

Human Rights Center 'Viasna'

Review-Chronicle
of human rights violations
in Belarus in 2008

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Review-Chronicle of human rights violations in Belarus in 2008

The book was prepared on the basis of the short reviews of the human rights situation in Belarus for each month of 2008. It begins with the general analysis of the civil and political situation in the country for the reporting time. The book describes important events and the reaction of the international community to them. Then there are presented some concrete facts of human rights violations by which one can trace back a certain history of struggle of representatives of the Belarusian democratic community for human rights and fundamental freedoms. Among the main violations there are politically motivated criminal and administrative persecution, trampling upon the freedom of expression, prohibition of peaceful assemblies and denial of the right to association.

The book includes photos from the web resources photo.bymedia.net, nn.by, charter97.org, spring96.org.

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Review-Chronicle of Human Rights Violations in Belarus in January 2008

This time the beginning of the year was warmer than usual. The total crackdown of Belarusian authorities on the social and economic spheres of life increased the mood of protest, which resulted in aggravated repressions against the most active protesters. Despite the fact that January events were a planned continuation of the December entrepreneurs' meeting, authorities were not ready for the decisive attempts of the entrepreneurs to protect their right to work. Presidential decree #760 of 29 December 2006, by which the entrepreneurs were deprived of the right to employ any workers except for three close relatives from January 2008, made many workers of small business redundant. It also affected ordinary citizens — the markets became empty, many stalls were closed, route taxis to markets started driving more rarely, etc. All efforts of the leaders of the entrepreneurs' movement to establish a dialogue with authorities yielded no result — witnessing that high-rank officials decided to liquidate individual entrepreneurs as an unnecessary social class. Desperate entrepreneurs had nothing to do but go out in the streets.

The unauthorized act of entrepreneurs began in the afternoon of 10 January with a meeting in Kastychnitskaya Square in Minsk. Several thousand people who voiced their demands to the authorities, the main being the abolishment of decree #760, took part in the rally. The delegation of entrepreneurs with Anatol Shumchanka at the head went to the presidential administration, but the meeting with a representative of the main economic department of the administration yielded no result. Then the procession of protesters moved to the House of the Parliament, demanding an audience with the prime-minister Siarhei Sidorski. The demonstrators stopped the traffic along Nezalezhnastsi Avenue and continued walking

by the carriage way. At first the act went on without detentions: it seemed that the authorities did not dare use violence against the indignant entrepreneurs. On the other hand, on the eve the act regional leaders of the entrepreneurs' movement Viktor Kryval and Alexander Tsatsura were detained, and the leader of the campaign *For Free Development of Business* Viktor Harbachou was blocked in his house in Barysau. In Rechytsa the entrepreneurs' leader Aleh Shabetnik was arrested for five days and fined on charges in 'disorderly conduct'; in Minsk the political activist Viachaslau Siwchyk was arrested for 10 days. After the end of the act, 27 of its most active participants were arrested, including Anatol Liabedzka and Anatol Shumchanka. Many of them were brutally beaten. The following day Maskouski and Tsentralny district courts of Minsk tried the detainees. 22 persons were sentenced to 15 days of arrest and the 19-year-old student Tatsiana Tsishkevich, who needed medical aid and showed the judge her bloodstained coat, got even more — 20 days of arrest.

Later the vice-chair of the main police department of Minsk Alexander Naidenka stated that a criminal case had been brought on the fact of mass riot in the capital. The Ministry of Justice sued to the Supreme Court for liquidation of the entrepreneurs' association *Perspective*.

On 21 January the entrepreneurs held the second unauthorized act of protest. Considerable police forces were brought to the center of the city in advance: busses with riot police were parked in the yards and policemen in civvies were standing in Kastychnitskaya Square since 10.30 a.m. The act participants gathered in Kastychnitskaya Square at 12 o'clock and again moved to the House of the Parliament. However, when the number of demonstrators considerably increased, the police started disbanding them. Riot policemen with baffles and truncheons lined up near the Pedagogical University in Nezalezhnastsi Square. The Minister of Interior Uladzimir Navumau addressed the meeting participants. He warned them about criminal punishment and gave them 10 minutes to go away before the police would use force. Later a complete clearing of the square started. Some people were pushed away to the pedestrian underground crossing, others were driven out in the direction of the town hall. Some of the demonstrators were detained. On 22 January Tsentralny and Maskouski district courts of Minsk tried the detainees. The main difference

was that this time people were fined instead of arrests. 15 persons were fined from 525 000 to 1 750 000 rubles (\$244 — 488) and six were arrested for 5–15 days. One person was fined 1 225 000 rubles and arrested for 10 days. All of them were judged for ‘violation of the rules of holding mass actions’ (Article 23.34 of the Administrative Code).

The international community condemned the repressions and urged the Belarusian authorities to take serious measures for democratization and ensure respect to Human Rights. All European institutions touch upon the topic of political prisoners in their reports. Trying to play at liberalization before the West again, the authorities started releasing political prisoners. Since 18 January parole was granted to Mikalai Autukhovich, Yury Liavonau and the youth leader Zmitser Dashkevich. Even this step was treated with restrained optimism, because, according to reports of various international structures, the overall situation in Belarus remained the same. Since November 2007 the vice-editor of the *Zgoda* newspaper Alexander Zdvizhkov was kept in the KGB prison for especially dangerous criminals. He was sentenced to three years of jail for reprinting Prophet Mohammad’s cartoons from a Danish newspaper. This verdict caused a wave of indignation among different international organizations and diplomatic missions that urged the Belarusian authorities to review the verdict and release the journalist.

Administrative punishment of participants of peaceful protest actions

On 18 January Tsentralny district court of Minsk found the youth activist, member of the United Civil Party Vital Stazharau guilty under two articles of the Administrative Court and sentenced him to 20 days of arrest. Vital Stazharau was detained near Kastychnitskaya Square in Minsk. In his bag the police found leaflets with invitations to the protest action of entrepreneurs scheduled for 21 January. The UCP activist was tried for distribution of the leaflets and participation in the previous action of entrepreneurs that had taken place on 10 January.

On 29 January Salihorsk district court tried the detained collectors of signatures under two appeals to Minsk city executive committee on behalf of individual entrepreneurs and the citizens who were deprived of social benefits. The court found the vice-chairperson of the liquidated Belarusian Women's Party *Nadzeya* Larysa Nasanovich and the activist of the entrepreneurs' movement Alexander Tsatsura guilty under Article 23.34 (violation of the order of holding a mass action or picketing) and sentenced them to 15 days of arrest.

Politically motivated criminal cases

On 18 January Minsk city court found Alexander Zdvizhkov, former vice-editor of the independent newspaper *Zgoda*, guilty under Article 130, part 2 of the Criminal Code (fomentation of racial, national or religious enmity, committed by a duty official with the use of official powers) and sentenced him to three years in high security prison. The criminal case was brought by the prosecutor's office in February 2006 for reprinting of Prophet Mohammad's charges from the Danish newspaper *Jullands-Posten*. The Ministry of Justice simultaneously sued to the Supreme Economic Court for liquidation of the newspaper, and the court granted the lawsuit. The criminal case against Zdvizhkov was suspended because the investigation could not find him. In the beginning of January it became known that he had been detained in November 2007 and was kept in custody. At first the trial of Zdvizhkov was open, but then journalists were prohibited to attend the court sittings. Alexander Zdvizhkov appealed against the verdict at the Supreme Court. Bear in mind that the scandalous charges of Prophet Mohammad were reprinted by 143 editions in 56 countries, but only in Belarus a journalist was imprisoned for it.

A criminal case under Article 364 (violence or threat of violence to a policeman) was brought against a youth activist Andrei Kim, participant of the entrepreneurs' meeting on 21 January. On 22 January the judge of Tsentralny district court of Minsk Tatsiana Pauliuchuk found Kim guilty under two articles of the Administrative Code, as a result of which he was sentenced to 10 days of arrest and fined 1 050 000 rubles (\$488). Having

served the arrest term, the activist was taken to Tsentralny district prosecutor's office of Minsk for interrogation. The investigation chose custody as the restraint to him.

On 24 January Niasvizh court pronounced the verdict on the criminal case against Alexander Kruty. He was found guilty under Article 368 of the Criminal Code — public insult of the president. However, the court decided not to punish Kruty because his actions did not present a significant social danger and the criminal case was closed.

During the investigation Mr. Kruty underwent a forensic expertise that declared him a paranoid schizophrenic. That's why instead of punishment the court ruled to send the defendant for forced medical treatment in psychiatric hospital. In this case the judge violated the law, because according to Article 448, part 2 of the Criminal Process code the court cannot apply forced treatment unless the convict's actions are dangerous for the society. In January Alexander Kruty was still kept in the pre-trial prison in Zhodzina.

The criminal case for insult of president Lukashenka was brought against Kruty in May 2003 for distribution of self-produced leaflets where he wrote that the authorities were serving the evil. He lived in Minsk for several years, and was detained in autumn 2007. At first he was kept in the pre-trial prison in Zhodzina and then was forcedly kept at the republican psychiatric hospital.

On 23 January, two months prior to the expiry his prison term, the authorities released from Shklou prison #17 the leader of *Young Front Zmitser Dashkevich*. It happened because on 22 January the Supreme court on its own initiative reviewed the criminal case and reduced the penalty from 1,5 years to 1 year. Thus, according to the new court verdict, Dashkevich spent behind bars four spare months.

Torture and other kinds of violent and inhuman treatment

On 14 January the patients of the republican tuberculosis hospital in the settlement of Navayelnia (Dziatlava district of the Hrodna region) declared a hunger-strike of protest against the unbearable conditions in the medical institution. The chief doctor of the hospital Mechyslau Douhan ignored the demands which were set up in their collective letter. The patients complained about the cold in the wards, absence of warm water and bad feeding. 'Showers are turned on twice a week. The wards are very dirty and all wet. The food we are given cannot be consumed. Almost all of us have high temperature. We are ill with tuberculosis and need completely different conditions,' explained one of the patients, Siarhei Voranau. According to him, the hospital is situated in the forest, but the ill aren't even allowed to go out and buy the necessary goods for their own money.

On 14 January the judge of Tsentralny district court of Minsk Tatsiana Pauliuchuk found Siarhei Parsiukevich, the head of the Council of Entrepreneurs of *Smalenski Market* in Vitsebsk, guilty under Article 23.34 of the Administrative Code and sentenced him to 15 days of arrest for participation in the rally of entrepreneurs on 10 January. On the eve of the trial the police detained him right at his working place in Vitsebsk and drove to Minsk. On the eighth day of the arrest term Parsiukevich was violently beaten by one of the guards, who later accused him of assault. After his release Siarhei Parsiukevich registered the beating and applied to Maskouski district prosecutor's office of Minsk. According to Parsiukevich's information the prosecutor's office conducted a check-up on this fact and he was been warned about the possibility of criminal punishment for assault on the policeman. The entrepreneur considers this case a provocation, because he retired from the police at the rank of major and knows well enough how to behave in custody.

Freedom of expression and the right to disseminate information

On 6 January it became known that the administration of Niasvizh department of *Minskablsayuzdruk* refused to extend the agreement for distribution of the *Niasvizhski Chas* newspaper to 2008, issued by the private unitary enterprise *IntexPress-Region*. 'Our cooperation was ceased without any statements after five years', said the chief editor of the newspaper Aliaksei Bely.

In the morning of 10 January many independent internet resources elucidating the public and political events in Belarus were blocked. This time the method of 'shaping' was used again. The essence of this method is that a filter is set at the main computer of the state monopolist *Beltelekom* to artificially slow down the complete download of the specified sites by narrowing the transition channel. As a result the websites can be downloaded, but the process takes several minutes. At the same time Maryia Staliarova, a specialist of the group on information and communication at *Beltelekom* stated: 'Our organization is an operator of electronic communications and serves the population. It is not an agency controlling the informational filling of websites.'

On 11 January Tsentralny district court of Minsk found the freelance correspondent of the *Nasha Niva* newspaper guilty of 'disorderly conduct' and 'participation in unsanctioned street act' and sentenced him to 15 days of arrest. The journalist was detained in the center of Minsk on 10 January, during the entrepreneurs' rally, to which he came on errand of the editorial board of *Nasha Niva*.

On 24 January the chair of the information department of the non-state newspaper *Barysauksiya Naviny* Anatol Mazgou was not admitted to the joint sitting of Barysau district executive committee and Barysau district deputy soviet. On 25 January he was also prohibited to attend the parents' gathering in the Culture Palace of Barysau.

Right to association

On 30 January the Supreme Court considered the appeal of representatives of the Belarusian Christian Democracy Party (BCD) against the refusal of the Ministry of Justice to register it. According to the co-chairman of the party Aliaksei Shein, the judge completely upheld all pretensions of the Ministry of Justice to the BCD, including the alleged contradictions of its charter to the legislation and the absence of definitions for the notions of ‘adherents of Christian Weltanschauung’, ‘Christian values’ and ‘Christian approaches’. Aliaksei Shein called the judge’s verdict completely predictable and politically motivated. It is witnessed by the fact that earlier the Ministry of Justice registered the public organizations, whose aims, tasks and charter norms are absolutely identical to the documents passed by the BCD, which was proved at the trial.

Politically motivated dismissals from work and expulsions from educational establishments

On 22 January Zmitser Zhalezniczenka, an A-level third year student, was repeatedly expelled from the mathematical faculty of Homel State University. The same day the students’ labor committee held a sitting and voted for his expulsion. On 23 January Zhalezniczenka was summoned to the military enlistment office. Despite the fact that he was receiving medical treatment for hypertension, he was directed to Zhlobin for military service.

On 7 September the vice-chair of *Talaka* NGO and the regional party structure of the BPF Youth Zmitser Zhalezniczenka was expelled from the university for the first time for ‘systematic violations of the internal regulations of the university’. The university administration qualified as ‘systematic violations...’ that the student distributed tickets for a concert of Belarusian bards. The student did not put up with the unlawful expulsion. He sued the university and won. On 16 January Tsentralny district court of Homel reversed the rector’s order and obliged the university to

rehabilitate the student. However, on 17 January Homel military enlistment office drafted him into the army.

The first-year student Anton Kalinouski was expelled from Minsk State Linguistic University after serving 10 days of arrest on false charges. The university administration issued two warnings to the student, thus depriving him of the opportunity to pass the missed exams. Anton Kalinouski was preventively detained together with Yury Stankevich and Franak Viachorka at the trial of a youth activist Yuliya Siutsova. All detainees were accused of dirty swearing.

Freedom of conscience

On 29 January the prosecutor's office of Maskouski district of Minsk warned the pastor of the Protestant church *New Life* Viachaslau Hancharenka for refusing to let representatives of the Ministry of Emergency Situations in the temple. The prosecutor's office also demanded that believers not hinder access of the ministry's representatives to the church building. Actually, in such a way the authorities threaten the believers with administrative and criminal punishment. 'At our general assembly we adopted the decision not to let anybody in till the authorities grant our claim: to reverse the ruling of Minsk city executive committee, according to which our piece of land was confiscated,' said V. Hancharenka. 'We decided not to let anybody in. It is our action of protest, an action of civil disobedience.'

On 30 January the court of Baranavichy and Baranavichy district fined the *New Generation* church of the Association of Communities of Full Evangelical Christians 700 000 rubles (about \$325) for misuse of the rented land. According to the church's lawyer Siarhei Lukanin, in 1997 the church purchased a warehouse with the view of using it as a temple. Baranavichy city executive committee refused to provide the church with the right to reconstruct the building. No statements were given.

Bear in mind that in December 2007 officers of the land management and land resources department of Baranavichy city executive commit-

tee composed an administrative report on misuse of the piece of land and passed it to court. The first court sitting took place on 10 January. Then the judge dropped the case because of lack of evidence confirming the pretensions of Baranavichy city executive committee to the religious community. S. Lukanin believes that the judge changed his position as a result of pressurization from the side of the local authorities.

Activities of security services

On 12 January in Homel KGB officers searched the apartment of the member of the Belarusian Association of Journalists Siarhei Padsasonny. In the warrant it was stated that he was suspected in activities on behalf of the unregistered organization *Young Front* and involvement of pupils and students in it with the aim to discredit the country. Members of Homel branch of the BAJ proposed to watch the search as witnesses, but were shown the door. As a result of the search a memory card, a video-camera and a computer were confiscated. Homel journalists addressed Homel regional prosecutor with the request to stop the harassment of their colleague. He answered that the actions of the KGB officers were lawful.

On 23 January the youth activist Maryia Rudakouskaya, student of one of Minsk colleges, was invited to the headmaster's office, where a KGB officer was waiting for her. He introduced himself as Captain Bialotski and asked about her educational trip to Brussels. Maryia refused to speak with him without receiving an official writ. Then the KGB officer tried to blackmail her. He reminded her about her participation in the summer camp of democratic youth near Ivatsevichy, for which she had been already tried, and said that he had seen her at the entrepreneurs' rally. 'He threatened that he would inform the Ministry of Education and the college administration about my activities, which would put my further studies in danger', said Maryia Rudakouskaya.

Other kinds of harassment

At the end of January Alexander Barazenska, a student of Polish educational program for Belarusians named after Kastus Kalinouski, was not let abroad. He was told that he was on the list of persons who were temporary banned to leave Belarus. The Ministry of Education put him on this list for alleged evasion from military service. The border guards refused to let him cross the border even after he showed to them the certificate of the military commission confirming his right to deferment of the military service. Shortly before this incident Barazenska served 15 days of arrest for participation in the meeting of entrepreneurs on 10 January.

Review-Chronicle of Human Rights Violations in Belarus in February 2008

In February Belarusian Human Rights defenders paid most attention to political prisoners and politically motivated criminal cases. The main event this month was the abolishment of the politically motivated verdicts to the youth activist Artur Finkevich and the journalist Alexander Zdvizhkov, as a result of which both were released from jail. The authorities also granted parole to the entrepreneurs Mikalai Autukhovich and Yury Liavonau and the oppositional politician Andrei Klimau. However, despite the demands of the EU and the US the former candidate to president of Belarus Alexander Kazulin remained behind bars. He was proposed release from jail in exchange for emigration to Germany and cessation of political activities. In addition, the authorities demonstrated an exceptional violence in relation to Kazulin's family. His wife Iryna died of cancer and the authorities didn't let him go to the funeral for two days. It cannot but be considered as a violation of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, ratified by Belarus.

The Assistant Secretary of State on Democracy, Human Rights, and Labor, David Kramer, did not manage to come to the funeral of Iryna Kazulina, because he got a Visa only on 3 March. The US Embassy emphasized that Mr. Kramer would visit Belarus only in the case of unconditional release of Alexander Kazulin. The EU commissioner for external relations and European neighborhood policy Benita Ferrero-Waldner also urged the Belarusian authorities to release Mr. Kazulin.

Despite the relative release of pressure, politically motivated criminal persecution still existed in Belarus. For instance, the youth activist An-

drei Kim was still kept behind bars. He was suspected in having beaten a policeman during the protest act of entrepreneurs on 21 January 2008. Besides, the criminal case under Article 342, part 1 of the Criminal Code, 'organization or active participation in the actions that grossly violate the public order' was brought against him for participation in another entrepreneurs' action on 10 January 2008. There were 13 more suspects in this case. In February three participants of the democratic act *European March* received the rulings, according to which they were suspected in malignant hooliganism and damaging the police cars. Besides, the state enterprise *Horremautador* put a 2 000 000 rubles' suit against the action organizers — that's the sum the enterprise wanted to get for cleaning the streets after the act.

In February the entrepreneurs continued holding protest acts. The protesters were punished with fines and imprisonment.

On 21 February the European Parliament unanimously voted the resolution on Belarus calling on the Belarusian authorities to release political prisoners, guarantee freedom of expression and hold free elections. The EU deputies welcomed the parole to the democratic activists and the permission to open a mission of the European Commission in Minsk. Nevertheless, the resolution also expressed a deep regret concerning the absence of progress in the Human Rights situation in Belarus. The document reminded that the only conditions for development of relations with Brussels and admission of Belarus to the European political field were the 12 EU conditions for Belarus set forth in November 2006.

'There will be no concessions to Belarusian authorities till the trampling of Human Rights in the country is stopped. It is not enough for Lukashenka to release several prisoners in a bargain with us,' said the deputy of the European Parliament Elisabeth Schroedter in her interview with the *Deutsche Welle*.

Politically motivated criminal cases

The administration of prison #3 sent an official note to Kazulin's relatives to inform them that he was deprived of parole. In the document it was also stated that Kazulin did not step on the way of correction and behaved badly: he had allegedly violated the prison rules 10 times. Besides, as the Minister of Internal Affairs Uladzimir Navumau stated that Kazulin had no legal right to the short-term leave which had been given to him in connection with the death of wife, because he was officially divorced.

The investigation of the criminal case against the activist of the unregistered organization *Initiative* Andrei Kim ended. Kim was accused of 'violence or threat of violence to a policeman' (Article 364 of the Criminal Code). Kim was detained on 21 January for participation in a peaceful protest act of entrepreneurs and was imprisoned for 10 days for it. However, on 31 January he was not released from jail. Instead, he was transferred to pre-trial prison as a suspect in a crime. This restraint was appealed against to Tsentralny district court of Minsk, which on 14 February left it unchanged. The trial was closed. On 19 February this verdict was also upheld by Minsk city court.

In February the investigative board of the main police department of Minsk city executive committee set up a special group for investigation of the criminal case concerning organization of the unauthorized mass action on 10 January in Minsk. The criminal case was brought under two articles of the Criminal Code: Article 342, part 1 of the Criminal Code — 'organization or active participation in group actions that grossly violate the public order' and Article 339, part 2 — 'hooliganism, performed by a group of individuals or connected with resistance'. Criminal charges were given to 13 persons: A. Baradzenka, A. Bondar, A. Charnyshou, A. Dubski, A. Kim, A. Koipish, M. Kryvau, M. Pashkevich, V. Siarheyeu, A. Straltsou, M. Subach, T. Tsishkevich, P. Vinahradau and M. Dashuk (under age). Actually, before this each of them served up to 15 days of arrest for participation in the action. Tatsiana Tsishkevich was sentenced even to 20 days. The suspects were interrogated.

A criminal case under Article 339, part 2 of the Criminal Code — ‘act of hooliganism, performed by a group of individuals’ was brought against Maxim Siarhiyets, Yuliya Subach and Matvei Bialiai (minor). The case concerns damage done to two police cars during the democratic rally *European March*. The officially stated sum of the damage is 8 691 879 rubles (about \$4,000).

Torture and other kinds of cruel and inhuman treatment

On 24 January Niasvizh district court found Alexander Kruty guilty under Article 368 — ‘public insult of president’, but abstained from punishment because the actions of the defendant did not present a large threat to society. Instead, the court ruled that Kruty was to be directed for forced psychiatric treatment for ‘paranoid schizophrenia’. Thus, instead of being released he was illegally detained in the pre-trial prison in Zhodzina for three weeks after the verdict was announced, because the court ruled that the restraint could be changed only after his forced placement to a psychiatric hospital.

The conditions which were created for Kruty in the prison can be considered as torture: all this time he was kept in a single cell for life convicts. He was prohibited from reading newspapers and books. The relatives weren’t allowed even to pass to him an English language textbook. The prison administration paid visits to all cells except for his.

On 19 February the College Board on criminal cases of Minsk regional court reversed the ruling of Niasvizh district court and dropped the case. Alexander Kruty was released from jail.

Freedom of expression and the right to disseminate information

On 11 February youth activists Dzianis Hancharou, Palina Kuryianovich and Siarhei Rozum were detained for distribution of informational materials about the EU. They were escorted to Tsentralny district police department. There they were made to give statements. Several hours later they were released. The police composed no violation reports against them.

On 18 February the Economic Court of Vitsebsk region rejected the complaint of the closed company Publishing House *Vitebskiy Kurier* (the editorial board of the *Vitebskiy Kurier M* newspaper) against Vitsebsk regional executive committee, which groundlessly refused to re-register the enterprise. As a result the appeal against this verdict was filed to the same court. The issue of the non-state newspaper *Vitebskiy Kurier M* was suspended in spring 2007. Then the publishing house submitted to the executive committee a packet of documents for re-registration. At first the executive committee agreed to re-register the publishing house, but later the officials changed their mind, saying that it was because the editorial board hadn't asked their agreement to location of its office and the office room did not correspond to presidential directive #1 *On measures for strengthening the civil security and discipline*.

Horki district executive committee did not let a member of the Belarusian Popular Front Party Eduard Brokarau issue newspapers. Brokarau wanted to receive a license for advertisement, trade and the issue of newspapers. In the answer to his application the chair of the executive committee Mikhail Anikeyeu wrote that three state newspapers were issued in the district and it was enough for informing the population. 'They know me as an activist of the BPF Party and *For Freedom* movement and a man of democratic views. Now they are fighting against democrats with all means possible. They understand that I will never write about their mythic harvests and milk yields. I will write what I see. It is one of my principles. They don't need the truth,' commented Eduard.

Eduard Brokarau issues in Horki the newspapers *Uzgorak* and *Horatski Vybar* and edits the newspaper of Mahiliou regional coalition of pro-democratic forces *Vybar*.

Administrative punishment of public and political activists

On 12 February the leader of Salihorsk entrepreneurs Alexander Tsatsura was released from jail after 15-day arrest for collecting signatures for abolishment of president's decree #760. On 13 February he was summoned to the road police office and familiarized with the official ruling on annulment of his driver's license for two years. He was also fined 350 000 rubles (\$163).

On 27 February the court of Minsk district and Zaslauye considered the administrative cases which had been brought against the members of Tsatsura's family. That day a meeting of entrepreneurs took place in Minsk. Alexander Tsatsura was one of its organizers and was driving to Minsk by his minivan together with his wife, son and the entrepreneur Viktor Kryval. The road police stopped the car, took away Tsatsura's driver's license and accused him of driving on the left lane, when the right lane was free. Then Tsatsura and his passengers left the car and went to Minsk on foot. The police forcedly took them to Minsk district police department and detained there for seven hours, accusing them of insubordination to lawful demands of the policemen on duty (Article 23.4 of the Administrative Code). Judge Siarhei Afonski found all defendants guilty. Alexander Tsatsura was fined 1 750 000 rubles (about \$8 140), Tamara and Illia Tsatsura — 1 050 000 rubles (about \$488) each, and Viktor Kryval (who was serving a 15-day arrest at that time) — 1 750 000 rubles as well.

In the beginning of February the police detained in the center of Homel Andrei Aliashkevich and Uladzimir Shumilin while they were handing out leaflets to inform the citizens about a public meeting with the leader of the *For Freedom* movement Alexander Milinkevich, which was not sanctioned by the local authorities. Aliashkevich and Shumilin were guarded to the police station, where about 1 000 leaflets were confiscated from them and administrative reports under Article 23.34 of the Administra-

tive Code (violation of the rules of organizing and holding mass actions) were drawn up against them.

On 12 February both activists were fined 1 050 000 rubles (about \$488). The youngsters said that they had received the leaflets from the chair of the local office of the United Civil Party Uladzimir Katsora. That's why the latter was summoned to the city police department and confirmed having produced the leaflets. A report under Article 23.34 of the Administrative Code (violation of the rules of organizing or holding mass actions) was drawn up against him. Besides, the police searched the UCP office. On 13 February Katsora was tried at Savetski district court of Homel. The judge Alexander Kostsikau found him guilty under Article 23.34 and sentenced to 7 days of arrest.

Politically motivated dismissals from work and expulsions from educational establishments

On 15 February the leader of the youth wing of the BPF Party, the head of its cultural commission Franak Viachorka was familiarized with the order of the rector of Belarusian State University for his expulsion from the third year at the journalist faculty because of 'poor academic progress' (though the student always received an increased scholarship for his achievements in education). On 16 January Franak was sentenced to 15 days of arrest for 'dirty swearing in public'. While appealing against this verdict he addressed the faculty administration, asking them to witness for him at the trial, but they refused to do it. At first the youth leader wanted to appeal against the expulsion to court, but then followed the lawyer's advice and decided to try all pre-court instances first. He also directed a letter to the Minister of Education, Alexander Radzkou, and stated that during the exams the examination commissions seriously violated paragraph 1.1 of the Regulation concerning term works and exams in high schools, that's why the marks were non-objective.

On 25 February member of the BPF Party, Ihar Pazharytski, was expelled from Horki Agricultural Academy. He has been dealing with the issue of the non-state bulletin *Recha* for several years already. Ihar tried to

pass one of the winter exams four times and failed to get a positive mark. He was informed that he would have to pass the exam once again, this time to a board of examiners. However, when he came to the faculty to find when the commission would gather to listen to him, he was told that he was expelled. According to the chair of Horki BPF office, Eduard Brokaurau, nobody issued to Pazharytski any written orders for his expulsion, that's why he continued coming to classes.

Death penalty

On 5 February we learned from mass media that three leaders of the so-called 'Marozau gang' — Ihar Danchanka, Valery Harbaty, and Siarhei Marozau — were executed. The secretary general of the Council of Europe Terry Davis condemned the new facts of the use of death penalty in Belarus. 'Of course, Belarus is not a member of the Council of Europe, which abolished death penalty on the basis of protocol #6 of the European Convention on Human Rights, but it is a member-country of the UN. However, the execution of Ihar Danchanka, Valery Harbaty, and Siarhei Marozau demonstrates a clear neglect towards the recent resolution of the UN General Assembly calling to a global moratorium on death penalty,' Mr. Davis stated.

Freedom of conscience

On 5 February the pastor of the Protestant Church *New Life*, Viachaslau Hancharenka, and the lawyer of the church, Siarhei Lukanin, were summoned to Maskouski district prosecutor's office of Minsk because of the refusal of the believers to let officers of housing economy into the church building. The vice-prosecutor, D. Zyranau, told Hancharenka and Lukanin to give statements and warned that the church could be fined under Article 23.1 of the Administrative Code in the case of repeated violation and that other measures of reaction could be taken as well.

On 11 February the pastors of more than 40 Belarusian churches of the Association of Communities of Full Evangelical Christians addressed

Alexander Lukashenka with an open letter. They expressed their concern with the increased pressure on Protestant churches. A special attention was dedicated to the confrontation between the capital's authorities and Minsk church *New Life*. 'In this letter it is said that in the case the authorities continue pressure the bishop of our association, Viachaslau Hancharenka, its churches reserve the right to take part in actions of civil disobedience all over Belarus,' Mr. Lukanin said.

At the end of February more than 50,000 signatures for amendment of the law *On religious organizations and freedom of conscience* were passed to the Constitutional Court of Belarus and to the presidential administration. It was a result of many months of work of believers of different Protestant churches within the limits of the campaign for freedom of belief. Among those who collected the signatures there are believers of the Association of Communities of Full Evangelical Christians, the religious community *God's Church*, Minsk church *Christ's Testament* and the organizing committee of the Belarusian Christian Democracy Party. Signatures were collected in more than 40 towns and cities of Belarus.

The organizing committee of the campaign *For Freedom of Belief* proposed the authorities to establish a working group for amendment of the law and restoration of the rights of believers of all confessions.

The right to peaceful assemblies

Salihorsk district executive committee banned the rally for protection of social guarantees in the central square of the town on 2 March. The ban did not surprise the action organizers. One of them, Pavel Batuyeu, commented: 'Frankly speaking, I didn't expect anything else from our 'vertical'. I consider this ban completely lawless and contradictory to the Constitution and the international agreements. Now I have to state that due to prohibition of the rally I decline any responsibility for the possible action on 2 March in the central square. From now on they must bear all responsibility for the events which, probably, will take place in the square on Sunday.'

On 25 February there started the trial of the organizers of the democratic action *European March*, which was held on 14 October 2007. Yauhen Afnahel, Zmitser Khvedaruk, Viktor Ivashkevich, and Anatol Liabedzka were accused of having changed the action route. Another accusation was that the action participants covered with litter their way from Kastychnitskaya Square to Banhalor Square. The *Horremautador* enterprise of Minsk city executive committee lodged a claim against them worth 2 135 974 rubles (about \$1,000). The judge, Siarhei Barazna, announced a break in the trial due to the illness of one of the defendants, Viktor Ivashkevich.

In Baranavichy authorities prohibited the local entrepreneurs to hold a meeting with representatives of state organs. The meeting was appointed on 28 February, but the officials considered it 'inexpedient'. However, the entrepreneurs again addressed Baranavichy city executive committee with the same proposal and demanded to be given a room for the meeting. They stated that otherwise they would gather on 1 March on the territory of Baranavichy cooperative market.

On 25 March Chyhunachny district court of Vitsebsk tried two democratic activists who were detained during a mournful action connected with the death of Iryna Kazulina. Barys Khamaida and Alena Zaleskaya were accused under Article 23.34 of the Administrative Code — 'violation of the rules of organizing or holding mass actions'. In the beginning of the trial the judge, Ala Bardziukova, granted Khamaida's petition for services of interpreter into Belarusian and postponed the trial to 4 March.

Activities of security services

On 21 February Hrodna regional KGB office warned the civil activist, Edvard Dmukhouski, about inadmissibility of actions that grossly violated the public order. Dmukhouski believes that the KGB officer, Aleh Zhyvushka, tried to pressure him psychologically. After the talk Zhyvushka made Dmukhouski sign that he had been familiarized with the consequences of his possible illegal activities and also informed the activist that in the case of violation under Article 342 the case against him would be passed to the prosecutor's office.

Review-Chronicle of Human Rights Violations in Belarus in March 2008

The 90th anniversary of the proclamation of the Belarusian People's Republic and the traditional Freedom Day rally dedicated to it were the main events in March. Preparation for Freedom Day started long before the holiday. As early as on 6 February the opposition addressed Minsk city executive committee requiring the official permission for the rally. The address was filed on behalf of the chairman of the Belarusian Popular Front Party, Liavon Barshcheuski, the chairman of the United Civil Party, Anatol Liabedzka, the head of the *For Freedom* movement, Alexander Milinkevich, and the chairman of the organizing committee of the Belarusian Social Democratic Party *Narodnaya Hramada*, Mikalai Statkevich. The action participants intended to gather in Yakub Kolas Square near the Belarusian State Philharmonics and march along the Nezalezhnastsi Avenue to Valadarski Street and then continue the procession along Haradzki Val, Maxim Bahdanovich, and Yanka Kupala Streets up to Yanka Kupala Square. The authorities kept their usual position and proposed their own route — from the Academy of Sciences to Banhalor Square. The action organizers did not obey to this requirement of the authorities. On 25 March the Minister of Interior Uladzimir Navumau stated that in the case the rally did not follow the officially proposed route, the police would interrupt the action with the use of physical force and riot gear.

There was another form of public mobilization besides the street procession in honor of the 90th anniversary of the Belarusian People's Republic — writing of a nationwide dictation with the aim to increase the status of the Belarusian language in the society. Politicians, artists, heads and activists of NGOs, ambassadors of different countries and common citizens took part in this action.

On 25-30 March there worked the public internet forum *For Independence*. Such topics as ‘State and political aspects of the Belarusian independence’, ‘Cultural and linguistic guarantees of the Belarusian national identity’ and ‘Economic fundamentals and perspectives of the independent Belarusian state’ were discussed there by well-known experts in political science, philosophy, law, art and economy and ordinary people.

The 90th anniversary of the BPR was also celebrated by the international community. In particular, on 10-13 March a complex of events within the frames of *Belarusian Week* was held at the European Parliament’s session in Strasburg. This project was initiated by the Polish deputy, Jacek Protasewicz, the head of the delegation on relations with Belarus. *Belarusian Week* included meetings with prominent civil and political activists of Belarus, their press conference and discussion on the topic ‘Belarus — an inalienable part of Europe’. *Belarusian Week* was organized by the largest fraction of the European Parliament — European People’s Party *European Democrats*.

As it was promised by the Minister of Interior, on 25 March participants of the festive action in Minsk were attacked by riot police squads who used violence and riot gear against unarmed people. The police made no difference between the old and the young, men and women. Dozens of marchers were beaten. About 100 of them were detained, including minors, journalists of Belarusian and foreign media and foreign citizens. On the eve of the 25 March action in Minsk and other parts of Belarus some civil and political activists were blocked and detained so that they could not participate in the rally. On 26 March the detainees were tried for ‘violating the rules of organizing and holding mass actions’. 26 persons were imprisoned, about 50 were fined.

Following the arrests the authorities started a total offense on independent mass media. On 27 March searches were conducted in the offices of many non-state media and in the private apartments of journalists all over Belarus. The official reason for the searches was a criminal case that had been brought three years ago on the fact of distribution of anti-presidential cartoons on the internet. Among the victims of the searches there are Radio *Racyja*, the European Radio for Belarus, *BelSat* TV channel, etc. Computers and all information carriers were confiscated from the

journalists. The investigators stated they would examine the confiscated items with the aim to find whether they had any relation to production of the abovementioned political cartoons.

The Belarusian Association of Journalists asked the international Human Rights and journalist organizations and the heads of the European institutions to demand that the Belarusian authorities stopped this unprecedented persecution of independent journalists. According to the BAJ chair, Zhana Litvina, this action was first of all aimed at intimidation of journalists and putting barriers to information spread.

Politically motivated criminal cases

On 4 March the leader of Vitsebsk entrepreneurs, Siarhei Parsiukevich, was arrested in Minsk and placed to the pre-trial prison in Valadarski Street. On 13 March he was given charges under Article 364 of the Criminal Code — ‘violence or threat of violence against a policeman’. Bear in mind that on 21 January Parsiukevich had been sentenced to 15 days of arrest for participation in a peaceful protest action, held by entrepreneurs in Minsk. While serving the arrest term he was beaten by a prison guard. In order to escape responsibility for excess of his duty powers, the policeman, Alexander Dulub, accused the entrepreneur of provoking a fight and declared himself the victim in this case. On 31 January the prosecutor’s office brought the criminal case against the entrepreneur. At the end of March the case was passed to court.

On 4 March the criminal case against Andrei Kim was passed to Tsentralny district court of Minsk. The trial was appointed on 1 April. Bear in mind that Kim, an activist of the underground organization *Initiative*, was detained 21 January in Minsk, during the disbandment of the peaceful protest action of entrepreneurs. At first he was sentenced to 10 days of arrest. Having served the arrest term, he was not released. Instead, he was given charges under Article 364 — ‘violence or threat of violence against policeman’. The maximum penalty on this article is six years of jail. Andrei was placed to the pre-trial prison in Valadarski Street. For

participation in the protest action on 10 January he also received charges under Article 342, part 1 of the Criminal Code — ‘organizing and preparing the actions grossly violating the public order, or active participation in such actions’.

On 13 March, Yuliya Kazulina, Alexander Kazulin’s daughter, filed a petition for mitigation of punishment to her father. The petition was turned down with reference to violations of the prison regime made by Alexander Kazulin. In March the German office of the international Human Rights organization *Amnesty International* held an action of solidarity with Kazulin. The organization called all people concerned with the fate of Alexander Kazulin to transfer to the account of the Belarusian Embassy in Berlin or Bonn 1 cent with the note ‘Freedom to Kazulin’ on 25–28 March. *Amnesty International* also picketed the Belarusian Embassy in Berlin on 25 March.

On 26 March the judge of Leninski district court of Hrodna, Dzmitry Kobrynets, found 23-year-old Aliaksei Sarnou guilty under Article 341 of the Criminal Code — ‘anientisement’, and fined him 1 225 000 rubles (about \$575). The criminal case against Sarnou was brought 17 December 2007, after he wrote ‘Return the social guarantees’ on the walls of several buildings and was detained by the policemen who found a can with paint in his bag.

On 27 March Tsentralny district court of Minsk received the criminal ‘process of 14’. This case was brought by the prosecutor’s office against 14 participants of the peaceful action of entrepreneurs that was held on 10 January. Alexander Baradzenka, Aliaksei Bondar, Ales Charnyshou, Maxim Dashuk, Andrei Kim, Anton Koipish, Mikhail Kryvau, Mikhail Pashkevich, Uladzimir Siarheyev, Ales Straltsou, Mikhail Subach, Tatsiana Tsishkevich, Pavel Vinahradau and the minor Artsion Dubski were charged under Article 342, part 1 — ‘organizing and preparing the actions grossly violating the public order, or active participation in such actions’. The article envisages a wide range of penalties — from a fine to three years of imprisonment.

On 27 March Polatsk city court was to have started the legal proceedings in the case of the youth activist, Katsiaryna Salauyova, who in Jan-

uary 2008 had been expelled from the historical-philological faculty of Polatsk State University. At the end of February she was given official charges under Article 193.1 of the Criminal Code — ‘activities on behalf of unregistered organization’. The penalties on this article include a fine, up to six months of arrest and up to two years of imprisonment. The trial was postponed to 8 April, as on 25 March Katsiaryna was detained for participation in the Freedom Day act and sentenced to five days of arrest.

Torture and other kinds of cruel and inhuman treatment

As a result of forced disbandment of the peaceful rally on Freedom Day more than 20 persons received different traumas. Two of them, Yaroslau Hryshchenia and Yury Karetnikau, were taken to hospital. Andrei Liankevich, photographer for the non-state newspaper *Nasha Niva* was beaten while implementing his professional duties at the rally. Two Lithuanian journalists were detained at the action, too.

Fines and arrests

On 23 March about 50 persons gathered in the town park of Zhodzina near the monument *Heroes Live Forever*. They laid down flowers to the monument and fled white and red air balloons. The following day Zhodzina town court considered the administrative cases against the organizers of the action — Alexander Kamarouski, Pavel Krasouski, Yury Silkin and Yury Zhyłka. All of them were found guilty of organizing an unauthorized action and sentenced to seven days of arrest.

On 24 March in the evening the police illegally searched the art studio of the head of *Pahonia* artistic society, Aliaksei Marachkin, and confiscated posters, flags and banners that were prepared from him for the 25 March action. Marachkin and the youth activist Aliaksei Kashkarou, who was also present in the art studio during the search, were guarded

to Tsentralny district police department of Minsk. Violation reports under Article 17.1 ('disorderly conduct') were drawn up against them. Then the detainees were guarded to the remand prison in Akrestsin Street. The following day Kashkarou and Marachkin were sentenced to five days of arrest, ostensibly for 'dirty swearing at Tsentralny district police department of Minsk'.

On 26 March Maskouski, Partyzanski, Savetski and Zavadski district courts of Minsk tried the people who were detained at the rally. All in all, 75 administrative cases were considered. In 26 cases the defendants were imprisoned for 5-15 days. The cases against minors were sent to the administrative commissions of district executive committees.

On 25 March in Vitsebsk the police detained Barys Khamaida, Antanina Pivanos and Alena Zaleskaya and the activists of the Conservative-Christian Party *Belarusian People's Front* Ales Pazniak and Yan Taupyha. Pazniak and Taupyha were sentenced to 8 days of arrest, Zaleskaya was fined 700 000 rubles (about \$390), Antanina Pivanos was fined 70 000 rubles (about \$39) and the trial of Khamaida was postponed to 1 April.

On 25 March 14 persons were detained in Baranavichy while laying down flowers to the *Cross of Sorrow*. Two of them were minors and were soon released. Ales Shcharbakou, invalid since childhood, felt very bad at the police station and an ambulance had to be called for him. It arrived only an hour later. Shcharbakou was hospitalized. On 26 March the detainees were fined sums varying from 175 000 to 525 000 rubles (\$82 — 246) under Article 23.34 of the Administrative Code — 'violation of the rules of organizing and holding mass actions'.

Freedom of expression and the right to disseminate information

On 24 March Leninski district court of Minsk found the democratic activists, Maryna Aliyeva and Alena Naporoka, guilty under Article 23.34 of the Administrative Code (violation of the rules of organizing and holding mass actions) and fined them 350 000 rubles (about \$164) each. The women

were detained on 22 March for distributing the *Volnaya Serabranka* newspaper featuring information about the upcoming Freedom Day rally. Till trial they were kept in the remand prison in Akrestsin Street.

The non-state newspaper *Novy Chas* received two warnings from the Ministry of Information at once. Both of them were signed on 25 March by the vice-minister of information Liliya Ananich. The chief editor of *Novy Chas*, Aliaksei Karol, stated that the pretensions of the ministry were wire-drawn and he would go to the law against them.

On 27 March the Belarusian Association of Journalists addressed the prosecutor general Ryhor Vasilevich with the requirement to ‘take all lawful measures’ for stopping the mass searches in the offices of non-state mass media and private apartments of journalists. The text of the address mentions the searches that were conducted on 27 March all over Belarus. The BAJ especially emphasized the fact that computer supplies, audio and video equipment and printed materials were confiscated from the journalists’ apartments and some persons even received writs to the KGB.

Freedom of conscience

On 6 March the court of Zhodzina tried the administrative case against Valiantsin Luhouski, pastor of the Church of Evangelical Christians *St. Trinity Church*. The pastor was fined 175 000 rules (\$82) for ‘serving unauthorized mass’.

The Constitutional Court of Belarus refused to consider the proposals for amendment of the religious legislation of the country, though more than 50 000 citizens of Belarus signed under the petition for it. In the court answer it was stated that citizens had no right to introduce proposals to the Constitutional court, as it was the competence of the state organs, the parliament and the president. Siarhei Lukanin, coordinator of the campaign for protection of the freedom of conscience, said that the believers asked the Constitutional court to address the Chamber of Representatives of the parliament for amending the religious legislation, as the law allows the Constitutional court to consider each law on its own initi-

ative. 'Pitifully enough, we received a refusal. Moreover, I think that our appeal was ignored, as the answer was signed not even by a judge, but by a vice-secretary of the court,' commented Lukanin.

On 24 March the prosecutor's office of Minsk drew a violation report on the pastor of the *New Life* church, Viachaslau Hancharenka, for organizing collection of signatures for amendment of the religious legislation. The case was passed to court.

The right to peaceful assemblies

On 11-12 March Savetski district court of Minsk considered the lawsuit of the *Horremautador* state enterprise to the organizers of the *European March* rally 14 October last year. Representatives of *Horremautador* accused the action organizers Yauhen Afnahel, Viktor Ivashkevich, Zmitser Khvedaruk, Anatol Liabedzka, Alexander Milinkevich and Vintsuk Viachorka that as a result of deviation from the action proposed by the authorities route the action participants covered the streets of Minsk with litter. At first *Horremautador* stated that it had to spend 2 135 974 (about \$1,000) on cleaning the streets. However, at the trial it was found that several other state enterprises of Minsk also filed financial claims against the action organizers. For instance, the housing economy of Tsentralny district of Minsk demanded 673 870 rubles for damage to dwelling houses and yards, the housing economy of Savetski district — 951 088 rubles for damage to dwelling houses, facades and ad boards, the housing economy of Leninski district — 239 697 rubles for a damaged rain pipe on house #22 in Nezalezhnastsi Avenue (though no one knows when it was damaged), *Minskzelianbud* enterprise — 1 433 798 rubles for material damages manifesting in a trampled lawn, a broken tree near the river of Svislach, broken bushes, etc. Thus, the total sum of financial claims became about 10 million rubles (almost \$5,000). 'These lawsuits again demonstrate the scornful attitude of the Belarusian authorities to the rights of the citizens and violate the international standards of Human Rights', commented the Human Rights defender Valiantsin Stefanovich.

Activities of security services

On 19 March a KGB officer paid a visit to the work of the mother of Ihar Mikhaileuski, chairman of Rechytsa branch of the BPF Youth. He threatened that Ihar would be fined or arrested unless he stopped his activities at the BPF Youth. The KGB officer also informed the woman that her son had organized a public meeting with the former candidate for President Alexander Milinkevich. In his speech the visitor paid a special attention to the upcoming 25 March rally and warned that it would be better for Ihar not to go to Minsk that day.

Politically motivated dismissals from work

The actresses Hanna Salamianskaya and Maryia Yurevich were dismissed from the Russian theater and from the theater of the Belarusian army respectively. Both dismissals took place after the *Free Theater's* London tour with participation of the actresses. Besides, Maryia Yurevich worked on assignment after graduation from a high school. So, according to the Belarusian laws, now she was to 'return' to the state the cost of education, as she failed to work on assignment for two years. The head of the *Free Theater* has already applied to the British actors, many of whom agreed to help in 'buying out' the actress.

Review-Chronicle of Human Rights Violations in Belarus in April 2008

In April the trials of several politically motivated cases were conducted in Belarus. As a result the country got 12 new political convicts, two of whom were sentenced to imprisonment. Despite the addresses of the international structures, the European countries and the US to the Belarusian authorities, politically motivated criminal persecution in Belarus continued and acquired new forms.

On 29 April in Minsk the press conference *Evaluation of the contemporary situation of Human Rights in Belarus* and presentation of the yearly Review-Chronicle of Human Rights Violations in Belarus took place. The event was attended by well-known Belarusian Human Rights defenders, representatives of the Czech Embassy and the OSCE mission and victims of political repressions. Summing up the results of year 2007, the deputy president of the International Federation for Human Rights (FIDH), Ales Bialiatski, pointed that restriction of public and political rights in Belarus was a logical result of development of the totalitarian regime, for which Human Rights are a hostile thing, incompatible with its existence. The situation continues deteriorating — more and more people become political prisoners and victims of different kinds of repressions. Despite the recent refusal in state registration, Human Rights defenders were not going to stop their activities even under the threat of criminal persecution.

On 26 April the traditional *Chernobyl Way* action dedicated to an anniversary of Chernobyl accident took place. This year one of the aims of the action was also to protest against the liquidation of social guarantees to victims and liquidators of Chernobyl accident and the state plans to construct a new nuclear power station. Minsk city executive committee authorized the rally, but changed its route. Besides, on 24 April four organ-

izers of the action were summoned to Minsk city prosecutor's office. The prosecutor Mikalai Kulik held a prophylactic talk with them and warned that he was ready to bring criminal cases in the case of law violations during the action. On the eve of the action KGB confiscated all leaflets and stickers with invitations to the action, produced by the BPF, the United Democratic Forces and the *For Freedom* movement. Everything was confiscated during transportation to the offices. All 'suspicious' offices were searched and several printing houses that were suspected in printing leaflets were sealed on the eve of the rally. As usual, some regional activists were warned by the police about the inadmissibility of participation in unauthorized mass actions. Those who dared to go to Minsk were detained or put off the vehicles. *Chernobyl Way* ended without any incidents and provocations, but the number of participants was much less than in the previous year.

In April the escalation of the Belarusian-American relations led to a diplomatic scandal. The crisis started yet in March, after the Ministry of Finances of the US published at its web-site the official statements of the reasons for sanctions against the Belarusian concern *Belnaftakhim*. On 7 March the ambassador of Belarus in the US was recalled for consultations and on 12 March the US ambassador Karen Stuart had to leave Belarus on the demand of the Belarusian side. Then the US Embassy in Minsk was advised to decrease the number of its staff to 15 officers. As a result on 27 March 17 American diplomats left the Belarusian capital, which caused a temporary irregularity in the issue of visas. On 30 March the Ministry of Foreign Affairs of Belarus presented to Jonathan Moore, temporary charg  d'affaires of the US in Belarus, a document by which ten of the remaining American diplomats were declared personae non-grata and were ordered to leave the country in 72 hours. Mr. Moore officially stated that he considered such actions of the official Minsk unjustified, groundless and illegitimate. He said that the economic sanctions against Belarus would be extended and the US would continue demanding the release of all political prisoners in Belarus.

On 7 April the EU Council on transport, telecommunications and energy extended for another year the sanctions against a number of high-

rank Belarusian officials. According to the press service of the EU Council, the sanctions could be reviewed any moment and the list of the target persons could be either extended or shortened. In April the list included 41 officials. All of them were banned entrance to the EU and their European financial accounts were frozen.

Politically motivated criminal cases

On 1 April the criminal proceedings against the youth activist Andrei Kim started at Tsentralny district court of Minsk. Kim was accused of having beaten a policeman on 21 January, during a protest rally of entrepreneurs. In the beginning of the hearings the judge, Alena Iliina, prohibited video and photo shooting. Three journalists did not obey this requirement and were lead out of the court hall. Kim's lawyer, Tamara Sidarenka, solicited for the release of the defendant on bail, but the petition was not granted. The state accuser Lukyianau solicited for amalgamation of the two criminal cases against the defendant into one. The judge granted the petition and the trial was postponed.

On 22 April Alena Iliina read verdicts to ten of the youth activists who were accused under Article 342, part 1 of the Criminal Code ('organization or active participation in the group actions that grossly violate the public order') for participation in the entrepreneurs' protest rally on 10 January. Anton Koipish and Uladzimir Siarheyev were fined 3.5 million rubles (\$1 643) each. Aliaksei Bondar, Ales Charnyshou, Artsiom Dubski, Mikhail Kryvau, Mikhail Pashkevich, Ales Straltsou and Tatsiana Tsishkevich were sentenced to two years of personal restraint without direction to open penitentiary facilities. They cannot leave Belarus.

Andrei Kim was found guilty on both accusations and sentenced to 1.5 years of imprisonment.

On 23 April Maskouski district court of Minsk pronounced the verdict to a leader of Vitsebsk entrepreneurs Siarhei Parsiukevich. Judge Uladzimir Audzeyenka found him guilty under Article 364 of the Criminal Code

(violence or threat of violence to a policeman) and sentenced to 2.5 years of jail. Parsiukevich was also sentenced to pay to the ‘victim’, police officer Alexander Dulub, 1.1 million rubles (about \$516) for moral harm. On April 28 the convict appealed against the unfair verdict at Minsk city court.

On 8 April the judge of the court of Polatsk town and district Marozava ruled to fine the youth activist Katsiaryna Salaulyova 1 750 000 rubles (about \$822) under Article 193.1 (activities on behalf of unregistered organization) for activities on behalf of the unregistered youth organization *Young Front*. During the trial Katsiaryna’s friends held a picket of solidarity near the court building. They were detained and tried for it.

At the end of April the chair of Homel branch of the *Young Front*, Andrei Tsianiuta, received a letter signed by the investigator of Homel KGB office, D. Sidliarou, where it was stated that the criminal case under Article 193.1, reopened in autumn, was dropped according to provisions of Article 259, part 1 of the Criminal Process Code. The matter is that about a month before Tsianiuta lodged a complaint with the chairman of the Belarusian KGB Yury Zhadobin and demanded that the unlawful criminal persecution was stopped or the criminal case was passed to court. The complaint was readdressed to Homel prosecutor’s office that decided to grant it. The confiscated property was also returned to the activist. At the same time, Kiryla Atamanchyk and Arsen Yahorchanka, two other figurants in this very criminal case, still had the status of suspects.

The right to association

On 17 April the Human Rights defenders Ales Bialiatski, Uladzimir Labkovich and Valiantsin Stefanovich addressed the chairman of the Supreme Court with the request to appeal against the verdict of the Supreme Court of 26 October 2007 concerning the denial of state registration to the Human Rights NGO *Viasna*. Despite the fact that the registration documents that were passed to the Ministry of Justice corresponded to the legal requirements, the Ministry of Justice refused to register the organization. The Human Rights defenders applied to the Supreme Court, which

took the side of the ministry. 'The reasons for non-registration that were mentioned in the verdict of the Supreme Court, constitute an inadmissible violation of the right to association and Article 22 of the International Covenant on Civil and Political Rights,' is stated in the complaint of the NGO founders.

23 April the Ministry of Justice of Belarus delayed the registration of the Human Rights civil association *Movement 'For Freedom'*. The deputy minister of justice proposed to Alexander Milinkevich, organization leader, to correct the documents within one month. The main pretension of the Ministry of Justice was that the aims and tasks that were stated in the organization charter, did not correspond to the platform of the '*For Freedom*' movement which was published at the personal web site of Alexander Milinkevich. Besides, allegedly there were found some mismatches in the graphical scheme of the organization structure that was presented together with the registration documents. Milinkevich was informed about the ruling on registration delay only two weeks after it was taken.

Freedom of expression and the right to disseminate information

On 1 April the Belarusian Association of Journalists again addressed the Prosecutor General Ryhor Vasilevich in connection with the searches that had been conducted by KGB officers in the apartments of independent journalists and a number of offices on 27-28 March. Earlier Minsk city prosecutor's office answered that 'the searches were conducted for sufficient reasons and in conformity with the legislation'. In the letter signed by Siarhei Ivanou, chairman of the investigation department of Minsk city prosecutor's office, it is stated that the searches were conducted within the frames of the preliminary investigation of the criminal case brought under Article 367, part 1 of the Criminal Code (defamation of president) against A. Abozau, P. Marozau and A. Minich. 'Your statements... have been considered and attached to the materials of the criminal case', Ivanou writes. Thus, the answer of the prosecutor's office again contradicts to the commentary made by the chair of the informational service of the Belaru-

sian Foreign Ministry Maryia Vanshyna on 27 March. She stated that the searches were connected to the activities of the journalists who worked for foreign mass media without official accreditation.

On 15 April the judge of Pershamaiski district court of Minsk Ala Yan-chanka sentenced the journalist Anatol Udavichenka, resident of Barysau, to 14 days of arrest under Article 23.34, part 1 of the Administrative Code (violation of the rules of organizing and holding mass actions). The police accused him of having distributed stickers with invitations to the *Chernobyl Way* action. The journalist pleaded innocent.

On 16 April the deputy editor of the *Narodnaya Volia* newspaper Maryna Koktysh addressed the chairman of the Chamber of Representatives of the Belarusian Parliament, Vadzim Papou, in connection with the refusal of this state organ to give her accreditation. The matter is that on 25 March the newspaper applied to the Chamber of Representatives requiring accreditation for its journalist, but received a negative answer dated 8 April. The chairman of the Regular commission on Human Rights, national relations and mass media Yury Kulakouski recommended the editorial board of the newspaper to propose another candidacy, as M. Koktysh was prohibited to enter the building of the House of the Parliament. He did not tell who, when and why had taken such a decision. The journalist stated that this refusal was unlawful and violated her rights, the law *On press and other mass media* and the Rules for accrediting of media correspondents at the Chamber of Representatives. In her complaint she asked the chairman of the Chamber of Representatives to make the commission reverse its decision. Otherwise she was going to apply to the court.

On 17 April the policemen of Zhlobin district police department confiscated about 1 200 copies of the non-state newspaper *Tovarishch*. They explained that the newspapers were to be checked for articles with 'destructive content'. The order for exaction of the newspapers was based on a KGB report.

The editorial office of the non-state newspaper *Hazeta Slonimskaya* received a letter signed by the chairman of Slonim district executive committee Mechyslau Kastsiuk, where it was stated that several cases of sale of the newspaper in improper places had been registered. In the case of repeated violation the local authorities threatened to suspend the issue

of the newspaper or annul the license for its retail. The chief editor of the newspaper Viktor Valadashchuk said that it might be a part of preparation of the district executive committee to a talk with him concerning the extension of the license for retail, which would expire on 25 June. 'The authorities are purposefully trying to get rid of the only registered non-state edition in Hrodna regional. It can be connected to the upcoming parliamentary election,' said the editor. Besides, he reminded that the editorial board was forced to leave its office by 1 June as the state enterprise *Slo-nimski bytkambinat* refused to extend the rent agreement.

Detentions and administrative penalties to public and political activists

On 1 April the judge of Chyhunachny district court of Vitsebsk, Raman Dehoda, sentenced to five days of arrest the well-known activist and distributor of independent press, Barys Khamaida. The activist was accused under Article 23.34, part 3 of the Administrative Code for participation in celebration of the 90th anniversary of the Belarusian People's Republic.

On 2 April representatives of the *For Freedom* movement tried to hold a picket near the Russian Embassy in Minsk timed to the official holiday, the Day of unity of the peoples of Belarus and the Russia. They brought a white-red-white flag and a banner 'No to Russia, yes to Europe'. The Embassy guard called the police who violently disbanded the action. Palina Dziakava and Palina Kuryianovich were guarded to Tsentralny district police department of Minsk. Reports under Article 23.34 of the Administrative Code (violation of the rules of organizing and holding mass actions) were drawn up against them. Then Palina Kuryianovich was taken to the remand prison in Akrestsin Street and Palina Dziakava was released in about three hours because she was under age. On 3 April the judge of Tsentralny district court of Minsk Tatsiana Pauliuchuk found Palina Kuryianovich guilty and sentenced her to ten days of arrest.

On 8 April the police detained the youth activists Mauiuda Atakulava and Aliaksei Yanusheuski at the picket in support of Katsiaryna Salauyo-

va near the court of Polatsk city and district. Atakulava had to spend the night in prison. On 9 April she was fined 1 225 000 rubles (about \$570) under Article 23.34. Aliaksei Yanusheuski was fined 115 000 rubles (about \$54).

On 11 April the court of Pukhavichy district fined Siarhei Abrazouski 1.4 million rubles (about \$657) for having organized an unauthorized action of protest against construction of a chemical plant. In fact, it was a spontaneous action that took place on 22 March. Before the action the activists of the initiative, a group of citizens who are against construction of the plant, had maintained correspondence with all interested state organs for about a year. They many times applied to the local authorities for authorization of a protest action, but received refusals. The chemical plant was to be constructed by the Russian company *August-Bel* with the aim to produce several kinds of pesticides of A-class danger. Dwellers of Druzhny, Svislach, Rudzensk, Dukora and other settlements did not believe to the official statements about the safety of this industry and demanded an independent technological and ecological expertise and a local referendum concerning the expedience of construction of the plant near the settlements.

On 11 April the administration of Salihorsk town executive committee gave huge fines to the under-aged persons who had participated in the social rally on 2 March and the Freedom Day act on 25 March. For the first action Khrystsina Samoilava and Ivan Shyla were fined 1 050 000 rubles (about \$492) each, and Andrei Tychyna — 700 000 rubles (about \$328). Bear in mind that before this Ivan's father, Uladzimir Shyla, served 15 days of arrest for organization of the social rally. For participation in the Freedom Day act Khrystsina Samoilava and Ivan Shyla were fined 700 000 rubles each, Ryhor Astapenia was fined 875 000 rubles (about \$411) and Maxim Hlukhau was given a warning. An administrative report was also composed on Ivan's brother, under-aged Illia Shyla. As a result their father, Uladzimir Shyla, was fined 525 000 rubles (about \$246) for wrong upbringing of the child. The total sum of the fines exceeded 5 million rubles (about \$2 500). The activist said he would appeal against the fines. The previous year the court twice decreased the fines to the accused as a result of their appeals.

On 18 April the administrative commission of military unit #1234 of Lida ruled to fine Anzhalika Borys, chairperson of the Union of Poles in Belarus in disgrace, the journalist of *Magazyn Polski* Ihar Bantsar and the driver Viktar Borys 525 000 rubles for presence in the border zone without the necessary documents. They were detained on 14 April in the settlement of Radun in Voranau district together with eight citizens of Poland who came to Belarus on cultural exchange.

On 25 March the court of Minsk district ruled to fine the activist of the BPF Party Uladzimir Kishkurna 525 000 rubles under Article 23.34. On 21 March Uladzimir Kishkurna was detained near the settlement of Kaliadzichy (Minsk district) while driving his car. The police inspected the car and found there leaflets dedicated to the traditional act in memory of Chernobyl accident. Kishkurna was escorted to the police department where a violation report was drawn up and the leaflets were confiscated.

In April the participants of a historical excursion in honor of the 90th anniversary of the Belarusian People's Republic were tried. On 23 March about 20 persons with red and white air balloons visited the places connected with the life and activities of the BPR's minister Paluta Badunova. The police made video shots of the excursion and drew up violation reports against eight participants of the action. The judge of Navabelitsk district court of Homel Aleh Kharoshka found them guilty under Article 23.34. Ivan Adamenka was fined 700 000 rubles (about \$328), journalist Tatsiana Bublikava and Zmitser Kutasau — 525 000 rubles each, pensioner Uladzimir Niapomniashchy was sentenced to 15 days of arrest, Alexander Protska — to 7 days, Sviataslau Shapavalau — to 10 days, Siarhei Tryfanau — to 10 days and Maryia Tulzhankova — to 7 days.

Politically motivated dismissals from work and expulsions from educational establishments

On 5 April the youth activist of the BPF Party Franak Viachorka (who had been expelled from the journalistic faculty of the Belarusian State University) sued BSU rector Vasil Strazhau in Minsk city court. The matter is that the former student didn't receive any answer to his complaint to the

rector concerning the unlawful actions of the BSU administration and the Ministry of Education. Besides, on 5 April, after the 'professional-psychological interview' the commission of teachers headed by the dean of the journalism faculty Siarhei Dubovik refused to issue to Franak Viachorka a letter of recommendation for this year's entrance examinations to the faculty.

On 17 April, after the *Young Front* activist Mauliuda Atakulava got several administrative penalties including imprisonment, the administration of the Belarusian State Economic University, under the pressure of the KGB, petitioned the rector Shymau for her expulsion from the third year of the faculty of tourism. However, the student labor committee stood against the groundless expulsion, as the student almost did not miss classes and demonstrated a good academic progress, having the average mark about 7,5 out of 10 possible. More than 200 signatures were collected in support of the student on all nine faculties of the university. 'It was the first time when the student labor committee opposed to a decision of the rector's office. Usually the labor committees support all initiatives of university administrations. This time the labor committee not only disagreed, but even submitted a protest note to rector Shymau', said one of the initiators of the campaign in defense of the activist. As a result Mauliuda Atakulava was left in the university, but received a severe reprimand.

On 17 April the judge of Dobrush district court Volha Sychova rejected the suit of the member of the United Civil Party, teacher Klauzdiya Varanets, concerning her rehabilitation at the place of work. The teacher is a liquidator of the consequences Chernobyl accident. She was dismissed while taking a course of recreation abroad. The UCP lawyer Leanid Sudalenka, who represented the teacher's interests in court, stated that during the dismissal the school administration and the local education department violated not only the law on liquidators of the Chernobyl accident, but also the Labor Code and the collective agreement. That's why the verdict of Judge Sychova seems to be politically motivated. Klauzdiya Varanets said she would appeal against it at a higher court.

In April the activist of the United Civil Party Mikhail Pashkevich was expelled from the historical faculty of the Belarusian State University.

'The matter is that this summer I have been expelled from the university because of my participation in the elections to Minsk city soviet of deputies. Then I continued my studies in the sixth year of the tuition faculty at the same university. Now the teachers refuse to put down my mark for the exam on the methodology of history, which I have passed. At the dean's office I was openly told that the decision about it was taken not even by the rector, but by some higher officials,' Pashkevich says. To his mind, the expulsion is connected to the criminal case against him that was brought as a result of his participation in the entrepreneurs' rally on 10 January, participation in celebration of the Freedom Day and for his being one of the organizers of the *Chernobyl Way* action in 2008.

Freedom of conscience

On 22 April Maskouski district court of Minsk ruled to fine Pavel Seviarynets, co-chairman of the organizing committee of the Belarusian Christian Democracy Party, 1.4 million rubles (about \$657) for allegedly illegal collection of 50 000 signatures for amendment of the religious legislation. The administrative report under Article 9.10 of the Administrative Code (violation of the legislation on realization of the right to legislative initiative of citizens) was drawn up against Pavel Seviarynets on 1 April at the prosecutor's office, where he was guarded by the policemen in civvies who had detained him in the metro. In his speech at the trial Pavel Seviarynets explained why he had not applied to the Central Election Commission with these signatures. He stated that the CEC had no authority and the results of the Belarusian elections were not recognized in the world. He also said that by its actions the prosecutor's office supported harassment of believers.

On 25 March the judge of Maskouski district court of Minsk Uladzimir Audzeyenka ruled to fine the pastor of the *New Life* Church Viachaslau Hancharenka 1.4 million rubles under Article 9.10 for collection of signatures under the demand to amend the religious legislation. Hancharenka was also fined 350 000 rubles (about \$164) for non-implementation of the ruling of Maskouski district prosecutor's office of Minsk by which he was obliged to let in the temple the state inspectors on energy.

On 25 March the lawyer of the *New Life* Church Siarhei Lukanin, coordinator of the Campaign for protection of the freedom of conscience Siarhei Lukanin was fined the same sum. Mr. Lukanin was tried in absentia, because at the time of the trial he was at the international conference of the European Christian democratic parties in Helsinki, reading a report about violations of the rights of believers in Belarus.

The right to peaceful assemblies

On 23 April Savetski district court of Minsk finished the trial on the lawsuit of the enterprise *Horremautador* against the organizers of the *European March*. All in all, Yauhen Afnahel, Viktor Ivashkevich, Zmitser Khvedaruk, Anatol Liabedzka, Alexander Milinkevich and Vintsuk Viachorka were sentenced to pay 2 240 770 rubles (about \$1,052) for additional expenses that had been allegedly caused to *Horremautador* by the change of the action route.

On 25 March Savetski district court of Minsk ruled to exact from the organizers of the European March more than 3.5 million rubles in demands of the state enterprises *Minskzelianbud* and *Remautador* of Savetski and Pershamaiski districts of Minsk.

According to *Minskzelianbud*, on 14 October 2007 the action participants trampled a lawn, broke a lime tree and several bushes. The enterprise demanded 1.4 million rubles in damages. The judge granted the claim. The *Remautador* enterprises of Savetski and Pershamaiski districts demanded from the rally organizers more than 2.1 million rubles for cleaning the territory after the action, which allegedly demanded additional personnel and equipment. Even bonus wages for the cleaners were introduced in this sum. This claim was also satisfied. Thus, the total sum of the compensations became almost 5.6 million rubles. In the beginning of May Savetski district court of Minsk was to consider six analogical suits.

On 25 March activists of Mahiliou regional branch of the Belarusian trade union of radio electronic industry held a working meeting which end-

ed with interrogation of its participants. According to the head of the regional branch Halina Lisitsyna, after a supper in a café the meeting participants started to disperse, whereas its organizers were detained by six policemen because of a 'signal' about an unauthorized action. The trade union activists were kept at the police station for more than three hours. The interrogation minutes were composed and some informational materials were confiscated from the detainees. The police ignored the statements that the trade union was an officially registered organization, whose members had the right to meet and discuss the daily issues. The trade union administration lodged a complaint with Kastychnitski district police department of Mahiliou.

Actions of security services

On 16 April the youth activist Krystsina Marchuk was interrogated for two hours at Hrodna KGB office. The writ that was presented to Krystsina by the dean of the philological faculty of Hrodna state university did not contain any information as to the reasons for the interrogation and her status. In the beginning of the talk the KGB workers blankly refused to introduce themselves. Then the girl said she would not give any statements. The KGB workers asked her about the circumstances of her detention in Minsk together with other members of *Young Front*. In the end the KGB officers warned Krystsina about criminal responsibility for participation in the unregistered organization.

In the middle of April an activist of the United Civil Party from Hrodna, Uladzimir Laryn, was summoned to Hrodna regional KGB office. The KGB officer Rushnitski warned the activist that in the case of further participation in the oppositional activities a criminal case under Article 342 (organization or active participation of actions that grossly violate the public order) could be brought against him. He reminded Laryn about earlier detentions and administrative penalties and participation in celebration of Freedom Day on 25 March. Written statements were taken from the activist, then he was let go.

Review-Chronicle of Human Rights Violations in Belarus in May 2008

In May the politically motivated court processes against participants of peaceful street actions continued. The youth activists Maxim Dashuk, Pavel Vinahradau, and Mikhail Subach were sentenced to personal restraint. Thus, the number of political prisoners increased.

Minsk city court turned down the appeal of the political prisoner Siarhei Parsiukevich against the verdict by which he had been sentenced to 2.5 years of jail. Parsiukevich had chronic illnesses and needed an urgent operation. On 26 May Parsiukevich's mother submitted an individual appeal to the UN Human Rights Committee because of violation of her son's right to freedom and personal immunity, guaranteed by Article 9 of the International Covenant of Political and Civil Rights, because after the detention Parsiukevich had the right to be immediately taken to court, which was to decide whether he was to be arrested or released.

The political prisoner Andrei Kim was transferred to Babruisk penal colony. On 2 May the lawyer lodged cassation appeal against the verdict to him.

On 29 March the presentation of the book *Thirst for Spring: politically motivated criminal cases in 2007* took place. The book was compiled by Belarusian Human Rights defenders. It includes publicist articles by different authors. Nasta Azarka, Zmitser Dashkevich, Zmitser Fedaruk, Arthur Finkevich, Barys Haretski, Yaraslau Hryshchenia, Natallia Iliinich, Andrei Klimau, Aleh Korban, Kanstantsin Lukashou, Nasta Palazhanka, Valery Shchukin, Ivan Shyla and Aliaksei Yanusheuski are the main characters of the book. The date of presentation was symbolic, because on 29 Mary

2007 the verdicts on the criminal case against five *Young Front* members were pronounced. The name of the book is also symbolic: it can be interpreted as an allusion to the events in Prague in the beginning of 1990-ies and as a hint that the characters of the book thirst for spring in Belarus.

In May the Belarusian authorities continued pressurizing public and political activists and punishing them with fines and arrests. The detention of about 30 members of the civil campaign *European Belarus* on 1 May looked absurd. At 12 a.m. the activists came to the National Library, to the celebration of May Day by the official trade unions, and unfolded the EU flags there. The riot squad used violence during the detentions. Six persons were sentenced to different terms of arrest. The chairman of the organizing committee of the Belarusian Social Democratic Party *Narodnaya Hramada* Mikalai Statkevich was sentenced to ten days of arrest for congratulating the present people on the holiday through a loud speaker!

Another absurd case is punishment of the journalist and editor, Viktor Hursik, with 15 days of arrest for installment of a cross in the memory of the victims of the Soviet partisans in the village of Drazhna. Khursik was accused of organization of unauthorized action. Earlier the democratic activist, Viachalsau Siuchyuk, served the same term of arrest on this case. The cross was dismantled on the order of the local authorities.

Escalation of the diplomatic conflict between the Belarusian authorities and the US continued as well. Following the expulsion of American diplomats and the threats to liquidate the US Embassy in Minsk State TV regularly accused Americans of espionage and financing the Belarusian opposition. 'American corners' were liquidated from the libraries of Belarus. Librarians did not hide the political motivation for closing these sections, the opening and stocking of which were financed by the US Embassy, which spent more than \$400,000 to supply the 'American corners' with books, audio and video-materials, computers and other equipment.

The Human Rights organization *Amnesty International* published its yearly report on the situation of Human Rights in the world (for May 2007-May 2008). The pressure of civil society and opposition activists and the

usage of capital punishment are noted in Belarus' section of the report. The struggle against capital punishment has been one of the main directions of the AI activity since the very beginning. The juridical practice in Belarus challenges the aims of this organization. Belarus is the only country in Europe and Central Asia that continues using capital punishment. The report draws numerous cases of criminal persecution for 'actions on behalf of unregistered organization', and the case of the Human Rights Center *Viasna* that was liquidated in October 2003. In July 2007 the UN Human Rights Committee considered the appeal against the liquidation of *Viasna* and ruled that by this liquidation the Belarusian authorities had violated the right to association and proposed that they improve the situation. However, the authorities ignored the proposal.

Politically motivated criminal cases

On 2 May the entrepreneur Siarhei Parsiukevich was transferred to the pre-trial prison in Zhodzina due to the repairs of the pre-trial prison in Minsk. The following day he had a meeting with his lawyer, Vera Stramkouskaya. She pointed that Parsiukevich felt bad and needed a medical operation because of polyposis. According to Stramkouskaya, the prisoner applied for early transfer to a penal colony, because from there he could be directed to the republican prison hospital for operation. On 21 May Siarhei Parsiukevich was placed to the medical department of the penal colony in Zhodzina, to a ward with psychically ill people. In a letter to his wife Parsiukevich wrote that he regretted the transfer to the medical department, as he was getting no real aid there.

On 30 May the college board of Minsk city court, headed by the judge Kamisarau considered the cassation complaint of Siarhei Parsiukevich. The arguments of the defense were ignored and the sentence was left in force.

On 27 May the judge of Tsentralny district court of Minsk Valery Yesman issued verdicts to three more accused in the 'process of 14' (participants of the peaceful protest action of entrepreneurs on 10 January 2008). Maxim Dashuk, Mikhail Subach and Pavel Vinahradau were found guilty under

Article 342, part 1 of the Criminal Code — ‘organization or active participation in the group actions that grossly violate the public order’ and sentenced to personal restraint without direction to open penitentiary institutions. Subach and Vinahradau got two years of personal restraint and Maxim Dashuk (who was under age) — 1.5 years. The last accused in the ‘process of 14’, Alexander Barazenska, was studying in a university in Wrocław, Poland. He did not come to the trial and was wanted.

On 2 May in the republican prison hospital the prisoner Andrei Kim had the first meeting with his mother after the trial. ‘The meeting lasted for about an hour’, said Tatsiana Kim. ‘Andrei looks cheerful and tries to soothe me so that I would not worry. His eyesight is getting worse and his eyes are red because of inflammation. I cannot say anything more than that, as the regime in the prison hospital is even closer than in the pre-trial prison.’

Upon being released from the hospital Andrei Kim was transferred to penal colony #2 in Babruisk. Tatsiana Kim found about it when she brought a parcel for Andrei to the pre-trial prison in Minsk. The cassation complaint against the verdict to Andrei Kim was passed on 2 May.

Administrative punishments to public and political activists

On 2 May the judge Yury Harbatouski found the politician Mikalai Statkevich guilty under Article 23.34 of the Administrative Code (violation of the rules of organizing and holding mass actions) and sentenced him to 10 days of arrest. On 1 May Statkevich was detained by the police near the National Library, at the official celebration of the Labor Day. He was kept in the remand prison in Akrestsin Street till trial. Commenting on the verdict Statkevich said he was imprisoned for ‘unauthorized rally at authorized rally’.

On 15 May Pershamaiski district court of Minsk sentenced in absentia the youth activists Yauhen Afnahel, Zmitser Dashkevich, Artur Finkevi-

ch and Pavel Yukhnevich to seven days of arrest on the same charges as Statkevich. After the detention on 1 May the police drew up violation reports against them for bringing the EU flags. However, since then they have received no summons to court.

On 3 May the judge of Krupki district court Andrei Siz considered two violation reports under Article 23.34, drawn up against the well-known Belarusian artist Ales Pushkin for congratulations of passers-by on the 90th anniversary of the Belarusian People's Republic. The artist was sentenced to a fine of 875 000 rubles (about \$411).

On 22 May the judge of Pukhavichy district court Sviatlana Akulich fined the public activist Siarhei Abrazouski 1.4 million rubles (about \$657) for alleged organizing in the settlement of Druzhny an unauthorized rally against construction of a chemical plant. Earlier Abrazouski was fined the same sum for another spontaneous meeting of protest, which took place on 22 March. The activist considers it as an attempt of the authorities to intimidate him. He stated that no one could stop the people's struggle against the construction of a pesticide plant in the location where refugees from Chernobyl-polluted areas lived.

On 23 May Hrodna city department of the Ministry of Emergency Situations fined the chairman of Hrodna branch of the United Civil Party Yury Istomin 1 050 000 rubles (about \$493) for alleged violation of fire security. The real reason for persecution is that on 13 May Istomin, supported by the General Consulate of Poland in Belarus, organized a concert of the Polish band *Transkapela* in the office of the United Civil Party.

On 27 May the judge of Chyhunachny district court of Vitsebsk Valiantsina Kismiaroshkina sentenced in absentia the Human Rights defender Pavel Levinau to 10 days of arrest under Article 17.1 (disorderly conduct) and to a fine of 700 000 Rubles (about \$329) under Article 23.4 (insubordination to the lawful demands of the police) in connection with the events that had taken place during the search at the apartment of Vitsebsk journalist Vadzim Barshcheuski on 27 March.

The right to association

The Ministry of Justice of the Republic of Belarus delayed the decision on registration of the public association *Center for support of Chernobyl initiatives*. In the ministry's answer it was stated that a positive decision could not be taken as certain paragraphs of the organization charter did not completely correspond to articles 9 and 10 of the Law *On public associations*. That's why the ministry decided to give the organization one month for correction of the registration documents. The head of the Center for support of Chernobyl initiatives, academician Ivan Nikitchanka, said that the real reasons for the registration delay were political.

The review instance of the Supreme Court of the Republic of Belarus upheld the verdict of the Supreme Court of 26 October 2007 for turning down the appeal of the public Human Rights association *Viasna* against its non-registration by the Ministry of Justice. In the letter signed by the deputy chairman of the Supreme Court V. Vyshkevich it is said that the review complaint of Ales Bialiatski, Uladzimir Labkovich and Valiantsin Stefanovich could not be granted. The Supreme Court did not agree with their arguments that the ministry hadn't provided any term for correction of the mistakes in the registration documents, because 'provision of such a term, according to Article 15 of the Law *On public associations* is a right, not an obligation of the registering agency'.

On 29 May the Supreme Court ruled to liquidate Hrodna regional branch of the NGO *BPF Adradzhenne* because of absence of office and legal address. 'Two years ago we were deprived of the premises where Hrodna regional, Hrodna city and two district branches were registered. As the rent fees for NGOs have been increased ten times, we did not manage to find an office we could rent,' explained the head of Hrodna regional branch of BPF *Adradzhenne* Siarhei Malchyk.

Torture and other kinds of cruel and inhuman treatment

In May the inhuman conditions in the Bahusheuski tuberculosis hospital in Vitsebsk region made the patients address the independent mass media. Human Rights defenders from Orsha and a correspondent of *Popular News of Vitsebsk* (<http://news.vitsebsk.cc>) visited the hospital. The ill complained about violations of the sanitation rules, malnutrition and absence of the radio, TV and newspapers, the possibility to use shower or sauna and restrictions of walks.

On 20 May the patients Natallia and Valery Drabysheuski were released from the hospital because of dissemination of information about the conditions in it. Orsha district prosecutor's office turned down the complaint against bad conditions in the hospital. Workers of the prosecutor's office explained that the hospital was situated in another district, but the Drabysheuskis considered such decision illegal, as they were citizens of Orsha. Then they mailed complaints to the prosecutor's offices of Orsha and Sianno and to Vitsebsk regional health care department.

Bear in mind that in the beginning of 2008 the patients of the tuberculosis hospital in the settlement of Navayelnia in Hrodna regional went on a hunger-strike of protest against the unsatisfactory conditions. Meanwhile, 2008 has been officially declared the year of health in Belarus.

On 29 May in the evening in Babruisk the public activist Ales Chyhir was detained by the police while returning home together with his family after celebration of his birthday. He was guarded to police department #1 of Babruisk town executive committee. The detention could be connected to the fact that Lukashenka was to come to the opening of the ice palace in Babruisk. The police drew up violation reports against the activist, in which they accused him of disorderly conduct and insubordination to the police. They also beat him. 'They beat me professionally: stretched out my neck, raised me by the hair and made 'swallow' (handcuffed the feet and arms together behind the back). I was lying on the ground and they put their feet on me... This action was directed by the police major

Toustsik, assisted by sergeant Pasholkin. They said they would cut my fingers off,' said Chyhir.

On 30 May the activist was taken to court, but the judge Natallia Charapukha returned the case to the police because of the mistakes in the reports. Ales Chyhir was released and went to the forensic expertise to register the beating. He also lodged a complaint to the MIA department of internal investigations against the unlawful actions of the police officers.

Freedom of expression and the right to disseminate information

On 3 May, the Universal Day of Press, representatives of the United Democratic Forces intended to hold an action of solidarity with the independent media of Belarus in Minsk. However, the police did not let them hand out the non-state newspapers *Narodnaya Volia*, *Tovarishch* and *Nasha Niva* near the Main Post Office. The republican prosecutor's office refused to accept the complaint of the action participants against the actions of the police, and Uladzimir Stanilevich, deputy chairman of the main police department of Minsk city executive committee, warned that if the activists handed out the press it would be qualified as an unauthorized mass action.

On 13 May the member of the Belarusian Association of Journalists Eduard Melnikau, coordinator of the *BelSat* satellite TV channel, was summoned to the KGB office for interrogation as a witness. The interrogation was lead by the investigator of especially important cases Viktor Shaban and concerned a criminal case on political cartoons that was brought in 2005. Bear in mind that on 27-28 March the offices of several mass media and the apartments of a number of journalists (including Melnikau) were searched, though victims of the unsanctioned searches could hardly have any relation to the cartoons which were put on the web three years ago. 'I was asked about my involvement with *BelSat*. I said that I was dealing with the official registration of this TV channel in Belarus and was doing it legally. I have no relation to the cartoons and informed the investigator about it,' said Eduard Melnikau.

On 16 May Tsentralny district court of Minsk sentenced the non-staff correspondent of the *Nasha Niva* newspaper Yaraslau Stseshyk to 5 days of arrest under Article 17.1 of the Administrative Code (disorderly conduct). The day before the journalist was detained near the supermarket in Niamiha Street, where participants of the underground youth movement *Bunt* were holding a poll. At the trial Stseshyk explained that he was just taking photos of the action and the policemen threatened him with ‘trouble’, because he photographed their faces.

On 16 May it became known that the latest issue of the non-state newspaper *Borisovskiy Novosti* did not reach its readers in time. The matter was that the administration of the printing house where the edition was printed noticed a small article about the youngest son of Alexander Lukashenka (about four years old), and refused to print the newspaper. Then the editor concluded an agreement for printing of this issue with another printing house. Thus, the issue was printed with a delay.

On 28 May the Ministry of Foreign Affairs refused to issue official accreditation to the correspondent of Radio *Racyja* Aliaksei Minchonak because ‘earlier he worked as a journalist for foreign mass media without official accreditation’. The journalist decided to apply for accreditation after the searches in the offices of independent radio stations on 27-28 March. This initiative was supported by the administration of Radio *Racyja*. However, Minchonak was not accredited by the ministry, though he brought there all the necessary documents.

The right to peaceful assemblies

On 21 May the activist of the movement *For Freedom*, member of the United Civil Party Uladzimir Katsora lodged an individual complaint with the UN Human Rights Committee. The matter was that during the last two years he had been arrested five times for his political activities. All in all, he spent in jail almost 40 days, 17 of them —for alleged violations of the law *On mass actions*. In his complaint Katsora writes that the police and the court violated not only the Constitution, but also Articles

19 and 21 of the International Covenant on Civil and Political Rights by punishing him for organizing public meetings with the politician Alexander Milinkevich.

In April Homel city executive committee published in the local state press its ruling #299 concerning the new rules for holding mass actions in the city. From now on representatives of political parties and NGOs must attach to their applications for authorization of pickets and meetings agreements with the police (for securing the public order), with the central city polyclinics (for medical service) and with the *HarSAP* state enterprise (for cleaning the streets after the actions). Lawyer Leanid Sudalenka, chairman of Homel city organization of the republican NGO *Legal Initiative*, commented: 'This ruling of the executive committee contradicts not only to the Constitution, but also to the international undertakings of Belarus in the sphere of Human Rights. This ruling legalizes requisitions from citizens.' Meanwhile, shortly before this Homel city executive committee prohibited all meetings and pickets initiated by NGOs and political parties, including the actions that concerned Chernobyl problems and liquidation of social guarantees. In 2007 refusals were received by 74 persons. Appeals to court gave no result. The court stated that the authorities had the right to ban pickets and meetings in order to protect the public order.

Activities of security services

Mr. Kandratouski, chairman of the psychoneurologic department of the central hospital in Slonim, received a letter signed by the chair of the local KGB office Alexander Mazalkou. By this letter he was ordered to check whether the chief editor of the non-state newspaper *Hazeta Slonimskaya* Viktor Valadashchuk and his relatives were on the register at the psychoneurological dispenser and drug abuse clinics. Besides, the military commissioner of Slonim district Yury Trush proposed that Valadashchuk should sign the agreement for a check-up by KGB, ensuing in temporary restriction of his personal immunity and privacy. Mr. Valadashchuk stated that such actions were a manifestation of the wish of the authorities to

liquidate *Hazeta Slonimskaya*, because at the same time the tax inspection intended to check-up the accountancy of the newspaper and the district executive committee will consider the question of prolonging the license for business activity.

On 23 May three KGB officers suddenly burst into the apartment of the Human Rights activist from Vitsebsk, Leanid Svetsik. They showed him the ruling of the prosecutor's office for initiation of criminal proceedings under Article 130.1 of the Criminal Code of the Republic of Belarus (fomentation of national and religious enmity). According to this ruling, Mr. Svetsik was considered a witness in the case of threats to certain citizens from the side of the underground neo-Nazi organization Russian National Unity (RNE).

The KGB officers also brought with them several persons to witness the search that was directed by the senior lieutenant of KGB and lasted 9 a.m. to 6 p.m. During the search the KGB confiscated from Svetsik his computer and supplies and printed Human Rights editions including the calendars which were dedicated to the 60th anniversary of the establishment of the UNO.

Then Mr. Svetsik, together with the confiscated items, was escorted to Vitsebsk regional KGB office and interrogated there for more than two hours by D. Sakovich. The interrogation was videotaped. On 30 May KGB interrogated Svetsik, the editor of the non-state newspaper *Kurier iz Vitebska* Uladzimir Bazan and the activist of the United Civil Party Alena Zaleskaya. All of them gave written undertakings not to disclose the details of the investigation.

Review-Chronicle of Human Rights Violations in Belarus in June 2008

The main events in Belarus in June were the official appointment of the parliamentary elections, the start of the electoral campaign and the adoption of the new law *On mass media* that considerably aggravated the situation of mass media in the country and was evidently repressive. 24 June the president of Belarus Alexander Lukashenka signed order #344 *On appointment of the elections to the Chamber of Representatives of the National Assembly of the Republic of Belarus of the fourth convocation*. By this document the elections were appointed on 28 September 2008. Short before this the Belarusian Helsinki Committee and other Human Rights defenders stated their intention to monitor the elections.

The chairman of the Belarusian Helsinki Committee, Aleh Hulak, and Ales Bialiatski, vice-chair of the International Federation for Human Rights (FIDH), answered journalists' questions at a press-conference on 12 June. The Human Rights defenders stated that the present electoral legislation allowed holding quite free elections, the main problem was in the practice of its implementation and the elections could be free and fair if there was political will for it. The authorities reacted to the initiative of the Human Rights defenders by pressurizing them and their families. On 12 June the 1st channel of the Belarusian TV advertised a program which insulted their honor and dignity. Then the whole of program was shown in the Sunday's *Panorama*. Apart from the attempt to discredit Human Rights activity the authorities also conduct a detailed tax check-up of Human Rights defenders. The BHC chair Aleh Hulak, its ex-chair Tatsiana Protska, the BHC member Zmitser Markusheuski, the Human Rights defenders Ales Bialiatski and Valiantsin Stefanovich and their families received orders from the Ministry of Dues and Taxes to fill asset and income declarations.

Despite the official statements of the country's authorities (including A.Lukashenka) that the elections would be transparent and democratic, Human Rights defenders registered many violations in this sphere, such as confiscation of printed agitation materials, detentions, trials and arrests. In Kine many activists were fined or imprisoned for participation in unauthorized mass actions. KGB and military enlistment offices pressured youth.

The hasty adoption of the new law *On mass media* by the Belarusian parliament caused a large resonance in the Belarusian and international community. Preparation of the law was initiated by the presidential administration and continued for five years in closed regime. The Belarusian Association of Journalists asked the authorities many times to admit its members to the sittings of the working group and the regular commission of the Chamber of Representatives who were working out the law. However, these requests were ignored. The draft law was extraordinary put on the agenda of the session of the Chamber of Representatives of the National Assembly on 10 June. The following day its consideration was appointed on 17 June. The BAJ lawyers received the text of the law only on 11 June. Having analyzed it they concluded that as a result of its adoption a severe blow would be delivered on independent mass media in Belarus, which could put them on the brink of extinction. Meanwhile, the law *On mass media* was adopted almost unanimously in the first reading: 93 deputies voted for it and only one against. On 27 June, on the eve of adoption of the law *On mass media* by the Chamber of Representatives in the second reading, the international community including the OSCE Representative on freedom of mass media Miklos Haraszti called upon the Belarusian authorities not to adopt this law because it could aggravate even the present, unreasonably severe restrictions to activities of mass media in Belarus. Several influential international organizations including the International Federation of Journalists addressed Alexander Lukashenka and the Soviet of the Republic, offering support in the reworking of the document with the aim to put it in line with the international standards and Human Rights. The law includes a number of novelties. It prohibits professional activities of foreign journalists on the territory of Belarus without official accreditation. Now mass media can be punished for

‘distribution of incorrect information which can harm the state or public interests’. Prosecutors of all levels receive the right to liquidate mass media. Despite the calls of the Belarusian and international community, on 28 June the Soviet of the Republic of the National Assembly of the Republic of Belarus adopted the law *On mass media*.

On 17 June the Chamber of Representatives of the National Assembly of the Republic of Belarus adopted the changes and supplements to the law of the Republic of Belarus *On counteraction to extremism* in the second reading. Oppositional politicians expressed their conviction that these changes would considerably limit the opportunities of political parties during the electoral campaigns. ‘The novelties in the country’s laws mean only the intensification of pressure on the opponents of the regime’, pointed the leader of the United Civil Party Anatol Liabedzka.

Politically motivated criminal cases

The lawyer of the political prisoner Alexander Kazulin Zmitser Harachka addressed the Prosecutor General Ryhor Vasilevich with a complaint. The lawyer said that any possibilities should be used to reverse the verdict by which Mr. Kazulin had been sentenced to 5.5 years of imprisonment.

Vitsebsk KGB office continued interrogating public and political activists within the frames of the criminal case on threats to public and political activists of Vitsebsk on behalf of the underground Russian neo-Nazi organization Russian National Unity (RNE). On 16 June they summoned the member of the Conservative-Christian Party BPF, Siarhei Kavalenka, for interrogation. Bear in mind that on 23 May KGB officers conducted a search in the private apartment of the Human Rights activist, Leanid Svetsik, in connection with this criminal case. Mr. Svetsik had given free consultations to those who had received threats from neo-Nazi and helped the victims in composing addresses to the appropriate state agencies.

The prosecutor’s office of Minsk again suspended the criminal case that was brought in 2005 for defamation of Alexander Lukashenka by means

of the political cartoons that were placed at the website of the unregistered organization *Third Way*. At the end of March the KGB searched the offices and apartments of independent journalists who worked for foreign mass media without official accreditation, allegedly to find evidence in this case. They also confiscated from the journalists computers and supplies. On 12 June the prosecutor's office stated that the confiscated items would be returned to the journalists.

On 28 June, after a sitting of the political council of the United Civil Party, the police preventively detained Mikhail Pashkevich who had been sentenced to personal restraint within the frames of the 'process of 14' (the criminal case against 14 participants of the rally of entrepreneurs that was held to protest against new restrictions on their work imposed by presidential decree #760). At the sitting of the political council the UCP delegated Pashkevich as its observer to the Central Election Commission. On 30 June the judge of Kastychnitski district court of Minsk Ryta Shahrai, considered the administrative case against Mikhail Pashkevich under Article 17.1 (disorderly conduct) and sentenced him to 7 days of arrest. In addition, he was fined 350,000 rubles (about \$164).

The right to association

On 19 June the Ministry of Justice again refused to register the Human Rights educational public association *Movement 'For Freedom'*. The official reason was that the charter aims of the organization allegedly did not meet the real ones. The Ministry of Justice stated that the real aims of the *For Freedom* movement did not meet the requirements of the law of the Republic of Belarus, which, according to Article 15 of the law *On public associations*, could serve as a legal reason to deny registration to it.

In June the organizing committee of the Belarusian Christian Democracy Party received a letter from the Ministry of Justice where it was stated that the organization was denied registration (for the second time). The reason was that the state agency did not understand the 'aims, tasks, subject and methods of activity of the organization'.

Freedom of expression and the right to disseminate information

On 16 June the editorial office of the *Narodnaya Volia* newspaper and the deputy-editor, Maryna Koktysh, received the official answers from Maskouski district court of Minsk to their lawsuits in which they asked the court to bring the presidential security and the Chamber of Representatives of the National Assembly to accountability for refusing to accredit Maryna as a journalist. The judge, V. Husakova, turned the claims down.

On 18 June the *Vitebskiy Kuryer* newspaper received warnings under two articles of the law *On press and other mass media*. The Ministry of Information stated that the newspaper had put an invalid address of the editorial board in the imprint (Article 26) and did not timely inform the ministry about the change of its address to get the registration certificate amended (Article 11).

On 22 June in Navabelitski district of Homel the police detained the civil activist, historian Sviataslau Shapavalau for handing out leaflets with explanation of the position of the United Democratic Forces concerning the upcoming parliamentary elections. Mr. Shapavalau was taken to the police station where 675 leaflets were confiscated from him and a violation report under Article 22.9 (distribution of printed periodicals without imprint) was drawn up. Leaflets cannot be considered as periodicals, that's why the actions of the police evidently contradicted legislation.

On 20 June in Hrodna the police detained the activist of the Belarusian trade union of radio electronic industry, Uladzmir Tabola, for the distribution of the newspapers *Hrodzenskaya Salidarnasts* and *Svaboda* at the check-point of the automobile aggregates plant. Mr. Tabola was escorted to the police station, where a report for confiscation of the newspapers was drawn up. Uladzimir refused to give any statements to the police, because the right to distribute information is guaranteed by the Constitution and he did not violate any laws. According to the police, the confiscated newspapers were to be directed to the ideology department of Hrodna regional executive committee for expertise, as a result of which the decision on the question of punishing Mr. Tabola would be undertaken.

Arrests and other punishments to public and political activists

On 12 June the activist of the democratic movement, Alexander Atroshchankau, was summoned to the KGB for giving statements concerning his complaint against KGB officers who had confiscated a computer and supplies from him. He managed to phone from the KGB office and say that he was being detained, after which his telephone was switched off. Alexander's relatives tried to find about his location during the whole day after the detention. He stood a closed trial at Tsentralny district court of Minsk and was sentenced to 15 days of arrest for alleged insult of the judge, Aleina Iliina, (Article 24.1 of the Administrative Code) at the 'process of 14'.

On 27 June the judge of Maskouski district court of Minsk Kharkevich found the member of the Belarusian Helsinki Committee from Maladechna, Eduard Balanchuk, a participant of the monitoring of the elections to the Chamber of Representatives of the National Assembly of the Republic of Belarus, guilty under two articles of the Administrative Code: Article 23.4, insubordination to the lawful demands of an officer on duty, and Article 17.1, disorderly conduct. The court paid attention only to the testimonies of the policemen who had detained the Human Rights activist near Minsk office of the Belarusian Helsinki Committee. The testimonies of Balanchuk's witnesses were ignored. As a result of the trial Mr. Balanchuk was sentenced to 10 days of arrest and fined 1,050,000 rubles (about \$493). Human Rights activists considered it as the beginning of repressions against those who openly stated their intention to take part in the election monitoring.

On 27 June the activist of the civil campaign *European Belarus*, Yauhen Afnahel, was preventively detained in Minsk. The police accused him of dirty swearing in public and drew up a report under Article 17.1, 'disorderly conduct'. The following day Tsentralny district court of Minsk found the activist guilty and punished him with 10 days of arrest. Earlier Afnahel was sentenced to 7 days of arrest in absentia, for participation in the Labor Day demonstration, held by the official trade unions near the National Library in the Uruccha suburb of Minsk. Thus, the activist had to spend 17 days in prison.

Politically motivated dismissals from work and expulsions from educational establishments

On 12 June the court refused to rehabilitate Leanid Autukhou, the chairman of Haradok district organization of the Belarusian Popular Front Party to work. Autukhou was dismissed due to the expiry of the labor contract. During the two days of trial Autukhou tried to prove that he was dismissed with violations of the law. In particular, he was informed about the dismissal less than a month before it. Nevertheless, the head of the district court Alexander Liashkevich did not grant the activist's petition for rehabilitation at work and compensation of the moral harm.

On 26 June Maskouski district court of Minsk considered the lawsuit of the chair of the cultural commission of the BPF Party, Franak Viachorka, against the Belarusian State University, from which he had been expelled in February 2008 (he studied at the third year of the journalistic faculty). The judge, Volha Husakova, stated that the procedural norms hadn't been violated during the expulsion and Viachorka's complaint had been filed after the expiry of the legal terms for it.

On 27 June the first-year student of the philological faculty of Hrodna State University, Siarhei Yenin, was informed about the order for his expulsion because of 'poor academic progress'. The student stated that the real reason for expulsion was his active public position. Siarhei is the author of a number of works in history and economy, in which he criticized the Belarusian authorities. The student also addressed the hotline of the directorate with critical remarks concerning the international exchanges.

The activist of the Belarusian Christian Democracy Party, Hanna Antonava, was expelled from her first year in the Belarusian philological faculty of Minsk Pedagogical University. The reason is that the student applied to the authorities for permission to hold a picket in support of the political prisoner Alexander Kazulin. At the dean's office Hanna was told that she studied in a state university and therefore was to support the policy of the state and the president.

The right to peaceful assemblies

On 4 June the judge of Minsk district court, Viachaslau Tuleika, sentenced the head of the *Memorial* section of the Belarusian voluntary society for protection of the monuments of history and culture, Viachaslau Siwchyk, to 10 days of arrest under Article 23.34 (violation of the rules of organizing and holding mass actions) for participation in the final stage of the photo contest 'My photos — my Kurapaty' that took place in the place of mass shooting of Stalin's victims on 3 June.

On 5 June the judge of Leninski district court of Hrodna, Natallia Kozel, found Hrodna Human Rights activist, Viktor Sazonau, and the head of Hrodna regional UCP branch, Yury Istomin, guilty under Article 23.34 and sentenced them to a fine of 1 050 000 rubles (\$488) each. The reason for the punishment was that during the concert of the Polish rock-band *Lombard* that took place on 2 May in Hrodna Istomin and Sazonau waived a white-red-white flag for six minutes. On 9 June the head of the Union of Poles in Belarus, Anzhalika Borys, was fined 1.4 million rubles for organization of the concert.

On 11 June in Polatsk the police detained and escorted to the police department the activists of *Young Front* Mikalai Dzemidzenka, Siarzhuk Karalionak, Ales Khaberau, Ales Krutkin and Katsiaryna Salauyova for unrolling the banner 'STOP DICTATORSHIP' in front of Polatsk town executive committee. Ales Khaberau felt bad and was driven away by ambulance. On 12 June the judge, V. Dzeravenka, fined each of the activists 1 050 000 rubles under Article 23.34.

On 17 June the judge of Slonim district court, Alexander Shylin, found the democratic activist, Ales Masiuk, guilty under Article 23.34 for organization of a public meeting with the politician Alexander Milinkevich and fined him 700,000 rubles (about \$325). The judge ignored the fact that the administrative report against the activist had been drawn up a month after the police report, though the law gives only ten days for it. Masiuk's petitions for invitation of additional witnesses and impeachment to the judge were declined.

On 20 June Pukhavichy district court found the dweller of the Dryzhny settlement, Siarhei Saldatsenka, guilty under Article 23.34 and fined him 525,000 rubles. On 28 June the judge of Pukhavichy district court, Anzhalika Danilava, fined Mikhail Kalinkevich, an invalid from Rudzensk, 350,000 rubles for participating in an unauthorized rally against construction of a pesticides plant by the Russian private company *August-Bel*. Before this Pukhavichy district court twice punished with fines the activist of the civil initiative against construction of the plant Siarhei Abrazouski and the teachers of Druzhny school, Nasta and Tatsiana Dylkous. Another participant of the action, Tatsiana Rysiavets, received a warning.

Activities of security services

The KGB continued the intimidation of students. According to the youth activist Ales Halavach, a KGB officer tried to force him to collaborate during a talk at the dean's office. In the case of refusal Halavach was threatened with expulsion from the Belarusian University of Culture, of which he was a fifth-year student.

Persecution of public, political and Human Rights activists

Like it used to be during the Soviet times, Belarusian authorities tried to use the obligatory army service as a repressive tool against youth activists. The Belarusian students who studied abroad were taken off at the border and informed that they were prohibited to leave Belarus. Their surnames were put on the lists of the persons who were subject to temporary foreign travel restrictions by the military enlistment offices. The youth activist of the BPF Party, Franak Viachorka, was not let out to Lithuania at the crossing point *Kamenny Loh* without any statements. Meanwhile, Viachorka had passed a district medical commission and got a 6-month deferment of army service because of an operation on his eyes. The student, Zmitser Buianau, who studied at Hdansk University in Poland was taken

off the train when returning to Belarus from Poland. He was told that he would not be let back because he was on a 'black list'. However, the military enlistment office had a certificate from the university with translation in Belarusian. That's why there the youngster was informed that he had a 12-month deferment from army service and he only needed to present such certificates every year. The head of the BPF youth wing, Ales Kalita, was professed unfit for army service by a district medical commission. Nevertheless, the authorities did not give up the idea of drafting him into the army. That's why at the military enlistment office he received direction to the republican medical commission.

Review-Chronicle of Human Rights Violations in Belarus in July-August 2008

At the end of June the parliamentary electoral campaign began. That's why July and August were defined by numerous violations in this sphere.

Oppositional activists were most often persecuted in connection with investigation of the explosion of a home-made explosive device which had taken place in the night of 3-4 July at the celebration of the day of liberation of Belarus from Nazi troops during the Second World War (called Independence Day by the present authorities). According to the information of the Ministry of Health Care, 54 persons applied for medical aid as a result of the explosion, 47 of them (including two children) were hospitalized. A criminal case under Article 339, part 3 of the Criminal Code (exceptionally malignant hooliganism) was brought on the fact of the explosion. The case was investigated by the Ministry of Internal Affairs, the KGB and the prosecutor's office. Officers of these state agencies conducted numerous searches, interrogations and arrests of democratic activists and members of political parties and civil initiatives. Among those who were arrested for 3-10 days there are members of an underground sportive-patriotic organization *White Legion* (that ceased to exist long ago): Siarhei Chyslau, Ihar Korsak, Miraslau Lazouski and Viktor Liashchynski, the deputy head of the youth organization of the Belarusian Popular Front, Human Rights defender Illia Bohdan, the member of the BPF Party Anton Koipish, the head of the organizing committee of the Belarusian Freedom Party Siarhei Vysotski, a member of the United Civil Party Alexander Siarheyenka and the activist of the *European Belarus* campaign Pavel Kuryianovich. During the interrogations the investigators asked the detainees not only about the explosion, but also about the oppositional or-

ganizations and their activities. Representatives of the opposition stated about the necessity of an independent public investigation of the explosion and warned the authorities against the use of the explosion as a pretext for starting a new wave of repressions against political opponents. Nevertheless, many political and public activists were interrogated, their apartments searched. They were forced to give their fingerprints and saliva samples and were photographed. In particular, fingerprints were taken from a pretender for candidate at South-Western electoral constituency #99, Yury Karetnikau, ten times and saliva samples — two times.

At the same time, tax inspections started checking the income and assets of well-known oppositional activists, especially those who expressed their intention to run at the parliamentary elections or monitor them.

The main event of August was granting parole to the last political prisoners — Alexander Kazulin (16 August), Andrei Kim and Siarhei Parsiukevich (20 August). The international community welcomed their release from jail. The Commissioner on external relations and the Member of the EC in charge of External Relations and European Neighborhood Policy Benita Ferrero-Walder called this a reassuring step. During his visit to Belarus the deputy assistant secretary for European and Eurasian Affairs at the US Department of State, David Merkel, held a number of meetings with representatives of the Belarusian authorities for normalization of the relations between Belarus and the United States. He spoke about the possibility of abolishment of the economical sanctions against Belarus. According to Mr. Merkel, the US approved of the release of political prisoners and was looking forward to seeing Belarus hold democratic parliamentary elections. He also said that the sanctions against Belarus could be abolished.

The head of the United Civil Party, Anatol Liabedzka, said that there was no reason to abolish the sanction against high-rank officials as long as the reasons for which they were imposed were not liquidated.

On 25 August the released political prisoners Alexander Kazulin, Andrei Kim and Siarhei Parsiukevich disseminated their joint statement. In

this document they demanded complete rehabilitation and reminded about the persons who were sentenced to personal restraint within the frames of the 'process of 14'. 'We are deeply convinced that release of several political prisoners now does not guarantee their absence in Belarus in future. It is necessary to seek institutional changes in the Belarusian legislation, real separation of the judicial and the executive authorities, complete rehabilitation of all political prisoners and prevention of such practice in the future,' notice the former political prisoners.

On 4 August the informational agencies *BelTA* and *Interfax* informed, with reference to the presidential press-service, that Alexander Lukashenka signed the law *On mass media*. On 28 August the draft law was adopted by the Soviet of the Republic. In the middle of July it was considered by the Constitutional Court of the Republic of Belarus and then was passed to the president. The Belarusian Association of Journalists several times addressed the deputies with the request to submit this document to an international expertise. The organization also proposed its own expert evaluation of it, pointing at certain repressive regulations. The law came into force on 8 February 2009.

On 5 August in Minsk the *Observatory for the Protection of Human Rights Defenders* presented the Russian version of the report on the countries of Europe and the Commonwealth of Independent States. The report shows that the freedom of association and the right to peaceful assemblies were violated in many countries. The activities of NGOs were under a vigilant watch. Obstacles were put to juridical legalization of their status. Some legally registered NGOs were liquidated. Pitifully enough, a special attention was again paid to Belarus in connection with illegal detentions, process violations and harassment of Human Rights activists. The event was attended by the representative of the World Organization against Torture (OMCT), member of the council of youth lawyers of Georgia *Tinatin Khidasheli* and the vice-president of the International Federation for Human Rights (FIDH), Ales Bialiatski.

Politically motivated criminal cases

In July the Belarusian Helsinki Committee passed to the subcommittee on Belarus of the Parliamentary Assembly of the Council of Europe and the Venetian commission of the Council of Europe its expert conclusion on non-constitutionality of Article 193-1 of the Criminal Code that envisages up to two years of imprisonment for activities on behalf of unregistered organizations. As the head of the BHC legal commission, Harry Pahaniaila, explained, the organization had addressed the Constitutional Court of Belarus concerning this issue, but had received a run-around. That's why the Human Rights activists submitted their conclusion to the international institutions for studying the situation in Belarus and giving their evaluation of the practice that restricts the civil right to association.

On 22 July the college board of Minsk city court turned down the complaints of ten people who had been sentenced to different terms of personal restraint within the frames of the so-called 'process of 14' for participation in a peaceful action of entrepreneurs in January 2008. Bear in mind that 13 of the accused had been punished by Tsentralny district court of Minsk. The last person studied in Poland within the frames of Kastus Kalinouski program for victims of political repressions in Belarus and was wanted. In the beginning of the trial the head of the College Board Uladzimir declined the petition for leading the trial in Belarusian. Despite the statements of the defense that the verdict to the activists was groundless and the action had been videoed with violations of the law, the College Board left the verdict unchanged. The activists said they would appeal against the unfair verdict at higher court instances.

The investigation of the criminal case brought on the fact of anonymous threats by the Russian neo-Nazi organization Russian National Unity (RNE) to public and political activists of Vitsebsk continued. At first the investigators considered the Human Rights defender from Vitsebsk, Leand Svetsik, as a witness. Then he became the main accused in the case, though there seem to be no real grounds for it.

Polish MPs started the process of nomination of the former political prisoner Alexander Kazulin for the Andrey Sakharov Human Rights prize. The action was initiated by the head of the European Parliament commission on relations with Belarus, Jacek Protasevicz. 'We have collected more than 30 signatures already. We intend to collect the last ones during the nearest plenary sessions of the European Parliament in the beginning of September', said Mr. Protasevicz. Bear in mind that for the first time the Andrey Sakharov prize was awarded to representatives of Belarus in 2004, when it was given to the Belarusian Association of Journalists. In 2006 it was awarded to the ex-candidate for president, Alexander Milinkevich.

The right to association

On 1 July the members of the liquidated cultural-educational NGO *Stary Horad* Yauhen Belasin, Iryna Laurouskaya, Palina Panasiuk and Siarhei Panasevich lodged complaints with the UN Human Rights Committee against the liquidation of the NGO for wire-drawn regions. In their complaints the activists presented the facts that prove the groundlessness of this liquidation and stated that the real reason for it was revenge of the authorities.

On 15 July members of the organizing committee of the Human Rights and educational NGO Movement *For Freedom* lodged with the Supreme Court a complaint against the decision of the Ministry of Justice not to register the association. It was the third refusal of the ministry in 2008. The trial took place on 6 August. The Supreme Court rejected the complaint of the organizing committee because of a technical mistake in the guarantee letter of the organization that agreed to provide an office for the legal address of the movement *For Freedom*.

On 16 July the members of the organizing committee of the Belarusian Christian Democracy Party also submitted to the Supreme Court a complaint against the second refusal of the Ministry of Justice to register the party. On 12 August the Supreme Court considered the complaint and, predictably enough, took the side of the ministry. Nevertheless, the

BCD members said they would apply to the ministry again for registration of their party.

On 17 July the Ministry of Justice of Belarus again refused to register the socio-ecological NGO *Center for support of Chernobyl initiatives* whose aim is to give aid to victims of Chernobyl accident and other anthropogenic catastrophes that caused radioactive irradiation. A founder of this organization, correspondent member of the National Academy of Sciences Ivan Nikitchanka thinks that the reasons for non-registering the NGO are wire-drawn: before this the officials were finding 'mistakes' in the filed documents, then they started speaking of 'incompatibility of some of the charter's provisions with the national laws' without giving any details. The founders of the organization said they would appeal against the registration refusal at the Supreme Court.

On 30 July the Supreme Court turned down the complaint of the founders of the association of pensioners against the refusal of the Ministry of Justice to register the organization. The formal reason for non-registration was that the ministry allegedly found some incorrigible mistakes in the documents that had been submitted for registration. Uladzimir Strakh, one of the founders of the organization, said that all these mistakes could be corrected, but the Ministry of Justice did not give such opportunity to the pensioners. It was the second attempt of the organization to obtain the state registration with the aim to have legal right to protect the social rights of elderly people.

In the beginning of August the justice department of Hrodna regional executive committee refused to register Hrodna regional organization of the Belarusian Social Democratic Hramada Party for the seventh time. Members of the party said that the court officers could substitute the documents that were filed for registration, because in the refusal it was stated that information about the place of work of one of the organization's members was incorrect. The head of Hrodna regional BSDH organization, Viktor Sazonau, stated that it was absolutely impossible, as the same documents were submitted to the ministry several times and the 'mistake' was found only during the last one. That's why Sazonau believes that the

real reason for non-registration is the unwillingness of the state authorities to have legal opponents.

Freedom of expression and the right to disseminate information

On 17 July the college board of Minsk city court turned down the complaint of the correspondent for the newspaper *Narodnaya Volia*, Maryna Koktysh, against non-accreditation at the Chamber of Representatives of the National Assembly. The court did not accept her complaint for consideration, after which the journalist decided to apply to a higher court instance. However, the college board of Minsk city court upheld the decision of the inferior court. Thus, the college board agreed that journalists had no right to protect their violated rights at court.

On 24 July in Vitsebsk the officers of Minsk department on struggle against organized crime searched the apartment of the director of the printing house *Vitebskiy Kurier*, Zhana Papova, within the frames of investigation of the criminal case brought on the 4 July blast. Bear in mind that this printing house published the only non-state public and political newspaper in the region, *Vitebskiy Kurier M*. As a result of the search the officers confiscated from Papova diskettes, CDs and flash-cards. They explained that these information carriers could contain the scheme of the explosive device. After the search, Zhana Papova was escorted for questioning on the struggle against organized crime at the regional police department. On the eve of these actions, 21 July, she had submitted to the police a letter with the demand to return the confiscated circulation of the first issue of *Vitebskiy Kurier M* or explain why the newspaper had been detained for several months already.

On 13 August the administrative commission of Chyhunachny district of Vitsebsk fined the local opposition activist and distributor of independent press, Barys Khamaida, 200,000 rubles (about \$94) for violation of the rules of trade. Mr. Khamaida said he would not appeal against this verdict. He believes that the amendment of the Constitution by the Belaru-

sian authorities in 1996 was unlawful and that since that time there was no independent judicial authority in Belarus. However, he is not going to stop distributing newspapers either.

On 28 August the judge of Leninski district court of Minsk, Mikhail Khoma, sentenced an activist of the civil campaign *European Belarus*, Pavel Luksha, to 10 days of arrest, who had been detained for distribution of the *Vybor* newspaper on 18 August. The newspaper contained articles with calls to boycott the upcoming parliamentary elections and participate in actions of protest against falsifications. The court considered it as ‘calls to participation in unauthorized action’ and punished the activist with ten days of arrest under Article 23.34 of the Administrative Code, ‘violation of the rules of organizing and holding mass actions’.

Administrative punishments to civil and political activists

On 1 July the court of the city of Baranavichy and Baranavichy district sentenced the activist of the *Young Front*, Zmitser Stankevich, to 10 days of arrest for handing out leaflets with information about the political prisoner Andrei Kim. Stankevich had been detained by the police who had drawn up report under Article 17.1 of the Administrative Code, ‘disorderly conduct’.

On 2 July the activist of the civil campaign *European Belarus*, Pavel Yukhnevich, was placed to the remand prison on Akrestsin Street in Minsk for serving seven-day arrest to which he had been sentenced in absentia by Pershamaiski district court of Minsk for participation in the official Labor Day action, held near the National Library by the official trade unions. Pavel Yukhnevich decided to come to the police on his own, not to be seized out in the street as it happened to the activist of the *European Belarus*, Yauhen Afnahel.

On 11 July the judge of Tsentralny district court of Minsk, Tatsiana Pauliuchuk, sentenced the activists of the United Civil Party, Mikhail Pa-

shkevich and Vasil Stazharau, to 15 days of arrest and Kiryl Paulouski — to ten days, in both cases under Article 17.1. The people were detained in the morning for an attempt to find about the fate of a member of their party Alexander Siarheyenka, for which they came to the local KGB office. After the detention the activists were escorted to Tsentralny district police department, where reports for ‘dirty swearing in public’ were drawn up against them.

On 16 July, Pavel Levinau, a member of the Belarusian Helsinki Committee from Vitsebsk, was taken from the hospital for serving the arrest term (on 26 May he had been sentenced to ten days of arrest under Article 17.1 of the Criminal Code by the judge Valiantsina Kismiaroshkina). The matter is that on 26 May the activist tried to get into the apartment of the journalist, Vadzim Barshcheuski, where a search was performed, but was detained by the policemen, who accused him of ‘dirty swearing’. Mr. Levinau spent almost two months appealing against the verdict by which he was sentenced to arrest and fined 700,000 rubles (about \$330) for insubordination to the police. According to the Human Rights activist, during all this time the officers of Pershamaiski district police department of Vitsebsk were trying to forcibly take him to serve the term of arrest: they kept watch near his apartment and watched his movement around the city.

The district tax inspection fined an activist of the entrepreneurs’ movement, Aliaksei Taustyka, 140,000 rubles (about \$657) on the basis of a customer’s complaint, for speaking Belarusian, which was considered as ‘tactless treatment of the customer’. The entrepreneur was not even allowed to familiarize himself with the complaint.

On 28 July the judge of Babruisk district court, Aliaksei Klimau, sentenced a local politician, pretender for candidate at these parliamentary elections, Alexander Chyhir, to ten days of arrest and to 2.1 million rubles (about \$986) fine for ‘disorderly conduct, insubordination to the police and defilement of a taxi car’. The politician was given the opportunity to appeal against the verdict. On 14 August a judge of Mahiliou regional court, Mikalai Hladki, ruled to turn Chyhir’s appeal down. He did not even explain the reasons for such verdict.

On 30 July the judge of Pukhavichy district court, Anatol Viazhevich, fined the civil activist, Siarhei Abrazouski, 1,750,000 rubles (about \$893) for organization of an unauthorized meeting against construction of a pesticide plant near the settlement of Druzhny. Mr. Abrazouski commented: 'Violations of Human Rights in Pukhavichy district witness that the Belarusian authorities mock at the people. We are shown that common people have no rights and the officials can do anything they want.' Siarhei Abrazouski was fined for the third time. Before this, he had been fined \$1,300 for meetings that had taken place in the settlements of Druzhny and Svislach in spring 2008.

In August the activist of the Belarusian Christian Democracy Party, Kanstantsin Shytal, was called to the office of a court marshal of Doksytsy district court to pay a 70,000 ruble (about \$33) fine for picketing at the market in Dokshytsy on 9 May. The trial took place on 10 July, but Shytal received no writ, though in the verdict it was written that he was informed but did not come to the court. Bear in mind that on 9 May 2008, Kanstantsin Shytal held a picket against abortions in Dokshytsy, which caused a great resonance among the local population and in mass media. 'It is a pity that in our country with a thousand-year Christian history the authorities consider the attempts of protest against antichristian and antihuman actions as a crime', commented Mr. Shytal.

The right to peaceful assemblies

In July Minsk city executive committee banned the pickets of solidarity with the political prisoner Alexander Kazulin that were to have taken place in Arlouskaya Street on 6 and 7 July. The reasons for the ban were not explained.

On 14 July about fifty representatives of oppositional parties and movements took part in an act in Kastychnitskaya Square in Minsk against the arrest of opposition activists in connection with the 4 July blast. The peaceful action was disbanded by the riot police, who beat the leader of the United Civil Party, Anatol Liabedzka. Medical exper-

tise registered five hematomas, but the politician saw no sense in applying to the court.

Brest city authorities prohibited the Human Rights activist, Raman Kisliak, to hold the act 'March of petty hooligans' on 30 July. By this action the Human Rights activist wanted to draw public attention to massive detentions and arrests of public and political activists under Article 17.1 of the Administrative Code (disorderly conduct). The official reason for the ban was that the stated place of the action did not correspond to the ruling of Brest city executive committee *On determining regular places for holding mass actions in Brest*. 19 applicants of the march appealed against the ban, but the court stated that trial of such lawsuits was beyond its competence.

On 12 August the court of Tsentralny district of Minsk sentenced the youth activist, Mauiuda Atakulava, to ten days of arrest. On the eve of the trial she was detained together with *Young Front* activists, Andrei Tychna and Ivan and Illia Shyla for picketing the Russian Embassy. All the detainees were escorted to the police station, but all of them except for Atakulava were under age, that's why she was the only person who was not released and had to spend the night in the remand prison in Akrestsin Street. The trial of the girl was closed and none of her friends were allowed to be present at it. The court verdict became known only when she was led out of the court hall.

Bear in mind that Minsk city executive committee banned a rally against the war in Georgia. The application for the rally was submitted by activists of the BPF Youth. The formal reason for the refusal was that the place of the action was too close to the metro and it contradicted the law *On mass actions*. At the same time, the authorities did not propose any alternative places for the actions.

Politically motivated dismissals from work and expulsions from high schools

On 14 July the activist of *Young Front* and the Belarusian Christian Party, Pavel Nazdra, was tried within the frames of a case brought by Mazyr military enlistment committee in June. Mr. Nazdra was accused of having not informed the military enlistment committee about his voluntary termination of the working contract. For this he was fined 70,000 rubles (about \$33), while all other people judged for the same thing were just warned.

On 30 July the police took the activist of Polatsk branch of *Young Front*, Ales Krutkin, out of his apartment and escorted him to Polatsk district police department, where a report under Article 25.1 of the Administrative Code for not coming to the military enlistment office was drawn up against him. Before this, at the end of June Mr. Krutkin was groundlessly expelled from the first year of the historical faculty of Polatsk State University.

The head of Kobryn organization of the Belarusian Popular Front Party Alexander Mekh, a candidate for deputy from the United democratic forces, was fired from the position of engineer of Kobryn department of gas-main pipelines of the open stock company *Beltranshaz*. Before the dismissal the head of Kobryn department of gas-main pipelines, Uladzimir Halashka, and the head of Kobryn KGB office, Andrei Basko, conducted a 'prophylactic talk' with him. They tried to persuade Mekh to refuse to participate in the elections, threatening him with dismissal. Mr. Mekh recorded the conversation with a voice recorder and publicized it with the aid of independent mass media. He also appealed to Kobryn district court against the decision of the enterprise administration not to extend his labor contract. The trial lasted for three days. On 22 August the judge of Kobryn district court, Alexander Babaskin, turned Mekh's lawsuit down.

Review-chronicle of Human Rights violations in Belarus in September 2008

On 2 September the presentation of the report *Incarceration conditions in the Republic of Belarus*, prepared by the International Federation for Human Rights with the aid of Belarusian Human Rights defenders, took place in Minsk. The report was composed on the basis of an international research mission and is a valuable source of information about the incarceration conditions in Belarus, as there is almost no reliable information on this issue due to absence of supervision over the penitentiary system in Belarus by any national or international agencies and institutions. During the presentation the FIDH secretary general, Louis Peres, welcomed the release of the last political prisoners by the Belarusian authorities, but stated that the situation of Human Rights in Belarus was still disturbing and the incarceration conditions in the country were extremely unsatisfactory and could be considered as a form of inhuman treatment, which is prohibited by the International Covenant on Civil and Political Rights and the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

On 28 September the elections to the Chamber of Representatives of the National Assembly of the Republic of Belarus of the fourth convocation took place. The elections were accompanied by Human Rights violations. The fundamental freedoms, such as the freedom of peaceful assemblies and associations, remained considerably restricted. The authorities continued persecuting their opponents, which did not let to create the atmosphere of trust and confidence. Despite numerous promises of the officials to hold free and democratic elections, the OSCE recommendations that had been made during the previous elections were not implemented. The Central commission for holding of elections and republican referen-

da refused to hold negotiations with representatives of the United democratic forces concerning the improvement of the conditions for the election campaigning.

According to the official information, the turnout was 75,3% and all 110 MPs were elected in the first vote. According to the head of the Central election commission, Lidziya Yarmoshyna, about two billion rubles were saved as a result. These means will be mostly spend on bonuses to members of electoral commissions. The list of the deputies voiced by Lidziya Yarmoshyna was almost the same as the list that had been sent to an independent newspaper *Narodnaya Volia* by an anonymous official and published several days before the elections.

263 candidates participated in the electoral race. According to the UDF, 66 representatives of the opposition were left during the last stage. There were no oppositional candidates in about 30 constituencies. Non-alternative elections took place in 16 constituencies. After calculation of votes the Central electoral commission received 24 complaints with the requirement to find the elections invalid. The results of the elections were disputed in 20 constituencies, but the CEC refused to consider the complaints and forwarded them to constituency election commissions.

Human Rights defenders conducted long-term monitoring of the elections at 86 constituencies. They concluded that the procedure of forming of constituency and precinct election commissions was performed with grave violations, people were forced to vote during the five days of early voting, the registration of candidates lacked transparency, the elections were closed and corresponded neither to the standards of the Copenhagen OSCE document, nor to the Belarusian legislation. Violations of the rules during calculation of votes made it impossible for the observers to really watch this procedure, which gives reasons for mistrust to the officially declared results.

Early voting started on 23 September. Among the typical violations on this stage the members of the campaign *Human Rights activists for free elections* registered concealment of all kinds of information from domestic

observers by members of election commissions (for instance, the observers were not told the number of the ballots received by precinct commissions from constituency commissions, the number of the persons included in the lists of legally registered voters and the turnout). On the first day of early voting at some precincts the ballot boxes were sealed without being examined by members of precinct election commissions.

Numerous cases of forced early voting were registered all over the country at enterprises and educational establishments. Printed calls to early voting were placed in shops, hairdressers', saunas, and hostels. Besides, the authorities consciously concealed it from the electors that according to the law the right to vote early could only be used if an elector had no opportunity to stay in the place of residence on the Election Day. Public and political activists were detained. Agitation materials were confiscated. On 23 September Yury Dziadzinkin, a journalist for *Narodnaya Volia*, was prohibited to take a photo at precinct #398 in Minsk. The commission members referred to the appropriate ruling of the head of the commission. Later the secretary of the Central election commission, Mikalai Lazavik, explained it with the journalist's failure to establish good relations with the commission members. Facts of violence were registered as well. On 28 September at 8 p.m. unidentified persons beat Uladzimir Bazan, editor of the non-state newspaper *Kurier iz Vitebska* and an observer at precinct #34 of Vitsebsk Kastrychnitskaya election constituency #20. The independent candidate Andrei Levinau was also beaten in the porch of his house. Both cases took place in Vitsebsk.

The international observation mission of the OSCE concluded that the Parliamentary elections in Belarus did not correspond to the democratic standards and stated that there were many violations and falsifications. The USA did not recognize the results of the elections either. Only the mission of CIS observers declared the elections in Belarus free and democratic.

Oppositionists and independent observers declared that the results of the elections were forged and the turnout was overrated. On 28 September a peaceful action of protest against the rigged elections took part in

the center of Minsk. The minister of interior Uladzimir Navumau called it a rude violation of law and order and threatened that a 'legal evaluation' would be given to it.

The head of the Belarusian Association of Journalists, Zhana Litvina, became the holder of the Human Rights prize of Friedrich Ebert Foundation for 2008.

Fines and arrests

In September Kletsk district executive committee adopted ruling #886 *On empowering the duty officials of Kletsk district executive committee to draw up reports on administrative violations.*

The local dwellers were warned about it by the publication in the local state newspaper *Da Novykh Peramoh*, where it was written that some of the officers of Kletsk DEC gave themselves the right to draw up reports under a number of articles of the Administrative Code (in order to fine the local dwellers) and would receive the appropriate blanks for it. The list of the 'executive officers' included the deputy heads of the DEC, the heads of its departments, main specialists, policemen and officers of the ideological department.

By this ruling Kletsk district executive committee also obliged all village executive committees on the territory of Kletsk district to adopt similar rulings and empower their workers to fine their fellow villagers: for throwing litter in the streets, using foul language and insulting the officials during visits to their offices. The total number of 'fine' articles is more than 45.

On 5 September Savetski district court of Minsk punished the youth activist, Vadzim Khaniauka, with 15 days of arrest for 'disorderly conduct'. After his release from jail Vadzim told about the details of his detention. 'As soon as I entered the garage where I kept some materials related to the *Boycott* campaign, a police car with riot policemen arrived. They

must have been watching me. They knocked me down and started beating. Then they drove me to Savetski district police department and drew up a false report,' he said.

On 5 September the police also detained the activist of *Young Front*, Dzianis Karnou. The police and KGB officers conducted a search in his apartment. Some hours later Karnou was released from the police station.

On 13 September, during the official celebration of the 866th anniversary of Homel, activists of *Young Front* raised a white-red-white flag in front of the eyes of the authorities. The police seized Andrei Tsianiuta, knocked him down and started beating him. As a result he got a knee injury and dislocation of a finger. At the police station the policemen drew several reports in which the detainee was accused of dirty swearing and resistance to the police. Andrei spent the night in a small room on a concrete floor. In the morning he demanded that a doctor was called. The medics diagnosed him with pneumonia. Nevertheless, the *Young Front* activist was set free only after 15 hours.

In the night of 14-15 September the youth activists Mikhail Iliin and Yauhen Skrabets were detained for the *Boycott!* graffiti. In the morning, when it was found that a criminal case could not be broguth for the harm inflicted, the police drew a report under Article 17.1 (disorderly conduct). Maskouski district court of Brest punished the activists with five days of arrest.

On 23 September Andrei Tsianiuta was set down from a train to Minsk. The police accused him of evasion from trial. Andrei was again locked in an isolation ward for the night. The following morning Chyhunachny district court of Homel sentenced Tsianiuta to seven days of jail and fined him 700,000 rubles (about \$325).

On 29 September the commission on affairs of minors of Salihorsk district executive committee considered the administrative cases against participants of a picket against the war in Georgia that had been conducted near the Russian Embassy in Minsk on 11 August. The action was violently disbanded by the police. The commission delivered a warning to

16-year-old Illia Shyla. His elder brother Ivan was fined 875,000 rubles (about \$400).

Torture and other kinds of cruel and inhuman treatment

On 1 September in Salihorsk the police detained and beat Yana Paliakova, a member of the electoral team of a candidate Volha Kazulina. Three policemen escorted her to the police station, where the woman felt bad, after which an ambulance escorted her to the hospital under the police surveillance. The medics registered bodily injuries on one hand and both legs. Yana Paliakova addressed the procuracy with the request to hold a check-up concerning the abuse of official powers by the police officers.

On 7 September the member of the youth wing of the United Civil Party, Yury Panasiuk, told Human Rights defenders about the unlawful actions of officers of secret services including tortures. They approached him in the street and one of them hit him in the chest without saying anything. Two others seized him by the hands, handcuffed him and then threw on the back seat of their car. Then they started asking him about the explosion that had taken place in Minsk on 4 July. Suddenly one of them took out a knife. Trying to protect himself from it, Panasiuk had two fingers on the left hand cut. He was hit in the head several times and then was thrown out of the car. Yury considers it as an attempt to intimidate youth activists.

Freedom of expression and the right to disseminate information

On 9 September Iuyue district court considered the lawsuit of the head of Hrodna regional KGB office, I. Siarhiyenka, in which he demanded that issue #127 of the independent newspaper *Svaboda* (14-27 August 2008) was confessed extremist. Judge A. Toustsik agreed that the newspaper con-

tained materials that propagated extremist activities and genocide of the Osetian people by the Georgian authorities, and ruled that the whole circulation of the newspaper that had been confiscated on 19 August was to be destroyed. It was the first of a number of similar trials concerning 'extremist materials that initiated by Hrodna regional KGB office.

On 18 September a preliminary meeting of the sides on the civil case *On confessing of informational materials as extremist* took place at Kastrychnitski district court of Hrodna. The case was brought on the initiative of Hrodna regional KGB department. As it was found at the trial, nine persons from whom 'potential extremist' production had been confiscated during the recent years were defendants in the case: Barys Haretski, the member of the United Civil Party Uladzimir Laryn, Zmitser Malchyk, Yury Martsinovich, the journalist Andzhei Pisalnik, the Human Rights defender Valer Shchukin, Yauhen Skrabutan, Aliaksei Trubkin and Stanislau Yodka. Among the 'extremist materials' there was the Review-chronicle of Human Rights Violations in Belarus in 2004 (prepared by HRC *Viasna*), confiscated by the customs officers from Aliaksei Trubkin. According to the court verdict, the book 'contains a considerable number of photos from mass unauthorized protest actions in the Republic of Belarus (*Freedom Day, Chernobyl Way, Dziady*) of anti-Belarusian orientation, and materials with traits of calls to seizure of the state power in a non-Constitutional way and organization of mass riot'.

Only three out of nine defendants came to the court. After a separate talk with each of them the judge Alexander Sitsko said that that case would be considered in October. No journalists and Human Rights defenders were allowed to be present during the 'conversations'.

On 15 September judge of Pukhavichy district court, Liliya Rukhlevich, rejected the lawsuit of the dwellers of the settlement of Druzhny against Pukhavichy district executive committee. By this verdict the citizens were prohibited to familiarize with documents of Pukhavichy district executive committee related to the planned construction of a chemical plant by a Russian private company *August-Bel*. 'Apart from ecological information these documents witness that the local population protests against con-

struction of this plant. That's why it very necessary for us to receive them. We are trying to prove that the people expressed their negative attitude to such plans, and that the authorities lie about it,' said Nastassia Rys-iavets. According to her, on 3 September Pukhavichy district court held a preliminary meeting with the plaintiffs. On 10 September the court requested from Pukhavichy DEC the documents related to construction of the plant, but on 12 September only the judge and the prosecutor familiarized with them.

On 14 September the *Young Front* activist, Andrei Tychyna, was detained at the central market of Salihorsk for distribution of the independent newspaper *Svobodny Salihorsk*. The police handcuffed him and escorted to the police station. 40 copies of the newspaper were confiscated from the detainees and an appropriate report was drawn up. In an hour the youngster was let go.

The right to peaceful assemblies

On 12 September the vice-head of *Young Front*, Nasta Palazhanka, addressed Minsk city executive committee with the request to authorize a picket, which the opposition intended to hold on 28 September in Kas-trychnitskaya Square in order to inform the Belarusian society about falsifications and repressions during the electoral farce. The city's authorities answered with a refusal. Moreover, on the eve of the action its organizers were called to the police and prosecutor's office, one by one. All of them were warned about possible criminal punishment.

On 15 September activists of Polatsk branch of *Young Front* were refused the authorization of the picket *Boycott 2008*, which they intended to hold on 20 September. The official reason for the refusal was that a children's movie was to be shown in the nearest cinema and the action could hinder the spectators. 'It is an evident law violation, that's why we have already applied Polatsk town executive committee, the prosecutor's office, the local election commission and the Central election commission', stated an activist of *Young Front* Ales Krutkin. Bear in mind that sever-

al days before it the secretary of the Central election commission, Mikalai Lazavik, said that it was not prohibited to agitate for boycott of parliamentary elections.

The authorities of Barysau banned the festival of Christian music that was organized by representatives of Orthodox, Catholic and Protestant confessions. About a hundred of musicians and singers from different parts of Belarus were to have taken part in it. The festival was to have lasted from 16 to 21 September. About 1,5 thousand people gathered for the action. However, ten minutes before its beginning a representative of the ideological department of Barysau stated that the permission for holding the act 'lost its legal force' and the festival was prohibited. She explained that the organizers did not check the program of the festival with the authorities. They also allegedly did not solve the security issues and did not organize the cleaning of the territory after its end.

The right to association

On 30 September Rechytsa district court started considering the preliminary lawsuit of the independent Belarusian trade union of radio electronic industry against Rechytsa district executive committee concerning the refusal of the latter to register a district trade union unit. The judge, Anatol Strelchanka, requested the appropriate documents confirming the admission of new members to the trade union and the legality of creation of the territorial unit.

By the way, it was already the second trial in Rechytsa concerning non-registration of new units of the trade union by the local authorities. In summer the same judge rejected a similar suit of the trade union. He stated that it was an argument of two subjects of economy and it was not in his powers to consider such cases.

Politically motivated dismissals from work and expulsions from educational establishments

In the beginning of September a first-year student, Rastsislau Pankratau, was expelled from Mahiliou State University. The official reason is 'poor academic progress', but the activist considers it as revenge for his public and political activities. Before the expulsion he was visited many times by KGB officers, who threatened him.

A member of the Belarusian Christian Democracy, Tatsiana Shambalava, who participated in the electoral campaign as a pretender for candidate from the United democratic forces, was also expelled from Mahiliou State University.

The activist of *Young Front*, Mikola Dzemidzenka, was expelled from Polatsk State University. Before the expulsion he was detained several times by the police for distributing agitation materials and *Boycott* stickers.

Katsus Zhukouski, Homel coordinator of the organizing committee of the Belarusian Christian Democracy Party, was dismissed from after a visit of unidentified persons to the director of his enterprise. After a conversation with them the director advised Zhukouski to revoke the application for registration of his initiative group. The activist refused. Then the director told him to write an application for stopping on his own will. The head of Zhukouski's initiative group, Alexander Sivakou, was also fired after his boss advised him to stop his electoral activities.

On 29 September the administration of the Central clinical hospital, where Ivan Bedka, the head of the electoral headquarters of the oppositional candidate Ivan Sheha, was working as an orderly, broke the working contract with him before the expiry of the contract term. No statements were offered to Bedka. A year was left for Bedka to his pension. 'I am going to appeal against the dismissal at court, as employment contracts can be stopped when at least three years are left to pension', said the activist.

Freedom of conscience

In the evening of 10 September, during the regular prayer for return of the building of Minsk St. Joseph church (a monument of Baroque architecture, built in the 17th century) to the believers, the head of a department of the Committee on national and religious affairs Alexander Kalinau met with the believers. He promised that the temple would be returned to them and called them to stop the termless fast by which they were trying to get the building back.

Capital punishment

As stated by the head of the Supreme Court, Valiantsin Sukala, at the press-conference in Minsk on 9 September, in 2008 only one person was sentenced to death in Belarus. According to the official, this number witnesses that death penalty is used very rarely and Belarus almost reached a moratorium on it. He also pointed that the introduction of a moratorium was in the competency of the president and the legislative authorities, but the judges were psychologically ready to it. 'On the other hand', Sukala stated, 'we mustn't forget about the results of the 1996 referendum, at which the majority of citizens of Belarus supported the use of capital punishment'.

Politically motivated criminal cases

The Polish MPs nominated the ex-candidate for presidency and ex-political prisoner Alexander Kazilin for Andrey Sakharov prize, awarded by the European Parliament. The prize holder was to be declared in the middle of October. The Andrey Sakharov prize For Freedom of Thought was founded by the European Parliament in 1988. It is awarded every year for merits in protection of Human Rights and fundamental freedoms. In 2004 the prize was awarded to the Belarusian Association of Journalists and in 2006 — to the former candidate for president, leader of the unregistered movement *For Freedom*, Alexander Milinkevich.

Review-Chronicle of Human Rights Violations in Belarus in October-November 2008

At the end of September the elections to the Chamber of Representatives of the National Assembly of the Republic of Belarus were over. In October the candidates continued appealing against the official results. The Central Election Commission received 35 complaints. At its sitting on 13 October the CEC rejected the complaints of 27 candidates. On 24 October five more complaints were turned down as well. Mikalai Lazavik, secretary of the Central Election Commission, stated that the plaintiffs had no more instances to complain to: 'according to the election laws in such issues the decision of the Central Election Commission is final and is without appeal'.

On 9 October the sitting of the Presidium of the political council of the United Democratic Forces summed up the results of the parliamentary election. In the presidium's resolution it was stated that 'at the final stage of the election to the Chamber of Representatives at certain constituencies democratic candidates faced with serious counteraction in their electoral activities'. The authors of the document pointed that, despite Alexander Lukashenka's official statements, observers were not admitted to the majority of precincts for monitoring of the vote counting, and in some cases observers of the United Democratic Forces were removed from precincts by representatives of law-enforcement agencies.

The opposition's leaders stated that 'the authorities rejected the constructive proposal of political parties on holding of TV debates between the pro-governmental candidates and the UDF ones concerning the daily issues that interested the electorate. The authorities also used the procedure of early voting in order to provide the attendance and manipulate the

election results.’ The presidium of the political council of the UDF shared the opinion of the OSCE observation mission, according to which the election did not correspond to democratic standards. It also proves the rightness of the UDF strategy, aimed at presentation of convincing evidence of the non-democratic nature of the election campaign at all its stages and of manipulation of the election results. The opposition leaders considered the concentration of their efforts on amendment of the electoral legislation and the practice of its usage as one of the most important tasks of the UDF, aimed at holding really free and fair elections.

On 9 October the European Parliament adopted its resolution on Belarus by the overwhelming majority of votes. 598 deputies voted for it, 31 — against and 22 deputies abstained. The resolution called upon the executive organs of the EU to simplify the procedure of giving European visas to Belarusian citizens, suspend the visa sanctions to some Belarusian officials for six months to give them some time for reviewing the discriminative law on mass media. At the same time, the proposal to suspend the Visa sanctions did not concern the persons who participated in violations of democratic electoral standards and Human Rights. Meanwhile, in its resolution the European Parliament expressed its deep disappointment with the fact that none of the democratic changes for which the EU hoped have took place in Belarus and the election (despite small improvements) did not correspond to the OSCE standards. The EU also urged the Belarusian government to abolish a number of articles of the Criminal Codes that were used for repressing political opponents, to abstain from persecution of the Belarusian students who studied abroad after expulsion from the Belarusian high schools because of their civil activities, and also to remove obstacles on the way on NGOs’ registration. Belarus was also criticized for still being the only European country that used the death penalty.

On 13 October the European Union suspended for six months the Visa sanctions against Lukashenka and other high-ranking state officials that had been introduced after presidential election 2006. Only the four figurants of Pourgourides’ memo (Navumau, Paulichenka, Sheiman and Sivakou) and the head of the Central Election Commission, Lidziya Yarmoshy-

na, were left on the black list. The US did not join this decision. According to the deputy assistant of the *US* Secretary of State, David Merkel, Washington reacted to release of political prisoners in Belarus with six-month suspension of economical sanctions against two Belarusian enterprises — *Belnaftakhim* — *Lakafarba* (*Belarusian oil chemistry* — *Laquer and Paints* and *Polatskshklovalakno* (*Polatsk Fiberglass*). The US intended to soften the sanctions against Belarus if the official Minsk made new steps for improvement of the situation of Human Rights and development of the civil society.

Belarus was on the 154th place out of 173 in the rating of freedom of mass media for 2008, published by the international Human Rights organization *Reporters without Borders*. According to the organization's experts, the situation of mass media did not improve in comparison with 2007. This year's place is even lower than the last year's one (151st). In the report of *Reporters without Borders* it was stated that the Belarusian authorities who hold the monopoly on electronic mass media continue pressurizing independent press and internet editions.

Freedom of expression and the right to disseminate information

On 6 October the editorial office of the state monopolist *Belsayuzdruk* again refused to sell the independent newspaper *Nasha Niva* at the state newsstands. In his interview to the press-service of the Belarusian Association of Journalists the chief editor of *Nasha Niva*, Andrei Skurko, said that the editorial office would continue making cooperation proposals to *Belsayuzdruk* in order to show that it would not put with economical and political discrimination of non-state press. Bear in mind that in the beginning of 2006 (on the eve of the presidential election) *Belsayuzdruk* broke the sale agreements with *Nasha Niva* and a number of other non-state newspapers. Another state monopolist, *Belposhta*, simultaneously refused to distribute these newspapers by subscription. The attempts of the excluded newspapers to return to the state distribution system gave no result.

On 5 November the College Board of Hrodna regional court reversed the verdict of Iuye district court on confession the materials that had been published in August issue of an unregistered newspaper *Svaboda* extremist. The judges of the regional court stated that Iuye district court had considered the case with violations of the legal procedures (in absence of all interested sides). That's why the case was returned for the second trial.

On 19 November photo-correspondent, Uladz Hrydzin, accompanied the youth activists of the BPP Party who were handing out leaflets with the text of the Declaration of Students' Rights at the Belarusian National Technical University in order to mark the International Student Day. The university guards detained the youngsters together with the journalist and passed them to the police. Then the detainees were taken to the police station. In 1,5 hours all of them were released.

On 21 November the members of *Young Democrats* (youth organization of the United Civil Party), Danila Barysevich and Mikhail Pashkevich, were detained in the building of Minsk Savetski district executive committee for distribution of the officially registered newspaper *Novy Chas*. Barysevich and Pashkevich came to the offices and offered the newspaper to the officials. In response one of the officials called the police. As a result the detainees were taken to the police station.

The right to association

In October the deputy head of Homel regional organization of the United Civil Party, Uladzimir Katsora, applied to the Constitutional Court with the demand to implement the decision of the UN Human Rights Committee on the renewal of the legal status of the *Civil Initiatives* NGO. In October 2006 the Committee stated that the *Civil Initiatives* that had been liquidated in 2003 was to be rehabilitated in 90-day term after adoption of the abovementioned opinions on violations of the right to association by the Belarusian authorities. However, numerous addresses to the state organs of Belarus gave no results. That's why U. Katsora asked the Constitutional Court to take measures for protection of civil rights of the or-

ganization's members. Similar addresses were directed to the Ministry of Foreign Affairs and the Ministry of Justice.

On 16 October the Ministry of Justice refused to register the publican association of Belarusian pensioners *Our Generation*. According to the head of the department of public associations of the Ministry of Justice, Aleh Slizheuski, the organization was not registered because of the written statements of its members: one of them allegedly had not taken part in its constituent assembly and another stated that the assembly had been held in Minsk, not in Minsk regional, as it was stated in the documents that were passed for registration.

Members of the initiative group of the NGO said they would defend their right to association, defend the rights of pensioners and deal with informational and educational activities. By the way, in 2005-2006 many of members of *Our Generation* tried to establish the republican association of pensioners under the title *Stareishyny (Elders)*. The Ministry of Justice also refused to register it. The refusal was also upheld by the Supreme Court, at which the organization founders appealed against the ministry's decision.

The right to peaceful assemblies

In October Minsk authorities refused to lend to the BPF Party an office for celebration of its 20th anniversary. The party administration intended to hold a large solemn event at the Culture House of the Minsk Automobile Plant on 19 October. On 9 September an appropriate requirement was submitted to the administration of the Culture House and to the administration of the International Education Center that was considered as an alternative by the party administration. On 15 September the party also addressed the presidential administration and Minsk city executive committee with the request to foster the renting of one of the abovementioned or any other premises. The presidential administration forwarded this statement to Minsk city executive committee. Minsk CEC, in its turn, informed the party administration that 'determination of the place

of the assembly is the duty of the persons who are responsible for organizing and holding this event’.

On 20 October the Supreme Court did not grant the complaint of Brest activist, Andrei Sharenda, who had been sentenced to a huge fine for participation in the action of protest of entrepreneurs on 21 January. The oppositionist stated that such punishment violated his civil rights, including the right to expression and the right to peaceful assemblies.

Astravets district executive committee did not grant the application of Ivan Kruk and Mikalai Ulasevich for holding of five informational pickets in Astravets district for informing the population about the dangers and possible consequences of construction of a nuclear power station on the territory of one of the ecologically cleanest areas of Belarus. The organizing committee of the civil initiative against construction of the nuclear power station is headed by the teacher of geography Mikalai Ulasevich. In the answer, signed by the first deputy head of Astravets district executive committee Slavinski it was stated that ‘the aims and methods of the picket excess the demands, presented in the Law of the Republic of Belarus of 30 December 1997 #114-3 *‘About mass events in the Republic of Belarus’*’.

Politically motivated criminal cases

On 27 October in Minsk the civil activist, Alexander Barazenska, the last defendant in the ‘process of 14’, was detained and placed to pre-trial prison. There he held one-week hunger-strike of protest against the restraint. According to Barazenska’s lawyer, Pavel Sapelka, the trial could be appointed earlier or the restraint to his defendant could be changed so that he would not have spent so much time in jail. However, the authorities did not do it. The trial was appointed on 8 December. At first it was announced that the case would be tried by Judge Valery Yesman (but he was deprived of his seat because of involvement in corruption crimes), then — that it would be Natallia Vaitsiakhovich.

Youth activists held a number of actions of solidarity with the political prisoner. Some of them ended with detentions. In particular, on 24 November the police detained 13 participants of one of such actions with the use of physical force. According to Palina Dziakava, all detainees were escorted to Maskouski district police department. There they were fingerprinted and their passport data were taken down.

At the end of October, Uladzimir Siarheyeu (another defendant in the ‘process of 14’, coordinator of *Young Belarus* in Minsk) received an official answer from Minsk city court, signed by its chairman V.Putsila. The court did not grant Siarheyenka’s review complaint against the verdict by which he had been sentenced to pay 3.5 million rubles fine (about \$1,643) for participation in the protest act of entrepreneurs. In the answer it was stated that ‘the defendant’s guilt has been completely proved and there are no reasons for reversal of the judgment’. This decision was taken despite all absurdity of the case, Siarheyeu’s arguments about numerous process violations, contractions of the policemen’s testimonies to the reality, illegal use of doubtful video and photo materials as evidence, etc. ‘Now nothing is left to us but to continue struggling for justice and abolishment of the sentence. I will participate in informational campaigns together with other 13 defendants and *Young Belarus* for getting the sentences abolished. We must influence the events as long as we have such opportunity,’ commented Uladzimir Siarheyeu.

In November the criminal cases against three suspects in relation to the blast that took place in Minsk on 3-4 July were dropped. On 29 October one of them, Mikhail Sharamet, received an appropriate letter from the main police department of Minsk city executive committee. Suspicion was also removed from the leader of the unregistered organization *Right Alliance*, Yury Karetnikau, and the Human Rights defender, Illia Bohdan.

Administrative detentions and punishments to civil and political activists

On 1 October, after the end of the parliamentary election, in Babruisk civil activist Alexander Chyhir was taken to prison for serving 10-day arrest. The administrative case has been brought against Chyhir after the incident with a taxi driver who was driving Chyhir, his wife and child home on 29 May. The driver refused to give to the passengers the receipt (he had no cash register) and took them to the police station instead. Then Alexander Chyhir was accused of threatening the driver, defilement of the car and insubordination to the police. Despite the fact that Alexander Chyhir was beaten by the policemen, their actions were professed lawful and the activist was fined 2.1 million rubles (about \$913). In addition, Chyhir was sentenced to pay 900,000 rubles to the driver, Siarhei Kasilovich, for the harm allegedly done to his car.

On 24 October the judge of Svetlahorsk district court, Iryna Aliseika, fined three democratic activists (the head of Salihorsk district organization of the Party of Belarusian Communists, Sviatlana Mikhalchanka, and the members of the Belarusian Popular Front Party, Viktor Akhramchuk and Siarhei Shavialenka) 1.4 million rubles (about \$657) each. The activists were detained by the police on the eve of the parliamentary elections. All of them were proxies of the candidate of the United Democratic Forces, Siarhei Daineka. *Tovarishch* newspapers and small-format editions *Vybar-08* and *Glotok Vozdukha* were confiscated from them. The police also searched Mikhalchanka's apartment. After the election the oppositionists were summoned to the local prosecutor's office that submitted to the court the violation reports against them. The activists were accused of distribution of *Vybor-08* that had no imprint and also in the insult of the honor and dignity of the state officials that was allegedly found in the articles of *Glotok Vozdukha*. Judge Aliseika rejected the petition expertise of the content of the articles, filed by the defendants' lawyer.

On 13 October Leninski district court of Hrodna sentenced to large fines three civil activists who protested against cutting down of old trees in Telehrafny alley. According to the biologist and ecologist Ihar Lapekha,

such works are performed in Hrodna with evident violations of the present legislation. The case was tried by Natalli Kozel, known by her hard verdicts on political cases. Edvard Dmukhouski was found guilty of petty hooliganism (Article 17.1) and fined 175,000 rubles (about \$82). Ihar Lappekha was found guilty under two articles — Article 17.1 and Article 23, part 44 (insubordination to duty officials) and was fined 1,050,000 rubles (about \$493). Unemployed Nadzeya Krapivina was also found guilty under two articles and fined 875,000 rubles (about \$411).

On 26 November Vitsebsk regional court reversed the verdict of Vitsebsk Chyhunachny court, by which the ex-candidate for parliament, Andrei Levinau, was fined 350,000 rubles (\$164) for allegedly purposeful infliction of bodily harm to A. Zakharau, policeman of Vitsebsk city executive committee. In his complaint Andrei Levinau said that he had not committed the crime in which he was accused and drew the facts that witnessed fabrication of the case. He also pointed out numerous process violations during the trial.

Torture and other kinds of cruel and inhuman treatment

On 9 October in Salihorsk the Human Rights activist, Yana Paliakova, was beaten up by unknown people. She was beaten again at the police department.

‘Someone came up to me, hit me at the back of the head and said: ‘If you, bitch, don’t shut up, this is the last warning!’ I wear a plait, and he snatched it and hit my head on the doors or a knob, or something else’, Yana Paliakova tells.

The Human Rights told that she called an emergency ambulance and the police from the house. She received medical care at an emergency station, after that she waited for the police for a long time. From the emergency station she was taken to a police department to write a complaint on the attack.

Yana Paliakova said she felt bad at the police department. When she tried to go outside, she felt a blow. 'They seized me by my sweater and pushed, I fell down to the floor. I sat and couldn't stand up. My tailbone was aching, my leg hurts even now, I can't stand on it,' Paliakova told.

On 30 August Yana Paliakova was detained in Salihorsk. According to her, people in civvies and a district policeman offered her to sign some documents. When the woman took them to read, she was hit on her hands, and then on her legs. Doctors have documented bruises.

During the election to the House of Representatives, Yana Paliakova gathered signatures for Volha Kazulina. Human Rights defenders think that the policemen tried to intimidate her in such a way.

'It is revenge for my dare to complain about a policeman's actions and call his name,' Yana Paliakova said.

Violations of electoral rights

The prosecutor's office refused to consider the complaint of the secretary of the organizing committee of the Belarusian Christian Democracy Party, Dzianis Sadouski, ex-candidate at Masiukoushchynskaya electoral constituency #103. The day after the elections Sadouski submitted to the prosecutor's office the statements and acts about violations of the Electoral Code of the Republic of Belarus, drawn up by him and his proxies. On 9 October these documents were returned to Mr. Sadouski. The senior adviser of the prosecutor's office of Frunzenski district of Minsk stated A.Svirydovich stated that they were submitted with 'violation of the legal requirements'. 'In my address I demanded that the investigation of the registered violations of the electoral legislation was conducted and the persons who falsified the election were punished. I also demanded that a repeated voting was held. Instead I received a usual come-off: that my complaint could not be considered for formal reasons. The lawlessness which could be observed during the elections continues at the prosecutor's office' stated Dzianis Sadouski.

In October election commission of Buda-Kashalyova constituency filed a lawsuit against a former candidate for deputy, Kastus Zhukouski, in order to exact from him 1.7 million rubles for withdrawal from the election.

In an interview to *BelaPAN* the chairperson of the Central Election Committee, Lidziya Yarmoshyna, told that the former candidates for deputies who withdrew from the election were to compensate the means given to them for producing agitation materials. The CEC secretary, Mikalai Lazavik, focused on the reasons for withdrawal. 'If a candidate used the means for production of agitation materials and then withdrew from the election without a good excuse, he must compensate these means according to the legislation', he said. However, the law does not describe what can and what cannot be considered as a good excuse.

Mr. Zhukouski said that the main reason for his withdrawal from the election was the inequality of conditions for electoral agitation. In addition, the authorities did not include any of 16 proposed representatives of democratic forces in the precinct commissions at his constituency. On 20 November the judge of Tsentralny district court of Homel Zhana Andreichyk granted the lawsuit of the election commission and obliged Kas-tus Zhukouski to return the spent finances.

On 20 November Sianno district court fined the member a polling station commission, teacher of secondary school of the village of Khodsy, Natalli Nikitsina 700,000 rubles (about \$329). On 26 September, during early voting, members of the initiative group of candidate Siarhei Vazniak caught her in action while falsifying election documents. Mr. Vazniak emphasized that it seemed to be the only case when a person had violated the election laws was punished. In fact, numerous falsifications were hushed up.

Politically dismissals from work and expulsions from educational establishments

In the beginning of November the 18-year-old activist, Stanislau Senakosau, was expelled from Mahiliou professional lyceum #2 with the formulation 'for gross violation of discipline'. 'I think that my expulsion is connected to my public activism. Some time ago I had a talk with the administration. They said that I would have problems with education if I did not stop it and would be expelled after turning 18 years. Recently I

have come of age. I missed one lesson and was expelled for it. In the order it is stated that I violated the internal regulations of the school,' said Stanislau Senakosau.

The former candidate to the parliament Viktor Padchynenkau was dismissed from the position of carpenter at a private firm. On 1 October his boss asked him to write application for quitting on his own will, as some officers of security services demanded that that he dismissed Viktor.

Review-Chronicle of Human Rights Violations in Belarus in December 2008

The last month of the year summed up its results and eloquently showed that, despite the demonstrative wish of the authorities to lead a dialogue with the West, the situation of Human Rights remained the same. On one hand, two (only two!) independent newspapers were returned to the state distribution system, the republican Human Rights and the educational association *For Freedom* was registered (on the fourth attempt). On the other hand, the pressurization of dissidents continued.

On 10 December the universal community celebrated the 60th anniversary of the Universal Declaration of Human Rights. Not only did the Belarusian authorities ignore this date, they also took all measures to prevent Human Rights defenders from organizing any festive events.

Belarus still practiced politically motivated criminal persecution of participants of peaceful democratic actions. In December Alexander Baranzenka, the last defendant in the 'process of 14', was sentenced to personal restraint.

The international Human Rights organization *Amnesty International* published its report on the situation of Human Rights in the world for May 2007 — May 2008. In Belarus' section one can read about pressurization of the civil society by the authorities, juridical persecution of oppositional activists and execution of death convicts. Struggle against death penalty has been one of the *AI* priorities since the time of its creation. The legal practice in Belarus presents a challenge in this respect, as Belarus is the only country in Europe and in the post-Soviet region that still has not refused from capital punishment. The report also draws numerous

cases of criminal persecution of activists of *Young Front* for ‘activities on behalf of unregistered organization’ and mentions the case of the Human Rights Center *Viasna*, liquidated by the Belarusian authorities in October 2003. In July 2007 the UN Human Rights Committee issued a ruling, by which this liquidation was qualified as a violation of the right to association and the Belarusian authorities were proposed to immediately correct the situation. The Belarusian authorities ignored this recommendation. In the report of *Amnesty International* it is stated that Belarus remains a non-free country.

A democratic country cannot exist without freedom of expression, which is a daily issue in Belarus. Independent mass media are pressurized, while forced subscription is organized for the state press. In particular, at the end of December a number of state bodies, organizations and enterprises participated in the campaign on obligatory subscription to the state press. The editors of *Nasha Niva* and *Narodnaya Volia*, in their turn, urged the readers not to trust to the *Belsayuzdruk* newsstands and get non-state newspapers by subscription. Meanwhile, other non-state newspapers are still deprived of the opportunity to be distributed by the state monopolists *Belsayuzdruk* and *BelPoshta*. Such socio-political editions as *Tovarishch*, *Novy Chas*, *Bobruiskiy Kurier*, *Borisovskiye Novost*, *Vitebskiy Kurier M*, *Volnaye Hlybokaye*, *Hazeta Slonimskaya*, *Hantsavitski Chas* and *Intex-press* are neither sold at the newsstands nor distributed by subscription. According to the lawyers of the Belarusian Association of Journalists, in 2008 the situation of freedom of expression in Belarus was extremely hard. ‘The authorities continued pushing non-state media out of the informational field with administrative means,’ said Mikhail Pastukhou.

Politically motivated criminal cases

On 8-9 December the hearings on the criminal case against the youth activist, Alexander Barazhenka, were held at Tsentralny district court of Minsk. The case was brought under Article 342, part 1 of the Criminal Code, ‘organization of or active participation in the group actions that grossly violate the public order’. Since 27 October Barazhenka was kept in

the pre-trial prison in Valadarski Street. His friends held numerous actions of solidarity with him near the prison. More than fifty people came to the trial, including political and public activists, entrepreneurs, Human Rights defenders and youth. However, not all of them managed to get into the court hall, as policemen in civvies put there a large group of students to fill the places. Under the vigilant surveillance of the police youth activists unfurled banners and raised flags in the court yard. Two police cars kept watch near the court building.

The court questioned as witnesses four directors of transport enterprises, who stated that their enterprises did not suffer any financial loss as a result of the act of protest in which Barazenska had participated, because the traffic is interrupted in the center of Minsk almost every day, also in connection with the movement of Alexander Lukashenka's cortege. The court also watched the videos that were shot by officers of law-enforcement agencies. However, the shown fragments consisted of general views from which Barazenska could not be seen. Nevertheless, the judge Natalia Vaitsiakhovich sentenced Alexander Barazenska to one year of personal restraint without direction to an open penitentiary institution. The activist did not agree with the verdict and expressed his intention to appeal against it at superior court instances.

Persecution of Human Rights defenders

On 4 December the police captain Yauhen Bakharevich came to the apartment of Baranavichy Human Rights defender Siarhei Housha to conduct a search there. He wanted to look for some prohibited literature that was allegedly kept by the activist. Mr. Housha was absent from home at the time. His wife refused to let the policeman in (he had no warrant for the search). Mr. Housha is sure that this visit was connected with the upcoming anniversary of the Universal Declaration of Human Rights.

On 10 December more than 20 Human Rights and youth activists were detained in the center of Minsk for handing out printed copies of the Universal Declaration of Human Rights. Among the detainees there were Ales

Bialiatski, Uladzimir Labkovich, Aleh Matskevich, Maryna Statkevich Siarhei Sys and Iryna Toustsik. The policemen who detained them were dressed in civvies and refused to introduce themselves, thus ignoring the legal provisions. The detainees were forcibly escorted to Tsentralny district police department of Minsk and detained there for three hours. Having put down the passport data, the police officers released everybody without any statements. The vice-president of the International Federation for Human Rights, Ales Bialiatski, thusly commented on the detention: 'We handed out informational leaflets about Human Rights violations in Belarus. Pitifully enough, we did not manage to hold the action the way we planned it. It is a pity that it is impossible to distribute the Universal Declaration of Human Rights in the country that has signed it.'

On 10 December, during a similar action in Hrodna, the police detained the Human Rights defenders Uladzimir Khilmanovich and Viktor Sazonau, as well as Aleh Kalinkau, Yan Roman and other participants of the action.

Fines to civil and political activists

On 24 December the activist of the civil campaign *European Belarus*, Aleh Ladutska, was fined 175,000 rubles (about \$82) for posting stickers with the EU symbols. The fine was imposed by the administrative commission of Savetski district of Minsk with U.Zaleshchuk at the head.

On 29 December the judge of Kletsk district court, Alena Hastseyeva, fined the regional coordinator of the *For Freedom* movement, Siarhei Panamarou, 1,050,000 rubles. Panamarou was charged with organization of an unauthorized meeting on 7 December. The activist was indignant, as there hadn't been any meetings in Kletsk that day. 'The judge has not given to me a copy of the decision. I was warned that she could invent something in this case. Most probably, she will consult the head of the court or the ministry about it,' Panamarou commented. Earlier *RFE/RL* informed that on 7 December a meeting of Kletsk dwellers with Anton Astapovich, the head of the voluntary society for protection of the monuments of his-

tory and culture, was to have taken place. However, officers of the culture department of Kletsk district executive committee and the local policemen did not let the people in the Palace of Culture. Later Siarhei Panamarou was accused of having organized an unauthorized action.

The right to association

On 5 December the Supreme Court of Belarus started the hearings on the lawsuit of the founders of *Horizontal* NGO against the Ministry of Justice. The matter is that on 23 October the ministry refused to register the NGO because of alleged violation of the order of holding its constituent assembly and non-presentation of the list of founders. The plaintiffs dismissed these statements of the Ministry of Justice as groundless.

On 9 December the Supreme Court of Belarus ordered the graphologic expertise of the documents that had been submitted to the Ministry for registration of the NGO. The petition for the expertise was filed by the Ministry of Justice. According to the consultant of the department of NGOs, Alexander Kharyton, some of the founders' signatures in these documents differed from their signatures in other documents. This was already the second attempt to appeal against the registration denial. The organization founders stated they would to make the third attempt to obtain the state registration in the case the court again takes the side of the Ministry of Justice.

On the eve of the New Year and Christmas the Belarusian republican voluntary society for protection of the monuments of history and culture lost its office in Trayetskaye Suburb in the center of Minsk. The organization activists hoped that the organization would manage to keep its office and, correspondingly, its legal address. According to the head of the society, Anton Astapovich, the rent commission of Minsk city executive commission and the unitary enterprise *Minskaya Spadchyna* refused to prolong the rent agreement for the organization in May 2008, but the voluntary society continued occupying the office till the end of the year without a rent agreement. According to Mr. Astapovich, the building where the of-

office was situated, belongs to the voluntary society, as in 2004 it was unlawfully nationalized by the Economic Court. 'I think that the reason for such attitude of the authorities is in the activities of the Society: we are very active in raising the issues connected with violations of the rules of protection of historical and cultural heritage, especially in Minsk, where such violations are massive,' Astapovich commented.

On 23 December at the press-conference in Minsk the head of the organizational committee of the Party of Freedom and Progress, Uladzimir Navasiad, stated the intention of the party to obtain the official registration at the Ministry of Justice. 'In April 2009 we intend to hold our fourth constituent assembly', he said.

Freedom of expression and the right to disseminate information

In the beginning of December the democratic activist, Kastus Zhukouski, received a letter about the inadmissibility of cooperation with the non-state TV channel *BelSat* from Vetka district prosecutor's office. According to Mr. Zhukouski, it is stated in the letter that the prosecutor's office conducted a check-up on application of the head of Vetka district soviet of deputies Yauhen Chvankou and Zhukouski's cooperation with *BelSat* was established. That's why in the case of repeated cooperation with *BelSat* the activist will be drawn to responsibility. 'I was running for the parliament at this election constituency and really made some shots with my video camera. I am a citizen of Belarus and according to the Constitution I have the right to pass the collected information to any TV channel, be it the Belarusian TV, CNN or RTR,' commented Kastus Zhukouski.

On 12 December Iuye district court re-tried the case on 'extremist materials' in an August issue of the unregistered newspaper *Svaboda*. As said by the defense lawyer, Pavel Sapelka, who represented the newspaper's interests in court, the lawsuit of the head of Hrodna regional KGB office, Ihar Siarheyenka, was rejected as no extremist articles were found in the newspaper. Bear in mind that on 9 September Iuye district court con-

fessed *Svaboda* issue #127 for 14-27 August 2008 extremist and ordered to destroy 5 000 copies of the newspaper. The civil case was brought on the lawsuit of the KGB officer Ihar Siarheyenka of 4 September. The reason is that the article *War in Georgia* seemed suspicious to the KGB office. Then the judge Alexander Sitsko decided that the case should be returned for the second trial.

On 15 December the activists of the United Civil Party, Zmitser Kav-alhin and Katsiaryna Shakal, were detained in the building of Leninski district executive committee of Minsk for distributing the registered independent newspaper *Novy Chas*. The detention took place on the initiative of the executive officer Uladzimir Litsetski. The democratic activist Ivan Kruk, an initiator of the civil campaign against the construction of a nuclear power station in Astravets district, was detained in Astravets district executive committee (Hrodna regional) for distribution of *Novy Chas* as well. The committee's officers drew up an act about 'illegal distribution' of the newspaper and threatened that this document would be directed to the district prosecutor's office for a check-up of Kruk's activities.

On 16 December the police detained the youth activist Ales Krutkin and escorted him to the police station. There they asked him what he intended to do with the newspaper *Belarus Partyzanskaya*, which they found while searching his bag. Mr. Krutkin explained that this newspaper was issued with the assistance of the Congress of democratic trade unions and the editions with the circulation of less than 300 copies did not need to have the state registration. The policemen answered that such statements did not satisfy them and confiscated 18 copies of the newspaper from the activist, allegedly for expertise of the content.

On 18 December a member of the Belarusian Association of Journalists, Dzmitry Karmazin, was summoned to the police for testifying. However, when the journalist came to the police station, policemen took his fingerprints and then asked what he thought about the 4 July blast. They did not let BAJ member Tatsiana Bublikava be present during the questioning as a public representative.

On 24 December it became known that the correspondent of *Komsomolskaya Pravda v Belorussii*, Pavel Mitskevich, was fingerprinted as well. He warned that 'other agencies could deal with him' if he refused this procedure.

The right to peaceful assemblies

On 3 December Leninski district court of Brest found the civil activists Zhana Abramava, Yury Bakur and Ivan Stasiuk guilty under Article 23.34 of the Administrative Code ('violation of the rules of organizing and holding mass actions'). Each of the defendants was fined 70 000 rubles (about \$33). Their violation was that they held a picket against the eviction of Zhana Abramava from her apartment. According to the Human Rights defender Raman Kisliak, the democratic activists of Brest stated they would continue struggling for the rights of Zhana Abramava and her family.

On 14 December *Clip-marathon* was to have taken place in the *Aquarium* club. However, the club was closed down for 'repairs'. 'We had an agreement with the club director, but at the last moment they received a paper from the sanitary station with the demand that the club be urgently closed down,' said Franak Viachorka, one of the organizers of the event, to *BelaPAN*.

Politically motivated dismissals from work

At the end of December the administration of the *Mastoudreu* enterprise warned activist of the *For Freedom* movement, Zmitser Kukhlei, that in a month he would not be needed. Nevertheless, the activist thinks that his rights were violated. Mr. Kukhlei worked at the enterprise as a translator. He is also a deputy of the district soviet of deputies, that's why according to the law he can be dismissed from work only with the consent of the deputies of the district soviet. The activist said he would appeal against this action of the enterprise administration at court.

The administration of Baranavichy weaving factory did not prolong the labor contract to the activist of the United Civil Party Ryhor Hryk. According to the activist, it is connected to his political activities. In autumn Mr. Hryk ran for the parliament at Baranavichy village election constituency #7. He worked at the weaving mill as a maintenance man for 17 years. He often handed out independent press at the check-point of the factory.

Freedom of conscience

In December the Belarusian authorities refused to prolong the residence permit of Zbigniew Grygorcevicz, priest of the Catholic parish of the Descent of the Holy Spirit in Barysau. The reasons were not explained. As father Zbigniew told *Barysau Elektronny*, he was hinted that it was connected with his 'excessive public activism'. The priest believes that the main reason was organization of the concert of Christian music in September 2008. At first Barysau executive committee authorized the action, but before its beginning the permission was annulled.

On 14 December in Peramozhtsau Avenue in Minsk the police detained Siarhei Lukanin, priest of the *New Life* Church of the religious association of the Full Evangel Christians. The policemen rudely asked him to leave the territory. Then they twisted his arms and pulled him in the House of Sports, threatening him with imprisonment. Only after the priest managed to take out his certificate and showed it to them, they put down his personal data, apologized and said they were implementing an order and acted in conformity with the law. Mr. Lukanin stated that this time he once again faced with the imperfection of the Belarusian law that contradicts to the Constitution and to the Bible. However, he intends to continue professing the gospel.

Human Rights Center 'Viasna'