

BELARUS

Appeal Case

On 5 April 2002 police detained 13 journalists for peacefully protesting against the impending trial of two of their colleagues, Nikolai Markevich, editor-in-chief of *Pagonia*, one of Belarus' few independent newspapers and Pavel Mozheiko, a reporter for the Grodno-based weekly. Nikolai Markevich, age 40, and Pavel Mozheiko, age 23, are currently facing up to five years' imprisonment for allegedly slandering the Belarusian President, Alyaksandr Lukashenka, in the run-up to the September 2001 presidential elections.

In a 4 September 2001 edition of *Pagonia*, the newspaper alleged President Lukashenka's involvement in the "disappearance" of several leading opposition figures in 1999. Before the edition could be published, however, the paper was seized by public officials. On 12 November 2001 *Pagonia* was legally liquidated as a registered newspaper by the Belarusian Supreme Economic Court after receiving two official warnings from the State Press Committee in the course of a 12-month period. According to information received by Amnesty International, the first warning was issued on 17 November 2000 for publishing information on behalf of Grodneneskaya Initsiativa (Grodno Initiative), an unregistered organization. The second warning was issued on 21 September 2001 for publishing allegations of potential electoral fraud concerning presidential election results.

Nikolai Markevich's and Pavel Mozheiko's case has received a great deal of international attention. Around 100 supporters and observers, including journalists and press freedom monitors from abroad, are reported to have attended what was to be the first day of the trial on the morning of 9 April 2002 at Leninsky District Court in Grodno. Due to the reported sickness of the chairing judge, the trial was postponed to 16 May 2002. On 16 May, the trial was postponed again to 4 June, due to the reported illness of the state prosecutor. On the second occasion, journalists, embassy representatives and international organizations were present for the trial. Once the trial begins, it is expected to last several weeks.

Amnesty International will consider Nikolai Markevich and Pavel Mozheiko to be prisoners of conscience, if they are convicted and imprisoned for raising concerns about the alleged involvement of President Alyaksandr Lukashenka and his immediate circle of government appointees in several high-profile "disappearances" in the country. Amnesty International is concerned that these individuals are being prosecuted solely for giving voice to widely held concerns and fears relating to the fate of the country's missing opposition

leaders. Accordingly, Amnesty International will consider anyone imprisoned solely for exercising their right to freedom of assembly as prisoners of conscience and will call for their immediate and unconditional release.

Amnesty International believes that the charge of criminal libel is being used to intimidate and punish Nikolai Markevich and Pavel Mozheiko for their journalistic activities in raising legitimate concerns about possible state involvement in a series of “disappearances” of high-profile opposition figures. Repeated concern about the apparent failure of the Belarusian authorities to initiate prompt, impartial and thorough investigations into the “disappearances” of the former Minister of the Interior, Yury Zakharenko, in May 1999, the former first secretary chairman of the dissolved Belarusian parliament, Viktor Gonchar and his companion Anatoly Krasovsky in September 1999, and the *Russian Public Television* cameraman Dmitry Zavadsky in July 2000 has been echoed by a wide range of regional governmental bodies, international treaty bodies and non-governmental organizations. Allegations of official collusion in the “disappearances” surfaced in mid-2001 when two officials of the Prosecutor General’s Office, who had been assigned to investigate the “disappearances”, fled to the USA and made incriminating statements against the incumbent administration.

Amnesty International considers that the use of the Belarusian Criminal Code to curb the legitimate exercise of the right to freedom of expression violates the government’s international human rights obligations, particularly under Article 19 of the International Covenant on Civil and Political Rights (ICCPR). Amnesty International recognizes that Article 19 of the ICCPR specifies that certain restrictions on the right to freedom of expression may be imposed if they are necessary to respect the rights or reputations of others, or for the protection of national security or public order. However, Article 19 also recognizes a wide latitude for robust criticism of government and other public officials. Criminal law should therefore not be used in such a way as to stifle criticism of state authorities or to intimidate those who voice legitimate concerns about the actions or practices of the state authorities. Amnesty International is concerned that Article 367 (2) of the Belarusian Criminal Code is being used by the Belarusian authorities for these very purposes.

TAKE ACTION

Please write to the Belarusian authorities:

- Expressing concern about the on-going prosecution of Nikolai Markevich and Pavel Mozheiko and stating that Amnesty International will adopt these men as prisoners of conscience if they are convicted and imprisoned for the legitimate exercise of their fundamental right to freedom of expression;
- Urging the Belarusian authorities to take immediate steps to put an end to the harassment and intimidation of the Pagonia journalists, Nikolai Markevich and Pavel Mozheiko;
- Urging them to ensure that Belarus fulfils its obligations under the international human rights treaties to which it is a state party concerning the right to freedom of expression;
- Expressing concern that the Belarusian Criminal Code is being used to curb the legitimate exercise of the right to freedom of expression in violation of the government's international human rights obligations, including Article 19 of the International Covenant on Civil and Political Rights (ICCPR).

President of the Republic of Belarus

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 Prezidentu LUKASHENKA A.H.
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 Salutation: Dear President

Viktor GOLOVANOV
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 Ministerstvo yustitsii Respubliki
 Belarus
 Ministru GOLOVANOVU V.
 Fax: +375 172 20 96 84
 Salutation: Dear Minister

Prosecutor General of the Republic of Belarus

Viktor SHEYMAN
 Respublika Belarus
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 ul. Internatsionalnaya, 22
 Prokuratura Respubliki Belarus
 Generalnomu prokuroru SHEYMANU V.
 Salutation: Dear Prosecutor General

Minister of Foreign Affairs of the Republic of Belarus

Mikhail Khvostov
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 Fax: +375 172 27 45 21
 Salutation: Dear Minister

Minister of Justice of the Republic of Belarus

Please send copies of your letters to the Ambassador of Belarus in your country (where applicable).

KEYWORDS: FREEDOM OF EXPRESSION1 / JOURNALISTS1 / POLITICALLY
MOTIVATED CRIMINAL CHARGES / DEFAMATION / PHOTOGRPAHS

