

AMNESTY INTERNATIONAL PUBLIC STATEMENT

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Belarus: Eleven prisoners of conscience

On 5 May, in an unprecedented move, Amnesty International wrote to the Prosecutor General of Belarus stating that the organization considers 11 young people, who are currently serving sentences of restricted freedom, to be prisoners of conscience. All of them participated in a peaceful protest in Minsk in January 2008 and Amnesty International believes that they have been sentenced to a punishment which amounts to imprisonment for the peaceful exercise of their rights to freedom of assembly and expression.

Following an unauthorized demonstration against the introduction of a Presidential decree concerning tax and employment regulations for small businesses, which took place on 10 January 2008, 14 people were initially prosecuted for criminal offences for their participation. The demonstrators had reportedly applied for permission to hold the demonstration, but did not receive a reply to their request by the date of the demonstration. Anton Koypish and Vladimir Sergeev were fined, and Andrei Kim was sentenced to a term of imprisonment but freed by an amnesty in August 2008. The 11 remaining young people were sentenced under Article 342 of the Criminal Code for "taking part in or organizing actions that gravely disturb public order" and sentenced to between one and a half and two years of restricted freedom. Artsyom Dubski, Mikhail Pashkevich, Tatyana Tishkevich, Paval Vinahgradau, Aliaksei Bondar, Mikhal Kryvau, Ales Straltsou, and Ales Charnyshou were sentenced in April 2008; Mikhail Subach and Maxim Dashuk were sentenced in May 2008, and Alyaksandr Borozenko was sentenced in December 2008. The conditions of restricted freedom that are laid out in Article 48 of the Criminal Procedural Code are so restrictive that Amnesty International considers it to be a form of imprisonment.

In its letter, Amnesty International highlighted to the Prosecutor General that as a state party to the International Covenant on Civil and Political Rights (ICCPR) Belarus is obliged to protect the rights to freedom of expression and assembly. According to Article 21 of the ICCPR, no restrictions may be placed on the exercise of the right to freedom of peaceful assembly "other than those imposed in conformity with the law and which are necessary in a democratic society in the interests of national security or public safety, public order, the protection of public health or morals or the protection of the rights and freedoms of others." The UN Human Rights Committee has frequently found violations of Article 21 of the ICCPR when states impose restrictions on the right to peaceful assembly or require protestors to apply for permission, in particular if there is no effective remedy to challenge the denial of such permission. Amnesty International has repeatedly documented the difficulties faced by demonstrators applying for permission to demonstrate and the restrictions imposed on that right in Belarus which the organization considers to be a violation of the right to peaceful assembly.

Furthermore, Amnesty International expressed its concern that although the sentence of restricted freedom has been imposed by a judge, the conditions of those restrictions can be changed by the police officer in charge of the case. This results in a situation where the conditions can be changed arbitrarily by police officers, making it very difficult for the convicted people to comply with the conditions of their sentence, and offering them no right of appeal against such decisions. For example, Artsyom Dubski and Maxim Dashuk are currently facing prosecution under Article 415 of the Criminal Code for violating the conditions of their sentence.

The organization also raised its concern that when Alyaksandr Borozenko reported at the police station on 22 March, he was taken into an office and reportedly beaten by a police officer. He was subsequently treated in hospital for concussion.

In its letter, Amnesty International urged the Prosecutor General:

- to immediately and unconditionally lift the restrictions imposed on Artsyom Dubski, Mikhail Pashkevich, Tatyana Tishkevich, Paval Vinahgradau, Ayaksei Bonda, Mikhal Kryvau, Ales Straltsou, Ales Charnyshou, Mikhail Subach, Maxim Dashuk and Alyaksandr Borozenko;
- to ensure that a prompt, thorough, independent and impartial investigation is carried out into the allegations that Alyaksandr Borozenko was beaten by a police officer on 22 March;
- to investigate the actions of police officers bearing responsibility for controlling compliance with the conditions of restricted freedom and to ensure that the 11 people are being treated fairly and impartially.

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