whereas the decision of the government of Belarus to declare 10 United States diplomats *personae non gratae* and the forced expulsion of the US Ambassador to Belarus are measures that are unjustified and harmful to the interests of the people of Belarus,

1. Deeply regrets that the situation of democracy, Human Rights and the rule of law is not improving in Belarus; points out that constant arbitrary arrests of members of civil society and opposition activists, notably the recent temporary detention and trial of Aleksander Milinkevich, and the clampdown on the independent media, contradict the recent rhetoric of the Belarusian government concerning their wish to improve relations with the European Union;

2. Condemns the harsh sentences given to Syarhei Parsyukevich and Andrei Kim on 22 and 23

April 2008 in Minsk for their participation in the entrepreneurs' rally of 10 January 2008; at the same time, deplores the reportedly excessive force used by Belarusian security forces against and the arrests of peaceful citizens gathered in Minsk on 25 March 2008 to mark the ninetieth anniversary of the Foundation of the Independent Belarusian People's Republic; calls on the Belarusian authorities to unconditionally abstain from all use of force against the representatives of the democratic opposition;

3. Urges the Belarusian authorities to release immediately and unconditionally the remaining political prisoner, Aliaksandr Kazulin, and to cease using intimidation, harassment, targeted arrests and politically motivated prosecutions against the activists of the democratic opposition and civil society in Belarus;

ANALYTICAL REVIEW 2008

4. Reiterates that compliance with democratic principles is the key issue for the normalization of relations with Belarus;

5. Condemns the detention of independent media journalists, searches of their homes and confiscation or destruction of their equipment by Belarusian secret services (KGB) and condemns efforts made by the Belarusian authorities to violate the freedom of the media;

6. Requests the Council and the Commission to provide substantial support for the victims of Human Rights violation in Belarus; takes the view that increased financial assistance to civil society organizations, in particular free media, is necessary for the promotion of Human Rights in the country;

7. Recalls that on 21 November 2006 the European Union declared its readiness to renew its relationship with Belarus and its people within the framework of the ENP as soon as the

Belarusian government demonstrated respect for democratic values and for the fundamental rights of the Belarusian people;

8. Emphasizes that, in order to engage in any substantial dialogue with the EU, Belarus needs to fulfill the remaining conditions laid down in the Commission's "Non Paper" entitled "What the European Union could bring to Belarus", which include the release of all political prisoners, the abolition of the death penalty, an assurance of a free media and freedom of expression, the independence of the judiciary and respect for democratic values and for the fundamental rights of the Belarusian people;

9. Condemns the fact that Belarus is the only country in Europe which still has the death penalty, contrary to European and universal values;

10. Deeply regrets the 2002 Law on Freedom of Religion and Religious Organizations, which contravenes international principles of religious freedom and Human Rights, including those laid out in the International Covenant on Civil and Political Rights (ICCPR), and recognizes that as result of this legislation, the activities of many religious communities have been restricted and their leaders are being subjected to constant harassment, prosecution, fines, and imprisonment;

11. Urges the Belarusian authorities fully to implement OSCE standards in the organization of the forthcoming parliamentary elections scheduled for autumn 2008, and to create the conditions for a free and fair ballot; calls on the government of Belarus to give democratic opposition representatives free access to district electoral commissions, to grant registration to all parliamentary candidates and their observers, and not to create obstacles to a comprehensive and complete international election observation mission;

12. Calls on the Belarusian government to uphold and ensure the protection of all fundamental Human Rights and ensure Belarus' compliance with international standards, and in particular with Article 18 of the International Covenant on Civil and Political Rights (ICCPR);

13. Calls on the Belarusian government to revise the 2002 Law on Freedom of Religion and Religious Organizations and to restore procedures guaranteeing respect for freedom of religion;

14. Expresses solidarity with the united democratic opposition of Belarus and all Belarusian citizens who strive for an independent, open and democratic Belarus based on the rule of law; encourages the leaders of the opposition to demonstrate unity and resolve in the forthcoming parliamentary elections;

15. Calls on the Council and the Commission to take further steps towards the facilitation and liberalization of visa procedures for Belarusian citizens, as only such action can help to fulfill the main goal of EU policy towards Belarus, namely to facilitate and intensify people-to-people contacts and to democratize that country; urges them, in this context, to consider the possibilities for lowering the cost of visas for Belarusian citizens entering the Schengen territory, which is the only way to prevent Belarus and its citizens from becoming increasingly isolated;

16. Deplores the Belarusian authorities' repeated refusal to grant entry visas to Members of the European Parliament and national parliamentarians in the last couple of years; calls on the Belarusian authorities not to create any further obstacles preventing the European Parliament Delegation for Relations with Belarus from visiting the country to observe the forthcoming general elections and obtain first-hand experience in Belarus;

17. Expresses its solidarity with the United States and its diplomatic service, and calls on the government of Belarus to reconsider its decision and to take immediate steps allowing for a normalization of the relationship between Belarus and the United States on the basis of mutually beneficial cooperation;

18. Instructs its President to forward this resolution to the Council, the Commission, the parliaments and governments of the Member States, the Secretary-General of the United

Nations, the Parliamentary Assemblies of the OSCE and the Council of Europe, and the government of Belarus.

**European Parliament resolution of 9 October 2008
on the situation in Belarus after the parliamentary elections
of 28 September 2008**

The European Parliament,

– having regard to its previous resolutions on the situation in Belarus, in particular that of 22 May 2008(1),

– having regard to the Commission's declaration of 21 November 2006 on the European Union's readiness to renew its relationship with Belarus and its people within the framework of the European Neighbourhood Policy (ENP),

– having regard to the Declaration by the Presidency of the Council on behalf of the EU, of 26 August 2008, concerning the release of Sergei Parsyukevich and Andrei Kim,

– having regard to the Council conclusions of 15- 16 September 2008 on Belarus,

– having regard to the preliminary findings, of 29 September 2008, of the OSCE Election Observation Mission in Belarus,

– having regard to the statement by the Presidency of the Council of the European Union on the parliamentary elections in Belarus of 30 September 2008,

– having regard to Rule 103(4) of its Rules of Procedure,

A. whereas, following the release by the Belarusian authorities between 16 and 20 August 2008 of the political prisoners Mr Alyaksandr Kazulin, Mr Sergei Parsyukevich and Mr Andrei Kim, no more internationally recognised political prisoners are currently incarcerated in Belarus,

B. whereas the release of the political prisoners has been seen by the EU as a significant step towards the adoption by Belarus of the fundamental values of democracy, respect for Human Rights and the rule of law, and was made one of the preconditions for reviewing the restrictive measures currently applying to certain leading political figures in Belarus, and for gradually restoring relations with Belarus,

C. whereas President Alexander Lukashenko publicly called on 10 July 2008 for the elections to be conducted openly and democratically, and reiterated this during a television appearance on 29 August 2008, promising that the elections would be unprecedented in terms of fairness,

D. whereas the democratic conduct and pluralistic aspect of the parliamentary elections scheduled for 28 September 2008 was seen by the EU as another opportunity for Belarus to demonstrate its respect for democratic values and European standards,

E. whereas in this context the EU welcomed the deployment of the OSCE/Office for Democratic Institutions and Human Rights (ODIHR) observers, stressed the importance of guaranteeing those observers effective access to all stages of the electoral process, including the counting of votes, and underlined in particular the importance of guaranteeing the rights of the opposition as regards both the right to stand and access to electoral monitoring commissions and the media,

F. whereas the EU, in the event that the election proceeded smoothly, was prepared to begin to review the restrictive measures against Belarusian leaders, and to take positive and concrete measures leading to a gradual re-engagement with Belarus,

G. whereas the request from the United Democratic Forces of Belarus for the government to engage in an open dialogue on the election process remained unheeded; whereas the opposition candidates raised concerns over the fairness of the electoral process, referring to their lack of confidence in the process of voting and in the expected conduct of the vote count,

H. whereas the OSCE Election Observation Mission stated in its preliminary conclusions that although there had been some minor improvements, the elections of 28 September 2008, which took place in a strictly controlled environment with a barely visible campaign and were marked by a lack of transparency in vote counting and in aggregating results from various polling stations, ultimately fell short of internationally recognised democratic standards,

I. whereas the opposition, which did not win any of the 110 seats, denounced the election as a farce, expressing its fears that President Lukashenko's "flirt" with democracy is over and calling on the EU and the US not to recognise the results of the election,

J. whereas Lidiya Yarmoshyna, head of the Belarus Central Election Commission, declared the elections had been "free and fair",

K. whereas around 800 opposition supporters protested in Minsk late on Election Day,

1. Expresses its satisfaction that the political prisoners Mr Alyaksandr Kazulin, Mr Sergei Parsyukevich and Mr Andrei Kim have been released; still expects, nevertheless, that they will enjoy all the civic rights

guaranteed to all Belarusian citizens by the Constitution of the Republic of Belarus;

2. Regrets that the significant progress which the EU had hoped for, in the interests of the Belarusian people, in the democratic development of Belarus did not materialise and that, despite some minor improvements, the 28 September 2008 parliamentary elections in Belarus ultimately fell short of international standards;

3. Believes that the parliament elected in Belarus is of questionable democratic legitimacy;

4. Is concerned that the opposition-staged rally on 28 September 2008 in Minsk was termed a gross violation of public order by the interior ministry, and is also concerned by reports that information on the rally will be submitted to the Office of the Prosecutor-General for legal review; calls on the Belarusian authorities to respect the fundamental rights of freedom of assembly and expression, as defined by the Belarusian constitution;

5. Points out that, while the EU has taken note of the recent release of several democratic opposition activists and harboured hope of an improvement in the organisation of the elections, the persistent failure to organise free and fair elections will be a further set-back for Belarus and will remain a serious challenge to relations between Belarus and the European Union;

6. Calls on the Belarusian Government to confirm its statements about its willingness to improve cooperation with the EU and to create more favourable conditions for the commencement of discussions between the EU and Belarus;

7. Calls in this context on the Belarusian Government to move towards genuinely democratic elections in the future in accordance with international democratic standards by introducing changes to electoral law and practice, such as:

a) creating fair conditions and opportunities for all candidates to conduct a genuine electoral campaign;

b) ensuring that all parties participating in elections are represented at all election commission levels, in particular at precinct election commission level;

c) ensuring that votes cast preclude any doubts as to the possibility of fraud in this connection;

d) abolishing the early-voting procedure or, at least, guaranteeing that early votes cast are subject to a separate procedure from that for

ordinary votes cast and that early-voting results are recorded separately in electoral protocols;

8. Urges the Belarusian Government, to respect Human Rights by:

- a) making necessary changes to the Belarus Criminal Code by abolishing Articles 193, 367, 368 and 369-1, some of which, in particular Article 193, are cited by Amnesty International and which are often misused as a means of repression;
- b) refraining from threatening with criminal prosecution, including for avoiding military service in Belarus, against students expelled from universities for their civic stance and obliged to continue their studies abroad;
- c) eliminating all obstacles that prevent proper registration of NGOs in Belarus;
- d) improving the treatment of and respect for national minorities, including recognition of the legitimately elected body of the Union of Poles in Belarus, led by Angelika Borys, culture, churches, the education system and the historical and material heritage, in order to end the country's self-imposed isolation from the rest of Europe and in order for relations between the EU and Belarus to improve significantly;

9. Recalls that on 21 November 2006 the European Union declared its readiness to renew its relationship with Belarus and its people within the framework of the European Neighbourhood Policy as soon as the Belarusian Government demonstrated respect for democratic values and for the basic rights of the Belarusian people;

10. Calls on the Council and the Commission to continue the dialogue with and devise a policy vis-a-vis Belarus, subject to strict positive conditionality based on a gradual step-by-step approach, containing benchmarks, timetables, a revision clause and adequate financial resources;

11. Calls on the Council and the Commission to consider a selective review and possible suspension of existing restrictive measures, with a view to providing advantages for ordinary citizens and promoting the development of a free society;

12. Calls on the Council and the Commission not to lift the visa ban on those directly involved in violating democratic election standards and Human Rights; calls for consideration to be given to a six-month partial suspension of this sanction for other officials, provided that during that period the restrictive law on mass media adopted at the end of June 2008 is amended before it is fully implemented;

13. Calls on the Council and the Commission to take further steps towards the facilitation and liberalisation of visa procedures for Belarusian citizens, as such action is crucial to fulfil the main goal of EU policy towards Belarus, namely to facilitate and intensify people-to-people contacts and to democratise the country; urges them, in this context, to consider the scope for lowering the cost of visas for Belarusian citizens entering the Schengen Area, which is the only way to prevent Belarus and its citizens from becoming increasingly isolated; calls on the Belarusian authorities to end their practice of issuing exit visas to their citizens, in particular children and students;

14. Calls on the Council and the Commission to consider selective application of the European Neighbourhood and Partnership Instrument⁽²⁾ and the European Instrument for Human Rights and Democracy⁽³⁾ to Belarus by extending more support to Belarusian civil society and, in particular, to increase financial aid to the independent media, NGOs and Belarusian students studying abroad; welcomes the financial support given by the Commission to the Belarusian «European Humanities University» in exile in Vilnius (Lithuania); calls on the Council and the Commission to call on the Belarusian Government, as a sign of good will and positive change, to enable the European Humanities University in exile in Vilnius to return legally to Belarus and re-establish itself in adequate conditions for its future development in Minsk; calls on the Council and the Commission to grant financial support for the independent Belarusian television channel Belsat;

15. Calls on the Council and the Commission to consider measures to improve the business climate, trade, investment, energy and transport infrastructure and cross-border cooperation between the EU and Belarus, so as to contribute to the well-being and prosperity of the citizens of Belarus, as well as their ability to communicate with and freely travel to the EU in this context;

16. Regrets the decision of the Belarusian authorities to repeatedly refuse entrance visas to members of the European Parliament and national parliamentarians in the last couple of years; calls on the Belarusian authorities not to create any further obstacles preventing the European Parliament Delegation for relations with Belarus from visiting the country;

17. Welcomes the will of the Belarusian nation to safeguard the country's independence and territorial integrity;

ANALYTICAL REVIEW 2008

18. Welcomes the approach taken so far by the Belarusian authorities, despite enormous pressure, not to recognise the unilateral independence declared by South Ossetia and Abkhazia;

19. Condemns the fact that Belarus is the only country in Europe which still has the death penalty, contrary to European values;

20. Instructs its President to forward this resolution to the Council, the Commission, the parliaments and governments of the Member States, the Secretary-General of the United Nations, the Parliamentary Assemblies of the OSCE and the Council of Europe, the Secretariat of the Community of Independent States and the Parliament and Government of Belarus.

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Resolution 1606 (2008) of the Parliamentary Assembly of the Council of Europe¹

Abuse of the criminal justice system in Belarus

1. The Parliamentary Assembly, recalling its previous work regarding Belarus, in particular Resolutions 1371 (2004), 1372 (2004), 1482 (2006) and 1496 (2006), as well as Recommendations 1657 (2004) and 1734 (2006), deeply regrets the numerous politically motivated abuses of the criminal justice system that have taken place in recent years and are still taking place in the Republic of Belarus. The Assembly welcomes the recent release of a large number of political prisoners, but regrets all the more the Belarusian authorities' persistent refusal to release Aleksandr Kozulin and the bringing of fresh criminal proceedings against opposition activists.

2. Such abuses take different forms, including:

2.1. the enactment – in particular through Law No. 71-3 of 15 December 2005 (the so-called “anti-revolution law”) – and the arbitrary application of specific provisions criminalizing legitimate, peaceful activities of opposition parties, non-governmental organizations and independent media, in particular through arbitrary legal action against members and activists of non-registered citizens' groups, against organizers and participants of peaceful demonstrations, and against journalists and opposition figures making critical comments in public, including via the Internet;

2.2. arbitrary convictions of political opponents, following unfair court proceedings, under general criminal provisions such as embezzlement, fraud, counterfeit or tax evasion;

2.3. the failure, for political reasons, to properly investigate and prosecute criminal acts committed by state agents against opposition figures, including:

2.3.1. the high-profile disappearances covered by Resolution 1371 and Recommendation 1657;

2.3.2. unelucidated deaths of independent journalists and foreign diplomats;

2.3.3. acts of violence committed by security forces against peaceful demonstrators;

2.4. the continued use of the death penalty and the particularly cruel, secretive method of execution by gunshot, without informing the condemned persons themselves or their families until the last moment. Belarus is the last country on the European continent that still implements the death penalty. The existence of the death penalty excludes the extradition to Belarus of any person accused of a capital offence by member states of the Council of Europe;

2.5. the restriction of the right of persons to free movement through abuses of the provisions of Presidential Decree No. 643 of 17 December 2007 on simplifying exit procedures from the Republic of Belarus.

3. The effects of the criminalization of the activities of civic groups not registered according to Article 193-1 of the Criminal Code, brought into effect by the law of 15 December 2005, are aggravated by restrictive administrative rules, and their arbitrary implementation, governing the registration of associations. In this respect, the Assembly also recalls the views adopted by the United Nations Human Rights Committee on 24 July 2007, which found that the dissolution of the Viasna Human Rights Centre violated the right of its members to freedom of association and that they were entitled to an effective remedy ? including re-registration of their organization and compensation ? and that Belarus was under an obligation to take steps to prevent similar violations from occurring in the future.

4. The Assembly is outraged, in particular, at the arrests of persons distributing copies of its own 2004 report on disappearances in Belarus.

5. Persons abusively convicted for political reasons (paragraphs 2.1 and 2.2 above) must be recognized as political prisoners and compensated for their suffering as soon as possible.

6. Officials ordering or participating in politically motivated abuses of the criminal justice system must be held to account personally for their responsibility regarding such abuses.

7. The Assembly is confident that the Republic of Belarus will one day join the family of European states upholding Human Rights and the rule of law, and that justice will be done, *inter alia* by compensating victims and punishing perpetrators of the abuses described above.

8. Meanwhile, the Assembly urges:

8.1. the Parliament of the Republic of Belarus to:

8.1.1. repeal Law No. 71-3 of 15 December 2005 (the so-called “anti-revolution law”), and in particular Article 193-1 of the Criminal Code, criminalizing activities of non-registered associations;

8.1.2. urgently introduce a moratorium on executions and abolish the death penalty;

8.2. the competent authorities to revoke or amend Presidential Decree No. 643 of 17 December 2007 so as to curb its wrongful use;

8.3. judges, prosecutors and police officers in Belarus to avoid, to the best of their ability, participating in abuses of the criminal justice system, and to bring to bear their courage and imagination in order to mitigate the effects of the abusive legislation on its victims;

8.4. Belarusian and international Human Rights defenders to keep a record, in a transparent and objective manner, of both the victims and the perpetrators of politically motivated abuses of the criminal justice system.

9. The Assembly further encourages:

9.1. the member states of the Council of Europe, through their diplomatic representations in Minsk, and in collaboration with local and international Human Rights defenders, to continue intervening with the authorities on behalf of political prisoners and their families, and to offer them temporary protection;

9.2. the European Union and the United States of America to continue imposing targeted sanctions, such as visa bans or the freezing of assets, on Belarusian officials responsible for serious Human Rights abuses;

9.3. the international community to set up a mechanism for assistance to victims of Human Rights violations in Belarus, bearing in mind the following:

9.3.1. such a mechanism could be governed by a working group involving local and international Human Rights defenders, in Minsk or in a neighboring capital;

9.3.2. it is essential to provide those students who have been expelled from Belarusian universities because of their participation in anti-government demonstrations with an opportunity to continue their education in Council of Europe member states;

ANALYTICAL REVIEW 2008

9.3.3. the working group's tasks could also include the identification, in a fair and transparent manner, of officials responsible for abuses, with a view to the imposition of targeted sanctions (paragraph 9.2);

9.4. the Government and Parliament of the Russian Federation to intervene urgently with the authorities in Minsk on behalf of political prisoners and other victims of politically motivated abuses.

Assembly debate on 15 April 2008 (13th Sitting) (see Doc. 11464, report of the Committee on Legal Affairs and Human Rights, rapporteur: Mr Christos Pourgourides). Text adopted by the Assembly on 15 April 2008 (13th Sitting).

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Joint statement by FIDH and Human Rights Center Viasna

Minsk-Paris, 9 December 2008

On the eve of the 60th anniversary of the Universal Declaration of Human Rights the International Federation for Human Rights (FIDH) and the Human Rights Center *Viasna* have to state that the Republic of Belarus defies its international undertakings in the sphere of Human Rights.

We remind that Belarus is a member-country of the United Nations Organization, one of the authors of the Universal Declaration and a member-country of the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the Convention on the Elimination of All Forms of Racial Discrimination, the Convention against Torture and Other Kinds of Cruel, Inhuman or Degrading Treatment or Punishment, the Convention of the Elimination of All Kinds of Discrimination against Women and the Convention on the Rights of the Child.

Despite this, the Belarusian government systematically neglects the commitments that were accepted by the Republic of Belarus by ratification of the appropriate international treaties.

By ratifying the First Optional Protocol to the International Covenant on Civil and Political Rights (enforced on 30 December 1992) the Republic of Belarus acknowledged the competence of the UN Human Rights Committee in consideration of international complaints and undertook to submit to it regular reports on situation of Human Rights in the country.

Yet, Belarus submitted the last report to the Committee on 6 November 1997 and ignored the undertaking to submit next reports by 7 November 2001 and 7 November 2006.

The Belarusian government also continues the policy of non-implementation of the recommendations of the UN Committee on individual complaints of citizens of Belarus concerning violation of their civil and political rights. None of the 16 decisions of the Committee on acknowledgement of violations of the rights of citizens of Belarus that

have been taken since the ratification of the First Optional Protocol to the International Covenant on Civil and Political Rights have been implemented yet.

The Belarusian authorities also continued the practice of non-implementation of the recommendations of the UN committee on individual complaints of citizens concerning violation of their civil and political rights. None of the 16 decisions of the Committee on confession of violations of the rights of citizens of Belarus that have been taken since ratification of the first Optional protocol to the International Covenant on Civil and Political rights, haven't been implemented.

By ratifying the Convention against torture (enforced on 26 June 1987), the Republic of Belarus undertook to submit periodical reports on its implementation. By now the government has submitted three reports – the initial and three periodical ones. The third periodical report was to have been presented in 1996, but was submitted only in April 2000. The fourth and the fifth periodical reports that were to have been presented by 25 June 2000 and 25 June 2004 haven't been submitted yet.

Belarus completely refused from cooperation with the Special Rapporteur on the situation of Human Rights in Belarus who was appointed by Resolution of the UN Commission in 2004. The authorities had not allowed the UN representative to visit the country till June 2007, when the institution of the Special Rapporteur was liquidated.

The position of the Belarusian authorities on evasion from the international undertakings has been repeatedly underlined with concern in the Resolutions of the UN General Assembly.

Thus, the ignoring of the norms of the International Covenant on Civil and Political rights, non-implementation of the decisions of the UN Human Rights Committee, refusal from cooperation with the special mechanisms are actually bringing Belarus out of the sphere of international protection of Human Rights by the United Nations Organization.

We call upon the Belarusian authorities to proceed to implementation of the international undertakings and to establish a full-fledged cooperation with the UN structures in the sphere of Human Rights.

Human Rights Activists for Free Elections

Minsk, 29 September 2008

**Elections to the Chamber of Representatives
of the National Assembly of the Republic of Belarus,
4th convocation**

From the moment of announcement of the elections to the Chamber of Representatives of the National Assembly of the Republic of Belarus of 4th convocation Belarusian Helsinki Committee, in cooperation with the Human Rights defenders, began the monitoring of the election. The monitoring was conducted on the basis of long-term observation of the main stages of the election campaign: formation of district election commissions, registration of initiative groups, registration of candidates, election campaigning, early voting and Election Day voting, and summing up the voting results. The election was monitored in 86 election districts. 490 monitors, registered as observers in the district election commissions and at polling stations, participated in the work. Information and analytical centers were created in order to collect, analyze, and distribute the information.

As a result of the monitoring of all stages of the election to the Chamber of Representatives of the National Assembly of the Republic of Belarus of the 4th convocation we come to the following preliminary conclusions:

Preliminary conclusions

Short description of the political situation before and during the election

The parliamentary election took place in the context of a difficult situation with Human Rights. Basic civic and political rights, such as the freedom of speech, freedom of peaceful assemblies and associations, remained significantly restricted by the Belarusian authorities. Facts of politically motivated persecution of the opponents of the regime by official authorities of Belarus, including criminal prosecution, were the matter of our deep concern. Three political prisoners remained behind bars:

ANALYTICAL REVIEW 2008

Alexander Kazulin, Andrei Kim, and Alexander Parsiukevich. 14 people, who took part in the peaceful protest actions of entrepreneurs early this year, were sentenced under criminal procedure to fines and restriction of freedom. All these circumstances did not help to create the atmosphere of trust for the election time. Despite numerous promises of representatives of the Belarusian authorities to hold free and fair elections, they failed to fulfill the OSCE recommendations, made during the previous elections. The Central Election Commission also refused to participate in the negotiations with the representatives of the UDF about the possible improvement of the conditions for the election campaign.

Early release of political prisoners has become a significant step to change the situation for better. Although the level of control over the society remained as high as it was earlier, release of political prisoners could facilitate the improvement of the climate of trust in the society and of the election climate. We should point out that during the election we have registered facts of detention of election participants by police, summons of opposition parties' activists by tax agencies, the department of financial investigation of the State Control, agencies of the Ministry of Internal Affairs and KGB. The peculiarity of this election was the fact that it was carried out on the background of the events that took place in Minsk on July 3rd, 2008, during the official celebration of the Independence Day. A number of state printed and electronic media with their unrestrained position, practically accusing the opposition forces of preparing and committing a terrorist act, did not contribute to calm atmosphere during the election campaign. In conjunction with investigatory measures carried out on the case, many participants of the election process were summoned to police and KGB, interrogated, their finger prints taken, etc. We should point out, often the participants of the election process perceived that as the politically-motivated pressure.

It's worth pointing out that during the elections the authorities refrained from mass detention actions and preventive arrests of representatives of the opposition parties and movements.

Formation of district election commissions

According to Article 28 of the Election Code, the elections to the Chamber of Representatives of the National Assembly are prepared by district and precinct election commissions.

According to the Calendar Plan for holding elections to the Chamber of Representatives, approved by the Ruling of the Central Election Commission, representatives to the district commissions took place from June 26th 2008 to July 11th, 2008, inclusive.

The political parties which are members of the United Democratic Forces (UDF) coalition, created a unified list of their representatives nominated to district election commissions. The list was adopted by the Political Council of the UDF on June 8th, 2008. The list consisted of 110 people, and had such well-known public and political figures as Stanislau Shushkevich, Mechyslau Hryb, Alexander Sasnou, Paval Kazlouski, Leu Marholin, and others.

In her turn, CEC chair Lidziya Yarmoshyna stated that the wishes of the United Democratic Forces about including their representatives in district commissions would possibly be taken into account. According to Yarmoshyna, "Lukashenka was positive about including members of political parties into district election commissions. It should be considered however whether these persons have work experience and other accomplishments, including political maturity".

Joint sessions of Presidiums of regional executive committees and regional Councils, and Minsk city executive committee and Minsk city Council, which considered formation of district election commissions, took place on July 14th, 2008.

Those bodies of local self-governance created 110 district election commissions. Entities which are entitled by the law to nominate representatives to district election commissions (citizens, working bodies, non-governmental organizations, and political parties) nominated the total of 1853 candidates to commissions. It's worth mentioning, the maximal number of district commission members is 1430 persons.

According to the Central Election Commission, among the nominees citizens' representatives were on the leading position – 39.8%, representatives of non-governmental organizations came second (25.5%), and representatives of political parties (20%) and working bodies (14.7%) were last. The political parties which position themselves as "parties in opposition" nominated 118 people to district election commissions (31.9% of all representatives nominated by political parties). Another 18 individuals were nominated by BPF Adradzhennie NGO. This is 3.8 % of all representatives nominated by non-governmental organizations. This way, the United Democratic Forces nominated the total of 136 people.

The biggest number of political party representatives was nominated by the Communist Party of Belarus – 91 (24.5% of all partisan nominees) and by Belarusian Agrarian Party – 62 (16.7%). The United Civic party nominated 50 people (13.5%), and BPF Party nominated 34 (9.2%).

Among the non-governmental organizations, 109 (23.2%) representatives were nominated by Belarusian republican Youth Union (BRSM); Belaya Rus nominated 94 representatives (19.4%), and the Belarusian Veterans' Association nominated 71 representatives (15.2%).

This way, 38 representatives of the Belarusian political parties in opposition became members of district election commissions, making up 30% of all their nominees.

This is a significantly higher figure in comparison with the previous parliamentary election in 2004, when only 7% of nominees of the coalition 5+ were included in district commissions. At the same time, the authorities failed to fulfil the minimal demands of the UDF political parties to include one representative in each district election commission.

It's worth pointing out, the above-mentioned joined sessions of regional executive committees and regional Councils were not transparent in the majority of cases. Persons nominated to district commissions, representatives of political parties, NGOs, and independent media were not invited to the sessions. BHC representatives were denied the right to look through the minutes of meetings of work collectives which nominated their representatives to district commissions. In cases where observers and journalists were allowed to attend the sessions of regional executive committees and regional Councils, they pointed to formal nature of those sessions: candidacies were not discussed, the session participants just approved the previously composed lists.

Just as during the previous elections, the selection criteria for membership in district commissions remained unclear.

Formation of precinct election commissions

According to the Central Election Commission, 73, 576 people were nominated to 6, 485 precinct election commissions. More than half of the contenders — 37, 936 — were nominated by citizens through signature collection; work collectives nominated 24, 144 contenders, political parties — 1, 237, and non-governmental organizations — 10, 259.

Among the political parties the biggest number of contenders was nominated by Party of Communists of Belarus – 425. The United Civic

Party nominated 344 contenders, BPF Party – 201, the Communist Party of Belarus – 195, the Belarusian Social Democratic Party (Hramada) – 70. The Agrarian Party and the Republican Party of Labor and Justice nominated one representative each. This way, representatives of political parties made up 1.7 % of the total number of people nominated to precinct commissions; 84.1% of them are representatives of the parties in opposition.

Among the non-governmental organizations the biggest number of contenders was nominated by the Belarusian Republican Youth Union (BRSM) — 2, 518; Belaya Rus nominated 1, 817 contenders, the Belarusian Union of Women – 1, 051, the Belarusian Association of Veterans – 612, the Belarusian Union of Officers – 60, and BPF Adradzhennie – 113.

The entities which are part of the UDF coalition nominated 1, 515 contenders. They nominated contenders both by meetings of organizational structures and through signature collection. Under the UDF decision, the applications for nomination of contenders to precinct election commissions through signature collection indicated their party membership.

The general number of people who became members of precinct election commissions, was 69, 845. 36, 071 out of them were nominated by citizens through signature collection, 21, 869 – by work collectives, 9, 032 – by non-governmental organizations, 2, 712 – by bodies that create commissions, and only 161 represent political parties. 116 representatives of the Communist Party of Belarus (CPB), 3 – of the patriotic Party, 1 – of the Agrarian Party, and 1 – of the Republican Party of Labor and Justice were included in the precinct election commissions.

As for the parties in opposition, 29 representatives of the Party of Communists of Belarus (PCB), 7 – of the United Civic Party (UCP), and 4 – of BPF Party became members of precinct election commissions. As for the general number of representatives of all entities that are members of the UDF, only a small part of them were included in precinct commissions: 48 out of 1, 515 nominees, which is 3.1 %. This way, the UDF representatives make up only 0, 07% of the total number of precinct commissions members. That is less than the number of pro-democratic representatives in the precinct commissions during the previous parliamentary election in 2004 (0.2 %).

Formation of precinct election commissions was even less transparent than formation of district election commissions. Sessions of rayon executive committees and rayon administrations (in the cities with rayon

division) were often (in most cases) closed for public. Representatives of non-governmental organizations, independent media were not admitted, while nominees to precinct commissions were not invited to the sessions.

Observers were deprived of the opportunity to look through the minutes of the work collectives about nomination of their representatives to precinct election commissions. For example, in Kopyl observers revealed, 29 persons in 8 precinct commissions were included there illegally, because they were not members of those work collectives. This fact was confirmed by prosecutor's examination. However, even after that the executive committee refused to let the observers look through the nomination documents, and those people continued to work in commissions.

Observers registered the fact that in Yuryeuski precinct of Smaliavichy rayon the elections were held by commission members who are still being checked by the prosecutor's office for possible falsification of the local election.

Practically all sessions of rayon executive committees and administrations were a formality and were held without real discussion of the contenders nominated to precinct commissions. In fact, during the sessions the committees only formally approved the lists of commission members that had been formed in advance.

The authorities kept the tendency typical for precinct commissions in previous elections: the commissions were formed according to the «company» principle, out of representatives of one work collective, although formal nominations were done in various ways. In addition, as a rule, the person to whom the other commission members are subordinate to, was chosen as a commission chair.

Registration of initiative groups and candidates to the Chamber of Representatives

According to the official election schedule, applications for registration of initiative groups were accepted by 24 June. According to the information of the Central Election Commission, district election commissions received 447 applications for registration of initiative groups.

The candidates on the UDF list submitted 97 applications for initiative group registration. UCP applied for registration of 28 groups, BPF – for 24 groups, PCB – 18 groups, BSDP (H) – 13 groups, and BChD – 4

groups. The shut down Belarusian Party of Women “Nadzeya” applied for registration of 3 groups, and members of Labor Party – submitted documents for 4 initiative groups. We should point out, during the previous election, 635 initiative groups applied for registration. This demonstrates the significant decrease in the number of participants of the election process from the very beginning of the election campaign.

The district election commissions denied registration to 23 groups. Comparing with the parliamentary elections in 2004, we see that in 2004 11.2% of applications were turned down (71 initiative groups), while in 2008 5.1% of the initiative groups did not get registered. The commissions turned down two applications of the UDF candidates. One BPF and one UCP initiative groups were denied registration. This fact indicates significant improvement of the attitude of the district election commissions to opposition contenders.

The very procedure of signature collection has also improved significantly. Monitors practically did not register any obstacles, detentions during signature collection, or pressure on members of initiative groups of pro-democratic contenders. As observed during the previous elections, we also saw a great part of the usage of the administrative resource during signature collection for the candidates supported by the authorities, compulsion to sign in support of such candidates, collection of signatures by people who were not members of initiative groups, restriction of access of the opposition initiative groups to workers’ and student dormitories, and to military units.

As a whole we should point out, in the process of signature collection we observed improvement of the situation and more opportunities for initiative group members.

According to the Central Election Commission, 365 persons were nominated as candidates for the Chamber of Representatives and 276 of them were registered as candidates. 119 of them were nominated by collection of signatures, 96 – in a double way (by collection of signatures and by assemblies of working collectives), 20 – by citizens and political parties, 4 – in a triple way (by citizens, parties and working collectives), 11 – by working collectives and 26 – by political parties.

84 potential candidates (23% of the total number of those who were nominated) were denied registration.

The majority of representatives of the United Democratic Forces, nominated in different ways, were registered. 76 out of 98 UDF candidates (77,5% of the total number) were registered. 23 out of 51 representatives

of the *European Coalition* (45%) were registered. Thus, 99 out of 149 persons nominated by pro-democratic forces (66,5%) were registered. At the parliamentary election 2004 only 126 out of 227 representatives of the democratic coalition 5+ (about 55%) were registered.

This time the election commissions registered as candidates 26 out of 29 representatives of the United Civil Party, 16 out of 21 representatives of the Belarusian Popular Front Party, 13 out of 18 representatives of the Party of Communists of Belarus, 13 out of 17 representatives of the Communist Party of Belarus, 11 out of 14 representatives of the Belarusian Social Democratic Party (*Hramada*), 8 out of 9 representatives of the Liberal Democratic Party of Belarus, 3 out of 5 representatives of the Republican Party of Labor and Justice, and one representative of the Agrarian Party.

The election commissions registered 50 out of 56 persons who were nominated by assemblies of parties.

The leaders of the Belarusian Popular Front Party Viktor Ivashkevich and Vincuk Viachorka were not registered as candidates.

58 persons (21% from the total number of the registered candidates) are women, 18 (6,5%) are under 30 years old and 38 (13,8%) are incumbent MPs.

This way the number of unregistered representatives nominated by UDF and the European Coalition was 33.5%. In 2004, 40% of pro-democratic nominees were not registered.

We should point out, the signature collection and registration of initiative groups and candidates was relatively calm, although we have registered cases of pressure on some opposition candidates. For instance, candidate Vital Karatysh was promptly drafted to the Army, while candidate Mekh was fired from work and experienced pressure from the KGB.

Election Campaigning

According to the law, candidates had an opportunity to appear with the programs on certain tele- and radio channels, to print platforms of the established size in the state newspapers. According to the assessment of media experts, presentations of candidates were broadcasted in a very inconvenient time. Later, in conjunction with the critical remarks of the observers, TV presentations of candidates were

broadcasted again under the decision of the Central Election Commission. The determined conditions of publication of candidates' platforms and their TV and radio presentations, and the size of state campaign funds remain insufficient for serious campaigning.

Some opposition candidates have been put in unequal conditions at placing of their campaign materials. In a number of districts an administrative resource was used in campaigning with printed campaign materials. Pro-governmental candidates had all possibilities to post the election posters in crowded public places: shops, official institutions, and enterprises.

According to observers, in the majority of the regions, decisions of allocation of special places for placing campaign materials, as a rule, did not provide candidates with sufficient possibilities for campaigning. Only one site for placing campaign materials per precinct was allocated, which was obviously not enough. In order to be able to place their campaign materials in shops, enterprises and state institutions, candidates needed to ask for permission of their heads, which also made campaigning a lot more complicated.

In many cases, the decisions to determine conference rooms for meeting with voters were made in such a way that it did not help to create the necessary conditions for organizing such meetings.

State mass media actively informed the voters about activity of certain candidates who occupy certain state positions, practically campaigning for them in a hidden way.

During this election we registered less censorship of the candidates' campaign materials. However, still some facts of censorship were registered.

Voting and vote counting

The way early voting was implemented was repeatedly criticized by both domestic observers and the international institutions which observe elections.

It was repeatedly pointed out, the authorities, heads of work collectives, educational establishments massively use the dependence of voters (at work or in their studies) in order to force them to vote early.

One can think such a compulsion to early voting has several goals aimed at manipulation of the voting results.

Mass compulsion to participate in early voting provides for an opportunity to secure the turn out of voters.

Forced participation in early voting and imposing secrecy on the number of people who have voted early and the number of voters registered in precincts, allows artificial increasing or decreasing of the number of voters in a given precinct. That makes it possible to correct the turn out figures in concrete precincts and the district in general.

Bearing in mind that keeping of ballot boxes and their sealing are not transparent to observers, the participants of the election process have a suspicion that replacement of ballot papers is carried out in the end of early voting. This is done to completely secure the victory of the pro-governmental candidate. The suspicion is reinforced by the fact that there are practically no representatives of the pro-democratic political parties and NGOs in precinct election commissions.

We should also point out during the previous election, the number of people who participated in early voting was decreasing. During this year elections the Central Election Commission is also trying to understate this figure. However, even the official numbers of the people who voted early this year are higher than in the parliamentary election of 2004. Observers point out that the real figures of people who voted early in Belarus are about 30%. Compulsion to participation in early voting acquired mass nature. Just as during the previous election campaign, the main categories of voters who were forced to vote early were students (especially those living in student dormitories), residents of worker dormitories, and staff of state-run institutions (teachers of schools and other educational establishments) and staff of the military, police, etc. Observers also registered facts of organized early voting in some villages where people were taken to polling stations on buses.

During early voting restriction of the rights of observers in receiving information was registered everywhere. Observers were not informed about the number of voters, of ballot papers received by precinct election commissions, and about the number of people who voted early. Observers did not receive any explanations why that kind of information is kept in secret from them. These facts demonstrate, at this stage of the election the principle of transparency of the election process was violated completely.

Preliminary conclusions:

1. The political election campaign was marked by certain positive changes in comparison with the previous elections: release of political prisoners in the beginning of the election campaign has become a step in reducing the atmosphere of fear in the society; the majority of candidates, including the opposition ones, did not face obstacles in distribution of printed campaign materials; the authorities did not create illegal obstacles to participants of the peaceful protest action carried out by the opposition movements in the evening of September 28th.

2. The procedures of formation, and the final composition of district, and especially precinct election commissions, insufficient transparency of candidates' registration, compulsion to participation in early voting, keeping information in secret from the observers were obviously inconsistent with the standards of the Copenhagen documents of OSCE and the Belarusian legislation. Violations of the rules of vote counting and giving no opportunity to observers to really observe this process do not create grounds for trusting the election results announced by the election commissions.

¹ OJ C 293 E, 2.12.2006, p. 304.

² Texts adopted, P6_TA(2008)0071.

CONTENTS

Introduction	3
1. Death Penalty in Belarus	27
2. The Problem of Politically Motivated Disappearances	34
3. Politically Motivated Criminal Prosecution	40
4. Restriction of the Freedom of Expression and the Civil Right to Receive and Disseminate Information	48
5. Political, National, Linguistic, Religious and Other Kindsof Discrimination	83
6. Exercise of the Freedom of Association	94
7. The Freedom of Peaceful Assembly. Arbitrary Detentions for Civil and Political Activity	108
8. Pressurization of Citizens by Secret Services in Connection with Civil and Political Activities	115
9. The Use of Torture and Other Cruel, Inhuman or Degrading Treatment	120
10. Limitation of the Right to Liberty and Security of Person Usage of Forced Labor	124
11. Human Rights Activity Pressure on Human Rights Defenders and Human Rights Organizations	131
Appendix 1. European Parliament resolution of 21 February 2008 on Belarus	136
Appendix 2. European Parliament resolution of 22 May 2008 on the arrest of political opponents in Belarus	140
Appendix 3. Euro0pean Parliament resolution of 9 October 2008 on the situation in Belarus after the parliamentary elections of 28 September 2008	145
Appendix 4. Resolution of the Parliamentary Assembly of the Council of Europe. Abuse of the criminal justice system in Belarus	151
Appendix 5. Joint statement by FIDH and Human Rights Center Viasna	155
Appendix 6. Elections to the Chamber of Representatives of the National Assembly of the Republic of Belarus, 4th convocation. Preliminary conclusions. Minsk, 29 September 2008	157