

Belarus

Amnesty International Concerns in 2006

03 April 2007

AI Index: EUR 49/003/2007 (Public)

Country facts

Belarus has a population of 9,800,000 and gained its independence from the Union of Soviet Socialist Republics (USSR) in 1991. Belarus was one of the most affluent parts of the USSR, but since independence it has experienced economic decline. President Alyaksandr Lukashenka has been in power since 1994 and has preserved state control of the economy and civil society along with all the symbols of Soviet power. This has meant that Belarus has been sheltered from the worst effects of the painful transition to a market economy that other countries in the region have faced. However, disregard for political freedoms, including violations of the rights to freedom of expression and assembly, has led to international condemnation and isolation of the country. Belarus has very close ties Russia, but relations cooled recently when Russia doubled the cost of gas it is supplying to Belarus.

International concern about human rights

The conduct of the presidential elections on 19 March gave rise to widespread international criticism. The Election Observation Mission of the Organization for Security and Cooperation in Europe (OSCE) stated that the elections failed to meet OSCE commitments for elections. It stated that 'arbitrary use of state power and widespread detentions showed a disregard for the basic rights of freedom of assembly, association and expression'. In conclusions passed on 10 April the Council of the European Union criticized the elections and condemned the violence used by the Belarusian authorities against demonstrators and the arrests of demonstrators and members of the opposition. The Council established a visa ban against 31 officials who had been involved in human rights violations including President Lukashenka. On 18 May the European Union froze the assets of President Lukashenka and 35 other officials.

The UN General Assembly on December 20 adopted a resolution on human rights violations in Belarus, condemning the government's failure to cooperate with the UN Special Rapporteur on Belarus, bring electoral regulations into line with international standards and hold a free and fair presidential election. It also voiced concern about the harassment of opposition activists, nongovernmental organizations, and journalists covering opposition demonstrations, and about the criminal prosecution of opposition leaders.

Freedom of expression and human rights defenders

Members of the political opposition and civil society activists continued to be obstructed and harassed by the Belarusian authorities, in an attempt to impede their work. In October, the EU announced a scholarship programme for Belarusian students expelled from universities as a result of their political activities during and after the presidential elections, giving many an opportunity to continue their studies in neighbouring countries, in particular at the European Humanities University in Vilnius (which the EU help set up) and in Ukraine.

Belarusian Helsinki Committee

At the end of December 2005 the Supreme Economic Court renewed its investigation into tax evasion by the human rights group, the Belarusian Helsinki Committee (BHC). On 1 March, Tatiana Protko, the chair, was accused of tax evasion. The organization faced a potential fine of US\$70,000 and possible closure. On 23 June the Ministry of Justice lodged a claim with

the Supreme Court for the closure of the organization, but at the time of writing that claim was postponed while the Supreme Economic Court considered an appeal by the BHC against the fine imposed for tax evasion. These charges were first made in January 2004, when the tax inspection office of the Minsk Moskovskaia District accused BHC of using a grant, provided by a European Union (EU) programme, without registering the foreign humanitarian aid and not paying taxes in accordance with national legislation. A 1994 memorandum, agreed by the Belarusian authorities and the EU, granted tax exemption for this programme. Two court decisions in 2004 confirmed that the organization's activities were lawful and complied with all procedures as required by the Belarusian authorities. Despite this, a criminal investigation into the alleged tax evasion continued until the end of December 2004, when the charges were dropped until being renewed this year. On 1 November, the Belarusian Economic Court decided to confiscate property worth US\$118,300 towards payment of the tax that it ruled was owing. The property was removed on 5 December. On 19 December, the property department of the presidential administration informed the organization that they must vacate their office premises by 20 January 2007. Without a legally registered office, the organization would cease to exist. At the end of the year, the case was still pending.

Detentions of peaceful demonstrators

Large numbers of peaceful demonstrators were detained and beaten by riot police and anti-terrorist forces during demonstrations following the elections on 19 March. According to the human rights group, Vyasna, a total of 686 people were detained during the period 19-25 March. Most of those detained were charged for administrative offences such as participation in unsanctioned meetings or hooliganism, which carry sentences of 10 to 15 days' detention. In a letter to President Lukashenka on 30 March, following his inauguration as President, AI called for the immediate release of all those who had been detained during the election period for the legitimate and peaceful expression of their views.

In October, the prestigious human rights award, the Sakharov Prize for Freedom of Thought, was awarded by the EU to Alyaksandr Milinkevich, leader of the Belarusian opposition.

Political Prisoners

On 10 May, Artur Finkevich, a member of the Molodoy Front youth movement, was sentenced to two years' corrective labour by the court of Peshamajski district for writing political graffiti. Artur Finkevich was charged under Article 339 Part 2 of the Criminal Code (malicious hooliganism). In the past, youth opposition activists have been sentenced under the Administrative Code to short-term sentences for graffiti writing. AI was concerned that the authorities may have used the Criminal Code for political reasons to deter other activists

Prisoners of Conscience

On 4 August, **Mikalay Astreyka, Enira Branizkaya, Tsimafey Dranchuk and Alyaksandr Shalayka**, the four members of the election-monitoring organization, *Initiative Partnership*, were all sentenced to various terms of imprisonment for 'organizing and running an unregistered organization that infringes the rights of citizens' under article 193, Part 2, of the Criminal Code. Enira Branizkaya and Alyaksandr Shalayka were sentenced to six months' imprisonment and released on 21 August, having served the full term of their sentences. Mikalay Astreyka was sentenced to two years' imprisonment and conditionally released on 17 November and Tsimafey Dranchuk was sentenced to one year's imprisonment and released on parole on 26 December. Their imprisonment has been widely condemned by the international community, including by the EU and the Organization for Security and Co-operation in Europe (OSCE).

On 1 November, **Zmitser Dashkevich**, a leader of the youth opposition movement *Малыды фронт* (Young Front), was sentenced to one and a half years' imprisonment for

‘organizing or participating in an activity of an unregistered non-governmental organization’ under article 193, Part 1 of the Criminal Code. On 15 December 2006, his appeal was rejected by Minsk City Court and the original sentence was upheld.

JOIN OUR ORIGAMI CAMPAIGN TO FREE ZMITSER DASHKEVICH. Go to:

<http://noise.amnesty.org/belarus> (ENG)

<http://noise.amnesty.org/fr/belarus> (FR)

<http://noise.amnesty.org/de/belarus> (GER)

<http://noise.amnesty.org/es/belarus> (ESL)

Alyaksandr Kazulin, leader of the Belarusian Socialist Democratic Party, *Hramada*, former presidential candidate and former rector of the Belarusian State University, was arrested on 25 March. He was charged under the provisions of the Criminal Code, with “hooliganism”, (article 339, part 2), and with “the organization of group activities that breach public order or active participation in similar activities”, (article 342, part 1). The prosecutor called for Alyaksandr Kazulin to be sentenced to a total of six years’ imprisonment, three years on each charge. On 13 July 2006, a Minsk district court sentenced him to five and a half years’ imprisonment. AI was concerned that these charges were part of an ongoing, systematic campaign of harassment, intimidation and obstruction by the Belarusian authorities against Alyaksandr Kazulin. In September, the EU visa ban was extended to include those officials directly involved in the sentencing of Alyaksandr Kazulin.

Update to AI Index: EUR 49/001/2005 and EUR 49/017/2004

Mikhail Marinich was released on 14 April. Mikhail Marinich, a prominent opposition activist and former Minister for External Economic Relations, and Ambassador, who ran for President in 2001 was convicted in December 2004 of "embezzlement by means of abuse of his official position executed on a large scale". AI considered Mikhail Marinich to be a prisoner of conscience, imprisoned on fabricated charges that were intended solely to punish him for his opposition political activities and to silence his open criticism of the state authorities.

Valerii Levonevskii was released on 15 May having served the full two years of his sentence. Valerii Levonevskii, the president of the national strike committee of market traders, and **Alexander Vasiliev**, the deputy president of the national strike committee of market traders, had been sentenced to two years in prison on 7 September 2004 for publicly insulting the president in a satirical leaflet. Alexander Vasiliev had been released from prison on 7 July 2005 under an amnesty announced by the President to commemorate the end of the Second World War.

Concern for health of a minor in detention

Anton Filimonov, aged 16, who suffered from chronic kidney and heart defects, was detained on 27 December 2005 and held in pre-trial detention without medical attention until 13 March. Anton Filimonov and four other young people, including a 22-year-old neighbour, had allegedly produced Belarusian bank notes on a home computer and were arrested while trying to buy cigarettes with the falsified bank notes from a street vendor. Anton Filimonov was charged on 30 December 2005 under Article 221 Part 1 of the Criminal Code for the falsification of currency which carries a maximum sentence of five years. On 9 March this charge was changed to Part 2 of the same article which carries a maximum sentence of 15 years. AI was concerned that his arrest may have been a pretext and that the real reason for his detention was to pressurize him into confessing to the murder of his mother or to force him to incriminate other relatives. Anton Filimonov’s mother, a critical and outspoken journalist, Veronika Cherkassov, was murdered in October 2004 in her apartment. Nobody has yet been charged with the murder and on 19 November 2004, her stepfather, Vladimir Meleshko, and son, Anton Filimonov, were declared suspects in the case. The charges were later dropped. Anton Filimonov was released on bail on 13 March after a campaign by local and international non-governmental organizations including AI. His relatives were informed

that he had been released on bail because of the large number of appeals on his behalf and because of his chronic health condition. A bail deposit of US\$7,500 was required. On 11 April the judge at Pervomaiskii court in Minsk handed down a suspended sentence of two and a half years to Anton Fillimonov and the other accused (for more information see AI Index: EUR 49/001/2006).

Violence against women

Despite some progress, measures to protect women from violence in the family remained inadequate. There was a lack of mandatory government training programmes for police, judges and medical staff. Key agencies such as law enforcement officers and the courts failed to record cases of domestic violence in a systematic manner. There were no accurate statistics on the numbers of victims of domestic violence, but in 2005, 166 people were murdered in the home, and 2,736 women were victims of crimes in the home. The lack of public awareness and support meant many women were unable to escape violent situations.

Death Penalty

Belarus is the last country in Europe which is still executing prisoners. According to official statistics, nine death sentences were passed in 2006. This was considerably more than the official figure of two in 2005. There were no official statistics for the number of executions.

According to the Belarusian authorities, there were more death sentences in 2006 because "several large criminal gangs and organizations were neutralized". One such alleged gang, based in the city of Gomel, was accused of 16 murders and had 48 members, according to Belarusian authorities.