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**IMPLEMENTATION OF GENERAL ASSEMBLY RESOLUTION 60/251
OF 15 MARCH 2006 ENTITLED “HUMAN RIGHTS COUNCIL”**

**Written statement* submitted by the International Federation of Human Rights
Leagues (FIDH), a non-governmental organization in special consultative status**

The Secretary-General has received the following written statement which is
circulated in accordance with Economic and Social Council resolution 1996/31.

[31 May 2007]

* This written statement is issued, unedited, in the language(s) received from the
submitting non-governmental organization(s).

The human rights situation in Belarus

FIDH and its member organisation in Belarus, Human Rights Center “Viasna”, express their deepest concern at the ongoing grave human rights violations in Belarus.

Enforced disappearances of political opponents

The Belarusian government failed to investigate effectively the disappearance of Yuri Zakharenko, former Minister of the Interior (disappeared on 7 May 1999), Victor Gonchar, former Vice-President of the Parliament of Belarus (disappeared on 16 September 1999), Anatoly Krasovski, businessman (disappeared with Mr Gonchar), and Dmitri Zavadski, cameraman for the Russian TV channel ORT (disappeared on 7 July 2000). Moreover, in a report on disappearances in Belarus presented to the Committee on Legal Affairs and Human Rights of the Council of Europe's Parliamentary Assembly, the rapporteur Mr. Pourgourides said that “*the elements collected (...) have lead to believe that steps were taken at the highest level of the State to actively cover up the true background of the disappearances, and to suspect that senior officials of the State may themselves be involved in these disappearances*”¹. Since then, no actual inquiry was led on these allegations.

Criminal prosecution of the members of NGOs and political parties

The Criminal Code of the Republic of Belarus (notably Article 193.1, as amended in 2005) foresees criminal penalties for activities carried out in the framework of “suspended” or “liquidated” associations or foundations. This law blatantly violates freedom of expression and association, both enshrined in the Constitution of Belarus as well as in the International Covenant on Civil and Political Rights. These regulations have been used to condemn a number of Belarusian activists to prison sentences².

On August 4 2006, four members of the NGO « Partnerstva » (Partnership) were sentenced by the Tsentralny District Court of Minsk: **Enira Branickaja** and **Aliaksandr Shalajka** were sentenced to six months' imprisonment, **Cimafej Dranchuk** to one year and **Mikola Astrejka** to two years' imprisonment.

On November 1st 2006, the leader of the unregistered NGO « Malady front» (Young Front) **Zmitzer Dashkevich** was sentenced by the Oktiabrsky District Court of Minsk to 1,5 years of imprisonment. On May 10th 2007 new criminal cases were open under article 193-1 against members of the «Malady Front», **Ivan Shyla** and **Jaroslav Gryshenia**.

On May 30th 2007, **Barys Haretski**, **Dzmitry Khvedaruk**, **Aleh Korban** and **Nasta Palazhanka**, members of the «Malady Front», were judged under the same article of the Criminal Code. Nasta Palazhanka received a warning, the others were condemned to fines. This sentence, considered as particularly lenient, should be considered as a result of the attention that the international community draw to this case.

Arrests and prosecutions based on political grounds are systematic. In 2006 alone, close to 1000 individuals were victims of administrative arrests and more than 20 people were

¹ Disappeared persons in Belarus, Report of the Committee on Legal Affairs and Human Rights of the Parliamentary Assembly, February 2004
<http://assembly.coe.int/Main.asp?link=/Documents/WorkingDocs/Doc04/EDOC10062.htm>

² See. Steadfast in Protest, Annual Report 2006, Observatory for the Protection of Human Rights Defenders FIDH/OMCT

prosecuted. In the same year, hundreds of members of political parties were detained, arrested or otherwise repressed by authorities. Some of them were imprisoned for long terms, such as the candidate to the presidential position and chair of the Belarusian Social Democratic Party **Aliaksandr Kazulin**, condemned to 5,5 years' imprisonment.

Dozens of students were expelled from high schools for their political views. Administrations of a number of state institutions and enterprises fired people due to their political opinions.

Violations of the right to peaceful assembly

The law *On Mass Events in the Republic of Belarus* (as amended in 2003) seriously restricts the freedom of peaceful assembly and freedom of expression, in violation of the Belarus Constitution and of the International Covenant on Civil and Political Rights. These mass events can be demonstrations but also mere meetings.

Article 9 of that law confers to local executive bodies the right to determine the locations where “mass events” are authorized and those where they are prohibited. These administrations are also empowered to grant or deny these events. Too often they modify the location, time and type of event, or prohibit the event altogether.

This restrictive policy leads citizens to organize peaceful assemblies without permission of the local authorities. The participants of the unauthorised actions are then arrested and prosecuted under administrative, and, in some cases, criminal legislation. Human Rights Center “Viasna” registered numerous cases of administrative prosecution under Article 167.1 of the Code of Administrative Infringements for holding an “unauthorised assembly” in a private apartment.

Restrictions of the right to freedom of speech

The Belarusian authorities use several means to restrict freedom of speech, such as liquidations of mass media and suspension of their activity, detentions of journalists and criminal prosecutions for publications in mass media, official warnings related to professional activity, denials of the right to information, obstacles in the production and distribution of mass media, groundless legal prosecutions, restrictive use of accreditation and non-admission of foreign journalists to the country.

The independent press is under strong economic, administrative, and political pressure. Many newspapers cease to exist because of the impossibility to being distributed freely. Newspapers *Narodnaya Volia*, *BDG*, *Delovaya Gazeta* and *Tovarishch* had to be printed abroad and the copies were many times blocked at the border. Hundreds of Belarus citizens are subject to administrative penalties for distributing newspapers.

The authorities also use visa restrictions to prevent circulation of information about public and political events in Belarus. Many foreign journalists were denied visas or sent back to the border in 2006. According to the Belarusian Association of Journalists, during the Presidential election of 2006, 41 journalists of national and foreign media were detained and many of them were sentenced to imprisonment.

Academic freedoms are absent in the Republic of Belarus: the state completely controls the work of the universities, appoints their rectors and determines the content of the educational programs which must include courses of the so-called “state ideology”. In 2004 the authorities closed the European Humanities University, which had to move abroad to

continue its activities. In 2004 the International Humanities Institute and in 2003 – the National Humanities Lyceum were closed down as well.

Effective equality between the Belarusian and Russian languages does not exist in many spheres, although guaranteed by the Belarusian Constitution. Indeed, despite the fact that during the last census about 80 per cent of Belarusians claimed their mother tongue is Belarusian, the number of schools teaching in Belarusian language and the number of students who study in Belarusian is steadily decreasing.

The religious freedoms in Belarus are considerably restricted, religious activity without state registration of a religious organisation is prohibited. As a result, participants of unsanctioned liturgies are frequently arrested and foreign priests are deported. In addition, Belarus is the only European country which continues to apply the **death penalty**, which is all the more worrying considering that the judiciary lacks independence from the executive.

Cooperation with international mechanisms

The Republic of Belarus fails to cooperate with international mechanisms and does not submit regular state reports under the International Covenant on Civil and Political Rights. It ignores previous recommendations of the UN Committee on Human Rights. The Belarusian Government also refused any cooperation with the UN Human Rights Council Special Rapporteur on Belarus, in violation of its international obligations.

Thus, FIDH and HRC “Viasna” call on the Human Rights Council

- **to prolong consideration of the human rights situation in the Belarus while maintaining the mandate of the Special rapporteur on Belarus.**
- **The Council's resolution should urge the Belarusian authorities :**
 - **to launch a truly independent investigation into disappearances by the competent national authorities in order to establish the responsibility and to bring those responsible to justice;**
 - **to bring into conformity national legislation with international and regional standards regarding freedom of association, expression, opinion and peaceful assembly;**
 - **to apply fully the 1998 UN Declaration on Human Rights Defenders and thus grant human rights defenders unimpeded freedom to carry out their activities;**
 - **to extend a standing invitation to the UN Special Rapporteur on Belarus and to the other UN independent human rights mechanisms;**
 - **to abolish the death penalty.**
