

Human Rights Centre “Viasna”

**SITUATION
OF HUMAN RIGHTS
in BELARUS in 2014**

REVIEW-CHRONICLE

Minsk, 2015

SITUATION OF HUMAN RIGHTS IN BELARUS in 2014

REVIEW-CHRONICLE

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The edition was prepared on the basis of reviews of human rights violations in Belarus published every month in 2014. Each of the monthly reviews includes an analysis of the most important events influencing the observance of human rights and outlines the most eloquent and characteristic facts of human rights abuses registered over the described period. The review was prepared on the basis of personal appeals of victims of human rights abuses and the facts which were either registered by human rights activists or reported by open informational sources.

The book features photos from the archive of the Human Rights Center “Viasna”, as well as from publications on the websites of Radio Free Europe/Radio Liberty Belarus service, the Nasha Niva newspaper, tv.lrytas.lt, baj.by, gazetaby.com, and taken by Franak Viachorka and Siarhei Hudzilin.



Human Rights Situation in 2014: Trends and Evaluation

The situation of human rights during 2014 remained consistently poor with a tendency to deterioration at the end of the year. Human rights violations were of both systemic and systematic nature: basic civil and political rights were extremely restricted, there were no systemic changes in the field of human rights (at the legislative level and (or) at the level of practices).

The only positive development during the year was the early release of Ales Bialiatski, Chairman of the Human Rights Centre “Viasna” and Vice-President of the International Federation for Human Rights. However, his release did not become a positive trend and received no further continuation.

— as of late 2014, Belarusian prisons held six political prisoners: Mikalai Statkevich, Mikalai Dziadok, Ihar Alinevich, Artsiom Prakapenka, Yauhen Vaskovich and Yury Rubtsou;

— the release of political prisoners Mikalai Autukhovich, Andrei Haidukou, Uladzimir Yaromenak, Vasil Parfiankou and Eduard Lobau was solely due to the expiration of their sentences and is not indicative of the political will of the country’s leadership to address the issue of political prisoners;

— the practice of criminal prosecution for political reasons still persisted. During the year, the authorities opened three new politically motivated criminal cases: against political prisoner Mikalai Dziadok (Article 411 of the Criminal Code), a journalist of the newspaper *Belorusy i Rynok* Aliaksandr Alesin (Article 356.1 of the Criminal Code) and activist from Homel Yury Rubtsou (Article 391 of the Criminal Code). Yury Rubtsou was sentenced to 18 months of imprisonment in an open penal facility under a ruling of Minsk’s Tsentralny District Court;

— the authorities still used the practice of administrative prosecution of peaceful protesters. A total of 53 persons were prosecuted under administrative procedures (Article 23.34 of the Administrative Code, “violation of the order of organizing and holding mass events”). According to the Human Rights Centre “Viasna”, politically motivated administrative arrest was imposed in 104 cases (arrest was applied to 88 people, some of them faced repeated penalties), and 57 people were fined;

— during the year, the authorities made extensive use of the practice of arbitrary detention of civil society and political activists, especially on the eve of important political and social events. In particular, 38 activists were subjected to arbitrary detention ahead of the Ice Hockey World Championship in Minsk. In addition, arbitrary detention during this period was used against so-called social outcasts in order to create a positive image among foreign tourists coming to Minsk;

— the local elections, which took place in March 2014, according to the campaign “Human Rights Defenders for Free Elections”, were accompanied with serious violations of the OSCE principles of democratic and fair elections and the standards set forth by the Belarusian legislation. The atmosphere of political persecution and repression of opponents of the regime, against which the electoral campaign was held, restrictions during the formation of election commissions and campaigning activities had a negative impact on the freedom of choice. Lack of transparency of vote counting did not give grounds to assert that the election results reflected the will of the Belarusian people.

— human rights defenders still reported the practice of putting pressure on them and their organizations. A decision to expel director of the Centre for Legal Transformation “Lawtrend”, a citizen of the Russian Federation, Elena Tonkacheva is a striking example of government policies on the issue of human rights defenders;

— the authorities still used the practice of administrative responsibility and the use of other forms of pressure against independent journalists working for foreign media without accreditation. The newly-adopted amendments to the Law “On Mass Media” created a legal basis for further control over the Internet and are perceived as a risk of the introduction of total censorship of media sphere. A wave of blocking a number of independent websites and online outlets further confirmed these negative effects of legislative innovations;

— three death sentences were carried out during the year and one death convict was on death row in the Interior Ministry’s jail No. 1 awaiting execution;

— During the year, state media and governing bodies actively conducted a discussion on the need for responsibility for unemployed persons and the possibility of using forced labour against this category of citizens, which in a cluster with the existing elements of forced labour in the country indicates the continuation of violations of social and economic rights of citizens;

— Belarus continued a policy of ignoring its international commitments and mechanisms for the protection of human rights within the UN system.

I. Global challenges to human rights activities

The entire 2014 was marked by serious geopolitical changes that affected both the international context as a whole, and the political situation in Belarus. The Russian aggression against Ukraine, occupation and annexation of Crimea became a serious challenge to the former Soviet Union, Europe and other countries of the world. For the first time ever after the collapse of the Soviet Union, one of the guarantors of independence and territorial integrity of Ukraine, in accordance with the Budapest Memorandum, undertook a military aggression against the country. Russia’s annexation of Ukraine’s territory, a

blatant interference in its internal affairs helped fuel the military conflict in the south-east of the country, threatening its territorial integrity, and resulted in the deaths of thousands of people, destabilizing the situation in the entire post-Soviet region and triggering an international crisis.

Events in the neighbouring state had a heavy impact on society in Belarus, most of which is under the influence of Russian media propaganda. Sociologists reported a decrease in the pro-European sentiment of the Belarusian society and, consequently, the growth of pro-Russian attitude, an increasing demand for the idea of a “strong government” and authoritarian leaders. These trends had a clearly negative aftermath both for the opportunity to promote the ideas of human rights and for human rights activities in the territory of the former Soviet Union and in Belarus, in particular.

The ideas of revisiting the principles of universality of human rights enshrined in the Universal Declaration were increasingly voiced in the rhetoric of the leaders of a number of post-Soviet and other countries. Moreover, as a rule, they were expressed in the context of a general anti-Western rhetoric. Human rights were often proclaimed the invention of the Western civilization, strange and even hostile, destructive for “traditional values”, a threat to “specific and spiritual civilizations”. Following the outburst of crisis in Ukraine, anti-Western rhetoric, especially in the Russian media, considerably increased.

Belarus is no exception in this regard. No wonder that human rights activities in this discourse receive a predominantly negative context, it appears as a hostile and anti-state activity, while human rights defenders are labelled as agents of foreign influence or even agents of the “universal liberal conspiracy” and “foreign agents or a fifth column”.

An example of this is the speech of the Minister of Foreign Affairs of Belarus Uladzimir Makei at the UN General Assembly in New York on September 30, 2014. He noted in particular:

“To be sure, a multitude of factors determine the dynamics of contemporary global politics.

From our perspective, as one of the key factors we would like single out the resistance on the part of the world’s majority population to the imposition on them of something external. Indeed, very much like in the past, the “mighty of the world” persist in believing that only their vision and their development model stand as universal. Therefore, they do not ask others whether they like or dislike, for instance, so-called “liberal democracy” or the “Washington consensus”. Others are just forced to confront a choice — either you accept our “recipes” or be ready to deal with the consequences like threats, sanctions and “colour revolutions”.

To be honest, we, that is, the majority, have already got used to the situation when alien political and economic models are being foisted upon us. We

clearly understand what stands behind that. Someone wants our nations to feed transnational corporate capital rather than ourselves. If we resist — we come under punishment. The pretext is always far-fetched — alleged violation of human rights by “unruly” states.

Having been subjected to external attacks for many years, countries like Belarus, Cuba, Iran, and Venezuela surely feel such pressure much more than others.

No less dangerous, however, is something else. Similar attempts at imposing something have been made recently against our identity. Indeed, some have been doing their best to impose on us extraneous cultural preferences.

For example, we are being forced to renounce the values of a traditional family, and recognize instead the diversity of this institution's forms. In other words, some strive to deprive us of our own “soul”. This may be just another way to subdue the resisters to the capital by turning them into soulless slaves.”

This rhetoric is actually nothing more than an attempt to justify human rights violations and lack of democracy by a kind of “imposition” from the outside, as well as an attempt to revise the principles of universality of human rights. Characteristic for this kind of rhetoric is the use of propaganda clichés about the alleged threat to the institutions and values of a traditional family. Very often, such rhetoric is used to justify discriminatory practices and laws that contradict the main international instruments in the field of human rights protection.

Another serious challenge for human rights activists, which appeared as a result of the crisis in Ukraine, was a gradual transition to the “language of the Cold War”.

As shown by our past, the existence of a bipolar world played a negative role in the context of human rights and their protection, because it very often led to the fact that geopolitical benefits were far more important than human rights issues in particular countries. Thus, the United States supported the military juntas in Central and South Americas, in spite of massive violations of human rights there, only for the sake of “protecting” these countries from the communist threat. The USSR, in turn, certainly turned a blind eye to violations of human rights in countries that chose “the path of building socialism”. Both poles abused human rights rhetoric solely for their political purposes — as a means of political pressure and in order to demonstrate the benefits of one political system over another.

In the current crisis, we see a serious risk of the transition of the countries of the West to a similar approach to human rights issues. The peculiarity of the risk is that the evaluation of questions of human rights violations in a given country may be based on the geopolitical preferences of this country and the policy of silence and closing eyes to the obvious facts of gross violations in the countries favouring political positions of convenience for the Western

democracies. In such circumstances, there will be a retreat from the value-based approach to human rights in favour of geopolitical expediency.

In addition, the existence of a country in the conditions of the Cold War always enables justification of a variety of violations of human rights and restrictions with reference to the necessity to protect national security and territorial integrity.

II. Politically motivated persecution: main trends of the year

During the year, there was a decrease in the total number of prosecutions for political reasons as compared to previous years. However, the problem of existence of political prisoners failed to receive a comprehensive solution.

All the political prisoners that were released during the year were freed only after the expiration of their prison terms. The only exception was the unexpected release of Ales Bialiatski, Chairman of the Human Rights Centre “Viasna” and FIDH Vice President, who was freed on the first day of entry into force of the Law “On Amnesty”. His release was a purely political decision of the Belarusian authorities since the amnesty did not apply to Ales Bialiatski because of the status of malicious offender imposed on him by the prison administration, as well as numerous disciplinary penalties he had received in connection with these violations. The Belarusian authorities used Ales Bialiatski’s release in order to intensify their contacts with the EU and the US.

However, the release of the human rights activist failed to become a positive trend for the release of all political prisoners. As of the end of the year, Belarusian prisons and other places of detention continued to hold six political prisoners: Mikalai Statkevich, Mikalai Dziadok, Ihar Alinevich, Artsiom Prakapenka, Yauhen Vaskovich and Yury Rubtsou.

The Belarusian authorities continued the policy of non-recognition of the existence of political prisoners and demonstrated their extreme reluctance to address this issue.

Political prisoners repeatedly reported harassment, either directly from the prison authorities or through other prisoners. It is worth noting that almost all political prisoners were repeatedly subjected to disciplinary penalties, including isolation in solitary confinement and PKT (cell-type premises). Mikalai Statkevich, Mikalai Dziadok and Yauhen Vaskovich continued to serve their sentences in prison, where they were transferred by court decisions after their punishment was replaced with tougher one. By late 2014, Yauhen Vaskovich had served the maximum period of three years in prison and in October he was transferred to a penal colony in Mahiliou. Mikalai Statkevich’s prison term ends in mid-December 2015, after which he is to be transferred to a penal colony for serving the rest of his sentence, too.

Political prisoner Mikalai Dziadok was expected to be released from the Mahiliou prison in March 2015, but in November it became known that a new criminal case was opened against him under Art. 411 of the Criminal Code (wilful disobedience to the correctional institution administration). The criminal charges stemmed from earlier disciplinary penalties imposed on the prisoner by the penal colony administration. It should be noted that human rights organizations are mobilized for the repeal of this article of the Criminal Code, which has no analogue in other former Soviet Union countries, and point to the possibility of its arbitrary use against prisoners who are disloyal to the authorities, with the aim of extending prison sentences. This is the second case of the use of this article against political prisoners. In 2012, Zmitser Dashkevich was sentenced to a year in prison on similar charges. His trial was held behind closed doors in the premises of the colony.

The fresh criminal case against Mikalai Dziadok that came on the eve of his scheduled release clearly demonstrated the political motivation of his prosecution. A decision to extend the period of the political prisoner's detention was apparently taken by the authorities in view of the presidential election of 2015.

Much public attention was focused on the case of journalist and columnist of the Belorusy i Rynok weekly Aliaksandr Alesin, who was detained by the KGB in a cafe in Minsk on November 25 while allegedly transferring classified materials to a representative of one of the EU embassies in Belarus. Aliaksandr Alesin was detained on suspicion of committing a crime under Art. 356 of the Criminal Code (high treason) and placed in the KGB detention Centre in Minsk. However, the KGB did not comment on the arrest during Alesin's detention in the pre-trial prison. Nor did the agency provide any information on the place of detention or the procedural status of the journalist. Aliaksandr Alesin specializes in the subject of Belarus' military cooperation, including with the Russian Federation. All of his publications are based solely on open sources and posted for public access on the pages of the newspaper Belorusy i Rynok, as well as on the website of the independent news agency BelaPAN. As a result of a wide public and media attention and efforts by human rights organizations, both in Belarus and abroad, Aliaksandr Alesin was released from custody on December 10 and the charge against him was changed to Art. 356.1 (establishment of cooperation with foreign intelligence agencies without signs of treason). This crime is punished with a maximum penalty of two years of imprisonment and therefore, according to the provisions of the Criminal Procedure Code, does not provide for a measure of restraint in the form of detention. Aliaksandr Alesin was released on recognizance. The investigation of the case had not been completed by the end of the year, and is unlikely to reach court, according to human rights activists.

On December 22, a new political prisoner, activist Yury Rubtsou began serving an 18-month imprisonment in a special settlement in the village of

Kuplin, Pruzhany district. On October 6, he was sentenced by the Court of Minsk's Tsentralny district to one and a half years of detention in an open penal institution under Art. 391 of the Criminal Code (insult of a judge). The charges stemmed from a statement by Judge Kiryl Palulekh of the Savetski District Court, who claimed that during the consideration of an administrative case on 28 April the activist allegedly insulted the judge by using offensive words. According to Yury Rubtsou, he was forced to stand trial without a shirt on, which insulted his dignity. Nevertheless, the judge did not take any measures to protect his rights and did not respond to his request to give him eyeglasses to read the case file. The judge's actions clearly contradicted the Code "On the Judicial System and the Status of Judges", as well as the Judicial Code of Honour. Faced with a flagrant violation of his rights, Yury Rubtsou expressed his protest calling the trial a "show", and the judges, who made unlawful judicial decisions, "scum". These words were interpreted as statements aimed personally against Judge Kiryl Palulekh, while Yury Rubtsou's comments on the minutes of the hearing were rejected by the same judge as groundless. The verdict was only based on testimony provided by police officers (including those who had witnessed at the trial on April 28), a clerk of the court and Judge Palulekh. Yury Rubtsou's counsel, who had participated in the trial of April 28, was not questioned either during the preliminary investigation or during the trial. There were no procedural obstacles to interviewing the lawyer as a witness according to the current criminal procedural legislation.

The case of Yury Rubtsou clearly highlighted the problem of arbitrary detention. During 2014, the authorities made extensive use of this type of repression against civil society and political activists. Especially revealing was the campaign of arbitrary detentions on the eve of the Ice Hockey World Championship held in May in Minsk. According to the Human Rights Centre "Viasna", a total of 38 activists were subjected to arbitrary detentions and arrests. Moreover, most of them were detained by police at the place of their residence and charged with two administrative offences (Articles 17.1 (disorderly conduct) and 23.4 (disobedience to the lawful demands of a police officer). This resulted in their isolation for a considerable period of time — up to 25 days.

On the eve of the World Championship, arbitrary detention and arrest were used against social outcasts (persons with alcohol dependence, homeless, prostitutes). Ahead of the tournament, Minsk authorities openly told in the media about their intention to clean up the city streets. A total number of persons isolated during this period in LTPs (activity therapy centres), detention centres and other places of detention is still unknown; however, according to the testimony of persons who served administrative arrests during this period, the Minsk-based centre for isolation of offenders was crowded with arrested persons and some of them had to be transferred to the temporary detention facility in Zhodzina.

Arbitrary detentions became systematic in nature and were used as a means of repression and pressure on citizens who expressed their civil and political activity. A good example is the situation with Pavel Vinahradau. Convicted of involvement in the riots of December 19, 2010 and was released early in August 2011. However, the activist is still under preventive supervision ordered by the court. Throughout the year, Pavel Vinahradau was regularly brought to administrative responsibility on the eve of key public events. He repeatedly faced charges of allegedly “using obscene language” in public places or resisting police officers. The court rulings were based solely on the testimonies provided by police officers, who were the only witnesses at the trials. In total, Pavel Vinahradau was held in detention for about two months. In December, he was forced to leave for the town of Berazino, where his father lives. Otherwise, the police threatened to send him to an activity therapy centre.

In 2014, the Human Rights Centre “Viasna” documented a total of 253 facts of administrative detention (172 in 2013). 162 cases were considered by the courts (111 lawsuits in 2013). In 104 cases, administrative arrests were ordered by the courts (a total of 88 people were subjected to arrests, some of them two or more times; in 2013 — 59 people), 57 persons were fined (52 people in 2013). 53 persons were convicted of violation of the order of organizing and participating in mass events (Art. 23.34 of the Administrative Code).

An increase in the total number of administrative detentions and arrests in 2014 as compared to 2013 can be attributed to two factors that affected the overall level of repression: the elections to the local councils and the Ice Hockey World Championship in Minsk.

We should also mention cases of citizens who were convicted of the realization of their right to peaceful assembly and right to expression. The current law “On Mass Events” makes it virtually impossible to implement in practice the freedom of peaceful assembly. Even the traditional processions of Chernobyl Way and Dziady, which took place with the approval of the Minsk authorities, ended in the detention and administrative prosecution of both the participants and the organizers. In particular, Yury Belenki, deputy chairman of the Conservative Christian Party BPF, was fined three times on charges of violating the order of organizing several processions to the sites of mass graves of victims of Stalin’s repressions. Meanwhile, the events were held in full compliance with the resolution of the Minsk City Executive Committee and were not accompanied with disturbances of public order. Yury Belenki was accused of a failure to agree with the police on measures to ensure public order during the mass events. However, ensuring public order during peaceful assemblies and protecting the demonstrators is the exclusive responsibility of police authorities. Even more absurd were the cases of administrative punishment of participants in a photo session in Vitsebsk, when seven persons

were detained after posting photos on the Internet, accused of holding an unsanctioned rally and punished with fines and arrests.

III. Human rights activities: Trends and Challenges

An important event for the Belarusian human rights community in 2014 was the early release of Ales Bialiatski, chairman of the Human Rights Centre “Viasna” and FIDH Vice-President. His release was the result of pressure on the authorities of Belarus from the EU, US, and international organizations, as well as an unprecedented wave of solidarity raised by the human rights community around the world. Such famous figures as Aung San Suu Kyi and Václav Havel spoke in support of Ales Bialiatski. The imprisoned human rights defender was several times nominated for the Nobel Peace Prize and was shortlisted for the award in 2012. Over the three years in prison time, Ales received several prestigious international awards. All these circumstances certainly influenced the decision of the Belarusian authorities to release Ales Bialiatski one and a half years earlier before the expiration of his prison term.

In October, the United Nations Human Rights Committee adopted a decision in the case of Ales Bialiatski. The Committee recognized violations of Article 9 (the right to liberty and security of the person), Article 14 (the right to justice and a fair trial), and Article 22 (freedom of association) of the International Covenant on Civil and Political Rights (ICCPR). After Viasna had been deprived of its state registration in 2003, its founders applied for registration at the Ministry of Justice three times between 2007 and 2009. However, the state refused registration every time. As a result, Viasna was unable to open a bank account in its name and receive funding for its activities. According to the Committee, Belarus violated the organization’s right to freedom of association when it denied Viasna registration, basing its decision solely on the argument that the documents submitted by Viasna needed minor adjustments to meet the requirements of the Ministry of Justice which could have been corrected in case the Ministry had given it an opportunity to do so. The registration denials rendered Viasna activities illegal within Belarus and prevented its members from accessing their rights. Sentencing Ales Bialiatski to a lengthy prison term for actions associated with the receipt and expenditure of funds aimed at carrying out the legitimate activities of his organization was a direct consequence of the violation of freedom of association. The Belarusian courts rejected evidence that these funds were intended and used for these purposes and did not consider the case in a way that would aim to safeguard the freedom of association. Consequently, imposing criminal liability on Ales Bialiatski violated this freedom.

The decision was important not only for the members of the Human Rights Centre “Viasna” and its leader Ales Bialiatski, but also for other countries, where the authorities continue the practice of prosecuting human rights defenders, including in connection with obtaining funds for the activities of their organizations.

With regard to the Human Rights Centre “Viasna”, the Belarusian authorities descended during the year from the tactics of direct or indirect repression characteristic of 2010-12 to a complete disregard for the organization. All activities that were organized in Belarus by international organizations (UN, Council of Europe and others.) with the participation of the Ministry of Foreign Affairs and non-governmental organizations took place without the participation of representatives of the Human Rights Centre “Viasna”. No exception were the consultations undertaken in preparation for the Universal Periodic Review, to which were invited representatives of a number of registered organizations (BAJ, BHC, Centre for Legal Transformation, etc.). Meanwhile, the Human Rights Centre “Viasna” made a considerable contribution to the preparation of the alternative report to the United Nations Human Rights Council as part of the UPR and was actively working with other UN mechanisms.

There were individual facts of repression against human rights defenders. In particular, on October 30, Elena Tonkacheva, leader of the Centre for Legal Transformation “Lawtrend”, received a notice of revocation of her residence permit and on November 5 the Department for Citizenship and Migration of the Pershamaiski District Police Department of Minsk ordered her deportation from the Republic of Belarus. The deportation procedure was launched over four cases of speeding committed by the human rights defender while driving her car. Elena Tonkacheva is a Russian national who has lived in Belarus since 1985. Her daughter is a citizen of Belarus. The Belarusian human rights community regarded these actions of the authorities as politically motivated harassment and linked them to Ms. Tonkacheva human rights activities.

In general, opportunities for human rights organizations in the country did not change and remained extremely limited. As before, obtaining state registration by human rights organizations was virtually impossible, and the activities of unregistered NGOs were criminalized. Human rights organizations still faced problems concerning the receipt of domestic and foreign funding for their activities, after a violation of the procedure for receiving foreign donations was criminalized in 2011.

IV. Freedom of speech

The most significant event in the field of freedom of speech were the amendments to the Law “On Mass Media”, hastily adopted by the House of

Representatives on December 17 without public discussion and involvement of mass media experts. According to the Information Minister Liliya Ananich, “at H hour, everything must work for the state, not against it”.

According to the adopted amendments, the law now applies to all online outlets, except for a requirement of a mandatory state registration. The Ministry of Information can block websites on an out-of-court basis. According to representatives of the independent journalistic community and human rights activists, the new provisions create the possibility of total censorship of the Internet space.

Ahead of the announced date of entry into force (January 1, 2015), starting from 19 December, a number of independent Internet outlets were blocked for user access in Belarus. Among these were the websites belapan.com, belapan.by, naviny.by, belaruspartisan.org, charter97.org, udf.by, gazeta.by, and zautra.by. However, the authorities denied any involvement in the blockage.

Another way to combat the spread of unwanted information was voiced by the Interior Minister Ihar Shunevich during his speech at a meeting on combating illicit drug trafficking. He said that there was an urgent need to adjust the legislation related to Internet activities. In particular, in his opinion, all Belarusian Internet users must be prohibited to enjoy access to the websites put on the list of restricted access. It is known that this list includes several key independent sites, such as charter97.org, belaruspartisan.org, spring96.org, etc. The website of the Human Rights Centre “Viasna” spring96.org was listed as restricted by the General Prosecutor’s Office in August 2011, in connection “with the promotion of the activities prohibited by the legislation”, which, according to the Prosecutor’s Office, were manifested by the distribution of information about the activities of the Human Rights Centre “Viasna”, which did not pass the procedure of a mandatory state registration. Human rights defenders have tried to appeal the decision of the General Prosecutor’s Office in court, but the Court of the Tsentralny district of Minsk dismissed the case, referring to a lack of jurisdiction.

One of the negative trends of the year was the administrative harassment of independent journalists working for foreign media without accreditation. At the same time, the authorities repeatedly denied accreditation to the media whose correspondents received the majority of such penalties, including the Belarusian Radio Racyja and the Poland-based BelSat TV channel. The most widely used means of harassment of journalists were official prosecutorial warnings about the inadmissibility of violations of media legislation and administrative responsibility for “illegal production and distribution of media products”.

An attack on freedom of speech and independent media, including websites, according to journalist and human rights community, is linked to the forthcoming presidential election to be held in 2015.

V. The problem of the death penalty

Three death sentences were carried out during the year (Ryhor Yuzepchuk, Aliaksandr Hrunou and Pavel Sialiu) and one death convict — Eduard Lykau — was on death row in the Interior Ministry's jail No. 1 awaiting execution.

Of great concern is the fact that the death sentences of Pavel Sialiu and Aliaksandr Hrunou were carried out after the registration of their individual communications at the UN Human Rights Committee and the enforcement of Rule 92, of which the Government of Belarus was informed in writing. In recent years, there were six cases of enforcement of death sentences in spite of the UN HRC procedures (Uladzislau Kavaliou, Andrei Zhuk, Ryhor Yuzepchuk, Andrei Burdyka, Aleh Hryshkavets, Pavel Sialiu, and Aliaksandr Hrunou). This practice demonstrates a total disregard of the Republic of Belarus for its international obligations in the field of human rights. On December 1, the United Nations Human Rights Committee expressed its grave concern over the execution by Belarus of a person whose complaint was under consideration by the Committee (Aliaksandr Hrunou). "The position of the Human Rights Committee remains unchanged regarding the breach of the Committee's request for interim measures of protection to avoid irreparable harm," said Sir Nigel Rodley, the Committee's Chairperson. He stressed that this was not the first time that Belarus had executed complainants whose cases were registered and pending examination, with a request to have their execution put on hold. "This amounts to a grave breach of the international legal obligations taken by Belarus," said Sir Nigel.

It is worth adding that in two cases of individual communications submitted on behalf of executed persons the UNHRC found a violation by the Republic of Belarus of Article 6 of the ICCPR — the right to life.

Belarusian human rights activists continued to criticize the very procedure of carrying out death verdicts, in particular, a ban on issuing of the body of the executed person and a failure to specify the place of his burial. Such procedures were repeatedly recognized by the UNCHR as cruel and inhuman treatment in respect of the death convict's relatives.

Families of executed prisoners repeatedly petitioned government officials with a request to amend these provisions of the Criminal Executive Code, but these attempts were unsuccessful. During 2014, there were two cases when relatives of executed persons — Pavel Sialiu and Aliaksandr Hrunou — received from prison No. 1 in Minsk their prison clothes labelled IMN (exceptional punishment). It is this uniform that persons on death row wear in jail while awaiting execution. Such actions cause additional suffering to their relatives and also constitute cruel and inhuman treatment.

Situation of Human Rights in Belarus in January 2014

In January, human rights situation remained consistently bad with a tendency toward conservation of negative practices that evolved over the previous years. There were no positive changes, either in law or in law enforcement. Opportunities of exercising citizens' rights were severely limited, especially in the sphere of freedom of expression on various issues, including through public gatherings. None of the peaceful assemblies planned across the country were allowed by local authorities, while unauthorized events were stopped with violent methods followed by bringing administrative charges against their participants. The practice of preventive and repressive suppression of any dissent, citizens' initiatives not controlled by the authorities, manifestations of solidarity, and a wide coverage of problematic issues contributed to the decline of public activity of citizens. The authorities continued using such an instrument of pressure as the imposition of prosecutorial warnings for activity on behalf of unregistered organizations, while the option of legalizing public initiatives through obtaining registration from institutions of justice remained impossible for various formal or frivolous reasons.

The most pressing problem, the existence of political prisoners, still remained unsolved. The Belarusian authorities continued to demonstrate the lack of political will to address the issue, while eleven political prisoners were still held in places of detention: Ales Bialiatski, Mikalai Statkevich, Mikalai Autukhovich, Eduard Lobau, Mikalai Dziadok, Yauhen Vaskovich, Artsiom Prakapenka, Ihar Alinevich, Andrei Haidukou, Uladzimir Yaromenak and Vasil Parfiankou. The head of state in January made some speculative public statements concerning the fate and possible mechanisms for the release of two prisoners of conscience, Ales Bialiatski and Mikalai Statkevich.

In particular, on January 21, at a meeting with representatives of the leading media of Belarus held in the Independence Palace, Aliaksandr Lukashenka claimed he did not know that members of the public had a long time ago reimbursed for the damage allegedly caused to the state by Ales Bialiatski. Lukashenka ordered his first deputy head of his Administration, Aliaksandr Radzkou, to verify this information. "This is a serious argument. This is not about politics or the position of Bialiatski himself. I swear I did not and do not know him," said Lukashenka, noting that "paying taxes is a sacred thing". According to the President, if the information on compensation is confirmed, application of amnesty to Bialiatski should be considered. No information about the results of the "check" was reported by the end of the month, and this statement in no way affected the fate of the imprisoned human rights

defender. Besides, the use of the amnesty law in respect of Ales Bialiatski was unlikely, as he had a number of penalties and the status of a “violator of the prison rules”, in connection with which he was not covered by the amnesty law in 2012.

In addition, director of the BelaPAN news agency, Ales Lipai, mentioned the possibility of granting amnesty to Statkevich, “As far as I understand, no clemency petitions from them are required for this. In particular, Statkevich was a presidential candidate in the 2010 election. He received the most severe sentence among those convicted of organizing mass riots, six years, and has already served more than half of the term. But even the people who stormed the government house and broke the glass have already been released, and Statkevich neither participated in such activities nor called for riots. He is apparently one of those people who will not ask for clemency even under pressure. It would be in the best traditions of Christianity and the Belarusian people to forgive him for flaying the government and helping organize a peaceful protest which, beyond his will, turned into a smashing of windows and beating people. If they are pardoned, it will help establish a dialogue with the European Union, a dialogue that is certainly in the interests of the Belarusian people, and therefore must be in the interests of the head of the state.” In response, Aliaksandr Lukashenka said he had repeatedly mentioned the country’s practice of pardon: the convicted person should write a petition for clemency to be considered. “You needn’t write that you are guilty,” said the head of state. When asked by Ales Lipai whether that meant that if Statkevich wrote a plea for clemency, but there were no confession of his guilt, then he would be released, Aliaksandr Lukashenka said, “Maybe we will do it, but the procedure must be observed. Politically, Statkevich is not a rival for me,” said Lukashenka. “Statkevich is a political corpse for Belarusians. In the last election, he pursued this policy for the benefit of the President. He has not been my rival or a politician, and he never will. Statkevich is not worth to be a stumbling block in our relations with the EU.” Thus, Aliaksandr Lukashenka gave an unequivocal message that writing a clemency petition was the only way for Statkevich to be released early, which the prisoner, in his turn, clearly denied.

At the same meeting, Aliaksandr Lukashenka announced the resumption of a dialogue with the West, “For some time recently we have not been criticizing or pressurizing each other. We have started to talk.” According to the President, “We conducted a number of events, though these events were not public. Many Europeans who come here often ask us to keep things private. I speak with them frankly if they want to meet with me. I never refuse to receive them; I speak with everyone — from US congressmen to ordinary politicians and even former politicians from Europe. Of course, they have influence in their

countries. We have held many meetings like that; we have established a kind of dialogue,” said Lukashenka. “Although we do not sit at the common table and discuss problems (we will do it eventually, though), there is some dialogue and it is good.”

The positive dynamics in relations between the European Union, individual countries and the official Minsk were stressed at a round table on the Belarusian-European relations after the Eastern Partnership’s Vilnius summit held on 29 January in Minsk. Meanwhile, Rodolphe Richard, head of Political, Press and Information Section at the EU Delegation to Belarus, said that the European Union was not ready to compromise with the authorities on the issue of political prisoners in Belarus. “For the full-fledged resumption of relationships, there are some conditions that have not yet been resolved. I do not see any possibility to compromise here on our part. If concrete decisions are not taken, it will be difficult to do something on our part,” said Mr. Richard. Aleh Shloma, head of the EU Desk of the European Cooperation Department at the Foreign Ministry of Belarus, commenting on the issue of political prisoners, in turn, said, “The issue is familiar to us. But this does not mean that it is the only obstacle, and if it is removed, there will come a happy future in our relations with the EU. Let’s be realistic, when we wake up tomorrow, even if these people are released from prison, we will not see that we have become a good friend of the European Union showered with its money, and we will become the European Union’s favorites. Too much negativity has been accumulated and it will take time and joint efforts to overcome it. We do not close our eyes to it. But this is one of the issues,” said the representative of the Foreign Ministry.

These statements of both the Belarusian leadership and representatives of the EU clearly witnessed the ongoing dialogue on the issue of political prisoners and the preservation of the European Union’s position on restoration of full cooperation only after the release of political prisoners. Despite the fact that the foreign policy factor continued to be one of the most powerful levers of influence on the Belarusian leadership’s stance on this issue, no positive changes occurred in practice by the end of the month.

Political prisoners, criminal prosecution of civil society activists

On January 3, political prisoner Mikalai Autukhovich was visited in Hrodna prison by his wife Alena Autukhovich. The meeting lasted for two hours, they talked through thick glass using telephones. Speaking about the health of her husband, she said that Mikalai “goes strong, three months remain, and he will be able to live it through with dignity, even though they use all sorts

of provocations against him”. Alena Autukhovich noted that at the time of the visit Autukhovich had not yet received the medical parcel the prisoner’s mother sent him back in mid-December. On January 7, Mikalai Autukhovich turned 51. Over the last five years, the political prisoner has celebrated his birthdays in prison after being sentenced to a five year prison term. It was not until January 25 that reports said Autukhovich had received the parcel with essential medicines.

On January 4, Maryna Adamovich, wife of the political prisoner Mikalai Statkevich, said that the prisoner’s letter sent to his brother, who lived in Ukraine, telling of pro-EU protests and Ukraine’s relations with Russia had not passed the prison censorship. An empty envelope was returned to Statkevich instead. According to Maryna Adamovich, Statkevich noted in his last letter that he had already served three years, or exactly half of his sentence. “He writes time is flying very fast for him,” explains Maryna Adamovich. On January 22, Ms. Adamovich received a letter from her husband, in which he actually answered the question of whether he could agree to write a petition for clemency to be released from prison, “Our colleagues from the Social Democratic Party of Germany are now in the government, and they are using quiet diplomacy now to seek my release, just like Khodorkovsky. But I am opposed to secret diplomacy where different tools are needed. And I am not Khodorkovsky, I am a presidential candidate, and he is a businessman. Therefore, I will write no petitions. For I called people to come to the Square, tens of thousands came in spite of fear. And I cannot betray so many people.” On January 23, a rally of solidarity with Mikalai Statkevich was held in the centre of the Polish city of Katowice to mark 1,000 days of his detention. Next to a tent with the image of the political prisoner, employees of MEP Marek Migalski’s office offered passers-by to sign cards calling for the release of Statkevich, which were later sent to Lukashenka.

On January 4, Maryna Lobava, mother of the political prisoner Eduard Lobau, reported that after a long silence her son managed to call home on Christmas. Maryna Lobava noted that his voice was very joyful and cheerful. Eduard Lobau continued to study to be an electrician and was already performing certain work assignments. The political prisoner also managed to phone home on 6 and 14 January. Ms. Lobava said she had been twice called by Father Dzmitry, who usually visited the political prisoner, and said that he was again going to her son in the colony as soon as he found time for it.

On January 4, in a letter to a civil society activist Volha Mikalaichyk, political prisoner Vasil Parfiankou wrote that he was not allowed to sit or lie on the bunk in the daytime in the transit point of the Zhodzina colony where he was awaiting a transfer to the colony in Horki: as a result, he was forced to be on his feet all day long. The political prisoner said he was hungry for

information: there was no TV and he did not receive any newspapers, and he had no money on his account, as the Svetlahorsk activity therapy centre had not yet returned him half a million roubles, Vasil could not buy postcards or envelopes to correspond. On January 12, Vasil Parfiankou's parents sent him some money so that he could buy envelopes and paper, as well as foodstuffs. On January 28, the Minsk City Court considered an appeal in the case of political prisoner Vasil Parfiankou. The verdict of the Peshamaiski District Court, one year of imprisonment, remained unchanged and the appeal was dismissed.

On January 15, Executive Secretary of the organizing committee of the Belarusian Christian Democracy Dzianis Sadouski said that political prisoner Yauhen Vaskovich celebrated New Year's Day in solitary confinement of prison No. 4 in Mahiliou, having received a penalty of 10 days on December 27, 2013. In total, since October 2011, Yauhen Vaskovich has spent 247 days in a punishment cell. Most punishments were handed down on the same ground, "for failure to comply with the legitimate demands of the prison staff". Being 186 centimeters tall, the political prisoner weighed only 65 kilograms. On January 30, Yauhen Vaskovich's mother and grandmother received a right to a short meeting with the political prisoner — two hours of telephone conversation through glass. According to the prisoner's mother, Rushaniya Vaskovich, her son has lost weight, saying that this is due to a lack of sun and vitamins. It is still a pressing problem for Yauhen Vaskovich to receive newspapers.

On January 25, Valiantsina Alinevich, mother of political prisoner Ihar Alinevich, said after a brief meeting with her son that he was delighted to receive the news about the Frantsishak Aliakhnovich award his book, "Going to Magadan", received, but didn't consider himself a writer. He noted that it was most important for him that his work helped a lot of people learn what was going on in the "Amerykanka", the KGB prison in Minsk. Speaking of his future literary plans, Ihar Alinevich said it is virtually impossible to implement them, since as soon as he sat down to write something, including letters, three people immediately appeared behind him to keep track of what he had written. His latest meeting was videotaped by the administration of the Navapolatsk colony. The political prisoner was forced to sign a notification of video and audio recording. Valiantsina Alinevich said that her son had been lacking information lately, after he started receiving much fewer newspapers. In addition, Ihar Alinevich was not allowed to make telephone calls. He last managed to call home in October 2013.

On January 28, Anatol Prakapenka, father of Artsiom Prakapenka, said that he had not received any letters or phone calls from his son for more than two weeks. Anatol Prakapenka said that Artsiom's position on refusal to write a petition for clemency remained unchanged. The political prisoner's father

added that no new sanctions had been imposed on him, saying that he looked forward to receiving a right to visit him in the next two months.

On January 30, it became known that the application for registration of Ales Bialiatski's nomination for the Nobel Peace Prize had been forwarded to the Nobel Committee. His nomination was initiated by the Polish Sejm members representing the Civic Platform and the Prawo i Sprawiedliwość party.

Death penalty

On January 17, a resident of Homel, Aliaksandr Hrunou, who was repeatedly sentenced to death by the Homel Regional Court for the murder of student Natallia Emialyanchykava, appealed the verdict at the Supreme Court. In his appeal, Aliaksandr Hrunou and his counsel mention that the board of criminal cases of the Homel Regional Court had assessed the defendant's full confession, but failed to take this fact into account when pronouncing the verdict. Aliaksandr Hrunou was held in the Homel pre-trial prison. After the verdict, his mother Volha Hrunova twice met with her son in prison. She wrote complaints to the Prosecutor General and Aliaksandr Lukashenka. The woman believes that the President's statements on her son's case influenced the eventual sentence.

Torture and other cruel and inhuman treatment

On January 14, a resident of Minsk, Liudmila Kuchura, appealed to the court after the Investigative Committee refused to examine her complaint against the torture facts reported by her husband Piotr Kuchura, who was then held in colony No. 15 in Mahiliou. In November 2013, Liudmila Kuchura petitioned the Investigative Committee's Office in the Mahiliou region over allegations of torture against her husband. Instead of investigating the complaint in order to determine whether cruel and inhuman treatment had been used against the prisoner and evaluating the actions of heads and staff of the colony, the chief of the Committee's Mahiliou Regional Department forwarded the complaint challenging the actions of the police officers to the Ministry of Internal Affairs' Department of Corrections. Pointing out that the examination of the petition by the Department could not be considered impartial, the prisoner's wife appealed the decision to the Investigation Committee's main office. In turn, the Committee found no violations in the actions of the police officers and dismissed the complaint. Thereby, Ms. Kuchura and her husband were deprived of the right to judicial protection, as in case a probe was carried out by an investigative authority and no criminal case was opened as a result, they would have the right to appeal the decision in court. This made

the woman go to court. But in December 2013, the Leninski District Court of Mahiliou refused to institute civil proceedings on an appeal against a decision of the head of the Investigative Committee's Mahiliou Department. Despite the fact that on December 30, 2013 Piotr Kuchura was transferred to maximum security prison No. 4 in Mahiliou, the prisoner's wife appealed to the Mahiliou Regional Court. In her complaint, she asked the higher court to reverse the ruling of the Court of Mahiliou's Leninski district of December 19, 2013 and send the case file to the court of the first instance. The case concerns the events of September 19, 2013, when disabled Piotr Kuchura was placed in a punishment cell, where the toilet was dusted with lots of bleach. As a result of the contact with water, the bleach entered into a reaction, which caused the poisoning with chlorine vapor. The prisoner was taken to another cell only after a significant deterioration of his health, while no medical care was provided during the time. An investigation launched by the Mahiliou Regional Prosecutor's Office found that, according to the medical staff, sodium chloride had not for a long time been used for disinfection in penal colony No. 15 for a long time. This means that bleach could have been used in this case as a means of torture.

Persecution of human rights defenders and organizations

On January 14, Vitsebsk human rights activist Petr Ivanov was warned of possible deportation. Petr Ivanov was born in Belarus, but worked in the Russian Federation, where he received citizenship. The Department of Citizenship and Migration of Vitsebsk's Kastychnitski Department of Internal Affairs requested that by January 20 Petr Ivanov provided a report on his means of subsistence, otherwise they threatened to deport him from Belarus. A former professional soldier, Petr Ivanov had a regular income — pension. All this was confirmed by documents. The period of the human rights defender's residence permit was to expire in October 2014, and police were trying to find a reason not to extend it, or even deport him ahead of the deadline. Petr Ivanov's family lives in Vitsebsk. He also owns an apartment in the city.

Administrative prosecution of civil society and political activists, arbitrary detention

On January 3, the Tsentralny District Court of Homel started hearing the case of the leader of the campaign "Stop Drinking, Start Living!" Dzmitry Karashkou. The police accused him of organizing an unsanctioned event. According to an administrative offence report, in the morning of November 11, 2013, Dzmitry arrived at a plaza outside the Executive Committee holding

a banner “Stop Selling Alcohol near Schools”, for which he was detained. The report drawn up by police Major Uladzimir Nedaboi says that Karashkou “publicly expressed his personal interests with a banner”. Judge Alena Tsalkova asked whether he had applied to the City Executive Committee for permission to stage the picket. The activist said that he did not apply because he had previously written a statement, but the City Executive Committee did not allow a different anti-alcoholism picket. Karashkou challenged the ban at the Tsentralny District Court. However, the Court, as well as the higher courts, dismissed his complaint. Later he submitted a complaint to the UN Human Rights Committee. He also stressed that not a single mass event had been allowed in Homel over the last seven years. On January 9, Judge Alena Tsalkova ruled to fine Dzmitry Karashkou 10 basic units.

On January 9, Leanid Autukhou, an activist of the BPF’s Haradok branch, was detained based on a denunciation by an anonymous informant. After being brought to Haradok police station, he was shown an unsigned letter, saying that he was preparing a protest in the district centre. Leanid Autukhou was released three hours later, after the regional authorities, who had come to meet with local entrepreneurs, left the town. Leanid Autukhou said his detention was directly linked to the visit of representatives of the Visebsk Regional Executive Committee. The activist said he didn’t know who had written the letter. But he didn’t rule out that this could have something to do with the police, as on January 9 Haradok officials were receiving representatives of the Regional Executive Committee, and the police department did not want additional problems. The nervous situation in Haradok was connected to the Dazhynki agricultural festival to be held in the town in fall.

On January 14, the Savetski District Court of Minsk heard the charges brought against the leader of the United Civil Party Anatol Liabedzka for violating Article 23.34, Part 3 of the Administrative Code (organization of or participation in an unauthorized mass event). Anatol Liabedzka was detained near his garage in the morning of January 12. He was first taken to the police department of Savetski district and then to the nearby police station, where he was charged over a rally held on January 5, when the politician, together with the co-chair of the campaign “For Fair Elections” Viktor Karniayenka, campaigned in the centre of Minsk for the abolition of car duties. After Anatol Liabedzka faced charges, he was taken first to the Kurapaty memorial site, where a vast number of people had been executed during the Great Purge, and then to the city’s crematorium. He was eventually released not far from his apartment in the Vesninka district of Minsk. Judge Kiryl Palulekh found Anatol Liabedzka guilty and ordered to punish him with a fine of 45 basic units.

On January 23, a few dozen people, mostly young people from the opposition groups “Alternative” and “Solidarity Movement *Together*”, demonstrated outside

the Ukrainian Embassy in Minsk with portraits of a Belarusian national, Mikhail Zhyzneuski, who was killed during protests in Kyiv. They lit candles and sang the hymn “God Almighty”. When the people were leaving the place riot police appeared and detained twelve participants of the memorial picket, including Illia Dabratvor, Mikhail Mikulich, Dzmitry Silchanka, Iryna Viatkina, Aleh Kirol and others. All of them were taken to the police department of the Tsentralny district and were eventually released without charges after 10 p.m.

On January 25, police officers in plainclothes detained two activists of the initiative “Food Not Bombs” and five homeless people in Minsk’s Simon Bolivar Park. They were taken to the Partyzanski District Police Department, where they were fingerprinted and their passport information was copied. On January 26, riot police and plainclothes police officers arrived at the initiative’s event held near the Uskhod metro station. On February 1, police visited the distribution of food in Simon Bolivar Park to prevent the activists from coming to the place and discontinue the initiative “Food Not Bombs”. On February 2, four police officers were waiting for the activists to arrive at the place of another event near the Uskhod metro station. The police officers initially tried to disrupt the distribution of food, but it was held anyway. One of the activists was detained and taken to the Pershamaiski District Police Department, but was soon released. The remaining protesters said that after they had left the place, a police bus appeared to detain the activists. “Food Not Bombs” is an international movement, consisting of separate groups of activists protesting against militarism and poverty through free distribution of food (usually vegetarian) to those in need. In Minsk, their first event took place in the summer of 2005. The activists continue distributing food every weekend in three places, Mikhailausky Park, Simon Bolivar Park and near the shopping centre “Shchastse” (next to the Uskhod metro station).

On January 27, activist Illia Dabratvor received a reply from the Prosecutor’s Office of Minsk’s Frunzenski district, following his complaint about the illegal actions of the police who detained him on October 29, 2013 together with his eight-year-old son Yausei during the Dziady memorial event. According to Illia Dabratvor, employees of the Frunzenski District Police Department failed to name the reasons for the detention. He was then forced to provide explanations. In his complaint, the activist stated it was even more absurd to detain a child. The Prosecutor of the Frunzenski district A.A. Biaspaly noted that there were no grounds for launching a probe, “As suggested by your complaint, an administrative offence report against you was not submitted by the police officers the Frunzenski District Police Department and, accordingly, no administrative procedures were initiated.” Meanwhile, in accordance with Art. 9.5 of the Procedural-Executive Code of Administrative Offences, administrative procedures are initiated from the moment of administrative

detention of an individual. Illia Dabratvor stressed the fact in his letter of complaint to the Prosecutor of Minsk. Similarly, the activist was appealing another arbitrary detention of 23 January, when he had been detained in the same way by the police of Minsk's Tsentralny District Police Department.

On January 30, The Pershamaiski District Court of Minsk considered the administrative case of the former political prisoner Dzmitry Dashkevich on charges of violating the restrictions of preventive supervision (Art. 24-12, Part 1 of the Administrative Code). The defendant did not appear in court, saying that he was busy at work. In addition, according to Dzmitry Dashkevich, the courts were staffed with people "who have repeatedly fabricated cases" and he did not consider it necessary to prove his innocence. Dzmitry Dashkevich received a warning for violating the rules of preventive supervision after on December 19, 2013 he failed to appear at the criminal supervisory inspection of the Pershamaiski District Police Department, where he was supposed to check in on the first, third and fourth Thursdays of each month. As explained by Dzmitry Dashkevich, he forgot that the third Thursday of the month was December 19. The following morning, he was phoned by an inspector, who offered him to come to the police department. When Dzmitry Dashkevich appeared there he faced charges of violation of the preventive supervision rules. As noted by Dzmitry Dashkevich, in such cases (if the person forgets to come to the police, but he does it the next day) no charges are usually brought. However, the inspector said that he was ordered to submit a violation report. The Court's decision was a fine of 10 basic units.

On January 31, it was reported that at least two fans of FC BATE Barysau were arrested by the court for five days for a rally in support of the Ukrainian Maidan protest. The first of them was summoned to the local police station on 29 January. However, he was not released, and the next day a closed trial arrested the BATE fan for "violation of the established procedure for meetings, rallies, marches, demonstrations, and pickets". On January 31, another fan was invited for a "conversation". After he asked to send him a summons, the police arrived and took him away. Three hours later his father and a lawyer came to the police department. The police officers said that the detained football fan had been taken to court. For the next two hours, they refused to disclose his whereabouts. His lawyer was not allowed to see the detainee and, just like in the previous case, he was brought to court and convicted. On 27 January, 23 BATE fans staged a rally of solidarity with Ukraine and were photographed with white-red-white flags and banners "Hold on, Ukraine, we are with you" and "Glory to the Heroes". The photos were posted online. As a result, the fans were targeted by police officers and identified through the "VKontakte" social network. A message at a football fan forum said that law enforcement officers also came to the fans of FC Dinamo Minsk, who supported the Maidan protests, too.

Restrictions on freedom of speech and the right to impart information, harassment of journalists

On January 2, human rights defender Tatsiana Reviaka was notified by deputy chief of the Ashmiany customs, A.V. Datchuk, that the customs had received from the General Directorate of Ideological Work, Culture and Youth Affairs of the Hrodna Regional Executive Committee conclusions of an expert committee's review of the publication "Asvechanyia Belarushchynai" ("Enlightened by the Belarusian Issue", written by the human rights defender, political prisoner Ales Bialiatski. However, the text of the examination was not sent. It was the second examination, as the first one did not meet legal requirements. According to the findings of the first examination, the literary book by Ales Bialiatski "can damage the image of the Republic of Belarus". The recent letter did not say what conclusions could be found in the second analysis. Yet, it says that "as a result of two customs examinations and on the basis of Chapter 1.3 of the Common List of Goods subject to bans or restrictions on the import or export by the Member States of the Customs Union within the Eurasian Economic Community", the Ashmiany customs department should within 10 working days enforce the procedure of "re-export of the publication to the territory of the Republic of Lithuania". On January 14, the Ashmiany District Court received a complaint against the actions of Ashmiany customs. On January 29, the Court held a preliminary hearing in the civil case. The lawsuit was considered by Judge Tatsiana Yemelianovich, the customs authorities were represented by Tamara Hlinkevich and Alena Zhdanovich. Lawyer Pavel Sapelka was admitted as a representative of the interests of the applicant, Tatsiana Reviaka. As a result of the meeting, the human rights defenders managed to see the results of the second examination, on the basis of which it was decided to re-export the book. It turned out that it was carried out by the same employees of the Hrodna State University, Uladzimir Yahorychau and Vadzim Khiliuta, who made the initial conclusions, and the legitimacy of their appointment as experts was appealed by the human rights defenders. The customs authority requested to investigate the presence in the book of calls for or propaganda of extremism and terrorism, as well as information that might cause political or economic harm to Belarus, its public safety, health and morals of the citizens. Neither extremism nor terrorism was found in the book, while the experts actually evaded answering the second question, citing the results of the first examination, which, in turn, failed to give a clear answer.

On January 8, the publisher of an independent news bulletins "Klimavitskaya Infa-Panarama", Siarhei Arzhantsau, was denied the right to attend a meeting of the administrative commission of the Klimavichy District Executive

Committee. On this day, the commission was expected to consider several cases on administrative offences that interested the publisher. The presence of the journalist for some reason was opposed by the chairperson of the administrative commission, Natallia Asmalouskaya. Ms. Asmalouskaya, who in addition to the presidency of the administrative commission also headed the administrative department of the Klimavichy District Executive Committee, told Siarhei Arzhantsau that she was against his attending the meeting. It is unknown what caused such a negative reaction from the official, since according to Article 2.14 of the Procedural-Executive Code of Administrative Offences, “cases on administrative violations shall be discussed openly.” Siarhei Arzhantsau left a complaint of the violation in the book of comments and suggestions of the Klimavichy District Executive Committee.

On January 17, it was reported that the department of ideology of the Vitsebsk Regional Executive Committee informed local newspapers on the membership of journalists in the Belarusian Association of Journalists, as well as on who was going to join the “undesirable” organization. A number of journalists were summoned to the Executive Committee demanding explanations on their membership in the organization. The ideology officials primarily targeted participants of a friendly meeting of Vitsebsk journalists held in late 2013. It was attended by both BAJ members and ordinary journalists. The journalists had to explain that their meeting was not an assembly, since Belarusian Association of Journalists has no office in Vitsebsk and that it was a usual holiday tea party, where people shared their plans and talked about some professional problems, and then listened to Heorhi Stankevich, a singer from Beshankovichy. Previously, such meetings were not spotted by the ideology department of the Executive Committee.

At about noon, January 20, Vitsebsk police detained the editor of the Vitsebski Kurier independent weekly Aleh Barshcheuski and took him to the police department of Kastychnitski district. The editor was detained for allegedly using a false driver’s license. His car was stopped by police officer Ihar Artamonau. A few hours later, Aleh Barshcheuski was released from the police station. Before the release, there appeared an employee of the tax inspectorate of Vitsebsk’s Pershamaiski district, who urged Aleh Barshcheuski to submit an income declaration.

On January 27, the Supreme Court dismissed the claim of the owner of the company “BELSATplus” Andrei Beliakou, who sought a ban on the use of the trademark “Belsat TV” by the Poland-based Belarusian independent TV channel. The official representative of Belsat in Belarus Mikhail Yanchuk said that the decision could be appealed under supervisory procedures during three years. Meanwhile, it is essential that, according to the Belarusian legislation, the same lawsuit with these same parties can no longer be considered in

a Belarusian court, which means that Mr. Beliakou will not be able to file a claim against the channel for the second time. Andrei Beliakou firm called “BELSATplus” sells equipment for receiving satellite and cable television and radio equipment. Mr. Beliakou’s initial demand was to suspend the broadcast of BelSat by Astra satellite operators. However, after the meeting of January 21, the plaintiff changed his claim and only called for a suspension of the use of the trademark “BelSat TV”. Under the law, you cannot block a trademark, if it is used in another area (broadcast and production of television programs). BELSATplus is not involved in television broadcasting. The channel is registered in Poland, just like the domain of its website. The domain name is not registered or administered in Belarus, and the TV channel is not broadcast from the territory of Belarus. Accordingly, the trademark does not fall under the jurisdiction of the Belarusian law.

On January 28, unknown persons hacked a Homel independent website “A Sober Look” (spasemstranu.com), working within the framework of the campaign “Stop Drinking — Start Living”. It happened during the funeral of a Homel resident Mikhail Zhyzneuski, who had been killed during clashes at the Kyiv Maidan protest, as at the time the website administrators were busy at the funeral. The hackers embedded a special code that helped download and erase all the content on the website. Instead, the attackers posted their own content advertising non-traditional sexual relations.

On January 29, a Salihorsk activist, Aliaksandr Malochka received an answer from the Ashmiany customs department concerning the book “Aliaksandr Lukashenka. A Political Portrait” by Valery Karbalevich that was seized from him on the Belarusian-Lithuanian border. An examination ordered to return the book to its owner, says a letter of 23 January signed by head of the Ashmiany customs department, I. Zmitrovich. Four months had passed since the book was sent for examination, and all this time Aliaksandr Malochka knew nothing about the results of the examination. On January 18, he wrote a letter requesting customs officials to finally report on the experts’ conclusions, and if the book did not contain “extremist material”, to explain the procedure of its return, as the officials said nothing about the results of the examination in their letter. Aliaksandr Malochka was offered to apply to the head of the customs department with a written statement and within 10 days after that to recover the book at the “place of storage”. Valery Karbalevich’s book was seized from Aliaksandr Malochka in September 14 as he was returning from Lithuania to Belarus. In early October, the activist was notified by the chief of Ashmiany customs that the customs examination of the book was appointed on September 30, and that its conduct was delegated to an “expert of the number of authorized officials of the Main Directorate of Ideological Work, Culture and Youth Affairs of the Hrodna Regional Executive Committee.”

Restrictions on freedom of assembly

On January 4, an individual entrepreneur and civil society activist Mikalai Charnavus, who works at the Central Co-operative Market of Baranavichy, was visited by a policeman. The police officer interviewed him over an unauthorized picket against corruption, held in the city park on December 26, 2013. During the picket, its organizer was dressed as Santa Claus holding a poster “Chairmen Dzichkouski, Yazubets are Unsinkable. Chairman of the Executive Committee Sumar deceived President. Corrupt MP in Parliament. Disgrace!” Mikalai Charnavus denied his involvement in the rally, saying that the case would not reach court, because local officials weren’t interested in fomenting a corruption scandal, which involved high-ranking officials of the city and the district.

On January 9, the Board on Civil Case of the Brest Regional Court upheld the decision of the Court of Biaroza district to ban a picket scheduled for October 10, World Day Against the Death Penalty. The rally was banned because its organizers failed to submit to the Executive Committee agreements with the municipal services (public utilities, police and hospital) for servicing the picket. Both the Biaroza District Court and the Civil Board of the Regional Court referred to the legislation under which contracts with the police, doctors and municipal services were required for the sake of safety of citizens during mass events. However, it was impossible to implement the conditions in practice. A complaint by human rights defenders Siarhei Rusetski and Tamara Shchapiotkina, as well as a civil society activist Tatsiana Tarasevich, was dismissed. According to Siarhei Rusetski, it is remarkable that the judges finally paid attention to the provisions of the International Covenant on Civil and Political Rights, which guarantees freedom of assembly, although predictably concluded that the ban did not contradict international standards.

On January 12, a rally against police violence was expected to be held in Vitsebsk by Ihar Pastnou, a doctor famous for his criticism of local authorities, but his request was dismissed by the administration of the Kastychnitski district. The officials said the doctor failed to provide contracts with medical, police and utilities departments. These agreements are required for the organizers of mass actions when they are initiated by citizens. This requirement is regulated by Ruling No. 881 of the Vitsebsk City Executive Committee. Meanwhile, it is virtually impossible to follow it, as the authorities in charge of the services refuse to enter into contracts, unless there is permission from the authorities. Ihar Pastnou, who was going to hold a silent action in an officially authorized place, said the ban was unfair. Being a doctor, he considered it inappropriate to sign additional agreements with the health care authorities. He was not going to litter the area during the rally in memory of the victims

of police violence. And the presence of the police at the event, according to him, was unnecessary. Firstly, he was going to hold the picket on January 12, a day off, in a place of mass recreation of citizens that should be patrolled by the police in any case. Secondly, the purpose of the picket, protesting against police violence, should be relevant for the police chiefs, and for ordinary policemen, too, who ought to support the proposal of “cleansing” the police staff of persons prone to sadism and violence.

On January 13, the Astravets District Court started hearing a complaint by a civil society activist Mikalai Ulasevich filed to challenge the actions of the Astravets District Executive Committee officials, who banned a picket scheduled for December 7, 2013 to demand “justice for corrupt officials”. The hearing began at 10.30 and ended two hours later after studying the case file at the stage of pleadings. Judge Aliaksandr Ratkevich adjourned the trial until 4 p.m. Before that, Mikalai Ulasevich challenged the composition of the court, who disallowed his question to a representative of the defendant as to which normative act governed the need to sign contracts with the police and health care services to maintain public order and health care during the mass event. At 4 p.m., the trial was not resumed. 20 minutes before the expected start of the hearing, Mikalai Ulasevich received a phone call from a court clerk and was told that the trial was adjourned. According to the official, the date was to be reported to Mr. Ulasevich later. On January 16, the court dismissed the activist’s complaint.

On January 15, Chairperson of the Brest Regional Court Tamara Suchok dismissed a complaint of Bioroza human rights defenders against a ban on a picket of August 4, 2013 aimed at supporting political prisoners. As a result, the decisions of the Bioroza District Court and the judicial board of the Regional Court were upheld. The Bioroza District Court, the Judicial Board, and the Chairperson of the Brest Regional Court concluded that the requirement of the Executive Committee to sign agreements with the police, public utilities and health care department during the organization of a mass event was not contrary to the International Covenant on Civil and Political Rights, without elaborating on the arguments, which indicated its falling short of international standards of freedom of peaceful assembly.

On January 15, the Pershamaiski District Court of Vitsebsk considered a complaint by the coordinator of the Movement “For Freedom” in the Vitsebsk region Khrystafor Zhaliapau and an activist of the organizing committee of the Social Democratic Party “Narodnaya Hramada”, Aliaksei Haurutsikau, demanding to cancel the ban on a picket of solidarity with political prisoners scheduled for December 10, 2013. The reason for the ban picket on the Human Rights Day was traditional: lack of service contracts. At the same time, the organizers submitted their application together with copies of the

letters asking for permission to enter into a contract addressed to the police, the city clinic and public utilities. The latter authority normally agreed to sign a contract. The police department responded after the district authorities had issued their ban, saying it was no use negotiating when the event had been already prohibited. The city's central polyclinic also sent a refusal: no service contract are possible, because in winter all medical services are usually busy due to mass illnesses. The Pershamaiski District Court saw nothing unusual in this situation, and the complaint was dismissed. The decision of the district administration to ban the event was regarded as correct, as the organizers' claim as groundless.

On January 16, Aliaksei Haurutsikau, an activist of the organizing committee of the Social Democratic Party "Narodnaya Hramada", told about the new strategy of protecting the right to freedom of peaceful assembly. "The strategy is as follows: we file applications and copies of letters with requests to sign contracts for maintenance of events addressed to public utilities, the Regional Department of the Interior Ministry and the city's central clinic two months before the planned event. These authorities are referred to in the Executive Committee's ruling No. 881 on the organization of mass events. The ruling says that we must enter into a contract immediately, before filing. But there has never been a single instance when these services agreed to sign an agreement — except for public utilities. The doctors usually send us runaround replies, even without giving reasons. And the police have their reasons: they ignore the ruling of the Executive Committee and act according to the Law on Mass Events, and write that they will sign an agreement only after there is permission of the district administration. If this situation persists, then after 15 days we will get another rejection of the regional authorities". Then, according to Aliaksei Haurutsikau, the activists need to submit an application to the court to force the Interior Ministry's department and the central clinic to sign the agreements. This procedure takes approximately 30 days. And if the court decides in their favour, the activists may still have time to reapply, having signed agreements ready. Vitsebsk activists did not see any other way to obtain permission. They needed a way to ensure that the responsible agencies do not create obstacles to the implementation of the ruling of the city executive authorities. Although they considered this ruling to be imperfect: over the past four years, not a single event of the Vitsebsk opposition forces has been conducted, precisely because the terms of this ruling cannot be implemented. Subsequent complaints against the bans were dismissed by the courts. In particular, in 2013, Aliaksei Haurutsikau and Khrystafor Zhaliapau tried to urge the health care and police authorities to sign the agreements through court. However, the Kastychnitski District Court said that it was impossible to force the organizations to sign contracts, because they are not engaged exclusively

in selling their services to the public. Then the activists decided to go the other way: to prosecute heads of agencies who refused to cooperate with them. And then the Kastychnitski District Court took a radically different position: Judge Alena Papkova rejected the complaint and advised the plaintiffs to apply to the court to compel the conclusion of contracts. The activists had to appeal to the Regional Court to receive a clear answer on which complaints could be granted by judges. The Vitsebsk activists have been looking for a way to solve the problem — the possibility to exercise their right to organize mass actions — since 2009, when ruling No. 881 came into force. The city authorities have refused to change it to make it feasible in practice: their replies say that the ruling had passed a legal examination, was approved and recognized valid. Over the past two days, Vitsebsk activists have applied for several events. Chairman of the BPF's city branch was planning a picket on Constitution Day, March 15, and a rally on Freedom Day, March 25. The events were expected to be held in Mazuryn Park, located in the Kastychnitski district. Similar events were going to be staged in the Komsomol 30th Anniversary Park by the coordinator of the Movement "For Freedom" in the Vitsebsk region Khrystafor Zhaliapau and an activist of the organizing committee of the Social Democratic Party "Narodnaya Hramada" Aliaksei Haurutsikau. They also wanted to hold pickets on Constitution Day and on Freedom Day. Their applications were filed in Pershamaiski district administration, which, in case of a ban, was to be sued, said Aliaksei Haurutsikau. On January 29, the Constitution Day rally was banned: the district department of the Ministry of Internal Affairs and the health care authorities once again sent refusals. The doctors said that there was still plenty of time until March 15, and they could not promise that on that day there would be an ambulance on duty. The police sent a standard runaround reply, saying that they would consider the proposal only after the authorities allowed the event.

On January 17, a civil society activist of Vaukavysk, Vital Huliak, was not allowed to stage a picket in solidarity with the Ukrainian Maidan protests, which was expected to be held in the city park (an officially authorized place for public events) on January 25. A response signed by the deputy chairman of the Executive Committee Uladzimir Zakharchuk said that "in accordance with Article 2 of the Law of the Republic of Belarus of December 30, 1997 "On Mass Events" (...) a street march is organized mass movement of a group of citizens along the sidewalk or roadway (road), boulevard, avenue, square. Thus, the mass event, for permission to conduct which you have applied, is impossible in the city park." The activist said it was simply impossible to understand anything specifically from this answer.

On January 20, the Hrodna Regional Court considered an appeal of local human rights defenders Viktor Sazonau, Uladzimir Khilmanovich and Raman

Yurhel against the Leninski District Court's decision, which had upheld the ban imposed by the Executive Committee on a picket scheduled for October 10, 2013 to disseminate information about the situation with the death penalty in Belarus. The City Executive Committee had banned the picket, saying that the applicants could not afford the costs associated with its implementation. The first trial revealed that a picket in Hrodna cost 23,324,000 roubles. The officials also said that the applicants had not indicated if they were going to use pyrotechnics or open flame, considering it a violation of law. In addition, the Hrodna City Executive Committee violated the Law "On Languages in the Republic of Belarus", giving their answer in Russian, instead of Belarusian. The Board of the Regional Court of three judges sided with the Executive Committee and the court of first instance.

On January 21, the Mahiliou City Executive Committee decided to ban a rally against the imposition of new taxes, which was organized by the chairman of the Mahiliou regional organization of the Belarusian Popular Front "Adradzhenne" Dzmitry Salauyou, the chairman of the Mahiliou regional office of the United Civil Party Uladzimir Shantsau and deputy chairman of the Free Trade Union of Belarus Yury Novikau. They planned to hold the event on January 25 at a plaza outside the stadium "Khimik", the only authorized location in town. An official response received by Uladzimir Shantsau from a local road maintenance company said that the company lacked cleaners and the date of the planned event was a day off. The public utility department initially signed a contract with the organizers to clean up the area, but then terminated the agreement unilaterally.

On January 23, the former chairperson of the Homel City Executive Committee Sviatlana Haldade received a letter from the UN Human Rights Committee, saying that the Committee had registered her complaint, which she, together with Homel human rights defenders Anatol Paplauny and Leanid Sudalenka, had filed in connection with a ban on a picket in support of political prisoner, human rights defender Ales Bialiatski expected to be held on August 4, 2012. Sviatlana Haldade asked the Committee to establish a violation by the state of her and the human rights defenders' rights to freedom of peaceful assembly and freedom of expression and to recommend to the Belarusian government to bring the Law "On Mass Events" and the rulings of local authorities on mass events in line with the country's international obligations.

On January 26, a trade union activist of Baranavichy, Ryhor Hryk, was expected to hold a picket under the slogan "Let's Put Actions of the Authorities and the Laws of the Republic of Belarus — Under Civil Control". However, the picket was banned by the City Executive Committee, despite the fact that the applicant had entered into agreements with the clinic, public utilities and police and complied with all requirements of the law on public events.

Moreover, the activist was not notified of the ban by the Executive Committee, as he had not received an official reply by January 26, but after a conversation with deputy chief of the law enforcement and prevention department Major Pavel Kulhavik.

On January 30, human rights defenders and civil society activists Siarhei Housha, Viktor Syrytsa, Viachaslau Bolbat, Viktor Meziak, Mikalai Charnavus, Ryhor Hryk and Anzhalika Kambalava sent a petition to the newly appointed Chairman of the city executive committee Yury Hramakouski to propose certain steps aimed at the democratization of the local restrictions on holding mass events. The statement says that for various reasons for more than 6 years the Baranavichy City Executive Committee has not allowed a single member of the public to hold mass events in violation of Art. 2 and 35 of the Constitution of Belarus. In confirmation of this statement, the applicants attached copies of their applications for rallies and refusals from the city executive committee and the police department.

The applicants pointed out that according to the ruling of the city executive authorities No. 1497 of 16 June, 2009 “On the order of holding mass events in the city of Baranavichy”, the organizers were required to enter into service contracts for a clean-up, health and public order maintenance. However, it was virtually impossible to implement the ruling by signing an agreement with the police department of Baranavichy. The department for protection of public order stated it would sign the contract only when the City Executive Committee gave permission to hold the event, whereas the latter refuses to authorize the event in question referring to the absence of the service contract with the police.

The petitioners demanded introducing the following changes to the executive committee’s decision:

1. Expand the number of permanent locations for events up to 3-4;
2. In its decisions prohibiting pickets, meetings or rallies, etc. indicate what provision of the law (or decision of the administration) on mass events, part of a paragraph and paragraph, was violated by the applicants to avoid all contentious issues;
3. Invite the applicants themselves to the executive committee’s meetings to consider their applications for mass events in order to clarify controversial issues.
4. Allow staging single-person pickets by the notification principle, with no permit required from the Baranavichy City Executive Committee if the applicant assumes responsibility for the clean-up, maintenance of public order and health care.
5. Delete a subparagraph which requires organizers of public events to sign a service contract with the police for maintaining public order

Restrictions on freedom of association

On January 8, the Main Department of Justice of the Brest Regional Executive Committee denied registration to the educational public association “Brest Christian Democrats”. According to the reply received by the chairman of the NGO’s organizing committee, Dzmitry Shurkhai, the name of the organization, in the opinion of the Executive Committee’s lawyers, did not meet the definition of a public association. The response stated that the word “Christian” could be a part of the name of a religious organization seeking to implement educational activities in the field of Christian faith and the word “Democrats” could denote a political party. The Department of Justice also said that, in accordance with the law, a public association “is a voluntary association of citizens for joint realization of civil, social, cultural and other rights, but not for the exercise of freedom of conscience or political programs”. The previous attempt to register the Brest Christian Democrats was also unsuccessful, including due to the fact that its founders failed to agree the name with the “registration authority”. The main claims of the Justice Department allegedly dealt with the mismatch of the organization’s name in Russian and Belarusian languages (“Brestskiye Khristianskiye Demokraty” and “Berastseiskiyya Khrystsiyanskiyya Demakraty”, respectively).

On January 13, the Pinsk coordinator of the organizing committee of the party “Belarusian Christian Democracy” Siarhei Sukhaverkhou received a Prosecutor’s warning for activities on behalf of an unregistered organization. The warning was signed by Pinsk Inter-district Deputy Prosecutor, Liudmila Suprun.

On January 15, it was reported that of the 451 organizations which had, until recently, significant benefits for the rental of premises (a 90 % discount), only 195 NGO remained on the list. The list of associations that have been given the privilege, includes almost all sports federations, including the Federation of Golf. Of the 195 organizations that are still on the list of beneficiaries, 52 are that sports federations and associations. Meanwhile, sport-related youth associations are entitled to benefits, whereas youth organizations off intellectual and entertaining orientation (“Homel Club of Cheerful and Resourceful”, “Belarusian CCR”) are not. Benefits were also given to associations of disabled persons, charity, Chernobyl organizations, the associations providing assistance to children, and associations of parents with many children. The list of beneficiaries no longer includes the Frantsysk Skaryna Belarusian Language Society, the World Association of Belarusians “Batskaushchyna”, the Belarusian Foundation “SOS — Children’s Village”, the Central Service of Alcoholics Anonymous, “Republic without Drugs”, the Belarusian Association of UNESCO Clubs, the League of Youth Voluntary

Work. The State Property Committee refused to comment on the reasons for such decision, citing “inability to provide information”. Unions of entrepreneurs, environmental associations and associations of national minorities were kicked off the beneficiaries list, too. At the same time, Jewish charitable associations and communities, as well as the Communist Party of Belarus have been left in the list. There are about three thousand non-governmental organizations in Belarus. The list of beneficiaries is compiled in consultation with the President.

On January 23, Mikhail Kavalkou, leader of the Free Trade Union’s branch at the Babruisk Plant of Tractor Parts and Assemblies, said that the plant’s managers continued discriminating the trade union members. To address the situation, he sent a statement to the Director of the enterprise Aliaksandr Ahranovich. Copies of the petition were sent to the Minister of Industry, Minister of Labour and Social Protection, Chairman of the Babruisk City Executive Committee, Director General of MTZ and Prosecutor of the Pershamaiski district. In his letter, the activist mentioned a number of demands to the factory administration. If the requirements weren’t be taken into account, Mikhail Kavalkou intended to start a hunger strike from January 27 to draw attention to discrimination on the grounds of trade union membership. The activist demanded to suspend harassment of the Free Trade Union members, enter into negotiations with the FTU activists to develop and sign a collective agreement, eliminate discriminatory points of the current collective agreement and extend its action to all employees of the plant, provide the chairman of the FTU branch with free access to the factory’s territory, provide the FTU branch with premises for statutory activities and ensure equal conditions with the official trade union. The statement also enumerated violations committed by the plant management against the members of the independent trade union, starting from 2005: a ban on visiting a recreation complex by FTU activists, blocking Mikhail Kavalkou’s pass, dismissal of FTU members, deprivation of financial bonuses and much more. On January 27, it was reported that the hunger strike was delayed, after the factory administration promised to hold constructive talks with the local leader of the Free Trade Union of Belarus, which would address all the issues that affected FTU members. A statement titled “In the Mode of a Dialogue” appeared on the official website of the company. It stated about the importance of finding a compromise for both sides.

Situation of Human Rights in Belarus in February 2014

In February, the Belarusian authorities articulated their interest in human rights issues. However, they expressed their concern about the problems in this area not in Belarus, but in some foreign countries. On February 10, the Belarusian Foreign Ministry published its second report entitled “The Most Resonant Human Rights Violations in Certain Countries in 2013” (the first report was prepared to sum up the results of 2012). Minister of Foreign Affairs Uladzimir Makei in his introductory article noted that “in the recent years, the international community has elevated human rights to the level of importance at the United Nations that only the issues of peace, security and development had enjoyed”. Guided by this approach, the Belarusian Foreign Ministry chose offensive tactics, arguing that the countries that accuse Belarus violate human rights themselves. The preamble to the report says that it concerns those countries that imposed sanctions against Belarus — EU countries, USA and Canada. At the same time, the Belarusian authorities deliberately avoid criticism of the countries that have traditionally supported Belarus at the international level. The report is purely propagandistic in nature. Its positive aspect is that the Belarusian authorities admit that human rights are not only internal problems and are subject to the attention and concern of the international community.

The EU and the U.S. were very quick to respond to the Belarusian Foreign Ministry’s report. The European Union’s delegation to Minsk said that it “took note of the report”, adding that the EU publishes an annual report that focuses on the work of the EU to promote human rights in the world. “Using this opportunity, the EU reiterates to Belarusian authorities about the importance of complying with the Human Rights Council’s Resolution 23/15, including the implementation of all recommendations contained in the reports of the UN High Commissioner for Human Rights and cooperation with the UN Special Rapporteur on Belarus,” said a spokesperson for the European Union’s delegation.

“The United States is always open to a human rights dialogue with Belarus,” the spokesperson for the US embassy in Minsk said. “We’re ready to discuss the human rights situation in our country as well as Washington’s conclusions about the situation in Belarus detailed in US State Department’s report.”

The existence of political prisoners remained the most acute problem. However, in February there were some statements, as a result of which it became clear that the positions of some foreign countries on the number and names of political prisoners diverged. In particular, Belarusian human rights

defenders insisted on the unconditional release and rehabilitation of nine political prisoners (Ales Bialiatski, Mikalai Statkevich, Mikalai Autukhovich, Eduard Lobau, Mikalai Dziadok, Ihar Alinevich, Andrei Haidukou, Uladzimir Yaromenak and Vasil Parfiankou), and demanded a fair retrial and release of political prisoners Yauhen Vaskovich and Artsiom Prakapenka, noting the unjust treatment of their offences and the disproportionate nature of the penalty, and stressing that they had already served sufficient imprisonment for the acts they had committed.

That only six Belarusians were viewed as political prisoners by the EU was voiced on February 17 at an informal meeting of human rights defenders with the ambassador of a European country. After the meeting, Deputy Chairman of the Human Rights Centre “Viasna” Valiantsin Stefanovich commented on the information at the request of a Euroradio journalist: “No specific figures were voiced — we participated in various meetings, when we were asked to present our views on certain things, we voiced them and we always said: “We consider eleven people to be political prisoners”. And now we learn about that just six persons are considered as such.” Meanwhile, the names of the people viewed as political prisoners by the EU were not reported. There is no information as to which EU body decided on this number of political prisoners, either.

On February 18, a BelaPAN correspondent was told by the EU delegation to Belarus that the lists of political prisoners might vary for various reasons. “The lists of political prisoners may differ, for different reasons,” the Delegation’s spokesperson said. “First, the lists may differ between human rights organizations, based abroad or established in Belarus. Second, the number may differ from one period to another. The main point for the EU is anyway that all the political prisoners are released, that no new political prisoners are taken, and that the human rights situation improves. The EU takes into account different points of view, listens to experts, monitors trials, and makes its own assessment of the situation and takes its decision autonomously.” While failing to give the names, the EU delegation spokesperson said that the European Union continued to urge the Belarusian authorities to release political prisoners and improve the situation of democracy, rule of law and human rights, including the right of citizens to a fair trial and the lack of politically motivated prosecutions.

The fact that Brussels’ political dialogue with the official Minsk is impossible without solving the problem of political prisoners was stressed on February 19, during a meeting of representatives of the Belarusian opposition with Dirk Schuebel, head of the European External Action Service’s division responsible for the European Union’s relations with the Eastern Partnership countries, who was in Belarus on a working visit. Following the meeting,

one of its participants, Anatol Liabedzka, said that the official was offered to comment on media reports alleging six political prisoners on the EU list, while eleven persons were considered political prisoners inside Belarus. According to the politician, Dirk Schuebel said that no one made any exclusions from the general list at the EU level, that they were demanding the release of all political prisoners, without exception, and the statements that had been made could be a private opinion of some members of the European Union.

There is no denying the fact that the release of political prisoners is the EU's main demand to the Belarusian authorities, and the failure to meet it minimizes the chances for improving relations, but in February there appeared fears that after the liberation of six rather than eleven prisoners the European Union might consider the requirement met. Such a development would be very dangerous, given the fact that the foreign factor is by far the most influential one as far as the situation of political prisoners is concerned, as well as the general situation of human rights in the country.

One of the mechanisms that could be used in the EU pressure on official Minsk with regard to political prisoners was proposed by Sweden in a document entitled "20 Points on the Eastern Partnership post-Vilnius" presented on February 10 at a meeting of the EU Council of Ministers of Foreign Affairs. The paper recommended to persuade the Belarusian authorities to "take positive steps on political prisoners" "through informal contacts" with Minsk and by "using" the upcoming IIHF World Championship in Minsk (9-25 May 2014).

Strong repercussions were caused by a statement of the Israeli ambassador to Belarus Yosef Shagal in an interview with the Israeli Channel RTVI on February 6, alleging that from the standpoint of Israel Belarusian political prisoners were criminals. "Those who are considered political prisoners, they are officially four people today. Four people remain in jail. Lukashenka invites them to write a plea for clemency, as in the case of Khodorkovsky: write a request and they'll let you go. They do not want to, they prefer to remain heroes in prison," said Yosef Shagal. Speaking about the position of Israel as the only democracy in the Middle East in relation to the problem of political prisoners in Belarus, Shagal said: "How do we will treat a Palestinian who throws a stone at the Knesset? Who is he — a political prisoner or a criminal? They all are in prison on criminal charges, not political. Everyone. For the attack on the Parliament, for throwing stones." "I'm not saying that they are not political prisoners — it depends on the light we view it in. From the perspective of the Criminal Code of the country where they are imprisoned, they are criminals. From the perspective of Poland or the European Union, they are political prisoners," added the Israeli diplomat. When asked by a journalist, "And from the standpoint of Israel?" Shagal said: "From our point of view, they are criminals because they have an article — for disorderly conduct, for

throwing stones, for insulting the authorities and so on.” However, Israel’s Foreign Ministry did not support the statements of its ambassador to Belarus. On February 14, the website of the Israeli Embassy to Warsaw released an official communication of the press secretary of the Israeli Ministry of Foreign Affairs, which dissociated itself from the statements of Ambassador Yosef Shagal. “In connection with the contents of the interview given on February 6 to the Channel RTVi by the Israeli Ambassador to Belarus, a spokesperson for the Israeli Foreign Ministry and the Israeli Embassy in Warsaw want to explain: the words of the ambassador in Minsk in no way reflect the position of the State of Israel. His words caused a misunderstanding among our friends. We express our regret over this. An explanation has already been sent through diplomatic channels,” Yigal Palmor, the spokesperson of Israel’s Foreign Ministry said.

In turn, a number of former Belarusian political prisoners and their families, as well as relatives of those who are now in Belarusian prisons for political reasons, appealed to President Shimon Peres, Prime Minister Benjamin Netanyahu and Knesset Chairman Yuli-Yoel Edelstein, demanding to withdraw Ambassador Yosef Shagal from Belarus. “We do not intend to interfere in the personnel policy of the Israeli Ministry of Foreign Affairs but believe that it is obvious that democratic community of Belarus find Mr. Shagal’s statements deeply offensive, and are unlikely to be conducive to maintaining a positive image of the State of Israel in Belarusian society,” reads the appeal.

Despite heated debates around the issue of political prisoners, their fate in February remained unchanged. There were no positive dynamics in other sensitive areas of human rights in Belarus. The situation remained stably frozen and poor.

Political prisoners, criminal prosecution of civil society activists

On February 1, Maryna Adamovich, wife of political prisoner Mikalai Statkevich, said, citing a reliable source, that prison censors stopped Statkevich’s letter with a reply to Lukashenka’s statement made on January 21 during a meeting with editors the largest Belarusian media. The Head of State noted that in order to be releases Mikalai Statkevich should write a petition for clemency. In his earlier letters, Mikalai Statkevich wrote that he flatly refused to petition Lukashenka for pardon. Maryna Adamovich says that nothing has changed since. On February 6, Mikalai Statkevich’s wife said that the political prisoner did not ruled out that after the recent proposals to write a petition there was a likelihood that the desired application could be written for him. “I remember when in the fall of 2011 the brigade commander asked me

to write to the head of the penal colony with the requirement (!) to release me, preferably in Belarusian. I wrote the application, repeating part of my last word in court and calling the name of the offender. Then, thinking again, I wrote [...] the falsification of a “petition” on my behalf was possible. (Then I read about this possibility in the newspaper, for which I am grateful.) Later, in January 2012, when I was in the “special cell” of the cell-type facility awaiting a trial, an employee of the operations division told me that they indeed had such a plan. He even boasted that they could have “made” such a “request” that “no expertise would find this”. The political prisoner explained that he was writing about it, “so that no one had such temptation now”.

On February 7, Maryna Lobava, mother of political prisoner Eduard Lobau, who was serving a sentence in Ivatsevichy colony, said that her son had phoned home for the first time during a month. Eduard Lobau said that he lived through severe frosts and did not get sick. On February 25, Maryna Lobava had a short meeting with her son. They spoke for two hours through a glass wall. Ms. Lobava said that Eduard felt fine. In June, he would probably finish his studies and receive a welder’s degree, having plans for his release (he was to be released on December 18, 2014).

On February 6, a Polish MEP Filip Kaczmarek sent a letter of support to political prisoner Yauhen Vaskovich and an appeal to the Belarusian Red Cross to investigate the prisoner’s condition. Of the 15 months Yauhen Vaskovich had been behind bars, he spent eight months in solitary confinement. “As you know, staying in solitary confinement for just several days is very dangerous to human life and can lead to tragic consequences. I suspect that the many months of Yauhen’s solitary confinement is torture used in order to force him to sign a petition for clemency,” said Mr. Kaczmarek. On February 17, the Belarusian Red Cross said: “The Belarusian Red Cross Society received your message about Yauhen Vaskovich of 10 February 2014, and on behalf of the chairman of the Belarusian Red Cross Society V. Malashkz we inform you that we have sent a request to the Department of Corrections of the Ministry of Internal Affairs about the condition of detention and the possibility of visiting of Yauhen Vaskovich.” On February 26, Yauhen Vaskovich marked his 24th birthday. This is the fourth birthday the political prisoner marked in prison.

On February 8, Natallia Pinchuk, wife of political prisoner, human rights defender Ales Bialiatski said that she had received a letter from her husband, in which he wrote that during all his spare time he was working on an essay about the writer Barys Mikulich. This double-repressed writer, who died after the war, not living to learn about his rehabilitation, published his works in the magazine “Maladniak”, which was printed in Babruisk, where Ales Bialiatski was serving his sentence. On February 25, Ales Bialiatski was awarded the “Golden Apostrophe” Prize by the magazine “Dzeyaslou” in the nomination

“non-fiction” for his article “Dziady were with us”, written on the occasion of the 25th anniversary of the first mass rally in Belarus, Dziady.

On February 8, a civil society activist and film director Volha Nikalaichyk said that she had received a letter from political prisoner Mikalai Autukhovich, in which he wrote that he had not received postcards and telegrams sent by Belarusian and Ukrainian activists from the Kyiv Maidan on his birthday. On February 26, human rights activist Aleh Volchak said that Hrodna prison administration did not allow to examine and diagnose Mikalai Autukhovich. The political prisoner had serious dental problems, needing implants, and he still had not received a mixer to grind his food.

On February 8, Valeriya Khotsina, wife of political prisoner Mikalai Dziadok, said that the administration of Mahiliou prison refused to take a food parcel for him. According to Ms. Khotsina, he was expected to receive a parcel: a pair of chocolate bars, the cigarettes he wanted, some tea, because he said that it was possible, but soon it was reported that the parcel was returned. The relatives were not informed of the reason why the foodstuffs were not allowed. Earlier, the prison administration accepted a parcel with books. According to the political prisoner, he has read all the books from the prison library that interested him. Valeriya Khotsina said that in his recent letters Mikalai did not complain of poor health.

On February 11, political prisoner Vasil Parfiankou was sent to penal colony No. 9 in Horki, after being held in detention centre No. 7 in Zhodzina. On 5 December 2013, Vasil Parfiankou was sentenced to one year of penal colony for violation of preventive supervision. He was taken into custody in the courtroom and sent to the detention centre.

On February 20, the Charter-97 website presented in Warsaw the National Award in the field of human rights protection named after Viktor Ivashkevich. Viktor Ivashkevich is a prominent figure of the Belarusian democratic movement, who died in 2013. One of the winners of the award was political prisoner Uladzimir Yaromenak.

On February 24, the family of political prisoner Andrei Haidukou, who was serving a sentence in Mahiliou colony No. 19, completed their long visit, which lasted three days. The political prisoner’s mother Volha Haidukova said that the meeting was good, Andrei felt fine, his mood was good, the prisoner was looking forward to his release (on 8 May 2014).

Death penalty

In February, the campaign “Human Rights Defenders against the Death Penalty in Belarus” marked five years of its activities. The campaign includes several directions. One of them is legal assistance to people sentenced

to death in order to ensure a fair trial. During this time, several complaints were submitted to the UN Human Rights Committee. Two of them had been considered (the cases of Uladzislau Kavaliou and Andrei Zhuk), and the other ones were being considered. One of the areas of the campaign's activities is work with the families of convicts who seek to change the rules of executions and to receive the right to regain bodies for burying. Another important area is awareness-raising. The authorities are trying to preserve a veil of secrecy around the issue of the death penalty. Not all sentences are reported in the media. The impossibility of peaceful assemblies against the death penalty is still an obstacle.

Torture and other cruel and inhuman treatment

On February 8, Viktor Sharshun was in his apartment in Shevchenko Boulevard in Minsk, when unknown persons rang the doorbell and said that they were from public utilities. As it turned out, they were policemen. Without giving their names, they ordered Viktor Sharshun to remove the white-red-white flag that he had hung on his balcony, as it was allegedly unregistered with the state. Viktor Sharshun refused to do so and tried to close the door. Then the police pulled him out to the landing and began beating him. The handcuffed Viktor Sharshun was taken to Tsentralny district police department, where he remained until late in the evening, but no one explained the reason for his detention, and no charges were brought against him. At about 9 p.m., the detainee was taken to medical facility to undergo an examination for alcohol. He was then brought back to the police department. Viktor Sharshun felt unwell, an ambulance was called, which took him to hospital. Before leaving the hospital, the man received an administrative offence report under Art. 23.4 (disobedience to a lawful order or request of an official in the exercise of official authority) and 23.5 (insulting an official in the exercise of official authority) of the Administrative Code of the Republic of Belarus. At the hospital, the patient was X-rayed, and then released. Viktor Sharshun filed a complaint with the Prosecutor's Office of the Tsentralny district of Minsk asking to investigate the police misconduct and bring the perpetrators to justice. "The policemen's reference that I supposedly violated the law by displaying on my balcony the symbols that were not registered in accordance with the law is absurd and illegal, because the use of unregistered symbols is prohibited by law only to the participants of mass events," said Viktor Sharshun in his complaint. On February 13, Viktor Sharshun received a certificate from the city ambulance station. A copy of the medical records, among other things, said that during an external examination on February 8 there were documented numerous abrasions and outer skin lesions. As a possible diagnosis, it mentions a

closed fracture of the 8th and 9th left ribs. On February 25, a response of the Deputy Prosecutor of the Tsentralny district M. Khortau said that Viktar Sharshun's complaint had been to the Tsentralny District Court. Thus, instead of investigating the case and prosecute the police officers, the prosecutor forwarded the case to the court, changing the subject of the complaint to the citizen's disagreement with the conduct of administrative proceedings against him.

Persecution of human rights defenders and organizations

On February 10, the District Court of Ashmiany considered a civil case of human rights defender Tatsiana Reviaka against the Ashmiany customs officials, who ordered a re-export to the Republic of Lithuania of 40 copies of the book "Asvechanyia Belarushchynai" ("Enlightened by Belarusian Issue") by the imprisoned human rights defender Ales Bialiatski, which were seized from her when crossing the border. This requirement was justified by the conclusions of two examinations and by Section 1.3 of the Common list of goods subject to bans or restrictions on the import or export by the Member States of the Customs Union within the Eurasian Economic Community. The customs authority was represented by Tamara Hlinkevich and Alena Zhdanovich. An employee of the Ashmiany customs N. Kananovich was also questioned as an expert. The applicant's interests were represented by lawyer Pavel Sapelka. During the session, Judge Tatsiana Yemelianovich heard both sides' arguments and examined the written materials of the case. The parties debated and witnesses for the human rights defenders — Siarhei Sys and Andrei Paluda — spoke to testify that Tatsiana Reviaka was not transporting the book for sale, but for distribution among the friends and acquaintances of Ales Bialiatski. On February 11, Judge Tatsiana Yemelianovich dismissed Tatsiana Reviaka's complaint recognizing the ban on the import of the publication in Belarus legal. Meanwhile, the judge said the examinations of the book were unacceptable, taking them into account, however, as an expert's opinion, and the decision to dismiss the claim, she said, was made based on internal beliefs. The Court said that the content of Ales Bialiatski's book "Asvechanyia Belarushchynai" could harm the political interests of Belarus, its national security and morality of citizens. The Court, however, failed to quote a single sentence from the book, which, in its opinion, could damage the specified values. On February 12, the Secretariat of the NGO "Union of Belarusian Writers" said that the court's decision was politically motivated and caused only by the fact that the author was serving a prison term.

On February 13, the Belarusian border officials detained for inspection the head of the private cultural and educational institution "Platform Innovation"

Andrei Bandarenka. The customs officers found several copies of the annual report on the activities of the organization. After several hours of negotiations, the customs officials searched the car and detained for examination all the copies of the report. Andrei Bandarenka stressed that the annual report was a public document, available on the organizations' official website. Previously, none of the state bodies had had any claims to these reports.

On February 18, Judge Alena Siamak of the Tsentralny District Court of Minsk considered a complaint filed by Deputy Chairman of the Human Rights Centre "Viasna" Valiantsin Stefanovich to challenge a decision of the Prosecutor General's Office to blacklist the spring96.org website as a resource with restricted access. The defendant's representative was Deputy Head of Department for Supervision of Civil Rights and Liberties of the General Prosecutor's Office Pavel Yeliseyev. At the beginning of the trial, Valiantsin Stefanovich requested to allow chairman of the Belarusian Helsinki Committee Aleh Hulak contribute to proceedings. He also asked to announce the decision of the Prosecutor General, on the basis of which the spring96.org website was blacklisted. Stefanovich also asked the Judge to conduct proceedings in the Belarusian language. The Judge and the prosecutor supported the petitions, except the last one. Thus, the proceedings were conducted in Russian, after the judge argued that the computer in the courtroom was not adapted to the Belarusian language. At the request of the prosecutor, screenshots of the website of the HRC "Viasna" were attached to the case materials. The General Prosecutor's Office argued that one of the reasons for blacklisting the website spring96.org were publications of unauthorized nature. A resolution to this effect was made in August 2011, but the case materials mainly featured links to articles published after August 2011. Mr. Stefanovich contested violation of his rights as one of the authors of Viasna's website, namely, illegal restriction on the dissemination of information. According to him, the Prosecutor's Office had no reason to blacklist the website, as materials posted on it in no way violated the law, but on the contrary contributed to improving the legal culture. The Prosecutor General's position was based on the fact that the website contained information about the organization, which had not passed state registration in accordance with the law and, therefore, publication of such information was a violation of law. Pavel Yeliseyev said that no complaints from citizens against information posted on spring96.org were received, and the decision was the Prosecutor's Office own initiative, launched under the President's Decree No. 60 dealing with internet media. The representative of the Prosecutor General's Office said that information on the website of the HRC "Viasna" promoted illegal activities, undermining the foundations of statehood, and therefore the ban for public sector organizations to have free access to the resource was reasonable. Pavel Eliseyev also said that if the

Prosecutor's Office had the ability to impose general restrictions on access to the website of the HRC "Viasna", the law enforcement agency would have implemented it. During debates, Stefanovich said that the representative of the Prosecutor General's Office failed to explain what rights of citizens were violated through information that the applicant disseminated on spring96.org . "Our activity is based on the principles of human rights. We support public policies to combat extremism, violence, ethnic, racial and other discrimination. I insist that the information that we disseminate in no way breaks the law. And the prosecutors did not provide any counterarguments," said Viasna deputy chairman. The representative of the Prosecutor General's Office insisted that Stefanovich was an improper applicant in the case, and also urged the court to stop the civil case, as Stefanovich's personal rights were not violated. As a result, the court ruled to find Valiantsin Stefanovich an improper plaintiff, as he wasn't the owner of the website spring96.org, and blacklisting the website did not violate his personal rights. In addition, the judge ruled to discontinue proceedings in the civil case. On February 21, Valiantsin Stefanovich sent a private complaint to the Board of Civil Cases of the Minsk City Court to appeal against the decision of the Tsentralny District Court to dismiss the case of blacklisting the website spring96.org . The human rights defenders disagreed with the court ruling, as he believed that it was not based on the law and violated his legitimate right to appeal in court the actions of a public authority, which infringed his rights, which was within the jurisdiction of the courts under the provisions of the Civil Procedure Code of the Republic of Belarus (cases that arise from administrative relations).

Administrative prosecution of civil society and political activists, arbitrary detention

On February 1, a man was detained at the set of a movie called "Abel". He was detained for chanting the slogan "Long Live Belarus". This evening, the film makers shot a mass scene, when 4,000 demonstrators marched from Kastrchnitskaya to Independence Square. Near the supermarket "Tsentralny", the young man several times shouted the slogan "Long Live Belarus". He was taken aside and told that he was under detention. Soon the young man was released.

On February 2, a plaza outside Kamarouski market in Minsk hosted a campaign picket for a Belarusian Christian Democracy candidate in the local council elections, Maryna Khomich. According to a co-chair of the BCD's organizing committee Vital Rymasheuski, "people in civilian clothes insulted the picketers in different ways, filmed them on video, used psychological pressure". In response to these actions, Vital Rymasheuski called the police.

On February 7, he was invited to the police department of Savetski district and told that he was fined 16 basic units “for a false call to the police”. Vital Rymasheuski said that the police hadn’t arrived, although an administrative offence reports said that a police patrol had been sent to Kamarouski market.

On February 10, former political prisoner, co-chair of the organizing committee of the party Belarusian Christian Democracy Pavel Seviarynets was summoned to the criminal-executive inspection of the Frunzenski district police department of Minsk, where he was issued with a written “official warning prohibiting unlawful conduct”. When the politician asked about the reason for such a warning, he was told that he was “on the register”. Pavel Seviarynets stated that this was linked to the upcoming World Hockey Championship, as well as to his meetings in the regions during the local elections campaign. Pavel Seviarynets had served three years of imprisonment for participating in protests against the rigged elections in 2010. He was released on 19 October 2013 and will have a standing conviction for two years after the release.

On February 12, a number of administrative trials were held in Hrodna to hear the charges brought against members of the United Civil Party who participated in an election rally on February 7. As a result, three people, Aliaksandra Vasilevich, Yezhy Hryhencha and Ruslan Kulevich, were fined 15 basic units each; Iryna Davidovich, a UCP member of the town of Luye, was fined 10 basic units, after the court took into account that she was unemployed and was raising two children. The UCP members were summoned to the police department of Leninski district of Hrodna in the morning and were held in police custody for the whole day. At 2.30 p.m., Judge Alena Piatrova came to the police department to bring a decision on punishment. The participants in the electoral picket, all of whom were going to stand as candidates, were testified against by several policemen and a representative of the city election commission Iryna Vishneuskaya. The latter was sent to observe the picket. The trials ended at about six o’clock in the evening. The Judge said that the UCP activists were not only engaged in collecting signatures for their nomination as candidates, but also violated the law by simultaneously campaigning against the introduction of a new tax on cars.

On February 22, during a rally of solidarity with Ukraine, Homel police detained members of the Young Front opposition movement Andrei Tsianiuta, Natallia Kryvashei and Stanislau Bula. The activists staged a protest in central Homel to display the list of those killed in the Maidan protests and light candles in memory of the heroes. The activists were detained by police immediately after the start of the action. After being taken to the Tsentralny district police department, Andrei Tsianiuta, Natallia Kryvashei and Stanislau Bula were charged with illegal picketing under Article 23.34 of the Administrative Code.

The fourth detainee, Kanstantsin Zhukouski, who photographed the activists and was also taken to the police department, was charged under Article 364 of the Criminal Code for alleged threats of violence towards a police officer. Kanstantsin Zhukouski said that this could be caused by his words about the possibility of travel sanctions against the policemen for creating obstacles in honouring the memory of the victims of Ukraine's pro-EU protests.

On February 22, activists of the Young Front Mikalai Dzemidzenka and Dzmitry Kremianetski were detained at the Ukrainian border. Their passports were stamped to prohibit entry into the territory of Ukraine for 5 years and the activists were taken to the Belarusian side. Thereafter, there appeared police officers who detained the activists for what allegedly using foul language. Before the trial, which took place on February 24, the activists were held in the Yelsk police department. They were charged with an administrative offence under 17.1 of the Administrative Code (disorderly conduct), backed up by reports of five police officers and the protocols of interrogation of two other detainees in the police department. Judge Ivan Tsalkou of the Yelsk District Court ruled to punish Mikalai Dzemidzenka and Dzmitry Kremianetski with an administrative arrest of 10 days each.

Restrictions on freedom of speech and the right to impart information, harassment of journalists

On February 4, Aleh Zhalnou, a well-known blogger in Babruisk, was detained over an "attempt to remotely detonate" the building of the police department. The suspicion was caused by a key fob that beeped in his pocket. The blogger had to visit the police department after a criminal case had been opened against his son Aliaksei: on this day he was expected to be questioned and Aleh Zhalnou was going to shoot it on video. The criminal case was a continuation of a conflict outside the traffic police department building, which resulted in several court hearings in 2013. The equipment, confiscated at the Zhalnous' apartment was confiscated, which still has not been returned. The blogger was fined for disobedience to police. His son, Aliaksei Zhalnou, was charged under Article 364 of the Criminal Code, "violence or the threat of violence against employees of the Interior". It is alleged that during the September conflict in front of the traffic police building Aliaksei Zhalnou hit a traffic policeman Aliaksandr Butouski on the head. Aleh Zhalnou insists that his son did not use physical force against Butouski, saying that the charges are a revenge for all his videos and trials. On February 7, Babruisk City Prosecutor's Office opened a criminal case against Aleh Zhalnou for "publicly insulting a representative of authority in connection with the performance of his duties" under Article 369 of the Criminal Code. The grounds were a number

of posts on Aleh Zhalnou's personal blog. According to the press service of the department of internal affairs of the Babruisk city executive committee, the blog "featured a number of offensive materials against a police officer". On February 20, Aleh Zhalnou said that he faced charges under article 340, "wilfully false report about the danger", and an investigation was underway. The charges came after his visit to the police department, when one of the policemen said his personal belongings were a security threat and reported on the preparation of an explosion.

On February 5, journalists Siarhei Kruchkou, Nasta Reznikava and cameraman Aliaksandr Patseyeu arrived in Vitsebsk region to shoot a story about life in Miyory district, but were soon stopped by policemen. The police officers told the journalists that they were not residents of the district, and therefore they had no right to be there, and ordered them to go to the police station. At the police station, they were told that they were allegedly going to shoot a strategic military facility, barracks for military drills participants. The journalists said that they were going to shoot the church, while the barracks were at least 250 meters away. After providing explanations, the detainees were released and a police car escorted them outside the district centre. The journalists did not know about the military exercise in Miyory. In fact, the town was declared a place under the martial law with a curfew and other constraints. The drills began in late January. The town hosted the territorial defence headquarters, a separate rifle company was formed here and several hundred reservists were mobilized for temporary service.

On February 8, five years had passed since the entry into force of the new Law "On Mass Media". The day was marked with the presentation of an analytical report entitled "Belarus: Time for Media Reform", a collaboration of the international organization "Index on Censorship" and the Belarusian Association of Journalists. "The media law in Belarus fails to foster the development of pluralistic and independent news media through a complicated procedure of compulsory registration of new media outlets and possibilities for the state to close down existing media even for minor infringements. The authorities clearly look into expanding the restrictive regulation to online news media," said one of the authors of the report, Deputy Chairman of the NGO Belarusian Association of Journalists Andrei Bastunets. Belarus is a country with one of the most repressive media fields in Europe, the report said.

On February 12, the international organization "Reporters without Borders" published the 2014 World Press Freedom Index. The Press Freedom Index is published annually and measures the level of freedom of information in 180 countries. It reflects the degree of freedom enjoyed by journalists, media and Internet activists, freedom of expression, as well as efforts undertaken by the authorities to ensure the exercise of the principles of freedom of speech.

The first three places were occupied by Finland, the Netherlands and Norway respectively, the worst rating was that of Turkmenistan (178), North Korea (179) and Eritrea (180). Former Soviet countries: Armenia (78th), Georgia (84th), Tajikistan (115th), Russia (148th). Belarus' ranking is 157th. It is followed by Pakistan (158th), Azerbaijan (160th), Kazakhstan (161st), Uzbekistan (166th), Iran (173rd) and Turkmenistan (178th).

On February 12, the government-run newspaper "Respublika" published the official list of "extremist materials". The first item on the list were the CDs seized in 2008 from a journalist Ales Burakou. These included a film by Polish director Miroslav Dembinsi about the fate of the Belarusian Humanities Lyceum, closed by the authorities in 2003. Another disc was a record of the concert "Solidarity with Belarus", held in the centre of Warsaw. These products were recognized extremist by the Court of Kastychnitski district of Hrodna. The list also included the album "Belarus Press Photo 2011". It was added to the extremism list by the Ashmiany District Court. The decision was widely criticized both in Belarus and abroad. The album contained the best works by Belarusian press photographers. Other positions in the list were occupied by publications about the history of Russia and some Orthodox sects, including books called "Reading the Gospel. Reflections on the Gospel Reading. Who are we: Christians or Jews?" (published by the Orthodox Initiative publishing house), "Word and Work of Ivan the Terrible", "Russia, Awake. In Defense of the Fatherland", "Secret World Government", "Yoke of Judaism", "Veles. God of the Russes".

On February 18, Viktor Andreyeu, the founder of the website orshatat.by, said that one of his advertisers was advised to refuse to cooperate with the online resource. Viktor Andreyeu said that the businessman was warned by the KGB, who told him that the website "was not quite the right one", and in order to avoid trouble, he should remove his advertising. The website has been active for more than three years, covering local news and events in the region. It also posts private ads and advertising of goods and services.

On February 19, it was announced that the Chairman of the Mahiliou Regional Executive Committee Piotr Rudnik ordered the chief of the regional department of internal affairs Fiodar Baleika to "grind to the dust" a local independent small-circulation newspaper called "Nash Mahiliou" ("Our Mahiliou"). Piotr Rudnik was angered by a material about the First Deputy Chairman of the Executive Committee Aliaksei Kisialiou, which was posted on the newspaper's website and was entitled "Mahiliou official refuses to receive mother and child". The article was about a woman named Iryna Ilyinskaya, who told about a situation that she encountered at the office of the First Deputy Chairman of the Executive Committee Kisialou. He refused to receive her with a baby asleep in her arms. He offered to leave the child in the lobby. The

official received the woman only after people in the lobby tried to protect her. Meanwhile, it was reported that local police inquired for a freelance journalist Aliksandr Burakou. A policeman phoned his neighbour and asked her about what Burakou was doing as a journalist.

On February 19, Yury Dziashuk was summoned to the Prosecutor's Office of Lida district, where the journalist received an official warning, referring to a ban on working for foreign media without accreditation, as well as the inadmissibility of publication of unverified information. The journalist, however, could not obtain a written copy of the warning. During his previous visit, on February 10, the Prosecutor's Office of Lida district interviewed the journalist about his work. Taking advantage of his legitimate right, the journalist refused to answer some questions, but explained that he had been working with the media as a freelancer, and his materials could be found on many Belarusian websites, as well as in newspapers and magazines. Yury Dziashuk has been working with local and national editions, such as "Lidskaya Hazeta", "Pryniomanskiya Vestki", "Lidski Letapisets", and the website lida.by.

On February 24, a Salihorsk activist of the United Civil Party, Aliksandr Malochka, received a communication from the chief of Ashmiany customs Ivan Niviarkevich, which said that customs had forwarded Valery Karbalevich's book "Aliksandr Lukashenka. A Political Portrait." seized from him on 14 September 2013 to the KGB's Hrodna regional department to add the edition to the list of goods prohibited to import or export from the territory of the Customs Union. The letter suggests that the preliminary examination, carried out by the General Department of Ideology, Culture and Youth Affairs of the Hrodna Regional Executive Committee, was not recognized sufficient. The customs official said the previous letter from the Ashmiany customs of 23 January should be considered invalid. It said that no extremism was found in Karbalevich's book, and that the owner could pick it up. "All the questions asked by the Ashmiany custom to the customs expert failed to receive answers," writes the customs official. "A different expert organization is currently being selected in order to obtain answers to these questions of the Ashmiany customs."

On February 27, the Belarusian border troops detained a journalist, member of the Belarusian Association of Journalists Anatol Hatouchyts, as he was crossing the Ukrainian border at the border crossing Novaya Huta. The journalist was detained on suspicion that he had violated rules of stay in the border zone. The journalist had come to the border crossing with the aim of preparing a story on how things had changed at the border in response to recent events in Ukraine. As the journalist failed to show his ID, he was detained for clarifying the circumstances. About an hour after the detention, Anatol Hatouchyts was released without charges. The journalist was warned that working in the border area required an advance authorization from the border group.

Restrictions on freedom of assembly

On February 4, the District Court of Salihorsk considered a complaint by a civil society activist Uladzimir Shyla against the ban the District Executive Committee imposed on a picket, which was expected to be held on Human Rights Day, 10 December 2013. The case was heard by Judge Ala Trafimchuk involving Assistant Prosecutor of Salihorsk district Yuliya Harshkova. The Executive Committee was represented by lawyer Aliaksei Strapko. During the hearing, the representative of the Executive Committee said the complaint should be dismissed and finally voiced the reasons for the ban of the picket, which was not done in the formal refusal. It turned out that the reason was the applicant's request to charge local authorities with the duties to ensure public order, health care and a clean-up of the territory. Having heard the applicant, the representative of the Salihorsk Executive Committee and the Prosecutor, the Court found the complaint groundless.

On February 12, Judge Alesia Kotava of the Orsha District and City Court dismissed a complaint by Yury Nahornau and Yauhen Anishchanka. The activists tried to force the police, the clinic and the municipal enterprise "Spetsautabaza" to sign a service agreement for a picket. The Judge supported the representatives of the responsible services in their unwillingness to cooperate with the opposition. According to the court decision, the doctors, the police officers and employees of "Spetsautabaza" could not be compelled to sign contracts, being non-profit organizations. Meanwhile, there is ruling No. 74 by the Executive Committee entitled "On some issues of the organization of mass events in Orsha", which explicitly states that the applicants for an event must attach service contracts to their application. It also lists the bodies in charge of signing these agreements: the police department, clinic No. 1 and the utility enterprise "Spetsautabaza". The activists went to court after receiving denials, which became the reason for the ban on the picket expected to protest against the poor condition of a bridge across the Dnieper on 30 October 2013. During the trial, the applicants asked the court to order these bodies to sign contracts with them for a new date, March 29. However, these organizations unambiguously declared in court that they would not negotiate with the activists in any case. A representative of "Spetsautabaza" failed to appear in court. Instead, the enterprise sent an official letter asking the court to consider the case without their participation. The representative of the police was silent throughout the court session, saying only that he did not recognize the claims of the applicant. Neither the representative of the clinic nor that of the Executive Committee wished to speak. The Judge voiced their position from the documents of the case. The police representatives claimed they did not enter into contracts, as the applicants did not have permission for the rally from

the District Executive Committee. The Executive Committee, in its turn, did not grant permission without the agreements. The police said that they could not negotiate with the organizers for a specific date, because they supposedly did not know whether they would have to employ employees on the day. Representatives of the clinic said that the list of types of their business activities had no such point as the service of mass actions. Therefore, they could not sign contracts, either. According to a letter from the public utilities service, they could not do what they were asked: the enterprise “Spetsautabaza” mentioned in the Executive Committee’s ruling is not engaged in the cleaning of urban areas, but only disposes of the waste. Besides, all of the government bodies said that they had never entered into contracts with individuals, and did not know how to do it. The trial against the picket ban lasted for almost two months.

On February 17, the executive authorities of the town of Hlybokaye, Vitsebsk region, issued a ban on holding a picket to mark Constitution Day, March 15, referring to lack of service contracts from local medical, public utilities and police departments. Meanwhile, neither the doctors nor the utility service responded to the proposal to sign a contract sent by local activists Yaraslau Bernikovich and Dzmitry Lupach. Their application was sent to the Executive Committee on the same day as the letters to the competent services. The Committee responded 10 days later. The Hlybokaye Executive Committee referred to the lack of contracts with local departments of health care, police and public utilities, which should be provided in accordance with the Executive Committee’s ruling No. 167 “On the determination of locations for holding rallies and picketing”. The letter that banned the event was followed by a reply from the police department. This suggests that the police chiefs had been waiting for the ban. The general message of the letter was as follows: the activists were not allowed to stage a rally, therefore the police viewed a contract inappropriate.

On February 26, Hlybokaye activists Yaraslau Bernikovich and Dzmitry Lupach were not allowed to hold a picket on Freedom Day, March 25. The reason for the ban was traditional: lack of service contracts with the medics, public utilities and the police. Moreover, the district police directly said they refused to enter into preliminary agreements. The chief of the police department Vasiukovich wrote that the law on mass events had a fixed order of their organization. And that in the law there was no requirement that contracts with the law enforcement should be signed before the local authorities decided to allow an event. This makes sense, because why sign agreements when it is not clear whether the picket will take place or not. However, local authorities were guided by the Hlybokaye Executive Committee’s ruling No. 167, which states that, together with the application for the event, the organizers have to file signed contracts with the doctors, public utilities and the police. Thus,

the Executive Committee created its own rules for organizing mass events, virtually eliminating the possibility of their conduct.

Restrictions on freedom of association

On February 8, a crane operator Aliaksandr Sakharuk, who works in the Office of mechanization No. 127 of Building Trust No. 8 in Brest, said that he continued to sue his employer demanding accession to the collective agreement. The matter is that the collective agreement applied only to members of the official trade union. Mr. Sakharuk was a member of the Trade Union of Radio Electronic Industry, that's why, according to Art. 41 of the Labour Code, he had to write an application to the employer for accession to the agreement. Mr. Sakharuk did it, after which he was advised to write another statement to the trade union organization, which he also did. However, he received refusals from both the employer and the trade union. Only two points were specified for him in the agreement: as a veteran of the war in Afghanistan, he had the right to a paid day off on February 15, the day of withdrawal from Afghanistan, and a monetary reward. The worker was officially deprived of all other bonuses and additional payments. Though he did not violate the labour discipline, he always had to apply to various state bodies in order to receive the bonuses. Eventually, he decided to go to court. The Maskouski District Court of Brest considered this situation as a collective conflict which could be resolved without instigation of civil proceedings. Aliaksandr Sakharuk's appeal to a higher court yielded no results. The labour contract of Aliaksandr Sakharuk expired on March 31. He was hinted that the contract would not be extended. According to Aliaksandr, this situation is discrimination based on trade union affiliation.

On February 18, the Assembly of Democratic NGOs and the Legal Transformation Centre published an annual report entitled "Freedom of Association and the Legal Status of Non-Profit Organizations in Belarus in 2013". According to the Ministry of Justice, in 2013, 70 new associations were registered (2 international, 11 national and 57 local ones), one association of NGOs, 11 foundations (1 international and 10 local). Activities the registered NGOs were involved in included: physical culture and sports — 649; charity — 396; youth — 256, including children — 29; educational, cultural, entertainment — 223; minorities — 112; war invalids and labour veterans — 86; scientific and technical — 84; ecology, preservation of monuments of history and culture — 71; creative — 49, women — 30; other — 565 associations. According to experts of the NGO's Assembly and the Legal Transformation Centre, the number of new NGOs in 2013 was significantly lower than in 2011 and 2012, when during the year the registration was obtained by over

a hundred associations and more than 20 foundations. However, the year of 2013 saw the same trend of registering sports associations — they constituted more than half of new NGOs. As of 1 January 2014, Belarus had 15 registered political parties with 1,057 party branches, 37 trade unions (33 national unions, one regional union and three trade unions in organizations) and 23,193 local offices, 2,521 public associations, including 231 international, 694 national and 1,596 local. 38,915 organizational structures of public associations were registered. There are 31 registered unions (associations) of NGOs, 145 foundations (14 international, 5 national and 126 local), 7 national state and public associations.

On February 20, amendments to some laws on political parties and public associations took legal effect. In particular, the legislation preserved a provision demanding that a public association should be founded by not less than 50 people, but now the figure is not associated with the regions and Minsk. The changes simplified procedures for registration of amendments to the statutes of political parties and associations, which have taken the form of appendices to the statutes. Previously, any, even minor, change required the adoption of the new charter. The amendments also provide for the opportunity to transform a public organization into a political party. The decision must be taken by the highest governing body of the association. After issuing the decision, the body of a public association acquires the status of the supreme body of a political party. Meanwhile, requirements for the establishment of political parties remained the same — the presence of at least 1,000 members from the majority of regions of the country, including Minsk, is required. During the conversion of a public association into a party, the association has no right within six months before making such a decision to directly or indirectly receive funds and other property from the state and local budgets, state bodies and organizations, international organizations and foreign nationals. In addition, unlike associations, parties cannot engage in business activities.

On February 24, Aliaksandr Mikitka, a member of the Free Trade Union's office at the Babruisk-based Plant of Tractor Parts and Assemblies, was notified that his labour contract had expired and the management no longer wished to see him in the enterprise. Earlier that month, the activist won a lawsuit against his employer over a failure to pay bonuses. Mikhail Kavalkou, the chairman of the trade union's office, said that the main reason for the termination of the contract was Aliaksandr Mikitka's membership in the FTU. He stated that on 11 February he sent a petition to the director of the plant to stress that last year the FTU members had been warned that their contracts would not be extended. Aliaksandr Mikitka had worked at the plant for more than 23 years, including 11 years in shop No. 2.

Situation of Human Rights in Belarus in March 2014

The human rights situation in Belarus was strongly influenced by the events that shaped the social and political agenda of the month, including the election of deputies of local councils (March 23), reactions of citizens to the situation in the neighbouring Ukraine, and celebrations marking the 96th anniversary of the Belarusian People's Republic, Freedom Day (March 25). Opportunities to enjoy civil and political rights, especially freedom of expression, were excessively limited. In particular, detentions, arrests and fines targeted participants in election campaigning events (including candidates), when in their public statements they mentioned issues of concern, including the existence of political prisoners and the investigation into the case of missing politicians, expressed their attitude to the events in Ukraine, called to boycott the elections, etc. Thirty persons were detained for expressing solidarity with the Ukrainian people and supporting their fight against the Russian aggression, eight of them were convicted in administrative trials. Despite having received permission from Minsk authorities to hold a march and a rally on Freedom Day, eight participants were eventually detained, two of them were subsequently sentenced to arrests. There were cases of arbitrary detention and preventive long-term isolation of activists ahead of Freedom Day and the main voting day. In many cases, along with participants in events, both sanctioned and unsanctioned, journalists were detained while performing their professional duties.

The existence of political prisoners remained an issue of extreme concern. In March, an activist of the Young Front opposition movement Uladzimir Yaromenak was released after spending three months in jail for violating the rules of preventive supervision, but it did not change the overall picture, as ten political prisoners continued to be held behind bars: Ales Bialiatski, Mikalai Statkevich, Mikalai Autukhovich, Eduard Lobau, Mikalai Dziadok, Ihar Alinevich, Andrei Haidukou, Vasil Parfiankou, Yauhen Vaskovich and Artsiom Prakapenka. Representatives of the European Union continued their, although not very active, attempts to voice demands for the release of political prisoners as a prerequisite for effective cooperation with the official Minsk. The Minister of Foreign Affairs of Lithuania Linas Linkevičius noted during Belarus Foreign Minister Uladzimir Makei's working visit to the country from February 28 to March 1 that "the existence of political prisoners remains a significant problem in the relations between the EU and Belarus". On March 1, Uladzimir Makei gave an interview to the news agency BNS (Baltic News Service), in which he expressed his disagreement with Linas Linkevičius: "Your minister stressed that we had so-called political prisoners, with which we naturally disagree.

These persons were punished for specific criminal offences, I will not deepen into details. On our part, we emphasized that we also wanted the European Union to withdraw sanctions against 243 individuals and 32 companies from Belarus, which, in our view, were introduced without any reasons after the presidential elections in December 2010 (...) In this regard, we realize that we need to solve the existing problems in the relations between the European Union and Belarus. On our part, we demand the lift of the sanctions, the EU demands that we release some persons, so-called political prisoners. We think that everything must be solved not in the political, but in purely juridical sphere. Everything must be solved according to the law. If the court or the appropriate law-enforcement agencies decide that a person shall be released, or if this person writes an appropriate petition for clemency, the relevant competent authorities or commissions will consider this request and submit it to the head of state.” Mr. Makei made a separate comment on Ales Bialiatki: “As far as I know, the circumstances of this case are being studied. I cannot give any guarantees and give answers on behalf of the Office of Prosecutor General and the corresponding bodies, but the circumstances of this case are being studied.”

However, Aliaksandr Lukashenka said the only way political prisoners could be released is by writing petitions in his name. On March 23, when answering a question about the release of political prisoners, asked at a polling station after voting in the local elections, he said: “I do not want to repeat, but if there is a petition (for pardon — Ed.), there will be my signature. If there isn’t, neither the World Championship (2014 Ice Hockey World Championship — Ed.) nor the 70th anniversary of the victory (Great Patriotic War Victory marked on May 9) — Ed., nothing will help. This is my principled approach to this, and not only mine. We are a state, we are a country. And we do not need to be bent. And shall not be treated according to double, triple standards either. It’s not my signature that something depends on here.” When answering a BelaPAN question about precedents when President pardoned prisoners without any petitions, Aliaksandr Lukashenka said: “Right, I take a lot of those decisions without petitions, too. I just do not know why you’re stuck on a few names. President has the right to pardon any person under a specific procedure. Yes, there have been cases, but crimes differ, first of all. Secondly, I have often told you and your defendants there: do not strain the situation. If you’re guilty, let us quietly, without noise, without violence, address the issue inside the country. You have raised these issues at the international level. Here’s an appropriate, an adequate, a balanced response. But, if you want, my statement and my offers remain in force.”

There still were discrepancies between the positions of the EU and Belarusian human rights defenders on the number of political prisoners, as

well as uncertainty about the names on the list, which the EU had negotiated with Belarus, demanding their release. On March 10, the BelaPAN news agency received an answer to its request for comment from the office of the head of the European Parliament's delegation for relations with Belarus Filip Kaczmarek, who said that "the official number of political prisoners is eleven". He also emphasized that without the release of political prisoners "the relationships between the EU and Belarus will not improve". However, on March 12, Mr. Kaczmarek's assistant Sylwia Fodor said that this was not the official position of the European Parliament: "I would like to make a correction to the statement with regards to the political prisoners in Belarus. The figure (11) which was mentioned in the previous email is commonly used by several NGOs, and does not represent an official position of the European Parliament."

Despite multi-level discussions on the issue of political prisoners, their fate in February remained unchanged, while the situation with a wide range of rights was further conserved in the most negative manifestations.

Political prisoners, criminal prosecution of civil society activists

On March 3, it was reported that political prisoner Mikalai Statkevich was forced to write an application for safe confinement conditions in connection with frequent provocations against him. In his opinion, this is due to the authorities' desire to force him to write a petition for clemency. As a result, Statkevich was transferred to solitary confinement in prison No. 4 in Mahiliou. In a letter to his wife Maryna Adamovich of March 8, the political prisoner said that his life was in danger. According to him, the caution was due to the fact that he shared a cell with another prisoner and could receive charges from the prison administration as a result of a provocation on his part.

At 8 a.m. on March 11, Uladzimir Yaromenak, an activist of the Young Front opposition movement, was released from a detention house in Baranavichy, after serving a three-month arrest for violation of preventive supervision restrictions. Uladzimir Yaromenak said that the administration treated him well; there were two violations on his part, but the activist was not put in solitary confinement. The former political prisoner did not answer the question whether he was going to continue his civil activity, noting that he would solve the issue together with his family, but would not change his political beliefs. Uladzimir Yaromenak thanked all those who had been writing to him, as he had received hundreds of letters, as well as the editorial offices of the independent newspapers Novy Chas and Svobodnye Novosti, who subscribed him to their periodicals.

On March 24, civil society activist and film director Volha Mikalaichyk said that she had received a letter from political prisoner Vasil Parfiankou. The letter said that of the 37 days he had spent in the colony in Horki for 23 days he had been held in solitary confinement. The prisoner reported heavy pressure on him by the administration of the colony: he had ten penalties over discipline violations, for which he was deprived of visits and transfers. V. Parfiankou commented on his future in the colony: "I've still got eight months of hunger ahead of me." According to Vasil Parfiankou, he never received the Orthodox cross and the maps of the world and Belarus his friends had sent him. The political prisoner does not know why he was not allowed to receive these things.

On March 18, a court session was held in Hrodna prison to address the possibility of subjecting political prisoner Mikalai Autukhovich to preventive police supervision after his release on April 8. The prisoner's lawyer was not able to attend the trial, having received the notice only half an hour ahead of it. Mikalai Autukhovich petitioned to adjourn the trial, but his request was rejected. The case was considered by Judge Yury Kazakevich. As a result, the court ordered to impose on the political prisoner preventive supervision restrictions for a period of 16 months. After the trial, Autukhovich met with his lawyer. The political prisoner complained of pain in his hand and high humidity in the cell.

On March 26, the *Nasha Niva* independent weekly received from the Presidential Administration an answer to its inquiry regarding Aliaksandr Lukashenka's statement of January 21 during a meeting with the editors of the key Belarusian media. The head of state argued that he was not aware that the alleged damages caused by human rights defender and political prisoner Ales Bialiatski had been compensated. A. Lukashenka further instructed the deputy head of the Presidential Administration Aliaksandr Radzkou to address the issue: "This has nothing to do with politics or Bialiatski's views. I swear I have never known him personally." Then he said that if Ales Bialiatski's debt had really been paid, he might be considered for eligibility for amnesty. The letter was signed by the head of the Administration's General Department for Work with Citizens and Legal Entities Stanislau Buko. He assured that "A.V. Bialiatski compensated for the damage to the state in the amount established by the court" and that "the President of the Republic of Belarus was notified of the issue". However, the report said that "in accordance with the current legislation, the fact of compensation for the damage is considered together with other relative circumstances in what concerns pardons or early releases." Meanwhile, the letter failed to mention the third way A. Bialiatski could be released, namely under an amnesty.

On March 31, the Hrodna Regional Court upheld the decision to ban Ales Bialiatski's book "Asvechanyia Belarushchynai" ("Enlightened by Belarusian

Issue”), having considered a cassation appeal by human rights defender Tatsiana Reviaka. According to Tatsiana Reviaka, who appealed against the verdict of the Ashmiany District Court, it took just three minutes for a panel of judges for civil cases to make its decision, which indicates that it was made in advance. Moreover, the judge behaved aggressively and savagely. He did not allow the applicants to speak in full and convey their views to the court. The reasons for which the appeal was not granted were not announced, it was just stated that they would be set forth in the court’s ruling, which would be available within five days from the Court of Ashmiany district.

On March 28, Judge Zhanna Krauchanka of Hrodna’s Leninski District Court dismissed a complaint by political prisoner Mikalai Autukhovich. During the previous two days, Hrodna prison No. 1 hosted a circuit session to hear the prisoner’s complaint against the penalties imposed on him by the prison administration. He was reprimanded twice and was placed in solitary confinement once. Autukhovich hoped that if the complaint was met, it could affect the conditions of his life after release.

On March 31, political prisoner Eduard Lobau said in a letter to his mother Maryna Lobava that he refused to meet with his lawyer because they were not provided with opportunities to have a private conversation. Ms. Lobava said that even when the prisoner was visited by a priest, they could not be left alone for confession.

On March 31, Anatol Prakapenka, the father of political prisoner Artsiom Prakapenka, said that in a telephone conversation with his son he learned that they were allowed to have a long family visit in June. The prisoner’s father added that his son had had a cold, but his health was improving. Earlier, A. Prapkapenka was busy working, but there was not much work at the moment and he was doing sports and reading books.

On March 31, editor-in-chief of the Bobruiskiy Kurier independent weekly Anatol Sanatsenka received a reply to his appeal to the Regional Public Monitoring Commission of the Directorate-General for Justice of the Mahiliou Regional Executive Committee. The appeal concerned the conditions of political prisoner Yauhen Vaskovich’s detention in prison. The letter suggests that on March 21 the chairman of the Public Monitoring Commission Viktor Sidarenka and one of its representatives visited Mahiliou prison No. 4. They met and talked with the warden, chief of the correction department and his deputy, the prison doctor and an employee of the local library, as well as the political prisoner himself. The Commission carefully examined the conditions of Vaskovich’s detention and conditions of detention in a penal cell (solitary confinement). It turned out that the political prisoner was held in a cell together with nine more inmates. The room’s total area was 33.89 square meters. He was provided with three meals a day, weekly sanitization and change of bed

linen. During his three years in prison, the prisoner only once asked for medical aid, in December 2013. In January- March 2014, he read 18 books borrowed from the prison library. In the last three months, he had not been placed in solitary confinement. Meanwhile, the check of conditions in the punishment cell revealed a violation of the Standard Minimum Rules adopted at the First United Nations Congress in 1955. The cell was located in the basement, it was not equipped with daylight windows. Noteworthy is the following fact from Vaskovich's discipline report provided by the prison administration: between October 2011 and December 2013 Vaskovich received 43 penalties, including 27 times being placed in a punishment cell during 27 months in prison. The Chairman of the Public Commission also highlighted the following mismatch: no complaints of Vaskovich's behaviour were voiced during conversations with the prison staff, while the report described his discipline as very poor. The penal colony administration characterized him negatively; on July 11, 2012 he was placed on the register as a person prone to manifestations of vandalism, hostage taking and assault against the administration.

Death penalty

On March 12, Liubou Kavaliova, the mother of Uladzislau Kavaliou, one of the two persons executed on charges of committing a terrorist act in the Minsk metro in 2011, and his sister Tatsiana Kaziar sent a petition to the Prosecutor General of Belarus Aliaksandr Kaniuk demanding to resume investigation into the case, saying that new circumstances could allow Uladzislau Kavaliou's rehabilitation. They argued that the new circumstances included the decision by the UN Human Rights Committee, according to which the state had violated the convict's right to life, as well as a number of other rights guaranteed by national laws and international standards: prohibition of the use of physical force, presumption of innocence and fair trial standards. The applicants noted that the violations could only be corrected by reviewing the criminal case.

On March 21, mother and sister of Uladzislau Kavaliou, who was executed on charges of organizing a terrorist attack in the Minsk metro in 2011, sent a supervisory appeal to the Chairman of the Supreme Court. They ask to cancel the decision of the Court of Minsk's Kastychnitski district and the Board of Civil Affairs of the City Court. Both courts refused to institute civil proceedings against the KGB, the Interior Ministry and the Department of Corrections over their refusal to provide information about the burial place of their son. Their complaint to the Chairman of the Supreme Court, prepared by lawyer Siarhei Halubok, mentions at least two points that speak in favor of their right to have their complaint considered. Firstly, both the District and City Courts did not take into account the opinion of the UN Human Rights Committee that there was a

violation of Article 7 of the International Covenant on Civil and Political Rights. Belarus ratified this treaty and, respectively, it must adhere to its provisions. A ban on consideration of the case in court means that Belarus keeps ignoring the demands of a document it ratified. Secondly, Kavaliou's relatives were denied the realization of their constitutional right to an independent trial and legal defense. Even if the court considers that the question of the place of burial is not within the jurisdiction of general courts in Belarus, relatives have the right to know where they can apply to receive this kind of information. The fact that the death penalty is governed by the Criminal Procedural Code does not mean that the court cannot be urged to inform families about the place of burial. In their supervisory appeal, Liubou Kavaliouva and Tatsiana Kaziar ask the Praesidium of the Supreme Court to quash the decisions of the lower courts. They also ask to forward their claim against the law enforcement agencies to the District Court for consideration on the merits.

On March 31, six Brest human rights defenders sent to the Council of Ministers a proposal to amend the Criminal Code in order to allow a five-year reprieve of executions.

Torture and other cruel and inhuman treatment

On March 5, Liudmila Kuchura, the wife of Piotr Kuchura, tortured with chlorine while serving his prison term in penal colony No. 15 in Mahiliou, sent an appeal to Head of Department for Supervision of the Rights and Freedoms of Citizens of the Prosecutor General's Office Pavel Yeliseyeu, as well as to the Commission on Legislation of the House of Representatives of the National Assembly of the Republic of Belarus and the Commission on Human Rights, National Relations and Mass Media of the House of Representatives of the National Assembly of the Republic of Belarus. In her earlier complaints sent to the Investigative Committee and the Prosecutor's Office, Liudmila Kuchura asked to recognize the fact of the use of cruel and inhuman treatment and give a proper assessment to it. Meanwhile, consideration of Ms. Kuchura's complaints by the MIA's Corrections Department, to which the appeal was forwarded by the investigative authorities, could not be considered impartial. In her appeals to the Office of Prosecutor General and the Parliament, Liudmila Kuchura stressed that Belarusian legislation did not contain provisions on the liability of officials for torture, cruel and inhuman treatment, but their actions could be qualified under the Criminal Code, which provided for liability for crimes against human rights and against the interests of the service. Also, on the basis of her personal experience, she argued that Belarusian law did not provide an effective mechanism for investigating into allegations of torture, cruel, inhuman and degrading treatment. She reminded that Belarus had

ratified the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, adopted by the UN General Assembly resolution 39/46 on December 10, 1984. Therefore, Liudmila Kuchura asked the Office of Prosecutor General and the Commissions of the House of Representatives to hold an inspection on her appeal in terms of implementation by the Republic of Belarus of the obligations assumed by it under the international treaties it entered and ratified. She also asked lawmakers to report on the measures taken by the National Assembly of Belarus to introduce the standards in the criminal law, which would criminalize torture, cruel, inhuman and degrading treatment.

Late in the evening of March 4, the Day of Belarusian Police, activist of the National-Bolshevik movement Dzmitry Paliyenka, who had been repeatedly arrested on trumped-up charges, was detained by a police patrol near a fresh graffiti "Down with Police State!" He was taken to the Kastychnitski District Police Department of Minsk. There, the police started torturing him by twisting his arms in handcuffs (so-called "lastochka" ("swallow")). They beat and insulted him with four-letter words, paying no attention to his requests to call an ambulance. The activist had to tear his veins with his teeth to stop the battery. Seeing this, the police went mad and hit his head against the floor so hard that he lost his senses. The head of the police station, who came to see what was going on, called an ambulance. The medics were shocked at seeing the detainee, his clothes and the floor being covered with blood. Mr. Paliyenka was taken to hospital No. 4. The medics put the stitches and diagnosed him with a cranial trauma and numerous bruises.

Administrative prosecution of civil society and political activists, arbitrary detention

On March 2, the Leninski District Court of Brest refused to consider the administrative case opened against local leader of the United Civil Party Uladzimir Vuyek. The administrative charges were initiated by representatives of the ideology department of the Brest City Executive Committee and stemmed from a picket for nomination UCP member Dzyana Kastsiukovich as a candidate for the City Council held on January 30 in Brest. Initially, the police tried to blame the party members that the rally was staged in a prohibited area in the city centre, but the participants managed to convince them otherwise. In the days following the rally, some of its participants received phone calls from the police department, others were visited by law enforcement officers at their work. During these meetings, quite different claims were voiced, namely the activists did not only collect signatures for the candidate's nomination, but also for the abolition of a new vehicle tax. In addition, they reportedly handed out the party's newsletter Holas Rozumu ("Voice of Reason"). However, the

police officers failed to answer what provision of the law was violated the party activists. As a result, the administrative offence report was not written by the police, but by ideology officials. The officials of the Executive Committee argued that the picketers had violated the law, because they failed to agree on the format of the event in accordance with the new regulation of the Central Election Commission. The judge, however, having examined the report, said that the paper was inappropriate in form and returned it for revision.

On March 2, activists of various civil society movements tried to hold a protest action near the Embassy of the Russian Federation in Minsk. They were met by police buses and policemen, most of whom were in plain clothes. The “men in civvies” acted violently: they didn’t even let the protesters unfurl any posters or banners. 23 people were detained at once, including several passers-by. Among the detainees there were a Nasha Niva correspondent Iryna Arekhouskaya, journalists Siarhei Hapon, Uladzimir Hrydzin, Artsiom Liava, Vital Siamashka, Ina Studzinskaya and Yauhen Yerchak, as well as civil society and political activists Auhinnia Bahinskaya, Dzmitry Dashkevich, Viktar Dudko, Liudmila Karavianskaya, Yana Kazakova, Henadz Lutsenka, Stanislau Pachnel, Raman Pratasevich, Zmitser Predka, Natallia Rak, Ihar Serhiyevich, Maryia Trafimava, Maryiana Tsitova, several passers-by and even an unidentified press-attaché of a European country (reports say it was the Russian embassy’s attaché Pchelintsev). All of them were taken to the Tsentralny District Police Department. An hour later, the journalists were released, including Viktar Siamashka (whom Chairman of the Main Police Department of the Minsk City Executive Committee Aliaksandr Barsukou threatened to imprison for chanting “Glory to Heroes!”). Barsukou called them corrupt. Within three hours, most of the detainees were released. Dzmitry Dashkevich, Siarhei Finkevich, Yauhen Tsikhanau and Auhinnia Bahinskaya were charged with administrative offences. Ms. Bahinskaya was released, and the rest were brought to the detention centre. On March 3, the Tsentralny District Court heard the administrative cases of Young Front activists Dzmitry Dashkevich, Siarhei Finkevich and Yauhen Tsikhanau. Judge Aliaksandr Yakunchykhin sentenced Siarhei Finkevich to 10 days of administrative arrest. The activist was charged under the Administrative Code’s Art. 23.4, disobedience to a lawful order or request of an official in the exercise of official authority. Yauhen Tsikhanau’s case was considered by Judge Viktoryia Shabunia. He was charged under Articles 23.4 (disobedience to a lawful order or request of an official in the exercise of official authority) and 17.1 of the Administrative Code (disorderly conduct). The court’s verdict was 12 days of arrest. Viktoryia Shabunia ruled to sentence Dzmitry Dashkevich to 12 days in jail on charges of disobeying police officers (Art. 23.4 of the Administrative Code).

On March 2, a 28-year-old Ukrainian writer Anton Chernychka was detained during the Maslenitsa festivities in Niamiha Street in central Minsk after coming up to a policeman and asking when the Lukashenka regime was going to collapse.

On March 5, Maksim Viniarski, a coordinator of the European Belarus opposition movement, staged a picket outside the Embassy of Russia in Minsk. At about 4 p.m., he came to the entrance of the embassy with a poster "Occupants, Get Out of Ukraine!". A police officer, who guarded the embassy, came up to Mr. Viniarski and tried to seize the poster. He also ordered the activist to show his documents. After this, he called the police. The activist was detained at 4.40 p.m. and taken to the Tsentralny District Police Department of Minsk. He was charged with violating Article 23.24 of the Code of Administrative Offences (organizing or participating in unsanctioned mass events). The following day, Viktoryia Shabunia, a judge of the Tsentralny District Court, sentenced the activist to 15 days in custody.

On March 6, the Tsentralny District Court of Minsk held another hearing on the case of Minsker Viktor Sharshun, who was beaten by the police for hanging a white-red-white flag on his balcony. Viktor Sharshun was accused of disobeying police officers and insulting the Interior Ministry employees. The case was considered by Judge Valery Yesman. During the hearing, the judge questioned the police witnesses: junior sergeant Karalkou (who detained Mr. Sharshun) and police inspector Illia Buhor. As far as the copy of the report under Article 23.5 of the Code of Administrative Offences (insult of an official) differed from its original, the judge sent the case back to the police for revising.

On March 6, the organizer of the spring action of motorists Illia Palonnikau faced administrative charges; the police took away two laptops during the examination of his apartment. Mr. Palonnikau organized the event called "For Decent Roads" through a community in the Russian social network VKontakte. He intended to hold the action in April 2014. He, along with other motorists, distributed stickers "Mahiliou is a City Without Roads". Everyone could come and receive such stickers. The police also came there. They copied Illia's passport data, and offered him to go to the District Police Department. There he was charged with holding an unauthorized mass event. Then they took him home, examined his apartment and took away two laptops for examination.

On March 7, activists of the Movement "For Freedom" Artsiom Liava and Ales Marchanka were sentenced to arrest of 5 days each for an action of solidarity with Ukraine, which was held outside the Russian embassy on March 6.

On March 9, Siarhei Palcheuski, a trustee of candidate Anton Zhylyko, was detained at an election picket near Kamarouski market in Minsk. He was holding

a poster against the tax on vehicles with the inscription “Car Tax? Up your A...” Siarhei Palcheuski was taken to the police department of Savetski district. On March 10, the Savetski District Court ruled the arrest the activist for 10 days.

On March 10, Homel police detained an activist of the public initiative “Our Alternative” Andrei Papou, who distributed informational booklets “Don’t Let Them Cheat You” with information about the laws related to the dismantlement of private houses ordered by the authorities. The activist was taken to the Savetski District Police Department and questioned. He was later released without charges.

On March 11, activists of the Young Front movement from Homel Zmitser Karashkou and Stanislau Bula were detained near the embassy of Russia in Minsk while displaying posters “Putin is Enemy of Ukraine and Russia” and “Putin, Hands off Ukraine. No to War”. They were charged with disobeying a lawful order or requirement of a public official in the exercise of official authority (Article 23.4 of the Administrative Code). On the same day, the Tsentralny District Court eventually sentenced them to 15 and 11 days in custody respectively.

On March 11, a BPF candidate for the Minsk City Council Yauhen Rybakou was detained at the plaza near Minsk Philharmonic Society building while holding an election picket under a white-red-white flag. The activist was taken to a police station located in the nearby metro station “Ploshcha Yakuba Kolasa”, where his documents were checked and the activist was released.

On March 12, Minsk’s Savetski District Court found Anatol Liabedzka, the leader of the United Civil Party, guilty of holding an unsanctioned picket. Judge Yakubouski sentenced the politician to a fine of 30 basic units. The charges stemmed from a picket “For Fair Elections”, held outside Kamarouski Market in Minsk on March 2 by activists of the UCP and Young Belarus movement to show their solidarity with Ukraine. The activists had previously notified the authorities about the event.

On March 12, leader of the UCP’s Brest regional branch Uladzimir Vuyek was fined 25 basic units, and activists of the party Dyania Kastsiukovich and Yury Zhydovich — 10 basic units each. They were punished for a picket, which was initiated by the United Civil Party and was held in Savetskaya Street in Brest on February 24. Though the police argued that the event was held in a place which couldn’t be used for pickets, according to the decision of the city authorities, nobody was detained. However, the police officers put down the passport data of the picket participants and soon charged them with holding an unauthorized picket. The court supported their position and fined the picketers.

On March 14, Judge Tatsiana Motyl of the Maskouski District Court sentenced Pavel Vinahradau, activist of the Zmena opposition movement, to 25 days of arrest under Articles 17.1 (disorderly conduct) and 23.4 (resistance

to the police) of the Code of Administrative Offences. Another Zmena activist, Aliaksandr Artsybashau was charged only under Article 23.4 and was sentenced to 15 days of arrest. The activists were detained on March 13. Artsybashau came to the office of the police inspection, where ex-political prisoner Vinahradau had to appear for regular check-in. Pavel Vinahradau was detained when leaving the building, and Aliaksandr Artsybashau was detained by road police officers a little later. The police officers hinted that the arrest was connected with the upcoming local elections. The detainees were brought to the detention centre in Akrestsin Street.

On March 14, Minsk police detained a candidate of the Belarusian Popular Front, Illia Dabratvor, and a candidate of the United Civil Party, Anatol Zhylko, near the detention centre in Akrestsin Street, where they were meeting ex-political prisoner Zmitser Dashkevich and Yauhen Tsikhanau, who were released after serving 12-day arrest terms. The candidates were detained after police officers saw in Dabratvor's car informational leaflets for voters, whose production is provided for by the electoral legislation. Both candidates were taken to the Maskouski District Police Department, but were soon released. However, the seized leaflets weren't returned.

On March 14, participants of the project "Election Observation: Theory and Practice" Hanna Azemsha and Palina Brodzik were detained in Minsk. They were going to conduct training for observers in the local elections and were driving to the place, carrying the necessary stationery and brochures for observers with them. Their car was stopped by road police, who said that the car was suspected of causing an accident and asked the women to follow them for an examination of their car. The observers were forced to go to the Frunzenski District Police Department, where printed materials were confiscated from them. As it was stated in the confiscation report, they didn't have the official documents concerning the printing of the brochures. At about 9 p.m. the detainees were released.

On March 14, Brest human rights defender Raman Kisliak and activist Dzmitry Rabtsevich handed out near the Regional Court building brochures with the UN Human Rights Committee's decision in the case of Uladzislau Kavaliou, executed on charges of committing a terrorist act in the Minsk metro. A police officer who was on duty near the court building approached the activists to check what materials were being distributed, and asked to move away from the building. On March 18, Raman Kisliak was questioned by the police over the dissemination of materials. On March 31, the Leninski District Police Department of Brest sent an official letter, saying that a probe found no violations in the actions of Kisliak and Rabtsevich provided for in Part 2 of Article 22.9 of the Administrative Code, and, considering this, it ordered to close the administrative case.

On March 15, activists of the United Civil Party held an anti-war picket near the large department store “Rechytiski”. Its participants held posters with the slogans “We Demand Honest Elections!”, “We Want Elections Back!”, “23 March — Another Non-Election”. The picket, attended by the UCP leaders Anatol Liabedzka and Vasil Paliakou, lasted for an hour. It was watched by police officers in uniform and unidentified persons in plain clothes who were shooting the event with a video camera. After the end of the picket, the police detained one of its participants, UCP Homel member Uladzimir Shytsikau, who was holding posters with the inscriptions “Putinist Russia, you are Crazy!” and “Splendour of Mansions Saves no Dictators!”. The police asked him to hide the posters, as they had nothing to do with the elections. However, the activist said he didn’t violate anything, and continued holding the posters. The police detained him and brought to the Savetski District Police Department of Homel. On March 16, Judge Siarhei Sheustruk of Homel’s Savetski District Court found UCP member Uladzimir Shytsikau guilty of violating procedures for organizing a mass event and punished him with 10 days of arrest.

On March 17, Vital Huliak, an opposition activist of the town of Vaukavysk, Hrodna region, was sentenced to a fine of 1.3 mln roubles by the Vaukavysk District Court. He was detained by police on March 13 for staging a picket in support of Ukraine. Vital Huliak came out with a Ukrainian flag and the banner “No to War! Putin Out!”. Judge Mikalai Talashka of the Vaukavysk District Court ruled to fine the activist and ordered to destroy the materials used in the picket, the national Ukrainian yellow-blue flag and a poster.

On March 17, the Savetski District Court of Minsk heard the charges brought against the seven United Civil Party picketers detained on March 16 near the Kamarouski market. They were charged under Article 23.34 of the Administrative Code (participation in an unauthorized mass event). The participants of the picket, which was agreed with the authorities as a pre-election event, were holding portraits of political prisoners, as well as the missing politicians Viktor Hanchar and Yury Zakharanka, businessman Anatol Krasouski and journalist Dzmitry Zavadski. About ten people were detained, including cameramen Ales Silich and Henadz Veratsinski, journalist Natallia Valakida, UCP leader Anatol Liabedzka, Uladzimir Ramanouski, head of the Belarusian branch of the international organization “Memorial”, and Aliaksandr Arastovich, first deputy chairman of the organizing committee of the Belarusian Social Democratic Party (Narodnaya Hramada). They were taken to the police department of Savetski district. Some of the detainees, including Volha Mayorava and Hanna Kanapatskaya, were released three hours later, having faced administrative charges under Article 23.34, “participation in an unsanctioned event”. Journalists Ales Silich and Natallia Valakida were also released from the police department. Judge Yakubouski sentenced Uladzimir

Ramanouski, Ales Arastovich, Yauhen Hrapau and Mikhail Babila to 10 days of arrest each. Hanna Kanapatskaya and Volha Mayorava were fined 4 mln. roubles each. UCP leader Anatol Liabedzka was jailed for 15 days, having been found guilty of committing two offences: petty hooliganism and illegal picketing.

On March 21, the Baranavichy District and City Court considered the administrative case of Uladzimir Hundar, who organized a picket on March 4 in the centre of Baranavichy to protest against the war between Russia and Ukraine. The case was heard by Judge Stanislau Pivavar. Uladzimir Hundar pleaded not guilty of violating Art. 23.34 of the Administrative Code, "organization and carrying out an unauthorized mass event". He noted that Article 33 of the Constitution guarantees freedom of opinion and expression. The Judge, however, found Uladzimir Hundar guilty of an administrative offence and sentenced him to a fine of 1,950,000 roubles.

On March 21, a United Civil Party candidate, Anton Zhylko, was detained at the entrance to the metro station "Traktarny Zavod" in Minsk, where he was handing out leaflets and invitations to a meeting with voters along with his proxy Hanna Kanapatskaya. As a result, Anton Zhylko was charged with an administrative offence under Article 23.32 for illegal picketing. On March 24, the Court of Minsk's Partyzanski district found A. Zhylko guilty and sentenced to five days' administrative arrest, but released him pending the consideration of his appeal.

On March 22, Dzianis Sadouski, a proxy to candidate Maksim Hatsak running in constituency No. 20, was detained at polling station No. 53, when trying to find out the reason for removing a BCD observer from the polling station. As a result he was charged with disorderly conduct (Article 17.1 of the Administrative Code) and taken to the detention centre to await trial. On March 24, Judge Hermanovich of the Kastychnitski District Court of Minsk punished the activist with arrest for 2 days and released him in the courtroom, as Sadouski had already served the term in custody. A police report said that Sadouski "intentionally started a row with the chairman of the commission Kastsiukevich, during which he was running, shouting loudly, actively gesticulating, refusing to react to repeated demands to stop, by which he violated public order and showed disrespect for the society".

On March 23, Valery Karankevich, a candidate for the Mahiliou Regional Council running in Khotsimsk constituency No. 54 and at the same time a candidate for the District Council of Khotsimsk, was detained by police and taken to the local police department. According to the candidate, he was detained by a police major, who said that he had received a statement from an election commission member accusing Mr. Karankevich of libel. Half an hour later, he was released without charges. The candidate believes that his

detention is linked to the fact that election officials wanted to prevent him from observing counting of ballots at the polling station.

On March 24, two opposition activists from Vitsebsk, Barys Khamaida and Aliaksandr Salauyan, were detained over the possession of a national flag. Both were detained in the evening in the village of Ruba near Vitsebsk. The elderly men were detained by riot police. They were forced to lie with their faces to the ground, were beaten and threatened with shooting. During a trial at the Chyhunachny District Court, riot policemen who detained the activists said they did not obey their demands and refused to give their names. Judge Alena Tsyhankova sentenced both to three days of arrest. While serving their arrest, the activists heard of a new charge. They were questioned and forced to confess which of them was Miron, who is famous for hanging out white-red-white flags on electric power lines across the city. The Investigative Committee started trying to find it out from the first day of the detention. On March 27, Barys Khamaida was taken out of the detention centre to witness a search at his apartment, authorized by Prosecutor Ramanouski. The search warrant said that it was linked to a case opened under Article 10.9 of the Administrative Code, destruction of or damage to property in a small amount. The case was reportedly instituted at the request of the RUE "Vitsebskenerha" over numerous cases of hanging flags on electric wires. Such cases were reported in Vitsebsk for many years, but the charges were only brought on March 27, when the opposition activists were serving arrest. After their release, Mr. Salauyan said that the police had searched his private house in the village of Zaitsava, Vitsebsk region.

On March 25, Hrodna police actually detained local opposition activist Ales Kirkevich. At first, he was summoned to the police station for questioning and "preventive conversation". An hour and a half later, the activist was taken to the police department of the Leninski district, where he was fingerprinted and had to provide samples of saliva. Kirkevich's apartment was then searched for prohibited materials. It later turned out that the police inquired about his possible involvement in the production of leaflets calling for a boycott of Russian goods, which allegedly appeared in the neighbourhood. However, no materials were found in Kirkevich's apartment, and then the activist was once again taken to the police department of Leninski district, where he received a warning about illegal actions.

On March 25, Brest police detained activists of the Belarusian Christian Democracy Heorhi Dzmitruk and Zmitser Shukhrai. They were detained when leaving the Consulate of Ukraine. The activists were taken to the police department of the Leninski district, where they checked for alcohol and drug intoxication. According to the police, the detention was caused by a phone call from an unknown person who said the activists were carrying drugs. However,

no prohibited items were found and the activists were released after 5 hours of detention.

On March 26, activist of the National Bolshevik movement Dzmitry Paliyenka was transferred to the detention centre to serve an administrative arrest of 13 days on hooliganism charges. Meanwhile, for two days, his whereabouts and legal status remained unknown. The court, as well as various departments of the Interior Ministry, who were addressed by the activist's relatives and friends, denied his detention. Dzmitry Paliyenka told the HRC "Viasna" about his detention in the evening of March 24. The activist said that he was held in the police station of Zavodski district.

On March 26, the Pershamaiski District Court of Vitsebsk considered the case of a member of the Conservative Christian Party "Belarusian Popular Front" Yan Dziarzhautsau charged with participating in an unauthorized mass event on March 22. On March 25, he was detained by police when returning from Freedom Day celebrations. He was held in temporary detention during the night before the trial. The charges stemmed from a picket Yan Dziarzhautsau and Alena Kavalenka had staged on the eve of the main voting day to campaign for an election boycott. They were displaying posters "Boycott Electoral Farce". Judge Natallia Karablina rejected all of the requests by the defendant, namely not allowing an interpreter and not listening to the activist's witnesses. She also refused to allow the involvement of Yan Dziarzhautsau's representative, Petr Ivanov. As a result, Yan Dziarzhautsau was sentenced to 7 days of arrest under Art. 23.34 of the Administrative Code (participation in an unauthorized mass event).

On March 26, the Court of Minsk's Zavodski district heard administrative charges brought against two activists detained during Freedom Day demonstration, Maksim Viniarski and Aliaksandr Blizniuk. Maksim Viniarski was detained at about 8:30 p.m. after the protest was over. During the procession, the activist was carrying a black banner with the words "Death to Kremlin Invaders". Both activists spent the night in the detention centre in Akrestsin Street. They were charged with disorderly conduct under Art. 17.1 of the Code of Administrative Offences. During the trial of Maksim Viniarski, which was presided by Judge Alena Niakrasava, chief witness in the case, a riot policeman Tarasau, who worked in civilian clothes during the event, said that Viniarski attracted attention by chanting anti-government and Nazi slogans — "Putin is a Fascist", "Down with the Lukashenka False Regime". In addition, the witness said that the activist had resisted arrest. Viniarski completely denied the accusation. The activist also told the court that after his detention he heard policemen talk about the opposition, saying that they should be eliminated and burnt in crematoria, to prevent the situation of Ukraine. As a result, Maksim Viniarski was sentenced to 15 days of arrest (Art. 17.1, 23.4 of

the CAO). Aliaksandr Blizniuk was sentenced to 5 days of arrest on the same charges for carrying a Ukrainian flag and chanting "For Ukraine!".

On March 26, the Barysau City Court considered an administrative case of a football club BATE fan Aliaksandr Marozau. On March 25, the young man was returning by train from Hrodna together with his girlfriend. He was stopped by four police officers for allegedly using foul language at the railway station of Barysau. He was held in custody until the trial. Aliaksandr Marozau was carrying with him a few BATE merchandise and several T-shirts with the inscription "BNR Private Squad". Judge Herasimovich accused Marozau of disorderly conduct under Article 17.1 of the Administrative Code and punished him with arrest for five days. After serving his sentence, the things were returned, except for the T-shirts, which were sent for examination. It is unknown why the T-shirts were targeted for examination. BNR is an abbreviation of the Belarusian People's Republic, the first Belarusian state formed on March 25, 1918.

On March 28, Brest police detained a local activist of the Movement "For Freedom", Dzmitry Rabtsevich, during a picket against the death penalty. The police officers took him to the police station and seized a poster. He was then released without charges. The activist wanted to draw attention to the rapid execution of death verdicts following their entry into force. He was forced to stage an unauthorized picket, since it is forbidden to hold pickets in the city centre. On the same day, a number of Brest human rights defenders sent to the Council of Ministers a proposal to amend the Criminal Code in order to allow a five-year reprieve of executions. Dzmitry Rabtsevich was one of the six authors of the appeal.

On March 30, poet Slavimir Adamovich was detained near Minsk's "Mahilyouskaya" metro station, for having yellow-blue and white-red-white ribbons on his clothes. He was held for a few hours, allegedly to find out his identity, and then released without charges.

Restrictions on freedom of speech and the right to impart information, harassment of journalists

On March 3, Pavel Mitskevich, correspondent for the Komsomolskaya Pravda v Belorussii daily, was searched and questioned by Russian border guards for six hours. Pavel Mitskevich and Kastus Zhukouski, resident of the Homel region, were detained on March 3 at the border checkpoint Novyia Yurkavichy. The journalist was preparing an article about life in neighbouring villages situated in different states. Both the journalist and the driver had all necessary documents. The border guards held the Belarusian citizens for six hours; the detainees were fined 100 Russian roubles each for violating

the rules of staying in the border territories. Several groups of border guards questioned the detainees in details about their aims, family relations, and about the assignment. The border guards copied all the photos and stories from the reporter's voice recorders, and even contacts from their cell phones.

On March 3, during the trial of Siarhei Finkevich, who was detained outside the Russian Embassy in Minsk, Judge Aliaksandr Yakunchykhin of the Tsentralny District Court forbade reporters to record the hearing. The judge warned the reporters after he saw voice recorders in the correspondents' hands. Aliaksandr Yakunchykhin said audio recording could be only carried out with his permission, and that in case of disobedience, the journalists could be punished. It is noteworthy that at a press conference held in late December 2013, the deputy chairman of the Supreme Court of Belarus Valery Kalinkovich told the journalists that he knew about such cases. He promised to correct the approaches. "Today, both the criminal and the civil procedure laws contain explicit provisions for audio and video recording without any restrictions in an open trial," he said. Soon, the website of the Supreme Court published the ruling of the Plenum signed by the Chairman Valiantsin Sukala and entitled "On ensuring transparency in the administration of justice and the dissemination of information about the activities of the courts". The document states that audio recording cannot be banned in open trials and the judge's permission to conduct records is not needed.

On March 5, Radio Racyja journalists Mikalai Bianco and Yuliya Sivets received official warnings from the Homel Regional Prosecutor's Office, signed by Deputy Prosecutor Sushchynski. The warning dealt with violating the law, and in particular illegal journalistic activity in the region. The Prosecutor's Office presented as evidence the materials which were published on Radio Racyja's website, including a report entitled "Forgotten Chernobyl", covering the problems of the liquidators of the consequences of the Chernobyl accident, and the problems of radiation-hit villages in the Homel region. Another publication was a report about the traditional Christmas festivities in Homel. Some violations were also discovered in the blogs on the website of Radio Racyja. According to the Prosecutor's Office, Radio Racyja is a foreign mass media, that's why its activities without accreditation are banned in Belarus. The journalist's interests were represented by a lawyer of the Belarusian Association of Journalists. At first, senior assistant prosecutor Dzmitry Deboi refused to let the lawyer into the office and agreed to it only after the journalists refused to talk with him without a counsel.

On March 11, police officer Siarhei Rudzko, deputy head of the order and crime prevention department, phoned Maryna Mauchanova, a journalist for the Bobruiskiy Kurier newspaper, and said she should come to the police station to face charges for illegal picketing, namely covering an anti-war picket

on March 6. It was staged by local activists who had previously filed a formal application to the city authorities. The peaceful picket was held by two activists. They raised a poster “We are against War” near the stadium in Uritskiy Street and then walked two blocks on the sidewalk. After the picket was over, a police car caught up with one of the picketers. Police officers asked him to explain what was going on and give his name. The activist showed the poster, said that nothing was happening and went home. He didn’t tell his name. Maryna Mauchanova watched the incident. She wrote an article in the evening, and Bobruiskiy Kurier published it. As a result of a conversation with the police officer, Maryna Mauchanova asked to send her a summons. Rudzko did so. The summons said that Maryna was involved in administrative proceedings under article 23.34 (violating the rules of organizing or holding mass events or pickets).

On March 16, TV reporters Natallia Valakida and Ales Silich were detained in Minsk when covering an election rally of the United Civil Party, held near Kamarouski market. During their stay at the police department of Savetski district, the journalists had to show their IDs. No other procedures were carried out. After their release, Ales Silich discovered that the police officers had erased all the records and formatted the memory card of his video camera. Three hours later, the journalists were released.

On March 17, the Babruisk District Court fined local blogger Aleh Zhalnou 5.850.000 roubles over a YouTube video. The blogger was charge under article 23.4 of the Administrative Code — “disobeying legal demands of an official representative in performance of duties”. On January 30, 2014, Aleh Zhalnou came to a meeting with Aliaksandr Vasilyeu, head of the police department of the Babruisk City Executive Committee. The duty officer told the blogger to leave all personal belongings. Aleh Zhalnou had to obey and left his cell phone, a video camera and a laptop. However, later on, a video appeared on the blogger’s YouTube channel showing the meeting between the blogger and the police officer. The video does not show faces, only voices are heard. Seeing the video online, the police officers decided to charge the blogger with disobedience, i.e. for failing to leave all his electronic devices at the entrance, as the duty officer had demanded. The trial lasted for three days, with testimonies of the police officers involved. According to the police officers, decree No 185 of the Interior Ministry (labelled “classified”), with an annexed instruction, stipulates that police officers can demand that visiting citizens should leave their audio or video recording devices, including cell phones. Aleh Zhalnou argued that the Constitution of Belarus ensures the citizens’ rights to gather, store and disseminate information that does not contain national or commercial secrets. A meeting with an official representative of the authorities cannot be a secret. Since the Ministry’s decree is not registered

in the Register of State Acts, it is not a legal document and is not binding for citizens. Besides, the blogger argued that a Ruling by the Council of Ministers demands that all legal acts affecting citizens must be open for public access. In spite of all the arguments, Judge Natallia Sheheda ruled to find the blogger guilty.

On March 20, Smarhon police detained Uladzimir Shulzhytski for handing out the human rights newsletter “Smarhonski Hrak”. The activist was charged with an administrative offence. In addition, 31 copies of the newsletter were seized. According to the police, the activist didn’t have permission to distribute the edition. Uladzimir Shulzhytski’s home was then searched and one more copy of the newsletter was seized. The activist was released, but received a summons to appear at the police station on March 25. The newsletter “Smarhonski Hrak” has a circulation of 299 copies and has been published irregularly during the last three years by a Smarhon-based human rights defender Ales Dzerhachou. On March 25, Smarhon police interviewed Ales Dzerhachou and Uladzimir Shulzhytski over the incident and urged them to send free copies to government agencies and archives. No charges were brought, but Mr. Dzerhachou was recommended to observe the laws. Deputy Chairman of the NGO “Belarusian Association of Journalists” Andrei Bastunets commented that the requirement to send “control copies” of the newsletter to public authorities was illegal, as “Smarhonski Hrak” was an unregistered small-circulation publication.

On March 22, independent journalist Yauhen Skrabets was interviewed at the Brest City Prosecutor’s Office. As told by the journalist, prosecutors inquired about his work with the Belarusian Radio Racyja. Assistant Prosecutor Ms. Paulava asked if he had accreditation as a representative of Radio Racyja in Belarus. The second question was whether the journalist had published materials that discredited the Republic of Belarus, its internal and external policies in the media. Yauhen Skrabets refused to answer these questions and to sign the protocol of questioning. On March 31, the Brest City Prosecutor’s Office issued a warning about the inadmissibility of illegal actions by Yauhen Skrabets. The warning was related to journalist’s publications on Bialystok-based Radio Racyja’s website. It is noteworthy that the prosecutors refused to provide the journalist with a copy of the warning. Yauhen Skrabets immediately wrote a statement to the Prosecutor’s Office asking to issue a copy of the document for further appealing.

On March 24, a Hrodna member of the Belarusian Association of Journalists, Ales Dzianisau, was accused of allegedly committing an administrative offence under Part 2 of Article 22.9 of the Administrative Code, “illegal production and distribution of information”. A representative of the police department in Hrodna said the charges stemmed from the testimony of chief director of the Hrodna

Regional Puppet Theater Aleh Zhuhzhda. The Theatre director said that on February 6, 2014 the journalist recorded a story for the channel “BelSat” about a new production at the theatre. The video recorded by Ales Dzianisau was later shown on “BelSat”.

On March 25, during a Freedom Day demonstration in Minsk, police officers ordered to erase the photos taken by a journalist of the newspaper “Solidarnasts”, Alena Yakzhyk, and interfered in the work of a BelSat reporter Aliaksandr Barazhenka. On the same day, unidentified hackers blocked access to the website of the newspaper “Nasha Niva” (between approximately 7.15 to 11.30 p.m.) and live broadcasts from the rally at the website of Radio Liberty’s Belarus service.

On March 27, Heorhi Stankevich, a teacher of the town of Beshankovichy, Vitsebsk region, who has been for several years publishing the newspaper “Kryvinka”, was charged under paragraph 2 of Article 22.9 of the Administrative Code, “infringement of the media law”. Senior police officer Dzmitry Karas came to his school and said that there was the testimony of two witnesses against the teacher: two businessmen at the farmers’ market said that he handed out his newspaper there. Heorhi Stankevich did not deny the fact, saying that he really was the publisher of the newspaper. However, he stressed that it was not a periodical, as it only had a circulation of 290 copies, so he did not need to register it. He also said he had been sending every issue of “Kryvinka” to Minsk libraries and the Information Ministry, but there were never any complaints. Claims against Heorhi Stankevich, as he himself says, begin at the time of some significant public events. In particular, the first administrative case against him and “Kryvinka” was opened in 2010. Then it was the time of an election campaign, and Mr. Stankevich was running for the District Council. The case ended with a trial and a fine of 20 basic units. The next penalty in 2012 was twice as much — 40 basic units. Mr. Stankevich was also running in the election campaign then, he was a candidate for the District and Regional Councils. Statements from the witnesses were received right before the main voting day. On April 2, Judge Natallia Reut of the Beshankovichy District Court fined Heorhi Stankevich 50 basic units.

Restrictions on freedom of assembly

On March 4, Chairman of the Homel regional office of the Belarusian Left Party “Fair World” Uladzimir Siakerka received a response to his request sent to the Homel City Executive Committee, suggesting the executive body allowed pro-government communists, the Communist Party of Belarus (CPB), not to abide by requirements of its ruling on mass events. In his letter, the activist asked to explain under what conditions the CPB rally dedicated to

the October Revolution was held on November 7, 2013 in Homel. As it turned out, the rally was sanctioned by Chair of the City Executive Committee, Piotr Kirychenka. The official not only ordered the public utilities to clean the area after the rally, but also to install two bonfires with flags near the Lenin monument. He also ordered the city polyclinic to serve the rally participants if necessary, and the police — to secure the public order. According to the Executive Committee's ruling "On Mass Events", entering into paid service agreements with the police, medics and police is the duty of the organizers of mass events. Political parties and NGOs are allowed to hold mass events only in two places in Homel. The ruling provides no exceptions for any political party, including the CPB.

On March 4, Aliaksandr Kamarouski, co-chair of the organizing committee of the "Defenders of Fatherland" NGO, was notified that the United Nations Human Rights Committee had ruled in his favour, after considering his complaint against the Zhodzina City Court who had sentenced him to seven days of arrest on charges of illegal picketing back in March 2008. The Committee referred to the requirement of the International Covenant on Civil and Political Rights on the necessity and proportionality of restrictions on the exercise of freedom of expression (Article 19, Paragraph 2 of the ICCPR). In particular, the Committee noted that the Belarusian authorities had not sufficiently demonstrated in which way it was necessary to detain and punish the author and how it was justified to impose a seven-day administrative arrest on him. In his complaint to the Committee, Aliaksandr Kamarouski reported that the arrest was imposed on him for involvement in a memorial picket held on March 23, 2008 on the occasion of the 90th anniversary of the establishment of the Belarusian People's Republic, after his request for permission to hold a procession and a concert was dismissed by the Zhodzina City Executive Committee on a trumped up pretext. The authorities referred to their plans to organize "the 25th republic-wide marathon" on the date specified by the activists in their bid and issued an official order, refusing the events. Aliaksandr Kamarouski, together with three other organizers, said they would cancel the planned events, but informed the Executive Committee that they were discussing the possibility to hold a peaceful event in any other location not interfering with the marathon. However, on March 20, the Executive Committee informed the organizers that it could not examine their request, as it did not satisfy the requirements set out in the Law "On Mass Events". The activists were told that if they held the meeting on March 23, it would be considered as an unsanctioned mass event. As a result, Aliaksandr Kamarouski and other activists decided not to organize the event. However, in order to inform the persons who were aware of the venue of the event that the rally had been cancelled, on 23 March at 3 p.m., Mr. Kamarouski

and the other organizers arrived at the Park of Culture of Zhodzina and met there some 10-15 persons. More people arrived shortly after. The persons decided to commemorate the heroes who had died during battles fighting for the country and to place flowers at the foot of the obelisk "Heroes Live Forever". According to Aliaksandr Kamarouski, the commemoration and the placement of flowers lasted only five minutes. On March 24, the Court of Zhodzina sentenced Aliaksandr Kamarouski to seven days of imprisonment on charges of holding an unauthorized mass event.

On March 5, Judge Volha Apanovich of the Baranavichy District and City Court considered a complaint submitted by Ryhor Hryk to challenge unlawful actions of the city officials who illegally denied the trade union activist's right to hold a picket. Deputy Chairman of the Executive Committee Dz. Kastsiukevich decided that the slogan of the mass event "Actions of the Authorities and the Laws of the Republic of Belarus — Under Civilian Control" violated Article 10 of the Law "On Mass Events", which was the main reason for the prohibition of the rally. Ryhor Hryk's public representative in court, human rights defender Uladzimir Malei said that, according to Article 10 of the Law, a picket may be banned if its purpose is to advocate war or extremist activity. Representative of the Executive Committee, Pavel Kytkin told the court that, in his opinion, the slogan did not violate Art. 10 of the Law "On Mass Events". However, he could not answer the judge's question why the City Executive Committee banned the trade union activist's picket, alleging a violation of Article 10. An employee of the Committee's department of ideology, culture and youth affairs, Tatsiana Chylik, noted that the slogan could provoke discontent of citizens, while biased criticism of the city authorities could lead to destabilization of the political situation, i.e. extremism and war. In the end, the judge ruled that the decision of Deputy Chairman of the Executive Committee Dz. Kastsiukevich of January 15, 2014 was illegal. Judge Apanovich also ordered to pay the claimant a state fee in the amount of 130 thousand roubles.

On March 10, Brest regional branch of the United Civil Party intended to hold a procession to express solidarity with the Ukrainian people. The protest was expected to bring together 10-15 people. However, the Brest City Executive Committee banned the rally, saying that the Law "On Mass Events" prohibited holding mass events less than 50 meters away from administrative buildings. Chair of the UCP's Brest regional branch Uladzimir Vuyek said that the local authorities prohibited a procession in support of the Euromaidan protest on December 21, 2013 for the same reasons. At the same time, the Brest officials authorized a May Day procession with more than 100 participants on the same.

On March 10, it became known that holding a Freedom Day picket scheduled for March 25 in Orsha was impossible. Local activists had not

even applied to the Executive Committee, as the result became known at the stage of preparations: local police department, health care officials and public utility service refused to sign agreements with the applicants, which are necessary for obtaining permission from the executive authorities. The need for a preliminary conclusion of agreements is provided for in ruling No. 74 “On some issues of organization of mass events in Orsha” by the Orsha City Executive Committee. According to local activist Ihar Kazmiarchak, the company “Spetsautabaza” said that it would not sign the agreement, because its workers should clean the snow, including on March 25. The refusal from the city clinic said that they did not even have such a service or a price-list for it. The police department asked if the vent had been allowed, saying that it would be appropriate to discuss any agreements only after permission had been obtained. The situation faced by the BPF members Ihar Kazmiarchak and the other applicant Ales Shutau, is very symptomatic. The City Executive Committee’s Ruling No. 74 makes it impossible to implement the conditions it mentions.

On March 12, two women from Babruisk, Valiantsina Kavalenka and Liubou Sankevich, filed a complaint in the city court to appeal against the actions of local authorities, who did not allow them to hold a rally on Constitution Day, March 15. The activists were going to use the posters reading “Constitution has Rights and Freedoms on Paper, but We Need Them in Life”, “Officials are not Guided by the Constitution, but by Their Own Laws” and “Officials and Deputies Hide from the People behind the Fence of Formal Replies”. The refusal was motivated by the fact that the Babruisk Department of Internal Affairs failed to agree on the place of the picket, and also reminded the applicants that, according to a ruling of local authorities, a permanent venue for events in Babruisk is a stadium in Uritskiy Street. At the same time, officials did not name the cause why the venue was not agreed. In their complaint to the court, the applicants pointed out that they had the right to determine the place of the action in accordance with law. And since the rally is a means of public expression of protest or interests of citizens, the action has no meaning, if carried out in an isolated area. They drew the court’s attention to the fact that the picket is not a picnic, and isolation behind the fence of a stadium is meaningless.

On March 19, Biaroza human rights defenders Siarhei Rusetski and Tamara Shchapiotkina were told that they had been unable to enter into a contract with the local police department in order to hold a picket scheduled for March 25. Police representatives referred to the fact that the Executive Committee had not written to them after it received an application for holding the picket, as provided by a Decree of the Council of Ministers of March 5, 2012, in order to discuss the possibility of maintaining public order at the mass event.

Meanwhile, contracts with the hospital and public utilities had been signed. On March 20, after a call from the Executive Committee the organizers began to prepare for the picket, and on March 21 they received permission signed by the Acting Chairman of the Executive Committee Mikhail Kreidzich. However, in the morning on March 22 they received another letter, which cancelled the previous decision. It was signed by the same Executive Committee's Acting Chairman Mikhail Kreidzich. The official reason for the refusal was promoting national enmity. Meanwhile, the announced purpose of the picket was marking the 96th anniversary of the independence of the Belarusian People's Republic and protesting against the Russian Federation aggression on the territory of Ukraine and the deployment of Russian military bases on the territory of the Republic of Belarus, as well as demanding to release political prisoners. The official failed to specify which of the above contained propaganda of national hatred.

On March 19, the Vaukavysk District Court dismissed a complaint lodged by Vital Huliak to challenge the actions of the District Executive Committee's Deputy Chairman Uladzimir Zakharchuk, who had earlier rejected two applications for a march and a rally scheduled for January 25 and February 19 respectively. Judge Sviatlana Lantsevich summoned the official to speak as a defendant, but he failed to appear in court. Instead, the Executive Committee was represented by two other officials, Natallia Ihnatsiuk and Dzmitry Ziaziulia, who said that the deputy chairman was away on business on that day. As a result, the complaint was dismissed. The activist started preparing an appeal to the Hrodna Regional Court.

On March 25, an authorized mass event (demonstration and rally) was held in Minsk to mark the 96th anniversary of the proclamation of the Belarusian People's Republic (BNR). It was attended by 1,500-1,800 people. Participants of the rally gathered at a specific location (plaza outside the cinema "Kastrychnik"), unfurled white-red-white flags, a few national flags of Ukraine, banners "Long Live Belarus", "Young Front", "Belarusian Movement", "Freedom to Political Prisoners", "Russia is War", "Glory to Ukraine — Glory to Heroes", "For Our and Your Freedom", "Freedom Day", "Young Front — Heroes Don't Die", "Russian Aggressor! Out of UN Security Council". Observers reported high concentration of police forces in the area of the event. Courtyards, adjacent to the area of the Academy of Sciences, were occupied by special vehicles for transportation of detainees and riot police units with special gear, truncheons. There were not many police officers at the meeting place, but the concentration of police officers in plain clothes was rather high. The place was attended by heads of the Minsk City Executive Committee's police department in plain clothes. None of them were wearing ID badges. During the procession, a small chain of police officers prevented demonstrators from walking onto the

roadway. The procession was regulated by traffic policemen. The ground in the Druzhby Narodau Park was fenced and turnstiles were installed at the entrance. Police officers checked both personal belongings and the content of posters. There were attempts to seize some of the posters, in particular the poster “Russia is War”. The entire event was videotaped by police cameramen. Ten participants of the rally were detained by police officers in civilian clothes after the end of the event: activists of the EuroBelarus movement Leanid Kulakou, Uladzimir Barodka, Alena Lazarchyk, Siarhei Matskoits, Maksim Viniarski and Aliaksandr Blizniuk; activists of the Young Front Dzmitry Drozd and Stanislau Rachkel, as well as an underage Viktor Kashkevich; an activist of the UCP’s youth wing “Young Democrats” Aliaksei Markau. Late in the evening, all the detainees but Maksim Viniarski and Aliaksandr Blizniuk were released without charges. The next day, Maksim Viniarski was sentenced to 15 days of arrest (Art. 17.1, 23.4 of the Administrative Code), and A. Aliaksandr Blizniuk — to five days in prison. Observers reported cases of obstruction by the police in the work of journalists. Observation of the protest was carried out by volunteers of the Belarusian Helsinki Committee (BHC) and the Human Rights Centre “Viasna”. All of them were wearing BHC badges with photos and stamps. The list of observers was sent in advance to Minsk police department to inform of the monitoring in accordance with the BHC’s statutory goals and objectives. In general, there were no serious obstacles in the observers’ activities from the demonstrators and the police. However, two observers, Anisiya Kazliuk and Arseni Hurski, were detained ahead of the event. They were brought to a police room in the metro station “Akademiya Navuk”, where their personal data were registered, after which the observers were released.

Restrictions on freedom of association

On March 25, five members of the Free Trade Union’s office at the Babruisk-based Plant of Tractor Parts and Units started a three-day hunger strike. The trade union leader Mikhail Kavalkou, together with activists Siarhei Pichuhou, Iryna Korshunava, Henadz Labachou and Aksana Kernazhytskaya, protested against the employer’s failure to follow agreements reached during negotiations on changes in the collective employment contracts, which were expected to apply to all employees of the plant, as well as against discrimination on trade union membership grounds. Mikhail Kavalkou had not been allowed to the plant, while the trade union activists faced dismissals, which resulted in a gradual destruction of the independent office. Mikhail Kavalkou declared a hunger strike at the entrance to the plant, and the four activists protested at their workplaces. Police Major Siarhei Rudzko and head of the Executive Committee’s department of ideology Mikalai Baliuk arrived at the enterprise

to tell Kavalkou that the action was regarded as an unauthorized picket. On March 26, the protest was joined by Viktor Osipau and Aliaksandr Benasik, as well as two more Independent Trade Union members, who lost their jobs after their contracts were not extended, Vital Sadouski and Aliaksandr Mikitka. On March 27, there were already twelve hunger strikers, after three more people joined the protest: Aliaksandr Varankin, Aliaksandr Hramyka and Mikalai Zhybul. The strike was stopped in the evening. According to M. Kavalkou, it was essential that the protest helped attract public attention. According to him, the company's administration seemed not to react to the hunger strike: the plant's ideology official did not meet with the hunger strikers, despite the fact that the action is within his sphere of work. M. Kavalkou expressed his intention to meet with the head of the Regional Executive Committee to tell about the situation in the enterprise. If the problems faced by the trade union activists were not solved, M. Kavalkou said they reserved the right to organize further protests.

Situation of Human Rights in Belarus in April 2014

In April, the human rights situation remained consistently poor. Human rights defenders welcomed the release of political prisoner Mikalai Autukhovich, who left prison in Hrodna on April 8, noting, however, that it happened after he had served the entire sentence, instead of being fostered by the political will of the authorities to abolish the shameful phenomenon of political prisoners. They, therefore, did not consider this event as a positive sign. While still in prison, Mikalai Autukhovich was sentenced to preventive supervision for a period of 1 year and 4 months, which was a signal of the authorities' ongoing intention to use this form of control over political prisoners to limit their activity after serving their sentences.

Preventive supervision is not only a serious limiting factor for former political prisoners, but may also become grounds for prosecution, including criminal charges. The reality of this threat is suggested by the prison terms received by former political prisoners on charges of violating the rules of preventive supervision: Vasil Parfiankou (twice, six months in 2012-2013 and one year in 2013-2014) and Uladzimir Yaromenak (three months in 2013-2014). In April, besides in Autukhovich's case, preventive supervision remained in place against two other former political prisoners, Dzmitry Dashkevich and Pavel Vinhradau. They were obliged to stay at home at night and could not travel outside the city without the permission of the responsible authority; in addition, they were subject to a number of other restrictions, including on visiting public places, etc., which significantly limited their freedom. Apart from that, 28 former political prisoners were on a preventive register of the Interior, which allows police officers to regularly visit them. They were under constant threat (in case of being prosecuted under administrative procedures three times during a year) of being subjected to preventive supervision.

The most acute problem — the existence of political prisoners — remained unresolved. Belarusian prisons continued to hold nine political prisoners: Ales Bialiatski, Mikalai Statkevich, Eduard Lobau, Mikalai Dziadok, Yauhen Vaskovich, Artsiom Prapakpenka, Ihar Alinevich, Vasil Parfiankou and Andrei Haidukou. None of them were released, despite the expectations of some experts about their early release as a sign of goodwill by the authorities ahead of the World Ice Hockey Championship, which is scheduled in Minsk from 9 to 25 May. On April 21, it became known that the parliament received a bill on amnesty in 2014. The text of the law remained unknown until the end of the month, but the content of similar legislative acts in previous years left little optimism that it could be applied to political prisoners. In this situation, it was

only the political will of the authorities that could become the deciding factor for the release of political prisoners. However, it was absent. The Belarusian leadership failed to demonstrate any real steps in this direction, neither as their own decision nor as a step towards the requirements of the European Union, which, in its turn, did not speak on the issue during this period, focusing on the negotiations with the Belarusian Foreign Ministry on visa facilitation and readmission agreements between the EU and Belarus.

April was marked by serious restrictions on freedom of peaceful assembly, resulting in preventive arrests and arbitrary detentions. In particular, on the eve of the Chernobyl Way demonstration, which was allowed by the Minsk city authorities, law enforcement officers preventively detained and sentenced to various terms of administrative arrest eight civil society and political activists, with eight more participants being detained after the event.

A wave of arbitrary detentions and arrests of activists was launched ahead of the World Ice Hockey Championship. In order to maximize the period of isolation, the detainees were charged with violating two articles of the Administrative Code: Article 17.1 (disorderly conduct) and Article 23.4 (disobedience to police), which made it possible to sentence them to the maximum possible period of administrative arrest, 25 days. The judicial system demonstrated a complete dependence on the executive power, as none of the detainees were acquitted.

It should be noted that arbitrary detentions and arrests, which were aimed at securing a favourable image of the city during the World Championship, affected both dissidents and so called “antisocial elements”, the homeless, alcoholics and prostitutes. The scale of these “cleansings” can be assessed only after a while.

During the month, the Supreme Court of Belarus considered the appeals by two death convicts, Aliaksandr Hrunou, 26, (repeatedly sentenced to death) and Eduard Lykau, 53. Both sentences were confirmed. Human rights defenders also learned about the execution of Pavel Sialiun, 23. Thus, there were no improvements in the state’s position on the use of the death penalty, as well as in the humanization of the judicial system and the means of execution.

Political prisoners, criminal prosecution of civil society activists

On April 2, the Swedish human rights organization Civil Rights Defenders announced that the head of the Human Rights Centre “Viasna” and Vice-President of the International Federation for Human Rights Ales Bialiatski was awarded the 2014 Civil Rights Defender of the Year Award. The Prize

is awarded on April 4, the day of the assassination of Dr. Martin Luther King, during Civil Rights Defenders' annual conference Defenders' Days. On April 10, Palina Stsepanenka, a friend and colleague of Ales Bialiatski, said that the new book by the political prisoner, which was being prepared for publication, would be entitled "Cold Wing of Motherland". The book includes articles, essays, interviews and memoirs by the imprisoned human rights defender. On April 19, human rights defender Tatsiana Reviaka received from the Hrodna Regional Court a decision in the case concerning an earlier verdict by the Ashmiany District Court to ban the book "Asvechanyia Belarushchunai" ("Enlightened by Belarusian Issue"), written by Viasna's leader Ales Bialiatski. "Having studied the book in a trial by the court of appeals, the judicial board believes that the court's conclusion that the information it contains may harm the political interests of the Republic of Belarus, public safety and morals of the citizens is correct," says the court's decision. Meanwhile, the Hrodna Regional Court's grounds for prohibition of the publication differ from the quotes by experts Yahorychau and Khiliuta of the Hrodna University (the results of two examinations they had conducted were found unacceptable by the Court of Ashmiany District), but the conclusions are the same: "The author's style and rhetoric may force the reader to arrive at false conclusions and judgements, to form a misconception about the Republic of Belarus, its historical past and today, provoking socio-political tensions in the society." On April 30, Ales Bialiatski had been in prison for 1,000 days. The political prisoner spent the day in the prison hospital, after being diagnosed with poisoning. It was also reported that he started having problems with blood pressure, which had not been reported before.

On April 6, political prisoner Andrei Haidukou was transferred from prison in Mahiliou to the penal colony "Vitsba-3" near Vitsebsk. His term expired on May 8, and the possible cause of such a hasty transfer could be the wish of the local security officials to keep the prisoner "within reach", in a colony with stricter security rules since the investigation and his trial took place in Vitsebsk.

On April 7, political prisoner Vasil Parfiankou, serving a sentence in high-security penal colony No. 9 in Horki, was placed for six months in so-called cell-type premises. Vasil Parfiankou wrote about this in a letter to an activist of the civil campaign "European Belarus" Yuliya Stsiapanava. Prior to that, the prisoner had received 10 penalties, serving 23 days in solitary confinement. He was deprived of parcels and visits for the entire period.

On April 8, political prisoner Mikalai Autukhovich was released from the Hrodna-based prison No. 1. He was met by his relatives, political activists and journalists, a total of about 30 people. Mikalai Autukhovich said that while in prison he was twice offered to write a petition for clemency to Lukashenka,

but he refused to do so in order not to hear remarks about his “weakness”. He noted that in the first place he wanted to have a rest after prison and improve his health, then — to clarify the situation with the Union of the Afghan War Veterans and continue the work on its creation. Mikalai Autukhovich said that during his time in prison he received 2,292 letters, the last of which arrived on the day of his release.

On April 9, Ms. Valiantsina Alinevich, mother of political prisoner Ihar Alinevich, said that the administration of Navapolatsk colony No. 10 refused to explain why the prisoner had been prohibited to use the telephone for more than half a year. Mrs. Alinevich noted that her husband Uladzimir Alinevich had spoken with the colony’s deputy head and tried to find out the reasons for the ban, but the prison official refused to provide any explanations. She added that the colony had no payphones, and the prisoners had to write an application in order to be allowed to make a phone call. On April 26, Uladzimir Alinevich said that they started receiving large envelopes with letters of solidarity, which had been sent to Ihar by his friends and activists of various democratic organizations. The colony administration allowed to send these letters, since the prison did not have enough space to store huge amount of letters.

On April 12, Ms. Rushaniya Vaskovich, mother of political prisoner Yauhen Vaskovich, said that in his latest letters her son expressed optimism and will, and did not have health complaints. The prisoner had refused to sign a petition for clemency, and he had not been offered to sign it any more. On April 14, the organizing committee of the party “Belarusian Christian Democracy” disseminated information that they learned from sources in Mahiliou prison No. 4, arguing that the prison administration started harassing Yauhen Vaskovich through other convicts.

On April 14, after a rather long pause, Ms. Maryna Adamovich received several letters from her husband, political prisoner Mikalai Statkevich. She noted that each time the prisoner was publicly offered to write a petition for pardon, he immediately encountered harassment from the prison administration. This time, after a speech by A. Lukashenka on the day of the local elections, she did not receive a few letters, which were reportedly seized. In an answer to Mikalai Statkevich’s inquiry about the reasons for this confiscation, the prison head said that he did not have to explain the reasons, although it does not comply with the legislation.

On April 19, on the eve of Easter, political prisoner Eduard Lobau phoned home from Ivatsevichy colony No. 22 and was able to personally congratulate his family on the holiday. He told his mother, Ms. Maryna Lobava, that in June he was expected to complete a course of electro-gas welding and to receive a diploma.

Death penalty

On April 8, the Supreme Court repeatedly heard an appeal by a resident of Homel Aliaksandr Hrunou, 26, against a death sentence handed down by the Homel Regional Court. The young man was accused under Part 6, Paragraph 2 of Article 139 of the Criminal Code — murder committed with extreme cruelty. The trial in the case lasted for more than 1.5 years and consisted of about 20 hearings. The prosecutor immediately requested the maximum penalty — execution by shooting. The Homel Regional Court supported this demand. Aliaksandr Hrunou and his lawyer filed an appeal with the Supreme Court. At a hearing in the Supreme Court in October, Hrunou's lawyer, Siarhei Krasnou, emphasized that the criminal legislation of Belarus provided for other penalties besides the capital punishment, including imprisonment for a term of 8 to 25 years or life imprisonment. The counsel, referring to the standards of the international legislation and the corresponding provisions of the national legislation, mentioned a number of violations, which were reflected in the case file, but were ignored by the trial court. The Criminal Division of the Supreme Court sent the case back for retrial in Homel, which repeatedly sentenced Aliaksandr Hrunou to death, and the Supreme Court confirmed the verdict. The decision was taken by Chairman of the Criminal Division Valery Kalinkovich, who had repeatedly stated that Belarus was ready to abolish the death penalty. Aliaksandr Hrunou's lawyer said that his client was very depressed and did not want to file a petition for clemency to Lukashenka. "It is very hard to hear the death sentence for the third time, and now he is in a certain desperation," said the lawyer. "I wonder why the Supreme Court sent the case back for a new trial, and then ignored the new extenuating circumstances that had been discovered at the Homel Regional Court." On the same day, it became known that the UN Human Rights Committee accepted a complaint submitted on behalf of Aliaksandr Hrunou. In accordance with Rule 92 of the Committee's Rules of Procedure, the State must not execute the death sentence until a decision is taken following the consideration of the complaint on the merits. On April 17, Aliaksandr Hrunou submitted a supervisory appeal against the death sentence and a petition for clemency. The convict stressed that when sentencing him to death the court failed to consider a number of mitigating circumstances, including his sincere repentance, complete confession and voluntary cooperation with the investigation, as well as the illegal and immoral actions by the victim, Natallia Yemialyanchykava.

On April 8, it was reported that the Prosecutor General's Office refused to reopen proceedings in the case of Uladzislau Kavaliou, who was executed two years ago on charges of committing a terrorist act in the Minsk metro. In March, the death convict's mother and sister sent a petition to the Prosecutor

General of Belarus, Aliaksandr Kaniuk, asking him to reopen the case in connection with new circumstances. A response from Prosecutor General suggests that a decision by the UN Human Rights Committee in the case of Uladzislau Kavaliou is not included in the list of grounds for a retrial of the case in connection with new circumstances, as provided for in Article 218 of the Criminal-Procedural Code.

On April 14, the Judicial Board for Criminal Cases of the Supreme Court considered an appeal by Eduard Lykau, 53, who was sentenced to death for five murders. The sentence was handed down by the Minsk Regional Court on November 26, 2013. The Judicial Board was chaired by Valery Kalinkovich, the prosecution was represented by Prosecutor Ms. Iryna Dudarava, the defendant's lawyer — Mr. Kliukach. During the trial, the accused did not deny his guilt and said he repented of his actions; he also cooperated with the investigation. However, he said the investigators forced him to drink alcohol in order to make him give evidence; he was also reportedly beaten. Eduard Lykau said that all the murders were committed as a result of quarrels. He said that he could not act differently in that situation, otherwise the victims would have killed him. The counsel only said that he supported the appeal. The prosecutor noted that Lykau's guilt was completely proven, and, taking into account the mitigating circumstances, he was sentenced to a fair punishment — the death penalty. As a result, the cassation appeal was dismissed and the verdict of the Minsk Regional Court was confirmed.

On April 15, a letter signed by Deputy Chairman of the Supreme Court Andrei Zabara said that a complaint by Uladzislau Kavaliou's mother and sister requesting information on the death convict's place of burial was beyond the powers of the courts of general jurisdiction. The decision thus confirmed earlier refusals by the Kastychnitski District Court of Minsk and the Civil Division of the Minsk City Court. In their appeal to the Supreme Court, Liubou Kavaliouva and Tatsiana Kaziar demanded that the Supreme Court abolish the decisions of the Kastychnitski District Court of Minsk and the Civil Division of the Minsk City not to instigate civil proceedings against the KGB, the Interior Ministry and the Department of Corrections for a refusal to provide information on the place of burial of Mr. Kavaliou. The Supreme Court said that there was a different procedure of appealing against refusals to provide information about the place of burial of Uladzislau Kavaliou. However, the Criminal-Executive Code of the Republic of Belarus doesn't provide for any other means. As a result, Liubou Kavaliouva has no more opportunities to learn about the place of burial of her executed son.

On April 18, it was reported that death convict Pavel Sialiu, 23, had been executed, despite the fact that his complaint was still pending before the UN Human Rights Committee. This means that Belarus once again breached

its international obligations. On June 12, 2013, the Hrodna Regional Court found Pavel Sialiu, former student of the Belarusian State University's History Department, guilty of four criminal charges, including double murder, theft and desecration of corpses. The young man had no previous criminal record. He said his actions were an act of jealousy — he killed his wife and her lover. For multiple offences, the trial court sentenced Pavel Sialiu to capital punishment. The trial was chaired by Judge Anatol Zayats. The convict appealed against the verdict. On September 17, 2013, it was considered by the Supreme Court's Judicial Board chaired by Valery Kalinkovich. As a result, the verdict was upheld. Pavel Sialiu's mother wrote to President Lukashenka and the then head of the Belarusian Orthodox Church Filaret asking for help in pardoning her son and replacing the death penalty with life imprisonment. Pavel Sialiu himself also appealed for pardon to Lukashenka. The death convict's mother learned from his lawyer that the sentence had been carried out. The lawyer came to the meeting with her client, but she was told that Sialiu had "departed on sentence", which meant that the convict had been executed. No written documents or messages were sent to Pavel Sialiu's relatives. His mother was not notified of the decision by the commission for pardon or the date of execution. In the coming days, she was going to visit her son in prison.

Persecution of human rights defenders and organizations

On April 3, human rights defenders Viktor Sazonau, Uladzimir Khilmanovich and Raman Yurhel spent six hours in the Leninski district police department of Hrodna. They were first questioned and then charged with administrative offences. The police reports were based on photos posted on the websites of Radio Racyja and harodniaspring.org. The human rights activists were accused of staging several unsanctioned pickets, though their actions could not be viewed as mass gatherings. On March 25, Viktor Sazonau, Uladzimir Khilmanovich and Raman Yurhel were photographed with Belarusian and Ukrainian flags in several historic sites of Hrodna. The pictures were later posted online to congratulate the city residents on the anniversary of the proclamation of the Belarusian People's Republic. The consideration of their administrative cases was actually held behind closed doors. Judge Natallia Kozel of the Leninski District Court rejected the defenders' motion to arrange the consideration of the charges in the building of the Leninski District Court and to make the trial open. As a result, Natallia Kozel fined each of the activists 3.75 million roubles. On April 14, Viktor Sazonau, Uladzimir Khilmanovich and Raman Yurhel appealed against the verdict to the Hrodna Regional Court.

On April 26, human rights defenders Siarhei Rusetski and Tamara Shchapiotkina were summoned to the police department of Biaroza district. The decision was initiated by the District Court Judge Alena Niamtsova, who ordered local police to investigate the circumstances of a banned picket the human rights activists planned to hold on March 25. After the Executive Committee banned the picket, the decision was appealed by the human rights defenders. Siarhei Rusetski was questioned by senior inspector of the department of protection of public order Siarhei Halionka and Tamara Shchapiotkina — by police inspector Siarhei Nestsiarovich. Ms. Tamara Shchapiotkina refused to provide explanations on the banned picket. She said that all necessary information could be found in their lawsuit filed with the court and that she was ready to explain everything during the trial, the time and date of which was not reported to the human rights defenders.

Administrative prosecution of civil society and political activists, arbitrary detention

On April 3, poet Slavamir Adamowich was detained for wearing a Ukrainian yellow-blue ribbon on his clothes. He was taken to the police station, where his ID was checked and his things were examined. After Adamowich showed a document about a similar detention, he was released.

On April 9, an activist from Brest, Dzmitry Rabtsevich received a phone call from the police and was summoned to the police station, where he was charged under Article 23.34 of the Code of Administrative offences (violation of the order of holding mass events). The charge stemmed from an event staged by Dzmitry Rabtsevich on 28 March, when he appeared in the city centre with a poster saying “No to Fast Executions” and “Life or Death”. The activist wanted to draw public attention to the rapid execution of death sentences in Belarus after their entry into force. Dzmitry Rabtsevich’s picket lasted for ten minutes, after which he was approached by police officers and taken to the Leninski District Police Department of Brest. The detainee was then questioned and released without charges. The poster however, was seized by the police.

On April 15, an activist from Vitsebsk, Alena Kavalenka, was found guilty of violating the order of organizing and holding mass events and fined 3 mln roubles for picketing against local elections, staged on March 22 in Vitsebsk. The trial in the Pershamaiski District Court of Vitsebsk lasted less than an hour; Alena Kavalenka refused to give any explanations, saying only that during the action she expressed her civic position. Ms. Kavalenka was convicted by Judge Natallia Karablina, who had earlier sentenced another participant of the same picket, a member of the CCP BPF, Yan Dziarzhautsau, to 7 days of arrest.

On April 17, the Tsentralny District Court of Homel issued official warnings to three members of the Young Front opposition movement, Andrei Tsianiuta, Natallia Kryvashei and Stanislau Bula, having found them guilty of illegal picketing. The activists were charged of staging an illegal picket on 22 February to commemorate the victims of Ukrainian political crisis. Stanislau Bula, who did not attend the hearing, was convicted in absentia. Meanwhile, the activists were summoned by a short message, instead of sending a notification. Andrei Tsianiuta noted that the administrative proceedings should be discontinued, since the charges were brought against the activists without their participation. The Young Front activists pleaded not guilty. They said that the place where the picket was held was a traditional location for solidarity actions and those who laid flowers and lit candles in memory of victims of the terrorist attacks in Minsk and Volgograd had not been brought to justice before.

On April 20, during an incident at the border checkpoint “Kamenny Loh”, Hanna Azemsha was forced to leave the territory of Belarus, as she was carrying 130 copies of the newsletter “Eight Interesting Facts about the Elections” and 65 copies of the bulletin “Observer Reports”. Hanna was let in the country only after leaving the publications.

On April 22, Maksim Viniarski, an activist of the European Belarus opposition movement, was sentenced to 12 days of arrest by the Court of Minsk’s Frunzenski district. During the trial, an ambulance was called, who said Maksim had to go to hospital because of tonsillitis. However, the police opposed and said he would go to the detention centre in Akrestsin Street. In response, Maksim Viniarski declared a dry hunger strike. Maksim Viniarski was detained by police when leaving the Karona shopping mall in Minsk. The police officers said the activist looked like a criminal. At the police station, he was charged with disobeying police officers. Coordinator of the European Belarus movement, Maksim Viniarski, who had been earlier released after a 15-day arrest, said that before the release a police officer offered him to leave the city during the forthcoming Ice Hockey World Championship. The prison employee threatened the activist with administrative charges in case he did not follow his advice.

On April 22, police officers in Minsk detained activists of the Alternative movement, Aliaksandr Stsepanenka and Uladzimir Siarheyev. On April 23, the Tsentralny District Court of Minsk sentenced both to an arrest of 5 days on charges of disorderly conduct.

On April 23, Judge Anastasiya Asipchyk of Minsk’s Zavodski District Court sentenced opposition activist Illia Dabratvor to an administrative arrest of 10 days. Illia Dabratvor was detained the previous day while driving his car. He was stopped on suspicion of a car theft. However, the police officers then

charged the activist with two administrative offences, violation of Article 17.1 of the Administrative Code (disorderly conduct) and Article 23.4 (disobeying the police). Illia Dabravtor was transporting white-red-white flags in his car. For each charge, the activist should have received a punishment of 7 days of arrest, but the judge eventually sentenced him to 10 days in prison.

On April 24, it was reported that the preventive supervision over opposition activist Pavel Vinahradau was extended by six months (the period of punishment was to expire on April 25), after the decision was enforced by the Court of Maskouski district. Pavel Vinahradau is one of the first activists to be convicted in the December 2010 case. He was released early, but was immediately put under preventive supervision. During this time, the activist was repeatedly subjected to administrative liability for his public activity. The activist was offered to leave for his home town of Berazino and stay there during the Ice Hockey Championship, being threatened with a short prison term otherwise. Pavel Vinahradau chose to leave Minsk.

On April 24, former political prisoner Dzmitry Dashkevich was detained at the entrance to his apartment in Minsk. He was searched and then brought to the Pershamaiski district police department. The following day, his administrative case was heard by Judge Yury Harbatouski of the Pershamaiski District Court. Dzmitry Dashkevich was charged with two offences, violation of preventive restriction rules (Article 24.12) and resisting police orders (Article 23.4). As a result, the former Young Front leader was sentenced to 25 days of administrative arrest.

On April 28, the court of Minsk's Savetski district considered administrative charges brought against six participants of the Chernobyl Way march, who were detained immediately after the demonstration on April 26. In addition, the court heard the case of former political prisoner Aliaksandr Frantskevich, who was detained ahead of the demonstration. Judge Maryna Fiodarava found Dzianis Karnou guilty of two administrative offences (Article 17.1, disorderly conduct, and Article 23.34, participation in an unauthorized mass event) and sentenced him to 20 days of arrest. The case of Mikalai Kolas was considered by Judge Kiryl Palulekh. Mikalai Kolas says that he was beaten in a police bus and complained of a stiff arm. He told the court that the offence report was written under torture and he was not allowed to call home. Mikalai Kolas was eventually punished with arrest of 15 days. The case of Leanid Smouzh was considered by Judge Laukova. The charges were backed by a witness named Syravatau, commander of a riot police unit. Leanid Smouzh explained that they were held standing against the wall at the police station for more than three hours. He was eventually sentenced to 20 days of arrest. Vladimir Novikov, a Russian citizen, was sentenced to 15 days of arrest under two charges, disobeying police and hooliganism. Aliaksandr Kurbaskin was sentenced to 20

days of arrest. Valery Tamilin also received 20 days in jail. His case was heard by Judge Maryna Fiodarava. The same judge sentenced Aliaksandr Stukin to 20 days of arrest. Homel activist Yury Rubtsou was detained while wearing a T-shirt saying “Lukashenka, Leave!”. Rubtsou was brought to court without a shirt, wearing pants only. As a result, Judge Kiryl Palulekh sentenced the activist to 25 days in prison. Rubtsou also faced criminal charges for insulting the judge. Aliaksandr Frantskevich was sentenced to 25 days of arrest.

Restrictions on freedom of speech and the right to impart information, harassment of journalists

On April 2, the District Court of Beshankovichy heard administrative charges against Heorhi Stankevich, who was charged with illegal publishing and distributing the newspaper “Kryvinka” (Part 2, Article 22.9 of the Administrative Code). Judge Natallia Reut rejected a request for an interpreter into Belarusian for Heorhi Stankevich, who was Belarusian-speaking. And she flatly refused to adjourn the trial so that a lawyer experienced in mass media law could arrive from Minsk. Finally, the Judge removed the defendant from the courtroom for alleged violation of public order. Mr. Stankevich appealed against the Judge’s actions, and the District Prosecutor promised to send a written response, instead of interfering in the case. On April 3, Heorhi Stankevich received the verdict of a fine of 7.5 million roubles. The sentence was based on an anonymous letter that reported on the activist’s alleged illegal publishing activities.

On April 3, Judge Natallia Charapukha of the Babruisk District Court found local blogger Aleh Zhalnou guilty of violating Article 23.4 of the Administrative Code, “disobedience to lawful order or request of an official in the exercise of official authority” and sentenced him to a fine of 6.9 mln roubles. Aleh Zhalnou was fined over an incident that had taken place during his visit to the Acting Head of the Investigative Committee’s Babruisk department on February 4, when the blogger had failed to leave his mobile phone, 3G modem and a memory card at the entrance to the building. According to the police officers, decree No. 185 of the Interior Ministry (labeled “for official use only”), with an annexed instruction, stipulate that police officers can demand that visiting citizens should not carry any audio or video recording devices, including cell phones. The blogger based his defense on the fact that orders and instructions of the Ministry should not apply to civilians. In his opinion, it is not clear whether the building was a “sensitive facility”. He also referred to a ruling of the Council of Ministers, according to which all regulations related to citizens must be published and have an open status. He said that since the decree was not registered in the registry of state acts, it was not binding.

On April 4, a freelance journalist in Babruisk, Maryna Malchanava, received a letter from the Prosecutor's Office, saying that an administrative case against her had been closed. The journalist was summoned to the police department after covering an antiwar picket. There, she learned that she was being prosecuted for violation of Article 23.34 of the Administrative Code, "violation of the order of organizing and holding mass events". In this regard, she decided to send a complaint against the police to local Prosecutor's Office. She asked the prosecutor to assess the facts from the point of view of Article 198 of the Criminal Code, "Interfering with lawful professional activities of journalists". However, the response from the Prosecutor's Office only says that on March 19 it was decided to close the administrative case against her.

On April 15, the Vitsebsk Regional Prosecutor's Office issued a warning to independent journalist Sviatlana Stsiapanava about possible liability under Part 2, Article 22.9 of the Administrative Code ("illegal production and distribution of media products") for cooperating with foreign media without accreditation. The Prosecutor's Office said that the independent journalist worked without accreditation for the Belarusian service of the Polish Radio Abroad. Prosecutor Pavel Zaitsau of the Department of Supervision of Legislative Execution talked with the journalist for 20 minutes, and demanded no explanations on her part. The Prosecutor showed her some printouts from the Radio's website, and then went into the next room and brought the formal warning. The paper was prepared in advance and was signed by Deputy Prosecutor of Vitsebsk region Heorhi Karanko.

On April 15, a local newspaper in Hlybokaye called "Prefekt-Info" was fined for violating the advertising law. The founder of the newspaper, a local activist Yaraslau Bernikovich, and the editor Dzmitry Lupach stress that the newspaper attracts reinforced attention from the regulatory during election campaigns, in which both activists were involved for many years. A fine of 3.75 mln roubles was handed down by Judge Andrei Tarasevich of the Hlybokaye District Court. The sentence stemmed from an offence report submitted by an employee of the trade and services department of the Vitsebsk Regional Executive Committee, Zhanna Listapadava. The report said that one of the issues of the newspaper in October last year featured several violations of the Law "On Advertising". On January 15, a representative of the newspaper was invited to Vitsebsk to give explanations regarding violations of Part 4, Article 10 of the Law "On Advertising". However, an official summons was only received by the editorial office a week later.

On April 17, Uladzimir Shulzhytski, a distributor of a local low-circulation newsletter called Smarhonski Hrak, was found guilty of violating Part 2, Article 22.9 of the Administrative Code ("illegal distribution of mass media products").

According to local human rights defender Ales Dzerhachou, the distributor was convicted over failing to sign a contract for distribution with the editorial office. In his protest against the administrative punishment report, Mr. Shulzhytski petitioned the judge to specify in the court's verdict the legal entity with which he was expected to sign a contract for distribution, when the publisher was an individual. The petition was not given any assessment in the court's ruling, because, according to Ales Dzerhachou, there was no rule of law the court could cite. The judge admitted that periodicals with a circulation below 300 copies did not require legal registration, thus their editorial offices did not have to register as a legal entity. Nevertheless, she punished Uladzimir Shulzhytski for not having a contract for the distribution of the newsletter. Ales Dzerhachou emphasized another fact: though the circulation of the newsletter was legal the copies of "Smarhonski Hrak, seized during distribution, were subject to destruction under a court order.

On April 18, during a visit to the Kastychnitski district police department of Vitsebsk, journalist Alena Stsiapanava learned that she was accused of working for foreign media without accreditation. The summons was signed by senior inspector of the department of law enforcement and prevention Siarhei Viaraksa. He told the journalist that he had initiated an administrative case for violation of the law on mass media. Alena Stsiapanava was questioned about the article entitled "Vitsebsk schoolchildren refuse to learn anthem", which appeared on Radio Liberty's website on January 28. Siarhei Viaraksa told the journalist that he would inform her about the future development of the administrative case.

On April 23, the Supreme Court of Belarus refused to initiate disciplinary proceedings against Judge Aliaksandr Yakunchykhin, who had prohibited using voice recorders during the consideration of an administrative case. According to a response of Deputy Chairman of the Supreme Court Valery Kalinkovich, in the course of administrative proceedings against a civil society activist Siarhei Finkevich, held on March 3, no complaints were received about the actions of Judge Yakunchykhin. In this regard, the Supreme Court saw no reason to initiate disciplinary proceedings against the judge. However, according to the testimony of journalists who were present at the trial, Aliaksandr Yakunchykhin warned the reporters after he saw voice recorders in their hands. The judge said that audio recording during the trial could be carried out only with his permission, and that in case of disobedience, the journalists could be punished.

On April 25, Vadzim Drazdou, the founder of the website freeregion.info, who had been living in Switzerland for several years, said that police were looking for him. He was told about this by his former neighbours. Drazdou asked his relatives to contact a lawyer, and as a result he found out that he had been under

a probe since early April. According to Vadzim Drazdou, referring to the words of his lawyer, the police targeted the website over articles of critical content.

Restrictions on freedom of assembly

On April 9, the Ministry of Justice and the Brest Regional Department of Internal Affairs said that they were going to write to the Bioroza District Executive Committee in order to harmonize at the official level the issue of signing contracts with the police in preparation for mass gatherings. As follows from the responses of these institutions received by local human rights activist Siarhei Rusetski and Tamara Shchapiotkina, who had written to them on the issue, Ruling No. 207 of the Council of Ministers of Belarus of March 5, 2012 was more important than Ruling No. 138 of the Bioroza District Executive Committee of February 9, 2010. According to the Council of Ministers' Ruling, after applying for a mass event to the Executive Committee the executive authority shall send within 24 hours a copy of the statement to the police to agree on serving the event. However, the ruling of the Bioroza District Executive Committee (just like dozens similar rulings in many regions of Belarus) requires to submit a copy of the contract with the police when applying for public events. As reported by the Ministry of Justice in a letter signed by First Deputy Minister Bileichyk and by the Brest Regional Department of Internal Affairs in a letter signed by its deputy head Uhljanitsa, the Executive Committee's ruling must be corrected in accordance with the Resolution of the Council of Ministers. Earlier, human rights defenders Siarhei Rusetski and Tamara Shchapiotkina repeatedly petitioned, both in writing and in person, officials of the Bioroza District Executive Committee, urging them to bring ruling No. 138 in line with the requirements of the Council of Ministers' Decree. However, all their requests were rejected. During the trial, in which they challenged a ban on a picket, they also focused on the discrepancy between the Council of Ministers' regulation and the Executive Committee's ruling, and in the presence of the judge and assistant prosecutor asked to correct the contradiction. Then the Executive Committee's lawyer Yauhen Kashtalian said that the Council of Ministers had not written to them on the issue, but they would receive answers from the Ministry of Justice and the Brest Regional Department of Internal Affairs. The human rights activists expressed the hope they would not face problems in signing agreements with the police during preparations for mass events in the future.

On April 16, the Minsk Regional Court dismissed a cassation appeal filed by Salihorsk opposition activist Uladzimir Shyla to challenge a ban on a picket scheduled for Human Rights Day, after an earlier decision by the District Court was confirmed. None of the arguments provided by the activist were found

valid by the Court's Judicial Board. In particular, Uladzimir Shyla's request to force local authorities to take measures to ensure public order during the event was interpreted as the organizer's unwillingness to take these measures himself. The activist's reference to the Salihorsk District Court's disrespect for the provisions of the Constitution and the International Covenant on Civil and Political Rights was considered incorrect by the Minsk Regional Court. According to the Judicial Board, the current Law "On Mass Events" was directly applicable and fully consistent with the Constitution and international law.

On April 22, local authorities in Vitsebsk and Navapolatsk banned a number of events scheduled to mark the anniversary of the Chernobyl disaster on April 26. Four representatives of the Conservative Christian Party "Belarusian Popular Front" in Vitsebsk sent a request to the administration of the Chyhunachny district to hold a picket in the local park. However, the bid was rejected, as the applicants failed to attach copies of the contracts as required by the City Executive Committee's ruling. It says that the organizers must sign contracts with the police, public utilities and health care departments. However, these agencies refuse to enter into contracts with the activists. Therefore, the activists requested that the authorities did not pay attention to the ruling of the Vitsebsk City Executive Committee, but were directly guided by the Law "On Mass Events" and the Constitution. They said that the ruling actually made it impossible to exercise people's rights to freedom of expression and peaceful assembly. Over the past five years, not a single opposition activist has managed to sign agreements required by the Vitsebsk executive officials. In Navapolatsk, a request to stage a picket on the Chernobyl tragedy memorial day was filed by Yauhen Parchynski. He eventually received a response from Deputy Mayor Albert Shakel, who wrote that the picket was banned, since the application was filed in violation of the applicable laws.

On April 23, Vadzim Saranchukou and Mikalai Lemianouski, members of the Belarusian Popular Front's Hrodna office, received from the Executive Committee official bans on conducting awareness-raising pickets, which were scheduled for April 26 to mark the anniversary of the Chernobyl disaster. Officials from the City Executive Committee argued that the activists' applications failed to meet all the requirements of the law, namely it did not mention all the necessary information. The applicants said the ban was political discrimination and a violation of constitutional rights of citizens. All public pickets in the city have been banned for more than twelve years already.

On April 26, Minsk hosted an authorized mass event (demonstration and rally) held to mark the anniversary of the Chernobyl nuclear power plant accident. The event was observed by ten representatives of the Belarusian Helsinki Committee and the Human Rights centre "Viasna" and was peaceful in its nature. However, the rally was marred by cases of restrictions on the

right to peaceful assembly, as one of its organizers, Illia Dabratvor, received a ban, as well as by groundless changes of time and route of the procession, unreasonable security measures during the gathering. Of particular concern were the facts of arbitrary detention as a preventive means. Eight people were detained ahead of the march (Maksim Viniarski, Illia Dabratvor, Aliaksandr Stsepanenka, Uladzislau Siarheyev, Dzmitry Dashkevich, Aliaksandr Frantskevich, Anatol Mirashnichenka and Uladzislau Zapasau), and eight more were detained after the demonstration was over (Dzianis Karnou, Mikalai Kolas, Leanid Smouzh, Uladzimir Novikau, Aliaksandr Kurbaskin, Valery Tamin, Aliaksandr Stukin and Yury Rubtsou), which is a gross violation of the rights of these persons. These detentions were illegal and were meant to intimidate the protesters, as well as to continue the practice of political repression against the political opposition and civil society activists. Observers reported the inability to identify law enforcement officers among a significant part of those present during the mass event, as far as the former ones weren't wearing the uniform, as well as the absence of identification badges on the vast majority of employees in the uniform.

Restrictions of freedom of association

On April 7, the Ministry of Justice issued an official warning to one of the largest Belarusian opposition organizations, the United Civil Party (UCP). The warning related to the UCP's activities during the local elections campaign, when the activists demanded the "release of political prisoners" and "raised the Ukrainian issue" during their authorized campaigning pickets.

Situation of Human Rights in Belarus in May 2014

In May, the consistently poor situation of human rights was exacerbated by the mass arbitrary detentions and arrests of activists of various civil society and political groups and movements, which were carried out before and during the World Ice Hockey Championship (held in Minsk from 9 to 25 May). Human rights defenders registered 39 facts of administrative prosecution. This practice is evidence of an organized campaign of arbitrary detentions of persons involved in civil and political activity. One of the features of this campaign of isolation was bringing charges for several administrative offences at a time, which made it possible to isolate activists for a longer period — up to 25 days of arrest. There were recorded facts of re-imposition of administrative sanctions on activists immediately after their release. The trials in these cases were of purely accusatory character, the verdicts were aimed at imposing maximum penalties, which suggests complete dependence of the judiciary on the executive power in executing the political order of sterilization of the socio-political background during the sporting event and the involvement of courts in the general mechanism of repression.

The mass arrests were followed by reactions from both Belarusian human rights defenders and the international human rights community, who urged the authorities to stop unlawful practices against the activists. Information about the facts of isolation was forwarded to the UN Working Group on Arbitrary Detention. On May 16, the arbitrary arrests of activists in Belarus were condemned in a statement released by the European External Action Service. “We are concerned about the harassment, arbitrary arrest and detention of several dozens of representatives of civil society and opposition organisations in the run up to the World Ice Hockey Championship in Belarus. We condemn the use of administrative detention by the Belarusian authorities as an instrument aimed at creating pressure, fear and uncertainty among the young generation of people in Belarus. We urge the authorities of Belarus to immediately stop these actions and to release all those unjustly detained, dropping all charges against them. We also reiterate our call for the immediate and unconditional release and rehabilitation of all political prisoners. The EU’s readiness to further develop relations with Belarus remains conditional on concrete steps in Belarus towards democracy, human rights and the rule of law,” says the statement.

The authorities denied the allegations of politically motivated and arbitrary persecution of activists. On May 14, Interior Minister Ihar Shunevich, when

talking to reporters in the House of Representatives, said that all the detainees before the opening of the World Ice Hockey Championship in Minsk committed administrative offences. "There can be no such definition as "preventive detention". Detentions affected the persons who had committed administrative offences — disorderly conduct, disobedience to the police and so on. Such detentions have always been and will continue," said the official.

Isolation measures were applied to both dissidents and the so called "antisocial elements" — homeless persons, prostitutes, alcohol and drug addicts, with the latter category of people not only being arrested for a short period, but also sent to medical and labour dispensaries (LTPs, activity therapy centres) for a period of up to one year.

The situation with arbitrary detentions demonstrated the maturity of a well-organized repressive mechanism, which involved various governmental authorities, and its readiness to perform all sorts of short-term political objectives.

In May, no major changes have occurred in solving the problem of political prisoners. The release of Andrei Haidukou on May 8 could not be viewed as a positive development, since the release of the political prisoner did not take place in connection with the steps taken by the authorities and their political will, but as a result of the expiry of the sentence. Belarusian prisons continued to hold eight political prisoners: Ales Bialiatski, Mikalai Statkevich, Eduard Lobau, Mikalai Dziadok, Yauhen Vaskovich, Artsiom Prakapenka, Ihar Alinevich and Vasil Parfiankou. Human rights defenders gave up the hopes to witness a change in their destiny through the legal mechanism of amnesty, as none of them fell under the bill approved in the first reading by the House of Representatives on May 14 (amnesty declared in connection with the 70th anniversary of the liberation of Belarus from the Nazi Invaders). The bill provides that the amnesty does not apply to prisoners with a penalty for breach of prison rules, while all political prisoners had such penalties imposed on them. Interior Minister Ihar Shunevich, when commenting on the bill, denied the existence of persons convicted for political reasons, saying that "such a term as "political prisoner" does not exist in this law and it cannot exist. The amnesty will apply to those who have committed a crime that does not constitute a threat to society".

In May, the state failed to soften its stand on the application of the death penalty. On May 12, a representative of the Mahiliou Regional Court said that Ryhor Yuzepchuk, who was sentenced to death on April 23, 2013, had been executed. Questions about the circumstances of a murder of his cell-mate committed by Yuzepchuk in prison with special reinforced supervision of convicts remained unanswered.

Political prisoners, criminal prosecution of civil society activists

On 2 May, representatives of the organizing committee of the party “Belarusian Christian Democracy” said that political prisoner Yauhen Vaskovich, who had faced harassment from the administration of Mahiliou prison No. 4 with the help of other prisoners, had been transferred to solitary confinement after the publication of these facts. Political prisoner Mikalai Statkevich, who was serving a sentence in the same prison, said in a letter to his wife Maryna Adamovich that the penalty imposed on Yauhen Vaskovich was linked to the administration’s unsuccessful attempt to force him to sign a petition for clemency.

On May 8, political prisoner Andrei Haidukou was released from penal colony in Vitsebsk “Vitsba-3” after serving his sentence. He was ordered to start packing things at 6 a.m., although prisoners are usually released at about 11 a.m. At 7 a.m., he was put into a police car, taken to the railway station in Vitsebsk and given 20,000 roubles, so that he could go to his relatives in Navapolatsk. On the day of his release, Andrei Haidukou was put on the preventive register of the KGB and police. On May 14, the former political prisoner was told by representatives of the Navapolatsk Department for Citizenship and Migration that he was forbidden to leave Belarus. However, they refused to explain the reasons for the ban, only saying that the decision was enforced by the KGB.

On May 11, it became known that political prisoner Eduard Lobau was visited by a priest in the colony in Ivatsevichy. Father Dzmitry had earlier travelled to see the prisoner. Just like the previous meetings, this visit took place in the presence of a guard. The political prisoner’s mother Maryna Lobava stresses that her son has the status of a violator of the regime, which has been regularly extended because of new penalties for alleged violations committed by the prisoner.

On May 13, political prisoner Ales Bialiatski was awarded the Ales Adamovich Literary Prize for his book *Asvechanyia Belarushchynai* (“Enlightened by Belarusian Issue”). This award was established in 1995 by the Belarusian PEN-centre and is awarded for the best non-fiction book. The prize was received by Ales Bialiatski’s wife Natallia Pinchuk. She said that the prisoner had been told about the award. Natallia Adamovich, Ales Adamovich’s daughter, in whose honour the award was established, said that Ales Bialiatski became the 34th recipient of the award. “Previously, books were burned, and now — a new form: a ban on importation,” she said, speaking of the court’s decision, according to which the book contained materials which might damage the economic and political interests of the country, in connection with which it was

decided to re-export the book to Lithuania. On May 14, a new book by Ales Bialiatski was released. The book is entitled *Irtutnaye Srebra Zhytstsia* ("Quick Silver of Life"). It tells of the events of 2010-2011. The book was written by Ales Bialiatski during his imprisonment: from September 2012 to June 2013. The edition features letters, memories and reflections, as well as descriptions of the author's usual workdays, as well as events preceding the arrest of the human rights defender in August 2011 and his foreign trips.

On May 13, a civil society activist Volha Nikalaichyk, referring to recent letters received from political prisoner Vasil Parfiankou, said that he had been placed in solitary confinement in late April or early May. The political prisoner wrote nothing about the penalty or about the reasons for the punishment. Vasil Parfiankou has been held in colony No. 9 in Horki since February. During the time, he has spent more than 40 days in solitary confinement.

Death penalty

On May 12, a representative of the Mahiliou Regional Court said that the death sentence imposed on Ryhor Yuzepchuk on April 23, 2013 had been executed. Ryhor Yuzepchuk, 45, was convicted of killing his cell-mate, who had staked his life in a game of dominoes. In this case, several important questions remain unanswered. The murder was committed in the prison with reinforced supervision of prisoners. Gambling was strictly prohibited there. It was reported that on the day of the murder a guard had twice come up to the cell door and saw that the peep-hole on the door had been sealed with a piece of newspaper. The Department of Corrections never reported if any employees of the prison administration had been prosecuted over the fatal incident.

On May 14, human rights defenders received information about the date of execution of Pavel Sialiun, 23, a student of history at the Belarusian State University accused of a brutal murder of two persons. This was reported by the convict's mother after she received the death certificate. On April 18, Pavel Sialiun's lawyer came to meet with her client in prison, but was told that Sialiun had "departed on sentence", which meant he had been executed. However, no written documents or messages were sent to Pavel Sialiun's relatives. On May 8, his mother, Tamara Sialiun, requested clarification from the prison administration, who, in their turn, forwarded her request to the Supreme Court. During a personal reception, the Court's Deputy Chairman Valery Kalinkovich confirmed that the execution had been carried out. The death certificate received by Pavel Sialiun's mother says the cause of his death is "unknown". Earlier, similar documents had a dash in the "Cause of Death" box.

Torture and other cruel and inhuman treatment

On May 6, opposition activist Maksim Viniarski, who had been recently released after serving a term of administrative arrest, said that he was held in a cell together with a black prisoner named Patrick, probably a citizen of one of the African countries, who had been in the detention centre in Akrestsin Street for a long time. However, he spoke neither Russian nor English, which deprived him of any opportunities to communicate with the prison administration. Patrick refused to eat his dinner, and took only the first course for lunch. According to Maksim Viniarski, on May 2, Patrick refused to go into the cell after the morning checking. The guards tried to use physical force, but he protested, repeating the word “embassy”. After an incomprehensible verbal skirmish, the police threw him to the floor in the hallway. Further developments were watched by Viniarski through a crack in the door. Patrick was handcuffed. Then the guards pressed his feet under his hands, making so called lastochka (“swallow”). Patrick was lying on the floor and shouting “Racists”. After a while Patrick could slowly release his legs. Then he was tied up again and till the end of breakfast time was lying in the hallway till the end of breakfast time. Then he was thrown back into the cell. According to the deputy chairman of the Human Rights Centre “Viasna” Valiantsin Stefanovich, the problem of ill-treatment of migrants is particularly relevant in the light of the forthcoming negotiations between the Belarusian Foreign Ministry and the European Commission on visa facilitation and readmission agreements. Considering this, it is particularly important to create special centres for foreign nationals, which would meet international standards and would not result in cruel and inhumane treatment of these people, who in most cases have not committed any crimes. As vital is the question of training of employees, who could speak foreign languages in order to explain deportation procedures to foreign nationals, as well as their rights and duties. It is possible that some of them could risk their lives if deported home and needed to know their right to receive asylum in Belarus.

On May 6, Ms. Valiantsina Akulich said that on April 18 Judge Pradun of the Svetlahorsk District Court dismissed her appeal relating to the death of her son in the city’s detention centre. The appeal was meant to challenge another refusal by the Investigative Committee to initiate criminal proceedings against police officers. The complaint argued that the findings of the investigator about the use of physical force and special means by the prison employees were erroneous, as Aliaksandr Akulich needed medical aid, while the police beat the person, despite his temporary mental disorder, instead of asking for medical assistance. Such actions constitute a prohibited act of cruel and inhuman treatment. However, the judge inquired solely about the extent of moral

degradation of the victim: his alcohol abuse, personal life and relationships with his family, although all this had nothing to do with investigating the legality of the police actions. Indeed, although Akulich had been repeatedly convicted, he was an alcohol addict, he died not in a drunken brawl or in an alcoholic stupor, but in the detention centre, where his life, health and safety were to have been protected by police on behalf of the state. During the announcement of the investigation materials, there appeared several interesting new details, since Aliaksandr Akulich's mother had not been allowed to see the results before filing her complaint to the court. As it turned out, Akulich's aggressive behaviour, which was cited by police officers to justify the use of violence, was manifested mainly in the fact that he was hiding behind his cell-mates' backs and calling for help... by the police. An ambulance paramedic, who arrived after Akulich's death, saw him lying with his face down and his hand twisted behind his back, which did not correspond to explanations by the policemen who said that they had been doing cardiopulmonary resuscitation. The investigator failed to receive a clear answer from the police officers on this strange method of emergency procedures. Eighteen traumatic contacts — this is the result of legitimate, according to the investigation, actions by the guards of the detention centre. These actions of the police were found legal under the Law "On Bodies of the Interior of the Republic of Belarus". The court ruling is final and can be appealed only under supervision procedures, i.e. a full review of the case will never take place, as it is not provided by the criminal-procedural law.

On May 17, Pavel Panamarenka found himself in a hospital bed after going to a concert of Korn and Soulfly in the Minsk Palace of Sports. Doctors diagnosed him with a concussion. Pavel argues that he was beaten by a riot policeman. His parents wrote a statement demanding to punish the police officer. The incident happened near the stage, after the fan was pushed several times in the back. As a result, he moved the fence. The policeman who was standing nearby, had warned him twice, and then walked over, grabbed him by the shirt and hit the guy with his head in the face. Pavel asked the policeman to give his name, saying that after the concert he would report his actions to the security chief. According to Pavel, they were approached by another policeman who listened to him. After that the senior policeman invited him to go outside to talk. There he was met by a police chief, who offered Pavel to undergo a medical examination. He said that he would not go anywhere without his parents. As a result, he was grabbed and dragged into a car. One of the riot policeman said that if he did not stop resisting, they would drown him in the river. Pavel was taken to the police department of the Tsentralny district. Then he was brought to hospital for examination, and then back to the police department. At around 2 a.m., Pavel felt nauseous and an

ambulance was called. On May 23, Pavel was discharged from the hospital, but remained under the supervision of a physician.

On May 30, the sister of Ihar Ptsichkin, who died under strange circumstances in Minsk's prison in Valadarski Street in August 2013, said that despite the fact that the exhumation of his body had been carried out back on December 4, his family had not received the autopsy results. Meanwhile, the investigator referred to lack of time. A representative of the Investigative Committee, Yulia Hancharova, said that a probe had been launched following the results of re-examination in order to assess the medical aid provided to the victim ahead of his death. Ptsichkin's relatives also stressed that after his death Ihar became a defendant in another case related to drugs. "Ihar's friends have been summoned to the Investigative Committee, they have been asked which cars my brother used and where he went. They said that Andrei N. was facing criminal charges. And he allegedly testified that Ihar had been selling spice. But we found Andrei, and he said that he was just a witness. My brother is dead — and you can say anything of him now. Mother was also called to testify. This is because we understand that a criminal case was opened against Ihar. Who else, when all are just witnesses?" says Ihar Ptsichkin's sister, Iryna. Another representative of the Investigative Committee in Minsk, Aliaksandr Herasimau, denied this information. Ihar Ptsichkin died in prison while serving a three-month arrest for driving without a license. Investigators say his death might have been caused by negligence on the part of a prison paramedic who was on duty on August 3.

Administrative prosecution of civil society and political activists, arbitrary detention

On May 3, Barysau police detained Aliaksandr Marozau, a fan of the BATE football club. He was later sentenced to 10 days of administrative arrest.

On May 4, Andrei Tsianiuta, co-chair of the Young Front opposition movement, was detained outside his house in Homel. He was charged with two administrative offences, disorderly conduct and disobedience to the police. On May 6, during a trial at the Court of Homel's Chyhunachny district, police officers said that while on patrol they had heard the activist swearing loudly and therefore detained him. The policemen testified with standard phrases, while other witnesses, passers-by, were not questioned. Andrei Tsianiuta argued that he had not used foul language. The activist is confident that his detention was connected with the forthcoming World Ice Hockey Championship. Judge Anatol Sotnikau found him guilty and sentenced to 10 days in jail: three days for "hooliganism" and seven days — for "insubordination".

On May 5, a court in Lida tried local civil society activists, who were charged with holding an unsanctioned rally in commemoration of Belarusian activists on Freedom Day. During the memorial event at the cemetery, the activists were targeted by people in civilian clothes. On April 2, they were summoned to police. The trial began in April, but was postponed after some of the witnesses failed to appear in court. The Lida District Court fined Siarhei Trafimchyk, Vitold Ashurak, Murat Musau, Siarhei Sidarenka and Yury Dziashuk 750,000 roubles each. Activists Mikhail Buracheuski and Stanislaw Sudnik been warned.

On May 6, the Leninski District Court of Minsk heard the charges brought against activists of the Young Front, Mikhail Muski and Dzmitry Kremianetski, detained by people in plain clothes and thrown into a car with bags on their heads on the previous evening. The activists were held for over an hour. Judge Mikhail Khoma ruled to sentence Mikhail Muski to an arrest of 20 days, finding him guilty of disorderly conduct and disobeying a police officer. The same judge found Dzmitry Kremianetski guilty of disorderly conduct (Article 17.1 of the Administrative Code) and punished him by a fine of 2.25 mln roubles. The charges were backed by a police officer Tkachenka. The court of Minsk's Frunzenski district sentenced another Young Front activist, Mikalai Dzemidzenka, to 20 days of arrest. The case was considered by Judge Liudmila Lapo. The witnesses, police officers Kruk and Zianko, testified that Dzemidzenka had been urinating in a public place, ignoring the remarks from the policemen.

On May 6, four fans of the Partyzan football club were detained in Minsk. After being charged under Art. 17.1 of the Administrative Code (disorderly conduct), they were taken to the Court of Partyzanski district. Judge Yury Harbatouski punished them by arrest of 10 days each: Illia Valavik, Siarhei Pazniak, Kiryl Yermalovich and Kiryl Klykau.

On May 6, Minsk police detained a representative of the organizing committee of the National Bolshevik Party, Aliaksandr Paliakou. Judge Alena Niakrasava of the Zavodski District Court sent his administrative case under Art. 17.1 (disorderly conduct) for revision to the police department. The following morning, Aliaksandr Paliakou was once again brought to the court and sentenced to 10 days of arrest for alleged using foul language. On May 6, the apartments of other NBP activists, Dzmitry Paliyenka, Dzianis Sakhar and Yauhen Kontush, were shadowed by policemen and unidentified persons in civilian clothes. They rang the doorbells asking the activists to follow them to the police station. Aliaksandr Paliakou was the only detainee. The activists believe that the harassment by law enforcement agents was related to the recent action staged by the National Bolsheviks to protest against politically motivated prosecutions, during which a banner saying "You Can't Jail Everyone" was displayed at the main entrance to the city's Chelyuskinty Park. On May

26, the Minsk Tsentralny District Court considered another administrative case against Aliaksandr Paliakou. The activist was detained by riot police in the evening of May 24 near the hospitality zone outside the Sports Palace for waving a national white-red-white flag. Judge Viktoryia Shabunia found the activist guilty of an offence under Article 17.1 of the Administrative Code (disorderly conduct) and punished him by a fine of 300,000 roubles. Prior to the trial, Aliaksandr Paliakou had been held in custody for over 24 hours.

On May 7, the Savetski District Court of Minsk heard the case of Andrei Tkachou, formerly known as the moderator of communities “Tolki SHOS!” and “Sick of this Lukashenka” in the social network “VKontakte”. The activist was charged with administrative violations under Article 17.1 (disorderly conduct) and Article 23.4 (disobedience to the police). Judge Yakubouski sentenced Andrei Tkachou to 15 days of arrest.

On May 7, police broke into the apartment of Siarhei Biaspalau, moderator of the communities “Tolki SHOS!” and “Sick of this Lukashenka” in the social network “VKontakte”. According to his friend Raman Pratasevich, policemen broke the door at around 10 p.m. Siarhei Biaspalau jumped out of the bedroom window and managed to escape. However, his parents and girlfriend were taken to the police department and later released after questioning. The activist said that he was in a safe place. Employees of the Partyzanski and Savetski district police departments continued searching for the head of the Young Christian Democrats Maryna Khomich. Among other things, policemen visited her friends. On May 5, Ms. Khomich received a phone call from a police officer, who invited her to the police station. On May 8, co-chairman of the organizing committee of the party “Belarusian Christian Democracy” Pavel Seviarynets was summoned to the penal inspection of the Frunzenski district of Minsk, where he received an official warning about the inadmissibility of illegal actions. Policemen were also searching for an activist of the Zmena movement Yahor Viniatski, but did not find him at home. Co-chair of the organizing committee of the party “Belarusian Christian Democracy” Vital Rymasheuski was summoned to the police department of the Savetski district of Minsk. Former political prisoner Siarhei Martsaleu was summoned to the police station.

On May 8, the court of Minsk’s Maskouski district considered an administrative case of an activist of the European Belarus movement, Siarhei Matskoits. He was detained in his apartment and brought to the police station. As a result, he was sentenced to 20 days in jail on charges of violating Article 17.1 of the Administrative Code (disorderly conduct) and Article 23.4 (disobedience to the police). The Frunzenski District Court heard the cases of civil society activists Anastasiya Kukhto and Aliaksandr Arlou (Art. 17.1 and Art. 23.4 of the Administrative Code). Anastasiya Kukhto (Judge Yuliya Zakreuskaya) received 17 days of arrest, and Aliaksandr Arlou (Judge Lapo)

was sentenced to 20 days of arrest. The Pershamaiski District Court considered an administrative case against an activist of the European Belarus campaign, Leanid Kulakou, detained the day before and taken to the Pershamaiski District Police Department. Judge Yury Harbatouski ruled to arrest the activist for 10 days. The Zavodski District Court sentenced Young Front activist Uladzislau Zapasau to 15 days of arrest. Judge Niakrasau of the Zavodski District Court sentenced an activist of the National Bolshevik movement, Dzmitry Paliyenka, to 10 days of arrest. The activist declared a hunger strike to protest against the arrest. The Leninski District Court sentenced former political prisoner Siarhei Kazakou to 20 days in jail. A Slonim member of the Young Front, Dzmitry Yushkevich, was sentenced to 20 days in jail.

On May 8, Siarhei Kuzmich, a fan of the BATE football club, was detained and later sentenced to 15 days in jail. On the same day, Daniel Hancharou was detained in Minsk and was sentenced to 25 days of administrative arrest on charges of disorderly conduct (Article 17.1 of the Administrative Code) and disobeying police officers (Article 23.4 of the Administrative Code).

On May 8, the Kastrychnitski District Court of Hrodna considered administrative charges brought against a Young Front activist, Stanislau Rachkel, and his friend Viachaslau Zavineuski. Judge Alena Toustsiak-Samoila ignored the circumstances of the case and sentenced both to 10 days of administrative arrest on charges of disorderly conduct. Stanislau Rachkel and Viachaslau Zavineuski were detained near the local bus station on April 25. They were charged with disorderly conduct and drinking alcohol in a public place, although an examination carried out on the same day found no alcohol in their blood. As a result, the guys had to spend three days in temporary detention. Thereafter, they were summoned to the court on May 8.

On May 8, Mikalai Babushkin was detained in central Minsk. He was targeted by riot policemen for wearing a badge with the EuroMaidan logo. During the detention, Mikalai was not allowed to phone his relatives. The trial took place on Sunday, May 11. According to the police officers, trials were held at weekends because of numerous arrests. Judge Viktoryia Shabunia of the Tsentralny District Court punished Mikalai Babushkin with an arrest of five days on charges of disorderly conduct (Art. 17.1 of the Administrative Code). During his time at the detention centre, he was interviewed by KGB agents. They asked the activist if he knew explosives manufacturing technology, as well as the purpose of his stay at the Kyiv's Maidan protests. Information about the arrest and trial of the youth activist became known only after his release, on May 13. Mikalai Babushkin shared a cell with a resident of Minsk, Yauhen Novikau, who said that he had been detained in his apartment. He also said that he had been punched in the face. His trial was held on May 13. Yauhen Novikau was sentenced to 13 days of arrest.

On May 10, former spokesperson of the campaign “Revolution through Social Networks” Uladzimir Kumets was detained when leaving his apartment and getting into his car. Several unidentified persons in plain clothes stopped him in his car, the activist tried to escape, but was seized. Uladzimir Kumets was taken to the police station of Leninski district, where he was charged with disorderly conduct (Article 17.1 of the Administrative Code) and disobeying police officers (Article 23.4 of the Administrative Code). The trial took place on May 12 in the Leninski District Court of Minsk. Judge Mikhail Khoma sentenced Kumets to an arrest of 20 days.

On May 12, a court in Niasvizh opened a trial of an activist of the organizing committee of the party “Belarusian Christian Democracy”, Natallia Bordak. She was detained on May 9 for displaying a home-made antiwar poster “No to Putin’s War with Ukraine!” in the town park. A police car arrived when she was leaving the park. The activist did not resist during the arrest. Though the woman was a mother with a minor son, she was held at the police station until the trial. She was charged with organizing and carrying out an unauthorized mass event. The following morning, the activist was brought to the courthouse through the back door. The trial was expected to be held at the Judge’s office. However, Natallia’s friends, who were waiting for the beginning of the trial, asked for an open hearing. Natallia Bordak requested participation of a lawyer, and Judge Volha Krupets gave her time for finding a counsel. The activist was released in the courtroom. On May 19, Natallia Bordak was found guilty and punished by a fine of 4.5 mln.

On May 13, Minsk police detained Aleh Keral, who was pasting stickers to express solidarity with the activists detained on the eve of the World Ice Hockey Championship. The activist told human rights defenders that he was being taken to the Pershamaiski District Police Department. Aleh Kerul was charged with “disorderly conduct” and “disobedience to police officers”. On May 14, Judge Yury Harbatouski of the Pershamaiski District Court sent the case back for revision, after there appeared a lot of controversial issues in testimonies provided by police witnesses Zharski and Byk. Aleh Kerul was released in the courtroom. However, he decided to pick up his belongings in the police department and was detained again. On May 15, his case was considered again. Aleh Keral was sentenced to 25 days of arrest.

On May 17, activist Yauhen Skrabets was detained by the police outside his apartment in Brest. He told about this in a text message he sent to his colleagues from the Leninski District Police Department. Yauhen Skrabets was charged with disorderly conduct and spent the weekend in the temporary detention. His trial was held on May 19. However, the police refused to tell what exactly was violated by the activist. In the morning of May 19, after Yauhen Skrabets petitioned for admission of a lawyer, the judge decided to adjourn

the trial to May 21 and released him. However, the police officers, who had brought the activist to the court building, detained him again and took Yauhen to the police station. As a result, Yauhen Skrabets was once again brought to the court, where he was punished with an administrative arrest of 10 days on charges of hooliganism.

On May 17, Aliaksandr Kurets was detained during an action organized by Food Not Bombs in central Minsk to give out free food to poor people. A little later, the police detained another five members of the charity action. All were taken to the police department. After they were fingerprinted and a car that belonged to one of the participants was searched, all of them were released without charges. Aliaksandr Kurets was the only who remained in the police department. On May 19, his case was heard by Judge Volha Paulouskaya of the Minsk Partyzanski District Court. The activist was accused of disorderly conduct. The testimony was provided by a police witness Aliaksandr Hardziyenka. As a result, the judge ruled to sentence the activist to 15 days of arrest.

On May 21, the mother of Yauhen Manko, 20, champion of Belarus in four types of martial arts, said that her son had been detained on May 8. The Savetski District Court of Minsk sentenced him to 20 days of administrative arrest.

On May 21, an opposition activist from Homel, Yury Rubtsou, was released from local detention centre after serving out a 25-day sentence, handed down on April 28 following the traditional Chernobyl Way demonstration, where Rubtsou had been wearing a T-shirt with the inscription “Lukashenka, Resign!”. The activist was taken to the police station, where he was urged to sign a paper about the absence of complaints about the seized T-shirt, which he refused to do. Rubtsou arrived in Homel by train at about 4 o'clock in the morning. However, as he was walking home he was stopped by two policemen, who asked to show his passport and tried to search him for drugs. As a result, Yury Rubtsou was taken to the police department of Homel's Chyhunachny district, where the police officers charged him with disobedience and swearing in a public place. The detainee asked for a lawyer. However, the request was denied, as well as an opportunity to call his wife. After that, the activist was taken to a detention centre, then to the court. In court, he faced false testimonies from the two police officers, who argued that “during the detention Rubtsou fell to the ground, fought, used foul language”. The judge, whose name Yury Rubtsou cannot remember, believed the policemen and sentenced the activist to five days in jail. After that, Yury Rubtsou said that he declared a hunger strike against police and judicial tyranny. On May 27, after 30 days and a hunger strike in prison, Yuri Rubtsou admitted to hospital. During the hunger strike, he had lost 39 kilos.

Restrictions on freedom of speech and the right to impart information, harassment of journalists

On May 3, a performance of the Kryly Khalopa street theatre was to be held during a theatre festival in Brest organized for children with disabilities. The company was planning a number of master classes for amateur artists and then a procession in the city centre. However, a few days before the performance there appeared reports that the event organizers, the public association “Disabled Persons and Surroundings”, excluded the performance from the festival program. The decision came after local ideology officials learned about the performance.

On May 5, an independent journalist Alena Stsiapanava received a letter signed by the deputy chief of the Kastrychnitski District Police Department of Vitsebsk A. Zakharchankau, who said that the administrative case against her had been dropped. The letter also said that Ms. Stsiapanava allegedly collaborated with Radio Free Europe’s Russian service without accreditation. Police officers argued that on January 20 the journalist “covered the events taking place in the city of Vitsebsk, Belarus, without accreditation”, thus violating Part 1, Article 1 of the Law “On Mass Media”. However, the website does not have any publications about Vitsebsk dated January 20. During an interrogation, senior inspector of law enforcement and prevention Siarhei Viaraksa said that the case dealt with the Belarusian service of Radio Liberty. The decision to drop the charges was sent only a week after it was taken (April 25). However, a copy of the official ruling was not sent to the Vitsebsk journalist. Thus, Alena Stsiapanava was deprived of all opportunities to appeal against the letter from the police department.

On May 12, the Ministry of Information issued a warning to the newspaper Svobodnyie Novosti Plus. Officials accused the editors of damaging the public interest and the formation of a negative attitude to the World Ice Hockey Championship. The warning dealt with the newspaper’s issue of May 6, 2014, which reported that the Russian Federation’s team had dropped all the players who had taken part in the Olympic Games in Sochi. Editor-in-chief Vasil Zdaniuk argued that on the day the issue was printed, May 5, the information fully corresponded to reality, and the editorial office was in no way going to report false data. But on May 6, the day of publication of the newspaper, Russia suddenly changed its team composition, adding two players who participated in the Olympics. This fact was the reason for the reaction of officials of the Ministry of Information of Belarus. The warning was signed by the Minister of Information of Belarus Aleh Praliaskouski.

On May 15, the website of the Belarusian Association of Journalists said that a number of journalists were not accredited at the Ice Hockey Championship.

According to the journalists, they had applied for accreditation, but eventually received apologies and refusals. The ban affected Radio Liberty, BBC, Euroradio, NTV and a number of other media working in Belarus. In most cases, the refusals were motivated by the fact that the International Ice Hockey Federation, which was in charge of accreditation procedures, preferred sports periodicals.

On May 22, Viktor Parfionenka, a member of the Belarusian Association of Journalists from Hrodna, received from the Ministry of Foreign Affairs of Belarus a sixth denial of accreditation. The decision refers to the law on mass media and the accreditation rules for foreign journalists. The independent journalists in Hrodna faced a situation of a vicious circle, as they periodically receive warnings from prosecutors; now they faced a wave of administrative trials and penalties for alleged "illegal production and distribution of information". Essentially, this means a de facto ban on their profession. As a result, the journalists are targeted for cooperation with the Belarusian Radio Racyja and the television channel BelSat.

On May 23, the apartment of a Babruisk blogger Aleh Zhalnou was searched by the police. The search was linked to a criminal case opened against the blogger after an incident in the police department back in February. When going through a security check, the blogger told a police officer that any item could be used as weapons. As a result, the policemen qualified these words as a false danger report. The police were looking for a video footage of his detention in the police department building.

On May 23, a freelance journalist from Mahiliou Aliaksandr Burakou received another message from the local police saying that the investigation initiated at his request had been extended by one more month. The previous notification of similar content was received by the journalist in April. Mr. Burakou sent an application to the department for high-tech crimes of the Mahiliou Regional Executive Committee's police department on March 19 after on March 14 unknown persons had gained access to the website formats.by (the domain name owned by the journalist) and published defamatory materials against democratic activists of the Mahiliou region. In his statement, Aliaksandr Burakou asked the police to find the persons involved in hacking the website and bring them to justice according to the Belarusian legislation. The journalist also asked to identify the author of a number of provocative emails that were sent on his behalf to a large number of people from the email address <a.burakov74@gmail.com>, which did not belong to Aliaksandr Burakou, and also to bring the person to justice.

On May 27, Tatsiana Chylik, head of the personnel department of the Baranavichy City Executive Committee, refused to provide information to the independent regional newspaper Intex-Press. The newspaper's

correspondent, Arsiom Harbatsevich, inquired about the expenses the city budget paid for a three-day celebration of the City Day, fireworks and the concert of a Eurovision song contest finalist Teo. However, the official refused to tell anything. "I will not give information to your newspaper, because I do not want to even talk to you," said the employee of the city administration. The reporter had to listen to the official's insulting remarks about the independent newspaper, which, according to Ms. Chylik, "distorts information". Following the incident, the Intex-Press editorial office sent a written request to the city authorities.

On May 28, an author and presenter of the Poland-based TV channel Belsat, Ales Zaleuski, was fined 4.5 mln roubles by the Karelitchy District Court on charges of illegal production and distribution of media products (Article 22.9 of the Administrative Code). Ales Zaleuski is an employee of a Polish public television TVP, which is part of the Belsat channel. The channel has been seeking accreditation from the Foreign Ministry of Belarus for several years already, however it keeps receiving refusals on trivial grounds.

On May 28, Viktor Buzinayeu, the Babruisk leader of the United Civil Party, received documents from Major Siarhei Rudzko of the Department of Internal Affairs and Head of the Department of Internal Affairs Aliaksander Vasilyeu. The officials said the distribution of the newspaper *Novy Chas* had been investigated, but the administrative case was dismissed "due to the lack in your (Buzinayeu's) actions of an administrative violation under Part 2 of Article 22.9 of the Administrative Code". Viktor Buzinayeu said that he did not know that his actions were being investigated. The papers say the newspaper was distributed on the 8th, not the 7th of May. Siarhei Rudzko's letter says that on "May 8, 2014 the Babruisk City Police Department received information that citizen Buzinayeu distributed the newspaper *Novy Chas* at the central market. During a check at the market and the adjacent territory, no facts of the distribution of the newspaper *Novy Chas* were established". However, he wrote that the police department "has not received any information" on this subject. It was further reported that it was impossible to establish a violation of the law due to lack of a copy of the publication which was distributed. And, therefore, Buzinayeu's guilt was not proven.

On May 28, Valery Karankevich, a civil society activist from the town of Khotsimsk, Mahiliou region, received a response to his complaint to the head of the Department of Internal Affairs of the Mahiliou Regional Executive Committee, in which he requested to reopen an administrative case in connection with the alleged failure to identify persons who humiliated his honour and dignity in an Internet publication. The response, signed by the deputy police chief of the Mahiliou Regional Executive Committee, Colonel Ivanou, said that the police were unable to find the people who posted on the

Internet resource voskresinfo.com materials of libellous or defamatory content against Valery Karankevich humiliating his honour and dignity. The owner of this online resource was allegedly registered in Ukraine and it was impossible to identify the IP address of the person or persons, as the Interior Ministry's letters remain unanswered, so they could not be held liable.

On May 30, Judge Dzmitry Kedal of the Kastychnitski District Court of Hrodna opened a hearing of the administrative case against independent journalist Andrei Mialeshka, who faced charges of illegally producing and distributing information. The charges stemmed from an article published on Radio Racyja's website in April. The trial lasted only a few minutes. Andrei Mialeshka petitioned to postpone the consideration in order to conclude an agreement with a lawyer and to study the case file. The continuation of the process was scheduled for June 4.

On May 30, Mikalai Bianco, a freelance journalist and member of the Belarusian Association of Journalists from Homel filed an appeal to the city's Tsentralny District Court to challenge an official warning issued to him on March 5 by First Deputy Prosecutor of the Homel region Vadzim Sushchynski. The Prosecutor's Office accused Mikalai Bianco of preparing information materials for foreign media, Radio Racyja (registered in the territory of Poland), without accreditation. Earlier, the freelancer attempted to appeal against the warning to the Homel Regional Prosecutor Siarhei Azemsha and Prosecutor General Aliaksandr Kaniuk, but his complaints were turned down. Head of Department for Supervision over the Implementation of State Security Legislation of the Prosecutor General's Office, V. Shuliak, wrote in an answer to the journalist: "the official warning issued to you about the inadmissibility of violating the law on mass media does not affect your civil rights to receive and impart information and does not contradict the Constitution and the international legal agreements referred to in your letter". Mikalai Bianco, in his turn, views the groundless warnings as intimidation and obstruction of his professional activity.

Restrictions on freedom of assembly

On May 8, an activist of the movement "For Freedom", Dzmitry Rabtsevich, sent an appeal to the Council of Ministers, in which he asked to make a proposal before Parliament to exclude single picketing from the scope of the Law "On Mass Events in the Republic of Belarus". In his address, Mr. Rabtsevich highlights the abnormal situation, when the said law regulates the conduct of individual pickets. The activist believes that the proposed changes to the law will allow more citizens to exercise their right to freedom of expression. This proposal was supported by the human rights activist Raman Kisliak, who said

that the phrase “single mass picketing” was absurd. According to Mr. Kisliak, “the legislative restrictions of the law are truly relevant for mass events, but not for a single picket”. The human rights activist said that in other countries pickets are held without asking for permission and without restrictions established for mass events.

On May 10, an activist of the campaign “Without a Visa!” from the town of Salihorsk, Viktoryia Fohel, was summoned to the local police station, where she received an official warning about the inadmissibility of illegal actions. The decision related to her application for holding a picket in support of the campaign. The event was scheduled for May 11 and was expected to be held outside the *Čyžoўka* Arena in Minsk. After the city authorities dismissed the activist's bid, Ms. Fohel said she would not stage an unauthorized event. Salihorsk police, however, summoned her to the local police department to warn against prohibited activities and forced the activist to sign a warning.

On May 13, the Biaroza District Court started hearing a complaint by local human rights defenders Tamara Shchapiotkina and Siarhei Rusetski, as well as a civil society activist Tatsiana Tarasevich, against the Executive Committee, who had first gave permission, and then banned the rally on March 25. During the court session, the Executive Committee's lawyer, Yauhen Kashtalian, said that the permission had been revoked by order from a superior body, the Brest Regional Executive Committee. The claimants suggested listening to Deputy Chairman of the Biaroza District Executive Committee Mikhail Kreidzich, who had put his signature to both the positive and the negative decisions, as well as to officials from the Brest Regional Executive Committee, who argued that one of the goals of the picket was inciting ethnic hatred (the picketers were expected to protest against the Russian aggression on the territory of Ukraine and the deployment of Russian military bases on the territory of the Republic of Belarus). The human rights defenders also asked for a linguistic examination. Judge Alena Niamtsova agreed to summon the officials to the next hearing. On May 21, the Executive Committee's representative Yauhen Kashtalian suddenly recanted his earlier statement, claiming that the Brest Regional Executive Committee had no relation to the prohibition of the picket, and the decision was taken by an official of the District Executive Committee, but refused to disclose the person's name. Neither Judge Alena Niamtsova not Prosecutor Aksana Hardzeyuk were interested in the official's name. On May 22, the court dismissed the human rights defenders' complaint, finding the ban legal. Tamara Shchapiotkina, Siarhei Rusetski and Tatsiana Tarasevich sent an appeal to the Brest Regional Court, asking the court to cancel the decision of the District Court and to send the complaint back to the court for consideration by another judge.

On May 14, a coordinator of the Belarusian Christian Democracy's Babruisk office Taisiya Kabanchuk received a response from the City Executive

Committee, which banned a picket in support of political prisoner Yauhen Vaskovich. The ban was signed by Deputy Mayor Aliaksandr Markachou. It argues that the application does not comply with Article 2 of the Law “On Mass Events”. In particular, it failed to specify the procedure for payment of health care services and a clean-up of the territory. Mr. Markachou also said the publication of information about the planned picket in the media was a violation. Another reason for the ban was a sports competition allegedly planned for the same date, time and venue, the stadium of the Slavianka factory.

On May 18, activists of the organizing committee of the Belarusian Christian Democracy planned to hold a picket in the centre of Mahiliou to support political prisoner Yauhen Vaskovich, but their application was rejected. The reason for the ban, according to the Executive Committee, was that the organizer of the picket Aleh Aksionau failed to attach to his application agreements with the police, health care and community services. As a result, the application was said to run counter to a ruling of the Mahiliou City Executive Committee of December 19, 2007 “On Mass Events in the City of Mahiliou”, says an official letter. Aleh Aksionau said that if officials had allowed the rally, there would have been no problems in signing the contracts, as these services tend to refuse to enter into contracts, if the event in question is not already authorized by the executive committee.

On May 21, it became known that the UN Human Rights Committee found a violation in the case of a member of the Zhlobin office of the Belarusian Left Party “Fair World” Uladzimir Kirsanau, whose right to freedom of peaceful assembly was infringed by prohibiting him to hold a picket in Zhlobin in 2008 with the aim to attract public attention to problems faced by the country’s political parties and public associations. Uladzimir Kirsanau’s complaint was submitted to the Committee after he was unable to protect his rights within the country. The Zhlobin District Executive Committee did not allow him, together with a number of other activists, to stage a series of events in connection with the decision of the Ministry of Justice to suspend for six months the activities of the Communist Party of Belarus (now the Belarusian Left Party “Fair World”). Local officials then demanded that the Communists paid for the services provided by the police, ambulance and community services. The UN Human Rights Committee stresses that if the government imposes a restriction on the freedom of peaceful assembly, then it should support the exercise of the right instead of seeking unnecessary or inappropriate constraints. And since the government of Belarus decided that it could ensure public order and safety, protection of morals, health or the rights and freedoms of other persons only by prohibiting a peaceful assembly, it therefore violated the applicant’s right to freedom of peaceful assembly under Article 21 of the International Covenant

on Civil and Political Rights. Under the Committee's decision, the government is "under an obligation to provide the author with an effective remedy, including adequate compensation". The State party is also expected "to take steps to prevent similar violations in the future". Unfortunately, the activist did not live to see it, as he died a few years ago. His interests were represented by a human rights defender Leanid Sudalenka.

On May 27, the authorities of Mahiliou banned a picket that was expected to attract the attention of officials and local residents to the eviction of Ms. Iryna Ilyinskaya from a dormitory together with her two minor children. The picket was scheduled for June 1, International Children's Day. The ban refers to the fact that the woman had chosen an improper location. Ms. Ilyinskaya had lived in a dormitory of a local building trust for 14 years. She had a contract for accommodation at the request of a third organization. A year ago she was fraudulently forced to sign a one-year contract, and the administration started eviction proceedings. The woman tried to protect her right to remain in the hostel through the court, but Judge Yuliya Trapynina of the Leninski District Court sided with the administration of the trust. The Mahiliou Regional Court quashed the decision of the District Court in connection with numerous violations during the trial and sent the case back for retrial.

On May 28, the Minsk City Executive Committee banned another picket of solidarity with the Ukrainian people organized by the Belarusian Popular Front. BPF deputy head Ihar Lialkou asked for permission to hold a rally at the monument to Taras Shevchenko. A letter signed by the deputy chairman of the Minsk City Executive Committee Ihar Karpenka said that the place would be occupied by a different event. However, the official failed to specify what kind of event was scheduled for the same time.

Restrictions on freedom of association

On May 5, an independent trade union activist from Mazyr, Pavel Nazdra, was notified that his employment contract would not be renewed "due to expiration". The activist had worked as an electrician in the housing department since 2010. Pavel Nazdra's employer had no complaints or remarks. The activist said the decision was linked to his trade union activities, as he faced harassment after last year's creation of a local office of the independent trade union.

On May 5, a member of the Free Trade Union of Belarus and employee of the TDiA plant (tractor parts and units) in Babruisk, Viktor Osipau, learned that his employment contract would not be extended. Prior to that, he received a notice saying that his labour contract expired on April 30. The decision was taken despite petitions from the activist's supervisor and his colleagues. These

measures did not affect the decision of the Deputy Director for Personnel and Ideology Uladzimir Yeliseyenka. The decision is said to be linked to Viktor Osipau's involvement in a hunger strike held in March and his membership in the Free Trade Union. Last year, the Babruisk plant administration refused to renew the contracts with three trade union members, Dzmitry Kurmaz, Dzmitry Sakalouski and Siarhei Pichuhou. In 2014, two more activists, Aliaksandr Mikita and Viktor Osipau, lost their jobs in the same way.

On May 23, leader of the United Civil Party Anatol Liabedzka said that UCP activists had received 15 refusals to their requests for premises that were expected to host the party's congress. The party members regarded this as an attempt to disrupt the congress, because in case it was not held, the Ministry of Justice could start the procedure of dissolution of the party.

Situation of Human Rights in Belarus in June 2014

In June, the systemic and systematic nature of human rights violations was preserved. Opportunities of exercising civil and political, social and economic rights guaranteed by the Constitution and international standards were still extremely limited in their essence. Dissidents were subjected to pressure, intimidation and harassment.

The country's prisons continued to hold political prisoners, with the only positive development in this area being the release of human rights defender Ales Bialiatski under an amnesty on June 21. The decisive role of the government's political will in this move is demonstrated by the fact that under the law amnesty does not apply to persons who have the status of "offenders of prison rules", while the imprisoned human rights defender did have such a status. Moreover, ahead of his release, Ales Bialiatski was not notified whether his penalties had been lifted, which made it impossible to apply amnesty to him. In addition, the political nature of the decision to release the political prisoner is evidenced by the fact that amnesty was not applied to him in an absolutely identical situation of 2012.

Against this background, the authorities persistently argued that the release of political prisoners was exclusively in the legal field and this process could in no way be affected by the foreign factor, including by the position of the European Union, which still insisted on the release of political prisoners as a precondition for cooperation with the official Minsk. In an interview with the BelaPAN news agency on June 11, Minister of Foreign Affairs Uladzimir Makei said: "For us the issue rests solely within the framework of the law. If all appropriate internal state procedures are fulfilled, which would allow these individuals to walk free — let it be so. But it depends on these individuals themselves. I believe that the State is absolutely right in this situation, as it does not intend to arrange "bargaining" and "exchange" with the EU on this category of persons. It is solely a legal issue." However, what he said further indicates that the issue of releasing political prisoners by the Belarusian authorities is directly linked to the solution of foreign policy issues, in particular, the EU sanctions, "I believe that we need to understand that in our relations there are several fundamental problems: for Belarus this is the sanctions, absolutely unjust sanctions from the EU, and for the European Union — the claims that we supposedly hold a certain amount of political prisoners. We realize that these problems exist in our relations, we should solve these problems."

Immediately after the release of Ales Bialiatski, Uladzimir Makei was quick to say that his release was not a result of any political processes.

In particular, in an interview for the Glavnyi Efir show broadcast on the Belarus 1 channel on June 29 he said that “the issue of political prisoners has already bored us to death” and that “we are looking at the situation the way it is, and we know that even if we released those whom they (EU — Ed.) called “political prisoners”, then tomorrow Belarus would face new claims.” Despite this statement, it is obvious that the release of Ales Bialiatski was not enforced under legal procedures, but on the basis of a silent political expediency, while these public statements were aimed at “saving the face” and demonstrating the absence of an external factor in decision-making related to political prisoners.

Ales Bialiatski's release was a positive step, but the problem of political prisoners in Belarus remained fundamentally unresolved. Belarusian prisons continued to hold seven political prisoners: Mikalai Statkevich, Eduard Lobau, Mikalai Dziadok, Yauhen Vaskovich, Artsiom Prakapenka, Ihar Alinevich and Vasil Parfiankou. Subjecting them to the same procedure of release, i.e. an amnesty, remained outside the legal field, but the example of Ales Bialiatski's release clearly demonstrated that the cases of political prisoners are solved exclusively with political decisions. By denying the external influence on the issue of political prisoners, the Minister of Foreign Affairs nevertheless hinted at the processes that were underway in this sphere, as well as problems that are on the agenda of talks between the official Minsk and the European Union in this connection. In the above quoted interview with BelaPAN he said: “As yet, the EU is not sure about the number of these individuals.” Mr. Makei said that the EU had spoken about 11, eight and nine political prisoners in Belarus at different points in the past. “And we do not know how many are in question now,” said Minister Makei. Although Makei's statements suggest lack of inconsistency in the EU position, the instability of this figure can be attributed to the fact that the negotiations on the issue of political prisoners have been dragged out, and during that time several political prisoners were released after serving their sentences. Another problem, which, according to the Foreign Minister, has been negotiated between the EU and the Belarusian side is the inconsistency of the personal list of political prisoners. “And, for example, I am surprised by the hypocrisy of our European partners: those persons who, for example, are fighting against the government in Ukraine's east are branded “terrorists”. Meanwhile, here government opponents who hurled firebombs at a foreign embassy are described as political prisoners. (...) According to the latest information, two of them are on the list of those who are viewed by the EU as political prisoners,” said Uladzimir Makei. The EU position on the personal list of political prisoners, the release of which was being negotiated, remained unknown to Belarusian human rights defenders.

The most important international event in the evaluation of the human rights situation in Belarus was the presentation of a report by the Special Rapporteur on the human rights situation in Belarus Miklós Haraszti in the framework of the 26th session of the UN Human Rights Council on June 18. The Special Rapporteur noted that the previous year hadn't brought any positive developments, and the government had not taken the necessary steps to promote and protect the rights of Belarusian citizens. The Rapporteur labelled human rights violations in the country as systemic and systematic. "They are systematic because they are committed daily in all areas of life. Systemic — because the practice of human rights abuses from the outset is laid down in legislation, in government bodies," said Mr. Haraszti. When speaking during the debate on the report, the representative of Belarus in Geneva, Mikhail Khvastou, said that Belarus still did not recognize the mandate of the Special Rapporteur, considering it "a political project of the European Union" having nothing to do with human rights. Khvastou added that the official Minsk did not view the mandate of the Special Rapporteur as an instrument of cooperation in the sphere of human rights and demanded its termination. A number of members of the Council said that the human rights situation in Belarus did not require special attention of the UN. This was said in a statement made by Russia on behalf of such countries as Bolivia, Venezuela, Zimbabwe, Cuba, Iran, Myanmar, Nicaragua, Sudan, Turkmenistan and Sri Lanka. However, most members of the Council supported Miklós Haraszti's report, which was demonstrated by voting results on the resolution "Situation of human rights in Belarus", adopted on June 27. According to the resolution, the mandate of the Special Rapporteur on the human rights situation in Belarus was extended for another year. The Council decided "to extend the mandate of the Special Rapporteur on the situation of human rights in Belarus for a period of one year" and requested the Special Rapporteur to "submit a report on the situation of human rights in Belarus to the Human Rights Council at its twenty-ninth session and to the General Assembly at its seventieth session". The resolution was supported by 24 delegations, seven members of the Council voted against and 16 abstained. Thus, Miklós Haraszti continued his work as the Special Rapporteur. Belarusian human rights defenders welcomed the report and the extension of the mandate of the Special Rapporteur, considering it an effective opportunity to objectively assess the human rights situation in Belarus and to report on these assessments to the international community, and called on the Belarusian authorities to cooperate with Miklós Haraszti, which could lead to positive changes in the sphere of human rights in the country.

Political prisoners, criminal prosecution of civil society activists

On June 1, Valeryia Khotsina, the wife of political prisoner Mikalai Dziadok, said that her husband was banned to keep to a diet, which he had been allowed only a month before. The prisoner has a gastric ulcer, and the disease flared up while in prison. Last year, Mikalai Dziadok underwent a checkup in a prison hospital in Minsk, but was not offered any effective treatment. The prisoner had to relieve stomach pains by excluding certain foods from his diet. The temperature in the cell in the Mahiliou prison where the political prisoner was serving his sentence reached 30 degrees Celsius on hot days, and there was no ventilation.

On June 2, Maryna Adamovich, the wife of Mikalai Statkevich, said, quoting a letter from her husband that the political prisoner was recognized “prone to attacks and escape”, which further worsened his position. In addition, he was subjected to additional supervision measures, including monthly discipline talks. The label of an “aggressively inclined” prisoner stemmed from an incident when prison guards reported a possible escape plot, after they saw a newspaper on the wall of his cell, which, according to them, could hide a hole. Meanwhile, the cell, where the political prisoner was held, overlooked the prison yard where prisoners are taken for walks. Mikalai Statkevich also said that in connection with the introduction of digital TV in the Mahiliou region only three television channels remained on the prison TV, ONT, Belarus-1 and the Russian channel RTR. They sacrificed CTV and Belarus-2. Thus, according to Mikalai Statkevich, local news was not available to the owners of analogue TV sets, i.e. the majority of elderly people. On June 28, the prisoner was allowed to see his wife for the first time in 2014. During a walk ahead of the meeting, he was shown the camp newspaper Trudavy Shliakh so that he could read the text of this year’s amnesty law and see that it could not be applied to him. According to Maryna Adamovich, he does not hope to be amnestied.

On June 7, Maryna Lobava, the mother of political prisoner Eduard Lobau, said that her son was about to complete a course of welding in the colony in Ivatsevichy. According to Maryna Lobava, her son was interested in military history and dreamt of getting a university degree. But she did not rule out that the skills Eduard learned in the colony could be useful to him in the future. On June 21, after a long family visit, Eduard Lobau told his mother that after his release he would face preventive supervision restrictions.

On June 9, political prisoner Ihar Alinevich was visited in the Navapolatsk colony by his mother Valiantsina Alinevich. Since the colony was decided to be disbanded, Ms. Alinevich does not rule out that it was the last time that she saw her son there. On June 28, Valiantsina Alinevich said that she had

not received any letters or phone calls from her son for three weeks. She explained it with the son's transfer to another colony. As of the end of June, there was no information about the new place of his imprisonment.

On June 13, authors of an individual communication submitted to the UN Human Rights Committee on behalf of Ales Bialiatski addressed the Human Rights Committee with an open letter. Antoine Bernard, Director-General of the International Federation for Human Rights (FIDH), and Natallia Pinchuk, the political prisoner's wife, urged the Committee to speed up the consideration of the communication that had been submitted two years before. In July 2012, the Permanent Mission of the Republic of Belarus to the UN Office in Geneva sent a note to the Human Rights Committee saying that Belarus unequivocally refused to cooperate with the Committee on the case, and that its further communications with the Committee in this regard would be stopped. The government's position has not changed since then, and it have not made any submissions on the case, although the Human Rights Committee had sent to Belarus two reminders with the proposal to comment on merits of the case. In this regard, it appears that there is no reason to expect a reply from the state in the case of Bialiatski, and for this reason to postpone its consideration by the Human Rights Committee for more than two years. The fact that the State refused to communicate with the Committee was not an obstacle to the consideration of the complaint, and representatives of Bialiatski urged the Committee to expedite this process. On June 21, Ales Bialiatski was unexpectedly released from the Babruisk colony. At 9 a.m., he was invited to the prison head, where a prosecutor told him that he was going to be released under an amnesty law, which entered into force on that day. He was ordered to pack his things, and an hour later he was taken to the railway station, where he boarded a train to Minsk. Ales Bialiatski said he was not hoping for an amnesty, as he had the status of a "malicious offender of prison rules", which ruled out its application to him. Speaking of conditions of detention, he said that he was kept in a complete isolation from other prisoners, who were punished or transferred to other units for contacts with him. Officially, he was twice offered to write a petition for clemency: in September 2011 (at that time a few political prisoners were released) and in January 2014, after the press conference of Aliaksandr Lukashenka, who announced information of a possible amnesty of Ales Bialiatski. The human rights defender was held in jail for 1,052 days. His release was welcomed by the U.S., the UK, the EU High Representative for Foreign Affairs and Security Policy Catherine Ashton, President of the Parliamentary Assembly of the Council of Europe Anne Brasseur, the UN Special Rapporteur on the situation of human rights in Belarus, Miklós Haraszti, the leading international human rights organizations: International Federation for Human Rights (FIDH), Civil Rights Defenders, Human Rights

Watch and others. On June 23, Ales Bialiatski visited the criminal-executive inspection of Minsk's Pershamaiski District Police Department, where he was registered after his early release from prison. The former political prisoner was subjected to preventive restrictions and obligations, including monthly check-ins at the police. He also needed to report to the police in the case of travel to any place in Belarus and abroad for more than a month.

On June 20, a civil society activist and film director, Volha Mikalaichyk, said, citing a letter from political prisoner Yauhen Vaskovich, that he had been once again placed in solitary confinement. Ms. Mikalaichyk said that the Mahiliou prison administration banned sending magazines and newspapers to the political prisoner send, noting that he can only subscribe with his own money.

On June 26, Katsiaryna Sadouskaya, 68, received notification of a criminal case opened against her under Part 2 of Art. 368 of the Criminal Code (insulting the President of the Republic of Belarus). The case was reportedly initiated by the Investigative Committee's Major Ahafonau on June 19. The charges stemmed from an incident of April 28, 2014, when former political prisoner Aliaksandr Frantskevich was detained and convicted amid a wave of preventive detentions ahead of the World Ice Hockey Championship. To protest against his arrest, Ms. Sadouskaya wrote in a book of complaints of Minsk's Savetski District Court "offensive remarks against the President of the Republic of Belarus", as well as "knowingly false and defamatory data combined with allegations of grave and especially grave crimes". "By doing this, she offended the honour, dignity and authority of the President in connection with the exercise by the President of the Republic of Belarus of the powers conferred upon him by the Constitution and laws, publicly insulted the President of the Republic of Belarus in a written statement to the judicial body, using offensive words, phrases and sentences that contained obscene, degrading evaluation of the President and damaging the honour, dignity and authority of the Head of the State and humiliating his authority in the eyes of the public," reads the document.

On June 27, human rights activist Anastasiya Loika received a letter from political prisoner Vasil Parfiankou. The political prisoner, who was serving a sentence in the PKT (cell-type premises) of penal colony No. 9 in Horki, wrote he had been again invited and asked to sign a commitment to law-abiding behavior and performance of legitimate claims of the administration. Vasil Parfiankou once again refused to do so, because he considered his imprisonment to be illegal. Vasil Parfiankou also said that he was concerned about the fact that because of the numerous "violations" (over twenty, according to the prisoner himself) he could be subjected to supervision restrictions again.

Death penalty

On June 17, the Minsk-based Graffiti club hosted the presentation of the project of Belarusian musicians called *Aposhni Zolak* (“Last Dawn”). In this way, a number of famous musicians, among them Hanna Khitryk, Aliaksandr Pamidorau, Zmitser Vaitsiushkevich, Anastasia Shpakouskaya, Viktar Rudenka, Liavon Volski, spoke against the death penalty. The seven artists presented their songs that talked about the most common ways to enforce the capital punishment. Half of the 14 tracks of the project were new songs written specifically for *Aposhni Zolak*. The other half were older songs recorded for the project in new versions. The project, initiated by the Human Rights Centre “Viasna”, was realized by the creative team of the tuzin.fm website. *Aposhni Zolak* was primarily aimed at making Belarusians pay attention to this problem, as many of them remained unaware of such practice in Belarus.

Torture and other cruel and inhuman treatment

In early June, Liudmila Kuchura, the wife of Piotr Kuchura, who was serving a sentence of imprisonment in Mahiliou penal colony No. 15, said that back in late May she had received a notification from the Office of the Investigative Committee in the Mahiliou region saying that a probe had been launched to determine the fact of chlorine poisoning and the alleged consequences of this poisoning, including a forensic medical examination. Liudmila Kuchura’s complaints were also said to be investigated in accordance with Article 174 of the Criminal Procedure Code of the Republic of Belarus, as she requested to initiate criminal proceedings against those responsible for causing harm to the health of her husband. According to Ms. Kuchura, the news was a complete surprise, because almost nine months had passed since her husband had been allegedly tortured in jail. She did not rule out that the situation could have been impacted by her complaint to the UN Human Rights Committee filed in March this year, after she had exhausted all domestic remedies to prove the fact of bleach poisoning of her husband, which could be used against the convict deliberately as a means of torture, cruel and inhuman treatment.

Administrative prosecution of civil society and political activists, arbitrary detention

On June 5, the Pershamaiski District Court of Minsk extended the preventive supervision of Dzmitry Dashkevich for another three months, after Judge Leanid Yarmolenka said Dashkevich had repeatedly violated the

rules of preventive supervision. The extension of the term of supervision was petitioned by the police department of Pershamaiski district.

On June 10, a court in Hrodna was expected to open a hearing of an administrative charge against Veranika Sebastsianovich, 83, an activist of the Polish minority movement. However, the trial was adjourned after her counsel Yulia Yurhelevich informed the audience that Judge Tatsiana Herhel had just returned from vacation and did not have time to study the case file. The elderly woman was accused of alleged smuggling of humanitarian aid to members of a veteran organization called the Union of Soldiers of the Home Army in Belarus. The case was sent to the court by officials of the Hrodna customs, who on April 2 had seized from her more than 70 boxes of humanitarian aid donated for veterans by the Polish association "Odra-Niemen". On June 20, the case file was sent to the Hrodna regional customs department for "correcting the flaws". Judge Tatsiana Herhel questioned two witnesses — Yury Aliakseyeu, who helped unload the boxes of humanitarian aid into an empty barn, as well as a customs official, Maksim Kachkouski, involved in the confiscation of the boxes on April 2. The customs official could not answer the question when the transport prosecutor's office issued a sanction on the arrest and seizure of the cargo. Having examined the case file and evidence, the Judge was unable to specify when the sanction had been issued and received. Finally, another representative of the Hrodna customs, Uladzimir Dzmitryieu, asked to withdraw the charges for revision. After a short break, Judge Tatsiana Herhel granted the motion.

In the night of June 12, customs officials detained for two hours a Salihorsk activist of the Young From organization Ivan Shyla. The border guards took the activist's passport after his train arrived in Brest. An hour and a half later, Ivan Shyla was sent for a customs search, during which he was forced to remove his T-shirt, shoes, and even socks. After the search, the officials asked the activist if his laptop contained any materials contradicting state ideology and national politics. Ivan Shyla regarded the harassment as an echo of the World Ice Hockey Championship. Then, like in the case of many other Belarusian civil society and political activists, the police were looking for Ivan in order to preventively detain him.

On June 17, police detained four graffiti artists from Vitsebsk, who started painting a portrait of Vasil Bykau on a transformer pillar in central Minsk. Members of a crew of street artists HoodGraff, Ilya, Siarhei, Artsiom and Aleh (they asked not to disclose their surnames), were taken to the police department of Partyzanski district, where they were charged with an administrative offence of damaging city property. Aleh Larychau, a representative of the Signal crew, which had invited the Vitsebsk artists to Minsk to mark the 90th anniversary of Vasil Bykau, provided explanations to the police department, but they failed

to affect the case, and graffiti artists were taken to the Court of Partyzanski district where each of them was fined 4.5 mln roubles.

On June 17, Yanina Ausianik, an activist of Tell the Truth campaign, was detained in Babruisk while collecting signatures for an initiative called "People's Referendum". She was then taken to the police station. According to the activist, the police were called by a local resident, who had earlier warned the campaigner that her son worked in the police. Ms. Ausianik managed to collect 34 signatures; they were taken in the police station and never returned. She also faced charges, but refused to sign the administrative offence report. She was held at the police station for three hours and released at around 10 p.m.

On June 24, the Minsk Regional Court considered an appeal by Natallia Bordak, an activist of the organizing committee of the Belarusian Christian Democracy party, against an earlier decision of the Niasvizh District Court, which on May 20 fined her 4.5 mln roubles on charges of illegal picketing. The Minsk Regional Court found many contradictions and quashed the judgement. In particular, the administrative case lacked information whether the rally was permitted by the city authorities. The case was submitted to the same court for a retrial. On May 9, Natallia Bordak staged a picket in the city park holding a sign "No to Putin's War in Ukraine". She explained her act by a desire to protest against the Russian aggression.

On June 25, trade union activist Leanid Dubanosau was detained in Mikashevichy on obscenity charges. He was then taken to the local police department. The activists says police officers were polite to him. During his detention, he received several calls from reporters. Journalists also phoned the police department, who did not know how to comment on the incident. Leanid Dubanosau was told he would be charged with using foul language. However, the police officers said the charge would not reach the court, as the activist allegedly apologized for his actions. He denied the charges. Then the police officers said they would not charge Leanid at all, saying that they only seemed to hear him swear and warning him against "anything else in the press". Half an hour later, Leanid Dubanosau was released without charges. As a compensation, the activist was brought back home in a police car.

Restrictions on freedom of speech and the right to impart information, harassment of journalists

On June 2, the editorial office of a Baranavichy-based weekly "Intex-Press" received a refusal to cooperate in the second half of 2014 from the nation-wide newspaper distribution systems. All of them issued unmotivated bans. The Belposhta enterprise said that the formation of the subscription catalogue of

print media was its own right, that parties to civil relations “are free to establish their rights” and “based on the above, the inclusion of “Intex-Press” in this directory is not possible”. Belposhta’s Brest branch and Brestablsayuzdruk issued similar answers, warning the editor against “coercion to sign contracts”. The independent weekly was excluded from the government-owned distribution systems in 2006 and since then it has repeatedly tried to seek cooperation, although unsuccessfully.

On June 9, a journalist from Babruisk Maryna Malchanava, was summoned to Police Major Siarhei Rudzko of the local police department “for a conversation”, which ended without any charges or records. Meanwhile, its essence remained unclear to the journalist. Major Rudzko showed several photos taken during the rally, which the journalist alleged seeing for the first time, and asked to name the people who participated in it. Siarhei Rudzko did not believe that she was not the author of the above images. He then began to inquire where she worked, what name she used to sign her publications, etc. An hour later, Maryna Malchanava said that she could leave as she was not facing any charges. The journalist says she got the impression that the police officer wanted to make her his informant. Maryna Malchanava said she was going to appeal against the actions of the police officer to the Prosecutor’s Office.

On June 11, the Brest Regional Prosecutor’s Office issued an official warning to an independent journalist Maksim Khliabets. The journalist was warned against cooperation with foreign media without accreditation. The warning stemmed from two publications that appeared on the website of the Belarusian Radio Racyja in March last year: “Spring to be met in Brest” and “Brest celebrates World Poetry Day”. The official warning was handed by prosecutor Bakharava.

On June 16, Hrodna Kastrychnitski District Court convicted Andrei Mialeshka, a journalist from Hrodna, of illegal manufacture of media products by Hrodna Kastrychnitski District Court. The Court concluded that when preparing a publication for the Belarusian Radio Racyja (Bialystok, Poland) Andrei Mialeshka had acted without accreditation of the Ministry of Foreign Affairs of Belarus and had thus violated Article 22.9 of the Administrative Code. The charges against the journalist stemmed from a publication posted on Radio Racyja’s website on April 17 and signed by an invented name Ihar Mikalayeu. On the basis of the evidence collected, police officers argued that this publication was prepared by Andrei Mialeshka, who had no right to work without the MFA’s accreditation. At previous meetings held on June 4 and 11, Judge Dzmitry Kedal first summoned additional witnesses, and then made a request on a number of warnings issued to the journalist by the local Prosecutor’s Office over his work without accreditation.

On June 17, the OSCE Representative on Freedom of the Media Dunja Mijatović expressed her concern about the increasing number of fines imposed on Belarusian journalists for work without accreditation. “I am concerned because this practice can effectively ban journalists from reporting,” Mijatović said. “Yesterday’s court decision against Andrei Mialeshka underscores the need to address the issue now.” “Accreditation should not be a license to work and the lack of it should not restrict journalists in their ability to work and express themselves freely,” she said. “All journalists should have the same professional rights as journalists employed with registered media outlets, including the right to seek and disseminate information.” Mijatović also alleged writing to Uladzimir Makei, Foreign Minister of Belarus, on June 5, raising the need to reform the media accreditation requirements.

On June 24, the Presidium of the Supreme Court sent the lawsuit of Andrei Beliakou against BelSat TV for a retrial due to insufficient investigation of the case in the previous hearings. The move came after a request for that had been submitted to the Presidium of the Supreme Court by the Court’s Deputy Chairman Aliaksandr Fedartsou. The official representative of BelSat, Mikhail Yanchuk, said during the court session that the channel’s name and logo were registered in Poland in 2006 in compliance with all European legal norms, and could not anyhow violate Andrei Beliakou’s rights. According to Mr. Beliakou, his company named BELSAT Plus, dealing with sales of satellite and cable equipment, allegedly suffered losses because its name resembles that of the independent TV channel. The lawsuit was filed in May 2013, and hearings started in November 2013. On January 27, 2014, the Panel of Judges of the Supreme Court dismissed the lawsuit, as Andrei Beliakou did not provide evidence that his exclusive rights for the trademark were violated. Now, the Praesidium of the Supreme Court ordered that the lawsuit against BelSat be heard again.

Restrictions on freedom of assembly

On June 5, a few dozen residents of Vitsebsk sent a collective letter to the Council of Ministers with a request to contribute to amending the Vitsebsk City Executive Committee’s ruling No. 881 of July 10, 2009, regulating the order of applying for permission to hold mass events. The campaigners also requested that the Council of Ministers sent a petition to the Constitutional Court in order to verify compliance of this document with the Constitution. The appeal was initiated by the coordinator of the Movement “For Freedom” in the Vitsebsk region, Khrystafor Zhaliapau. He said that the need for such measures was due to the complete inability to hold mass actions at the initiative of civil society activists, as the authorities required that along with the application

the organizers also attached contracts with police officers, as well as housing and medical departments, while these departments kept avoiding concluding contracts in any way possible. The activists have been unable to force the services to sign the contracts through the courts.

On June 10, a human rights defender of the city of Mazyr, Uladzimir Tseliapun, received a response to his petition from the Secretariat of the Constitutional Court. The human rights defender had voiced his proposals at a reception by Chairman of the Constitutional Court, which was held in Mazyr on May 28. Uladzimir Tseliapun asked the Chairman a few questions. In particular, he asked to verify the validity of the ruling on mass events adopted by the Mazyr District Executive Committee, the implementation of which was impossible in practice. According to the ruling, the applicants should attach copies of contracts with a number of municipal services, which have to be signed before the event is approved by the Executive Committee. However, these services refused to sign contracts, citing absence of permission to hold the event on the part of the Executive Committee. How to solve this issue, what are the possible mechanisms of implementing the ruling of the Executive Committee — the human rights defender did not receive answers to these questions from local or regional authorities, or in courts. A response from the Secretariat of the Constitutional Court, instead of considering the application on the merits, said that “supervision of correct and uniform application of the legislation in the sphere of local government and self-government bodies is carried out by the Prosecutor General and subordinate prosecutors”. According to the response, citizens can “submit initiatives for proposals under the jurisdiction of the Constitutional Court, the President and the authorities, which possess the right to introduce proposals to the Constitutional Court”.

On June 12, Vasil Hadzkou received another ban on picketing from officials of the Minsk City Executive Committee. This was the fifth refusal in the last six months. The rally was scheduled for June 15 and was expected to be held in the Palianka public garden. The applicant stressed the fact that the proposed location complied with the Law “On Mass Events in the Republic of Belarus”. During the rally, Vasil Hadzkou was going to use a number of posters reading “They demolished my house (2009), built the Metro (2012), but forgot to give a flat”, “The Constitution has the rights and freedoms on paper, but I want them in life” and “On the basis of which the rule of law I — the owner of the demolished house —was denied a new apartment?”. However, the officials banned the picket on the grounds that the garden would be reportedly cleaned on June 15. It should be noted that previous bans on hold pickets in the same place were motivated by a need to improve the area and mow the grass.

On June 13, four dozen residents of the town of Hlybokaye, Vitsebsk region, signed a collective letter to the Council of Ministers, which contained a request

to initiate an appeal to the Constitutional Court in order to assess ruling No. 167 of the Hlybokaye District Executive Committee “On the determination of locations for holding rallies and picketing” for its compliance with the Constitution. A local civil society activist, Dzmitry Lupach, said the appeal stressed the fact that after the ruling of the Executive Committee was enforced in its present version local officials had not allowed a single mass event. The ruling has a clause, according to which an application must enclose a copy of service contract signed by housing, police and health care departments, while none of them would sign such contracts without the permission to hold the event.

On June 15 and 17, the Homel regional office of the Left Party “Fair World” had planned to hold two pickets, but was refused by the City Executive Committee. The purpose of the picket on June 15 was “to support actions of the President to combat abuse and corruption among officials”, the picket, which was planned for June 17, was expected to advertise the party’s campaign “Stop Prices”. The reason for the ban was failure to observe the requirements of the Executive Committee’s ruling “On Mass Events”, namely lack of contracts for health care services during the pickets and a clean-up of the territory after the event. Chairman of Fair World’s regional office Uladzimir Siakerka noted that the applicants had applied in advance for signing the contracts to the GorSAP company and the central clinic. However, both the housing enterprise and the health care service refused to enter into contracts on trivial grounds. The ambulance station referred to “extreme workload”, while GorSAP said the ban was due to an “acute shortage of street cleaners”. Homel’s central city hospital, which owns the ambulance station, did not give any answer at all. The Homel City Executive Committee was urged to take action to force the state-owned departments to unconditionally comply with the official regulations, as well as to provide information on possible instruments for entering into contracts for medical care services with legal entities. The activists also sent letters to GorSAP and the central clinic asking them to select the date when they would be able to provide the services defined by the City Executive Committee. At the same time, on June 23 the Tsentralny District Court of Homel received an appeal against the actions of public officials infringing the constitutional right to freedom of mass events, and as a consequence — to freedom of expression.

Situation of Human Rights in Belarus in July 2014

July was marked by a stably severe human rights situation, ongoing systemic and systematic abuses. Extremely limited were the opportunities of exercising one's civil and political rights, among which most problems concerned freedom of expression and freedom of assembly, arbitrary arrest and detention. The judicial system remained dependent on the executive branch. The problem of political prisoners remained essentially unsolved, despite a visible warming in relations between the European Union and the Belarusian officials, including the start of negotiations in some other spheres while maintaining the same rhetoric on the issue. On July 9, the European Union removed eight people from its Belarus sanctions list, lifting the travel ban from them. At the same time, the EU officials imposed sanctions on judge Vital Volkau of the Shklou District Court, who in January 2012 had ordered a transfer of former presidential candidate Mikalai Statkevich to a closed-type prison in Mahiliou on charges of breaking the rules of imprisonment in penal colony No. 17 in Shklou. "This decision has thus led to breaches of M. Statkevich's human rights including sleep deprivation and threatening his health," said a Notice published in the EU's Official Journal. Rodolphe Richard, Head of Political, Press and Information Section of the Delegation of the European Union to Belarus, said that the exclusion of a number of officials from the sanctions list would not lead to changes in the EU policy towards Belarus. Answering a direct question of whether the move was due to the recent release of human rights defender Ales Bialiatski, Mr. Richard gave a negative reply, saying "There are no more reasons for keeping them on the list of persons and entities who are subject to restrictive measures. The decision to exclude these individuals does not reflect any change in EU policy towards Belarus, as set out in the conclusions of the European Council of 15 October 2012: the EU continues its policy of critical engagement with Belarus, including the policy of restrictive measures, in order to facilitate respect for human rights, rule of law and democratic principles in Belarus," said Mr. Richard. According to him, the EU still calls on the Belarusian authorities "to release all political prisoners and restore their civil and political rights". Speaking of possible consultations currently underway on further steps to meet the requirements of the EU, Rodolphe Richard said: "There are regular discussions with the Belarusian side. During these discussions, the EU reiterates its position on the issue of political prisoners."

Similar statements were made by the Lithuanian Foreign Minister Linas Linkevičius during his working visit to Belarus on July 25, the purpose of

which was to discuss Belarus-Lithuania relations and “the dialogue currently underway between Belarus and the EU”. Mr. Linkevičius noted that the EU and the Belarusian authorities still faced “problems that cannot be solved for a long time”. “Yet, there are some positive, so to say, moments from our point of view. The issue of political prisoners has not been resolved yet, which we always point at, but we consider the release of Ales Bialiatski as a step in a positive direction,” he said. According to Linas Linkevičius, the question of release of political prisoners was raised at his meetings with Prime Minister Mikhail Miasnikovich and Foreign Minister Uladzimir Makei. “We need to make a few more steps to remove an important obstacle (political prisoners), which prevents dialogue, so that we could use our relationships for the benefit of economic, cultural and other relations,” said the Lithuanian Foreign Minister.

Thus, the crucial external factor in the issue had not fundamentally changed the situation of political prisoners. Belarusian prisons were still held seven political prisoners: Mikalai Statkevich, Eduard Lobau, Mikalai Dziadok, Yauhen Vaskovich, Artsiom Prakapenka, Ihar Alinevich and Vasil Parfiankou. Belarusian authorities did not show the political will for their release.

Political prisoners, criminal prosecution of civil society activists

On July 5, Maryna Lobava said that she had talked to her son, a political prisoner Eduard Lobau, held in the Ivatsevichy colony. During a phone call, Eduard Lobau said that he had completed his training in welding, passed the exam and received a diploma, which had been immediately taken. According to the internal rules, prisoners cannot possess any documents, so Eduard could regain his diploma only after release. On July 17, Eduard Lobau had a two-hour meeting with his mother. They were allowed to talk through the glass on the phone. Eduard said he had no complaints about the conditions of detention. He had received a food parcel, including vegetables and fruits.

On July 7, civil society activist and film director Volha Mikalaichyk reported referring to a letter from Vasil Parfiankou that he had been punished with solitary confinement for five days for refusing to do “voluntary work”. Vasil wrote that he was reading a lot and listened to the radio, but there was no TV set in his cell. He was prohibited to receive newspapers by subscription, but received newspapers from the editorial offices of “Nasha Niva” and “Novy Chas”. On July 26, Vasil Parfiankou’s father said that the family had a problem with writing to the prisoner. In his last letter, received in mid-July, Vasil Parfiankou wrote that he had received the last letter from the parents on

April 30, while he had not received the newspapers sent to him on May 5 by registered mail.

On July 12, Valeryia Khotsina, the wife of political prisoner Mikalai Dziadok, said that her husband had had a finger surgery in the Mahiliou prison. The political prisoner asked his relatives to send him a new English-Russian dictionary. Valeryia Khotsina also said that Mikalai Dziadok was learning Arabic.

On July 15, political prisoner Artsiom Prakapenka was visited by his parents in Mahiliou penal colony No. 15. The long meeting with the convict was reduced to one day, as Artsiom was considered a malicious infringer of prison rules and had no right to a longer visit. The prisoner's mother said that he had changed a lot, had lost five kilos and had to limit exercise, as there were problems with his joints and teeth. Artsiom Prakapenka told his parents that he had not been offered to write a request for clemency, and that two weeks ahead the visit he had received another penalty, thus getting the status of a violator of prison rules (the previous penalty had been issued in September 2013).

On July 21, Maryna Adamovich, wife of political prisoner Mikalai Statkevich, referring to a letter from her husband, said that the prisoner faced problems with receiving correspondence in the Mahiliou prison: the newspapers arrived late and were given only after requests, the library only gave the books that the prisoner had already read. There were cases of seizure of letters from the political prisoner, for example, one of them read that the size of the prison yard was 5 by 7 steps, it took 35 steps to walk to it from the prisoner's cell, but this distance was guarded by guards with two dogs. On July 26, Maryna Adamovich said that during a phone call Mikalai Statkevich reported new provocations against him, related to correspondence and opportunities to receive newspapers, and also said the prison administration started inviting him for talks. The inmate also pointed out that he had been given cabbage soup for the first time over the past months, and although it was made of last year's cabbage it was one of the few vegetable dishes.

On July 21, the father of political prisoner Ihar Alinevich said that his son had been transferred to the Vitsba-3 colony, located not far from Vitsebsk. Mr. Alinevich's family received an official notification of the transfer. On July 26, Ihar Alinevich's parents received the first letter from their son from the new correctional facility. The political prisoner wrote the ecological conditions in Vitsba-3 were better compared to his previous colony in Navapolatsk. He also said that under the rules of the colony, he would be able to call home once in every three months (back in Navapolatsk, he received only five calls over four years, which was explained by lack of technical capabilities).

Death penalty

On July 2, the UN Secretary-General Ban Ki-moon, speaking at the headquarters of the United Nations in New York at a special event entitled “Best Practices and Challenges in Implementing a Moratorium on the Death Penalty”, said that the death penalty had no place in the XXI century. “Twenty-five years ago, only about one-quarter of United Nations Member States had abolished the death penalty. Today, more than four fifths of the countries, an estimated 160 Member States, have either abolished the death penalty or do not practice it,” said Ban Ki-moon, calling on all States to ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty. He urged to support the UN General Assembly resolution on a moratorium on the death penalty and to take concrete steps towards abolition of the death penalty at the national level.

On July 15, death convict Aliaksandr Hrunou was visited by his lawyer Siarhei Krasnou. According to the lawyer, they discussed the possibility of filing another review appeal to the Chairman of the Supreme Court directly from Hrunou. This was the last opportunity to draw attention to the extenuating circumstances in the case, noted by the Judicial Chamber for Criminal Cases of the Supreme Court while cancelling the first death sentence. Aliaksandr Hrunou and his mother also appealed for clemency directly to President Aliaksandr Lukashenka. The practice shows that death convicts are not informed about the negative result of the consideration of the petition, and the decision is read out immediately before execution of the sentence. However, after the registration of the individual communication submitted on behalf of Aliaksandr Hrunou to the UN Human Rights Committee, the Belarusian authorities were urged to suspend the execution until the consideration of the appeal on its merits, which might take up to five years. Aliaksandr Hrunou was reportedly regularly visited by a priest.

Torture and other cruel and inhuman treatment

On July 1, Yuliya Hancharova, a representative of the Investigative Committee of Belarus, said that the death of Ihar Pstichkin in prison No. 1 of Minsk had not been caused by the use of violence. “The materials of the criminal case do not show evidence of the use of violence, physical force and special means against I. Pstichkin, both by the employees of the insulator, and others, during his stay in prison No. 1,” says the official. She also noted that the investigation possessed evidence of Ihar Pstichkin’s systematic abuse of smoking mixtures containing narcotic and psychotropic substances,

in the period from 2011 to 2013. "The investigation established that after a few days of his stay in the detention centre, I. Ptsichkin began to show signs of an acute mental disorder, manifested by hallucinations, delusions, food and drink refusal, persecution manias. For this reason, the latter was taken to the medical unit of the insulator, where he died after a while," said the IC representative. She also said during the acute condition the prisoner's body had been fixed with straps. This, as well as injuries suffered by the prisoner at the moment of the rise of mental illness caused by the withdrawal syndrome, attributes for the injuries and bruises found on the body of the deceased. Experts determined that he had received minor injuries, which allegedly had no cause-and-effect linkage to his death. According to the official, the medical staff of the detention facility were still under a criminal investigation into the improper performance of their professional duties, resulting in the death of the convicted person. "A complex commission, a repeated forensic, a forensic psychiatric and a forensic examinations of the correctness of performance of professional duties by health professionals have been appointed. The results of this examination will establish the cause of death of I. Ptsichkin and the correctness of medical care by medical personnel of the detention facility." Earlier, the Central Investigation Department of the Investigative Committee initiated criminal proceedings against an employee of the medical unit of prison No. 1 of the Department of Corrections of the Ministry of Interior in Minsk and Minsk region, who was suspected of improper performance of his professional duties, resulting in the death of convict I. Ptsichkin. Ihar Ptsichkin, 21, died under strange circumstances in pre-trial prison No. 1 on August 4, 2013. An online report said, referring to the prisoner's mother, that his body had "numerous bruises and hematomae". Ihar Ptsichkin's relatives were told that the results of an autopsy had shown signs of a cardiac arrest that had reportedly caused his death. Ihar Ptsichkin's mother stresses that the reasons for this have failed to be identified and specified by the investigators.

On July 10, it became known that Chairman of the Homel Regional Court Siarhei Shautsou dismissed the review appeal of Svetlahorsk resident Valiantsina Akulich, who demanded prosecution of police officers involved in the death of her son. Back in May, the Svetlahorsk District Court dismissed her appeal against another refusal of the Investigation Committee to initiate criminal proceedings against Svetlahorsk policemen. The woman insists that the actions of R. Stseshankou and A. Bachko were of criminal nature, because instead of a timely call for medical assistance for her son, who developed a temporary psychical disorder, the guards "calmed him down" with clubs. "On May 26, 2012, A. Akulich died in the detention centre of the Svetlahorsk District Police Department. The cause of his death, as established by forensic

examinations, including a comprehensive one, No. 169, on May 20, 2013, was chronic alcohol intoxication, complicated by the development of alcohol withdrawal state with delirium and brain edema. In addition, some injuries were found in the form of numerous abrasions and bruises, which belong to the category of light and have no causal connection with the death of A.A. Akulich,” says the Chairman of the Regional Court Shautsou in his decision to reject the appeal. Over a year, neither the investigation nor the court were willing to address the true cause of the death of A. Akulich. They were urged to answer a question why police employees R. Stseshankou and A. Bachko were not punished for their criminal acts, as they only called for an ambulance after the prisoner had stopped breathing.

On July 18, Liudmila Kuchura, wife of prisoner Piotr Kuchura, said that after a probe she had requested, the Mahiliou inter-district department of the Investigative Committee refused to open a criminal investigation into the illegal actions of the administration of penal colony No. 15. The probe into the alleged poisoning of Piotr Kuchura in a punishment cell had been launched in late May by the Investigative Committee’s Office in the Mahiliou region, after human rights defenders had helped Mrs. Kuchura submit a complaint to the UN Human Rights Committee, which reported on the deliberate use of bleach as a means of torture, cruel or inhuman treatment. In addition, the Investigative Committee promised that the probe would include a forensic examination in order to identify the effects of poisoning in the body of Piotr Kuchura. As a result, a decision of June 27 signed by senior investigator Skavarodkin refused to institute criminal proceedings. The decision enumerates the persons interviewed during the probe, including the staff and convicts of penal colony No. 15, as well as the medical records examined during the investigation. Mr. Skavarodkin said that the prison administration staff had not been involved in any actions constituting an offence under Article 426 of the Criminal Code “Abuse of power or official authority”. Liudmila Kuchura appealed the decision to the City Prosecutor. In her complaint to the prosecutor of Mahiliou sent on July 17, Liudmila Kuchura says that the decision not to open a criminal case is illegal, arbitrary and subject to cancellation. “Certainly, if the probe had been carried out in due time, it would be easier to find out the circumstances of the case. However, this does not mean that now they only need to simulate activity rather than taking all legal measures in order to establish the full circumstances of the incident. I consider it necessary to supplement the materials of the probe with a forensic medical examination, which would examine not the medical records but the victim himself in order to find any traits of his exposure to the chemical. The fact that he had not been provided with necessary medical assistance and was not examined in the due time became the subject of

my complaints. Therefore, it seems improper to justify the lack of records of injuries with absence of damage itself. Significant contradictions between the explanations of those interviewed need to be eliminated. This can be done through confrontations, which is not provided by the law on criminal procedure at the stage of preliminary inquiries. Therefore, it is only possible to fully verify the arguments of the victim and the applicant by instigating criminal proceedings and conducting an investigation,” said Ms. Kuchura. “On July 22, 2014 the Prosecutor’s Office of Mahiliou examined the materials of the probe, reversed the decision not to open a criminal case and sent the materials to the Mahiliou inter-district department of the Investigative Committee for an additional probe,” said Prosecutor Mikalai Vulvach.

Persecution of human rights defenders and organizations

On July 8, human rights activist Tamara Siarhei was once again summoned to the Prosecutor General’s Office to the Deputy Head of the Department for the rights and freedoms of citizens, Pavel Yeliseyeu. The official asked whether the Civil Initiative Against Lawlessness in the Courts and the Prosecutor’s Offices had managed to obtain the official registration, and to which state agencies the Initiative had addressed recently. Then Paul Yeliseyeu reminded that on April 23, 2013 the Prosecutor General’s Office issued Tamara Siarhei with an official warning about criminal liability under Article 193-1 of the Criminal Code of the Republic of Belarus for organizing an unregistered public association. The human rights activist passed her written explanations to Mr. Yeliseyeu and refused to sign the minutes of the conversation. In the explanatory note, Ms. Siarhei stressed that the right to apply to officials, including collectively, was guaranteed by the Constitution of the Republic of Belarus. Tamara Siarhei considers her summons to the Prosecutor General as an act of intimidation, aimed at forcing her to refused from her constitutional rights and freedoms. On July 22, the persons who had signed collective appeals to the presidential administration, activists of the Civil Initiative Against Lawlessness in the Courts and the Prosecutor’s Offices, began to be summoned to the General Directorate for Combating Organized Crime and Corruption of the Ministry of the Interior. In particular, on July 22, for nine hours without a break, from 10 a.m. to 7 p.m., four women were interviewed by a senior operations officer for particularly important cases. Meanwhile, three of them were elderly, and two were over 75 years old. Among them there was a resident of Minsk Larysa Siniauskaya. On December 24, 1999, her son was killed, and to this day the woman has been unable to force officials to open a criminal investigation into the tragic fact. During the interrogation, which lasted more than three hours, the woman

was told that she could be prosecuted if she continued signing collective petitions. The interrogations were related to a probe carried out by the General Directorate for Combating Organized Crime and Corruption at the request of the Prosecutor General to institute criminal proceedings against lawyer Tamara Siarhei under Article 193-1 of the Criminal Code.

On July 30, Chairman of the Minsk City Court P. Karshunovich said in a letter to deputy chairman of the Human Rights Centre “Viasna” Valiantsin Stefanovich that he saw no grounds to protest and grant his appeal against an earlier decision of the Tsentralny District Court of Minsk in the case of blacklisting the website spring96.org as an Internet resource with restricted access violated his rights. The human rights defender insisted that the decision of the Prosecutor General's Office violated his rights, as the author and a reader of the site, to receive and impart information, as well as to freedom of expression. Back on February 18, 2014, the Tsentralny District Court of Minsk considered Valiantsin Stefanovich's complaint against the decision to blacklist Viasna's website. However, Judge Alena Siamak stated that Valiantsin Stefanovich was an improper plaintiff in the lawsuit, as he was not the owner of the website spring96.org. Later, the College of Civil Affairs of the Minsk City Court rejected the human rights defender's private complaint and upheld the District Court's decision, noting that the court's findings in the case were correct. In fact, the answer by Chairman of the Minsk City Court P. Karshunou word for word repeated the previous verdicts: “Since you do not own the Internet resource, the court came to the correct conclusion on the absence of your rights to challenge the decision of the Prosecutor General's Office of the Republic of Belarus and rightly dismissed the case due to lack of jurisdiction.” The Prosecutor General's position was based on the fact that the website allegedly contained information about the organization, which had not passed state registration in accordance with the law and, therefore, publication of such information was a violation of the law.

Administrative prosecution of civil society and political activists, arbitrary detention

On July 2, leader of the civil society organization “Initiative” Aleh Korban and its activist Uladz Siarheyenka were detained by the police. Both activists were detained in their apartments and taken to the Partyzanski District Police Department of Minsk. On July 3, police detained an activist of the United Civil Party Anton Zhylo. Only on July 7 it was reported that the detainees stood trials on July 4 in the Court of Partyzanski district. All of them were found guilty of violating Article 17.1 of the Code of Administrative Offences, disorderly conduct, and sentenced to ten days of arrest each. Human rights defenders

believe that the detentions are connected with the celebration of the official Independence Day on July 3.

On July 2, Baranavichy police detained local individual entrepreneur Mikalai Charnavus after a visit to the Baranavichy City Executive Committee and a meeting with the journalists of a regional newspaper. He was brought to the city police department. The chief of public order and crime prevention department, Major Aliaksei Hetsman, charged him with holding an unauthorized rally of individual entrepreneurs on July 1 at the city market and in the hall of the executive committee. At that time Mikalai Charnavus, who had a 2nd group disability, felt bad and repeatedly asked to call an ambulance. However, Aliaksei Hetman refused to do it. After the policeman completed the violation report, Mr. Charnavus was sent to the detention centre, where he felt really bad. His blood pressure rapidly increased and he suffered a hypertensive crisis. In these circumstances, police had to call an ambulance, which took him to the city hospital, where he was guarded by two policemen. On July 3, he was visited in the hospital by a police officer. According to Mr. Charnavus, the police officer asked him to sign a document according to which the activist gave personal consent that his trial took place on July 7 in his absence. However, the civil society activist strongly disagreed with the content of this paper. On July 5 he sent letter to the Chairman of the City Court, in which he asked not to hold the trial without his presence. At the same time, Mikalai Charnavus sent a statement to the City Prosecutor urging him to respond to the actions of the police, who had for five hours refused to call an ambulance at the request of a disabled person. On July 21, the Baranavichy City Court found Mikalai Charnavus guilty of violating Article 23.34, Part 3 of the Administrative Code, organizing and conducting an unauthorized event, and sentenced him to an administrative fine of 4.5 mln roubles. The charges were heard by judge Yauhen Brehan with secretary Volha Yachnik. Of the three witnesses mentioned in the report, only the director of the market Vital Rakhmedzhanau appeared in the courtroom, but was unable to confirm that the unauthorized event of July 1 had been organized by Mikalai Charnavus.

On July 22, opposition activist Uladzimir Niapomniashchykh was detained in the centre of Homel. The UCP member was taken to the nearest police station. "I walked through a yard and saw two police officers, one of them smoking, and the other eating a banana. When I passed them by, the sergeants stopped me and demanded that I showed my camera, as they thought I was taking pictures of them. I showed that there were no pictures of the policemen on my camera, then they asked me to show my passport. In response, I asked them to introduce themselves, they quickly showed their IDs, but I could not see anything, so I also refused to show my passport. As a result, the sergeants

took me to the police station,” said the activist. Three hours later, Uladzimir Niapomniashchykh was released without charges.

On July 25, unknown people in civilian clothes detained activist Mikita Brouka. The activist was taken to the police department of the Savetski district where he was interviewed, fingerprinted and asked to answer a few questions through a lie detector, which the activist refused to do. Later, there appeared a military enlistment commissar of the Minsk district, who handed Mikita Brouka a summons for a medical examination. Mikita Brouka is the coordinator of social and cultural initiative “Art-Siadziba”, as well as a journalist of the newspaper *Novy Chas*. In recent years, he has been organizing concerts.

On July 27, Ales Makayeu, an activist of the entrepreneurs’ movement, was detained by police in Minsk. During a traditional service near the Red Church on Independence Square, the businessman raised a white-red-white flag for the release of political prisoners. Ales Makayeu was taken to the police department of the Maskouski district and charged with two administrative offences: disobeying police officers (Article 23.4 of the Code of Administrative Offences) and disorderly conduct (Art. 17.1 of the CAO). On July 28, Judge Maksim Sushko of the Court of Minsk’s Maskouski district found him guilty and by partial summation sentenced the activist to an administrative arrest of 15 days. A police officer named Yazepau bore testimony at the hearing.

On July 27, Belarusian border guards detained participants of a camp entitled “For European Integration of Belarus”. The incident is said to be linked to the Belarusian editions they were carrying. Several people were coming back from Poland and their luggage was searched by a border official. Among the materials seized by the guards there were copies of the book about political prisoners in Belarus “Palitviazni.info”, as well as a weekly of the Belarusians in Poland “Niva”.

On July 29, an activist of the public initiative “Alternative”, Illia Dabratvor, managed to call home and told his wife that he had been sentenced to 14 days of arrest. That morning, Illia Dabratvor was seen in the House of Justice in Minsk, where the trial of human rights activist Andrei Bandarenka was underway. Illia Dabratvor was wearing a black T-shirt with the Pahonia national coat of arms and the inscription “Freedom to Political Prisoners”. His associates said that he had been detained for this inscription. Another reason for the detention could be Alternative’s event in Dziarzhynsk on July 26, when signs reading “For Independent Belarus”, “Belarus — Not Russia” were posted across the town. The activist was convicted by the Maskouski District Court under two articles of the Administrative Code: disobedience to the police (Article 23.4 of the Administrative Code) and disorderly conduct (Art. 17.1 of the CAO).

On July 30, Ales Serdziukou, activist of the Belarusian Social Democratic Party (Hramada), was detained in Mahiliou while campaigning for so called People's Referendum initiative. "I was collecting signatures in support of the six points of People's Referendum going from door to door. Apparently, somebody did not like it and decided to punish me by calling the police. When I left a house in Mauchanski Street, police officers were already waiting for me downstairs," said the activist. "Twenty minutes later there appeared the district police officer. He was interested why I had been collecting signatures. He wanted to take them, but I said that I would not give him anything. He did not insist. He compiled a violation report and said that I was going to be called to the police in the near future." The police officers inquired whether the activist had been distributing the People's Referendum newsletter and if he had any of them. They searched him, but found nothing. They said that apart from campaigning he was reportedly distributing this kind of publications.

Restrictions on freedom of speech and the right to impart information, harassment of journalists

On July 9, unknown persons attacked the e-mail of a critical doctor in Vitsebsk, Ihar Pastnou. He received a message stating that the password for his Google account had been changed. He was warned that his account had been hacked and offered to change the password again. After that Ihar Pastnou found that all his correspondence was lost. The critical doctor, known for his criticism of the local health care authorities, for which he was subjected to measures of punitive psychiatry, believes that the attack could have been caused by a new campaign he had recently started at the regional website freeregion.info. Through his Facebook account and with the use of the website, Ihar Pastnou called on people to send to his mailbox photos and evidence of mismanagement and irregularities in the field of health care in the Vitsebsk region. As a result, he says, people actually started sending photographs of hospital wards, children's wards, evidence of police-related violence and so on. Some of these materials, which had not been published in the online edition, had disappeared.

On July 16, road police stopped the car of ex-presidential candidate of the BPF, Ryhor Kastusiou, and deputy chairman of the Belarusian Social Democratic Party (Hramada) Ihar Barysau. The traffic police checked the documents and told them that a similar Mercedes had been allegedly involved in hooliganism in Bialynichy. The police officers told the activists to follow them to the Mahiliou District Police Department, despite the fact that they had valid documents. The policemen checked the trunk where they found printed materials, but did not open the packs, escorting the car to the police station

instead. At the police department, the police officers compiled interrogation and search reports, and then seized the publications until the trial. The police seized a total of 12,000 independent newspapers: the newsletter “Social Democrat”, which told about the People’s Referendum and the newspaper “Nash Mahiliou” dedicated to the information campaign “Save Old Mahiliou”. The activists were held for almost three hours. On July 23, Ihar Barysau was summoned to the police department of the Mahiliou district where Major Siarhei Haliantau officially charged him with an administrative offence. Ihar Barysau was accused of violating Article 22.9, Part 2 of the Administrative Code, according to which he, not being a distributor of mass media, in violation of Article 17 of the Law “On Mass Media”, transported in his own car 11,800 copies of BSDP flyers and the newsletter “Nash Mahiliou”, which, according to Article 1 of the Law “On Mass Media”, was distribution of media products. Major Haliantau said that he would forward the case to the court the same day. Deputy Chairman of the Belarusian Social Democratic Party (Hramada) stressed that he did not agree with the charges, as he did not distribute printed products, but was simply carrying them.

On July 19, Viktor Parfionenka, a freelance journalist from Hrodna, who had been over the past few years contributing to the Belarusian Radio Racyja and had received six refusals for an official accreditation from the Ministry of Foreign Affairs of Belarus, expressed his intention to apply for accreditation for the seventh time. The last refusal argued that the journalist had allegedly failed to attach a copy of his passport, although he said that he had sent a copy. As a result, the journalist had made a written list of all the attached papers. Simultaneously, Viktor Parfionenka sent a complaint against the Ministry of Foreign Affairs and later received an answer from the Council of Ministers, which said that it had been forwarded to the Ministry of Foreign Affairs.

July 31, the second day of the trial of human rights activist Andrei Bandarenka, representatives of the media who attended the trial at the building of the House of Justice in Minsk, were met by law enforcement officers. Not asking which editions they represented, the police officers put down information about their names and places of residence. When asked by a BelaPAN reporter why it was needed the person in civilian clothes who recorded the information said nothing and let the journalist inside. The man was also reportedly comparing the data with the information he had, including scanned photographs of journalists with their personal details.

Restrictions on freedom of assembly

On July 5, a group of civil society activists named People’s Control was not allowed to stage a picket in Homel. The initiative is famous for

its campaign “Clean Water” aimed at improving the state of lakes in the regional centre. On June 18, one of the campaigners, Andrei Melnikau, sent a request for holding a picket to the Homel City Executive Committee. The event was expected to draw public attention to the poor state of water within the boundaries of Homel and was scheduled for July 3. The activist planned to hold a picket in the permitted place, a pitch near the crossroads of Barykin and Vaikovaya Streets, and enclosed a written commitment to pay the associated costs: ambulance services and a clean-up of the territory. However, he did not receive a reply within the prescribed period. The answer came only on July 5. Meanwhile, though the ban was dated June 26, the envelope was stamped “July 2” (departure) and “July 4” (delivery). The negative decision simply listed provisions of the City Executive Committee’s ruling on mass events, with no explanations on what basis the rally was forbidden.

On July 8, Belarusian Christian Democrats reported having applied for permissions to hold over 100 pickets in 41 cities and towns of Belarus, but only one of them was authorized, a picket in Klichau. BCD activists were going to campaign for changes to the legislation on alcohol control, as well as to stage awareness-raising events. A few days later, the rally in Klichau was actually banned, too. After giving their permission, the local authorities told the activists to submit contracts with local police, doctors and public utilities, as well as to obtain permission from the owner of the store, next to which the planned event was going to be held. The organizer of the picket, Sviatlana Hrytsenka, contacted the store owner, but he did not give his permission. Thus, the picket was thwarted.

On July 11, Brest authorities banned a rally against rising prices for goods and services, the application for which had been filed by the head of the local branch of the Belarusian Party of the Left “Fair World” Liudmila Dzenisenka. The picket was scheduled for July 17. A letter signed by the deputy chairman of the Executive Committee Henadz Barysiuk said that the picket could not be authorized, as the venue would be occupied by some other events, which had been planned earlier.

On July 15, Brest activists of the regional organization of the United Civil Party were not allowed to hold five pickets aimed at promoting the values of state sovereignty and independence and the expression of solidarity with the Ukrainian people in their aspirations to preserve the integrity and independence of Ukraine. The official reason for banning the pickets was that the party members intended to hold them in busy places — the central department store of Brest, the cinema Belarus and the shopping centre Uskhod. The local authorities said that public events could only be held at specifically designated places: the city park and the Locomotive stadium.

On July 15, civil society activist Ryhor Hryk received a letter signed by the deputy chairman of the Baranavichy City Executive Committee D. Kastsiukevich, which said that the authorities banned a rally scheduled for July 27, expected to mark the anniversary of the Declaration of Belarus' State Sovereignty. The official argued that the applicants of the picket, Ryhor Hryk, Siarhei Housha and Viachaslau Bolbat, violated Part 5 of the Law "On Mass Events in the Republic of Belarus" and paragraph 4 of the Executive Committee's ruling of June 16, 2009 "On the order of organizing mass events in the city of Baranavichy". Meanwhile, he failed to specify the grounds for the ban, despite the fact that the applicants had fulfilled all requirements of the law and entered into written agreements with the police, medics and public utilities.

On July 16, Ivan Bedka, a member of the Belarusian Christian Democracy's Slonim branch, received a reply signed by the chairman of the Slonim District Executive Committee Aleh Tarhonski, which said that the picket he was going to stage was banned because "there is no information about the source of funding; besides, the route of participants of the event was not specified".

On July 21, the Homel City Executive Committee banned a series of pickets. Local human rights defenders, activists of the pro-democratic organizations and political parties were planning to stage 40 protests in Homel on July 27 in order to mark the anniversary of the adoption of the Declaration of Sovereignty. The Executive Committee said that the applicants had failed to fulfil the requirements of local rules, according to which the organizers were to sign service contracts and pre-pay for the services of the ambulance and public utilities. In addition, the refusal referred to the fact that the applicants had planned to hold the events in the busiest places of the regional centre, while the rules allowed holding pickets and other activities in only two places — in a remote industrial area and near a stadium on the outskirts of the city. Meanwhile, signing contracts with the medics and utilities was simply impossible. The clinic representatives said they lacked vehicles and the communal service referred to lack of personnel. On the same day, local human rights defenders received another ban. They wanted to hold a rally on August 4 to remind the public of the existence of political prisoners in the country.

On July 23, it was announced that Orsha authorities had banned three street protests scheduled for July 27, the day of the adoption of the Declaration on State Sovereignty of Belarus. The events were applied for by local activists of the United Civil Party and were expected to be held in three locations, the Heroes Park, near the entrance to the Aronia cafe and in the textile workers' recreation park. All the three venues are authorized for

public events. Over the last three years, Orsha executive authorities have not given permission for a single mass event on the initiative of opposition activists. All three actions were banned on the same ground — absence of service contracts with the police, health care department and public utilities. These agencies keep refusing to enter into contracts, referring to a variety of reasons. However, in one of the trials, when activists tried to defend their right to express their opinions, it became clear that neither the police nor the clinic or the municipal utilities were entitled to enter into contracts with individuals. Meanwhile, the condition of entering in such contracts is stipulated in the ruling of the Executive Committee of Orsha which regulates the conduct of mass events.

On July 25, Biaroza human rights defenders Siarhei Rusetski, Tamara Shchapiotkina and local civil society activist Tatsiana Tarasevich were prohibited to stage a picket scheduled for July 27. The aim of the rally was to mark the 24th anniversary of the Declaration of Sovereignty of Belarus, earlier celebrated as Independence Day. The activists also planned to remind local residents of the deployment of Russian military bases on the territory of Belarus and the existence of political prisoners in the country. The picket was banned as the activists had failed to submit in due time contracts with organizations, supposed to service the picket, local hospital and housing department.

On July 31, Mahiliou authorities banned a picket for the release of political prisoners. The picket was scheduled on August 4 and was expected to be staged in the city centre close to the city administration. In his response, Deputy Chairman of the Mahiliou City Executive Committee Andrei Kuntsevich once again informed human rights defenders Aliaksei Kolchyn and Barys Bukhel that the place for the picket, site near house No. 31 in Pershamaiskaya Street was not an authorized venue for such events. The only authorized location is situated on the city outskirts. The human rights activists disagreed with the position of the officials, saying that the local authorities artificially restricted the right of citizens to freedom of assembly and meetings.

Restrictions on freedom of association

On July 11, an activist of the Trade Union of Radio-Electronic Industry Uladzimir Andrashchuk said he wanted to get a 15-million-rouble bonus to his pension from the management of the company “Savushkin product”. According to the collective agreement, he, being an operator of ammonium compressor devices of the sixth grade, was to have been paid this money during his retirement. However, the enterprise refused to do it. The matter

is that the collective agreement said that the money was to be paid on application of the immediate superior of a worker and with the consent of the CEO. Mr. Andrashchuk stated that by not paying the money the enterprise took revenge for his leaving the state trade-union and joining the independent one.

On July 21, Maryna Shtrakhava, coordinator for legal advice of the Studentskaya Rada NGO, said in an interview with Radio Liberty's Belarus service that during a monitoring carried out by the students' rights group in the framework of the Public Committee of Bologna they recorded cases when deans or other representatives of the university administration interviewed students, describing their involvement in civil society organizations as undesirable. They advised to quit such activities and encouraged them to think about the possible negative consequences, said Ms. Shtrakhava.



Ales Bialiatski released under an amnesty. On a train from Babruisk to Minsk. June 21, 2014.

Ales Bialiatski arrives in Minsk after his release from a colony in Babruisk. With his wife, Natallia Pinchuk. June 21, 2014.



The first press conference of Ales Bialiatski after his release. Minsk. June 23, 2014.



Ales Bialiatski removes a poster of solidarity with him. Vilnius, the Belarusian Human Rights House. June 27, 2014.

Political prisoner
Mikalai Autukhovich
released
from prison
in Hrodna.
April 8, 2014.



Eduard Lobau
released
from a colony
in Ivatsevichy
after four years
of imprisonment.
*December 18,
2014.*



Vasil Parfiankou
released
from a colony
in Horki.
First minutes
after his release.
Orsha.
December 5, 2014.



Andrei Haidukou
released
from the Vitsba-3
colony.
Vitsebsk.
May 8, 2014.



Uladzimir
Yaromenak
released
from a detention
facility in
Baranavichy.
March 11, 2014.



Trial of Yury Rubtsou. Minsk, the Tsentralny District Court.
September 16, 2014.



This is what Yury Rubtsou looked like when standing trial after the Chernobyl Way rally. A T-shirt with the inscription "Lukashenka, Resign!" was taken by police officers.
Minsk, the Court of the Savetski district. April 28, 2014.



A picket in support of political prisoners staged on Human Rights Day.
Brest. December 10, 2014.



Viktar Statkevich, the father of political prisoner Mikalai Statkevich, receives greetings
on the occasion of his son's birthday. *Baranavichy. August 12, 2014.*

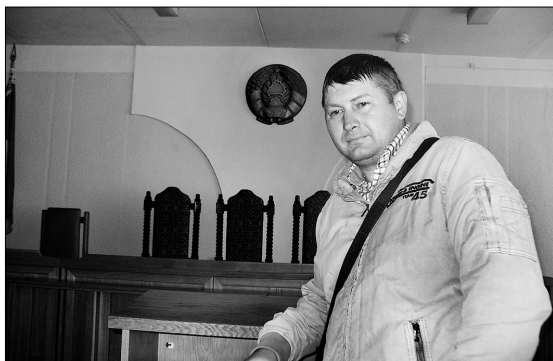


Human rights defender Alena Tankachova visits the police department of the Pershamaiski district of Minsk to take part in a procedure of her deportation from Belarus.
November 5, 2014.



Hrodna human rights defenders Viktor Sazonau and Uladzimir Khilmanovich were prosecuted for illegal picketing on the basis of pictures published on the Internet. Raman Yurhel was convicted, too.
Hrodna, March 25, 2014.

Journalist
Andrei Mialeshka
was fined three times
within a year on charges
of illegal manufacture
and distribution
of information products.
Hrodna. May 30, 2014..



Six people
were fined
and one arrested
after they
were photographed
against a wall and
the photos we
re published
on the Internet.
*Vitsebsk.
November 5, 2014.*

Photographer Uladzimir Hrydzin
in a police car after being detained
together with several activists
who distributed ribbons
with national ornament.
Minsk. December 6, 2014.





The mother of Aliaksandr Hrunou, executed for murder, receives her son's prison uniform. *Homel. November 5, 2014.*

The photo exhibition Capital Punishment. Author – Siarhei Balai, with the participation of the campaign "Human Rights Defenders Against the Death Penalty in Belarus". *Minsk. October 7, 2014.*



A press conference on the World Day Against the Death Penalty. Valiantsin Stefanovich, Tamara Chikunova, Andrei Paluda (left to right). *Minsk. October 10, 2014.*



A campaigning event for the nomination of candidates. Orsha. February 5, 2014.



Police officers order election campaigners to remove a national flag. Homel. February 1, 2014.



Elections to local councils. Counting of votes in polling station No. 23 in Salihorsk. March 23, 2014



Freedom Day. Minsk. March 25, 2014.



The Chernobyl Way rally. Minsk. April 26, 2014.



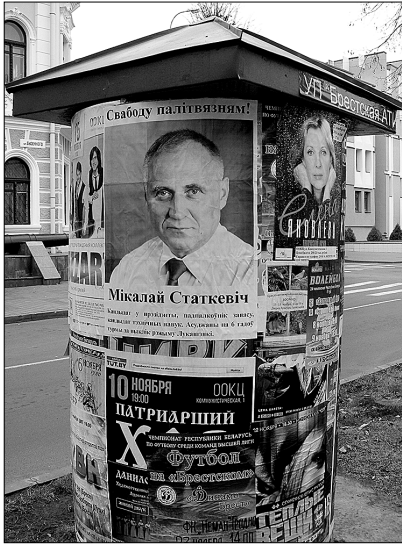
The Dziady rally – a traditional procession on All Souls' Day.
Minsk. November 2, 2014.



A protest against the Russian military bases in Belarus.
Its organizer Uladzimir Hundar was fined for holding
an unauthorized mass event.
Baranavichy. March 4, 2014.



An action of solidarity with Ukraine "We Love Ukrainian Borsch".
Minsk. September 9, 2014.



An action of solidarity with political prisoners. Brest. November 16, 2014.



An action in support of political prisoners. Salihorsk. June 28, 2014.



Baranavichy activists congratulate political prisoners on Christmas and New Year. December 15, 2014

Situation of Human Rights in Belarus in August 2014

In August, the systemic and systematic nature of human rights violations persisted, there were no positive changes or improvements. Despite the consistently poor situation of human rights, in August the Belarusian authorities managed to significantly improve their foreign reputation. On August 26, Minsk hosted talks on possible solutions of the Ukrainian crisis, which were attended by several senior EU officials, including EU High Representative for Foreign Affairs and Security Policy Catherine Ashton. On the eve of the visit, Maja Kocijančič, Ms. Ashton's spokesperson, noted that the visit did not imply changes in the position of the EU towards the official Minsk: "This is not a bilateral visit to Belarus. You surely know what the relationship between the European Union and Belarus are like today. A number of findings by the EU Council reflect this situation. There are problems in the political field, and the position of the European Union in this regard has not changed."

However, it was clear that the meeting in Minsk was another step aimed at restoring relations between the European Union and the Belarusian authorities and a transition to another level of interaction. Meanwhile, the issue of the release of political prisoners, which had been emphasized by the EU in recent years as a prerequisite for the restoration of cooperation with the Belarusian authorities, was never mentioned during the summit. There were serious precautions that questions relating to the existence of political prisoners and the problems in the sphere of human rights could be sidelined or even disappear from the agenda in relations between the European Union and the official Minsk. This development could be a painful challenge, because the foreign factor is one of the most powerful levers of influence on the Belarusian leadership in this matter, given the virtual absence of mechanisms of influence within the country.

It should be stressed that the Minsk talks, which clearly improved the position of the leadership of Belarus in the international arena, were marred by arbitrary arrests and detentions of civil society and political activists, which is evidence of the ongoing repressive policy of the authorities and their desire to change the international situation without any positive internal transformations, solely by using the problems in the neighbouring Ukraine.

The visible lifting of international isolation of the Belarusian authorities in no way contributed to addressing the most pressing problem — the existence of political prisoners. Belarusian prisons continued to hold seven political prisoners: Mikalai Statkevich, Eduard Lobau, Mikalai Dziadok, Yauhen Vaskovich, Artsiom Prakapenka, Ihar Alinevich and Vasil Parfiankou. The

Belarusian authorities failed to demonstrate the political will for their release, and no international instruments were used for this aim.

Political prisoners, criminal prosecution of civil society activists

On August 5, it was reported that a complaint on behalf of political prisoner Eduard Lobau was submitted to the UN Human Rights Committee. The individual communication was sent to the HRC on July 14 and was prepared by lawyers of the Belarusian Documentation Centre. The complaint contained evidence of violations committed by the Republic of Belarus, namely the law enforcement authorities and judicial bodies, during the detention, arrest and trial of Eduard Lobau. All appeals filed by Eduard Lobau and his lawyer in the judicial board on criminal cases of the Minsk City Court were dismissed, and the judgement of the Court of Minsk's Maskouski district was left in force. The supervisory complaint, filed to the Supreme Court of Belarus, was dismissed as well. In 2013, Eduard Lobau filed a complaint with the Prosecutor of Minsk, S. Khmaruk. The complaint cited evidence of violation of Eduard's rights and urged the Prosecutor to issue a protest against the judgement of the Maskouski District Court of Minsk and the judicial determination of the judicial board on criminal cases of the Minsk City Court for their cancellation and termination of the proceedings. The Prosecutor's Office of Minsk forwarded the appeal to the Investigative Committee, which found no violations in Lobau's case and dismissed it.

On August 12, political prisoner Mikalai Statkevich turned 58, marking his fourth birthday in prison. Unidentified activists organized on this occasion a salute outside Mahiliou prison No. 4, where he was held. On August 23, Mikalai Statkevich's wife, Maryna Adamovich, said that she learned from a letter that the minor provocations with correspondence and opportunities to receive newspapers were over. The political prisoner also wrote that he was still learning English.

On August 18, an activist of the Belarusian Christian Democracy, Pavel Prakupovich, said that political prisoner Yauhen Vaskovich, who is held in prison No. 4 in Mahiliou, could not receive books and that the order came from the prison administration. The three books the political prisoner asked to send, two English course books, as well as an adapted version of George Orwell's *1984*, were returned marked "prohibited attachment". Over the past few months, Yauhen Vaskovich's relatives and friends have tried several times in different ways to send him the books, but their attempts brought no results.

On August 23, political prisoner Mikalai Dziadok celebrated his birthday in prison No. 4 of Mahiliou, where he is serving a 4.5-year sentence. He turned

26, of which almost four years he spent behind bars. In his letter to relatives received on August 25, Mikalai Dziadok told about a foot surgery he had recently undergone.

On August 24, Volha Bezbarodkina, lawyer of political prisoner Vasil Parfiankou, said that she had received permission to visit the prisoner, who was serving a sentence in the penal colony of Horki. According to her, it was difficult to obtain such permission. Previously, for almost two months, Vasil Parfiankou's friends and family had not received any letters from him, which caused serious concerns. On August 30, Vasil Parfiakou celebrated his 31st birthday.

Death penalty

On August 20, Tamara Sialiun, mother of death convict Pavel Sialiun, executed in April for a double murder, picked up her dead son's things at the Hrodna Regional Court. There, she was given a few dozen tapes, CDs, LPs, mobile phones and other items that belonged to Pavel. Tamara Sialiun was accompanied by local human rights activists and journalists. The woman said that it was very difficult psychologically to do the trip, but she had received a document saying that she should pick up the things by September 1.

Persecution of human rights defenders and organizations

On August 21, a report prepared by the Equal Rights Trust and the Belarusian Helsinki Committee was detained by the customs officials of the Minsk airport. The BHC received a certificate, which mentioned no claims against the edition entitled "Half an Hour ahead of Spring: A Report on Discrimination and Inequality in Belarus". However, the parcel was submitted for examination to the Department of Smuggling. Customs officers did not report on the nature of the examination, but the check period was extended until August 31. The first part of the same books arrived in Belarus in July and passed the customs check without any claims. Meanwhile, human rights activists received a letter from the Office of the President saying that the information contained in the report was "taken into consideration". The Russian-language report is the first comprehensive review of discrimination and inequality practices on all grounds and in all spheres of life in Belarus. It is based on extensive field research, interviews, focus groups and a serious analysis of legislation and policies. The report also provides a number of detailed recommendations to the Belarusian authorities on the necessary reforms in the legislation, policies and practices to ensure equality and non-discrimination.

Administrative prosecution of civil society and political activists, arbitrary detention

On August 7, it became known that Aleh Keral, an activist of Alternative opposition movement, had been sentenced to 10 days of arrest, although he was detained back on August 5. On this day, Aleh Keral was going to help the mother of Illia Dabratvor, who was then serving an arrest term. As the activist was waiting for the woman outside the gate of the city's detention centre, a police car pulled up and several riot policemen appeared, who without explanation grabbed the activist and put him into the car. He was then taken to the police department of Minsk's Maskouski district and charged with two offences, "disorderly conduct" (Art. 17.1 of the Administrative Code) and "resisting detention" (Art. 23.4 of the Administrative Code). The charges were expected to be heard by judge Tatsiana Motyl of the Maskouski District Court. However, she was busy in other proceedings and Aleh Keral was taken back to the police department, where the disorderly conduct charges were re-qualified, while the other police report disappeared. On August 6, Judge Tatsiana Motyl held a hasty hearing, not allowing Aleh Keral to speak on the essence of the case, saying instead: "I know that you admit your guilt" and sentencing him to ten days of arrest.

On August 12, Aleh Korban, leader of the Alternative movement, was sentenced to ten days of arrest by the Frunzenski District Court of Minsk. He was detained on August 12 near the metro station "Kamennaya Horka". The activist was taken to the Frunzenski District Police Department and charged under Article 17.1 of the Administrative Code, "disorderly conduct". As stated by another Alternative activist, Illia Dabratvor, who was released on the same day after serving 14-day arrest, Aleh Korban was expected to meet him. However, when he didn't come to the detention centre, the activist realized that something was wrong. The recent wave of arrests of Alternative activists is believed to be linked to the campaign entitled "For Independent Belarus" launched by the movement.

On August 15, the Niasvizh District Court re-examined the administrative case of Natallia Bordak on charges of staging an unauthorized mass event on May 9, when she was displaying a poster "No to Putin's War with Ukraine". Earlier, on June 24, the Minsk Regional Court quashed a fine of 4.5 mln roubles handed down to the Belarusian Christian Democracy activist by the District Court. However, Judge Hvozhd again found Natallia Bordak guilty of organizing a picket and confirmed the sentence.

On August 18, Minsk police detained Raman Khalilau at the hostel of the Minsk-based Belarusian State University of Informatics and Radio-Electronics, where he was in his 5th year. Several police officers, who were

waiting for the activist, searched his room and found leaflets on the subject of the labour movement, as well as instructions on how to organize strikes and other content. The police also confiscated a personal computer and a mobile phone. The activist was taken to the police department of Savetski district and charged with “disorderly conduct” (Article 17.1 of the Administrative Code). On August 19, the court sentenced him to 10 days of administrative arrest. However, after his release Raman Khalilau was once again invited to the police department, where he faced new administrative charges under Article 17.11 of the CAO (“production, distribution, and (or) storage of extremist materials”). Meanwhile, there was no expert examination of the seized flyers. The police officers returned the phone, but took the PC, which they said was a device for producing leaflets. The case was reported to human rights defenders only after the activist had served his sentence.

On August 23, the Court of Minsk’s Maskouski district considered an administrative case against an activist of the Zmena opposition movement, Pavel Vinahradau. As a result, he was sentenced to ten days of arrest for alleged disorderly conduct (Article 17.1 of the Administrative Code). Earlier that day, the activist’s apartment was visited by police officers who demanded that he opened the door. After a while Pavel Vinahradau went downstairs, where he was detained by police and taken to the police department of Maskouski district. There, the activist was accused of disorderly conduct, namely allegedly swearing outside the police department. He was then brought to the court building. Judge Aliaksandr Petrash, despite the obvious absurdity of the charges, ruled to punish the activist with an arrest of ten days. Pavel Vinahradau pleaded not guilty and said he did not understand what had caused his detention. The previous day, Pavel Vinahradau wrote in his blog on the website belaruspartisan.org that Zmena had hoisted 100 white-red-white flags across the country.

On August 26, Judge Artsiom Biaskishski of the Court of Minsk’s Savetski district heard the administrative case against activist of the Young Front opposition movement Dzmitry Kremianetski. He was charged with disorderly conduct (Art. 17.1 of the Code of Administrative Offences). As a result, the activist was sentenced to 10 days in jail. Dzmitry Kremianetski was detained at his apartment earlier that day.

On August 26, Minsk police detained Andrei Kasheuski, an activist of the Belarusian Christian Democracy party. He was reportedly distributing independent newspapers to earn a living. Andrei Kasheuski was charged with an administrative violation, “disorderly conduct” (Article 17.1 of the Code of Administrative Offences). Later the same day, Judge Artsiom Biaskishski of the Court of Kastychnitski district sentenced the activist to 10 days of administrative arrest.

On August 28, the Tsentralny District Court of Homel considered an administrative case against activist Kanstantsin Zhukouski, who was detained by riot police on August 25. As a result, Judge Volha Kazlova convicted the activist of disobeying police officers (Article 23.4 of the Administrative Code) and sentenced him to an administrative arrest of five days. At the request of Kanstantsin Zhukouski, the trial involved an interpreter, a teacher of one of the city schools, after the detainee demanded that the charges were heard in the Belarusian language. At the trial, Kanstantsin Zhukouski said that he was not guilty of the offence. He was detained outside his private house and taken to the police department, despite the fact that it was he who had called the police. The conflict started after the activist could not get into his own house, as the road was blocked by several trucks that belonged to a construction site located nearby. After he saw that there was no driver in the truck, the activist had to call the police. However, there appeared riot police, who detained the activist and brought him to the police station. He had to spend the following night in the detention centre. The trial was postponed until August 28, as the detainee demanded a lawyer and a Belarusian interpreter. Riot policemen argued in court that Kanstantsin Zhukouski had failed to provide his ID and refused to follow them to a police car, and even “tried to escape”. “The court’s decision was predictable, because the guards had been called even before the case materials were examined and the lawyer had a chance to speak. This whole thing is revenge on the part of the developer, so that I did not stop them, so they taught me a lesson,” said the activist.

On August 29, police officers detained Maksim Viniarski, coordinator of the European Belarus opposition movement, as he was leaving the apartment of activist Yuliya Stsiapanava. According to Leanid Kulakou, who witnessed the detention, Viniarski was told that he was wanted on suspicion of committing a crime. Later it became known that the activist was brought to the Savetski district police department and charged with disorderly conduct. The activist stood trial on September 1 in the court of Savetski district of Minsk. Judge Eduard Yakubouski found Maksim Viniarski guilty and sentenced him to 15 days of administrative arrest.

Restrictions on freedom of speech and the right to impart information, harassment of journalists

On August 12, the Mahiliou District Court sentenced local journalist Ihar Barysau to a fine of 4.5 mln roubles. The charges stemmed from an incident of July 16, when road police had stopped the car of ex-presidential candidate Ryhor Kastusiou and deputy chairman of the Belarusian Social Democratic Party (Hramada) Ihar Barysau. The traffic police checked the documents

and told them that a similar Mercedes was allegedly involved in hooliganism in Byalynichy. They ordered the car to follow them to the Mahiliou District Police Department, despite being presented valid documents. The policemen checked the trunk, where they found printed materials, but did not open the packs, escorting the car to the police station, instead. In the police department, the police officers compiled interrogation and search reports and seized a total of 12,000 independent newspapers: the newsletter "Social Democrat", which told about the People's Referendum, and the newspaper "Nash Mahiliou" dedicated to the information campaign "Save Old Mahiliou".

On August 17, it became known that Baranavichy football commentator Uladzimir Maisiuk was fired, despite having commented local matches for almost 20 years. The journalist lost his job after criticizing the state of the football field, where players received endless injuries. These comments were published in the local newspaper "Intex-Press" on May 9. In this article, the commentator compared the football pitch with a collective farm field and said that the stadium in Baranavichy lacked competitions and there was no development of children's sports.

On August 18, freelance journalists in Mahiliou, Ales Burakou and Mikhail Arshynski, were accused of collaborating with foreign media that did not have accreditation in Belarus. On the previous day, police Major Ruslan Marozau invited Ales Burakou to the police station for an interrogation concerning the fact that in October 2013 the TV channel "BelSat" had showed a story about the Mahiliou slums and how people still lived there. Regarding the journalist's status, the police officer said that Ales Burakou was questioned as a person facing administrative charges. According to Major Marozau, the case was forwarded from the KGB, and he had to react to the possible violation. The police officer had a CD with a few stories about Mahiliou aired on BelSat. One of them told about the Mahiliou slums. A KGB officer who investigated the case tried to determine the identity of the journalist involved in filming these stories. The independent journalist stressed that he did not contribute to the TV channel and knew nothing about the stories. Moreover, Ales Burakou has been banned from entering Poland since 2009, after a conflict with his former employers of Radio Racyja who cancelled his visa.

On August 21, the Council of Ministers adopted a resolution on the establishment of the Republican expert commission on evaluation of information products for the presence (or absence) of extremism. The decree provides for the establishment of a system of expert commissions in each of the regions of Belarus. According to a government report, "the commission will include recognized experts in the field of philosophy, psychology, philology, sociology, as well as representatives of the government who are in charge of counteracting extremism, which will help fully and adequately consider

materials for the presence of signs of extremism”. The Republican Commission will conduct examination of information products on the territory of Minsk. It will also to approve the rules for the regional commissions and their structure, develop recommendations for the regional commissions. In addition, it will address complaints against expert opinions passed by regional commissions, study and disseminate national and international experience to prevent propagation of extremist activity in information products. The commission will have the right to request and obtain the necessary documents, materials and information that are relevant for the examination. Also, it will be able to invite and hear at its meetings representatives of government agencies, organizations, associations and individual entrepreneurs. If necessary, the examinations will involve a variety of experts, public figures, which are not included in the commission. An examination may be initiated by state bodies, organizations, associations and individual entrepreneurs. It can also be carried out on the basis of decisions of state bodies or officials that “have such a right”. Expert opinions of the commission can be appealed in court, and those made by the regional commission — to the Republican Commission or in court. According to the Ministry of Information, the Council of Ministers took the decision in order “to foster the development of the law of Belarus “On Countering Extremism”. “The document was adopted in order to prevent the spread of information materials of extremist nature in Belarus, to protect the public interest against the destructive manifestations in the information space,” stressed the Ministry of Information.

On August 26, the Tsentralny District Court of Homel was supposed to consider the appeal of Mikalai Bianco. The journalist complained against a warning issued by the first prosecutor’s deputy of Homel region, in which he was accused of violating the law by making materials for the Poland-based Radio Racyja without accreditation. Mikalai Bianco holds the opinion that the official’s actions violated his constitutional rights and lawful interests. Unfortunately, the judge rejected the appeal, saying that a one-month period for appealing against prosecutor’s decision had expired. The judge refused to hold the hearing in the Belarusian language, rejecting the plaintiff’s request, and forbade human rights defender and BAJ member Leanid Sudalenka to speak on the journalist’s behalf. The judge also prohibited taking pictures in the courtroom. Representative of the Homel Regional Prosecutor’s Office Dzmitry Deboi who had prepared the warning to Mikalai Bianco, said that the journalist had received a right to appeal against the decision back on March 25, after the Regional Prosecutor issued a written refusal to cancel the warning. As a result, Judge Maryna Damnenka ruled to reject the complaint.

On August 29, Maryna Malchanava, a freelance journalist whose articles were published on the website of the TV channel BelSat, received a summons

urging her to appear at the police station in Babruisk in order to face administrative charges over violating mass media legislation. On August 31, a similar invitation was received by a journalist of the Belarusian Radio Racyja in Brest, Yauhen Skrabets. He received a phone call from the police and was asked to come to the department reportedly to clarify information regarding his publications posted on Radio Racyja website. In both cases, human rights defenders stress ongoing attempts to prosecute journalists for working with foreign media without accreditation, as both media have been for many years seeking such accreditation from the Belarusian authorities.

Restrictions on freedom of assembly

In early August, human rights activists received ten bans on holding pickets to mark the Day of Solidarity with the Belarusian civil society and to demand the release of political prisoners. Pickets were not allowed by local authorities in Navapolatsk, Vitsebsk, Homel, Mazyr Rechytza, Zhodzina, Barysau, Baranavichy, Smarhon and Mahiliou. All the bans referred to formal reasons: lack of agreements with law enforcement officers, medical services and public utilities, and intention to hold the pickets in busy areas in the city centres, which were not designated for such purposes by the local authorities.

On August 3, human rights activist Siarhei Housha received a letter signed by the deputy chairman of the Baranavichy City Executive Committee of Dzmitry Kastsiukevich, which said that the city authorities banned a rally on August 4 aimed to demand the release of political prisoners. The official argued that the applicant had infringed Part 5 of the Law “On Mass Events in the Republic of Belarus” and Part 4 of the City Executive Commission’s ruling No. 1497 “On the order of holding events in Baranavichy”. Siarhei Housha says that the picket was banned because the authorities believe that Belarus has no political prisoners.

The picket scheduled for August 4 by Vitsebsk human rights activist Leanid Svetsik was banned by local authorities. The decision was signed by deputy chief of the Chyhunachny District of Vitsebsk Natallia Liapioshkina. In his application, the activist reminded local authorities that the right of citizens to freedom of expression and the right to peaceful assembly were the most important political rights. Therefore, he requested that the government secured public order, health and cleaning services at the expense of the state. He also asked to “take measures to protect the picketers against possible provocations and misconduct by law enforcement agencies during the preparation and holding of the mass events, as well as after its completion”. However, the refusal was motivated by precisely by the lack of service contracts with the police, doctors and public utilities.

On August 4, Zhodzina human rights defenders did not receive any documentary evidence from the executive committee regarding the prohibition of the picket, which they planned to stage on August 4. Moreover, head of the ideology department, Iryna Karpovich, said on the phone that the ban had been mailed by a registered letter back on July 28.

On August 7, Brest authorities banned a rally in support of political prisoners. Unlike other cities of Belarus, this action was scheduled for August 10. According to human rights activist Uladzimir Vialichkin, who applied for the picket to the executive committee, he intended to hold the picket in the Peacekeepers' Memorial Park, a place officially designated by the local authorities as a location for public events. However, the authorities didn't allow the picket, as at the specified time the place would be allegedly occupied by another event. As it was found out, the holding of the picket was impeded by festivities on the Day of the Builder.

On August 11 human rights activists from Bioroza Tamara Shchapiotkina and Siarhei Rusetski sent a statement to Brest Regional Executive Committee with a view to oblige the Bioroza District Executive Committee to bring its ruling on the procedure for organizing and holding mass actions in accordance with Resolution No. 207 of the Council of Ministers, according to which the Executive Committee should within 24 hours after the submission of the application ask the police department to agree on securing public order during the public event. In April, the human rights activists appealed to the Ministry of Justice and to Brest Regional Police Department, asking them to oblige the Bioroza DEC to amend its ruling. They were told that the problem would be resolved. According to an answer from the Ministry of Justice signed by the first deputy minister A. Bileichyk and an answer from the Brest RPD signed by its head V. Uhljanitsa, the ruling of the Executive Committee had to be corrected to meet the ruling of the Council of Ministers. However, as the human rights activists were preparing another picket on July 27, they found out that it hadn't been done yet. The police again answered that they couldn't enter into a service agreement with the picket organizers, as they were to receive an application from the Executive Committee according to the ruling of the Council of Ministers.

On August 13, Vitsebsk regional coordinator of the movement "For Freedom" Khrystafor Zhaliapau received a reply from the Council of Ministers to a collective letter signed by several dozen residents of Vitsebsk, who urged the officials to contribute to amending ruling No. 881 of the Vitsebsk City Executive Committee "On Mass Events in Vitsebsk" and to initiate an appeal to the Constitutional Court in order to verify compliance of this document with the Constitution of the Republic of Belarus. The ban said that the Praesidium of the Council of Ministers decided not to submit the request of the authors of

the collective letter to the Constitutional Court. No explanations were offered for this decision. The activist also stressed that the Council of Ministers failed to respond to another question. He argued that the Council of Ministers could have amended the ruling of the City Executive Committee, which could not be implemented, as local authorities demand agreements with the police department, as well as medical and cleaning services. Meanwhile, these departments evade signing the contracts. Having failed to give a substantial answer, the Council of Ministers forwarded the address to the Ministry of Justice. The letter Khrystafor Zhaliapau received from the Ministry said that local authorities were free to set the order of applying for a permit for street actions. The only thing confirmed by the Ministry of Justice was that in different regions the order provided by the authorities was different.

On August 22, human rights defenders in the town of Biaroza were not allowed to stage a picket, which was scheduled for August 25. The event was expected to mark 23 years since the bill on the Declaration of Independence acquired a constitutional status, as well as to protest against the deployment of Russian military bases on the territory of Belarus and to demand the release of political prisoners. The ban was signed by the Deputy Chairman of the District Executive Committee Yauhen Tarasiuk. The official referred to the absence of a copy of the contract with the police, while, according to ruling No. 207 of the Council of Ministers, it is the Executive Committee itself who should approach the police department. Knowing about the illegality of the reference, the official added another reason: the stadium would be occupied by sports events for children and youth, which were said to attract people. On August 25, human rights defender Tamara Shchapiotkina and civil society activist Tatsiana Tarasevich came to the central stadium at the scheduled time in order to see whether there were any events attended by people, because of which Biaroza officials had banned the picket. However, the entrance to the stadium, where the activists had intended to place 10 picketers, was empty, as well as the grandstands. There were only 25 young athletes on the big football field: some of them played soccer, others were jogging around the field.

On August 24, human rights defender Siarhei Housha received a reply to his letter from the Baranavichy City Executive Committee signed by the Deputy Chairman Dzmitry Kastsiukevich. In his petition, the activist asked to specify the reason for the ban on a picket scheduled for July 27. The official said that the picket, which was expected to mark the anniversary of the adoption of the Declaration of Independence on July 27, was banned because the applicant had not submitted in due time copies of contracts with the City Department of Internal Affairs, the city clinic and the Spetsautabaza enterprise, who were supposed to service the planned picket. In reality, the activist had filed an

application a month before July 27 and later filed copies of contracts with the government agencies. The necessary documents were submitted 15 days before the date of the planned picket.

On August 27, it was reported that Vitsebsk authorities banned a picket set to mark Aliaksandr Lukashenka's birthday. A request for the event was submitted to the Kastychnitski district administration of Vitsebsk by local blogger Ihar Pastnou, famous for his criticism of health care officials. He fulfilled all the requirements that are prescribed by the ruling of the City Executive Committee "On Mass Events in Vitsebsk", but failed to receive permission. A letter from the district administration said that the applicant had not fully implemented the requirements of the Executive Committee's ruling No. 881. According to Ihar Pastnou, he did all that was required of him. He applied for an event, but was faced with a long-standing problem of the organizers of mass events — mismatching of requirements of the executive committee with the real situation. Applicants must submit to the district administration maintenance contracts signed by housing, health care and police authorities. Ihar Pastnou contacted all these agencies, but only received a positive response from the public utilities: the Zelianhas enterprise, which is responsible for cleaning the urban territory, signed a contract with him. The clinic representative said that they were not engaged in the organization of events, saying that Ihar Pastnou should write to the district administration, as it were them who were in charge of the events. A reply from the police said that they were securing public order in any capacity without any contracts, as it was their professional duty. Thus, the activist could not establish cooperation with the clinic and the police, which are mentioned in the ruling of the Executive Committee as the other side to enter into a contract. Ihar Pastnou was going to stage a one-man picket by displaying a banner "Thank Batska for our Happy Life!". In addition, the poster was going to feature a picture of his pay sheet with the amount of his salary, as well as photos of the wards in Vitsebsk hospitals.

On August 28, deputy chairman of the United Civil Party (UCP) Vasil Paliakou received a decision of the UN Human Rights Committee, which said that the Belarusian authorities had violated his right to peaceful assembly by banning in September 2008 a mass event aimed to urge citizens not to take part in the parliamentary elections which took place on September 28, 2008. The decision was adopted on July 17. Vasil Paliakou submitted his complaint to the UN Human Rights Committee after he was unable to protect his rights within the country. In its decision, the UN Human Rights Committee said that if the government imposed a restriction on the freedom of peaceful assembly, then it should promote the implementation of the law, instead of looking for unnecessary or inappropriate constraints. And since the government of Belarus

decided that only the prohibition of the peaceful assembly could ensure public order and safety, the protection of morals or health or the protection of the rights and freedoms of other persons, it thus violated the applicant's right to freedom of peaceful assembly under Article 21 of the International Covenant on Civil and Political Rights.

On August 28, the city stadium Mukhavets in Pruzhany hosted a picket staged to collect signatures for the development of local border traffic in the 30-kilometre zone between Belarus and Poland. The picket was the only authorized rally out of seven applications submitted across the Brest region. The event was attended by three persons. Aliaksandr Khrapko, coordinator of the campaign for small border traffic in Brest and member of the Belarusian Christian Democracy, said that the weather prevented them from campaigning. The Pruzhany activists did not even need agreements with relevant government agencies to hold the picket.

On August 29, dozens of Mahiliou residents signed a collective appeal to the Council of Ministers of Belarus, where they asked to cancel the ruling of the Mahiliou City Executive Committee "On Mass Events in the City of Mahiliou". The authors stressed that this ruling was contrary to the legislation on mass events and the International Covenant on Civil and Political Rights and therefore violated the constitutional rights of citizens to freedom of peaceful assembly. They argued that the ruling established additional requirements that were contrary to law and common sense. This referred to the need to provide maintenance contracts (public order, health care and cleaning). However, practice shows that these agreements cannot be concluded, as state agencies refuse to sign any contracts without permission from the executive branch. The executive officials, in their turn, would not give permission without being presented contracts for these services. The appeal stressed that violations of the law on mass events were of pervasive nature: similar requirements were contained in the rulings of the authorities of Vitsebsk, Orsha, Polatsk, Dubrouna, Hlybokaye, Dokshytsy, Talachyn, Miyory, Ushachy, Sharkaushchyna, Zhodzina, Pukhavichy, Barysau, Brest, Pinsk, Kamianets, Biaroza, Stolin, Homel, Kalinkavichy, Mazyr, Buda-Kashaliova, Retchytsa, Naroulia, Yelsk, Vetka, Zhytkavichy, Dobrush, Petrykau, Rahachou, Zhlobin, Svetlahorsk, Karma, Mahiliou and Mstsislau. Such restrictions are not applied in only two regions of the country: in the city of Minsk and in the Hrodna region. The petitioners urge the government to reverse the ruling of the Mahiliou City Executive Committee in order to conform it to the Constitution and the International Covenant on Civil and Political Rights, as well as to initiate the verification by the Constitutional Court of the conformity with the Constitution of 40 normative legal acts on the order of holding events.

Restrictions on freedom of association

On August 8, the Leninski District Court of Brest dismissed the claim of a former worker of the JSC “Savushkin Product”, Uladzimir Andrashchuk. He asked the court to force the enterprise managers to pay him 15 million roubles which were to be paid under the collective agreement at retirement. The direct boss of Mr. Andrashchuk was to have applied to the Director General of JSC “Savushkin product” and the latter was to decide whether to pay this sum. His immediate boss, however, decided not to apply, believing that Andrashchuk had no relation to the collective agreement, as he was not a member of the state trade union. However, Uladzimir Andrashchuk has a 39-year-long good service record at the enterprise. The court dismissed the claim referring to the fact that Andrashchuk’s boss didn’t apply for the payment to his subordinate, as required by the collective agreement. On the other hand, the court admitted that the worker was a party to the collective agreement, as required by Article 365, Part 2 of the Labour Code. If a worker who is not a party to the collective agreement files an application for joining the collective agreement, he becomes its party.

On August 26, founders of the republican human rights association Covenant, a movement for the implementation of the International Covenant on Civil and Political Rights, submitted to the Supreme Court their appeal against the refusal of the Ministry of Justice to register the public association. According to the NGO’s executive director Leanid Sudalenka, the organization was created to protect the interests of citizens, in whose cases the UN Human Rights Committee rules to find violations of their civil and political rights by the state. When refusing to grant state registration to the association, the Ministry of Justice referred to such inaccuracies in the documents as an error in the apartment number of one of the founders and the date of birth of another activist. The founders say these errors are technical and should not affect the decision on the state registration of an association.

Situation of Human Rights in Belarus in September 2014

In September, there were no positive developments in the human rights situation in Belarus, systemic and systematic violations persisted. During the month, there was a further consolidation of the most negative practices developed in the preceding period: arbitrary preventive detention and punishment of civil society and political activists, harassment of journalists for contributing to foreign media, the impossibility of holding peaceful assemblies to express alternative opinions, bans on establishing independent associations.

No positive changes occurred on the issue of political prisoners. Mikalai Statkevich, Eduard Lobau, Mikalai Dziadok, Yauhen Vaskovich, Artsiom Prakapenka, Ihar Alinevich and Vasil Parfiankou continued to be held behind bars. The authorities did not take any steps to release them, either on their own initiative or under pressure of external factors, primarily related to demands from the European Union and the United States for the release of political prisoners as a prerequisite for restoring normal relations. However, it should be noted that these demands were not so numerous, as there has been an obvious increase in cooperation with the Belarusian authorities. At the same time, the remaining agenda of negotiations with the official Minsk remained virtually unknown to the public.

In particular, from 8 to 11 September Minsk was visited by a US inter-agency delegation. Summing up the results of the visit, Deputy Assistant of the Secretary of State for Democracy, Human Rights and Labour, Thomas Melia, said that the issue of political prisoners was raised during a meeting at the Foreign Ministry of Belarus, which took place on September 9. Thomas Melia said that the United States' position remained unchanged. "The US has always called for the release of all political prisoners in Belarus," he said. "We also met with relatives of political prisoners, where I assured them that this issue remained important for us." Responding to a question about the Belarusian Foreign Ministry's reactions, Mr. Melia said: "Their position has not changed for several years. They continue to call them "so-called political prisoners". And yesterday's statement by the Foreign Ministry [after the meeting] reflects the differences that we have on this issue."

At the same time, when assessing the visit, Deputy Foreign Minister Aliaksandr Huryanau said at a press conference in Minsk on September 17 that "our relations with the European Union, the closest neighbours of the EU, with the US are dynamic". He reiterated the willingness of Belarus to pursue a pragmatic dialogue and cooperation, especially in the economic sphere:

“We have repeatedly stressed that the economy and the socio-economic development of Belarus in general are a priority. Therefore, fixating solely on the political process is not in the interests of our country.” Aliaksandr Huryanau said that “fortunately, there comes a certain understanding of the fact that Belarus is ready to discuss political issues, too, which concern our western counterparts, but in parallel also promote economic projects that the business is interested in”.

Thus, none of the sides mentioned whether they had achieved a balance of interests of political and economic nature during the negotiations and how it could affect the situation of democracy and human rights in Belarus and the fate of political prisoners.

An important event in the assessment of the human rights situation in Belarus was the presentation at the office of the UN High Commissioner for Human Rights of an alternative report by Belarusian non-governmental organizations submitted under the Universal Periodic Review procedure. Noting certain steps taken to implement the recommendations made in the first cycle of the UPR, human rights defenders expressed concern about the lack of real progress on key problem areas of human rights in the country: “The Belarusian authorities have not demonstrated the minimum level of policy of support and respect for human rights. The UPR recommendations on the release of political prisoners, liberalization of the law on freedom of expression and electoral laws were found inadmissible and were not fulfilled; on some issues, the legal framework is even more rigid. There are no bodies in the country which can be responsible for the development and promotion of policies on human rights, no periodic comprehensive plans in this area have been adopted. Activities of the parliamentary commission, the competence of which, inter alia, includes human rights issues, has been nearly unknown during the reporting period.”

Political prisoners, criminal prosecution of civil society activists

On September 3, political prisoner Yauhen Vaskovich thanked BAJ activists for the kind words and congratulations on the 100th anniversary of the Bobruiskiy Kurier independent weekly, where he had worked before his arrest. “Of course, I cannot work as a journalist here, writing for mass media. However, what I had learned from the Bobruiskiy Kurier and BAJ gave me a good school of life and helped survive, remain cheerful and not to grieve,” said the political prisoner. On September 20, Rushaniya Vaskovich, Yauhen Vaskovich’s mother, said that in mid-October he was expected to be transferred to Mahiliou penal colony No. 15, where he had been serving

his sentence before being transferred to prison No. 4. The move was to complete a 3-year prison term handed down by the court for violating colony rules.

On September 4, after two months of silence, political prisoner Vasil Parfiankou was visited in the Horki penal colony by lawyer Volha Bezbarodkina. During the meeting, the lawyer agreed on the text of a supervisory appeal against the sentence and learned about Vasil Parfinakou's detention conditions. According to the lawyer, Vasil could not explain why his friends did not get letters from him. Vasil Parfiankou was still held alone in so-called PKT, a cell-type room. The counsel said that the prisoner was pale and had lost weight. On September 28, activist Volha Mikalaichyk, who regularly corresponds with Vasil Parfiankou, said that the political prisoner did not receive letters again. In mid-September, Volha Mikalaichyk visited the colony in Horki, but was not allowed to see Vasil Parfiankou and the prison staff refused to accept a parcel for the prisoner. Since then, Volha had sent him several letters with magazines, newspapers, blank postcards, but received a message from him saying that her letters and messages of other friends and associates were not reaching the prisoner.

On September 6, Maryna Adamovich, wife of political prisoner Mikalai Statkevich, reported learning from a husband's letter about the confiscation of seven letters with comments on the recent developments in Ukraine. On September 8, Mikalai Statkevich's father, Viktor Statkevich, received an anonymous letter with threats to him, his son and his wife Maryna Adamovich. The letter was found in the mailbox, and the text was written by an unknown hand in big letters. The anonymous author said that when Mikalai was released from prison, he would be killed. On September 10, the 88-year-old Viktor Statkevich, who lives in Baranavichy alone, and Mikalai Statkevich's wife filed a statement to the police about receiving the anonymous threat. On September 15, Maryna Adamovich said that the censors of the Mahiliou prison, where Statkevich was serving a punishment, had seized his letter to his father. It was the first time in almost four years of the political prisoner's imprisonment. On September 12, Statkevich was visited by a lawyer. On September 29, Maryna Adamovich said that her husband had phoned to say that he managed to protect his right to choose clothing during prison physical exercise. Previously, the political prisoner was prohibited to do sports with no prison uniform on, and told him that the violation could result in punishment. Mikalai Statkevich disagreed and challenged the unlawful restrictions. Maryna Adamovich said that in September Mikalai Statkevich and other prisoners of the Mahiliou prison were visited by a supervising prosecutor. According to her, the prosecutor noted that "Statkevich looks good in prison". The political prisoner's wife knows nothing of any complaints to the prosecutor.

On September 8, Maryna Lobava, mother of political prisoner Eduard Lobau, said that despite the fact that in the early summer her son completed a course of welding, he could not be employed in the colony. According to Maryna Lobava, her son sometimes received assignments in the industrial zone, performs some work, but it had nothing to do with welding.

On September 15, Uladzimir Alinevich, father of political prisoner Ihar Alinevich, said that his son was employed in woodworking in prison "Vitsba-3". He could not clarify what exactly his son was doing in the colony where he had arrived in July. According to Uladzimir Alinevich, his son had been given a phone card, and he could at least occasionally, but regularly call home. During his stay in the Navapolatsk colony, where Ihar Alinevich had served more than three years, he was actually deprived of this possibility. In addition, Ihar Alinevich's father started receiving more letters from his son.

On September 16, the Tsentralny District Court of Minsk started the criminal proceedings against an opposition activist from Homel, Yury Rubtsou, who faced charges under Article 391 of the Criminal Code, "contempt of the judge". The case was heard by Judge Natallia Vaitsekhovich. The charges stemmed from a statement by Judge Kiryl Palulekh of Minsk's Savetski District Court, who claimed that Yury Rubtsou had insulted him during the consideration of his administrative case on April 28. The judge questioned Yury Rubtsou. He explained that on April 28 he had been taken to the court of the Savetski district of Minsk despite wearing no shirt and glasses, which offended his dignity. Moreover, he could not read the materials of the administrative case. Therefore, he said that it was "not a trial, but a show". Then there was a questioning of the victim, Kiryl Palulekh, and several witnesses, police officers Sharko and Bely, as well as a district police officer Pavel Neliubovich, who were present at the administrative proceedings, and Secretary Darya Stasiuk, who confirmed Judge Palulekh's statement that Rubtsou had insulted him. They said that Rubtsou had used foul language, saying that it was not a court but a show, and called Judge Kiryl Palulekh a "scum". Due to the fact that some of the witnesses failed to show up at the trial, the hearing was postponed until October 6.

On September 20, Vyaleta Prakapenka, the mother of political prisoner Artsiom Prakapenka, said that her son had received a temporary job in the Mahiliou-based colony No. 15, where he was serving his sentence. According to her, Artsiom's parents had received several letters and phone calls from their son. In a conversation with his sister, Artsiom said that in July he had received a penalty for wearing inappropriate clothing, when he took off his uniform during a heat. Meanwhile, other prisoners were allowed to do so. On September 22, Aliaksandr Dziadok, father of political prisoner Mikalai Dziadok, who is serving a sentence in prison No. 4 in Mahiliou, said that his son had

spent 20 days in a punishment cell. The prison authorities punished him for a violation of the dress code for the prisoners. The penalty was issued just a day after the political prisoner's birthday, August 23. Over the period of his imprisonment, Mikalai Dziadok has received more than 20 penalties from the prison administration. After his release from the punishment cell, the political prisoner was visited by a lawyer.

Enforced disappearances

On September 1 Raisa Mikhailouskaya, head of the Belarusian Documentation Centre, said that Uliana Zakhарanka had received the status of a victim in the case of her son Yury Zakhарanka and therefore received access to the materials investigation into his disappearance. The human rights activist said that in May 2014 the BDC had helped Uliana Zakhарanka write an application based on Article 252 of the Code of Criminal Procedure, which sets out the rights of victims. The investigator initially dismissed the petition. This refusal was appealed twice, and as a result on July 14 Uliana Zakhарanka was granted victim status. She learned about the decision only on August 28 after two complaints had been submitted against investigator Yury Varauka who did not respond to her request. Were it not the Investigative Committee who informed her about the results of considering the complaint, she would never have learned that the investigator had taken a positive decision. This case is a gross violation of the Code of Criminal Procedure, as in accordance with Article 50 of the CCP the victim has the right not only to know the essence of the charges, but also has to receive reports of the decisions that affect their rights and interests, and to obtain copies of these decisions. Meanwhile, even the means of signing the document chosen by Yury Varauka looked strange. He came to the woman's house accompanied by a few people, did not give his name, frightened the old woman, slipped the paper into her hands and told her to sign it. The 90-year-old woman signed, but feared that this would deprive her grandchildren of an apartment in Minsk, all that was left from Yury Zakhарanka. The family has been unable to dispose of the property for 15 years, because the civil case on the recognition of the general deceased has not been completed. Raisa Mikhailouskaya also said that BDC lawyers prepared and sent to the Investigative Committee a petition on behalf of the victims, Volha Zakhарanka and Iryna Krasouskaya, asking to merge the criminal cases into one proceeding. The letter also asked to view the actions of individuals involved in the crime according to Article 128 of the Criminal Code, as Yury Zakhарanka, Viktor Hanchar and Anatol Krasouski were victims of criminal acts against the security of mankind (systematic implementation of extrajudicial executions, kidnapping, entailing their disappearance). A decree

of July 17, 2014 issued by the same investigator Yury Varauka once again unreasonably rejected the petition, referring to lack of evidence.

On September 8, the Belarusian Documentation Centre (BDC) prepared a separate presentation for the “right to life” section of the joint alternative report by Belarusian NGOs under the Universal Periodic Review. The paper sets out the problem of enforced disappearances of political opponents of Belarusian authorities Yury Zakharenka, Viktor Hanchar, Anatol Krasouski and Dzmitry Zavadski. BDC is deeply concerned with the fact that the 15-year statute of limitations for criminal liability for the disappearances expires in 2014, which will allow the authorities to close the criminal cases and perpetrators of crimes against humanity will go unpunished. These documents will be considered at the 22nd session of the United Nations Human Rights Council in May-June 2015.

Persecution of human rights defenders and organizations

On September 23, the Mahiliou Regional Court held the first hearing in the case of a three-month suspension of activities of the Mahiliou Human Rights Centre. The lawsuit filed by the justice department said that the NGO “failed to submit in a specific time the documents required for registration of changes in the legal address”. In connection with this, the public association received two warnings that were not appealed, and the violations were not corrected. The Mahiliou Human Rights Centre was registered in a room with a declared area of 17 square meters, the figure specified by the human rights activists in their documents. Employees of the department of justice found that the actual area of the premises was 17.3 square meters, and asked the founder of the organization to make corrections to the documents. The clerical error could have been easily fixed, but the owner of the premises, who initially agreed to shelter the non-governmental organization refused to re-sign the contract with the corrected information on the office after the return of documents from the justice department. The NGO’s leader Uladzimir Krauchanka argues that the position of the landlord changed after he received “strong recommendations” from above, alluding to pressure from local authorities. In case an NGO doesn’t find premises for the registration of its legal address within three months it can be dissolved through court.

On September 23, human rights defender Elena Tonkacheva, a citizen of the Russian Federation, who has for nearly 30 years lived in Belarus, received a notice of the initiation of revocation of her residence permit. The human rights activist said she would take all necessary legal actions that might affect the situation. Ms. Tonkacheva hoped for a positive solution to the problem and the opportunity to stay in Belarus. Elena Tonkacheva is the leader of an educational institution “Legal Transformation Centre (Lawtrend)”.

On September 30, the Supreme Court upheld the legality and validity of the position of the Ministry of Justice, which denied registration to the human rights association “Movement for the Implementation of the International Covenant on Civil and Political Rights” (“Covenant”). Judge Mikalai Babkou dismissed an appeal by Uladzimir Bukshtynau, Leanid Sudalenka and Mikhail Pastukhou, who asked the court to reverse the refusal to register the public association, since this decision violated the constitutional right to freedom of association of 52 citizens of Belarus — founders of Covenant. The Supreme Court refused to grant the applicants’ request to review legal acts relating to the registration of public associations.

Administrative prosecution of civil society and political activists, arbitrary detention

On September 3, Minsk police detained an activist of the organizing committee of the Belarusian Christian Democracy Dzianis Laikou who was campaigning against broadcasting of Russian TV channels in Belarus. Police officers also detained two independent journalists who covered the event, including a reporter for the Novy Chas weekly Viachaslau Piashko. All of them were taken to the police department of the Frunzenski district. Nearly three hours after the arrest all detainees were released without charges.

On September 11, Yahor Viniatski, activist of the Zmena youth opposition group, was detained by police in Minsk. The activist was taken to the police department of the Tsentralny district, where he was charged with resisting arrest (Art. 23.4 of the Administrative Code). On September 12, Judge Dziankevich of the Court of the Tsentralny district found the activist guilty and sentenced him to 15 days of administrative arrest.

On September 12, the Court of Minsk’s Maskouski district sentenced Pavel Vinahradau, activist of the Zmena youth initiative, to 15 days of arrest on charges of disorderly conduct. He was also fined 1.5 mln roubles for violation of the rules of preventive supervision and 450,000 roubles on charges of alleged drinking alcohol in a public place. According to witnesses, who were police officers Kantsavy and Viarbitski, on September 11 Pavel had been allegedly drinking beer at the stadium near the police station. However, on that day the activist was in the police station, where he came to check in as required by preventive supervision. Despite this, Judge Tatsiana Motyl found him guilty on all charges. Pavel tried to impeach the judge, but the request was rejected. The activist pleaded guilty only of violating the rules of preventive supervision: he was out when police officers came to check his residence.

On September 12, friends lost contact with Vital Vasilkou, activist of the Zmena opposition movement. On September 15, it became known that he had been detained by police on charges of disorderly conduct (Art. 17.1 of the Code of Administrative Offences) and disobedience to the police (Art. 23.34 of the CAO). He was taken to the police department of Minsk's Partyzanski district. The activist spent the weekend in the detention centre. On September 15, Judge Natallia Dziadkova of the Partyzanski District Court found Vital Vasilkou guilty and sentenced him to ten days of arrest.

On September 12, Minsk police detained 25 participants of the initiative "Cinema in the Underpass". The screening was to be held in the city's central Gorky Park. All the detainees were taken to the police station of Partyzanski district, but three hours later released. On September 18, 20 persons were detained near the metro station "Frunzenskaya", where a documentary film about street artist Banksy was going to be screened. Among them were Dzmitry Latushkin and Anastasiya Dol. The detainees were taken to the police department of the Maskouski district. All of them were later released, except for Latushkin and Dol. On September 19, they were taken to the Maskouski District Court. They activists were charged under two articles of the Administrative Code: disorderly conduct (Art. 17.1) and disobeying police officers (Art. 23.4). Judge Tatsiana Motyl sentenced Anastasiya Dol and Dzmitry Latushkin to arrests of six and five days, respectively. Moreover, Latushkin was convicted secretly — without a lawyer and witnesses.

On September 16, activist Illia Dabratvor was detained before the start of the trial of Yury Rubtsou in Minsk. The police did not like his T-shirt with the inscription "Freedom to Political Prisoners", which was the cause of his detention. The activist was charged with violation of Articles 17.1 (disorderly conduct) and 23.4 (disobedience to the police) of the Administrative Code. On September 17, the Leninski District Court heard the administrative charges. The trial was conducted by Judge Mikhail Khoma. Police officers, who testified in the court, claimed that Dabratvor had been drunk, but the judge rejected the request for examination for alcohol. The judge also refused to interview journalist Siarhei Satsuk, who witnessed the arrest of Illia Dabratvor, as well as other witnesses who were outside the court building on that day. The judge also refused to screen police video footage. As a result of the trial, Mikhail Khoma found the activist guilty and ordered on administrative arrest for a period of 20 days.

On September 19, Hrodna police detained civil society activist Volha Krapotsina. The police officers took 17 leaflets with the text "Return the Crimea to Ukraine", and the activist herself was taken to the police station. Human rights activist Uladzimir Khilmanovich wanted to accompany the detainee, but was not allowed to do so. Volha Krapotsina was questioned for two hours.

After that, she was taken to her place of residence and the police searched the room. No printed materials were found, but the police seized a laptop that did not belong to Volha Krapotsina.

On September 27, Salihorsk police detained an activist of the European Belarus movement Uladzimir Lemesh, who has been for several years studying abroad and therefore rarely visited Belarus. The activist was approached by two unknown persons in the street. One of them said he was police officer named Zhyhimont and said that they needed to take Lemesh to the police department. There he was met by another police officer, who charged him with disorderly conduct for allegedly swearing outside his house. Before the trial, Uladzimir Lemesh was held in the detention centre for two days. On September 30, Judge Siarhei Samuilik of the Salihorsk District Court found the young man guilty of a violation of Article 17.1 of the Administrative Code and fined him 300,000 roubles. After the court session, Uladzimir Lemesh was taken back home for a so-called review. The review was authorized as part of a probe into vandalism allegations, which stemmed from an art performance by an unknown group called "Partyzan" who had painted a 15-meter sign at the entrance to Salihorsk in white-red-white. As a result of the search, police officers seized copies of signature sheets for presidential candidate Andrei Sannikau in the 2010 election, a book by Ales Bialiatski, a white-red-white flag and several ribbons. The police officers failed to explain what these things had to do with the vandalism case.

Restrictions on freedom of speech and the right to impart information, harassment of journalists

On September 3, it was reported that United Nations Human Rights Committee found that the rights of Maryna Koktysh, journalist of the Narodnaya Volia newspaper, had been violated when she had been denied accreditation at the House of Representatives of the Belarusian parliament back in 2008. The journalist had requested accreditation, but her request was rejected without explanation, although previously she had received such accreditation. Narodnaya Volia's editorial office sent a letter to the Chairman of the House of Representatives. However, the newspaper received a reply from chairman of the Commission on Human Rights, National Relations and Mass Media Yury Kulakouski. He explained that the journalist was denied access to the Government House. Thereafter, Ms. Koktysh filed several lawsuits, but the situation did not change. The Committee concluded that the Belarusian authorities violated Article 19 of the International Covenant on Civil and Political Rights, which guarantees the right to a free collection, retrieval and dissemination of information.

On September 4, the Supreme Court ordered the Polish Television to stop using the trademark “BelSat” when broadcasting to the territory of Belarus, as well as on the webpage “BelSat”, accessible to users on the territory of Belarus. The court also decided to recover from the defendant 9,998,800 roubles of legal costs. The lawsuit against the company Telewizja Polska SA, which owns the trademark “BelSat”, was filed by the owner of the Belarusian company “BELSATplus” Andrei Beliakou in May 2013. According to Beliakou, his firm was selling equipment for receiving satellite and cable television and allegedly suffered losses due to consonance with the name of the channel. On January 27, 2014, the Supreme Court dismissed Beliakou’s lawsuit due to the fact that the applicant had not provided evidence of a violation of his exclusive rights to the trademark. But five months later, the Praesidium of the Supreme Court decided to send a lawsuit against the TV channel for a new trial in connection with the allegedly flawed examination of the evidence in the case.

On September 16, seven police officers led by Major Uladzimir Puhachou broke into the apartment of an independent journalist Ales Burakou. The policemen ordered a woman who introduced herself as an employee of the housing office to ring the bell, and as soon as Ales Burakou opened the door, he was nearly knocked down. Law enforcement officials conducted an inspection of the apartment. All their actions were recorded on video. They said that Burakou was suspected of breaking the law “On Mass Media” because of allegedly collaborating with the German radio “Deutsche Welle” without accreditation. The police officers relied on publications posted on the radio’s website and signed by Ales Burakou. After the apartment had been inspected, the police went to search the apartment of Ales’ parents, where they also seized computers. As a result, the police seized two PCs and two laptops for examination. They promised to return the computers within one or two weeks, as soon as the check was finished. Ales Burakou noted that he only had a protocol on the inspection. No protocol on withdrawal of the computers was given to him. On September 18, Ales Burakou filed a complaint about the actions of the Leninski district police department of Mahiliou with the Interior Minister Ihar Shunevich and Chief of Police Department of the Mahiliou Regional Executive Committee Aliaksandr Kavalchuk. He also sent a complaint to the Mahiliou Regional Prosecutor. The journalist believes that the searches that were conducted on September 16, as well as the seizure of computer equipment in his apartment and the apartment of his parents, were unlawful, and all evidence obtained during the conduct of these proceedings has no legal force. On September 23, Ales Burakou once again met with police officers in the Leninski district police department of Mahiliou. The journalist was accompanied by human rights defender Barys Bukhel and Ales’ parents.

They asked to attend the questioning, but police Major Uladzimir Puhachou rejected the request. This time the conversation did not result in any charges. The policeman knew about the numerous complaints of violations during the inspection in the apartments, which the journalist had sent to various authorities. He handed a summons for September 30 and said that by this time the decision had to be taken whether he could face administrative charges, or receive apologies and his administrative case would be closed. On September 30, deputy chief of enforcement and prevention department of the Leninski district police department, Major Uladzimir Puhachou showed the journalist a report of administrative offence. According to the document, the journalist was charged under Part 2 of Article 22.9 of the Administrative Code, illegal production and distribution of media products. The protocol mentioned example of such “illegal products”, an article entitled “Smuggler’s Trail: Do Russian sanctions work near border?”, signed by Ales Burakou and posted on dw.de (“Deutsche Welle”) on August 25, 2014. The police officers returned to the journalist two laptops that belonged to his wife and were taken during the inspection of his apartment, as well as one of the PCs seized at the apartment of his parents. The other PC remained in the Leninski district police department.

On September 16, the OSCE Representative on Freedom of the Media Dunja Mijatovic said during her official visit to Minsk that the requirement for mandatory accreditation of journalists in Belarus should be abolished, because it actually limits opportunities of the media. She stressed that she constantly raised the issue in the course of her contacts with representatives of the Belarusian authorities. Besides the abolition of compulsory accreditation of journalists, Belarus should reform media legislation and laws governing access to information, said Dunja Mijatovic. These laws, according to her, are “in urgent need of reform” and should be “harmonized and liberalized in accordance with international standards”. Changes in legislation in the field of media are needed for a real improvement of the situation in the country, said the OSCE Representative. An important issue is also the freedom of the Internet, she said: “In my agenda, this question occupies an important place in relation to all the countries participating in the OSCE in order to ensure that no restrictions are planned on the Internet or something like that”.

On September 24, the Ministry of Foreign Affairs of Belarus denied foreign media accreditation to Viktor Parfionenka, journalist of the Radio Racyja. He was told about this by the press service of the Foreign Ministry. The journalist sent his application on July 16. It was his seventh attempt, which, just like all the previous ones, ended in a failure. The journalist says the decision discriminates against society’s ability to obtain accurate and comprehensive information from the Belarusian Radio Racyja.

On September 25, Judge Natallia Charapukha of the Babruisk City Court announced her judgement in the case of independent journalist Maryna Malchanava, who was accused of collaboration with foreign media without accreditation. The judge read out the request of a police officer Siarhei Rudzko sent to the Ministry of Foreign Affairs, and the Ministry's answer. She also read out the policeman's letter to the Krasnapolle police department requesting to interrogate the woman shown in a story on the BelSat TV channel. Maryna Malchanava's lawyer explained to the court that her client could not be punished for the offence she was charged with. She noted that Malchanava was an individual, and Article 22.9 of the Administrative Code provides for the punishment of legal persons. She also explained the difference between a finished product, i.e. mass media, and the collection of materials, recalling Article 34 of the Constitution which guarantees the free collection and dissemination of information by any citizen of Belarus. After an hour's break, Judge Natallia Charapukha announced her ruling: Maryna Malchanava was found guilty of violating Article 22.9, Part 2 of the Administrative Code and punished with a fine of 4.8 mln roubles.

On September 26, the Belarusian Association of Journalists adopted a statement regarding the illegality of harassment of reporters, whose names and materials appeared in the foreign media. The journalists' union believes that such pressure on journalists has an open character of intimidation and blackmail, and is contrary to the rules of national law and the international obligations of the Republic of Belarus in the field of freedom of information. The Belarusian Association of Journalists noted that the provisions of Article 22.9 of the Administrative Code, "violation of legislation on the media", had been repeatedly and unlawfully used against journalists who submit their materials to the foreign media. This practice violates both the domestic legislation of the Republic of Belarus and the international commitments of our country in the field of freedom of expression.

Restrictions on freedom of assembly

On September 1, Brest authorities banned a series of pickets in support of small border traffic. According to one of the initiators of the pickets Aliaksandr Khrapko, their applications emphasized that the pickets would be held in a local park and at the Locomotive stadium. It is these sites that the city authorities themselves specified in their decision as places where mass actions of this kind could be held. In total, according to Aliaksandr Khrapko, only one picket (in Pruzhany) was authorized out of all applications for holding similar events across the Brest region.

On September 1, Deputy Chairman of the organizing committee of the celebration of the 500th anniversary of the Battle of Orsha, artist Mikola Kupava, received an official ban from the Orsha district executive committee. The official reason for the ban was lack of service contracts with the police, ambulance and public utilities. According to a ruling of the executive committee, such contracts must be concluded by the applicant before applying for permission. However, it is impossible to enter into such contracts as the appropriate services insisted they did not provide such services. Therefore, local civil society activists didn't manage to hold a single street action for the last four years. Mikola Kupava believes that if Orsha authorities had agreed that the battle was a momentous historical event, and its 500th anniversary was an important date, they would have written what the organizers of the celebration needed to do and in which order to obtain a permit. Moreover, they could help organize it, which would eliminate the need of the service contracts. However, the executive committee protracted the time as long as it could, and then sent a denial.

On September 3, human rights defenders Siarhei Rusetski and Tamara Schapiotkina received a reply from the Brest Regional Executive Committee to their petition asking to assess the compliance of decisions of the Biarozza district executive committee with decrees of the Council of Ministers. The answer was signed by Deputy Chairman of Executive Committee Leanid Tsuprik. The letter said that the district executive committee was instructed to bring its decisions into conformity with ruling No. 207 of the Council of Ministers, according to which the local agency should itself apply to the police to secure the maintenance of public order at public events.

On September 4, activists of the organizing committee of the Belarusian Christian Democracy in the Hrodna region reported receiving 13 refusals to their 13 applications for information pickets in different cities. They intended to hold the events to inform the population about the problems of the introduction of local border traffic. The peculiarity is that all applications for different days were filed by one person, activist Anatol Makarau. He received bans from the Astravets, Ashmiany, Berastavitsa, Vaukavysk, Voranava, luye, Lida, Masty, Svislach, Smarhon and Shchuchyn district executive committees, as well as from the Hrodna and Skidzel city executive committees. The overwhelming majority of refusals referred either to the fact that the indicated action site was not determined as a place for mass events by the authorities, or that the applicant had failed to enter into service contracts with the police, ambulance and public utilities. There were also original reasons: for instance, the Masty executive committee explained its refusal by holding the event "Hello, school!" at the specified time and place, and the luye executive committee said that the industrial market did not work on September 6, as a result of which the picket

could not be held. The Berastavitsa and Vaukavysk executive committees violated the Law “On Languages” by answering in Russian, whereas the applications were filed in Belarusian. The answers were signed by Chairman of the Berastavitsa executive committee Anton Kulisevich and Deputy Chair of the Vaukavysk executive committee Uladzimir Zakharchuk. The answer from Berastavitsa openly stated: “Makarau A.P. shall be banned to hold the mass event”.

On September 5, the District Court of Khoiniki ruled to meet the complaint by a UCP activist Aliaksandr Protska and cancel the decision of the local executive committee to ban a picket. Aliaksandr Protska planned to stage two pickets on July 27 in order to highlight the values of independence and sovereignty, as well as to express solidarity with the Ukrainian people in their fight to preserve the integrity and independence of the state. The activist submitted to the executive committee an appropriate application for holding the pickets at two sites — near the supermarket Yubileiny and on Lenin Square. However, the executive committee banned the pickets, citing the fact that these sites could be only used for meetings of candidates with the citizens or other meetings during elections. According to the official, the locations were not designed for pickets. Aliaksandr Protska did not agree with this decision, arguing that it limited his rights, and challenged it in the Court of Khoiniki district. Over the past ten years, this is the first case when a court did not agree with a decision of an executive committee.

On September 5, Biaroza human rights defenders and civil society activists were not allowed to hold a picket on September 8 with the aim of celebrating the 500th anniversary of the Battle of Orsha, so called Day of Military Glory, and expressing protest against the deployment of Russian military bases on the territory of Belarus, and the presence of political prisoners. The ban was signed by Deputy Chairman of the Biaroza District Executive Committee Yauhen Tarasiuk, the order for the ban — by Chairman, Yury Narkevich. One of the reasons for the picket ban was that the applicants had mistakenly attached a copy of the contract with the public utilities for a picket with a different date, August 25. Despite the fact that the error was corrected by the applicants, the executive committee used it to ban the event. The other reason was lack of service agreement with the police, although the district executive committee had been instructed by the Brest Regional Executive Committee to amend its ruling “On the order of holding mass events” in accordance with Ruling No. 207 of the Council of Ministers, according to which police should be ordered to guard mass events by the executive committee, not by the organizers.

On September 9, human rights activist Siarhei Housha filed a complaint to the Chairman of the Brest Regional Executive Committee against the decision of the Baranavichy City Executive Committee dated July 14, 2014,

prohibiting picketing on 27 July. As it was stated in the complaint, the picket dedicated to the anniversary of the Declaration of Independence of Belarus, was banned by officials as the applicant had allegedly failed to submit timely copies of contracts with the police, ambulance and public utilities. Mr. Housha reported that the human rights defenders had filed their application for the picket one month before its date, and somewhat later brought copies of the agreements for serving the event. At the same time, Siarhei Housha reminded that the organization and conduct of mass events was governed not only by law, but also by ruling No. 207 of the Council of Ministers of March 4, 2012, which doesn't require the organizers to enter into service agreements with the police. According to this regulation, the day after the registration of the application for a mass event, the executive committee was to have presented a copy of the application to the police, which was not implemented by the city authorities. That's why Mr. Housha asked the Brest Regional Executive Committee to oblige the Baranavichy City Executive Committee to amend its ruling No. 1497 of June 16, 2009 "On the order of conduct of mass events in Baranavichy" in connection with the adoption of Ruling No. 207 of the Council of Ministers of March 5, 2012, and refrain from violating the rights of organizers of mass events in the future.

On September 10, Salihorsk City Executive Committee did not authorize a picket aimed at campaigning for a healthy environment. The event was organized by the local Young Front activist Ivan Shyla. According to Ivan Shyla, the officials allegedly didn't like the proposed place for the event. He said that the organizers had taken into account all the constraints of national legislation, including the required 50-meter distance from buildings of the government. However, as it turned out later there was a 10-month's old ruling of the Salihorsk City Executive Committee, according to which pickets were prohibited on the central square, allegedly to prevent "emergency incidents".

On September 19, members of the Conservative Christian Party BPF Yan Dziarzhautsau, Aleh Yemialyanau and Peter Sarapenia received bans from the three regional administrations where they had applied for holding pickets in three districts of Vitsebsk. The purpose of the actions was publicly condemning the Russian aggression against the sovereignty of Ukraine. The pickets were to be held from 22 to 24 September in places specially designated by authorities for mass actions. The bans were issued on the grounds that the organizers had not entered into service contracts with the public utilities, the clinic and the city police, which were required in accordance with the decision of the Executive Committee of Vitsebsk. However, this decision is impossible to implement, as the doctors and policemen never agree to sign such contracts. Therefore, the activists decided not to apply to them at all.

On September 24, civil society activist Tatsiana Hrachanikava received a ban on holding a one-person picket against the war in Ukraine issued by the Minsk city executive committee. “Your application does not comply with Art. 9 of the Law “On Mass Events,” said the decision signed by deputy chairman of the Minsk City Executive Committee I. Karpenka. In particular, the official believes that mass event “will not contribute to the preservation of elements of improvement and green spaces, may cause interference with pedestrian and car traffic, distract motorists from observing traffic rules”. In addition, the application “does not provide specific measures to ensure public order and safety during the conduct of the mass event”.

Restrictions on freedom of association

On September 26, Warsaw hosted the OSCE’s annual meeting on human dimension, which included a side event entitled “Freedom of association and the legal environment for civil society organizations in Belarus”. The event was organized by the Assembly of Democratic NGOs of Belarus and the Legal Transformation Centre. The meeting was aimed at familiarizing the participants with the content of the alternative report, submitted by Belarusian organizations to the United Nations Human Rights Council in preparation for the second round of the Universal Periodic Review of Human Rights. The event focused on the implementation of recommendations for improving the legal framework for the activities of non-governmental organizations, received by the Belarusian authorities during the first round of the UPA in 2010. In his speech, the Assembly’s lawyer Yury Chavusau noted that the Belarusian government had not fulfilled the absolute majority of the recommendations relating to freedom of association. It did not follow the recommendations, which in 2010 were recognized by the Government of Belarus to be acceptable, and therefore, our country assumed the obligation to take them into account. In particular, the recommendation of decriminalizing unregistered organizations (the infamous Article 193-1 of the Criminal Code) was not implemented: though there have been no new sentences under Article 193-1 since 2008, the article continues to operate and has a negative impact on the development of Belarusian civil society. Director of the Centre for Legal Transformation Volha Smalianka stressed that the numerous changes in the law on non-governmental organizations that occurred between 2010 and 2014 in no way solved the major legal issues and limitations for non-profit organizations. The Centre’s expert Aliaksei Kazliuk noted that, compared to the first round of the Universal Periodic Review, the intensity of interaction of the government with national human rights institutions had decreased and was limited mainly to formal events with a theoretical discussion of human rights issues, far from practical issues of their implementation in public policies.

On September 30, it became known that the Belarusian authorities denied registration to the public association “Regional Union of Litvins”. “The list of founders of the NGO Regional Union of Litvins” contains incomplete and inaccurate information about the founders of the public association, which makes it an invalid document,” said the ban from the Ministry of Justice. In particular, there was no information on the home and work phones of two co-founders, and inaccurate information about the place of residence of three co-founders. Moreover, the authorities cited another example of false information: “town of Slauharad, K. Marx Street”, whereas, according to the Ministry of Justice, it should look like this: “town of Slauharad, Karl Friedrich Marx Street”. And this is despite the fact that Karl Marx’s father was Heinrich. The NGO’s chairman Aliaksandr Straltsou said the founders would appeal against the refusal to the Supreme Court.

Situation of Human Rights in Belarus in October 2014

The human rights situation in Belarus in October remained consistently bad, preserving the systemic and systematic nature of abuses. The growth of the practice of arbitrary detention and sentencing to administrative arrests required a separate emphasis from human rights defenders on this issue as a very dangerous topic from the point of view of the pressure on activists, their defencelessness against illegal actions of law enforcement bodies, further degradation of the judicial system and readiness to fulfil political orders. Human rights defenders expressed serious concern that the tactic of short-term arbitrary arrests would be extended and used to block social and political activity both in preparation for the presidential election campaign, and during it next year, taking into account the factor that such actions by the authorities do not cause sharp reaction from the international community. Of pervasive nature is the negative trend for administrative prosecution of journalists working for foreign media without accreditation. Meanwhile, obtaining such accreditation was still impossible due to ongoing refusals from the Foreign Ministry.

There were no positive developments in addressing the most pressing problem — the existence of political prisoners. The Belarusian authorities did not take any steps to solve this problem either on the basis of their own political will or under the influence of foreign factors, first of all — implementation of preconditions of establishing normal relations with the European Union and the United States. However, it should be noted that in a situation of a substantial increase of contacts between the EU and US and the Belarusian authorities, the level requirements for the release of political prisoners was clearly reduced to the traditional rhetoric rather than fundamental requirements. Human rights defenders observed further detaching of value-based perspective from the areas of cooperation of mutual interest, and further development of pragmatic contacts.

A traditional step in this situation was the extension for one year by the EU Council of restrictive measures against physical and legal bodies of Belarus involved in the implementation of repression, human rights violations and financial support for such actions by the authorities. A statement released by the European Council on October 30 said: “This is because not all political prisoners have been released and rehabilitated, and the respect for human rights, the rule of law and democratic principles has not significantly improved in Belarus.” The Belarusian Foreign Ministry responded to this in the context of the new trends: “Unfortunately, the definition of the European Union’s policy towards the Republic of Belarus is still dominated by inertia of the past. The decision

that the Council of the European Union made on 30 October 2014 in favour of prolonging restrictions against a number of Belarusian citizens and companies represents yet another lost opportunity to remove the main hindrance on the way towards normalizing our relations and to start tangible work for the sake of building mutually beneficial cooperation in the interests of our citizens.”

Thus, the fate of political prisoners remained unchanged, as the prisons of Belarus continued to hold seven prisoners of conscience: Mikalai Statkevich, Eduard Lobau, Mikalai Dziadok, Yauhen Vaskovich, Artsiom Prakapenka, Ihar Alinevich and Vasil Parfiankou. In October, there was a real threat to see the extension of the list of political prisoners after an activist in Homel, Yury Rubtsou, was sentenced to 18 months of imprisonment in an open penal facility. Human rights defenders stated that in case the Court of Appeals upheld the verdict and the activist was sent to serve his sentence he would be recognized another political prisoner held by Belarus with all ensuing consequences.

The position of the Special Rapporteur on the human rights situation in Belarus of the United Nations Human Rights Council on the issue of political prisoners remained principled. In a report submitted on October 28 at the 69th session of the UN General Assembly, Miklós Haraszti urged the Belarusian authorities to “immediately and unconditionally release all political prisoners and to ensure full rehabilitation of their civil and political rights”. In his report, the UN Special Rapporteur drew attention to other painful points in the human rights situation in the country, including the activities of human rights defenders and civil society actors. He recommended that the Belarusian government guaranteed the independence of civil society organizations and human rights defenders, creating conditions to enable them to work without fear of reprisal. The official representative of the delegation of the Republic of Belarus to the United Nations once again confirmed the position of non-recognition of the mandate of the Special Rapporteur and described the report as “an attempt to interfere in the internal affairs”, saying that “reports on the situation in Belarus are written by the Special Rapporteur under dictation from Brussels”. Once again, the official Belarusian authorities refused to be involved in constructive dialogue with international institutions for the advancement of the human rights situation in the country. In turn, the Belarusian human rights community confirmed its intention to further cooperate with the Special Rapporteur to develop recommendations concerning the system of positive changes in the human rights situation.

Political prisoners, criminal prosecution of civil society activists

On October 4, Mikalai Statkevich, who has been for almost three years held in the Mahiliou prison, wrote in a letter to his wife Maryna Adamovich

about the foodstuffs he could not buy at the prison shop. It was a response to a letter from Maryna Adamovich, who during her visit to the prison came to the prison canteen and saw a notice saying that meat was on sale, which she wrote to her husband. Mikalai Statkevich replied that his wife was wrong. That there were neither sausages, nor fruit and vegetables. He noted that even in the spring onions were not sold there. He also added that after he wrote her not send him nuts last summer, as the prison shop had bars of halva, halva disappeared.

On October 4, Maryna Lobava expressed her concern about absence of heating in the Ivatsevichy colony, where her son, political prisoner Eduard Lobau, was held. Besides, Maryna Lobava stressed that the prisoners had not yet started wearing winter uniforms, which could result in colds. The woman said that she had not received any letters and phone calls from her son for a month already.

On October 6, Judge Natallia Vaitsekhovich of the Court of Minsk's Tsentralny district found Yury Rubtsou, an opposition activist from Homel, guilty of a crime under Article 391 of the Criminal Code "insulting a judge" and sentenced him to two and a half years of imprisonment in an open penal institution. However, the sentence was reduced to 18 months due to an amnesty. The state prosecutor Hardzeyenka asked to punish Yury Rubtsou with three years of personal restraint. The charges stemmed from a statement by Judge Kiryl Palulekh of the Savetski District Court, who claimed that during the consideration of an administrative case on 28 April the activist had allegedly insulted the judge by using offensive words. Yury Rubtsou explained during the preliminary hearing that on that day he had been brought half-naked to the Savetski District Court of Minsk, which insulted his dignity. In addition, he was unable to read the materials of the administrative case, because he did not have his glasses. Therefore, he said that it was "not a court, but a show". The lawyer asked to acquit Rubtsou as there was no direct evidence of insulting Judge Kiryl Palulekh: the April administrative trial was not audio or video taped. The accusation was based solely on the testimony of the police officers who had arbitrarily detained Rubtsou during the Chernobyl Way opposition rally. Therefore, it was impossible to say with certainty whether Rubtsou insulted the entire judicial system or the judge. Moreover, the testimony of such witnesses causes legitimate doubts. Deputy Chairman of the Human Rights Centre "Viasna" Valiantsin Stefanovich, who observed the trial, said that if the sentence for Yury Rubtsou was upheld, it would mean that Belarus would have a new political prisoner. According to him, the trial was a direct result of actions by the authorities, who practice arbitrary detention of activists that have not committed any crimes. Actions of the police were obviously illegal, as Yury Rubtsou was detained for wearing a T-shirt "Lukashenka, Go Away!"

In this way, he expressed his personal opinion, which is guaranteed by the Constitution of Belarus.

On October 13, Valiantsina Alinevich, the mother of political prisoner Ihar Alinevich, said that her son was again placed in a punishment cell. In late September, the prisoner was expected to meet with his family, but a few days ahead of the visit they received a phone call from the administration of "Vitsba-3", where Ihar Alinevich is held, and told that the meeting was postponed because the inmate had been sentenced to 10 days in a punishment cell for a disciplinary violation. Ten days later, Ihar Alinevich's relatives learned that the penalty had been followed by two more. It turned out that the political prisoner refused to clean the toilets, because then he would have received the low social status. Ten days later, he received a similar order from the administration and once again refused to obey. The third penalty was imposed for the fact that the guards allegedly heard the political prisoner, who was in solitary confinement for 30 days, talking to prisoners from the neighbouring cell. The prison officials told Ihar Alinevich's father that the following penalty for disobedience might result in insulation in a so-called PKT (cell-type premises), and then — a transfer to prison. On October 23, after spending 30 days in a punishment cell, the political prisoner was allowed to see his parents. In turn, they were allowed to pass him a food parcel and warm clothes. The visit lasted for half an hour and Ihar Alinevich talked to his parents through the glass. According to Valiantsina Alinevich, he looked thin. He asked about his grandmother, who had recently passed away, since he was not allowed to read the letters telling about this. According to the prisoner, he could only read the newspapers he was subscribed to. He was not allowed to receive the *Novy Chas* and the *Svobodnye Novosti Plus* weeklies, which the editorial offices had sent him.

On October 18, activist Volha Mikalaichyk, which corresponds with political prisoner Vasil Parfiankou, said that he had spent 12 more days in a punishment cell. The reason for the penalty is unknown. After 10 days of silence, on October 29, Volha Mikalaichyk received a letter saying that Vasil Parfiankou had served another term of 10 days in solitary confinement. The political prisoner wrote that of the 253 days he had been held in the penal colony in Horki, he had spent 226 days either in solitary confinement or in a PKT (cell-type premises). At that time, he had 45 more days of punishment to serve.

On October 21, Pavel Prakapovich, a member of the organizing committee of the Belarusian Christian Democracy, said that political prisoner Yauhen Vaskovich had been transferred from Mahiliou maximum security prison to penal colony No. 15. The transfer came after the prisoner completed his 3-year prison term ordered by the court for alleged violations of the rules of

-serving the sentence in the colony. During his three years in prison, Yauhen Vaskovich was held in a punishment cell for 247 days.

On October 27, Valeryia Khotsina, the wife of political prisoner Mikalai Dziadok, said that her husband had received several packages, including one with books. He also asked to send him a medical parcel because he had problems with his stomach, as well as special ointment for doing sports.

Death penalty

From 5 to 10 October, a series of human rights activities was held in Minsk under the slogan “Death Penalty is Murder”. On October 5, an exhibition was opened to display posters from the series “Six Arguments against the Death Penalty”, created by a Vilnius-based Belarusian artist Aleh Ablazhei, and the works of a large-scale project “Death Is Not Justice”, provided by the World Coalition against the Death Penalty. On October 7, the campaign presented a joint project of photojournalist Siarhei Balai and the campaign “Human Rights Defenders against the Death Penalty in Belarus”. The project, entitled “Capital Punishment”, featured the photos of Sviatlana Zhuk, Liubou Kavaliouva, Tamara Sialiun, Volha Hrunova and Tamara Chikunova — the mothers of persons sentenced to death. On October 8, a public lecture was given by the event’s special guest, Karel Schwarzenberg, Chairman of the Foreign Affairs Committee of the Parliament of the Czech Republic, former Minister of Foreign Affairs of the Czech Republic and head of the office of President Vaclav Havel. On October 9, a public lecture was given by human rights activist Tamara Chikunova, founder and head of the Uzbek organization “Mothers Against the Death Penalty and Torture”. Her activism was prompted by a personal tragedy: her only son was executed in 2000; he was then posthumously acquitted. Various events dedicated to the issue of the death penalty were held in Babruisk, Biaroza, Baranavichy, Homel, Barysau, Hrodna, Mazyr, Maladechna, Rechytsa, Brest, Mahiliou and Vitsebsk.

On October 11, the congress of the Belarusian Popular Front Party, among other decisions, approved changes to the party’s political program. One of the innovations was a demand to abolish the death penalty in Belarus: “The death penalty should be abolished as a form of punishment which is incompatible with the modern legal system of the European countries, irreversible in its nature and unable to be corrected in the case of a miscarriage of justice. The abolition of the death penalty is a necessary condition for the Belarus’ full accession to the Council of Europe”. For the first time in the history of Belarus, a demand for the abolition of the death penalty has become a part of a party’s program.

Torture and other cruel and inhuman treatment

On October 5, Uladzimir Lemesh, an activist of the European Belarus opposition movement, who had spent two days in the Salihorsk detention centre, said he was going to submit a complaint against the conditions of detention. In 2013, after repeated complaints, the Salihorsk detention centre was renovated. According to Uladzimir Lemesh, certain changes were made. A wash basin appeared in the cell, and the toilet was separated from it by a small wall. The polyethylene on the windows was replaced with double-glazed windows. However, the repairs did not essentially affect the situation: there were still no standard beds for arrestees and the people had to sleep on the so-called wooden “stage”. The cell accommodated up to 15 people, and the “stage” could take no more than eight persons. The rest lay below or even on the concrete floor. Most people could not sleep all night. Moreover, there were only three mattresses. The toilet flush was not working. The prisoners had to carry water from the sink in a cropped plastic bottle. Later, they poured tea in the same bottle, because there were no cups in the cell. The overcrowded cell was full of cigarette smoke, ventilation was either not working at all or simply could not cope with that. The windows were replaced, but remained very small. The level of natural lighting was critical in the daytime. On October 25, Uladzimir Lemesh filed a complaint with the Prosecutor’s Office against the conditions of detention. The activist believes that these conditions are degrading.

Persecution of human rights defenders and organizations

On October 30, Elena Tonkacheva, director of the Centre for Legal Transformation “Lawtrend”, received a notice of revocation of her residence permit and her possible deportation from the Republic of Belarus. In September, it was reported that Elena Tonkacheva, a Russian national who had lived in Belarus since 1985, might face deprivation of residency permit. The human rights activist said that she did not intend to assess the authorities’ actions until the procedures was complete and a final decision was taken.

Administrative prosecution of civil society and political activists, arbitrary detention

On October 2, Ivan Shyla, an activist of the Young Front opposition movement in Salihorsk, paid a visit to the Salihorsk District Police Department, to which he was summoned for a “talk”. There, he was questioned by head of department of public order and prevention, Heorhi Kryvaltsevich. The police

officer told Ivan that he was yet to serve two more days of administrative arrest over taking part in one of the so-called silent protests that took place back in 2011. After the conversation the young man was taken to a temporary detention facility.

On October 2, Asipovichy police detained member of the organizing committee of the Belarusian Christian Democracy, Aleh Masalski. He was waling along the street together with his wife and had a T-shirt with a portrait of Yauhen Vaskovich on. When the activist's wife went into the shop, he was detained by a police car passing by. The activist was eventually released without charges.

On October 2, Hrodna police detained local opposition activist Yezhy Hryhencha. As a participant of the campaign "Tell the Truth", he was collecting signatures of citizens for the initiative called "People's Referendum". One of the citizens whose apartment was visited by the activist grew suspicious and called the police. Yezhy Hryhencha was taken to the Leninski district police station, where he was held for three hours. The activist was released without charges, but the petitions were taken for examination.

On October 2, Pavel Vinahradau, an activist of Zmena, the youth wing of the campaign "Tell the Truth!" subjected to police supervision, went to check in at the criminal executive inspection of the Maskouski district and did not return home. Later his wife reported that the activists was detained for an administrative offence. On October 3, after Pavel Vinahradau was released from the police station, he was questioned by police officers: "The police officer in charge of supervision gave me an ultimatum: either I move to Berazino, where my father lives, or am going to swear in a public place. I said that I was not going to Berazino, at least for now, maybe later. Our conversation was short." After that, the activist was taken to the head of the inspection Mikalai Luzhyn. "Among other things, he asked me where Zavadski was (journalist Dzmitry Zavadski, who disappeared in the summer of 2000). My answer was "I do not know". And he says that soon my wife will have to answer that she does not know where Pavel is. I asked him if it was a threat. He says, "No, it's a warning", said Vinahradau. As a result, the activist had to spend the night in the Maskouski district police department. The following morning he was charged under Art. 17.3 of the Administrative Code (drinking alcohol, soft drinks or beer in a public place or appearance in a public place or at work while intoxicated). The police report said that he was found in front of the police station in a drunken state. Pavel Vinahradau was eventually fined 1.2 mln roubles.

On October 6, police officers attempted to break into an apartment of former political prisoner, activist of the anarchist movement Aliaksandr Frantskevich. The reason for this remained unknown. On the same day, police officers

detained civil society activist Aliaksandr Stukin. He told over the phone he had been sentenced to 10 days in jail.

On October 9, police officers started hunting football fans ahead of a match between the national teams of Ukraine and Belarus in Barysau. The Court of Minsk's Kastrychnitski district convicted several fans, including the well-known football activist Yauhen Aderykh, on charges of using foul language in a public place and disobeying police officers. Yauhen Aderykh was sentenced to seven days of arrest, others — up to 10 days in jail. Among the detainees there were the authors of a banner of solidarity of the Belarusian and Ukrainian nations that the fans were going to display during the match.

On October 9, on the eve of the CIS summit in Minsk and the visit of Russian President Vladimir Putin, Judge Volha Listratsenka of the Maskouski District Court considered an administrative case of Pavel Vinahradau, activist of the Zmena youth opposition group. Pavel Vinahradau was charged with disorderly conduct: on October 8, when he came to the police department and allegedly used foul language in the presence of police officers. In addition, police officers argued that Vinahradau was drunk when he came to them. The police officers conducted a medical examination and the device showed 0.0. However, it was not recorded anywhere, and the activist was taken back to the police station. After a lunch break, police officers showed a paper saying that the result of the examination at 1 p.m. was 1.0 per mille of alcohol. As a result, Pavel Vinahradau was sentenced to 15 days' administrative detention for "disorderly conduct", fined 1.2 mln roubles for "drunkenness", and the same judge ruled to extend his preventive supervision for another year. Human rights activists regarded the persecution of Pavel Vinahradau as an unprecedented campaign of harassment against the activist, which had nothing to do with law and justice.

On October 9, Andrei Kasheuski, an activist and distributor of independent press in the town of Smaliavichy, was detained by the police outside the Central Department Store in Minsk. He was reportedly wearing a T-shirt "Freedom for Political Prisoners". After facing three administrative charges (Art. 17.1, disorderly conduct, Art. 23.34, unauthorized mass event, and Art. 23.4, disobedience to the police), the activist was told that he would be held at the police station until the trial. On October 10, Judge Eduard Yakubouski of the Court of Minsk's Savetski district sentenced the activist to 15 days of administrative arrest.

On October 9, 41 persons were taken to the Barysau District Police Department after a EURO-2016 qualification match between the national teams of Belarus and Ukraine. 29 fans faced charges, 25 persons were held to await trial (14 Ukrainians and 11 Belarusians). Trials were held on October 10 in the Barysau District Court. Judge Samuseva considered the administrative

cases of detained Ukrainians, who were accused of disorderly conduct (Art. 17.1 of the Administrative Code). According to a court ruling, Yuri Chebolyuk, Yuri Olkhovych, Ostap Lyshchuk, Andriy Polishchuk, Denys Tymofeyiv, Yana Vasylykova and Vyacheslav Heorhiyevich were sentenced to five days in jail each. Oleksandr Lopaniw was sentenced to 10 days of arrest for having a sticker of the Celtic cross on his clothes. Yuri Netsky, who was detained for wearing a T-shirt “Glory to the Nation!”, was sentenced to a fine of 1,050,000 roubles, as well as Bohdan Yaremchuk. Andriy Delyura was sentenced to a fine of 1.5 million roubles. The Ukrainian consul, who attended the trials, said that the Embassy would file a protest note to the Belarusian MFA concerning the mass detention of Ukrainian citizens on the territory of Belarus. Fifteen Belarusian fans were fined 600,000 roubles each. The Ukrainian fans were eventually deported from Belarus, without serving the sentences ordered by the court.

On October 13, a resident of Minsk Mikhail Mekhedka, who unsuccessfully tried to get an appointment with the President of the Supreme Court, was detained by security officers in the court building and taken to the Leninski District Court. He was accused of participating in an unauthorized mass event (Article 23.34 of the Administrative Code), and punished by a fine of 2.25 mln roubles. The case was considered by Judge Aliaksei Kamushkin.

On October 13, Belarusian border guards detained co-chairman of the organizing committee of the party Belarusian Christian Democracy Pavel Seviarynets as he was crossing the Bruzgi checkpoint on the Polish border. The officers seized 20 books by Zianon Pazniak. The editions were sent to the Hrodna City Executive Committee’s commission on extremism.

On October 15, the Human Rights Centre “Viasna” held a press conference to tell about various aspects of preventive detention in Belarus and to highlight flaws in the legislation, as well as most common types of abuses by the police and new trends in the issue. Human rights defenders had been working on this problem for more than a year, and it became the subject of a research, the results of which were presented to the journalists. A report entitled “Arbitrary Preventive Detention of Activists in Belarus” was a result of a joint research by the International Federation for Human Rights (FIDH) and the Human Rights Centre “Viasna”, held in Belarus after the Ice Hockey World Championship in June 2014. The mission’s attention was focused on so-called preventive arrests, i.e. the arbitrary detention of citizens, without legal grounds, on the eve of important political or social events in order to isolate the activists, to prevent their participation in public street actions, to limit their relations with international delegations or the press and other kinds of political and civic engagement. In presenting the report, deputy head of the Human Rights Centre “Viasna” Valiantsin Stefanovich said that “now arbitrary

preventive detention can be described as a kind of political persecution, along with political criminal prosecution, and is used by the authorities to prosecute activists because of their affiliation to the different political groups and the implementation of their peaceful political activities". Human rights defenders also told about a new problem: a wave of bringing activists to responsibility with the aggravating factors — the state of alcoholic intoxication, in which they allegedly were during the detention. With respect to this kind of abuse of law by the police, human rights defenders advise to demand the examination in a civil institution in order to have the data for the appeal.

On October 23, relatives and friends were not able to meet Pavel Vinahradau, who was expected to be released from the detention centre in Minsk after a 15-day arrest. Vinahradau was to have left the facility at about 10 a.m., but the people who came to meet were told by the jail head Ihar Sakalouski that the activist had been taken from the centre at 8 a.m. It was later reported that Vinahradau was taken to the Maskouski district police department, where he was briefed on the changes in checking-in procedures at the police department in connection with his preventive supervision restrictions. The following day, October 24, when Pavel Vinahradau came to the Department of Internal Affairs of the Maskouski district of Minsk, he was detained without explaining the reasons for the detention. Five hours later, he was released without charges. According to the activist, one of the reasons for his detention could be Aliaksandr Lukashenka's visit to the Mikhalova-2 residential district, located nearby. Pavel Vinahradau also did not rule out that the police put pressure on him to force him to leave Minsk.

On October 23, police officers stopped a presentation of Viktor Martsinovich's novel *Mova*. The event was to be held in the building of the local Greek-Catholic centre, located next door to the police department. Earlier, the church building hosted numerous presentations and meetings. The event was stopped after the police officers broke into the premises at the very beginning of the presentation. Father Andrei Krot, a representative of the publishing house Miraslaou Lazouski and the writer were forced to provide explanations. Others were told to show their IDs. On October 24, head of the Executive Committee's ideology department said he had no claims to the writer, while the situation with the priest and the publisher remained uncertain: it was possible that their actions could be viewed as an administrative offence.

On October 25, Minsk police violently detained civil society activists from St. Petersburg (Russia), Andrey Fedorkov and Ivan Solovyov, for allegedly using foul language and insubordination to police officers. The police also detained an unknown resident of Minsk. The detainees were taken to the police department of Zavodski district, where they were charged with administrative offences. They were held in detention for two days. On October 27, the Court

of Zavodski district considered their administrative cases. Judge Osipchyk convicted the three activists under Article 17.1 (disorderly conduct) and Article 23.4 of the Administrative Code (disobeying a lawful order or request of an official of the state body in the exercise of official authority) and sentenced them to various jail terms: Belarusian activist — ten days, and the Russian nationals — three days of arrest.

On October 28, Uladzislau Koshaleu, an activist of the For Freedom opposition movement, was collecting signatures for the People's Referendum initiative in the dormitory of a vocational school in Minsk. As a result, deputy director for ideology took the petitions and called the police. However, Uladzislau Koshaleu managed to leave the building. The following day, the volunteer, who was accompanied by politicians Andrei Dzmitryeu and Yury Hubarevich, decided to meet with official to explain the legality of campaigning and to return the signature sheets. However, during the meeting, deputy director Kazlova once again called the police, who detained the campaigner and took him to the police station of Partyzanski district. The activist was charged with violation of the order of organizing or holding mass events. Deputy Chairman of the Movement "For Freedom" Yury Hubarevich tried to explain that the collection of signatures was legal. As a result, he was asked to bring the organization's charter and a statement certifying that Koshaleu was a member of the Movement. On October 31, Judge Paulouskaya of the Partyzanski District Court of Minsk found Uladzislau Koshaleu guilty and sentenced him to three days of administrative arrest.

On October 29, Belarusian border guards searched former political prisoner Dzmitry Dashkevich as he was crossing the Lithuanian-Belarusian border at the Kamenny Loh checkpoint. As a result, twelve copies of the activist's book *Charviak* were taken for examination for extremism. The book is a collection of short stories written by the former political prisoner during and after his imprisonment. Dzmitry Dashkevich was searched as he was returning from the presentation of the book "Voice of Freedom from Behind Bars. An Anthology of Works by Belarusian Political Prisoners", which was held in Vilnius.

Restrictions on freedom of speech and the right to impart information, harassment of journalists

On October 7, the Hrodna District Court completed the consideration of the administrative case of freelance journalist Andrei Mialeshka on charges of violation of Article 22.9, Part 2 of the Administrative Code (illegal production and distribution of information products). The journalist was represented by lawyer Andrei Shchapiatkou. Aleh Sozinou, head of the Department of Botany of the University of Hrodna, was invited to the trial as a witness. It was

his comment that he had given Andrei Mialeshka during an environmental seminar on August 26 that was the reason for the administrative charges of cooperation with foreign media without accreditation. On that day, the building of a club in the village of Kaniukhi hosted a scientific seminar on the Nioman reserve. During a break, Mialeshka recorded Sozinou's comment. Later, a fragment of the comment was posted on the website of the Belarusian Radio Racyja, as well as some other online resources. Inspector Kurpik of the Kastrychnitski police department of Hrodna spotted the publication and senior police inspector Pitsko compiled a report. Judge Hanna Liavusik punished the journalist with an administrative fine — 5.25 mln roubles.

On October 8, Judge Alena Volkava of Mahiliou's Leninski District Court found an independent journalist Aliaksandr Burakou guilty of violating Part 2, Article 22.9 of the Administrative Code (illegal production and distribution of media products) and fined him 6 mln roubles. The administrative offence report mentioned a specific example of "illegal products" which were allegedly "produced and distributed" by the journalist — a publication posted on the website dw.de on August 25, 2014 and entitled "Smuggler's Trail: Do Russian sanctions work near border?" the article was signed by Aliaksandr Burakou. His contribution to the Deutsche Welle Russian online service was also a basis for a search of his personal apartment and the apartment of his parents on September 16.

On October 20, the Vitsebsk Regional Court heard an appeal lodged by resident of Orsha Tatsiana Siachko, who was detained for distributing leaflets about the People's Referendum initiative on August 12. After the detention, the activist was released without charges, but a week later, on August 20, an administrative case was opened against her by deputy chief of department of public order and prevention, Siarhei Biazliudau. He qualified Tatsiana Siachko's actions under Article 22.9 of the Administrative Code — a violation of the law on the media. On September 11, a court in Orsha heard the activist's administrative case. Judge Alesia Drankova upheld the conclusions of the police officer and ruled to impose a fine. Thus, for "violating the law on mass media" the campaigner was fined 6 mln roubles. A number of Orsha activists petitioned the Ministry of Information demanding explanations for viewing leaflets as media products. Deputy Minister Uladzimir Matusevich, in response, noted that according to the state standards, the printed products were non-periodical publication and, accordingly, could not be regarded as mass media. Tatsiana Siachko took the letter from the Ministry of Information to the Vitsebsk Regional Court, which heard her appeal against the verdict. At her request, Judge Sviatlana Ivanova attached the letter to the case file, but this did not affect the outcome of the trial: the judge upheld the decision of the trial court, despite explanations from Deputy Minister that leaflets are not

mass media, and accordingly, the distribution of leaflets cannot be considered a violation of the law on the media.

On October 20, during an interview with Uladzimir Niakliayeu, police officers detained cameraman Ales Liubianchuk and journalist Maryia Artsybashava. They were all taken to the police station. The journalists were detained by an employee of the police department of Savetski district, Yury Chyrkou. An hour after the arrest, the journalists and the politician were released without charges. Law enforcement agents were reportedly interested in the video made by the journalists.

On October 31, head of the Homel-based Centre for Strategic litigation, Leanid Sudalenka, having analysed the decisions of the United Nations Human Rights Committee in Belarusian cases, concluded that Belarus primarily persecuted its citizens for expressing opinions. At this point, the Committee adopted 68 decisions in Belarusian cases, and found in 34 of them violations of the right to freedom of expression. Thus, every other Belarusian case submitted to the UN deals with violations of the right to freedom of expression. For ease of reference, the human rights defenders divided them into several categories: dissemination of information — 13 cases; expression at a peaceful assembly — 10 cases; prohibition of peaceful assembly — 4 cases; transportation of printed materials — 3 cases; publication of opinions — 2 cases; search for information — 2 cases.

Restrictions on freedom of assembly

On October 1, Baranavichy human rights activist Siarhei Housha received a letter from the Brest Regional Executive Committee, signed by the deputy chairman Leanid Tsuprik, which reported that the executive committee was mandated to make changes in its ruling No. 1497 of June 16, 2009 “On the order of holding mass events in the city of Baranavichy” in order to bring it in line with requirements of Resolution No. 207 of the Council of Ministers of March 5, 2012 “On approval of regulations on the organization of interaction of law enforcement officials, organizers of public events and the public fulfilling the duties on protection of public order at mass events”. The human rights activist noted that earlier it was nearly impossible to sign an agreement with the police, and that was the reason why the city executive authorities banned pickets, meetings and rallies. City officials ignored the decision of the Council of Ministers, which does not require a contract with the Department of Internal Affairs in the organization of a mass event. According to this decision, the Executive Committee on the second day after the registration of an application for holding a mass event should itself submit a copy of the application to the police, which was not implemented in Baranavichy.

On October 2, Homel activists Piotr Kuzniatsou, Yury Zakharanka, Anatol Paplauny, Larysa Shchyrakova, Vasil Paliakou and Uladzimir Katsora learned that the United Nations Human Rights Committee found a violation of their right to freedom of expression and peaceful assembly. The decision was posted on the official website of the United Nations. The case concerned a memorial action held on May 7, 2009, the 10th anniversary of the disappearance of Interior Minister Yury Zakharanka, in front of the regional police department. All of them were sentenced to heavy fines except for Uladzimir Katsora, sentenced to a short-term arrest.

On October 3, human rights activists in Biaroza said that they had managed to change the executive committee's decision regulating a mandatory rule of signing an agreement with the police. It took almost a year to force the legal department of the executive committee, represented by lawyer Yauhen Kashtalian, to bring its decision in line with the Council of Ministers' Ruling No. 207. According to the executive committee's decision, a copy of the contract with the police should be submitted together with the application for holding the event, while according to the ruling, after submitting the application to the executive committee it should within 24 hours contact the police to agree on measures for the protection of public order. The Council of Ministers' decision appeared in early 2012, but as late as in 2013, lawyer Yauhen Kashtalian said during a trial that they were not going to amend their decision, "because the Council of Ministers did not tell us about it". The human rights defenders had to apply to the Brest Regional Executive Committee, which initially supported the position of the executive committee, to the Regional Department of the Interior, the Ministry of Justice and the Council of Ministers. And it was only after complaining to the Council of Ministers that the dispute came to its logical conclusion. In early October, the human rights activists were notified by the executive committee's Deputy Chairman Yauhen Tarasiuk. At the same time, the executive committee's decision presented on October 14 in the District Court at the hearing of the human rights activists' claim against a ban on a rally on August 25 showed that the change did not take effect. During the trial, lawyer Yauhen Kashtalian said that the picket was banned due to lack of agreement with the police, which was legal because, in spite of the amendment to the executive committee's decision, a copy of the contract with the police should still be submitted along with the application for a picket.

On September 16, Yan Dziarzhautsau, a member of the Conservative Christian Party BPF in Vitsebsk, was not allowed to hold two pickets of solidarity with Ukraine. This was the second ban on protests of the same subjects, and the activist demanded liability for representatives of organizations that were expected to service the events. The pickets were scheduled for October 17 and 20. However, the administration of the two districts did not give permission

to hold the events, after neither the police nor the central city clinic signed service contracts with the applicant. Only the utility service — the Vitebsk Zeliandsbud enterprise — agreed to enter into a contract with him. The police department said that they would enter into a contract only after the district authorities gave their permission, while the clinic sent a standard formal reply saying that they could not enter into preliminary agreements because they did not know what the situation would be on the given day.

On October 16, the Homel Regional Court, having considered an objection from the Regional Prosecutor's Office, overturned a decision of the Khoyniki District Court challenged by an activist of the United Civil Party Aliaksandr Protska. On July 27, Aliaksandr Protska planned to stage two pickets on July 27 in order to highlight the values of independence and sovereignty, as well as to express solidarity with the Ukrainian people in their fight to preserve the integrity and independence of the state. The activist submitted to the executive committee an appropriate application for holding the pickets at two sites — near the supermarket Yubileiny and on Lenin Square. However, the executive committee banned the pickets, citing the fact that these sites could be only used for meetings of candidates with the citizens or other meetings during elections. According to the official, the locations were not designed for pickets. Aliaksandr Protska did not agree with this decision, arguing that it limited his rights, and challenged it in the Court of Khoyniki district. The District Court sided with the UCP activist and on September 5 it ruled to meet the complaint and to cancel the decision of the local executive committee. On the basis of the court's decision, Aliaksandr Protska petitioned the executive committee again, demanding to allow holding a picket. However, the case was intervened by the Regional Prosecutor's Office, which issued a protest against the decision of the District Court. The Praesidium of the Regional Court, in turn, quashed the decision of the lower court and demanded to reconsider the case.

On October 23, it was reported that the United Nations Human Rights Committee found a violation of the rights of Vitebsk activists Ihar Bazarau, Valery Aliaksandrau and Siarhei Kavalenka in an incident of March 25, 2009, when Freedom Day celebrations ended up with the detention of the activists. Two days later, the Kastychnitski District Court fined them two basic amounts each. According to a decision of Judge Alena Kazilava, the protesters staged an unauthorized march — came to Liberty Square with white-red-white flags and walked a few meters before being detained by the police. All three were charged with violation of Article 23.34 of the Administrative Code. Ihar Bazarau and Valery Aliaksandrau appealed against the verdict to the Vitebsk Regional Court and the Supreme Court, but their appeals were rejected. According to the decision of the UN Human Rights Committee, the authorities violated Part 2 of Article 19 of the International Covenant on Civil and Political Rights (right

to freedom of expression), and in respect of Bazarau Belarus also violated Article 21 of the Covenant (right to peaceful assembly).

On October 23, civil society activist Anzhalika Kambalava received a letter signed by deputy chairman of the executive committee of Baranavichy Dzmitry Kastsiukevich. The official said that the authorities would not allow a rally dedicated to the 77th anniversary of the Kristallnacht of Belarusian culture. He said that the applicant violated Part 5, Article 5 of the Law “On Mass Events in the Republic of Belarus” and Part 4 of ruling No. 1497 of the executive committee “On the order of holding mass events in the city of Baranavichy”. In particular, Anzhalika Kambalava failed to enter into service contracts with the police, medical and utility services. On the night of 29 to 30 October 1937, Soviet secret police shot 22 Belarusian writers and more than 80 representatives of intelligentsia in a prison in Minsk.

On October 29, Vitsebsk human rights activist Pavel Levinau received a decision of the Vitsebsk City Executive Committee, which banned a street procession he was going to stage. The ban referred to the applicant’s failure to meet the requirements of the Executive Committee’s decision “On the organization of public events in the city of Vitsebsk”. The human rights activist applied to the city authorities, since the expected route of the protest passed through the territory of two districts — Kastychnitski and Pershamaiski. The ban argued that the applicant had failed to enter into service contracts with local police department, city clinic and public utilities. Pavel Levinau prepared a lawsuit against the ban on the march. The human rights activist believes that the requirements of the Executive Committee’s ruling No. 881 are absurd and he decided to demonstrate the absurdity of such documents. He argued that such an approach to the mass events law could result in prohibiting any public activity, including going shopping. Over the past five years, since the adoption of the decision, Vitsebsk officials have not allowed a single street protest requested by local opposition activists. Pavel Levinau says that the conditions for obtaining a permit for public events in Vitsebsk should be changed, because they are impracticable.

Restrictions on freedom of association

On October 1, the administration of the Babruisk-based tractor parts and units plant refused to extend the labour contracts with two members of the Free Trade Union of Belarus, employees of the enterprise Aliaksandr Varankin and Aliaksandr Hramyka. The activists were supported by their immediate superiors and colleagues, but the decision was insisted upon by the factory manager Aliaksandr Ahranovich. On October 7, it was reported that the administration terminated the employment contracts of three more trade union

activists — Aleh Shauchenka, Aliaksander Bianasik and Mikalai Zhybul. All of them were employees of the same company. Mikalai Zhybul had only two years left to retirement. He had worked on the enterprise for 30 years, but was suddenly fired “due to the optimization of the number of workers”. Meanwhile, the plant is said to be constantly searching for new employees. Free Trade Union members say the harassment is linked to their union membership, as well as the fact that they were not afraid to defend labour rights.

On October 17, it became known that the Supreme Court dismissed an appeal lodged by a member of the campaign “Tell the Truth” Aliaksandr Kuzmin from the town of Belaaziorsk, who asked to cancel the court orders regarding the eligibility of the written warning issued to him by the Biaroza District Prosecutor’s Office under Art. 193.3 of the Criminal Code — activities on behalf of an unregistered organization. The activist received the warning in March 2013. Criminal liability for activities on behalf of an unregistered organization was requested by the former chairman of the Belaaziorsk Town Executive Committee Viachaslau Dambrouski. Biaroza police refused to initiate criminal proceedings, saying that there were no signs of an organization in the public campaigns carried out by the supporters of “Tell the Truth”. However, the Biaroza District Prosecutor’s Office disagreed and issued a warning under Article 193.1 of the Criminal Code. The Supreme Court also found that the District Prosecutor’s Office responded correctly to the actions of Aliaksandr Kuzmin. The answer was signed by the Deputy Chairman of the Supreme Court Andrei Zabara.

On October 21, students of the Mahiliou branch of the Belarusian State Academy of Music said that the director of the institution Mikalai Aldanau was forcing them to join the pro-government Belarusian Republican Youth Union. According to Mikalai Aldanau, those who did not join the organization might face problems with passing their examinations and tests. According to the students, despite the threats, no more than 20 persons applied for membership in the Youth Union.

Situation of Human Rights in Belarus in November 2014

November was marked by a tendency towards deterioration of the human rights situation. Seven political prisoners continued to be held behind bars, and one of them, Mikalai Dziadok, expected to be released after serving the full term of punishment on March 3, 2015, faced new criminal charges under Part 1, Article 411 of the Criminal Code — wilful disobedience of the lawful demands of the administration of correctional institutions. These charges have been previously used against political prisoners in order to further isolate them, prevent their activity and foster intimidation.

In November, a verdict against Homel activist Yury Rubtsou entered into force, after his appeal was dismissed. Thus, after being sent to the correctional facility he became another political prisoner held by Belarus. The department of citizenship and migration of the Pershamaiski district police department decided to expel for three years Elena Tonkacheva, leader of the Centre for Legal Transformation “Lawtrend”. Such a disproportionate punishment was selected for the human rights defender, a Russian citizen living in Belarus for almost 30 years, over four cases of minor traffic offences and is regarded as persecution for her work and the authorities’ wish to destroy the critical voices in the country.

In November, it was reported that Aliaksandr Hrunou, a resident of Homel who had been sentenced to death, was eventually executed. His individual complaint was registered and has not yet been considered by the UN Human Rights Committee.

The authorities continued the practice of prosecuting journalists over working for foreign media without accreditation for alleged “illicit manufacture and distribution of media products”. Meanwhile, obtaining accreditation is still blocked by the Foreign Ministry of Belarus.

The possibility of exercising the right to freedom of peaceful assembly remained restricted. Officials banned a number of public events on purely restrictive and illegal grounds. Moreover, not only unauthorized, but even authorized events resulted in persecution, as it happened with the organizer of the memorial rally Dziady including a procession to the place of execution of the victims of the Bolshevik terror in Minsk’s Loshytsa district Yury Belenki.

In the absence of real mechanisms of internal influence on the possibility of protecting human rights, greatest expectations of positive dynamics continued to be associated with external factors, especially in the issue of the release of political prisoners. However, intensive contacts between the Belarusian authorities and the European Union, its institutions and individual countries,

as well as the United States did not lead to specific improvements in this area. Contacts took place against the background of reducing the requirements for the release of political prisoners as a principled precondition for the resumption and development of pragmatic communication and cooperation to the traditional rhetoric of values.

In particular, on November 19, Gunnar Wiegand, the European External Action Service director for Russia, Eastern Partnership, Central Asia, Regional Cooperation and OSCE, told reporters about raising the issue of release of political prisoners at all meetings with officials of Belarus. According to him, it was not a surprise to his interlocutors. "Everybody understands that there are a number of steps to be taken for enabling the potential in Belarus-EU cooperation. There are certain steps that may already be implemented, but more intensive cooperation is impossible with no movements in rule of law, democracy and human rights sphere," he said. Answering the question on a possible thaw in Belarus-EU cooperation in case of the release of political prisoners and positive movements in democracy sphere, Wiegand said that "now we are working on this issue. And it would be better if both sides are ready to cooperate and move towards it". The diplomat noted that the relations between Belarus and the EU were not limited to a single issue of political prisoners, but "there are issues that cannot be ignored". Gunnar Wiegand's visit to Belarus was the fourth round of the intermediate phase in the dialogue on modernization which the European Commission conducts both with the civil society and the government of Belarus. The meeting focused on cooperation in the implementation of reforms in education, regional development and social issues. "That was a profitable discussion," said Wiegand. "We discussed the possible steps to reform the mentioned spheres and possible EU assistance. Today we have met to find spheres for cooperation".

This statement by the European official suggests that the EU intends to continue cooperating with the official Minsk regardless of the decision of the Belarusian authorities on the issue of political prisoners, which gives reason to doubt the strong position of the European Union with respect to previously announced principles of rapprochement only after their release. This is extremely alarming, since a departure from the publicly stated position can contribute to freezing the issue and bypassing for the sake of economic and political expediency.

Political prisoners, criminal prosecution of civil society activists

On November 1, Maryna Adamovich, the wife of political prisoner Mikalai Statkevich, told what foodstuffs the prisoner could buy on two basic units

he received a month: 140 grams of cheese and 100 grams of sausages, marshmallows (half a piece a day), waffles (one waffle a day). According to Statkevich, heating was on at the prison and the prisoners received warm clothes. On November 8, Maryna Adamovich said that on January 12, 2015 Mikalai Statkevich was expected to complete a three-year term prison term, after which he could be returned to the Shklou colony, where he would have to serve two years more. On November 29, Maryna Adamovich said that for the first time since spring Mikalai Statkevich was allowed to buy 2 kilos of onions. According to her, earlier the administration had said that there were enough onions, but the prisoner had not received them.

On November 1, Rushaniya Vaskovich, mother of political prisoner Yauhen Vaskovich, said that her son had been transferred from Mahiliou prison to a local colony. She learned that after she phoned the special section of the prison where she was told that Yauhen had already left prison. The political prisoner had served three years in prison, after an exit trial convicted him on charges of violation of detention restrictions. Vaskovich has almost three more years to serve at the penal colony.

On November 8, Valiantsina Alinevich, mother of political prisoner Ihar Alinevich, said that her son was out of touch after a meeting with his parents on October 21 and 30 days in solitary confinement. Ihar Alinevich's mother did not rule out that her son was again harassed by the prison administration.

On November 15, Valeryia Khotsina, the wife of political prisoner Mikalai Dziadok, said that her husband had been placed in solitary confinement in the Mahiliou prison. Prior to this, Mikalai Dziadok had spent eight days in a punishment cell, but failed to report on the reasons for the punishment in a letter to his wife. During his time in solitary confinement, a parcel with medicines arrived at the prison, which he received after being released. On November 20, it was reported that Mikalai Dziadok was facing criminal charges under Part 1, Article 411 of the Criminal Code, "wilful disobedience of the lawful demands of the administration of the correctional institution". This was reported to his parents by the state counsel who had been invited for arraignment. The case was initiated on November 13. The political prisoner was expected to be transferred to jail as a defendant. On November 22, Valeryia Khotsina said that Mikalai Dziadok was going to undergo a forensic psychiatric examination. The political prisoner was to be released in February, after serving his sentence of 4 years and 6 months. Human rights activists view Article 411 of the Criminal Code as a legacy of the Soviet Union, which migrated to the modern criminal legislation of Belarus. There are no analogues of this article in the legislation of the Russian Federation or Ukraine. In fact, it prolongs the sentence in prison, as this criminal article gives the possibility of selective application to

“undesirable” prisoners. Human rights activist expressed concern that the trial of Mikalai Dziadok could be held behind closed doors.

On November 15, Piotr Parfiankou, the father of political prisoner Vasil Parfiankou, referring to a letter from his son, described detention conditions in solitary confinement in the prison in Horki: the walls were wet, prisoners had to sleep fully clothed and it was still cold. Vasil Parfiankou was held in solitary confinement for several months. The political prisoner was to be released on December 5.

On November 17, it became known that on October 24, 2014 the United Nations Human Rights Committee adopted a decision in the case of Ales Bialiatski, Chairman of the Human Rights Centre “Viasna” and Vice-President of the International Federation for Human Rights (FIDH), recognizing that the government of Belarus violated his rights guaranteed by Articles 9 (right to liberty and security), 14 (right to a fair trial) and 22 (freedom of association) of the International Covenant on Civil and Political Rights. After “Viasna” was deprived of state registration in 2003, its founders on three occasions (in 2007 and 2009) applied to the Ministry of Justice of the Republic of Belarus for registration, but the state three times refused to register the organization, thus depriving it of the possibility of opening an account to receive funds for their activities. According to the findings of the Committee, the government violated the organization’s right to freedom of association by refusing state registration on the sole ground that the documents submitted for registration contained minor flaws, which could be corrected in case such a possibility had been provided to the founders by the Ministry of Justice. Denial of registration led to a ban on the activities of the organization in Belarus and prevented the exercise of the rights of its members. The sentencing of Ales Bialiatski to a lengthy term of imprisonment for activities related to the receipt and expenditure of funds aimed to finance the activities of the organization was the direct result of violations of freedom of association. When considering the charges, the Belarusian courts rejected evidence that these funds were intended and used for these purposes, and did not consider the matter from the point of view of safeguarding the right to freedom of association. Under these conditions, the criminal prosecution of Ales Bialiatski was regarded by the Committee as a violation of the law. The Human Rights Committee also concluded that the detention of Ales Bialiatski during the preliminary investigation was arbitrary, since the decision to arrest him was made by the prosecutor, not the court, and was based only on the severity of the charges, but not on the facts witnessing the need for and feasibility of the measure. The Committee recognized that in the course of the prosecution of Ales Bialiatski the government violated the presumption of innocence, which resulted in a number of reports by state-owned media and statements by the President, who had affirmed the guilt of Ales Bialiatski prior to the entry

into force of a court judgement, as well as the fact that in the course of the hearing Mr. Bialiatski was kept in a cage and brought to court in handcuffs. The decision of the Human Rights Committee stated that Ales Bialiatski had the right to appropriate remedies, namely the review of Viasna's application for state registration, removal of a criminal record, adequate compensation, including compensation payments made under judicial decisions. In addition, the Committee agreed that the government should review its domestic law on associations and bring it into conformity with Article 22 of the Covenant. The Committee's decision in this case is precedent-setting. It clearly demonstrated that government actions aimed at preventing the activities of the human rights organization, from the denial of state registration to bringing to justice its members for the exercise of their right of association, was a violation of international law. No manipulation of the domestic law by the authorities could hide this violation before the international community.

On November 21, the Minsk City Court considered an appeal of opposition activist Yury Rubtsou, who was sentenced on October 6 by the Tsentralny District Court of Minsk on charges of committing a crime under Article 391 of the Criminal Code, "insulting a judge", to one and a half years of imprisonment in an open-type penal institution. The charges stemmed from a statement of the Savetski District Court Judge Kiryl Palulekh, who claimed that during the consideration of an administrative case on 28 April the activist had allegedly insulted the judge by using offensive words. Mr. Rubtsou said that he was brought to the courtroom in a way that offended his human dignity and honour, namely he stood trial without a shirt. In addition, he was unable to read the case file, being left without his glasses. Therefore, he told the judge that it was "not a court, but a show". The activist tried to impeach the judicial panel headed by Judge Liudmila Shapashnikava and expressed distrust to all Belarusian judges. As a result of the trial, Yury Rubtsou's appeal was dismissed. On November 25, Maryna Lobava, the mother of political prisoner Eduard Lobau serving a sentence in the Ivatsevichy colony, had a meeting with her son, which lasted about two hours. She could speak to him on the phone through the glass. Eduard Lobau was expected to be released on December 18. According to his mother, he was looking forward to his release, and did not to say much about his life in the colony. On November 29, Maryna Lobava said after speaking with her son that Eduard had been subjected to preventive supervision for the period of one year, which would take effect after he was released from prison on December 18. According to Maryna Lobava, she did not know the exact date of the trial. Eduard Lobau was brought to an exit court session, where this decision was taken without a lawyer. Maryna Lobava stressed that the counsel had requested in advance not to hold the hearing without her, but her petitions were not taken into account. Moreover, during the meeting with

Eduard, which took place a few days before, the mother was not told anything about the trial. The prisoner did not know about the forthcoming court hearing either. After his release Eduard Lobau was planning to go to study abroad, but now those plans should be delayed for at least a year.

Death penalty

On November 3 it was reported that a resident of Homel sentenced to death, Aliaksandr Hrunou, had been denied clemency. According to the information received by human rights activists, on October 13 his case was received by the Homel Regional Court with the mark that he was denied clemency and all procedural actions concerning the appeal against the death verdict were exhausted. On November 4, Volha Hrunova, mother of Aliaksandr Hrunou, reported having received a notice for taking a parcel with his belongings. In the parcel, there were the clothes which Aliaksandr was wearing during his stay on the death row in the prison in Valadarski Street in Minsk. The prison uniform had an acronym IMM on its back, which stands for the exceptional punishment. This is the second case when mothers of executed persons receive the uniform of their sons which they were wearing during their stay in prison. The first such case was with the mother of Pavel Sialiu. Human rights activists believe that such actions by the authorities added to the suffering of relatives of the executed, and constituted cruel and inhuman treatment. On November 12, the Homel-based Centre for Strategic litigation sent a message to Christof Heyns, the UN Special Rapporteur on extra-judicial killings. The human rights defenders informed the Special Rapporteur about the execution of Alexander Hrunou, whose individual complaint was pending before the United Nations Human Rights Committee. The activists expressed concern about executing a death verdict, which essentially was extra-judicial killing. The human rights defenders called on the UN Special Rapporteur to take all possible steps within his mandate. On November 27, the Homel Regional Court, which earlier sentenced local resident Aliaksandr Hrunou to death, refused to disclose the death convict's place of burial to his mother. Volha Hrunova received a written ban signed by the Chairman of the Court Siarhei Shautsou. She is going to seek changes in the Belarusian legislation, which imposes a taboo on information about the burial site of executed prisoners. According to Article 155 of the Criminal Executive Code, which regulates the execution of the death penalty in Belarus, the administration of the institution in which the death penalty is carried out is required to send a notice of the execution of the sentence to the court that handed it down, while the court should notify one of the family members. The body is not given for burial, the place of burial is not disclosed.

On November 14, it became known that the case of Vasil Yuzepchuk, a resident of the Drahichyn district, had been considered by the United Nations Human Rights Committee in October 2014. The Committee admitted violation of paragraph 3, Article 9 of the International Covenant on Civil and Political Rights, as Yuzepchuk hadn't been brought before a judge promptly to address the issue of his arrest. The Committee also found a violation by the State of Article 7 of the Covenant, which prohibits torture and inhuman treatment. After detention Mr. Yuzepchuk was tortured: he was beaten by police officers, starved, thrown into solitary confinement, forced to drink vodka and take unknown pills. Under duress, Vasil Yuzepchuk confessed to committing a series of murders of elderly women in the Drahichyn district, but then recanted his confession and reported torture. After that, he was placed in isolation and tortured again to make him confess again. Vasil Yuzepchuk repeatedly stated about torture, but these claims were not considered properly. Human rights lawyer Raman Kisliak, who represented Vasil Yuzepchuk's interests at the Committee, noted that the international body also concluded that the trial of Vasil Yuzepchuk failed to meet the criteria of independence and impartiality, the evidence of guilt was circumstantial and did not allow an unambiguous conclusion about the guilt. None of the conducted forensic examinations confirmed the guilt of the convicted person. The Committee considered that the condemnation to death as a result of the trial did not meet the requirements of Article 14 of the Covenant (minimum guarantees for a fair trial), and evidenced arbitrary deprivation of life, i.e. a violation of the right to life (Article 6 of the International Covenant on Civil and Political Rights). According to Mr. Raman Kisliak, the case of Vasil Yuzepchuk was the third one in which the Committee identified a violation of the right to life in connection with the imposition of the death penalty. Vasil Yuzepchuk was an ethnic Roma who had mental retardation, poorly oriented in time and was illiterate. The Brest Regional Court convicted him on charges of murders with aggravating circumstances and sentenced him to death in July 2009. The sentence came into force on October 2, 2009, after hearing of the appeal at the Supreme Court of Belarus. The case of Vasil Yuzepchuk was registered at the United Nations Human Rights Committee on October 12, 2009. The Committee adopted protection measures, informing the government about the need to refrain from executing the death penalty while the case was pending before the Committee. Nevertheless, in March 2010, Vasil Yuzepchuk was shot.

Torture and other cruel and inhuman treatment

On November 5, the Prosecutor's Office for the fourth time cancelled a refusal to open a criminal investigation into the torture of Piotr Kuchura, who is held in penal colony No. 15 in Mahiliou. Despite the present inability

to break the vicious circle of investigator Skavarodkin's rulings and their subsequent terminations by the prosecutor, Liudmila Kuchura said she was not going to surrender. Ms. Kuchura said that she would continue seeking access to the materials of the examination, which were carefully concealed by the investigating authority. She did not lose hope that the officials who had committed crimes would eventually be punished.

On November 24, it became known that the Svetlahorsk District Court had quashed a decision by the district department of the Investigative Committee, which earlier refused to open a criminal investigation into the death of Aliaksandr Akulich, who had died while serving an administrative arrest in the detention centre of the town's police department in May 2012. The judge agreed with all the arguments of the victim's mother and the human rights defenders of the HRC "Viasna". The case received a new turn when Deputy Chairman of the Supreme Court, having examined a supervisory appeal prepared by the HRC "Viasna", on September 22 ordered cancellation of a ruling of the Svetlahorsk District Court and sending the case for a new trial in this court. In early October, the order was considered by the Praesidium of the Homel Regional Court, who met it and forwarded the case to the Court of Svetlahorsk district. As a result, Judge Iryna Aliseika cancelled the initial decision on October 24. It is worth noting that the judge granted the complaint on all the grounds specified by the human rights defenders. In its ruling, Iryna Aliseika highlighted the contradictions which "could affect the correctness of the decision taken by employees of the Svetlahorsk department of the Investigative Committee". Firstly, "an additional forensics examination established a different, other than established by the initial inspections, cause of death of A.A. Akulich". The death certificate featured "pulmonary embolism", and expert opinion No. 72 of April 29, 2013 says it was chronic alcohol intoxication, which was complicated by the development of alcoholic delirium. We emphasize that before neither the investigation nor the court mentioned this distinction. Secondly, the court ruling points out the contradictions in the explanations provided by employees of the detention centre Stseshankou and Bachko about their use of violence against Aliaksandr Akulich. The judge concluded that they had not been questioned properly. "For example, the inspection failed to establish how many times and in what parts of the body they inflicted strikes with a truncheon to A.A. Akulich; what manifested A.A. Akulich's disobedience; why an ambulance was not called immediately, but after a period of time; who inflicted blows to the head and the feet of A.A. Akulich and how, and whether it was necessary to inflict such bodily harm." Moreover, the judge, following the steps of the human rights activists, draws attention to the fact that instead of calling an ambulance the police officers beat the detainee, who was in a morbid state. In addition, the judge says that the investigators failed to question the persons who were held in the same cell

with Aliaksandr Akulich, as well as those held in other cells of the detention centre. Separately, she notes that the investigating authorities did not evaluate the actions of Stseshankou and Bachko in the context of implementation of the requirements of Article 23 of the Law of the Republic of Belarus of “On the Bodies of the Interior of the Republic of Belarus”, namely, the duty of immediate medical and other appropriate assistance to a person in a helpless or dangerous condition, as well as the requirements of Article 26 — the legality of the use of special means and physical force, as well as measures for immediate medical assistance, which Aliaksandr Akulich obviously needed.

On November 24, Aliaksandr Vaitsechyk, activist of the independent trade union of radio-electronic industry (REP) in the city of Baranavichy, who had served a 2-day detention in the police department of Niasvzh for requesting a book of complaints in a local canteen, wrote a complaint to the Prosecutor General’s Office. In his complaint, the activist told about poor conditions of detention and asked to close the temporary detention facility of the Niasvzh district police department. Aliaksandr Vaitsechyk said that the cell was very cold, especially at night, since the battery was not warm. He argued that the daytime temperature was about 12-14 degrees Celsius, and at night it was around +10. As a result, the prisoner could not sleep and it was impossible to keep warm. The ventilation was out of order, and the smoke made it difficult to breathe. Therefore, he had a bad cough, pain in the back and waist. The complaint stated that the cell had no toilet and the inmates had to use a bucket that was located in a dirty corner. The stench in the cell was disgusting, said the activist, and the prisoners had to take their meals and sleep in such anti-human and anti-sanitary conditions. The inmates, said Aliaksandr Vaitsechyk, were not allowed to visit the toilet due to lack of police officers. There was neither drinking water, nor enough daylight and electric light in the cell, the doctor never examined the detainees, it was impossible to call the family, the prisoners were not taken out for walks.

Persecution of human rights defenders and organizations

On November 4, the Mahiliou Regional Department of Justice withdrew its claim against the Mahiliou Human Rights Centre due to the fact that the human rights organization managed to find a new legal address. The lawsuit was filed to the Mahiliou Regional Court after the NGO failed to provide documents which were necessary to record changes of its legal address. On the eve of the trial, the Human Rights Centre received two written warnings from the Department of Justice. The NGO had a registered address, but due to the fact that the submitted documents had inaccuracies concerning the size of the premises, these documents were sent back. The human rights activists

had hoped that the revised document could resolve the issue, but the landlord refused to renew the lease contract.

On November 5, the Department for Citizenship and Migration of the Pershamaiski District Police Department of Minsk considered the question of the expulsion from Belarus of Chair of the Board of the Centre for Legal Transformation “Lawtrend” Elena Tonkacheva, whose residence permit in Belarus had been annulled. Within a month, the human rights activist was expected to leave Belarus without the right to enter the country for three years, after which the decision could be reviewed. About 7,000 petitions for suspending the procedure of expulsion were passed to the Department for Citizenship and Migration. The procedure of deprivation of residence in respect of the citizen of the Russian Federation Elena Tonkacheva, who has been living in Belarus since 1985, was launched in September 2014. The formal reason for the beginning of the procedure was four cases of speeding committed by the human rights defender while driving her car. On November 28, Elena Tonkacheva appealed against the decision to the Department of Internal Affairs of the Minsk City Executive Committee. On the same day, the Pershamaiski District Police Department of Minsk extended by one month the residence registration for the human rights defender. In accordance with the Law “On the Legal Status of Foreign Citizens and Stateless Persons in the Republic of Belarus”, submission of a complaint is an occasion to pause the expulsion for the period of its consideration.

On November 21, human rights activist and journalist Uladzimir Khilmanovich received a phone call from an employee of the Leninski district police department who said that the activist faced charges of committing an administrative offence. Then the policeman visited Khilmanovich’s house, handing him the offence report and interviewing the human rights defender. The report was reportedly written by head of the Svislach district police department, Major Viktor Hancharevich. Uladzimir Khilmanovich was charged with involvement in a traditional action in memory of the insurgents of the 1863 anti-Russian uprising, held in the town of Svislach on October 26. He was also accused of being photographed on the background of a white-red-white flag. On November 25, Judge Alena Piatrova of the Leninski District Court of Hrodna fined Uladzimir Khilmanovich 5.25 mln roubles.

Administrative prosecution of civil society and political activists, arbitrary detention

On November 1, Yury Hlebig, an opposition activist of the town of Svislach, was visited by representatives of local police. They told him that he was facing administrative charges over an offence allegedly committed on October 26 during a traditional action in memory of the 1863 anti-Russian insurgents.

Yury Hlebig then spoke to the crowd, holding a national white-red-white flag. On November 24, the activist was fined 1.5 mln roubles by the local district court on charges of participating in an “unauthorized mass event”.

On November 17, Lieutenant Anatol Tarasiuk of the Kobryn District Police Department invited local activist Ales Mekh to the department in connection with his participation in a traditional action in memory of the 1863 anti-Russian insurgents held in Svislach on October 26. Ales Mekh demanded an official summons, and on November 18 the summons was served to him and his minor son Anton. On November 21, Alexander Fur visited the Kobryn district police department to read the materials of the case sent from Svislach. The offence report was written and signed by the chief of the police department, Major Viktor Handarevich. The activist’s involvement in the event was reportedly witnessed by local policemen Yury Sadouski and Dzianis Pauliuchenia. The trial of Ales Mekh was scheduled for December 4. On the same day, the case of his son Anton was expected to be heard at a meeting of the Juvenile Commission of the District Executive Committee.

On November 25, the Court of Hrodna’s Leninski District heard the administrative cases of four people who attended the traditional action in memory of the 1863 anti-Russian uprising in the town of Svislach on October 26. Judge Alena Piatrova fined journalist and human rights activist Uladzimir Khilmanovich and United Civil Party activist Yezhy Hryhencha 5.25 million roubles each, and Radio Liberty journalist Mikhail Karnevich and UCP activist Vital Lopasau were fined 2.25 mln each on charges of participating in an unsanctioned event. In fact, all of them were convicted on the basis of merely being present in Svislach on the day, since the materials of their cases and the testimony of witnesses, local police officers, had nothing that would confirm the commission of any offence. However, this did not affect the judge’s decision. Particularly absurd was the penalty for an accredited journalist, Mikhail Karnevich, who was covering the event.

On November 8, the members of the rock band Dzetsiuki and the shooting crew were detained in Zaslaue while shooting a video for their new album. A total of 18 people were detained. The police regarded the shooting of the video as an unauthorized mass event and detained the musicians as they failed to present an official permit for their actions. After being taken to the police station, the musicians were released.

On November 11, the Leninski District Court of Hrodna fined local opposition activist Yezhy Hryhencha, detained by police on November 2 while campaigning as part of the People’s Referendum initiative. Judge Yury Kazakevich ignored the circumstances of the administrative case and ruled that the activist was to be fined 1,350,000 roubles. The Court ruled that the activist violated election laws, as he allegedly failed apply for registration of

the initiative group in the CEC, which is required if a referendum is organized on people's initiative. However, the signatures were collected under an appeal to the Chamber of Representatives and President's Administration, who were urged to initiate a referendum. At the trial, Mr. Hryhencha not only told about it, but also asked to attach to the case the Law "On Petitions of Citizens".

On November 17 the Peshamaiski District Court of Minsk heard the administrative charges against deputy chairman of the Conservative Christian Party BPF Yury Belenki on charges of violating Part 2, Article 23.34 of the Administrative Code (violation of the order of holding mass events). According to police reports, Yury Belenki failed to secure the protection of public order and health care during the rally of Dziady held on November 2. Despite the fact that on October 27 the event organizer had met with representatives of Minsk police and prosecutors, the offence report insisted that had did not taken measures to maintain public order. Judge Anastasiya Papko rejected Yury Belenki's motion to summon a representative of the public security police of the Minsk City Department of Internal Affairs and Prosecutor Smalenski. A representative of the Minsk City Executive Committee, Yury Uralski, said in court that there were "no significant violations on the part of the organizers", and they received no information about their failure to pay for the expenses. The judge found Mr. Belenki guilty and ruled to fine him 3 mln roubles.

On November 28, the Leninski District Court of Minsk considered the administrative case of deputy chairman of the Conservative Christian Party BPF Yury Belenki and sentenced him to a fine of 4.5 million roubles for involvement in a procession to the place of execution of the victims of the Bolshevik terror, held on November 9. The charges were heard by Judge Maryna Zapasnik. The judge granted all the motions by Mr. Belenki (involvement of a lawyer, questioning a witness), but refused to screen a video of a general meeting in the Minsk City Executive Committee on October 27, as well as a footage of the memorial action in Loshytsa. The defendant argued that the security measures had been agreed at the meeting of October 27 (which could be proved by the video footage), as well as before the action on November 9, and he had not been notified of the procedure of payment. Besides, the charges were brought against him on November 12, although, according to the law, the CCP BPF should have paid the expenses within 10 days after the event.

On November 21, former political prisoner Andrei Haidukou was detained while distributing leaflets about Belarusian political prisoners in Navapolatsk. The police detained him for allegedly holding an unsanctioned rally, but later charged him with distributing leaflets without imprint. After that, Andrei Haidukou was released. On November 24, the activist was detained again for distributing leaflets in Polatsk. He was brought to the police department, charged with illegal

picketing (Art. 23.34 of the Administrative Code) and ordered to appear in court on November 27. However, on November 25, Andrei Haidukou was taken to the court building directly from his apartment. In court, he filed a motion for a defence lawyer, saying that he had signed a contract with a lawyer in Minsk who could not so quickly arrive in Polatsk. Judge Uladzimir Biassetski refused to wait: he gave the defendant half an hour to contract a local lawyer. As a result, the Judge found Andrei Haidukou guilty of violating Article 23.34 of the Administrative Code and sentenced him to ten days of arrest for “holding an unauthorized picket and the distribution of leaflets”.

On November 24, Pavel Vinahradau, leader of the Zmena opposition group, known for his frequent arbitrary detentions and arrests, announced his intention to move from Minsk to his native town of Berazino. The main reason was that was a risk of being sent to an activity therapy centre. The activist had a record of three administrative penalties for “appearing in a public place in a state of intoxication”. As a result, police could send him for a medical examination, and then after the first drinking offence report the activist could have become a client of the correctional institution. Meanwhile, the activist appealed against the administrative violations.

On November 25, activist Yury Liashenka was detained by an ambulance while trying to stage a protest outside the Svetlahorsk district executive committee building. A wheelchair user himself, the activist was going campaign for the rights of people with disabilities, including against discrimination of their rights during the renovation of a residential building in Lenin Street. However, the executive committee banned the event. Nevertheless, Yury Liashenka appeared in the central square of Svetlahorsk. A few minutes later, an ambulance pulled over and the man was dragged into the car. At the hospital, he had his blood pressure measured and a cardiogram done. He was told that he had tachycardia and the doctors made an injection. Then there appeared a policeman who interviewed the activist. After the policeman charged the disabled activist under Article 23.34 of the Administrative Code, a nurse told Yury Liashenka that he could go home because he had received the “necessary assistance”. On November 27, the Svetlahorsk City Court was expected to hear the administrative charges brought against Yury Liashenka. However, the trial did not take place after a police lieutenant colonel told the activist that the case file needed to be corrected. As the social activist was planning a foreign trip for medical treatment, he wrote a letter to the court asking not to consider the case in his absence.

Restrictions on freedom of speech and the right to impart information, harassment of journalists

On November 3, journalist Alina Litvinchuk of Brest reported being charged with violation of Article 22.9 of the Administrative Code, “illegal transfer

and production of information for a foreign media that is not accredited in the Republic of Belarus". The alleged victim in the case was the head of the Brest city department of the public organization "Christian Commonwealth of Youth and Adults", Aliaksandr Drachuk. Another document attached to the case was a statement by head of the Brest Regional KGB Department A. Krupenkin, which said that A. Litvinchuk was allegedly engaged in "illegal journalist activities" while preparing a publication about the abuse of drugs by residents of the Brest region (an article entitled "Pupils' Mates Will Tell about Spice School", published at the website of Radio Racyja). The KGB officer accused Alina Litvinchuk of violating Article 22.9 of the Administrative Code (illegal production of mass media). After reading the case materials, the journalist refused to testify using her constitutional right not to incriminate herself. After that, police officer Dzmitry Sverba drew up an offence report and handed a summons to appear in court on November 6. However, as it turned out, this date had not been agreed with the judge. In addition, the information about the victim and the witnesses wasn't reflected in the violation report. In the evening of October 31, police officers visited the journalist's apartment in order to rewrite the report. However, Ms. Litvinchuk again refused to testify and sign the new report. On November 6, the trial was adjourned at the request of the journalist, who was going abroad and asked the court of Brest's Leninski district to postpone the consideration of the case. As a result, the court ordered the journalist to appear on November 25.

On November 5, on the world day "Stand Up for Journalism", a number of journalists and activists in Vitsebsk were photographed against the background of a graffiti on the wall of a building, an image of three cages and paper birds leaving them. The people in the photographs were holding paper birds or cages. Soon they were invited to the police station and charged with an administrative offence. On November 28, the Chyhunachny District Court of Vitsebsk considered the administrative cases of journalist Dzmitry Kazakevich and Alena Stsiapanava, as well as activist Alena Shabunia. As a result, all were found guilty of violating Art. 23.34 of the Administrative Code (violation of the order of organizing or holding mass events) and fined 20 basic units (Dzmitry Kazakevich and Alena Stsiapanava) and 18 basic units (Alena Shabunia). The trial took about 30 minutes. The prosecution was by the head of law enforcement and prevention department of the Chyhunachny District Police Department of Vitsebsk Aliaksandr Rybakou. He said that the photo session was an action because it was described so on the Internet. Judge Dzianis Hubanau convicted journalist Alena Stsiapanava. The same judge ruled to fine Alena Shabunia 18 basic units. The judge said that the amount was lower because the activist had three children, including two minors. In total, seven people faced charges over the photo session. Trials of journalist

Kanstantsin Mardzvintsau and activist Tatsiana Seviaryn were appointed for December 1. Piotr Biarlinau, a passer-by who joined the photo session, was expected to be tried on December 3. Human rights activist Pavel Levinau was yet to face his charges after he said that he would sign a contract with a lawyer, so his visit to the police station was postponed.

On November 13, independent journalist Andrei Mialeshka received a phone call from the police department of the Leninski district of Hrodna and informed about administrative charges under Art. 22.9, Part 2 of the Administrative Code (“illegal production and distribution of media products”). He was summoned to the police station to provide explanations over an interview with Professor Valery Charapitsa of the Hrodna University, but the journalist requested an official summons. The same day, police officers Vaitshchyk and Hryn of law enforcement and prevention department of the Leninski district police department came to the journalist’s apartment to receive explanations regarding this interview. The police officers said that the case had already been opened and it was expected to reach court a few weeks later. This was already the third administrative case against the journalist on the same charges within the year: first, he was fined 30 basic units in June, then 35 basic units in October.

On November 13, journalist Ales Zaleuski was invited to the Slonim district police department. Head of the department Valery Ramanchuk said that his actions constituted “an administrative offence” and his case was going to be sent for trial. Ales Zaleuski was an employee of the Polish public television TVP, the owner of the BelSat independent TV channel. He is the author and host of a number of TV shows. This was already the second administrative case against him during the year. In May, the Karelchy District Court sentenced the journalist to a fine of 30 basic units for alleged “illegal production and distribution of media products” (Art. 22, Part 2 of the Administrative Code). The charges stemmed from a report about a local history museum in the town of Mir.

On November 17, the tax inspection of Mahiliou’s Leninski district invited a freelance journalist Ales Burakou to report on his foreign income for 2010-2013. Ales Burakou noted that this was his third visit to the tax authorities over the past few months. He stressed that after police seized his PC as part of an administrative case, law enforcement officers scanned his computer for materials that could prove his cooperation with foreign media without accreditation, in particular the Free Format project and Deutsche Welle.

On November 18, the Leninski District Court of Hrodna considered the administrative case of local activist Volha Krapotsina, detained on 19 September when handing out leaflets in support of Ukraine. Judge Dzmitry Bubenchyk found the activist guilty of “illicit manufacturing and distributing of printed materials” (Art. 22.9, Part 2 of the Administrative Code) and fined her

4.5 million roubles. Volha Krapotsina pleaded not guilty on the grounds that every citizen of the Republic of Belarus is entitled to a right of free flow of information. The case file also featured an opinion by the Ministry of Information of the Republic of Belarus, which recognized the home-made flyers a “mass political non-periodical publication”.

On November 24, Russian border guards detained Belarusian journalist Larysa Shchyrakova and opposition activist Kanstantsin Zhukouski. The Homel-based journalist was making a story about the Belarusian-Russian border in the Dobrush district. Later they moved across the border into Russia and there filmed trucks going from Belarus to Russia to prove restrictions on transit of Belarusian exports. They were stopped by Russian border guards, who took their passports and asked about the purpose of their trip. Larysa Shchyrakova and Kanstantsin Zhukouski were held for two hours. They were interviewed by men in plain clothes who did not identify themselves. The Belarusians were asked why they were making a story in the border area. Claims were that the journalist might film agents of the Russian security service, FSB.

On November 26, Tamara Shchapiotkina, a human rights defender and freelance journalist in Biaroza, Brest region, received a phone call from deputy head for public order of the police department Mikalai Prakurat. The police chief said that Ms. Shchapiotkina would have to come to the police department because of her contribution for Radio Racyja. The activist said that she had a different appointment for the day, so she could not come at the requested time. First, she accepted the offer to come on the 27th in the morning, but then she told Mikalai Prakurat that if she broke the law, then the police should send her a summons and indicate her status and the essence of the case. As a result, Mikalai Prakurat agreed to do so. On November 30, Tamara Shchapiotkina visited the police department to see the case file. The administrative offence report written by the deputy chief of department of protection of public order of the Biaroza district police department Mikalai Prakurat said that Tamara Shchapiotkina violated Art. 22.9 of the Administrative Code. The charge stemmed from a publication posted on the website of Poland-based Radio Racyja. Meanwhile, the interview with local pharmacist Aleh Kaziupa did not mention the author's name. Among the images of four women shown to Aleh Kaziupa and head of secondary school No. 1 Mikalai Zhukovich, who was also interviewed by the journalist, they recognized Tamara Shchapiotkina. Only Kaziupa said that Shchapiotkina named herself Halina Vasilevich. After reading the case file, the journalist refused to give explanations, using her constitutional right not to incriminate herself. The case was going to be forwarded to court in the near future.

On November 30, human rights activists in Salihorsk said that chairman of the executive committee Aliaksandr Rymasheuski recommended all

heads of enterprises and organizations of the district to subscribe to local government-owned newspaper Shakhtsior. "In order to provide the public with ideologically correct information on the political and socio-economic situation in the country, Minsk region and Salihorsk district", the executive committee chairman also encouraged to take steps to involve employees of local state-owned enterprises in the subscription to the newspaper. Following the appeal of Aliaksandr Rymasheuski, managers of local organizations received a letter from the chief editor of Shakhtsior Siarhei Kvitkevich. Referring to the governor's recommendation, the editor directly told the managers to arrange compulsory subscription to the newspaper, citing the minimum rate of 50% of subscribers among the employees. The managers were also ordered to submit a report on the implementation of the plan to the ideology department of the Salihorsk district executive committee.

Restrictions on freedom of assembly

On November 2, a traditional memorial action, Dziady-2014, including a march and a rally, took place in Minsk. The event was organized by the Conservative Christian Party BPF. Observers of the Human Rights Centre "Viasna" and the Belarusian Helsinki Committee who monitored the entire event described it as peaceful. Observers positively assessed actions of the traffic police to ensure the movement of the column through road intersections. They also welcomed the presence of specially designated police information service officers. At the same time, observers registered problems in the work of police officers maintaining public order during the mass event. There was an interference with the freedom of peaceful assembly, namely groundless detention of participants, which should be assessed as illegal and arbitrary. Human rights defenders continued to stress the impossibility to identify law enforcement officers due to the lack of uniform, as well as the absence of identification cards on the clothes of policemen wearing uniform. In such circumstances, observers doubted the ability of the police to adequately fulfil their function of protecting public order, since the protesters could not identify police officers in case they needed help. It should also be noted that the order of holding mass assemblies in Belarus, adopted by the Law "On mass events in the Republic of Belarus" of December 30, 1997 (as amended on 08.11.2011), is contrary to international standards. In a joint opinion of the Venice Commission and OSCE/ODIHR (CDL-AD (2012) 006) it is observed: "The law on mass events is characterized by excessive regulation of the procedural aspects of the assembly. The law creates a complex procedure under strict and time-consuming procedures for obtaining permits, at the same time leaving more leeway to the administrative authorities in the application of the Act. This procedure does not reflect the positive obligation of

the state to ensure and promote the right to freedom of peaceful assembly and freedom of expression.”

On November 7, members of the Conservative Christian Party Belarusian Popular Front Piatro Sarapenia and Yan Dziarzhautsau wanted to stage a protest in order to inform the citizens about the consequences of the 1917 October Revolution and the need to ban the Communist Party of Belarus and its ideology. The official reason for the picket ban was the notorious ruling No. 881 of the Vitsebsk City Execution Committee “On Mass Events in Vitsebsk”. According to this decision, the applicants shall attach to the application to the district administration contracts for the services of medics, police officers and public utilities. However, medics and police refuse to enter into any service contracts with the applicants.

On November 19, it was reported that the United Nations Human Rights Committee found a violation of the right to peaceful assembly and information in the case of BPF member Siarhei Lazenka. The activist sent his individual communication back in 2008. Siarhei Lazenka was detained in August 2007 and brought to administrative responsibility for taking part in an unauthorized mass event — a congress of the BPF city office in Brest. 25 more people were detained then, among them politician Pavel Seviarynets, who presented his new book “Letters from the Forest”.

On November 20, it was reported that the United Nations Human Rights Committee found numerous violations of the right to disseminate information against a United Civil Party activist from Homel Uladzimir Niapomniashchykh. The Committee recommended the Belarusian authorities to restore the activist’s rights, to compensate for all the costs incurred, as well as to amend the law “On Mass Events”. One of the episodes mentioned in Uladzimir Niapomniashchykh’s complaint dealt with a “silent protest” held in the summer of 2011 in Homel. The activist took part in a “clapping protest” staged in one of the city’s squares. He was accused of violating the law on mass events, and Judge Ilya Svirydau of Homel’s Chyhunachny District Court punished him with a heavy fine. On October 7, 2011, the opposition activist handed out leaflets calling for participation in the National Assembly, which was held on the initiative of local pro-democracy activists in order to discuss the socio-economic situation in the country. Judge Alena Tsalkova of the Tsentralny District Court sentenced Uladzimir Niapomniashchykh to a large fine, too.

From 20 to 24 November, members of the UCP’s Babruisk office were going to hold a series of pickets against the deployment of a Russian military base. The venue was a stadium of the Slavianka factory, the only place in Babruisk, which was authorized by the executive committee for holding pickets. However, officials found a reason to ban the events. Deputy Mayor Aliaksandr Markachou wrote that exactly on these days there would be a youth

football cup at the stadium. Then the activists started applying for other dates: November 30 to December 4. Halina Smirnova decided to visit the stadium to see if the football tournament really took place. But there was no competition there. But instead of football she saw a note on the door saying that the tournament, which was scheduled for the period from 20 to 24 November, was put off till November 30 to December 4 due to weather conditions, exactly the dates the activists had mentioned in their bids.

On November 21, the court of the Maskouski district of Minsk considered an appeal against a decision of the Minsk City Executive Committee banning a picket of solidarity with Ukraine citing obviously far-fetched reasons. In support of the ban, Deputy Chairman of the Minsk City Executive Committee Ihar Karpenka wrote that the picket would not contribute to the preservation and improvement of greenery, would interfere with pedestrians and traffic, would not contribute to the implementation of the traffic rules. The officials referred to Article 9 of the Law “On Mass Events in Belarus”. During the court session, another representative of the Minsk City Executive Committee, Mr. Uralski, announced more absurd claims to the applicant. He argued that Uladzimir Andryenka, who had applied for holding the picket, should have attached a map with the exact location where the picketer would be standing and concluded an agreement in advance with the police and other structures. The activist also should have considered weather conditions, as they would also be taken into account when deciding on approval of the event. Despite the fact that the decision of the city authorities violated the rights of citizens guaranteed by the Constitution and was contrary to standards of international law, the judge found the appeal unreasonable and dismissed it.

On November 22, Yury Liashenka, a campaigner for the rights of people with disabilities in the town of Svetlahorsk, planned to stage a picket in the town’s central square in order to draw public attention to violations of the rights of people with disabilities. However, the executive authorities banned the protest, since “the place of the picket does not comply with the decision the executive committee”. “The District Executive Committee prohibits picketing in the central square,” said the response. The only place where it is permitted to hold pickets is a stage in the city park of culture and recreation, which is situated on the outskirts of town.

Restrictions on freedom of association

On November 5, members of the Free Trade Union of Belarus, Aliaksandr Hramyka, Aleh Shauchenka, Aliaksandr Varankin and Mikalai Zhybul, who had been dismissed from the Tractor Details and Aggregates Plant, declared a hunger strike in the building of the Babruisk City Executive Committee. The workers argued that the plant administration didn’t extend their labour contracts

due to their membership in the FTUB. The activists intended to spend the first day of the hunger strike in the government building, but about 12 o'clock they were thrown out by a police officer. On November 6, the activists continued their protest in front of the company's office. Another member of the trade union, Henadz Labachou, joined the hunger strike at his working place. The trade union activists spent the entire day at the entrance to the office. However, the company's administration did not send a representative to negotiate. On November 10, the activists continued to protest outside the Babruisk city executive committee. They were eventually detained by the police. Two hours later, the detainees were released after being warned against holding an unsanctioned rally. On November 12, their meeting with chairman of the executive committee Andrei Kavalenka ended without result. On November 14, the members of the Free Trade Union announced that they were going to stop the hunger strike. Their demand for reinstatement was not met. The police told the activists that they faced administrative charges. According to police officers, the activists staged an unsanctioned mass event — a hunger strike.

On November 13, an official warning signed by the deputy prosecutor of the Brest region Aliaksandr Tachko was issued to the local coordinator of the organizing committee of the Belarusian Christian Democracy Party Aliaksandr Khrapko. The document, issued to Mr. Khrapko on November 13, said that he was officially warned "about the inadmissibility of participation in the activities and speaking on behalf of the unregistered party". The officer of the regional Prosecutor's Office referred to Part 3 of Article 7 of the Law "On Political Parties". The Prosecutor's Office came to such conclusions on the basis of materials received from the State Security Committee (KGB). In particular, the Brest activist was accused of taking part in the campaigns "For Small Border Traffic" and "Let's Save Our Children from Alcoholism", initiated by members of the BCD's organizing committee.

On November 25, representatives of "Our Generation", an association of elderly people, said that their email account had been hacked by unknown attackers, who also changed the password to the organization's website administration panel. According to the NGO leaders, the attack caused irreparable damage to its business reputation. "In particular, as a result of breaking the organization's mail, the attackers were in correspondence on behalf of the organization's partner, which resulted in disrupting of some of the planned activities. In addition, irreparable damage was suffered by the business reputation of the organization among some foreign partners, members of "Our Generation" and activists of an NGO named "Pension Event".

Situation of Human Rights in Belarus in December 2014

In December, the human rights situation deteriorated; the negative trends of human rights violations and restrictions were expanded, both on the legislative and law enforcement levels.

A large-scale attack on freedom of speech was reported during the month. On December 17, the House of Representatives adopted in two readings amendments to the Law “On Mass Media”, which allowed the government to significantly increase its pressure on the independent media. On December 18, the bill was approved by the Council of the Republic, and on December 20 it was signed by President Aliaksandr Lukashenka (date of entry into force — January 1, 2015). According to the bill, online media are fully subject to the law on mass media, except for the requirement of registration. The amendments also define what information can not be distributed by the media. In particular, it is prohibited to disseminate “information that can harm the national interests of the Republic of Belarus”. Restricting access to online media will be applied after receiving two warnings during one year, as well as for the dissemination of prohibited information and failure of the owner of an online resource to follow the legal requirements of the state authority to eliminate violations of the law on mass media. Moreover, the dissemination of information that may, according to the authorities, threaten national security, may result in the blocking of websites without issuing any warnings. Another very serious challenge for the media community is the ability of the Ministry of Information to order the blockage of an Internet source on an out-of-court basis.

Meanwhile, several information Internet resources were blocked on December 19, ahead of the announced date of entry into force.

In particular, without any explanation access was limited to the websites belapan.com, belapan.by, naviny.by, belaruspartisan.org, charter97.org, udf.by, 21.by, gazetaby.com, and zautra.by.

Experts linked these repressive measures against the independent media to the preparation of the authorities to the 2015 presidential election, as well as their unbiased coverage of the current crisis in the country.

Representatives of the media still faced detentions while performing their professional activities, administrative prosecution for cooperation with foreign media without accreditation against the background of ongoing denials of accreditation from the Belarusian Foreign Ministry and warnings issued by the prosecuting authorities.

Expression through public events was extremely minimized. The authorities banned over ten peaceful assemblies expected to mark the

Human Rights Day, with only one picket allowed in Brest. Activists continued to be subjected to administrative prosecution for participation in public events, including in authorized protests, as well as arbitrary and groundless detentions.

Belarusian authorities clearly demonstrated that they were not going to stop their repressive policy against their opponents and dissidents, or show political will for the release of political prisoners. Despite the fact that two political prisoners, Vasil Parfiankou and Eduard Lobau, were released in December, this failed to become a sign of addressing the acute problem, since their release was solely due to the expiration of their full terms of imprisonment. The unchanged position of the authorities in the issue of political persecution was confirmed by the emergence of a new political prisoner — activist Yury Rubtsou, who on December 22 began serving an 18-month imprisonment in a special settlement in the village of Kuplin, Pruzhany district. Thus, by end-December there were six political prisoners in detention: Mikalai Statkevich, Ihar Alinevich, Mikalai Dziadok, Yauhen Vaskovich, Artsiom Prakapenka and Yury Rubtsou. The authorities showed their willingness to use criminal prosecution as a means of suppressing or restricting public activity by the arrest of Aliaksandr Alesin, a military expert for the newspaper *Belarusy i Rynok*. The KGB accused him of cooperation with foreign intelligence agencies. After being released from the KGB detention centre, he told that in his work he used only open sources of information. Aliaksandr Alesin remains under investigation and was released on his own recognizance.

The deterioration of the human rights situation was expanding against the background of increasing contacts of the European Union and the United States with the Belarusian authorities, which cast doubt on the principled position of the West regarding the restoration of contacts with the official Minsk only after the release of political prisoners. Thus, there was a further departure of the EU and the US from the value-based position towards pragmatic cooperation imposed by the Belarusian side. This became a disturbing trend, since it was primarily the foreign factor that could bring positive dynamics to the issues of political prisoners, democracy and human rights, with absence of means to affect the issues within the country.

Political prisoners, criminal prosecution of civil society activists

On December 1, political prisoner Eduard Lobau turned 26. This was the fourth birthday he marked in prison. On December 18, Eduard Lobau was released from penal colony No. 22 in Ivatsevichy. He was met by his family

and associates. According to Eduard Lobau, he was offered three times to write a petition for clemency back in 2011, but refused. Since then the issue had not been raised by the prison authorities. The former political prisoner said that since he was subjected to preventive supervision, he did not know yet what he would do next, but he previously planned to go abroad to study. Eduard Lobau said that his views had not changed in prison and he would continue being engaged in socio-political activities. On December 19, Eduard Lobau held his first press-conference after his release. Remembering the trial of March 24, 2011, when he and Dzmitry Dashkevich faced criminal charges, Eduard noted: "This trial was a pure formality, because from the beginning it was known who and how much would get and it was known that this case was completely trumped up. In general, I did not view this as a trial." The former political prisoner said that his relations with other prisoners were normal. Prison officials knew why he was held there and sometimes invited him for conversations. Lobau felt little pressure as a political prisoner, although he received 18 penalties over four years and was repeatedly placed in solitary confinement. He said that the conditions of his detention in the colony, where he was serving his term, were common, but admitted that he had nothing to compare, as he never was held in other colonies. Speaking about health care, Lobau told that he asked for treatment on a number of occasions and the assistance he received was satisfactorily, while those who had complex or chronic diseases complained about the prison doctors. As for nutrition, it was common for such institutions: porridge for breakfast, soup for lunch, pasta or porridge with a sausage or potatoes with fish or sauerkraut for dinner. "As I understand it, this food is given only to maintain vital functions. Such amounts are barely enough for this," concluded Mr. Lobau.

On December 4, Valeryia Khotsina, wife of political prisoner Mikalai Dziadok, said that her husband had undergone a psychiatric forensic examination at Mahiliou prison No. 4, the test all prisoners have to pass before being tried in custody. According to Valeryia Khotsina, the examination results were not yet known. On December 6, Valeryia Khotsina said that Mikalai Dziadok was charged with resistance to the legitimate demands of prison administration (Art. 411 of the Criminal Code), which might result in another year in prison. According to her, the trial could be held in January 2015 and her husband would be tried behind closed doors. Mikalai Dziadok was also deprived of a visit scheduled for January 5, which he and his wife were looking forward to for almost a year. This was due to the fact that the prisoner had allegedly created a situation of conflict in the prison cell, but Mikalai denied the charges. After that, according to Valeryia Khotsina, the political prisoner finally decided to go into solitary confinement. According to his wife, he kept bright. She said that the recent letters and telephone

conversations suggested that a new wave of pressure did not break him, and he was more worried about his family than about himself.

On December 5, political prisoner Vasil Parfiankou was released from penal colony No. 9 in Horki. His friends and journalists gathered to meet him, but the prison officers took him to the railway station and made sure that he took a train to Orsha. After arriving in Orsha, Vasil Parfiankou met with his colleagues, after which he left for Minsk. Vasil Parfiankou noted that during his stay in prison he had received 39 penalties for various violations, and before his release, on November 11, the colony hosted a trial, which imposed on him a preventive supervision for a period of 12 months. The former political prisoner said that on the day the court heard about 40 similar cases. As to whether it was possible to appeal against imposed penalties, Vasil said that theoretically it could be done, however, as the petitions and complaints were considered by the same person who issued the penalties, it brought no results: the prison chief issues a standard runaround that the penalty is perfectly legal. According to him, one can send a complaint to the Prosecutor's Office or the Department of Corrections, but such complaints rarely get beyond the walls of the colony. During the year he spent in the colony, Vasil Parfiankou worked for just five days, and spent only 29 days in the residential area, then he was placed in PKT (cell-type premises), and then repeatedly in a punishment cell. The prisoner could spend some 300 thousand roubles on foodstuffs. He said the prison shop usually sold fruits: apples and oranges. The store had sausages and cheese, too. Vasil Parfiankou was deprived of visits and parcels from his relatives. Parfiankou said that the state of health care in prison was very bad. Medicines were practically absent. HIV-infected prisoners, who needed special medicines, could only receive them from the Red Cross, but it was very difficult to demand them. TB patients were kept separately in PKT and in the cells. The punishment cell is a regular cell with eight beds, with a wooden floor, and the beds are attached to the walls during the day. It is prohibited to lie here during daytime. There is a bench to sit and a table. When it was cold, the cell was heated, but in the morning it was cold. On December 19, Vasil Parfiankou left for Ukraine, despite preventive supervision restrictions. According to him, he was not going to return to Belarus, and intended to "defend Ukraine from the Russian invaders". His wife and 11-month-old son now live in the Lviv region.

On December 6, Valiantsina Alinevich, mother of political prisoner Ihar Alinevich, said that her son had sent a letter home, saying that he knew about a new criminal case against his associate Mikalai Dziadok. Valiantsina said that her previous letter was rejected by the prison censorship because it featured greetings from Mikalai Statkevich and Mikalai Dziadok. On December 25, Valiantsina Alinevich said that she and her husband had a long-term meeting

with their son, but instead of the usual three days it lasted only a day. According to Valentina Alinevich, her son was thin and pale, but this was understandable, since during the autumn he spent 40 days in solitary confinement. However, his mood was good. Ihar Alinevich's mother said that unlike all other prisoners who left the meeting with the foodstuffs that they were allowed to take, Ihar was not allowed to take even an apple.

On December 6, political prisoner Mikalai Statkevich said in a letter to Bialynichy journalist Barys Vyrvich that some of his letters hadn't reached the prisoner. In particular, Mikalai Statkevich had not received letters from the journalist for several months. At the same time, Mr. Vyrvich sent monthly letters or a postcard with the latest news from the life of the democratic forces of Mahiliou. Mikalai Statkevich said that he had been receiving only letters from relatives more or less regularly, as he informed his father and wife which letters he had received. Mr. Statkevich also wrote that he was to be transferred from prison to colony on January 12, after the end of a three-year prison term. In the absence of admonitions, he could have been returned to a colony 1.5 years earlier, but, as he wrote, "this is not an option for political prisoners". On December 17, Mikalai Statkevich's wife Maryna Adamovich had a two-hour meeting with him through the glass. According to her, Statkevich had not changed: his eyes were still very clear and bright, with no signs of fatigue or frustration, he still believed in himself, he is very strong and courageous with an absolutely precise understanding of what he is doing, why, and what he is ready to do for the sake of his beliefs. Speaking of various means to force him to ask for pardon, Mikalai Statkevich told his wife that a piece of paper could not erase all his life, and that he would never do it. Maryna Adamovich said that her husband was preparing to his transfer to a colony, but he did not know where he would be sent. According to him, the prison shop had recently offered a better choice of foodstuffs.

On December 13, Vyaleta Prakapenka, the mother of political prisoner Artsiom Prakapenka, learned during a short visit to the prison that her son had been given the status of a malicious offender of prison rules, which is why he could not count on parole. According to her, the one-year period of a previous penalty was expected to expire in September, but in July a fresh penalty was imposed on the prisoner, and Artsiom Prakapenka could count on early release only a year after its expiration provided there were no more penalties. The prisoner was accused of wearing slippers instead of shoes in the heat. Other prisoners were not punished for such actions. Vyaleta Prakapenka visited deputy head of the colony and asked how things were going with her son. He replied that everything was fine, but it was all in his mind. According to the political prisoner's mother, the administration official meant that if Artsiom

wrote a petition for clemency, he would have been released, but he refuses to write it. Ms. Prakapenka also said that her son was no longer employed in the colony, because there were no orders (formerly Artsiom worked with metal). According to his mother, the prisoner did not regret the lost wages, because they did not exceed 40,000 roubles.

On December 22, a new political prisoner appeared in Belarus: opposition activist Yury Rubtsou, convicted of insulting the judge, arrived in the village of Kuplin, Pruzhany district, to serve his sentence in open-type correctional facility No. 7. Immediately after his arrival, he received a note from the administration of the special settlement because he should have arrived there the previous day. The activist said that according to the reprimand, he had to come to the place of punishment within three days. But it turned out that the political prisoner should have measured the period from zero hours of the day, instead of the moment he had received the notification. The facility administration told Rubtsou to write an explanatory note, but he said he would not write or sign any official papers. According to Yury Rubtsou, the settlement has a kitchen where prisoners should cook their food themselves. There is no store, but a shop trailer that arrives once in two weeks. Prisoners can only leave the territory with written permission of the administration. Yury Rubtsou will live in a small room with three bunk beds. Yury said he did not know where he would have to work. He is a driver by profession. He would probably have to look for a job in Pruzhany. A bus is running to Kuplin twice a week, and it may be problematic for him to get there.

On December 19, political prisoner Yauhen Vaskovich was visited by his mother and grandmother. The meeting lasted two hours. The political prisoner's mother Rushaniya Vaskovich brought her son medicines and vitamins, as he had problems with his back and stomach. His mother also sent Yauhen a parcel with envelopes and postcards. His friends and party associates had gathered a parcel with warm clothes and personal-care products. They also subscribed him to newspapers and magazines. According to Rushaniya Vaskovich, her son was employed at the colony: he was sewing sweatshirts, and he had two days off a week. She hoped that her son would be released early for his good behaviour.

Death penalty

On December 1, the United Nations Human Rights Committee expressed its grave concern over the fact that Belarus executed a person whose complaint was under consideration by the Committee. The Committee was informed that the death sentence against Aliaksandr Hrunou was carried out on 22

October 2014. Mr. Hrunou had been found guilty of murder and sentenced to death by the Homel Regional Court in December 2013. "The position of the Human Rights Committee remains unchanged regarding the breach of the Committee's request for interim measures of protection to avoid irreparable harm," said Sir Nigel Rodley, the Committee's Chairperson. He highlighted that this was not the first time that Belarus had executed complainants whose cases are registered and pending examination, with a request to have their execution put on hold. "This amounts to a grave breach of its international legal obligations by Belarus," said Sir Nigel. As per usual practice, irrespective of this execution, the Human Rights Committee will continue to consider Mr. Hrunou's case.

On December 3, the Supreme Court said, after a request from the BelaPAN news agency, that Eduard Lykau, who was sentenced to death by the Minsk City Court, had filed a petition for clemency. The petition was filed after the authorities reported on the execution of another death convict, Aliaksandr Hrunou. Human rights activists feared that Eduard Lykau, who was also convicted in 2013, could have been executed at the same time. A response from the Supreme Court signed by the deputy chairman Valery Kalinkovich said that since convict Lykau had applied to Aliaksandr Lukashenka for clemency "the execution of the judgement in respect of the person sentenced to death is suspended pending petition for clemency". Lawyer Aliaksandr Kliukach refused to report on the state of his client, and the date the petition for clemency had been filed.

On December 4, Volha Hrunova, mother of the executed death convict Aliaksandr Hrunou, asked the Constitutional Court to pay attention to collisions of the Criminal Executive Code which prohibits to issue the bodies of the executed to their families or to inform the families about the places of their burial, as it is contrary to the Constitution of Belarus and the International Covenant on Civil and Political Rights. "I asked the Homel Regional Court to inform about the exact time of the execution and the place of my son's burial. However, the court denied me this right, citing Article 175 of the Criminal Executive Code. In this regard, I state that the acting legislation of Belarus and the practice of its implementation continue bringing me moral suffering and psychic stress," commented Ms. Hrunova. The woman believed that the atmosphere of a complete secrecy surrounding the procedure of the death penalty, the places of burial of the shot convicts and the refusals to issue their bodies to their relatives were equal to intimidation and punishment of their families, as far as the latter are deliberately left in the state of uncertainty and psychic distress. "Such attitude of the state to the families and relatives of a convict constitutes a violation of Article 25, part 3 of the Constitution, according to which no one should be subjected to

cruel or inhumane treatment. This also entailed a violation of Article 7 of the International Covenant on Civil and Political Rights, which reads that “no one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment,” wrote the mother in her appeal to the Constitutional Court. In her appeal, Mrs. Hrunova asked to initiate the proceedings on elimination of the legal collisions in the light of the guarantees provided by Article 25, part 3 of the Constitution and Article 7 of the ICCPR, and to introduce appropriate amendments to the national legislation. On December 15, Volha Hrunova received a reply to her petition. The Constitutional Court said that under the law the right to introduce proposals to the Court was entitled only to the House of Representatives, the Council of the Republic, Chairman of the Supreme Court and the Council of Ministers. “In the Republic of Belarus, citizens have an indirect access to constitutional justice — they send their petitions to the authorities having the right to introduce such proposals to the Constitutional Court,” argued the Constitutional Court who suggested applying to the above-listed bodies. On December 23, Volha Hrunova appealed to the President, both Houses of Parliament, the Supreme Court and the Government asking them to request the Constitutional Court to address the question of the constitutionality of the Criminal Executive Code, which prohibits issuing the bodies of executed persons and to disclose their places of burial.

On December 13, the Tsentralny District Court of Homel refused to institute civil proceedings against the Homel Regional Court and the Department of Corrections, which refused to inform Volha Hrunova about the burial place of her son. On the same day, the woman filed an appeal against the refusal to the Homel Regional Court. Earlier, Chairman of the Homel Regional Court Siarhei Shautsou turned down Volha Hrunova’s request to issue her son’s body or to disclose the location of his grave. The Court referred to Article 175 of the Criminal Executive Code, according to which “the death penalty is executed by non-public execution. The body is not issued for burial, the place of burial is not disclosed”. With the help of Homel human rights activists, the woman started a strategic litigation aimed at changing both the legislation and practice that every time lead to the suffering of parents and relatives of death convicts in Belarus.

Torture and other cruel and inhuman treatment

On December 10, the Human Rights Centre “Viasna” presented an analytical report on the results of monitoring places of detention in the Republic of Belarus. The report was prepared by human rights activists in cooperation with an expert Pavel Sapelka. The monitoring covering

the period from 2013 to 2014 was conducted by analysing the penal law in order to obtain objective information from public sources as well as through interviews with prisoners. At the same time, measures were taken in the framework of national legislation to improve conditions of detention. Speaking at the presentation of the report, Pavel Sapelka noted that the study provided current data on the number of places of detention and the number of prisoners and a detailed analysis of the labour rights of prisoners which, as shown by the monitoring, are violated everywhere. The report also included an analysis of the legislation regulating the rights of prisoners to correspondence and access to various authorities, which are unduly limited. Particular attention was paid to analysing the opportunities for civilian control of places of detention. As a result, it was concluded that such institutions were totally closed from the public. Human rights activists stated virtual inability to legally conduct such monitoring. The state of closed educational institutions (special vocational colleges, etc.) was studied as well. As a result, human rights defenders concluded that these institutions had features of deprivation of liberty. The study paid a particular attention to the problem of torture and cruel, inhuman treatment in prisons. It provided documented examples of such treatment and stated that such cases were usually not investigated by independent and impartial authorities. Pavel Sapelka acknowledged that human rights defenders had limited possibilities to influence the situation in places of detention, but it was possible to make these facts public and propose the state to take certain measures to prevent such violations. Following the monitoring, researchers proposed measures both in the field of statutory regulation and law enforcement, which could improve the situation of prisoners.

On December 19, Aliaksandr Vaitshchyk, an activists of the trade union of radio electronic industry (REP), received a letter signed by head doctor of the Republican Centre of Hygiene and Epidemiology of the Department of Finance and the Rear of the Ministry of the Interior, A.L. Zhuk, which said that the experts of the state agency had considered his complaint against the facts of non-compliance with sanitary-epidemiological legislation in the temporary detention centre of the police department in Niasvizh. The letter said that a probe had confirmed some of the facts mentioned in his complaint to the Prosecutor General. In particular, the letter said that the cells in the detention centre did require repairs, and installing toilets in the cells and yards for walks on the territory of the institution needed large investments. The letter also said that the government did not allocate money on a paramedic at the detention centre, therefore prisoners were examined by police officers. The letter noted that, in accordance with the plan of liquidation of the revealed violations, in December 2014 the

detention centre was expected to be closed for repairs and chief of Niasvizh police department would receive a written request to eliminate violations of sanitary-epidemiological legislation.

On December 23, the Salihorsk District Prosecutor's Office said that at the request of Uladzimir Lemesh, an activist of the European Belarus opposition movement, it had checked the conditions of detention in the city's police department. As a result of the probe, prosecuting authorities identified certain violations of regulations for special institutions of the Interior. As it turned out, the Prosecutor's Office only spotted one of the numerous violations: the number of seats on the bench and at the table in the cells appeared to be lower than the number of persons the cell could accommodate. On this occasion, the Prosecutor of Salihorsk district Aleh Audzei wrote to local police chief urging the official to install the necessary equipment. All other arguments by Uladzimir Lemesh concerning the degrading conditions of detention were called groundless by the District Prosecutor's Office. During the inspection, officials allegedly interviewed Mr. Lemesh's former inmates and the staff of the detention centre. Together with the experts of the Centre for Hygiene and Epidemiology, they examined the cells, took water samples, allegedly made measurements of artificial lighting and climate, but found no violations.

Persecution of human rights defenders and organizations

On December 17, human rights activist Elena Tonkacheva, leader of the Centre for Legal Transformation Lawtrend, visited the Department of Citizenship and Migration of the Minsk city police department in order to see the case file and to be able to submit the full text of her complaint. However, on coming to the police department she was handed a notice saying that back on December 12 it had been decided to uphold the decision of the Pershamaiski district police department. It contained a decision on Ms. Tonkacheva's expulsion from Belarus and a ban on entry into the country for three years. That is, none of the arguments that have been presented in the complaint regarding the dis-proportionality of the decision, an incorrect assessment of the facts and so on were taken into account. On December 24, Elena Tonkacheva sent to the court of Minsk's Pershamaiski district an appeal against the decision of the district police department to expel her from the country for three years. On the same day, the police authorities extended by one month her residence permit in the territory of Belarus in order to have an opportunity to appeal against the decision. The deportation of Elena Tonkacheva was reportedly caused by several minor traffic violations.

Administrative prosecution of civil society and political activists, arbitrary detention

On December 1, the Chyhunachny District Court of Vitsebsk heard the charges against participants in a photo session on a background of graffiti, coordinator of the BCD's organizing committee Tatsiana Seviarynets and journalist Kanstantsin Mardzvintsau. The police qualified the action as "unauthorized picketing" (Art. 23.34 of the Administrative Code). Judge Alena Tsyhankova was going to hold the hearing behind closed doors, but the defendants addressed to the chairperson of court; finally, five people were allowed to the room. The Judge dismissed a request of Kanstantsin Mardzvintsau to conduct the trial in the Belarusian language or to invite an interpreter. Disqualification of the judge was also rejected, despite requests from both Kanstantsin Mardzvintsau and Tatsiana Seviarynets, who witnessed a clearly negative attitude of Alena Tsyhankova to those present in the courtroom. The court fully supported the opinion of the police, and eventually fined Tatsiana Seviarynets 25 basic units and Kanstantsin Mardzvintsau — 20 basic units. Three more participants of the photo session were convicted in late November: journalists Alena Stsiapanava and Dzmitry Kazakevich was fined 20 basic units and an activist of the BCD's organizing committee Alena Shabunia was fined 18 basic units.

On December 3, the Court of Vitsebsk's Chyhunachny District sentenced Piotr Biarlinau to three days of arrest for taking part in a photo session against the background of graffiti. The peculiarity of the situation was that he had spent these three days in detention before the trial: he was detained on November 28 and the trial started on December 1. He was detained in the street, taken to the Chyhunachny District Police Department and charged with "unauthorized picketing" for being photographed with paper birds near a building in Ilyinski Street. According to Piotr Biarlinau, he wanted to meet the participants of the photoshoot, as he noticed some journalists among them. He had a problem to which he wanted to draw public attention. Several years ago his plot of land with buildings on it had been taken away from him by the state. Instead of it, he was given a three-room apartment. However, Mr. Biarlinau didn't regard it as an equivalent compensation for the lost property and refused to move to the apartment.

On December 12, the Chyhunachny District Court of Vitsebsk began consideration of the case of human rights defender Pavel Levinau on charges of involvement in an illegal picket — a photo session near graffiti on the wall of a building. The court session was chaired by Judge Alena Tsyhankova. Pavel Levinau tried to prove that the photo shoot was not picketing, that no one was forbidden to be photographed, and even asked to

attach to the case file several photographs from his archive that were taken in different circumstances. Mr. Levinau also asked to attach to the case file the photos from an action held by foreign journalists in Brussels in order to support their Vitsebsk colleagues. The foreigners also got photographed with flowers and paper birds in their hands, as well as with posters “Is this a crime?”. However, the judge decided that these items had nothing to do with the case. Her decision was supported by police Major Aliaksandr Rybak, who had charged the participants of the photoshoot. In particular, the police officer violated the law by writing a violation report in Levinau’s absence, though the latter had warned him about his going away from Vitsebsk. The Judge granted the petition for participation of a lawyer hired by Mr. Levinau. As a result, the trial was put off till December 17. On December 17, Pavel Levinau was found guilty of “participation in an unauthorized picketing” and fined 25 basic units.

On December 3, the Minsk District Court began its consideration of an administrative case against Deputy Chair of the Conservative Christian party “Belarusian Popular Front” Yury Belenki on charges of violating the order of holding a mass event in the Kurapaty memorial forest on November 2. Since the police officers who were expected to witness in the case did not attend the trial, the court session was postponed. However, no judgement was pronounced on December 17. On that day, it was announced that the charges would be heard by a different judge. As a result, Judge Ihar Ihlikau put off the trial to a later date. On December 24, Yury Belenki was found guilty and sentenced to a fine of 25 basic units. It was the third administrative case opened against Yury Belenki for organizing two events on November 2 and 9, which were officially allowed by the authorities.

On December 4, the Vaukavysk District Court fined another participant in the commemoration of the 1863-1864 anti-Russian insurgents held in Svislach and Yakushouka. Vital Huliak was fined for “participation in unauthorized event”. The charges stemmed from a violation report drafted at the Salihorsk District Police Department. During his presence at the memorial event, Vital Huliak didn’t hold any symbols, cry out any slogans. He didn’t deliver any speeches and didn’t violate public order. However, Judge Yury Yakimovich of the Vaukavysk District Court sentenced him to a fine of 3 million roubles.

On December 4, the Kobryn District Court started hearing an administrative case against Ales Mekh, charged with participation in an unauthorized mass event. The case concerns his and his son’s participation in the commemoration of participants of the 1863-1864 anti-Russian uprising, which was held in the town of Svislach. Deputy Chairman of the Kobryn District Court Piotr Tsimashenka, who heard the charges, granted

Ales Mekh's petition for summoning the police witnesses from Svislach. They wrote a violation report in Mr. Mekh's absence, and the paper contained serious mistakes. In particular, his home address was not written correctly. As said by Ales Mekh, he didn't know the "police witnesses" and first learned their names at the Kobryn District Police Department, while reading his case file. In their explanations, the witnesses wrote that they allegedly recognized the "old members of the BPF Party", though neither Ales Mekh nor his 17-year-old son (who also faced similar charges) were members of the BPF. On December 11, Piotr Tsimashenka found Ales Mekh guilty of participating in unsanctioned events and fined him 10 basic units.

On December 8, the Svislach District Court fined a member of the United Civil Party Uladzimir Prudnikau 1.5 million roubles for taking part in the commemoration of the 1863-1864 insurgents in Svislach on October 26. The trial lasted for about an hour and was led by the Chair of the Svislach District Court Aliaksandr Shylin.

On December 15, an activist of the United Civil Party Kanstantsin Dzmitryieu was fined for participation in the Day of Commemoration of the participants of the 1863-1864 Kalinouski uprising in Svislach. The Svislach District Court insisted on his presence at the trial, as a result of which Mr. Dzmitryieu had to come to the hearing from Minsk, where he is currently working, and was fined 1.5 million Belarusian roubles.

On December 16, Chairman of the Svislach District Court Aliaksandr Shylin fined Aliaksandr Vasilevich, chairman of the UCP's Hrodna regional branch, 25 basic units.

On December 23, the Shklou District Court fined Ryhor Kastusiou, deputy chairman of the BPF party, 3.37 mln roubles for participation in the celebration of the Day of Remembrance of Kastus Kalinouski rebels in Svislach on October 26. The charges were considered by Judge Sviałana Barantsava. In his speech at the court, Ryhor Kastusiou pleaded not guilty of the administrative offence, since participation in the funeral of activist Viktor Dziasiatsik, laying flowers at the monuments and candles near them, honouring the memory of the heroes could not be viewed as an offence. Ryhor Kastusiou became the twelfth person to be fined for attending the memorial events in Svislach and Yakushouka, as well as the funeral of local activist Viktor Dziasiatsik.

On December 5, Andrei Haidukou, a member of the organizing committee of the Belarusian Christian Democracy, was released after serving a 10-day arrest. After that he was taken to the court of Navapolatsk, where he was sentenced to five more days for distributing leaflets on charges of violating Art. 23.34 of the Administrative Code (violation of the order

of holding mass events). His mother could only see him for 20 minutes. He was sick: he had a cough and a sore throat. Earlier, Andrei Haidukou had been arrested on November 25 for distributing leaflets about political prisoners in Polatsk.

On December 12, Aliaksei Shubarau, was detained in Minsk's central Kastychnitskaya Square while staging a one-man picket with a write-red-white flag and a poster "People, we need to stop Putin urgently!" and "No to World War!" to protest against the policy of the Russian President and fomentation of World War III. Aliaksei Shubara spent the weekend before the trial at the Tsentralny District Police Department of Minsk. On December 15, the Tsentralny District Court of Minsk sentenced Aliaksei Shubarau to an arrest of seven days. Judge Natallia Vaitsekhovich found him guilty of violating Art. 23.34 of the Administrative Code (violation of order of holding mass events). The charges were supported by police officers Hryzenka and Korzun who detained the activist and spoke at the trial as witnesses.

On December 12, it became known that Baranavichy police detained activist Dzmitry Paloika who had spent the past six months in Ukraine. He was detained at the railway station as soon as he got off the train from Kharkiv. He was charged with disorderly conduct, and on December 11, the Baranavichy City Court found him guilty and sentenced him to 10 days in jail. The sentence was pronounced by the Court's Chairman Mikalai Kmit. While the activist was serving his arrest, police officers summoned and interrogated all his relatives, forbidding them to leave Baranavichy. After serving the arrest, Dzmitry Paloika said that the reason for the detention was that his name was on the list of the Donbass battalion, published on the Internet. The activist did not admit his involvement in the battalion. According to him, almost every day he was visited in the detention centre by KGB employees, including Deputy Chairman of the Baranavichy department, as well as criminal investigators. Security officers asked him about Belarusians who were in Ukraine.

On December 18, the Babruisk Court heard the charges brought against four members of the Free Trade Union of Belarus, who were earlier dismissed from the factory TDiA — Aliaksandr Varankin, Mikalai Zhybul, Aliaksandr Hramyka and Aleh Shauchenka. The activists were charged with participating in an unauthorized mass event. The case was considered by Judge Natallia Sheheda. The trial was attended by several policemen who testified as witnesses, including a police officer who had been on duty in the building of the executive committee on the day of the hunger strike, and deputy chief of the factory's security department. The judge asked the witnesses whether they had seen the guys in the days of the hunger strike at the factory gate and in the executive committee, and they confirmed it. They said that there

had been no posters, and they chanted no slogans. The activists pleaded not guilty. The only thing they admitted was that they hadn't asked for permission to hold a hunger strike. They explained to the judge that it was a gesture of despair after their dismissal. The judge read the activists' personal profiles and saw that none of them had been prosecuted before. However, Natallia Sheheda said that the hunger strike had received wide publicity, and therefore fined them seven basic units each.

On December 20, the Court of Minsk's Maskouski district considered the administrative charges brought against film director Volha Mikalaichyk, accused of disobeying police officers. Activist Nina Bahinskaya displayed a white-red-white flag in Nezalezhnastsi Square in memory of the events of the 2010 post-election protest. This action was filmed by Volha Mikalaichyk. When the riot police were detaining Nina Bahinskaya, Volha Mikalaichyk tried to defend her. As a result, the activist was released, while Volha herself was detained. Volha Mikalaichyk was taken to the Maskouski district police department to await trial the following morning. The case was heard by Judge Tatsiana Motyl. Later it became known that the hearing was adjourned as the offence report was reportedly lost. As a result, the police officers had to write a new one, which featured many inconsistencies. According to Ms. Mikalaichyk's counsel, these flaws were stressed during the trial. The report argued that Volha Mikalaichyk "publicly expressed her own social and political interest by waving a white-red flag without the permission of the Minsk City Executive Committee, which violated the order of picketing". Witnesses representing the police did not appear in court. Despite this, Judge Tatsiana Motyl ruled to sentence Volha Mikalaichyk to a fine of 2 mln roubles.

On December 22, the Court of Svetlahorsk district considered the administrative charges brought against Yury Liashenka, a wheelchair user of Homel, who tried to stage a picket in front of the executive committee on November 25, but was prevented by an ambulance car, which took him to hospital. Yury Liashenka was charged with violation of Article 23.34 of the Administrative Code (violation of the order of holding mass events). Judge Iryna Aliseika punished the disabled activist by a fine of 300 thousand roubles. The main claim was the fact that he staged the picket at a distance closer than 50 meters to the building of the executive committee.

On December 23, Aliaksandr Akhmach was fined 10 basic units for being photographed with a poster "Russian army, go home" in the Brest Fortress on 8 September. Judge Sviataslau Kalina of the Leninski District Court said that the action was a mass event. The activist learned about this from a letter he received after he had missed the last court session. Aliaksandr Akhmach asked to postpone the trial. He later filed a motion asking to hear the case in absentia.

He also pointed that under law the period of limitation for initiating administrative proceedings was two months. It expired on November 9. However, Judge Sviataslau Kalina ignored this argument and issued a fine of 1.5 million roubles. The decision said that Akhmach “pleaded not guilty and explained that he had committed these actions because he wanted to express his disagreement with the presence of military units of the Russian Federation on the territory of the Republic of Belarus. These photos of the specified inscription were taken in the memorial complex Brest Fortress against the background of war graves and military equipment because he expressed his dissatisfaction with the presence of the Brest fortress on the site of the old city of Brest, which was demolished during the construction of the fortress.”

On December 27, the Pershamaiski District Court of Vitsebsk considered the administrative case of Siarhei Kavalenka, activist of the Conservative Christian Party BPF. The Vitsebsk opposition activist spent three days before the trial in the detention centre, having declared a hunger strike. He was taken into custody on December 24 — the day when a white-red-white flag appeared in Vitsebsk. Siarhei Kavalenka was brought to the courtroom in handcuffs, which particularly angered his relatives and human rights defenders. According to the first police report, Siarhei Kavalenka was detained for disorderly conduct — he was allegedly urinating close to his house. In their other report, the police department employees wrote that he had not obeyed their orders — he had reportedly refused to follow them to the police station. The activist requested to be given time to sign a contract with a lawyer from Minsk. But Judge Andrei Preis of the Pershamaiski District Court dismissed the motion saying that Kavalenka had time to hire a lawyer while he was in the detention centre. The activist said that he had no opportunity to do this, since on the first day he was forbidden to call his wife to find out the number of the lawyer and on the second day he was told the telephone was out of order. According to the judgement, Siarhei Kavalenka was sentenced to 10 days in jail: three days for alleged disorderly conduct, and seven more — for disobedience to the police.

Restrictions on freedom of speech and the right to impart information, harassment of journalists

On December 2, Hrodna freelance journalist Andrei Mialeshka was sentenced to another fine under Article 22.9, Part 2 of the Code of Administrative offences (illegal production and distribution of information products). Judge Yury Kazakevich of the Leninski District Court of Hrodna fined the journalist six million Belarusian roubles. On October 16, Andrei Mialeshka recorded a short commentary of Valery Charapitsa, professor of the Yanka Kupala

Hrodna University, at a presentation of his book at the regional library. Later the audio was posted on the website of Radio Racyja'. The Leninski district police department opened an administrative case against Mr. Mialeshka for this "violation". This was the third penalty imposed on Andrei Mialeshka for his journalistic activities.

On December 3, the Minsk-based book-store Lohvinau was closed due to an extra-schedule inspection held by the Ministry of Dues and Taxes. The examination was conducted on request of the Ministry of Information. On December 17, it became known that the tax inspection of Minsk's Tsentralny District came to the conclusion that the store was allegedly engaged in selling of books without a mandatory registration from the Ministry of Information. This requirement came into effect in January 2014. Since then, the book-store filed eight applications for registration to the Ministry of Information, but always received refusals for clearly frivolous reasons. The inspection came to the conclusion that the book-store, through illegal trade, had got a profit of almost 1 billion roubles; the inspection took into account the gross sales of the book-store. In September 2013, the owner, Ihar Lohvinau, was deprived of a publisher's license by the Information Ministry for the release of the album "Belarus Press Photo 2011", which was found extremist long after its publication. For many years, the book-store has been an important centre of Belarusian culture and a social platform, a meeting place for readers and writers. On December 29, it was announced that the trial in the case was scheduled for January 5, 2015.

On December 4, independent Belarusian media reported the arrest of Aliaksandr Alesin, a journalist of the newspaper *Belarusy i Rynak*. The KGB could neither confirm nor deny the information about his detention. On December 5, the Human Rights Centre "Viasna" and the Belarusian Association of Journalists called upon the KGB to inform the public about the cause and place of the journalist's detention, as well as the essence of the accusation against him. "We believe that the information about the arrest or detention of a person, the essence of the suspicions and accusations, procedural status, place of detention and other aspects that are not related to the details of the prosecution, can not violate the secrecy of the investigation, protected by law, and voicing such information does not pose a threat to the interests of national security or of public order," said the statement. On December 8, reporters learned from Aliaksandr Alesin's relatives that the State Security Committee charged the journalist with treason and revealing state secrets to a foreign state, a foreign organization or representative, or espionage. They noted that a foreign diplomat faced charges along with Aliaksandr Alesin, who was not the main accused in the case. On December 10, Aliaksandr Alesin was released from the KGB jail on recognizance. The

journalist said he was not guilty and that he was sure that he was framed by people with whom he collaborated. He stressed that he took the information from public sources. Mr. Alesin said that the treason charges had been dropped, while the charge of cooperation with foreign intelligence services was still in place (Article 356.1 of the Criminal Code, an attempt to establish cooperation with the special services, security or intelligence agency of a foreign state). Aliaksandr Alesin neither denied nor confirmed that he was detained after meeting with a Western diplomat because he had signed a written non-disclosure obligation. It turned out that Aliaksandr Alesin had been detained back on November 26 or 27.

On December 4, the Interior Minister Ihar Shunevich said during his speech at a meeting on combating illicit trafficking in narcotic drugs and psychotropic substances that there was an urgent need to adjust the legislation related to Internet activities. In particular, in his opinion, all Belarusian Internet users must be prohibited to enjoy access to the websites put on the list of restricted access. It is known that this list includes several key independent sites, such as charter97.org, belaruspartisan.org, spring96.org, the livejournal blog of Yauhen Lipkovich and other socio-political sites. Human rights defenders welcomed the authorities' measures to strengthen fight against drug trafficking in Belarus, but strongly opposed the fact that under this pretext the government was trying to clean up the already limited independent information space.

On February 6, police officers detained a freelance photographer, member of the Belarusian Association of Journalists, Uladzimir Hrydzin. He was detained along with several civil society activists, director of the Art-Siadziba cultural centre Pavel Belavus and journalist Franak Viachorka as they were handing out tapes with the Belarusian ornament outside the Kamarouski market in Minsk. Uladzimir Hrydzin was taking photos of the action. The policemen said they someone had called and reported on the action. The detainees were taken to the police department of the Savetski district, where they were forced to give explanations and were eventually released without charges.

On December 8, Judge Alena Azaranka of the Krychau District Court ruled to recover 7 million roubles from the founder of the newspaper Volny Horad Uladzimir Kudrautsau, its editor Siarhei Niarouny and journalist Mikalai Herdziy as a compensation of the moral damage, 450,000 roubles for the court fee and 3.6 million roubles for the lawyers' services to the plaintiff, Maryna Maksimava. Volny Horad Journalists argued that the information published in the newspaper corresponded to the reality and could not damage the honour, dignity and business reputation of Maryna Maksimava. The article "In Wrong Seat?" did not insult Maryna Maksimava:

the passage “she knows the ideological work no better than a well-known animal knows the species of oranges” was written just to show that she didn’t know her work well enough. The ideology division of the executive committee and the local district newspaper Krychauskaye Zhytstsio paid almost zero attention to the consequences of the collapse of the roof of the local school, though this topic was regularly covered by state-owned TV channels, the BelTA news agency, Sovetskaya Belorussiya and other state-owned newspapers.

On December 11, Judge Andrei Likhach of the Slonim District Court found journalist Ales Zaleuski guilty of violating Art. 22.9 of the Code of Administrative Offences (illegal production and distribution of media products). Ales Zaleuski is a staff journalist of BelSat TV channel, author and host of a number of shows. The journalist was making a report about the abuse and corruption in the housing sector of Slonim. His work was soon spotted by local police, who on December 4 told him the date of the trial. Ales Zaleuski links such actions of the police to the public attention caused by his report. Mikalai Syantovich, head of the city’s utilities department, witnessed in court. He confirmed that Zaleuski talked with him, but did not say for which channel he was shooting his story. This was the second administrative case against Zaleuski during the current year. On December 16, Ales Zaleuski received a warning about the inadmissibility of violations of the law on mass media, signed by deputy prosecutor of Minsk Kazimir Kezhun. The penalty stemmed from the journalist’s coverage of the expulsion from Belarus of the prominent human rights activist Elena Tonkacheva. According to information gathered by the prosecution, Ales Zaleuski was shooting a video for BelSat, and thus violated the law. The journalist said that the Belarusian authorities forced independent journalists to work illegally, as the Poland-based channel had many times tried to obtain official accreditation in Belarus, but the Ministry of Foreign Affairs kept denying its bids.

On December 15, after the seventh refusal of accreditation as a Radio Racyja journalist from the Foreign Ministry, Hrodna freelance journalist Viktor Parfionenka filed a complaint in the Leninski District Court. The journalist had repeatedly written to the Ministry and the government, arguing that he was deprived of the right to profession.

On December 17, the House of Representatives adopted amendments to the Law “On Mass Media”. They were presented by the Information Minister Liliya Ananich. Under the amendments, the Act will apply to Internet resources, except for the requirement of registration. The Ministry of Information will be able to restrict access to websites after issuing two warnings during one year, as well as for the dissemination of prohibited

information and failure of the owner of an online resource to follow the legal requirements of the state authority to eliminate violations of the law on mass media. The owner of an information resource bears the responsibility to prevent the dissemination of information, the content of which is contrary to the law. Refutation of information disseminated on the Internet should be published on the same information resource not later than the day following the day of the requirement of refutation. The refuted information should be removed from the resource. In addition, the amendments provided for limiting the proportion of foreign funds in the activities of the media — from 30 to 20 percent. The bill introduced the State Register of media distributors. According to Liliya Ananich, “the changes in the sphere of the Internet will become an effective instrument for implementing the state information policy”. The updated law comes into force on January 1, 2015. Meanwhile, back in October 2014, the Commission on Human Rights, National Relations and Mass Media of the House of Representatives wrote to the Belarusian Association of Journalists that “currently no adjustments are required to the legislation of Belarus in the field of freedom of expression”. Moreover, the Information Minister Liliya Ananich said that among those who had taken part in drafting the bill there were the Ministry of Information, the Belarusian Union of Journalists and the Union of Publishers and Distributors of Printed Materials. On December 18, the Council of Republic approved the draft law “On amendments and additions to the Law of the Republic of Belarus “On Mass Media”. On December 20, the amendments to the law were signed by the head of state Aliaksandr Lukashenka.

On December 17, the Biaroza District Court consideration the administrative case of a freelance independent journalist Tamara Shchapiotkina on charges of illegal manufacture of media products (Art. 22.9, Part 2 of the Administrative Code). According to a violation report submitted by deputy chief of law enforcement of the district police department, Captain Mikalai Prakurat, the journalist, who lacked accreditation, interviewed manager of pharmacy No. 18 Aleh Kaziupa. The interview was later posted on the website of Radio Racyja. Judge Natallia Vakulchyk found Tamara Shchapiotkina guilty and sentenced her to a fine of 30 basic units.

On December 18, Ales Liauchuk, member of the Belarusian Association of Journalists, received a phone call from a police officer of the Brest Leninski District Police Department. The police officer said that he wanted to question the journalist concerning the interview he had made in the city centre on November 24. He also said that Mr. Liauchuk faced administrative charges, but the offence report had just arrived at the police department. On December 24, Brest’s Leninski District Court fined Aliaksandr Liauchuk 40 basic units on charges of illegal manufacture and distribution of media products (Art.

22.9, Part 2 of the Administrative Code). Liauchuk noted that when he was reading the case file, it was written clearly there: as it was established by the KGB that he worked for the BelSat TV channel. The court was considered a response from the Ministry of Foreign Affairs, which said that Liauchuk had no accreditation as a foreign journalist. The journalist showed the court a written confirmation that he was a freelance correspondent for the BelaPAN news agency and his ID, but “they were not even considered”.

On December 18, the Horki District Court continued after a long break hearing the lawsuit by head of local office of the Belarusian Society of the Disabled Tamara Kaltunova against the BelaPAN news agency and the private enterprise Uzgorak, which publishes the newspaper of the same name. Judge Viktor Yaskevich ordered to collect a total of 6 mln roubles in moral damages. The court also ordered the defendants to pay the legal costs incurred by Tamara Kaltunova in the amount of 780 thousand roubles.

Starting from December 19, several information Internet resources were blocked for unknown reasons. In particular, without explanation access was limited to the websites belapan.com, belapan.by, naviny.by, belaruspartisan.org, charter97.org, udf.by, 21.by, gazetaby.com, and zautra.by. On December 21, the Belarusian Association of Journalists issued a statement saying that the blocking of a number of socio-political sites, for which no one claimed responsibility, was lawlessness. “There are no legal grounds to restrict access of Belarusian citizens to information about events in the country. Such actions on the eve of the forthcoming presidential elections in fact deprive electoral campaigns of any sense, because de facto the state of emergency was imposed on information in the country. This totally breaks all international obligations of Belarus in the sphere of free media, and contradicts to the earlier voiced intentions of the authorities to improve relations with the West. It is obvious that the attacks on independent media cause even higher disbelief in what Belarusian official sources claim. This can only worsen the situation, including the economic conditions. Lack of alternative, professionally prepared information will foster most unbelievable rumours about the real situation in the country,” said the statement. The Belarusian Association of Journalists called upon the Ministry of Information, the Operative Analytical Centre under the auspices of the President of Belarus, the Prosecutor General’s Office, and all bodies possibly involved in the unlawful blocking to: “take urgent measures to restore access to the mentioned websites; hold an inquiry into the unlawful blocking of access to the mentioned websites in the territory of Belarus; identify persons responsible for the violations of law and hold them accountable according to legislation of Belarus.”

On December 20, at the request of the Ministry of Trade, onliner.by domain was deleted from the register of the national domain zone. "In connection with violations by the owners of the online resource onliner.by of the legislation on trade, including regulations on the sale of goods (works, services) with the use of the Internet, which were identified by the Ministry of Trade, and missed deadlines to take measures to address them, on December 20, 2014, it was decided to delete the corresponding domain name from the registry of the national domain zone," said a report of the Operational and Analytical Centre under the President of Belarus. The day before, the Ministry of Trade reported that it would close online stores for displaying prices in conditional currency units, instead of roubles. The Ministry had repeatedly accused the portal of various violations. In particular, in November, the online shop aggregator was subjected to administrative responsibility as a result of an inspection of a number of stores hosted by onliner.by. The website is the largest trading floor in Belarus. It provides hosting to firms and entrepreneurs that sell gadgets and household appliances. The portal is among the five most popular sites in Belarus.

On December 22, official letters signed by the chairman of the Belarusian Association of Journalists Zhanna Litvina were sent to the Prosecutor General of Belarus, Department for Crimes in the Sphere of High Technologies of the Interior Ministry (department K) and the Operational and Analytical Centre of the Presidential Administration. The NGO noted that the information resources belapan.com, belapan.by and naviny.by were owned by BelaPAN Ltd., which was officially registered in the Republic of Belarus as a news agency. It had received no warnings about violations of the legislation. "Limiting access to the websites of the news agency violates, besides the right to impart information, the commercial interests of BelaPAN Ltd., as well as the interests of its subscribers (subscription to information, analytical and multimedia materials provided by BelaPAN is performed on a fee basis). The organization recalled that, according to Art. 7 of the Law "On Mass Media", unlawful restriction of media freedom entails responsibility in accordance with Art. 22.9 of the Administrative Code ("violation of the law on media") and Art. 198 of the Criminal Code ("impeding the legitimate professional activities of a journalist"). "In addition, the actions of persons who illegally restricted access to websites on the territory of Belarus can be viewed as evidence of a crime provided for in Chapter 31 of the Criminal Code ("crimes against information security") and Art. 232 of the Criminal Code ("obstruction of a legitimate business"). In this regard, the BAJ called upon the agencies to urgently fix a violation of the rights and legitimate interests of citizens and organizations affected by the restrictions on access to the above websites, to inspect their illegal blocking, to identify those responsible for violations of the law and to bring them to the liability provided by the law.

On December 22, OSCE Representative on Freedom of the Media Dunja Mijatović said that amendments tightening government control of the Internet in Belarus posed a major threat to free speech and free media. She also pointed to recent blocking of a number of news portals in the country. “These amendments are based on vaguely formulated legal provisions and give the state the vast right to interfere with any information posted on the Internet,” Mijatović wrote in a letter to the authorities in Belarus on December 18. “They also impose quasi-censorship functions on disseminators of information,” she said. “The Internet should remain a free space for citizens to exchange information and express critical views,” Mijatović said. “The wide interpretation of these new amendments will result in excessive control of online content by the authorities.” The Representative also noted that a number of independent online news platforms, including Charter97.org, Naviny.by, Belaruspartisan.org, as well as the website of BelaPAN information agency have been intermittently blocked since December 19.

On December 24, it became known that the United Nations Human Rights Committee had considered the case of an activist of the Movement “For Freedom” Vital Symonik and found a violation of his right to disseminate information (Art. 19 of the International Covenant on Civil and Political Rights). In July 2006, Vital Symonik, together with activist Andrei Sharenda, was handing out leaflets with an invitation to the meeting on July 27, the anniversary of the proclamation of independence of Belarus. As a result, they were detained. The leaflets were confiscated and the activists were brought to administrative responsibility for disseminating information about a banned rally. The meeting was initially allowed by the authorities. However, after the announcement that the rally would be attended by Aliaksandr Milinkevich, the mass event was banned. The formal reason for the ban of the rally was the dissemination of information about a mass event before obtaining permission from the local authorities.

On December 24, the Plutos-Market printing house refused to print the latest issue of the newspaper Svobodnye Novosti Plus, providing no explanations to the periodical’s editorial office. Later, deputy director of the private printing firm Ihar Vishneuski explained the refusal by an equipment failure. Svobodnye Novosti Plus is one of the most popular independent political newspapers of Belarus. Its circulation exceeds 31 thousand copies.

Restrictions on freedom of assembly

On December 1, human rights activist Siarhei Housha received from the Baranavichy city executive committee an answer to his appeal, signed

by the committee's deputy chairman Dzmitry Kastsiukevich, which said that by the end of 2014 ruling No. 1497 of June 16, 2009 "On the order of conducting events in Baranavichy" would be brought into line with the Council of Ministers' decree of March 5, 2012. The assignment was given to the Baranavichy city executive committee by the Brest regional executive committee. The Baranavichy city executive committee unreasonably forced citizens to enter into contracts with the police before holding mass events. However, according to the Council of Ministers, the executive committee within a day after the registration of an application for a mass event should send a copy of the application to the police, which was not done in Baranavichy.

On December 4, Deputy Chair for ideology of the Salihorsk District Executive Committee, Mikalai Maskevich, turned down an application of the local representatives of the Belarusian Helsinki Committee for holding a picket on the occasion of the Human Rights Day on the central square of the town. The official explained the ban by the alleged unsuitability of the chosen site for holding the event (the "suitable" places are determined by the ruling of the Salihorsk DEC "On measures to prevent incidents during mass events", adopted on October 7, 2004). The official website of the Executive Committee does not have the text of this, while Mikalai Maskevich refused to provide a copy of the document. On December 26, the Prosecutor's Office of Salihorsk district did not respond to a ban imposed by the district executive committee and the absurd actions of an ideology official who classified the decision as a state secret. An appeal filed by Leanid Markhotka was dismissed without consideration by the District Prosecutor Aleh Adzei. On December 30, the human rights activist sent to the court of Salihorsk district an appeal against the ban. In his complaint, the human rights activist said that the reason for the ban was a decision of the Salihorsk district executive committee, the text of which, for unknown reasons, was still a secret.

On December 5, the Baranavichy City Executive Committee banned a picket dedicated to the 66th anniversary of the Universal Declaration of Human Rights, organized by human rights activists Viachaslau Bolbat and Siarhei Housha. This followed from a letter by deputy head of the Baranavichy CEC Dzmitry Kastsiukevich. The activists had filed a timely application and attached the contracts for serving the event by the city polyclinic and the public utilities. According to ruling No. 207 of the Council of Ministers of March 5, 2012, the executive committee should file a copy of the application to the law-enforcement agencies. The applicants followed all the requirements of the law and expressed their intention to challenge in court the decision of the executive committee.

On December 5, deputy chairman of the Bjarozza district executive committee Yauhen Tarasiuk told local human rights activists Siarhei Rusetski and Tamara Shchapiotkina that amended ruling No. 138 “On the order of conducting mass events” of 2010, according to the Council of Ministers’ Decree No. 207 of 2012, had not passed legal expertise in the Chief Directorate of Justice of the Brest Regional Executive Committee. According to the response of the official, the legal sector of the administration and the department for ideology, culture and youth affairs of the district executive committee would have to draft a new edition of the ruling to amend the present one. After passing a legal examination, the ruling will be published in the media. The meaning of this change is that on the first day after the receipt of an application for holding a mass event the executive committee should contact the police to address issues related to the protection of public order during the rally. Such a requirement is enshrined in the Council of Ministers’ regulation, and this means that it is not the applicants but the executive committee itself who should approach the police and sign a contract for protecting public order during the mass event.

On December 7, it became known that Brest authorities had allowed a two-hour event expected to mark the 66th anniversary of the adoption of the Universal Declaration of Human Rights. The resolution was signed by Deputy Mayor Henadz Barysiuk. On December 10, the rally was held in the authorized place. The main purpose of the event was to draw public attention to the existence of political prisoners in Belarus. Participants of the rally were holding photos of Mikalai Statkevich, Ihar Alinevich, Yauhen Vaskovich, Artsiom Prakapenka, Eduard Lobau and Mikalai Dziadok. The picket failed to gather many people. The site of the rally was watched by police officers and persons in plain clothes. At the end of the event, there appeared a representative of the executive committee, who said that there were no political prisoners in Belarus and accused the protesters of using unregistered symbols. However, receiving clarification from the picketers that it were not symbols, but the name of the civil initiative, the official had no more claims and the event ended without incidents. It was the only authorized mass event in the country held on the International Human Rights Day.

On December 8, Homel human rights defenders Anatol Paplauny and Leanid Sudalenka, together with civil society activist Halina Bialova, received an answer from Homel City Executive Committee regarding their application for holding a procession on Human Rights Day, December 10. One of the expected aims of the event was drawing public attention to the problem of political prisoners in Belarus. The formal reasons for the ban were a failure of the applicants to enter into service agreements with the ambulance and

public utilities, as well as the location of administrative buildings not far from the scheduled route of the procession. According to the ruling of the Homel City Executive Committee “On Mass Events”, applicants for pickets, rallies and processions should pay for the services of the ambulance and public utilities. The authorities authorized just two sites for holding such events, both of which are located on the outskirts of the city. Meanwhile, doctors refuse to serve such events citing a lack of free cars or the absence of a permit from the city executive committee (which, in its turn, claims it can authorize an event only if its organizers submit a service contract with the ambulance). Therefore, local authorities haven’t authorized a single event organized by local pro-democratic community over the last ten years. Appealing such bans at court yields no results.

On December 10, Vitsebsk authorities banned three one-minute pickets in different parts of the city. Three applications were filed in the district executive committees of Vitsebsk by local human rights activist Pavel Levinau. However, he received predictable bans. This was not the first time when the human rights activist was trying to show the absurdity of the bans on mass events, issued by the local authorities with reference to the deficient ruling of the Vitsebsk City Executive Committee “On Mass Events in the City of Vitsebsk”. According to this document, the organizers of a picket should submit service contracts with the ambulance, police and public utilities along with the application for the picket. These institutions refuse to enter into such contracts, that’s why the events are always banned. Pavel Levinau chose his own tactics of struggle in this situation: by his applications he drives the situation with the bans to extreme absurdity.

On December 10, Vitsebsk human rights activist Pavel Levinau received a reply from the administration of the Chyhunachny district. Earlier, he had informed the executive committee about his intention to take a series of photos near a building with graffiti, a picture of three cells from which newspaper birds are breaking free. He especially emphasized in his appeal that his only goal was to take photos, not to express any political or other views. However, Pavel Levinau was prohibited to take photographs, citing a decision of the executive committee regulating the organization and conduct of mass events in the city. The petition stemmed from an incident with several journalists and activists who had been fined for allegedly holding an unsanctioned rally after their photos outside the building appeared on the Internet.

On December 15, Uladzimir Siakerka, Chairman of the Homel regional office of the Belarusian Party of the Left “Fair World”, filed an appeal with the Tsentralny District Court of Homel against the actions of the duty officials of the city ambulance station and the central polyclinic. In his lawsuit, Mr.

Siakerka said that on December 2 the Homel City Executive Committee didn't authorize his picket, referring to the failure of the organizer to enter into a service contract with the ambulance station and the central polyclinic. Uladzimir Siakerka argued that while preparing for the mass event its organizers took all necessary steps to enter into a service contract with the medics. The ambulance station responded that "due to the growing burden on the ambulance station, which is associated with an increase in the respirator viral infections, we are unable to sign a contract with you". At the request of the Ministry of Health Care, the central polyclinic considered a complaint concerning its own inaction and found it legitimate. Uladzimir Siakerka asked the court to recognize the actions of the ambulance station and the central clinic unlawful. The Fair World Homel leader also wrote to the Ministry of Health Care and the Homel Health Care Department. He asked the ministry to raise the question of the need to adopt government regulations that would regulate the organization of interaction of health care institutions and organizers of public events concerning their services during mass events. Uladzimir Siakerka stressed the fact that the party's repeated attempts to sign contracts with medical institutions brought no results as they continued receiving denials for far-fetched reasons.

On December 23, the Court of Svetlahorsk district considered the administrative charges brought against Yury Liashenka, a wheelchair user of Homel, who had tried to stage a picket in front of the executive committee on November 25, but was prevented by an ambulance car, which took him to hospital. The civil society activist was going to campaign for the rights of people with disabilities. The executive committee banned the event. The ban referred to the fact that the central square of the city was not a place authorized for public events. According to the relevant ruling of the executive committee, pickets and rallies are only allowed on the stage of a local recreation park. In reality, the park is neglected and there is no stage there at all. The Judge also voiced doubts about the existence of the stage: he advised the representative of the executive committee to deal with this issue. The trial was expected to be resumed after January 10, 2015. On the same day, Yury Liashenka petitioned the Minister of Health Care asking to punish the doctors who had detained him during the unauthorized picket on November 25. As a result, he was taken to hospital where he received an injection, allegedly due to high pressure. The activist believes that the health care workers were involved in the political persecution of citizens. "Please submit at my disposal a full medical report on the state of my health on November 25, 2014, including answers to the questions why, what injection and on what basis was made to me in the emergency room of the hospital," writes the activist in his complaint to the Minister of Health Care.




Restrictions on freedom of association

On December 4, the Mikashevichy-based Granite industrial enterprise refused to extend the employment contract with driver Uladzimir Kryvau, alleging a violation of labour safety, which happened in the spring. Aleh Stakhayevich, local leader of the Belarusian independent trade union, said that the dismissal was linked to formal reasons, since Mr. Kryvau was accused of wearing no coat when coming to his superior's office at the end of the work shift. For this violation, the driver received a reprimand and then came the order of the company's head manager Eduard Haurylkovich, which later became a cause for dismissal. Uladzimir Kryvau worked at Granite for twenty years and during that time there hadn't been any serious penalties from the administration of the enterprise. Therefore, Aleh Stakhayevich believes that in this way the management of Granite took revenge on all who three years ago were involved in the creation of the independent trade union's office at the company (Kryvau was among the activists). Since then, citing various reasons, the employer has dismissed a dozen workers who wanted to launch a trade union movement in Mikashevichy.

ANNEX 1.

Resolution of the Human Rights Council of the UN on the Situation of Human Rights in Belarus

June 25, 2014

United Nations	A/HRC/26/L.14/Rev.1
 General Assembly	Distr.: Limited 25 June 2014 Original: English
<hr/> Human Rights Council Twenty-sixth session Agenda item 4 Human rights situations that require the Council's attention	
<p>Albania,* Austria, Belgium,* Bulgaria,* Canada,* Croatia,* Cyprus,* Czech Republic, Denmark,* Estonia, Finland,* France, Germany, Greece,* Hungary,* Iceland,* Ireland, Italy, Japan, Latvia,* Liechtenstein,* Lithuania,* Luxembourg,* Malta,* Monaco,* Montenegro, Netherlands,* New Zealand,* Norway,* Poland,* Portugal,* Romania, Saint Kitts and Nevis,* Slovakia,* Slovenia,* Spain,* Sweden,* Switzerland,* the former Yugoslav Republic of Macedonia, United Kingdom of Great Britain and Northern Ireland, United States of America: draft resolution</p>	
<p>26/... Situation of human rights in Belarus</p> <p><i>The Human Rights Council,</i></p> <p><i>Guided</i> by the purposes and principles of the Charter of the United Nations, the provisions of the Universal Declaration of Human Rights, the International Covenants on Human Rights and other applicable human rights instruments,</p> <p><i>Recalling</i> all resolutions adopted by the Commission on Human Rights, the General Assembly and the Human Rights Council on the situation of human rights in Belarus, including Council resolutions 20/13 of 5 July 2012 and 23/15 of 13 June 2013, and deploring the inadequate response and lack of cooperation by the Government of Belarus to the requests of the Council made in those resolutions, including the denial of access to the Special Rapporteur on the situation of human rights in Belarus and other special procedures mandate holders to the country,</p> <p><i>Recalling also</i> Human Rights Council resolutions 5/1 and 5/2 of 18 June 2007,</p> <p>1. <i>Welcomes</i> the reports of the Special Rapporteur on the situation of human rights in Belarus;¹</p> <p>2. <i>Expresses deep concern</i> at continuing violations of human rights in Belarus, which are of a systemic and systematic nature, as well as at the use of torture and ill-treatment in custody, the lack of response by the Government of Belarus to cases of enforced disappearance of political opponents, the impunity of perpetrators of human rights</p>	
<p>* Non-member State of the Human Rights Council. ¹ A/HRC/26/44 and A/68/276.</p>	
GE.14-06437 (E)	Please recycle  

A/HRC/26/L.14/Rev.1

violations, the violations of labour rights amounting to forced labour, the significant gaps in anti-discrimination legislation, the pressure on defence lawyers, and the lack of participation of opposition political parties in Parliament, urges the Government to undertake an electoral reform in line with the recommendations made by the Special Rapporteur so as to ensure that elections in Belarus at all levels are in accordance with the norms and standards of the Organization for Security and Cooperation in Europe, and calls upon the Belarusian authorities to cooperate fully to that end with relevant United Nations mechanisms and the Office for Democratic Institutions and Human Rights of the said Organization;

3. *Calls upon* the Government of Belarus to carry out a comprehensive review of relevant legislation, policies, strategies and practices to ensure that the provisions are clearly defined, consistent with international human rights law and with their human rights obligations and commitments, and not used to impede or unduly restrict the exercise of any human right, including the right to freedom of opinion and expression, the right of peaceful assembly and the right to freedom of association, including to form and join a trade union, as well as the freedom of the media;

4. *Notes* the continued attention paid by the Special Rapporteur to the issue of the death penalty in Belarus, and encourages the parliamentary working group on the death penalty to expedite its work;

5. *Urges* the Government of Belarus to carry out a comprehensive reform of the justice sector and bar associations in order to guarantee the full independence and impartiality of the judiciary, the presumption of innocence, the right to a fair trial and the right to an effective review of sentences and convictions by a higher tribunal established by law and to freely chosen legal representation throughout all proceedings, as well as the availability of information on the implementation of all sentences, while noting recent attempts to reform the judiciary;

6. *Strongly urges* the Government of Belarus to immediately and unconditionally release and rehabilitate all political prisoners, while welcoming the recent release of a prominent human rights defender, also strongly urges the Government to ensure that those who have been released are immediately and fully reinstated in their civil and political rights, to address, through comprehensive, transparent and credible investigations, reports of torture and ill-treatment by law-enforcement officials and to prosecute alleged perpetrators and punish those found guilty, and to put an immediate end to the arbitrary arrest, detention and harassment of human rights defenders, political opponents and journalists, to arbitrary travel bans and to other policies aimed at intimidating representatives of the political opposition and the media, as well as human rights defenders and civil society organizations;




7. *Strongly encourages* the Government of Belarus to establish a national human rights institution in accordance with the Paris Principles, and to enhance the progress made towards reaching the Millennium Development Goals;

8. *Decides* to extend the mandate of the Special Rapporteur on the situation of human rights in Belarus for a period of one year, and requests the Special Rapporteur to submit a report on the situation of human rights in Belarus to the Human Rights Council at its twenty-ninth session and to the General Assembly at its seventieth session;

9. *Urges* the Government of Belarus to cooperate fully with the Special Rapporteur, including by providing him access to visit the country and the information necessary to facilitate the fulfilment of the mandate;

10. *Requests* the Office of the United Nations High Commissioner for Human Rights to provide the Special Rapporteur with the assistance and resources necessary to allow the fulfilment of the mandate.

ANNEX 2.**Views adopted by the Human Rights Committee of the UN
on the case of Ales Bialiatski,***November 17, 2014*

United Nations	CCPR/C/112/D/2165/2012
 International Covenant on Civil and Political Rights	Distr.: General 17 November 2014 Original: English
Human Rights Committee	
Communication No. 2165/2012	
Views adopted by the Committee at its 112th session (7–31 October 2014)	
<i>Submitted by:</i>	Natalya Pinchuk (represented by counsel, Antoine Bernard)
<i>Alleged victims:</i>	The author's husband, Aleksander Belyatsky
<i>State party:</i>	Belarus
<i>Date of communication:</i>	12 April 2012 (initial submission)
<i>Document references:</i>	Special Rapporteur's rule 97 decision, transmitted to the State party on 19 June 2012 (not issued in document form)
<i>Date of adoption of Views:</i>	24 October 2014
<i>Subject matter:</i>	Sentencing of the author's husband to four and a half years of imprisonment for conducting activities on behalf of an unregistered association; allegations of detention on remand in violation of the domestic criminal procedure and trial by a court that is not independent; proceedings in absentia
<i>Substantive issues:</i>	Arbitrary detention; fair hearing by a competent, independent and impartial tribunal; right to be tried in one's presence; freedom of association; effective remedy
<i>Procedural issues:</i>	Non-exhaustion of domestic remedies; admissibility <i>ratione personae</i>
<i>Articles of the Covenant:</i>	2, 9, 14 and 22
<i>Articles of the Optional Protocol:</i>	1, 2, 5 (para. 2 (b))
GE.14-21890 (E)	Please recycle  

CCPR/C/112/D/2165/2012

Annex

Views of the Human Rights Committee under article 5, paragraph 4, of the Optional Protocol to the International Covenant on Civil and Political Rights (112th session)

concerning

Communication No. 2165/2011*

Submitted by: Natalya Pinchuk (represented by counsel,
Antoine Bernard)

Alleged victim: The author's husband, Aleksander Belyatsky

State party: Belarus

Date of communication: 12 April 2012 (initial submission)

The Human Rights Committee, established under article 28 of the International Covenant on Civil and Political Rights,

Meeting on 24 October 2014,

Having concluded its consideration of communication No. 2165/2012, submitted to the Human Rights Committee by Natalya Pinchuk under the Optional Protocol to the International Covenant on Civil and Political Rights,

Having taken into account all written information made available to it by the author of the communication and the State party,

Adopts the following:

Views pursuant to article 5, paragraph 4, of the Optional Protocol

1. The communication, dated 12 April 2012, is submitted by Natalya Pinchuk, a Belarus national, on behalf of her husband Aleksander Belyatsky, also a Belarus national. The author claims that her husband is a victim of violations by Belarus of his rights under articles 2, 9, 14 and 22 of the International Covenant on Civil and Political Rights.¹ The author is represented by counsel, Antoine Bernard.

The facts as submitted by the author

2.1 The author submits that her husband is the chair and one of the founders of the Human Rights Centre Viasna. On 28 October 2003, the Supreme Court of Belarus ruled to liquidate the association for "gross violation of election laws". The author's husband

* The following members of the Committee participated in the consideration of the present communication: Lazhari Bouzid, Christine Chanet, Ahmed Amin Fathalla, Cornelis Flinterman, Yuji Iwasawa, Walter Kälin, Zonke Zanele Majodina, Gerald L. Neuman, Sir Nigel Rodley, Victor Manuel Rodríguez-Rescia, Fabián Omar Salvioli, Dheerajlal Seetulsingh, Anja Seibert-Fohr, Yuval Shany, Konstantine Vardzelashvili, Margo Waterval and Andrei Paul Zlătescu.

¹ The Optional Protocol entered into force for the State party on 30 December 1992.

submitted a complaint to the Human Rights Committee, and on 24 July 2007, the Committee found a violation of article 22 of the Covenant.² The Committee requested the State party to provide appropriate remedies, including compensation and re-registration of the association.

2.2 On 24 August 2007, the Ministry of Justice refused to register the association, indicating the following as the basis for its decision: the majority of the founding members had been previously convicted of committing administrative violations; the statute of the association listed only its main goals, which would imply that it would also engage in other activities not listed in the statute; the statute indicated that the main goal of the association would be to “ensure the rights and freedoms of individuals, based on the Universal Declaration of Human Rights and the Constitution of the Republic of Belarus”, whereas article 20 of the Belarus Law on Public Associations³ only allows civic associations to defend the rights and legal interests of its own members; the new name of the association, National Civic Association Viasna, was in essence the same as that of the association liquidated by the decision of the Supreme Court in its decision dated 23 October 2003, which contradicted article 12 of the Law on Public Associations; not all documents listed in article 13 of the aforementioned Law, necessary for registration, were submitted (specifically, a receipt was entitled “registration fee”, when it should have been entitled “government tariff”, and did not specify what the payment was for).⁴

2.3 On 24 September 2007, the author’s husband and his associates appealed the decision of the Ministry of Justice before the Supreme Court, arguing that it contradicted the Law on Public Associations and that it violated their constitutional rights. In court they presented the Views of the Human Rights Committee on communication No. 1296/2004. They stated that the registration of the new association, the National Civic Association Viasna, would be sufficient compensation for the violation of their rights. On 26 October 2007, the Supreme Court upheld the decision of the Ministry of Justice in refusing to register the association, stating that: the name of the association contradicted article 12, paragraph 5, of the Law on Public Associations and the registration offices were not provided with the banking documentation regarding the payment of government tariffs, as mandated by article 13 of the Law. The Court made no comment on the Committee’s Views.

2.4 On 26 January 2009, the author’s husband and other founding members filed an application to the Ministry of Justice for the registration of the civic human rights association Nasha Viasna. On 2 March 2009, the Ministry of Justice denied the registration, based on the following grounds: during the initial meeting of the founders an auditor was not elected; the initial meeting of the founders was referred to as a “gathering” whereas, according to the Law on Public Associations it should have been called a “conference” or a “convention”; the list of founding members contained erroneous or incomplete information; there were reasons to believe that the initial meeting of the founders either did not occur at all, or that the individuals present at the initial meeting of the founders were not the same as those identified in the list of founding members; the documentation regarding the payment of government tariffs for registration did not contain information about the name of the association; 35 of the founding members were individuals who had had criminal or

² Communication No. 1296/2004, *Belyatsky et al. v. Belarus*, Views adopted on 24 July 2007.

³ Law of the Republic of Belarus, No. 3254-XII of 4 October 1994, on Public Associations. Available from www.legislationline.org/topics/country/42/topic/1.

⁴ Letter of the Ministry of Justice of Belarus dated 24 August 2007, No. 06-14/912, on the denial of government registration of the civic association; copy provided in Russian by the author.

CCPR/C/112/D/2165/2012

administrative charges brought against them in the past; the minutes of the initial meeting of the founders did not indicate that a chair and secretary of the meeting had been elected.⁵

2.5 On 20 March 2009, the author's husband and other founding members appealed the above-mentioned decision of the Ministry of Justice, indicating that it contradicted the Law on Public Associations, and requested that the decision be quashed and that the Ministry of Justice be ordered to register the association. On 22 April 2009, the Supreme Court confirmed the legality of the decision of the Ministry of Justice.

2.6 On 25 April 2009, the author's husband and other founders again applied to the Ministry of Justice with the request to register the civic human rights association Nasha Viasna, having provided additional documents, in which the defects of the founding documents indicated by the court were taken into account. On 25 May 2009, the Ministry of Justice again denied them registration based on formalistic grounds. On 18 July 2009, the author's husband and his associates appealed and on 12 August 2009, the Supreme Court again confirmed the decision of the Ministry of Justice.

2.7 The author submits that, on 16 February 2011, the Deputy Procurator-General issued an official warning to her husband, in which it was stated that in the course of a review the Office of the Procurator-General had discovered evidence of the activities he had undertaken on behalf of an unregistered organization, including publications on the organization's site and appearances and commentary where he was identified as the organization's administrator. He was put on notice that, in the event that he continued to violate the law, he could be held accountable. The author's husband filed a complaint about the warning to the Procurator-General, who, in a letter dated 18 March 2011, upheld the legality of the warning. The author's husband filed a complaint to the Central District Court in Minsk, arguing that the particular actions of the Office of the Procurator-General had violated the Constitution and article 22 of the Covenant. On 3 June 2011, the Court issued a decision rejecting the complaint. In the explanatory section of the decision, issued on 20 June 2011, the Court indicated that the complainant had not provided the court any evidence that Nasha Viasna had any organizational structure other than that of a civic association under the Law on Public Associations. The Court did not respond to the claim of the violation of the Constitution and the Covenant. The decision was appealed to the Minsk City Court. On 11 August 2011, the latter found that the arguments that the official warning was contrary to the Constitution and to the Covenant were not relevant to the case. The Minsk City Court noted that the author's husband had been given an official warning owing to his actions on behalf of an unregistered organization, but failed to address the issue of the alleged violations of article 5 of the Constitution and article 22 of the Covenant.

2.8 On 4 August 2011, the author's husband was charged under article 243 of the Criminal Code of Belarus for non-payment of income tax. The Office of the Procurator-General claimed that the author's husband had not paid income tax on money in two bank accounts held in Poland and Lithuania. The author maintains that those funds were not her husband's personal money, but were intended for the activities of the association. The author's husband was arrested on 4 August 2011. The following day, he was remanded to custody pending trial by a detention order of the Deputy Prosecutor of the City of Minsk. On 9 August 2011, he appealed the detention order before the Pervomayskiy District Court in Minsk, which rejected his appeal on 16 August 2011, following a hearing at which he was not present. A further appeal was rejected by the Minsk City Court on 19 August 2011. The author's husband filed further motions on 2 November 2011, before the Pervomayskiy District Court in Minsk, and on 24 January 2012, before the Minsk City Court, to be

⁵ The author provides a copy of the letter of the Ministry of Justice dated 2 March 2009, No. 06-12/145, on the denial of government registration of the civic association.

released from custody. The motions were rejected and the author's husband remained in custody throughout the pretrial proceeding and the trial.

2.9 On 24 November 2011, the Pervomayskiy District Court in Minsk found the author's husband was found guilty of not paying taxes, through failure to file tax declarations, and of knowingly providing false information in tax declarations under article 243.2 of the Criminal Code. The charges brought against him were based on the following facts: that he had opened two bank accounts in foreign banks in Lithuania and Poland, that during the period 2008–2010 funds from foreign and international organizations had been deposited into those accounts; and that he used the funds in those accounts. According to the charges, those funds constituted his personal income, on which he was obligated to pay income tax in Belarus. The author's husband argued that he had been acting as the chair of the Human Rights Centre Viasna, and that owing to the fact that in 2003 the organization had been stripped of its government registration by the decision of the Supreme Court, and that three subsequent requests for registration in 2007 and 2009 had been denied, the organization did not have any legal status within Belarus and could not open bank accounts. As a result, he opened foreign bank accounts in his name, in which he received funds from foreign partners (the Swedish Helsinki Committee for Human Rights, the Norwegian Helsinki Committee, the International Federation for Human Rights and others) to fund human rights activities. Those funds were used by Viasna to: monitor the human rights situation in Belarus, monitor elections, publish literature, carry out educational activities, organize public outreach offices and help victims of political repression. The Court in its verdict found that in the period 2008–2010, the author's husband had received income in the form of money received from outside Belarus, and had avoided paying income tax on that income, which caused losses to the federal budget in particularly large amounts. The author's husband was sentenced to four years and six months of imprisonment, to be served in a high security correctional facility, and confiscation of his property; he was also fined 721,454,017 Belarusian roubles and ordered to pay the State restitution of 36,072,700 Belarusian roubles.

2.10 On 29 November 2011, the author's husband appealed the verdict before the Panel of Judges for Criminal Cases of the Minsk City Court (the appellate court). On 16 and 20 January 2012, he and his lawyer filed additional motions to the court, citing, inter alia, fair-trial violations. On 24 January 2012, the appellate court upheld the verdict, with no changes. The author's husband was not present at that hearing. The arguments regarding violations of the freedom of association were ignored by the panel of judges, which did not state its position as to the alleged violation of article 22 of the Covenant. The author maintains that her husband has exhausted all available and effective domestic remedies.

2.11 On 2 April 2012, international non-governmental organizations brought the case of the author's husband to the attention of the Working Group on Arbitrary Detention.

The complaint

3.1 The author claims that by refusing to register the association, the State party violated her husband's right under article 22 of the Covenant. The author maintains that the refusal to register the association limited her husband's right of free association since, according to the internal laws of Belarus, unregistered civic associations are forbidden from carrying out activities within the territory of the country.⁶ Moreover, individuals involved in the organization of, or who participate in, civic associations that have not been registered are subject to criminal charges (art. 193.1 of the Criminal Code). She refers to the Committee's jurisprudence, according to which the right to free association includes not only the right to

⁶ Law on Public Associations, art. 7, second paragraph.

CCPR/C/112/D/2165/2012

freely organize associations, but also guarantees the associations' free and unfettered ability to conduct their statutory activities.⁷ The author maintains that the refusals for registration of the Viasna and Nasha Viasna associations imposed limitations inconsistent with the requirements of article 22, paragraph 2, of the Covenant.

3.2 The author maintains that it cannot be claimed that such limitations were set forth in law, since in this particular case it would mean the use of legislation which is contrary to the Covenant, namely, article 193.1 of the Criminal Code. She refers to the Committee's 1997 concluding observations on Belarus (CCPR/C/79/Add.86), in which the Committee had voiced its concern over the difficulties associated with the registration procedures for non-governmental organizations in Belarus, and had recommended that the State party review, without delay, the laws, regulations and administrative practices relating to their registration and activities. However, neither the practices nor the laws have been changed. In denying the registration of the Viasna and Nasha Viasna civic human rights associations, the Government imposed unduly harsh conditions, set forth in the Law on Public Associations, particularly the requirement that the founding members provide detailed personal information (art. 13 of the Law). The author maintains that even if the materials provided by her husband and the other applicants did not completely meet the requirements of the domestic laws, in this particular case limiting the right to free association, by way of denying the registration, was an unduly harsh measure. Since 2003, the association has been operating without official registration. The author further maintains that since the denials of registration were based exclusively on the State party's domestic laws, which contradict the Covenant, the denials also violate the State party's obligations under article 2 of the Covenant.

3.3 The author maintains that, in accordance with the Law on the Office of the Procurator-General of the Republic of Belarus, the Procurator-General has the authority to issue official warnings, which must be obeyed. With respect to activities on behalf of an unregistered organization in Belarus, an individual is subject to criminal accountability under article 193.1 of the Criminal Code. In accordance with article 34.4 of the Criminal Procedure Code, a prosecutor has the authority to bring criminal charges. Consequently, the official warning issued by the Deputy Procurator-General to her husband could realistically have preceded the beginning of a criminal proceeding against him. She argues that the threat of being subjected to criminal prosecution constitutes a limitation of her husband's freedom of association. Moreover, the action of the Office of the Procurator-General, subjecting the author's husband to the requirement to stop his activities on behalf of the unregistered association under the threat of criminal prosecution, does not meet any of the goals set forth in article 22, paragraph 2, of the Covenant. Even if the Government were to provide evidence of the necessity of such limitations, it could never be accepted that the risk of criminal prosecution for such activities constitutes a commensurate measure. Therefore, the official warning issued by the Office of the Procurator-General based on domestic laws, which provide for criminal charges for conducting activities on behalf of an unregistered organization, also violated the rights of the author's husband that are guaranteed under article 22, paragraph 1, of the Covenant.

3.4 The author maintains that the verdict and sentence for activities related to exercising the right of free association established in article 22, paragraph 1, of the Covenant, constitute a limitation of that right, and as such, must meet the conditions set in article 22, paragraph 2. The question is whether the personal punishment of the head of the association on charges of non-payment of taxes on the funds received and spent for the goals of the

⁷ The author refers to communication No. 1478/2006, *Kungurov v. Uzbekistan*, Views adopted on 20 July 2011.

association equals a violation of the right to free association. The Viasna association was deprived of the opportunity to open bank accounts, accumulate financial resources in them and pay taxes (or be exempt from taxes) as a result of its deprivation of legal status through its unlawful dissolution in 2003 and the denial of government registration in 2007 and 2009. Furthermore, even if an association is registered with the State, it is prohibited from opening accounts in foreign banks. Moreover, Belarusian legislation contains a de facto prohibition on receiving funds from abroad for the purposes of human rights activities, equating all foreign donations to humanitarian aid that may be received and used only for a limited list of purposes, which does not include human rights activities.⁸ Thus, the Government did not leave any way for the association or its members to raise funding for human rights activities from abroad, other than to use personal accounts opened abroad to receive the money. It is specifically for that activity that the author's husband has been sentenced to a lengthy term of incarceration. The criminal prosecution and conviction against him are aimed at intimidating those who engage or intend to engage in human rights activities. Under article 2 of the Covenant, the State party is obliged to use all administrative and legislative measures necessary to give effect to the rights that are recognized in the Covenant. The State party may not refer to its internal law as justification for its failure to perform a treaty.⁹ Moreover, in the present case the judicial organs of the State did not explain which of the grounds referred to in article 22, paragraph 2, of the Covenant, necessitated issuing a criminal conviction against the author's husband for his activities connected with financing the association. Lastly, the author maintains that the punishment imposed on her husband was not commensurate with any of the goals stated by the State party, i.e., it was not necessary in a democratic society.

3.5 In relation to the allegation that her husband's rights under article 14, paragraph 1, of the Covenant have been violated, the author submits that international institutions have repeatedly noted the systemic lack of independence of Belarusian courts, which is linked to the complete control of the Executive Branch and the President of Belarus over the appointment process for judges, the length of their terms, sanction and termination procedures, and their funding. Such institutions have also noted the practical interference of the Executive Branch agencies in the activities of the courts and the biases of the courts in favour of the prosecution.¹⁰ The author submits that on the first day of her husband's trial in the Pervomayskiy District Court in Minsk the prosecutor addressed the following to the defendant: "I recommend that you answer honestly and truthfully to all of the questions, and I suggest that you consider your testimony and how you answer the questions, and if you answer honestly and, moreover, if you agree to pay restitution, the measure of restraint can be changed for you". She maintains that the above statement clearly shows that the custodial measure for the accused was dependent on his testimony and that the State prosecutor had voiced his confidence that the issue of changing the custodial measure depended on him. Despite objections by the defence, the court did not react to this statement by the prosecutor. Thus, the dependence of the court was clearly demonstrated, which is a violation of article 14, paragraph 1, of the Covenant.

3.6 The author also refers to the Committee's general comment No. 32 (2007) on the right to equality before courts and tribunals and to fair trial, in which the Committee clarifies that the same procedural rights are to be provided to all the parties unless

⁸ The author refers to Decree of the President of the Republic of Belarus No. 24 of 28 November 2003 on the receipt and utilization of foreign aid.

⁹ Vienna Convention on the Law of Treaties, art. 27.

¹⁰ See the report of the Special Rapporteur on the independence of judges and lawyers on his mission to Belarus (E/CN.4/2001/65/Add.1) and the report of the Working Group on the Universal Periodic Review on Belarus (A/HRC/15/16), recommendations 98.25 and 98.26.

CCPR/C/112/D/2165/2012

distinctions are based on law and can be justified on objective and reasonable grounds, not entailing actual disadvantage or other unfairness to the defendant. In her husband's case the issue at stake was what the foreign funding was being provided for, and what was it used for. The prosecution insisted that those funds were the author's husband's personal income, on which he had an obligation to pay taxes. The defence insisted that the funds were provided for, and spent on, human rights activities carried out by the association. The author maintains that during the trial the court did not pay equal attention to the evidence that was presented by the prosecution and by the defence, since it accepted uncertified documents presented by the prosecution and did not mention the documents presented by the defence, such as official statements by donors testifying that they had provided funds for the activities of the association. She also maintains that the refusal of the appellate court to seek further evidence directly from the foreign organizations regarding the destination of grants and reports about the expenditure of financial resources also indicates procedural inequality.

3.7 The author maintains that the presumption of innocence was violated with regard to her husband when the State-owned newspapers and television channels disseminated reports proclaiming his guilt before his verdict became final. That helped in convincing the society of his guilt and served to bias qualified judges, in violation of article 14, paragraph 2, of the Covenant. Furthermore, on 2 December 2011, after the verdict had been read but before the appeals proceedings against the verdict were completed, Alexander Lukashenko, President of Belarus, responding to the questions of journalists regarding the case stated: "I think that the court acted very humanely in regard to this opposition activist or whatever you call him." This statement by the President leaves no doubt as to his position regarding the guilt of the author's husband and his opinion on the leniency of his sentence. Considering that, pursuant to the laws of Belarus, the President exercises complete control over the process of appointing and removing judges, there is cause to fear that, by voicing his opinion, he influenced the subsequent decisions of the appellate court, which also constitutes a violation of article 14, paragraph 2, of the Covenant. Lastly, throughout the course of the proceedings in the lower court, the author's husband was kept in a cage. He was brought to court and taken back to the detention facility in handcuffs, which were taken off when he was placed in the cage and put back on when he was removed from it. This was shown repeatedly on Belarusian television. Keeping incarcerated individuals in cages and using handcuffs on them is standard practice in Belarusian courts. However, in this particular instance there was no reasonable justification for the use of such security measures. Keeping the defendant in a cage and in handcuffs created an image of him in the public's eye as a dangerous criminal, which is a further violation of article 14, paragraph 2, of the Covenant.

3.8 The author also submits that her husband's right under article 14, paragraph 3 (d), of the Covenant, to be tried in his presence had been violated, since he had sent a written request to the appellate court to be present at the appellate hearing, which the court rejected, referring to provisions of the domestic legislation (art. 382.2 and art. 382.4 of the Criminal Procedure Code), under which the court is not obliged to ensure the participation of the accused in the hearings. In this case the appellate court considered not only questions of the law, but also the actual circumstances of the case and the question of the guilt of her husband. Thus, the denial of the right to be tried in his presence and be heard by the court constitutes a violation of article 14, paragraph 3 (d), of the Covenant, as well as a violation of article 2 of the Covenant, as the State party has not provided the right in its internal legislation.

3.9 The author maintains that her husband's rights under article 9 of the Covenant had been violated, because the decision of 5 August 2011 regarding his remand in custody had been taken by an investigative organ and neither that decision, nor the review decisions of the Pervomayskiy District Court in Minsk, contained any justification of the necessity,

reasonableness and proportionality of the custodial measure, which is a violation of the requirements of article 126.2 of the Criminal Procedure Code. The reasons indicated in the decisions refer either to abstract formulas from legal acts, for example, the possibility that the defendant could “escape from the criminal prosecution organs and the court”, “create obstacles to the preliminary investigation of the criminal case or its consideration by the court” or “conceal or forge materials which are significant for the case”, or are not provided for under the law, for example “for the purpose of securing the proper consideration of the criminal case”. There is no assessment of concrete evidence of a real danger that the accused could escape from justice, destroy evidence or violate the law. Further, the decisions of the courts taken on the question of the legality of the custodial placement were based on article 126.1 of the Criminal Procedure Code, pursuant to which the measure of restraint in the form of custodial placement can be applied to persons who are suspected of committing serious offences solely on the basis of the level of the offence. The author maintains that that provision fails to meet international standards, in so far as that approach is not based on the individual assessment of the possibility of accused engaging in unlawful behavior during the investigation of the case and its consideration by the court. The author maintains that under these circumstances her husband’s detention constituted an arbitrary custodial placement in violation of article 9, paragraph 1, of the Covenant.

3.10 The author submits that, according to the Criminal Procedure Code, a custodial placement is made on the basis of a decision of the investigator and sanctioned by a prosecutor or other criminal prosecution organs (art. 126.4 of the Criminal Procedure Code). She notes that in its jurisprudence the Committee has stated that the State prosecutor is not a person who possesses the necessary institutional independence and impartiality to be considered as “[an]other officer authorized by law to exercise judicial power”, within the meaning of article 9, paragraph 3, since the due administration of judicial power can be conducted only by an organ which is independent, objective, impartial and unbiased with regard to the questions under consideration.¹¹ She underlines that not only was her husband placed in custody by the order of the Deputy Prosecutor on 5 August 2011, but he did not appear before a court until 2 November 2011. She maintains that the delay of three months must be declared incompatible with article 9, paragraph 3, of the Covenant.

3.11 Regarding the alleged violation of her husband’s rights under article 9, paragraph 4, of the Covenant, the author refers to the Committee’s jurisprudence that court review of the lawfulness of detention must include the possibility of ordering release from custody and must not be limited to mere formal compliance of the detention with domestic law governing the detention.¹² Judicial review of the legality of detention must allow for the possibility of ordering the release of individuals if their detention is considered incompatible with the provisions of the Covenant, particularly those of article 9, paragraph 1.¹³ She maintains that the Pervomayskiy District Court in Minsk and the Minsk City Court failed to observe those requirements while considering the appeals against the custodial placement of her husband. The decisions of the courts simply confirm the legality of the detention, referring to the absence of violations of the domestic legislation. The court decisions do not contain references to the consideration of any evidence providing sufficient grounds to establish the necessity, reasonableness and proportionality of the use

¹¹ The author does not provide a specific reference to the Committee’s jurisprudence.

¹² The author refers to communication No. 560/1993, *A. v. Australia*, Views adopted on 3 April 1997, para. 9.5, and communication No. 1324/2004, *Shafiq v. Australia*, Views adopted on 31 October 2006, para. 7.4.

¹³ The author refers to communication No. 1172/2003, *Abbassi v. Algeria*, Views adopted on 28 March 2007, para. 8.5, and communication No. 1173/2003, *Benhadj v. Algeria*, Views adopted on 20 July 2007, para. 8.4.

CCPR/C/112/D/2165/2012

of this measure towards the specific individual in the specific circumstances. Moreover, the court review was conducted in the absence of the author's husband; he was thus deprived of the opportunity to present explanations concerning his specific circumstances. Accordingly, she maintains that there has been a violation of article 9, paragraph 4, of the Covenant.

The State party's observations

4. On 25 July 2012, the State party noted the lack of legal grounds for the consideration of the communication, both on admissibility and on the merits. The State party submits that the communication was brought before the Human Rights Committee by third-party individuals instead of the individual himself. Moreover, it had been brought to the attention of, and was currently under examination by, the Working Group on Arbitrary Detention. In addition, the State party maintains that the individual did not exhaust all available domestic remedies, as required by article 2 of the Optional Protocol to the Covenant. The State party refers to some of its submissions on other communications, dated 6 January 2011 and 25 January 2012, and submits that it considers the registration of the present communication as done in violation of articles 1, 2 and 5, paragraph 2 (a) and (b), of the Optional Protocol. It submits that it has discontinued proceedings regarding communication No. 2165/2012 and "will disassociate itself from the views that might be adopted on it by the Human Rights Committee".

Author's comments on the State party's observations

5.1 On 22 October 2012, in response to the State party's observations, the author stated that the communication had been submitted by her, based on a letter provided by her husband on 27 January 2012 authorizing her to represent his interests before the Committee. Based on that, the author authorized Mr. Bernard to provide legal assistance and represent her during the proceedings relating to communication No. 2165/2012. The above is in accordance with the practice and rules of procedure of the Committee. Moreover, the institution of representation is present in the legal system of Belarus as well, including the ability of a representative to submit a complaint on behalf of an individual who claims that his rights and freedoms have been violated.

5.2 Regarding the fact the same matter was brought to the attention of the Working Group on Arbitrary Detention and was under its examination, the author submits that the mandate of the Working Group was established by the former Commission on Human Rights; the Working Group is not authorized to issue decisions which are binding for the Government and which identify a violation by the Government of a specific right established by the Covenant, nor can it oblige the Government to take measures to rectify the violation. Thus, the proceeding cannot be considered as another "procedure of international investigation or settlement" as defined in article 5, paragraph 2, of the Optional Protocol. Moreover, the communication contains not only allegations of violation of rights under article 9 of the Covenant, but also of violations of articles 14 and 22 of the Covenant, the consideration of which falls outside the sphere of competence of the Working Group on Arbitrary Detention.

5.3 Regarding the State party's claims that the author's husband did not exhaust all available domestic remedies provided for in the Belarusian legislation, the author recalls that she had made reference to all the legal avenues that her husband had attempted to follow to remedy the stated violations of his rights under articles 9, 14 and 22 of the Covenant, as well as to the decisions of the courts of Belarus in response to those complaints. She reiterates the facts and the dates of the various complaints (see paras. 2.2–2.10 above). She further submits that in long-standing jurisprudence, supervisory review proceedings that constitute a discretionary review of sentences handed down by courts, widespread in the former republics of the Soviet Union, has not been considered by the

Committee to constitute an effective remedy.¹⁴ The European Court of Human Rights takes the same position, stating that applications for the use of judicial supervisory review constitute extraordinary remedies, the use of which depends on the discretionary powers of supervisory officials of the courts and the prosecutor's office, and that therefore such petitions do not constitute effective remedies.¹⁵ The author maintains that at the time the communication was presented to the Committee, her husband had already exhausted all effective means of legal defence provided for under the laws of Belarus. Moreover, her husband had petitioned for a supervisory review of the verdict in his criminal case and the ruling of the appellate court to the Chief Judge of the Minsk City Court and, subsequently to the Deputy Chief Justice of the Supreme Court; both judges rejected the petitions, on, respectively, 17 May 2012 and 4 September 2012.¹⁶ The responses from those officials provide the concise opinions that the rulings of the first instance courts and appellate court were legal. However, no foundation is provided for the decisions, nor is there a legal analysis of the arguments put forth in the complaint lodged by the author's husband. The author maintains that the above serves as additional evidence of the lack of effectiveness of the option of petitioning for a supervisory review.

5.4 On 15 July 2014, the author submitted that, on 21 June 2014, her husband was released from prison, following an amnesty. She maintains that the amnesty does not constitute an admission by the State party of a violation of rights under the Covenant, and requests the Committee to proceed with the examination of the communication on its merits. She maintains that it is still impossible to register or legalize the activities of human rights groups in Belarus, that human rights defenders are under a permanent and real threat of criminal prosecution for activities carried out on behalf of unregistered organizations and for seeking financial support for their activities. The Committee's decision should also address the issues of redress and non-recurrence.

Issues and proceedings before the Committee

The State party's lack of cooperation

6.1 The Committee notes the State party's submission that it considers the registration of the present communication as done in violation of articles 1, 2 and 5, paragraphs 2 (a) and (b), of the Optional Protocol, that it has discontinued proceedings regarding the communication and that it will disassociate itself from the Views that might be adopted on it by the Human Rights Committee.

6.2 The Committee recalls that article 39, paragraph 2, of the International Covenant on Civil and Political Rights authorizes it to establish its own rules of procedure, which the States parties have agreed to recognize. The Committee further observes that, by adhering to the Optional Protocol, a State party to the Covenant recognizes the competence of the Human Rights Committee to receive and consider communications from individuals subject to its jurisdiction who claim to be victims of a violation of any of the rights set forth in the Covenant.¹⁷ Implicit in a State's adherence to the Optional Protocol is an undertaking to cooperate with the Committee in good faith so as to permit and enable it to consider such communications, and after examination to forward its views to the State party and to the

¹⁴ The author refers to communication No. 1418/2005, *Iskiyaev v. Uzbekistan*, Views adopted on 20 March 2009, para. 6.1.

¹⁵ The author refers to the case of *Tumilovich v. Russia*, Application No. 47033/99, judgement of 22 June 1999.

¹⁶ The author submits copies of the petitions and the responses.

¹⁷ Optional Protocol, preamble and art. 1.

CCPR/C/112/D/2165/2012

individual concerned.¹⁸ It is incompatible with the obligations under article 1 of the Optional Protocol for a State party to take any action that would prevent or frustrate the Committee in its consideration and examination of the communication, and in the expression of its Views.¹⁹ It is for the Committee to determine whether a communication should be registered. The Committee observes that, by failing to accept the competence of the Committee to determine whether a communication shall be registered and by declaring beforehand that it will not accept the determination of the Committee on the admissibility and on the merits of the communications, the State party violates its obligations under article 1 of the Optional Protocol to the Covenant.²⁰

Consideration of admissibility

7.1 Before considering any claim contained in a communication, the Human Rights Committee must decide, in accordance with rule 93 of its rules of procedure, whether the communication is admissible under the Optional Protocol to the Covenant.

7.2 The Committee takes note of the State party's submission that the communication had been brought to the attention of the Working Group on Arbitrary Detention and was under its examination. The Committee notes that Mr. Belyatsky's case was examined by the Working Group on Arbitrary Detention, which issued an opinion on 31 August 2012 (A/HRC/WGAD/2012/39). Since the matter is no longer being examined by the Working Group on Arbitrary Detention, the Committee concludes that it is not precluded by the above provision from examining it.

7.3 With regard to the author's claims under article 2 of the Covenant, the Committee recalls its jurisprudence, which indicates that the provisions of article 2 of the Covenant lay down general obligations for States parties, and that they cannot give rise, when invoked separately, to a claim in a communication under the Optional Protocol.²¹ The Committee therefore considers that the author's claims in this regard are incompatible with article 2 of the Covenant and inadmissible under article 3 of the Optional Protocol.

7.4 The Committee notes the author's claim under article 14 of the Covenant, according to which the courts have acted in a biased manner in her husband's case, given that the first instance court did not object to certain statements of the prosecution and based on general information regarding the judicial system in the State party. In the absence of any other pertinent information in this respect, the Committee considers, however, that the author has failed to sufficiently substantiate this claim for purposes of admissibility. Accordingly, it concludes that this part of the communication is inadmissible under article 2 of the Optional Protocol.

7.5 The Committee notes the author's claim that her husband's rights under article 14, paragraph 3 (d), to be tried in his presence had been violated since he had sent a written request to the appellate court to be present at the appellate hearing, but the court had rejected it. The Committee, however, observes that the lawyer of the author's husband was

¹⁸ Ibid., art. 5, paras. 1 and 4.

¹⁹ See, inter alia, communications No. 869/1999, *Piandiong et al. v. Philippines*, Views adopted on 19 October 2000, para. 5.1, and Nos. 1461/2006, 1462/2006, 1476/2006 and 1477/2006, *Makhdov et al. v. Kyrgyzstan*, Views adopted on 16 July 2008, paras. 10.1–10.3.

²⁰ See, inter alia, communication No. 1226/2003, *Korneenko v. Belarus*, Views adopted on 20 July 2012, para. 8.2.

²¹ See communications No. 2202/2012, *Rodriguez Castañeda v. Mexico*, Views adopted on 18 July 2013, para. 6.8, No. 1834/2008, *A.P. v. Ukraine*, decision of inadmissibility adopted on 23 July 2012, para. 8.5, and No. 1887/2009, *Peirano Basso v. Uruguay*, Views adopted on 19 October 2010, para. 9.4.

present at the appellate hearing. In the absence of any other pertinent information in this respect, the Committee considers that the author has failed to sufficiently substantiate this claim for purposes of admissibility and finds that it is inadmissible under article 2 of the Optional Protocol.

7.6 The Committee notes the State party's submission that the communication had been brought before the Committee by third-party individuals instead of the individual himself. In this respect, the Committee recalls that rule 96 (b) of its rules of procedure provides that a communication should normally be submitted by the individual personally or by that individual's representative, but that a communication submitted on behalf of an alleged victim may be accepted when it appears that the individual in question is unable to submit the communication personally.²² In the present case, the Committee notes that the alleged victim, who was in prison when the communication was submitted, had issued a letter of authorization to his wife and that the latter in turn authorized counsel to represent the alleged victim before the Committee. Accordingly, the Committee considers that it is not precluded by article 1 of the Optional Protocol from examining the communication.

7.7 The Committee notes the State party's submission that the author's husband had failed to exhaust the available domestic remedies. It observes that the State party does not point out any concrete remedies that could have been pursued by the author's husband. The Committee notes the author's explanation that her husband had exhausted all available domestic remedies and her contention that the supervisory review procedure does not constitute an effective domestic remedy. It also notes that the author's husband had petitioned for a supervisory review of the verdict in his criminal case and of the ruling of the appellate court, to the Chief Judge of the Minsk City Court and to the Deputy Chief Justice of the Supreme Court, and that those petitions had been rejected, respectively, on 17 May 2012 and on 4 September 2012. In this regard, the Committee recalls its jurisprudence, according to which a petition to a prosecutor's office for supervisory review, allowing for a review of court decisions that have taken effect, does not constitute a remedy that has to be exhausted for the purposes of article 5, paragraph 2 (b), of the Optional Protocol.²³ In the circumstances, the Committee considers that it is not precluded, for purposes of admissibility, by article 5, paragraph 2 (b), of the Optional Protocol, from examining the communication.

7.8 The Committee considers that the author has sufficiently substantiated her remaining claims under articles 9, 14 (para. 2) and 22 (para. 1), of the Covenant, for purposes of admissibility. Accordingly, it declares these claims admissible and proceeds to their examination on the merits.

Consideration of the merits

8.1 The Human Rights Committee has considered the present communication in the light of all the information made available to it by the parties, as required under article 5, paragraph 1, of the Optional Protocol.

8.2 The Committee notes the author's allegations regarding the pretrial detention of her husband, including that the decision of 5 August 2011 regarding his remand in custody had been taken by a prosecutor rather than by a judge, and that this decision and the decisions of the court that reviewed the detention order did not contain any reasoning as to the necessity, reasonableness and proportionality of the custodial measure. The Committee

²² See also communications No. 1355/2005, *X. v. Serbia*, decision of inadmissibility adopted on 26 March 2007, para. 6.3, and No. 2120/2011, *Kovaleva and Kozyar v. Belarus*, Views of 29 October 2012, para. 10.2.

²³ See, for example, communication No. 1986/2010, *Kozlov v. Belarus*, Views adopted on 24 July 2014, para. 6.3.

CCPR/C/112/D/2165/2012

further notes the author's allegation that article 126.1 of the Criminal Procedure Code allows custodial placement solely on the basis of the seriousness of the offence and that, accordingly, her husband's detention was arbitrary. In the absence of a reply from the State party on these issues, the Committee finds that the above allegations should be given due weight, and that the facts described disclose several violations of the author's husband's right to liberty of person as guaranteed by article 9 of the Covenant.²⁴ Consequently, the Committee finds that article 9 of the Covenant has been violated in the present case.

8.3 The Committee notes the author's claim that the presumption of innocence was violated with regard to her husband, because the State-owned newspapers and television channels disseminated reports proclaiming his guilt before his verdict had been confirmed on appeal; because the President of the country made a public statement, clearly indicating his position regarding the guilt of the author's husband; and because throughout the court proceedings the author's husband was brought to court and taken back to the detention facility in handcuffs and was kept in a cage in the courtroom, which was also broadcasted on the State media. In the absence of a reply from the State party on these issues, the Committee finds that the above allegations should be given due weight, and that the facts described disclose a violation of the presumption of innocence with regard to the author's husband. Consequently, the Committee finds that article 14, paragraph 2, of the Covenant has been violated in the present case.

8.4 Regarding the alleged violations of article 22 of the Covenant, the issue before the Committee is whether the refusal of the Belarus authorities to register the Viasna or Nasha Viasna association unreasonably restricted the author's husband's right to freedom of association. In accordance with article 22, paragraph 2, of the Covenant, any restriction on the right to freedom of association must cumulatively meet the following conditions: (a) it must be prescribed by law; (b) it may only be imposed for one of the purposes set out in paragraph 2; and (c) it must be necessary in a democratic society for achieving one of those purposes.²⁵ The reference to "democratic society" in the context of article 22 indicates, in the Committee's opinion, that the existence and operation of associations, including those that peacefully promote ideas not necessarily favourably viewed by the Government or the majority of the population, is a cornerstone of any democratic society.

8.5 In the present case, the Committee notes that the author's husband held the position of chair of the association and that he applied for its registration, together with other founding members, on three different occasions. The Committee observes that the State party has refused to permit the registration of the association on the basis of a number of stated reasons, some of which appear to be highly technical and some of which appear to be inconsistent with the Covenant. Those reasons must be assessed in the light of the consequences which arise for the author's husband and his freedom of association. The Committee notes that even if such reasons were prescribed by the relevant law, the State party has not advanced any argument as to why they are either legitimate or necessary, in the interests of national security or public safety, public order, the protection of public health or morals or the protection of the rights and freedoms of others. The Committee also notes that the refusal of registration led directly to the unlawfulness of operation of the unregistered organization on the State party's territory and directly precluded the author from enjoying his freedom of association with the other members of the association.

²⁴ See, for example, communications No. 1085/2002, *Taright et al. v. Algeria*, Views adopted on 15 March 2006, paras. 8.3–8.4; No. 1178/2003, *Smantser v. Belarus*, Views adopted on 23 October 2008, paras. 10.2–10.3; and No. 1787/2008, *Kovsh v. Belarus*, Views adopted on 27 March 2013, paras. 7.3–7.5.

²⁵ See, *inter alia*, communication No. 1039/2001, *Zvozkov et al. v. Belarus*, Views adopted on 17 October 2006, para. 7.2.

Accordingly, the Committee concludes that the refusal of registration does not meet the requirements of article 22, paragraph 2, in relation to the author's husband. Mr. Belyatsky's rights under article 22, paragraph 1, of the Covenant have thus been violated.²⁶

8.6 Further, the Committee notes the author's allegations that after the State party had repeatedly obstructed the registration of the association, the Office of the Procurator-General issued an official warning to her husband that he risked prosecution for engaging in activities on behalf of an unregistered association; that subsequently he was prosecuted on tax charges; that those tax charges arose from the fact that he had maintained a bank account in his own name on behalf of the association because the refusal of the State party to register the association prevented him from opening accounts in the association's name; that in his trial the court did not take into account evidence that the funds were received and spent for the legitimate purposes of the association; that he had been convicted and sentenced to four and a half years of incarceration, and had had financial sanctions imposed; and that the courts did not explain how those measures were consistent with his right to freedom of association, in particular, how the conviction and sentence were proportionate to any of the goals stated in article 22, paragraph 2. In the absence of a reply from the State party on these issues, the Committee finds that the above-mentioned allegations should be given due weight. Taken in the context of the violations found in paragraph 8.5, and in this Committee's earlier Views,²⁷ and absent any persuasive explanation by the State party, the Committee concludes that the facts described disclose a violation of the author's husband's right to freedom of association. Consequently, the Committee finds that article 22 of the Covenant has been violated in the present case.

9. The Human Rights Committee, acting under article 5, paragraph 4, of the Optional Protocol to the International Covenant on Civil and Political Rights, is of the view that the facts before it disclose a violation by Belarus of the author's husband's rights under articles 9, 14 (para. 2) and 22 (para. 1) of the Covenant.

10. In accordance with article 2, paragraph 3 (a), of the Covenant, the author's husband is entitled to an appropriate remedy, including (a) the reconsideration of the application for registration of the Viasna association, based on criteria compliant with the requirements of article 22 of the Covenant; (b) removal of the criminal conviction from his criminal record; and (c) adequate compensation, including reimbursement of the legal costs incurred. The State party is also under the obligation to prevent similar violations in the future. In this connection, the State party should review its internal legislation to ensure its compliance with the requirements of article 22 of the Covenant.

11. Bearing in mind that, by becoming a party to the Optional Protocol, the State party has recognized the competence of the Committee to determine whether there has been a violation of the Covenant and that, pursuant to article 2 of the Covenant, the State party has undertaken to ensure to all individuals within its territory or subject to its jurisdiction the rights recognized in the Covenant and to provide an effective and enforceable remedy when it has been determined that a violation has been established, the Committee wishes to receive from the State party, within 180 days, information about the measures taken to give effect to the Committee's Views. In addition, it requests the State party to publish the present Views, and to have them widely disseminated in Belarusian and Russian in the State party.

²⁶ See, *inter alia*, communication No. 1383/2005, *Katsora et al. v. Belarus*, Views adopted on 25 October 2010, para. 8.3; *Zvozkov et al. v. Belarus*, para. 7.4; and communication No. 1478/2006, *Kungurov v. Uzbekistan*, Views adopted on 20 July 2011, paras. 8.5–8.9.

²⁷ See footnote 2 above.

**Statement by the Spokesperson
of the European External Action Service
on the arbitrary detentions of more than 30 civil society and
political activists in Belarus.**

Brussels, May 16, 2014



Brussels, 16 May 2014
140516/03

S T A T E M E N T

**by the Spokesperson on the arbitrary detentions of more than 30 civil society
and political activists in Belarus**

"We are concerned about the harassment, arbitrary arrest and detention of several dozens of representatives of civil society and opposition organisations in the run up to the World Ice Hockey Championship in Belarus. We condemn the use of administrative detention by the Belarusian authorities as an instrument aimed at creating pressure, fear and uncertainty among the young generation of people in Belarus.

We urge the authorities of Belarus to immediately stop these actions and to release all those unjustly detained, dropping all charges against them. We also reiterate our call for the immediate and unconditional release and rehabilitation of all political prisoners.

The EU's readiness to further develop relations with Belarus remains conditional on concrete steps in Belarus towards democracy, human rights and the rule of law."

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ANNEX 4.

**Statement by Marie Harf, Deputy Spokesperson
of the U.S. Department of State on the Occasion
of the 15th Anniversary of Unsolved Disappearances in Belarus.**

September 16, 2014

State Dept. on Anniversary of Unsolved Disappearances in Belarus

16 September 2014

U.S. DEPARTMENT OF STATE
Office of the Spokesperson
Washington, D.C.
September 16, 2014

STATEMENT BY MARIE HARF, DEPUTY SPOKESPERSON

15th Anniversary of Unsolved Disappearances in Belarus

Fifteen years ago today, Viktor Gonchar, a former deputy prime minister and leading opposition politician, disappeared in Belarus together with Anatoly Krasovsky, a successful businessman. The two men were last seen driving home from a sauna before their reported abduction; their bodies have never been found.

They risked their lives and bright futures to stand up to repression. Their disappearances are a great loss, not only for their loved ones, but for the Belarusian people. Were they with us today, Viktor Gonchar would have just turned 56 and Anatoly Krasovsky would be 62.

We also remember today Yuri Zakharenko, a former Minister of the Interior who resigned to protest government abuses and then disappeared on May 7, 1999, and Dmitri Zavadski, a cameraman for the Russian TV channel ORT who disappeared on July 7, 2000 shortly after returning from filming a documentary in Chechnya.

The government-led investigation into their disappearances has so far produced no substantive results and no closure for their families. Under Belarusian law, the statute of limitations on the investigation of these disappearances appears set to expire this year.

We remain deeply concerned with the fate of these four men and call on the Belarusian authorities to extend the statute of limitations and thoroughly and transparently investigate their disappearances. The families of the disappeared deserve justice.

We renew our call on Belarus to immediately and unconditionally release all political prisoners and restore their political rights. It is our firm belief that Belarus' future can only be brighter, more stable and more prosperous with a more open society and greater democratization.

STATEMENTS, ADDRESSES

**Appeal of Belarusian civil society organizations
and public activists on the situation in Ukraine**

Minsk, January 22, 2014

For the attention of:
the European Parliament
the Council of the European Union
the European Commission
the US Congress
Barack Obama, US president
Vladimir Putin, President of Russian Federation
Ban Ki-moon, Secretary-General of the United Nations
Viktor Yanukovich, President of Ukraine
the leaders of Ukrainian opposition parties
the people of Ukraine

These days, when the situation in Ukraine is being no longer controlled by the opposing forces, when blood is being shed, when there are street fights in Kyiv and weapons are being used, we cannot maintain aloofness. The Ukrainian people are our fraternal nation and we, Belarusians, do understand their problems. In our opinion, the confrontation in Ukraine and its dramatic outcome are the result of the actions of the authorities that persistently ignore the requirements of the people of Ukraine, that are trusted no longer by the Ukrainians, that pass absurd laws, and that are trying relentlessly to establish a dictatorship in the country. We also believe that the errors of the oppositional politicians and protesters have not allowed them to find a peaceful solution of the situation.

We think that the bloodshed in Ukraine can be stopped now. We are convinced that the termination of violence and hostilities is not going to worsen the protesters' position and will not lead to their defeat. After all, it is not acts of violence that make any protests strong, but protesters' fidelity to their principles, their readiness to solve problems and self-organization, and we have already seen that the Ukrainian people do have such skills!

We urge the Maidan politicians and leaders to make everything possible in order to regain control over the situation and to convince the protesters to stop violence. The termination of violence does not mean the protesters cannot protect themselves and should leave their positions.

We urge the insurgents to carry out negotiations with anyone who is able to negotiate and to do something, who is able to control the situation even on limited sites — in a certain space of the street actions theater, in power structures, in government structures.

We urge the people of Ukraine not to consider the negotiation process and the political steps, which are still possible and effective today, to be the “playing for time”. Violent acts will not lead to a fast solution of the problem, but will only make the situation uncontrolled.

We urge the power structures and Ukrainian power to agree to start a real dialogue with the people of Ukraine even if the people’s demands seem unacceptable to the authorities.

We urge the law enforcement agents, militia, as well as titushky (subjects hired by the state), to stop prosecutions, abductions, and beatings of the protesters.

We urge all parties involved in the current political crisis in Ukraine to get consolidated and to undertake a peace-support mission. We are sure that the personal presence of representatives of the UN countries and international organizations that are interested in the solution of the conflict these days in Kyiv will play the role of an escalation constraining factor and will make it possible to prevent the new and mass slaughter.

Unity, organization, and consistency are the guarantee of joint successful actions!

Tatiana Novikova, “Ecodom”, environmental association «Green Alliance»
Uladzimir Matskevich, International Consortium “EuroBelarus”
Tatiana Poshevalova, Centre for Social Innovations
Inna Zhiznevskaya, “Ecodom”
Svetlana Korolyova, public activist
Igor Rynkevich, public establishment “Democracy Development League”
Sergei Matskevich, Belarusian NGOs Assembly
Valadar Tsurpanov, Civic Space Centre
Inna Kulei, Solidarity Committee
Tatsiana Vadalazhskaya, Humanitarian Techniques Agency
Ulad Vialichka, International Consortium “EuroBelarus”
Ales Krot, youth trade-union group “Student Council”
Andrei Yahorau, Centre for European Transformation
Andrei Aleksandrov, journalist
Tatiana Revyako, human rights defending Centre “Spring”
Elena Tonkacheva, Legal Transformation Centre
Olga Smolyanko, Legal Transformation Centre
Galina Cherepok, Legal Transformation Centre
Petr Kuznetsov, civic initiative “Homiel Democratic Forum”
Oksana Shelest, Humanitarian Techniques Agency
Belarusian Students Association
Tatiana Zelko, public association of Belarusian pensioners «Our Generation»
Marina Adamovich, public activist, the wife of the political prisoner Nikolai Statkevich
Irina Zhikhar, Belarusian Organization of Working Women
Leonid Akalovich, Archpriest of the Belarusian Autocephalous Orthodox Church
Sergei Drozdowski, Office for the rights of people with disabilities
Enira Branitskaya, Office for the rights of people with disabilities

Address of the Human Rights Centre “Viasna” to the authorities of the Russian Federation

Minsk, March 4, 2014

for: Ambassador Extraordinary and Plenipotentiary
Russian Federation in the Republic of Belarus
Mr. Surikov Alexander Alexandrovich
The Human Rights Centre “Viasna”
Miarzhynski Str. 8-26

Address

In connection with the invasion of the troops of the Russian Federation on the territory of Ukraine and the decision of the Council of the Federation to permit the use of Russian troops on the territory of Ukraine “to normalize the situation”, we, the representatives of the Human Rights Centre “Viasna”, express our indignation at the actions of the authorities of the Russian Federation and call:

— to respect the sovereignty and territorial integrity of Ukraine, to stop military intervention in the internal affairs of that State, as required by international agreements, including the ones concluded within the framework of OSCE, a member of which is the Russian Federation;

— to refrain from the use of weapons and physical violence against the civilian population of the occupied territories, as well as against the Ukrainian troops;

— to immediately unlock the military objects of the Ukrainian Armed Forces and the Navy, as well as to return the Russian troops to their places of permanent deployment in accordance with the Kharkiv agreement on the status of the Russian Black Sea Fleet;

We remind you that in accordance with the International Covenant on Civil and Political Rights, torture and other cruel and inhuman treatment is unacceptable, including in situations of armed conflict.

We also remind that the responsibility for possible casualties among civilians and soldiers on both sides as a result of the blatant aggression will be born by the Russian Federation and its president V.V. Putin personally.

We encourage the Russian Federation to prevent further escalation of the conflict and immediately begin negotiations on matters affecting the interests of both countries.

On behalf of the Board
of the Human Rights Centre “Viasna”

Valiantsin Stefanovich

Appeal of human rights organizations to the governments of the state parties to the Ice Hockey Championship '2014 in Minsk

April 25, 2014

Sport for Sport

The World Ice Hockey Championship will be held from 9 to 25 May, 2014, in Minsk (Belarus).

We, as representatives of both international and national human rights organizations (see list of signatories below), welcome this unique possibility for Belarusian people to enjoy the sportive competition hosted by their country and the universal values of sport.

Going far beyond these values, the country's top administration, including President A. Lukashenko, has repeatedly underscored that the World Ice Hockey Championship is an important political event. The comments made leave no doubt that by issuing the invitations to the governments of the countries to participate in the Championship, the country's leadership is trying to use all means possible to turn an international sportive event into an ideological and politicized show of the Belarusian -authoritarian- regime.

Taking into account the systematic and grave human rights violations taking place in the Republic of Belarus, our organisations launch an appeal to the countries whose national teams will take part in this World competition to prevent the Belarusian government from using this sport event as a political platform. Sport for sport! Let universal sport values dominate this important event but without giving credit to the Lukashenko regime which has been condemned by the whole international community.

Consequently, our organisations call the concerned States to refrain from sending official government delegations to participate in the events related to the Championship.

Alexander Lukashenko has been ruling the country for 20 years now. Today, politically motivated persecution of civil society representatives and of the opposition is a general trend, and the limitations on political and civil rights of Belarusian citizens are pervading, both in national legislation and in practice.

9 political prisoners are still detained despite the constant mobilisation for their release by Belarusian and international human rights organizations, and intergovernmental bodies: human rights defender, director of the Human Rights Centre "Viasna" and Vice-President of FIDH Ales Bialiatski, presidential candidate in the 2010 election Nikolai Statkevich, activists Andrei Haidukov, Vasilii Parfenkov, Nikolai Dedok, Igor Olinevich, Eduard Lobov, Evgenii

Vaskovich, and Artem Prokopenko. The conditions of their detention and the state of their health are a cause for serious concern.

Belarus remains the only country in Europe and in the post Soviet sphere which continues to implement the death penalty. Three persons are currently on death row in Belarus*. Human rights activists have repeatedly called on the leadership of Belarus to implement a moratorium on the use of the death penalty in the country but sentences continue to be delivered and executions are carried out.

Besides the violations of the core political and civil rights, social and economic rights are just as widely violated, including the use of forced labor. No sphere of life is exempted from grave labor rights violations, nor were the World Ice Hockey Championship preparations. For instance, students from various institutions were forced to work on the construction of the Chizhovka Arena in the city of Minsk, which will host games during the Championship.

Furthermore, the Minsk Municipal Executive Committee has officially declared that in provision of the Championship, the city will be "cleansed" of so called "antisocial elements" - i.e. homeless, alcoholics and prostitutes. Recent reports illustrated the regime's «cleansing» methods. It should be noted that Belarus actively promotes the detention of people suffering from alcoholism and drug addiction, and their conscription into special forced labor camps. Thousands of people are concerned by these measures every year.

By refraining from participating in the World Ice Hockey Championship's politicised agenda, the governments of the concerned countries will allow the athletes and fans to enjoy the upcoming sports events without cautioning the violations repeatedly qualified as grave, systemic and systematic by the United Nations and other international bodies.

Signatories (alphabetical):

Civil Rights Defenders (Sweden)

FIDH (International Federation for Human Rights)

Finnish League for Human Rights (Finland)

Human Rights Centre "Viasna" (Belarus)

Human Rights House Foundation

Kazakhstan International Bureau for Human Rights & Rule of Law (KIBHR) (Kazakhstan)

LDH, Ligue française des droits de l'homme (France)

LIDU, Lega italiana dei diritti dell'uomo (Italie)

Ligue des droits et libertés (Canada)

Libereco - Partnership for Human Rights (Germany, Switzerland)

Norwegian Helsinki Committee (Norway)

Östgruppen (Sweden)

* In April 2014, a fourth one, 23-year-old Pavel Selyun, was executed. It was the first execution since 2012.

Human Rights Centre “Viasna” urges the Belarusian authorities to release all political prisoners and to initiate systemic changes aimed at ensuring exercisable human rights

Minsk, June 25, 2014

On June 21, Ales Bialiatski, Chairman of the Human Rights Centre “Viasna” and vice-president of the International Federation for Human Rights (FIDH), was released early from the Babruisk penal colony under the Law “On Amnesty”.

The Human Rights Centre “Viasna” welcomes the release of the organization’s chairman, considering it as a manifestation of the political will of the country’s leadership and a positive step towards improving the human rights situation in the country.

However, the Human Rights Centre “Viasna” stresses that:

human rights violations in Belarus are of systemic and systematic nature, the exercise of civil and political, social and economic rights, which are guaranteed by the Constitution and international standards of human rights, is extremely restricted, the country lacks an independent judiciary, and dissidents are subjected to pressure, intimidation and prosecution. Political prisoners continue to be held in the country’s prisons.

Considering this, the Human Rights Centre “Viasna” calls on the authorities of Belarus to:

take necessary steps to release and rehabilitate the political prisoners who are still behind bars: Mikalai Statkevich, Eduard Lobau, Ihar Alinevich, Mikalai Dziadok, Vasil Parfiankou, Yauhen Vaskovich and Artsiom Prakapenka;

refrain from the practice of persecution of representatives of the country’s civil society and political opposition in connection with their legitimate and constitutional activities for the sake of creating a climate of trust in the society;

take measures aimed at ensuring the implementation of exercisable human rights, both at the level of legislation and law enforcement practice.

Statement by the HRC “Viasna” on the detention and charging of famous Azerbaijani human rights defender Leyla Yunus

Minsk, July 31, 2014

On July 30, 2014, Leyla Yunus, a known human rights activist and director of the Institute for Peace and Democracy, and her husband Arif Yunus were detained in Baku (Azerbaijan). The couple were detained as they were leaving the country in order to take part in an event organized by the Institute for Reporters’ Freedom and Safety. Both Ms. Yunus’ office and her apartment were searched by police.

In the evening of July 30, Leyla Yunus faced charges on a number of articles of the Criminal Code (treason, fraud, tax evasion, and illegal business). It was decided that the human rights defender would remain in custody for three months. Mr. Yunus is accused of treason and fraud. He has been released on bail.

The detention of Leyla and Arif Yunus is linked to their active human rights activities. Ms. Yunus has prepared a list of government officials of Azerbaijan reportedly involved in human rights violations, urging the European Union and the United States to impose sanctions against these persons.

The detention is of particular concern due to the sentencing of another Azerbaijani human rights activist, chairman of EMDS (Election Monitoring and Democracy Studies Centre), Anar Mammadli, to five and a half years in prison on trumped-up charges of tax evasion, illegal entrepreneurship and abuse of office, which came on May 26, 2014. The actual reason for such a hard sentence to Anar Mammadli was his organization’s involvement in monitoring the presidential election in Azerbaijan in October 2013. The voting was marked by numerous flaws, which did not allowed the observers to name this election free and democratic.

The Human Rights Centre “Viasna” states that the Azerbaijani authorities systematically violate civil and political rights, pro-democracy activists are subjected to politically motivated harassment, public figures and human rights activists are prosecuted on trumped-up charges. During detention, the rights of political prisoners are grossly violated, they are subjected to torture and other inhuman treatment.

This wave of repression against the country’s human rights defenders is particularly disgraceful in the context of Azerbaijan’s chairmanship of the council of ministers of the Council of Europe since May 14, 2014.

The Human Rights Centre “Viasna” strongly protests against the political persecution of prominent human rights defenders in Azerbaijan and demands the immediate release of all political prisoners in the country.

The Human Rights Centre “Viasna” also expresses solidarity with the political prisoners in Azerbaijan, its fellow defenders and urges the EU and the U.S., despite their economic contacts with the Republic of Azerbaijan, to take all possible measures to put pressure on the government demanding the immediate release of political prisoners.

The statement was supported by:
The Centre for Legal Transformation “Lawtrend”
Human Rights Alliance
Office for the rights of people with disabilities
Belarusian Helsinki Committee
Dar’ya Korsak
Aliaksandr Atroshchankau
Liavon Sadoski
Maryna Adamovich

FIDH and Human Rights Centre “Viasna” demand to stop harassment of civil society activist Pavel Vinahradau

Paris — Minsk, October 14, 2014

International Federation for Human Rights (FIDH) and the Human Rights Centre “Viasna” protest and outrage over the illegal actions of the Belarusian authorities in respect to the opposition activist Pavel Vinahradau.

October 9, 2014, on the eve of the summit of the CIS countries and the visit of Russian President Vladimir Putin to Minsk, Pavel Vinahradau was once again subjected to preventive arbitrary arrest for 15 days. The basis for the court verdict were testimonies of the police officers about alleged hooligan actions committed by the activist.

It should be noted that this is not the first case of arbitrary arrest and detention of Pavel Vinahradau by the Belarusian law enforcement agencies. Pavel is regularly subjected to such detention and arrest on the eve of various social and political events in the country. Over the last 10 months he was kept in prison for a total of 50 days. In addition, after his release from the penal colony in Ivatsevichy in September 2011, where Pavel was serving a sentence for taking part in protests after the presidential elections on December 19, 2010, preventive supervision was established over him for more than two years.

According to Mr. Vinahradau, he is regularly threatened with criminal harassment and physical violence in order to force him to stop his peaceful activities and expression of views and protest, as well as to leave the city of Minsk at the time of preventive supervision. On the eve of in Minsk Ice Hockey World Championships in April 2014, as a result of similar threats by members of the Maskouski District Police Department of Minsk he had to leave the capital for the town of Berazino. This fact was mentioned in the joint report FIDH and the Human Rights Centre “Viasna” on the issue of arbitrary detention in Belarus.

It should be noted that the practice of arbitrary detention is widely used by the Belarusian authorities against opposition activists and has become systemic and systematic.

In this regard, FIDH and Human Rights Centre “Viasna”, state that:

- actions of the Belarusian authorities against Pavel Vinahradau are illegal and have a political motive, being aimed at involuntary termination or modification of the public activities of Pavel Vinahradau;
- deprivation of liberty (administrative detention for 15 days), as well as previous arrests were applied to Pavel Vinahradau solely in connection with his political beliefs;

- these circumstances allow us to regard Pavel Vinhradau as a political prisoner for the time of his isolation.

In this regard, FIDH and Human Rights Centre “Viasna” require the authorities of Belarus to:

- immediately release Pavel Vinhradau and cancel all the illegal court rulings against him;
- stop the practice of arbitrary detention and other forms of pressure and harassment against Pavel Vinhradau and other activists of the opposition groups and movements;
- release all political prisoners held in prisons and correctional colonies of Belarus;
- end the practice of persecution of dissidents in Belarus as a necessary condition for the normalization of the situation of human rights in the country.

Threat to expel human rights activist Elena Tonkacheva from Belarus is legal lynching reminiscent of Soviet times

Minsk-Paris-Geneva, November 3, 2014

International Federation for Human Rights (FIDH)
and the World Organisation Against Torture (OMCT)
within the framework of the Observatory
for the Protection of Human Rights Defenders;
the Human Rights Centre “Viasna”;
the national human rights public association
“Belarusian Helsinki Committee”;
the public association
“Belarusian Association of Journalists”.

STATEMENT

October 30, 2014 we learned that the Pershamaiski District Department of Internal Affairs in Minsk decided to annul the permit for residence in the Republic of Belarus for a prominent human rights activist, head of the Centre for Legal Transformation “Lawtrend” Elena Tonkacheva, and consider the question of her expulsion from the country.

The procedure of deprivation of residence in respect of the citizen of the Russian Federation Elena Tonkacheva, who has permanently resided in Belarus since 1985, was launched in September this year. The formal reason for this are the four cases of insignificant excess of the speed limitations by Elena Tonkacheva while driving her car which were registered by video cameras of the traffic police.

The Centre for Legal Transformation “Lawtrend”, headed by Elena Tonkacheva, is one of the leading human rights organizations in Belarus and has carried out legitimate human rights activities in the interests of the Belarusian society for many years already. Elena herself is an example of professionalism in the field of jurisprudence. She has dedicated many years to work in the field of human rights at both the national and international level.

We, representatives of Belarusian and international human rights organizations, consider the actions of the Belarusian authorities aimed at annulment of the residence permit and subsequent expulsion of one of the country’s leading human rights activists as politically motivated and aimed at the involuntary termination of Elena Tonkacheva’s legitimate human rights activities or creation of significant obstacles in the conduct of such activities.

The pretext, chosen by the Belarusian authorities to deprive her of the residence permit in the country, once again emphasizes the true motivation of the authorities and is discriminatory, as such measures are not used in respect to other foreign nationals under the same or similar circumstances.

In this regard, we call upon the Belarusian authorities to:

— Cancel the decisions of the state bodies on the deprivation of Elena Tonkacheva of her residence permit and the possible expulsion;

— Abandon the practice of creating obstacles to human rights activities on the territory of the Republic of Belarus and abide by the provisions of the UN Declaration “On the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms”.

**Statement of HRC “Viasna”
and Belarusian Association of Journalists
regarding detention of journalist Aliksandr Alesin**

Minsk, December 5, 2014

The Human Rights Centre “Viasna” and “Belarusian Association of Journalists” urge Belarusian KGB to inform the public about the cause and place of detention of the journalist of the newspaper “Belarusy i Rynak”, a member of the NGO “Belarusian Association of Journalists” Aliksandr Alesin, as well as the essence of the accusation against him.

Citizens of the Republic of Belarus are guaranteed the right to receive, store and disseminate complete, reliable and timely information about the activities of state bodies, public associations, political, economic, cultural, international life and the environment (Article 34 of the Constitution).

The International Covenant on Civil and Political Rights states: Everyone has the right to freedom of expression; this right includes freedom to seek, receive and impart information.

The use of this right imposes special duties and responsibilities. It may therefore be subject to certain restrictions, but these shall only be prescribed by law in the cases when they are necessary to ensure respect of the rights or reputations of others or protect national security, public order, public health or morals.

We believe that the information about the arrest or detention of a person, the essence of the suspicions and accusations, procedural status, place of detention and other aspects that are not related to the details of the prosecution, can not violate the secrecy of the investigation, protected by law, and voicing such information does not pose a threat to the interests of national security or of public order.

Therefore, the Human Rights Centre “Viasna” and the NGO “Belarusian Association of Journalists” urge the competent state authorities – the prosecutor’s office, the Interior Ministry, the KGB and the Investigative Committee to inform the public via the media and their own sites about each resonant case or strategic restrictions on the rights of citizens.

The Human Rights Centre “Viasna” and the NGO “Belarusian Association of Journalists” remind that regardless of the severity of the charges, the detainees have all rights except those that are limited by the very fact of detention, and shall not be subjected to torture and other kinds of cruel, inhuman and degrading treatment.

**Belarus has new political prisoner — Yury Rubtsou.
Joint statement by the Human Rights Centre “Viasna”
and the Belarusian Helsinki Committee**

December 23, 2014

On December 21, it was reported that opposition activist Yury Rubtsou had been sent to open-type correctional facility No. 7 in the village of Kuplin, Pruzhany district, Brest region.

On October 6, Yury Rubtsou was sentenced by the court of the Tsentralny district of Minsk under Art. 391 of the Criminal Code (insult of a judge) to 1 year and 6 months of imprisonment.

The criminal prosecution of Yury Rubtsou is linked to his arbitrary detention on April 28, 2014 during a sanctioned peaceful assembly “Chernobyl Way” for wearing a T-shirt with the inscription “Lukashenka, Go Away!” He was eventually sentenced to 25 days of administrative arrest by Judge Kiryl Palulekh of the court of Savetski district of Minsk. According to the charges, Yury Rubtsou insulted the judge during the trial. It is essential that Yury Rubtsou was brought to the courtroom without a shirt, which offended his dignity, and the judge did not take any measures to protect his rights and dismissed his request to give him glasses to study the case. The judge’s actions clearly contradicted the Code of the Republic of Belarus “On the Judicial System and the Status of Judges”, as well as the Judicial Code of the Republic of Belarus. In connection with flagrant violation of his rights, Yury Rubtsou expressed his legitimate discontent and protest, calling such trials a “show”, and the judges, who issue such unlawful decisions, “scum”. These words were interpreted as statements aimed personally against Judge Kiryl Palulekh, while Yury Rubtsou comments on the minutes of the hearing were rejected by the same judge as groundless.

The verdict was based only on testimony by the police officers (including those who witnessed at the trial on April 28), a clerk of the court and Judge Palulekh himself. Yury Rubtsou’s counsel, who participated in the trial of April 28, was not questioned either during the preliminary investigation or during the trial. There were no procedural obstacles to interviewing the lawyer as a witness according to the current criminal procedural legislation.

We believe that the investigation and the trial of Yury Rubtsou were accusatory in their nature, no measures were taken for the comprehensive and impartial review of the charges, which is one of the essential components of a fair trial.

The Human Rights Centre “Viasna” and the NGO “Belarusian Helsinki Committee” state that:

The harassment of Yury Rubtsou is directly related to the illegal practice of arbitrary detentions and is politically motivated;

The trial of Yury Rubtsou did not meet the basic principles of a fair trial;

The restriction of freedom in an open-type prison imposed on Yury Rubtsou gives grounds to view him as a political prisoner.

The Human Rights Centre “Viasna” and the Belarusian Helsinki Committee demand the release of Yury Rubtsou and a retrial in accordance with the principles of a fair trial.

CONTENTS

Human Rights Situation in 2014: Trends and Evaluation	3
I. Global challenges to human rights activities.....	4
II. Politically motivated persecution: main trends of the year.....	7
III. Human rights activities: Trends and Challenges.....	11
IV. Freedom of speech.....	12
V. The problem of the death penalty.....	14
Situation of Human Rights in Belarusin January 2014	15
Political prisoners, criminal prosecution of civil society activists.....	17
Death penalty.....	20
Torture and other cruel and inhuman treatment.....	20
Persecution of human rights defenders and organizations.....	21
Administrative prosecution of civil society and political activists, arbitrary detention	21
Restrictions on freedom of speech and the right to impart information, harassment of journalists.....	25
Restrictions on freedom of assembly.....	28
Restrictions on freedom of association.....	34
Situation of Human Rights in Belarus in February 2014	36
Political prisoners, criminal prosecution of civil society activists	39
Death penalty.....	41
Torture and other cruel and inhuman treatment.....	42
Persecution of human rights defenders and organizations.....	43
Administrative prosecution of civil society and political activists, arbitrary detention	45
Restrictions on freedom of speech and the right to impart information, harassment of journalists.....	47
Restrictions on freedom of assembly.....	51
Restrictions on freedom of association.....	53
Situation of Human Rights in Belarus in March 2014	55
Political prisoners, criminal prosecution of civil society activists.....	57
Death penalty.....	60
Torture and other cruel and inhuman treatment.....	61
Administrative prosecution of civil society and political activists, arbitrary detention	62
Restrictions on freedom of speech and the right to impart information, harassment of journalists.....	71
Restrictions on freedom of assembly.....	75
Restrictions on freedom of association.....	80

Situation of Human Rights in Belarus in April 2014.....	82
Political prisoners, criminal prosecution of civil society activists.....	83
Death penalty.....	86
Persecution of human rights defenders and organizations.....	88
Administrative prosecution of civil society and political activists,	
arbitrary detention.....	89
Restrictions on freedom of speech and the right to impart information,	
harassment of journalists.....	92
Restrictions on freedom of assembly.....	94
Restrictions of freedom of association.....	97
Situation of Human Rights in Belarus in May 2014.....	98
Political prisoners, criminal prosecution of civil society activists.....	100
Death penalty.....	101
Torture and other cruel and inhuman treatment.....	102
Administrative prosecution of civil society and political activists,	
arbitrary detention.....	104
Restrictions on freedom of speech and the right to impart information,	
harassment of journalists.....	110
Restrictions on freedom of assembly.....	113
Restrictions on freedom of association.....	116
Situation of Human Rights in Belarus in June 2014	118
Political prisoners, criminal prosecution of civil society activists.....	121
Death penalty.....	124
Torture and other cruel and inhuman treatment.....	124
Administrative prosecution of civil society and political activists,	
arbitrary detention.....	124
Restrictions on freedom of speech and the right to impart information,	
harassment of journalists.....	126
Restrictions on freedom of assembly.....	128
Situation of Human Rights in Belarus in July 2014.....	131
Political prisoners, criminal prosecution of civil society activists.....	132
Death penalty.....	134
Torture and other cruel and inhuman treatment.....	134
Persecution of human rights defenders and organizations.....	137
Administrative prosecution of civil society and political activists,	
arbitrary detention.....	138
Restrictions on freedom of speech and the right to impart information,	
harassment of journalists.....	141
Restrictions on freedom of assembly.....	142
Restrictions on freedom of association	145
Situation of Human Rights in Belarus in August 2014	159
Political prisoners, criminal prosecution of civil society activists.....	160
Death penalty.....	161

Persecution of human rights defenders and organizations.....	161
Administrative prosecution of civil society and political activists, arbitrary detention.....	162
Restrictions on freedom of speech and the right to impart information, harassment of journalists.....	164
Restrictions on freedom of assembly.....	167
Restrictions on freedom of association	172
Situation of Human Rights in Belarus in September 2014	173
Political prisoners, criminal prosecution of civil society activists.....	174
Enforced disappearances.....	177
Persecution of human rights defenders and organizations.....	178
Administrative prosecution of civil society and political activists, arbitrary detention.....	179
Restrictions on freedom of speech and the right to impart information, harassment of journalists.....	181
Restrictions on freedom of assembly.....	184
Restrictions on freedom of association	188
Situation of Human Rights in Belarus in October 2014	190
Political prisoners, criminal prosecution of civil society activists.....	191
Death penalty.....	194
Torture and other cruel and inhuman treatment.....	195
Persecution of human rights defenders and organizations.....	195
Administrative prosecution of civil society and political activists, arbitrary detention.....	195
Restrictions on freedom of speech and the right to impart information, harassment of journalists.....	200
Restrictions on freedom of assembly.....	202
Restrictions on freedom of association	205
Situation of Human Rights in Belarus in November 2014	207
Political prisoners, criminal prosecution of civil society activists.....	208
Death penalty.....	212
Torture and other cruel and inhuman treatment.....	213
Persecution of human rights defenders and organizations.....	215
Administrative prosecution of civil society and political activists, arbitrary detention.....	216
Restrictions on freedom of speech and the right to impart information, harassment of journalists.....	219
Restrictions on freedom of assembly.....	223
Restrictions on freedom of association.....	225
Situation of Human Rights in Belarus in December 2014	227
Political prisoners, criminal prosecution of civil society activists.....	228

Death penalty.....	232
Torture and other cruel and inhuman treatment.....	234
Persecution of human rights defenders and organizations.....	236
Administrative prosecution of civil society and political activists, arbitrary detention.....	237
Restrictions on freedom of speech and the right to impart information, harassment of journalists.....	242
Restrictions on freedom of assembly.....	249
Restrictions on freedom of association.....	254

ANNEXES

Annex 1. Resolution of the Human Rights Council of the UN on the Situation of Human Rights in Belarus. June 25, 2014.....	255
Annex 2. Views adopted by the Human Rights Committee of the UN on the case of Ales Bialiatski. November 17, 2014.....	257
Annex 3. Statement by the Spokesperson of the European External Action Service on the arbitrary detentions of more than 30 civil society and political activists in Belarus. Brussels, May 16, 2014.....	272
Annex 4. Statement by Marie Harf, Deputy Spokeperson of the U.S. Department of State on the Occasion of the 15th Anniversary of Unsolved Disappearances in Belarus. September 16, 2014.....	273

STATEMENTS, ADDRESSES 274

Appeal of Belarusian civil society organizations and public activists on the situation in Ukraine. Minsk, January 22, 2014.....	274
Address of the Human Rights Centre “Viasna” to the authorities of the Russian Federation. Minsk, March 4, 2014.....	276
Sport for Sport. Appeal of human rights organizations to the governments of the state parties to the Ice Hockey Championship ‘2014 in Minsk. April 25, 2014.....	277
Human Rights Centre “Viasna” urges the Belarusian authorities to release all political prisoners and to initiate systemic changes aimed at ensuring exercisable human rights. Minsk, June 25, 2014.....	279
Statement by the HRC “Viasna” on the detention and charging of famous Azerbaijani human rights defender Leyla Yunus. Minsk, July 31, 2014.....	280
FIDH and Human Rights Centre “Viasna” demand to stop harassment of civil society activist Pavel Vinahradau. October 14, 2014.....	282
Threat to expel human rights activist Elena Tonkacheva from Belarus is legal lynching reminiscent of Soviet times. Minsk-Paris-Geneva, November 3, 2014.....	284
Statement of HRC “Viasna” and Belarusian Association of Journalists regarding detention of journalist Aliaksandr Alesin. Minsk, December 5, 2014.....	286
Belarus has new political prisoner — Yury Rubtsou. Joint statement by the Human Rights Centre “Viasna” and the Belarusian Helsinki Committee. Minsk, December 5, 2014.....	287