



A demonstrator prior to the March presidential elections calls for a stop to the politics of repression in Belarus. Independence Avenue, Minsk, March 2006. © ByMedia.net

BELARUS 2006: FROM FLAWED ELECTIONS TO CHRUSHING OF CIVIL SOCIETY

Belarus' poor human rights record continued to deteriorate further in the course of 2006 and was characterized by systemic violations of civil and political rights.

The state breached the basic principles of democracy, the rule of law and internationally guaranteed human rights standards, including the right to participate in the governing of the country; the right to freedom of expression, association and the media; and the right of peaceful assembly. Courts failed to adequately defend human rights and ignored fair trial standards.

Legal provisions regulating the life of civil society and the authorities' practices forced public associations (NGOs) either to abandon the legal sphere and go underground, or completely suspend their activities.

The role of political parties was negligible. The parliament lacked political plural-

ism and played the role of rubberstamping President Aliaksandr Lukashenka's decisions. Politicians and public activists were subject to intimidation and repression; during the year, over a thousand were arrested and held for different lengths of detention based on political motives.

In 2006, political and public activists and adherents of different religious groups repeatedly went on hunger strike as the last resort to defend their rights.

According to sociological studies, almost 50% of the Belarusian population believed that "many people are afraid," in a varying degrees, to express their political views.

Independent mass media were banned by state monopolies from dissemination of information and journalists were persecuted for their professional activities.

The March presidential election fell seriously short of international standards for democratic elections, while the electoral campaigns of local council deputies launched in October, ahead of the 14 January 2007 elections, demonstrated further disrespect on the part of the authorities for the citizens' right to take part in governing of their own country.

In the absence of economic and political freedom, social problems continued to aggravate, with health and social care falling behind and failing to satisfy the basic needs of the most vulnerable population groups.

Between January and October, the number of deaths in Belarus exceeded that of births by 35,374.¹

While Belarus has ratified all the major UN covenants, the country's leadership has ignored criticism by international organizations of violations of these instruments and rejected cooperation aimed at improving the human rights conditions in the country. The government also ignored the resolutions of UN human rights bodies, which expressed concern over the aggravation of the situation in the country.²

Moreover, the government repeatedly eluded cooperation with Adrian Severin, UN special rapporteur on the situation of human rights in Belarus.³ The special rapporteur made efforts to hold a roundtable in Minsk to discuss the situation in the country with participation government officials, members of political parties, civil society organizations, human rights defenders and international observers. However, as of the end of the year he was still waiting for a response from the government of Belarus.

Belarus also failed to submit reports about human rights instruments it has ratified to the Committee on Economic, Social and Cultural Rights (due in 1999), the Committee on Human Rights (due in 2001), and the Committee against Torture (due in 2004).⁴

Good governance

President Aliaksandr Lukashenka and his administration held close control over developments in the country. Only people within or close to his retinue were allowed to hold dominant positions in Belarusian society. The president alone, without any democratic process, appointed and dismissed high-ranking state officials, including chairs of the Constitutional, Supreme and Economic Courts and general prosecutor, as well as heads of local administrations and other regional bodies of power. The president also had the right to cancel governmental acts and issue decrees and edicts having the force of law. Parliament's functions were virtually reduced to approving presidential initiatives.

The national budget and the money from the presidential fund, which was beyond any democratic control, were obviously used to remunerate officials loyal to Lukashenka to control the bureaucratic machinery, and to disseminate presidential propaganda.

According to Transparency International, dissatisfaction about corruption was growing. In the Corruption Perception Index, Belarus continued to tumble down, from position 74 in 2004 to 107 in 2005 and finally to position 151 in 2006, of a total of 163 countries listed.⁵

National human rights protection

The judicial system of Belarus remained dependent on the executive branch.⁶ The new code on the judiciary was adopted on 29 June and was expected to show its effect in 2007. In the Belarusian Helsinki Committee's (BHC) opinion, its provisions do not guarantee the independence of the judiciary.

There was no national ombudsman institution in Belarus. Thousands of complaints about human rights abuses addressed to the Parliamentary Commission on Human Rights and the Presidential

Administration - to be simply forwarded back to various state bodies. The fact that most people could not afford hiring an advocate; that many lawyers would not take up cases against state bodies; and the ban for public organizations to defend the interests of the persons who are not their members, added to the difficulties in seeking justice.

Elections

Presidential elections⁷

Based on its observation results, the BHC concluded that the presidential election of 19 March 2006 was held in violation of the constitution, other national legislation, and Belarus' international obligations. These violations essentially affected the voting results. Moreover, Lukashenka's candidacy was already illegal since legal provisions in force at the time of the election stated that "one and the same person can be the President not more than twice."⁸

◆ On 21 February, Tsimafei Dranchuk, Mikalai Asteika, Enira Branitskaia, and Aliaksandr Shalaika, members of the civic initiative on the election monitoring *Partnerstva* (Partnership) were arrested, placed in KGB custody and charged with illegal organization of and participation in activities of a public association (article 193.1 of the criminal code). The KGB publicly labeled them as coordinators of provocations during the presidential elections. On 4 August, Dranchuk and Asteika received one- and two-year prison sentences, respectively, and Branitskaia and Shalaika were ordered to be imprisoned for six months. Dranchuk was not allowed to meet his wife who gave birth to a baby while he was in custody.

◆ Aliaksandr Kazulin, former presidential candidate and leader of the Belarusian Social-Democratic Party (*Hramada*) was detained and severely beaten on 25 March during a demonstration in Minsk. On 13 July he was sentenced to five-and-a-half



A voter looking at portraits and biographies of the candidates for the 19 March 2006 presidential election in Belarus. © OSCE/Baker

years in prison for hooliganism, for organizing activities violating public order, and for disobeying the police. The indictments were based on three episodes: Kazulin elbowing his way into the National Press Center to hold a news conference as a newly registered presidential candidate; attempting to register for the government-organized Third All-Belarusian People's Assembly; and participating in the 25 March protests. He was denied access to his lawyer for several months. He went on hunger strike protesting against Lukashenka's rule and demanded that the UN Security Council consider Belarus' human rights situation. According to the Ministry of Interior, Kazulin was on hunger strike for 53 days until 11 December, stopping after the United States had raised the Belarusian question in the Security Council.

Individuals who openly supported other candidates than the incumbent president faced harassment. For example, workers of state enterprises and organizations who supported the opposition candidate were threatened with lay-offs and some were actually dismissed.

◆ Ales Chygir, a history teacher and deputy of the Babruisk City Council, was not able to extend his contract in August after teaching history for the past 13 years. He was convinced that the reason for this was the fact that he headed the regional headquarters of the opposition candidate Aliaksandr Milinkevich.⁹

Local elections

The campaigning for the 14 January 2007 local elections that was launched in October 2006 demonstrated further disrespect by the authorities for the citizens' right to participate in the governing of their country.

As of the end of 2006, the BHC noted that the legislation failed to create the necessary legal conditions for holding democratic elections. In addition, it had already

registered violations similar to those observed during previous elections, especially the lack of transparency in the formation of electoral commissions; drawing up and correcting voters' lists; manufacturing of ballot papers; and controlling the veracity of voters' signatures for the nomination of candidates. Similarly, executive bodies, administrations of state-owned enterprises, and labor collectives - which all depended on the executive branch - were inadequately involved in the preparation of the elections, including forming electoral commissions and nominating candidates.

The electoral commissions were based on the principle of their loyalty to the current political authorities; only a handful of people with well-hidden democratic inclinations were selected to those bodies. Pro-government candidates were able to make use of public administrative and state company resources in collecting signatures for nominations.

Freedom of expression

Dismissals

According to sociologists, 41% of residents believed that many people in Belarus were afraid to express their political views, and 7.2% thought that all the citizens of the country were afraid to do it.¹⁰ This fear was attributed to the activities of the state security and administrative bodies, with students and workers of state-owned being in the most vulnerable situation.

◆ Heads of student residences tried to forbid students to take part in Solidarity Days held on the 16th of every month. For example, students of hostel no. 8 of the Belarusian National Technical University were threatened with expulsion if they lit candles as a sign of solidarity on those days.¹¹

◆ Marina Tsvetkova, activist of the "Zubr" Youth Resistance, of the Mahileu A. Kuleshov State University¹²; Eugene Skrabutan from the Philology Department of the

Grodno Ya. Kupala University; and Siarhei Marchik, chairman of the Baranavichy "Malady Front" (Young Front), from the Baranavichy State University¹³, were dismissed from university for their political activities. Skrabutan was also fined.¹⁴ Tatsiana Dedok who participated in protests against the undemocratic elections served ten days of administrative arrest and the dean of a tourism school publicly reprimanded her for her political activities in front of her fellow students and demanded a public "repentance" from her, which she refused.¹⁵

Criminal code provisions

The amendments to the criminal code that came into force on 1 January, added to the already tight restrictions on the freedom of expression.

For example, the act of "discrediting the Republic of Belarus" (article 369.1) carried the penalty of up to two years' imprisonment, and this "crime" was vaguely formulated as "knowingly presenting false information on the political, economic, social, military or international position of the Republic of Belarus, or the legal status of citizens in the Republic of Belarus, which discredits the Republic of Belarus or its bodies of power." At the same time, penalties for "public appeals to seize the state power or violent change of the constitutional order" and other similar offences were increased to up to three years of imprisonment.¹⁶

Threats of criminal prosecution were also used to muzzle critical speech.

◆ In May, the Minsk City Prosecutor's Office officially warned Aliaksandr Milinkevich for his interview with the Polish newspaper *Rzeczpospolita*, in which he indicated a possible involvement of Belarusian authorities in the death of the Polish diplomat Ryszard Badon-Lehr. Milinkevich was accused of disseminating false information and discrediting Belarus and its authorities (article 369.1) and therefore potentially faced a

prison sentence of up to two years. He was also warned in relation to his interview with BBC Radio for saying "Lukashenka had no right to run in the elections."¹⁷

Bans of cultural events

Belarusian authorities erected administrative barriers to holding cultural-historical events that offered alternatives to the state-run ideological doctrine.

◆ On 8 September, a concert of historical music was scheduled to take place in the "Minsk" Concert Hall to mark the anniversary of the victory of the Great Duchy of Lithuania's troops over the Moscow State in 1514. Despite prior arrangements, the managers of the concert hall at the very last moment cancelled the event citing "the start of major repairs."¹⁸

According to Henadz Buraukin, a well-known poet and public figure, BHC council member and former permanent representative of the Republic of Belarus to the UN, the state showed merely politicized and administrative approach to literature and aimed at the destruction of the national spiritual culture, which was demonstrated, for example, by the ban for the Union of Belarusian Writers members to meet students, the lack of adequate support to literature magazines, and the marginalization of the Belarusian language out of all the spheres of society.¹⁹

Militia frequently dispersed so-called "flashmobs," short-term actions with political undertones.

◆ On 21 September, i.e., the International Day of Peace, militia detained eight participants of a "flashmob" who were blowing soap bubbles in the Kastychnitskaya Square, Minsk.

Peaceful assembly

The 2005 amendments to the criminal code and legislation on public organizations and political parties providing for

severe punishments for breaching regulations on mass events, essentially restricted the freedom of demonstrations. In addition, by law, it was possible to hold peaceful assemblies only if permitted by the authorities, and organizers had to cover the costs of "providing for public order." Any informal group meeting could be considered an unsanctioned public event and its participants punished.

Officially sanctioned events were allowed only in suburbs or other isolated and remote locations and opposition rallies were as a rule not permitted at all; if they were held nevertheless, they were dispersed by militia and the participants usually beaten, arrested and fined. Members of the special militia forces (OMON), who dispersed the assemblies, later appeared in courts as witnesses.



Policemen in plain clothes trampled on Valiantsin Stefanovich, a human rights defender, while dispersing a picket on the Human Rights Day, 10 December 2006, in Minsk. © ByMedia.net

◆ A peaceful demonstration on the Freedom Day of 25 March was violently dispersed by OMON. Dozens of participants were ill-treated, and hundreds were fined or subjected to administrative arrest.²⁰ Former presidential candidate Aliaksandr Kazulin who headed the demonstration was sentenced to five-and-a-half years of imprisonment.

◆ Aliaksandr Milinkevich, former presidential candidate; Aliaksandr Bukhvostau, leader of the Labour Party; Vintsuk Viachora, leader of the Belarus Popular Front; Siarhei Kalyakin, leader of the Party of Communists of Belarus; and Zmiter Dashkevich, leader of the Youth Front, were sentenced to 14-15-day imprisonment for organizing and participating in a rally "Chernobyl Way" on 26 April.

Over one hundred persons were detained and given administrative penalties for participating in candle marches on Solidarity Days held on the 16th of each month to commemorate the violent disappearance of two well-known politicians, Viktor Hanchar and Anatol Krasowski, on 16 September 1999.²¹ More than one thousand were detained for their participation in peaceful rallies and pickets during the pre-election period to protest the fraudulent conduct of the presidential elections.²²

Freedom of association

The constitution of Belarus vows freedom of association, and Presidential Decree No. 605 of 6 October 2006 dissolved the Republic's Commission for Registration (Re-Registration) of Public Associations, a body notorious for its arbitrary decisions. Nevertheless, other legal provisions continued to restrict civil society activities and practices by many authorities have toughened from year to year²³ forcing public associations to the margins of legality or entirely to stop their operation.

As of 1 October, Belarus had 2,233 legally registered public associations.²⁴ Those engaged in the promotion of democratic values and defense of human rights faced constant pressure from the authorities.²⁵ The closures or suspensions of public associations by courts became a widespread practice in 2000-2006. Depriving NGOs of the right to lease or rent office premises lead to a loss of "legal address" and consequently to the liquidation of the organization.

At the same time, the authorities poured public funds to boost "public associations," organizations which are clearly under the government's control such as the Belarusian Republican Youth Union (BRSM). Funding such organizations was incorporated in the Law "On Republic's State-Public Associations" passed on 19 July.

Trade unions

As of 1 October, 37 trade unions were legally registered in Belarus,²⁶ however, the trade union movement remained under considerable pressure by the authorities.

According to the International Labour Organization (ILO), the independence of the Federation of Trade Unions of Belarus (FTUB) was under a serious threat under its present leadership.²⁷ ILO issued a number of recommendations to the government of Belarus to remedy the situation, but the government's only reaction was to increase pressure on free trade unions.²⁸

The system of fixed-term labour agreements common in Belarus made the workers dependant on the employers' administration, and trade union activists faced a threat of permanent unemployment.

◆ In November, the directorate of Bus Fleet No. 1 of Gomel refused to extend work contracts with Andrei Baranau, unit head of the Belarusian Independent Trade Union of Radio-Electronic Industry, and Ivan Maskalenka, a member of trade union. Baranau was given no explanation on why this was done.

Independence of the judiciary

The judicial system remained dependent on the executive power²⁹ and the courts acted as executors of state ideology.

◆ On 2-3 November, representatives of bodies under the Ministry of Justice and courts held a meeting in Polatsk to discuss practical issues aimed at improving cooperation in enhancing ideological indoctrination.³⁰

The political engagement of the judiciary was confirmed in their rulings on politically motivated cases.³¹

◆ Artur Finkevich, a youth activist arrested on 30 January for writing "We want new!" on a wall in the capital Minsk, was charged with "malignant hooliganism" (article 339.2 of the criminal code) and a "purposeful destruction or defilement of property" (article 218.3) and sentenced to two years of imprisonment.

The Code of the Republic of Belarus on the Judicial System and Status of Judges was adopted on 29 June and was enacted in January 2007. However, in the BHC's opinion, its provisions do not guarantee the independence of the judiciary.

Ill-treatment and police misconduct

Most frequent victims of ill-treatment were participants of peaceful demonstrations who had been taken to police stations and placed in pre-trial custody.

◆ On 26 April, Anatol Liabedzka, leader of the United Civic Party of Belarus, was tailed by unknown persons in a car, who jumped out and attacked Liabedzka: they dragged him out of his car, took away his mobile phone, beat him and forced him into their car. They cuffed his hands, put a coat on his head, and continued beating him on his back and groin. Liabedzka was first taken to the KGB premises on Nezalezhnastsi Avenue and then to a nar-

cotics treatment clinic by a man who identified himself as KGB officer and claimed that Liabedzka had caused a road accident. He had a blood sample taken, after which he was again taken to the KGB office where an investigator told him repeatedly "You do not love your homeland" and told Liabedzka that a criminal case was initiated against him for alleged terrorist activities. Liabedzka was interrogated about his travels abroad and connections to the head of the Georgian Parliamentary Committee on Defence and Security. After the interrogation, people wearing black masks returned him to a suburban area of Minsk, left him there and warned him to draw the right conclusions from the incident.

◆ In July, Mikalai Statkevich, leader of the Belarusian Social-Democratic Party "Hramada," who was serving a prison sentence for protest actions against the flawed 2004 referendum and parliamentary elections, claimed that the KGB intended to frame him in a violent incident in the prison in order to prevent his conditional early release.

Conditions in prisons and pre-trial facilities

In many cases, conditions in pre-trial facilities, and also psychiatric hospitals, were poor enough to amount to cruel, inhuman or degrading treatment.

As a rule, the average floor area per inmate in pre-trial facilities and prisons made less than two square meters (including the bed), in dirty, poorly ventilated cells without necessary hygiene facilities. It was reported that inmates sometimes had to sleep in turns, for lack of bed for everyone. The inmates also lacked sufficient nutrition and were not always provided with the necessary medical care and medication.

The BHC received reports of instances of deliberate placement of "political" and other inmates into one cell with other pris-

oners with active TB and other infectious diseases.

◆ Dzmitry Dashkevich, leader of the "Malady Front" (Youth Front) movement, sentenced to 18 months imprisonment on 1 November for activities on behalf of his unregistered organization, was held in a cell with patients infected with TB and other contagious diseases.

Arbitrary arrest and detention³²

The militia conducted arbitrary arrests, usually during meetings and demonstrations, and placed the arrestees in custody without any legitimate reasons. Among the arrestees were members of opposition youth movements "Zubr" and "Malady Front" and other political activists, as well as journalists.

◆ On 21 April, five youth activists who were strolling over the center of the city with balloons and small flags bearing the symbols of the European Union, were arrested. They were brought to the Savietski District Interior Department where their passport data was copied, after which they were released.³³

By law, the maximum detention term without charges was 72 hours. However, at the request of an investigator, the prosecutor was able to extend this period without a permission of a judge.

Right to life

Death penalty

According to the chair of the Supreme Court, five death sentences were passed in the first six months of 2006, up from two in 2005. The government did not, however, publish the names and the total number of people on the death row. The prisoners' families were not informed about the date of execution, nor were the families handed over the bodies of their executed relatives for burial. Even the places of burial continued to be kept secret.

Freedom of religion and religious tolerance

Despite constitutional guarantees for freedom of religion and equality between all religious communities, the Russian Orthodox Church enjoyed a privileged position over all other religions on the basis of the 2003 concordate³⁴ signed between the government and the church. The Belarusian state openly supported the Belarusian Exarchate of the Russian Orthodox Church both financially and morally. The subject of “fundamentals of the Orthodox culture” was introduced in comprehensive schools. Meanwhile, minority religious communities continued to be subjected to discrimination and harassment.

- ◆ Believers of the “New Life” Protestant Church were on hunger strike for 23 days in the fall of 2006 demanding that the city administration drop its property claims to the church building. On 28 October the Presidium of the Supreme Economic Court of Belarus ordered that the case be reviewed.

- ◆ On 1 December, members of the Roman Catholic community in Grodno went on hunger strike to obtain a permit from local authorities to build a church - they had submitted their application nine years earlier. On 6 December this permit was finally issued.

- ◆ The Minsk Community of the International Society for Krishna Consciousness was unable to rent an office and a place of worship, and so continued to operate in semi-legality because, by law, religious communities needed a “legal address” to register.

- ◆ On 4 March, Georg Vyazouski, pastor of the Minsk Baptist community “Christ’s Commandment,” was arrested for ten days on the charge of “unsanctioned church service” because the community did not have a proper legal address. In May 2006,

the Minsk City Court declared the community illegal. The parishes of two other pastors, Ernest Sabila and Leonid Lipen, were closed down on similar grounds.

BHC also received information about a series of acts of vandalism against Protestant churches.

Conscientious objection to military service

The Belarusian constitution guarantees the right to perform an alternative civilian service to military service. However, as of the end of 2006, the parliament had not yet passed a law on the alternative civilian service. In practice, men who refused to carry out military service could be prosecuted under criminal law or administrative regulations.

- ◆ Mikita Sasim, a youth leader, was sentenced on 12 May in Baranavichy to two months in custody for evasion from the military service. He was arrested two days after an appendicitis operation. Sasim was actively involved in the presidential election campaign of the opposition, and human rights NGOs believe he was detained because these activities.

Intolerance and hate speech

Activities of radical neo-Nazi groups increased notably in various regions of Belarus in 2006. As a rule, neo-Nazi perpetrators of acts of vandalism and incitement to hatred went unpunished. For example:³⁵

- ◆ The Kurapaty monument erected “To Victims of the Stalinist Regime” in the 1930s-1940s was desecrated twice within one year. It was smeared with red paint and swastikas and other Nazi symbols and slogans were sprayed on it. The perpetrators were “not found.”

- ◆ On 9 January, skinheads organized a march in Hrodna and beat several persons. Reportedly, about 30 persons were al-

lowed to move about in a military territory and the city center and shout Nazi slogans. When enquired about the incident by the media, the military neither confirmed nor refuted the incident, saying that they “hear about it for the first time.”³⁶

◆ Similar to incidents in 2005, on 5 April and 23 May, unidentified people sloshed black paint over the doors of the Belarusian Language Society and the Belarusian People’s Front Party offices in Minsk, and put stickers on them reading “5 April – the day of the Russian nation” and “Glory to the nation! Death to the enemies!” with hammer and sickle.³⁷

◆ The “Orthodox Book” shop openly sold the movie “Jewish Fascism: the Genocide of the Russian People” and brochures with anti-Semitic content. The head of the prosecutor’s department, Stanislau Novikau, stated that he did not see any problem with it.³⁸

◆ In August, Yury Sivakou, former minister of interior suspected by the international community of being involved in the kidnapping and killing of leading opposition figures and a journalist,³⁹ said in an article that officers should follow Adolf Hitler’s Code of Honor of German Army Officers. The article was published in the journal *Special Force*, distributed within the Ministry of Internal Affairs. Sivakou cited Hitler on the supremacy of the love for the Fuehrer and propaganda of truly German way of life.⁴⁰

◆ On 11 November, a Nazi swastika was painted on an obelisk, and white paint was poured onto the Yama (Hole) memorial complex that was built in 1946 to commemorate tens of thousands of Jews who were killed by Nazis at the Minsk Ghetto during World War II. Leaflets were scattered on the site containing threats against Jews and supporters of liberal democrats.⁴¹

Disappearances

The whereabouts of four people critical of the government remained unknown as of the end of 2006 and were also specially mentioned by the UN rapporteur. They were: Yury Zakhanka, former minister of interior; Viktor Hanchar, vice-speaker of Belarusian Parliament (XIII convocation); Anatol Krasowski, a businessman supporting the opposition; and Dzmitry Zavadski, Russian public TV operator and former personal cameraman of President Lukashenka. All of them vanished in 1999-2000, and Belarusian authorities have failed to conduct a comprehensive and objective investigation into the “disappearances” apparently due to the fact that the highest state officials were involved in organizing the kidnappings and possible killings of the “disappeared” persons.⁴²

In 2006, BHC also received evidences of kidnapping people from Belarus for bringing them to trial in Russia.

◆ Andrey Shurpach and Sergey Trukshanin from Rechytsa (Gomel region of Belarus), both former students of Gomel Technical University, were allegedly taken to Russia without an official extradition process by the Russian special services to stand trial. Reportedly, the Bryansk City Court (in Russia) sentenced Shurpach to life imprisonment and Trukshanin to 20 years in prison for blasting a car with two Russian militia employees who died as a result of the explosion. Shurpach’s mother told to the press that her son had been detained by the Russian secret services late at night after leaving the Rechytsa district police department building. Sergey Trukshanin was detained at the university later. It appeared that the Belarusian militia and prosecutor’s offices refused to get involved in the incident.

Rights of the child

24 November the President issued the decree No. 18 “On Additional Measu-

res of State Protection of Children in Troubled Families." Coming into force on 1 January 2007, the decree provides for an extra-judicial order to take custody of children from families which are in "socially dangerous situation."

Local administrations' commissions on minors will decide whether "endangered" children need state protection and whether authorities should take custody of them. Such extra-judicial custody is possible for three months after which the local administration must file a case with a court to deprive the parents of their custody rights. The BHC voiced concern that this procedure can potentially be used by authorities against members of the political opposition or believers of "non-traditional" confessions.

Similar to adults, also children were victims of state indoctrination and ill-treatment.

◆ In early February pupils in Vitsebsk were told to make red-green "valentines" with a slogan "For Belarus!"⁴³ for Aliaksandr Lukashenka and other high ranking officials.⁴⁴

A Belarusian child seeking asylum in Italy was returned to Belarus despite complaints about ill-treatment in her own country.

◆ Vika Moroz, a ten-year-old Belarusian orphan who was on a health recovery trip in Italy complained to her host family that she had been sexually abused in her orphanage in Belarus. The family decided to hide her and help her file an asylum case. However, in late September, Italian authorities returned the girl to Belarus despite the fact that she had threatened to kill herself if forced to return.

Human rights defenders⁴⁵

Public human rights groups remained the only chance of hope for citizens to defend their rights despite the fact that they

have been gradually ousted from legal sphere of operation. As of the end of 2006, the BHC was the only officially registered human rights organization that still carried out its activities in all the regions of the country; however, it was also on the brink of closure. Several other NGOs have been stripped of their legal status in recent years.

◆ The BHC has been under severe legal pressure for several years, and its leaders threatened with politically motivated tax evasion charges that carry prison terms. Legal proceedings stemming back to June 2004 were resumed in 2006 and led to reinstatement of the economic sanctions against BHC - more than 160,000,000 rubles (around EUR 60,000). On 5 December, the BHC's property was confiscated in a partial satisfaction of the financial sanctions, and the Ministry of Justice's suit on suspension of BHC's activities was pending in the Supreme Court at year's end.



Siarhei Skrabets, a member of the Belarusian Helsinki Committee and former MP, was released from a penal colony after serving 18 months for his human rights activities. He lost 30 kilos during his imprisonment, also due to a hunger strike. November 2006. © svaboda.org

Human rights activists were exposed to persecution.

◆ In March, Vasil Andrasyuk from Staroye Selo (Brest Region) was fined 100,000 rubles (EUR 37) for the dissemination of brochures containing a report of the UN special rapporteur on the situation with human rights in Belarus.⁴⁶

◆ On 12 May, Tatsiana Pratsko, chair of the BHC, was detained at the Minsk-2 National Airport as she was going to fly to Berlin to make a presentation on the situation of human rights in Belarus. Customs officers confiscated from her video cassettes concerning the March presidential campaign. She had to take a later plane and missed part of the conference.

◆ On 15 May, the Lida District Court ordered that Ivan Kruk, a BHC member, be placed in administrative detention for six months. He was also ordered to pay 200,000 rubles (EUR 72) in compensation for "moral damage" caused to a militia officer after Kruk had destroyed a computer database containing complaints about human rights abuses to hinder it from being confiscated. The militia gained access to Kurk's house in Astravets (Hrodna region) by groundlessly accusing his son of robbery. Kruk was charged under article 364 of the criminal code (violence or a threat of violence against the police). The case against his son was dropped a day later. Kruk lost his appeal on 27 June and was imprisoned on 10 July.

◆ In June, the NGO "Mahileu Human Rights Centre" (MHRC) received a letter from the local Department of Justice insisting - not for the first time - that the NGO delete from its statutes the objective

of "protecting the rights and legitimate interests of people." The MHRC refused to make these amendments.

◆ Katsiaryna Sadouskaya, a 60-year-old human rights activist, was arrested in July 2006 and forcibly taken to a psychiatric hospital for examination. She was first accused of insulting and threatening a judge of the Kirov District Court. Later, however, she was also charged with "harming the honour and dignity of the president" because she had drafted - but not sent - a letter addressed to the judge demanding examination of the mental health of President Lukashenka. On 23 October, Katsiaryna Sadouskaya was found guilty on both counts and sentenced to two years imprisonment in a colony and the payment of four million rubles (EUR 1,404) in compensation to judges, with all legal expenses.⁴⁷

◆ On 20 August, Aleh Volchak, a human rights defender, was arrested at a border checkpoint on his way to Germany. Volchak is a trustee of the family of Yuri Zakharenka (a former minister of interior who disappeared in 7 May 1999), and head of the legal service of Aliaksandr Kazulin, a candidate in the 2006 presidential elections. The Committee for State Security (KGB) ordered the confiscation from him of books related to the case of Zakharenka and the 2006 presidential elections claiming that "their contents may harm the political interests and the state security" of Belarus. A court fined Aleh Volchak 1,550,000 roubles (EUR 550) for failing to declare the books at the customs. A similar scenario happened to him on 4 September when he again tried to cross the border.⁴⁸

Endnotes

- ¹ According to the Ministry for Statistics and Analysis.
- ² Resolutions of the Commission on Human Rights Nos. 2003/14 of 17 April 2003, 2004/14 of 15 April 2004, and 2005/13 of 14 April 2005, as well as the Resolution of the Third Committee of the UN General Assembly condemning human rights violations in Belarus, 22 November 2006, at www.un.org/russian/Docs/journal/asp/ws.asp?m=A/C.3/61/L.40.
- ³ The special rapporteur on situation with human rights in Belarus was appointed under Resolution No. 2004/14 of the UN Commission on Human Rights. His mandate was extended by Resolution No. 2005/13 and is valid under Decision No. 2006/102 of the UN Council on Human Rights.
- ⁴ *Question of the Violations of Human Rights and Fundamental Freedoms in Any Part of the World: Report of the Special Rapporteur on the situation of human rights in Belarus, Adrian Severin*, E/CN.4/2006/36, 16 January 2006, at http://ap.ohchr.org/documents/dpage_e.aspx?c=18&su=29.
- ⁵ The index reflects the perception of the degree of corruption as seen by businessmen and experts. See Transparency International: "Corruption Perception Index," at www.transparency.org/policy_and_research/surveys_indices/cpi.
- ⁶ IHF, *Human Rights in the OSCE Region: Europe, Central Asia and North America, Report 2006 (Events of 2005)*, at www.ihf-hr.org/viewbinary/viewdocument.php?download=1&doc_id=6837.
- ⁷ See BHC, *Election of the President of the Republic of Belarus: Independent Monitoring Results*, March 2006, at www.belhelcom.org.
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- ¹³ www.charter97.org, News, 21 February 2006.
- ¹⁴ www.charter97.org, News, 15 February 2006.
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- ¹⁸ Viasna, "Manager of the "Minsk" Concert Hall has refused to hold the duly scheduled concert dedicated to Orsha Battle, referring to roof repairs," 8 September 2006, www.spring96.org/ru/news/2982/.
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- ²² See BHC, *Election of the President of the Republic of Belarus. Independent Observation Results*, 2006, at www.mhg.ru/files/006/belorus.doc.
- ²³ IHF, *Human Rights in the OSCE Region: Europe, Central Asia and North America, Report 2006 (Events of 2005)*.
- ²⁴ According to the Ministry of Justice.
- ²⁵ See section on human rights defenders.
- ²⁶ According to the Ministry of Justice of the Republic of Belarus.
- ²⁷ *Trade Unions' Rights in Belarus*, report by the Investigatory Commission founded under Article 26 of the Constitution of the International Labour Organization with the aim to control the observance by the government of the Republic of Belarus of the 1948 Convention on Freedom of Association and Protection of Right for Organization (No. 87), and 1949 Convention on the Right for Organization and Running Collective Talks (No. 98), Geneva, 2004, at www.ilo.org.
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- ³⁰ According to the Ministry of Justice.
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- ³⁷ According to BelaPAN newsletters.
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- ³⁹ Council of Europe / Committee on Legal Affairs and Human Rights, *Disappeared persons in Belarus*, 4 February 2004, <http://assembly.coe.int/Main.asp?link=http%3A%2F%2Fassembly.coe.int%2FDocuments%2FWorkingDocs%2FDoc04%2FEDOC10062.htm>
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- ⁴¹ According to Itar-Tass, 12 November 2006.
- ⁴² See Council of Europe, Committee on Legal Affairs and Human Rights, *Disappeared persons in Belarus*, 4 February 2004.
- ⁴³ "For Belarus!" is the slogan used in Aliaksandr Lukashenka's 2006 presidential campaigning.

- ⁴⁴ According to Deutsche Welle, 16 February 2006.
- ⁴⁵ See also section freedom of association. More information on human rights defender sin Belarus can be found in the IHF report *The Assault on Human Rights Defenders in the Russian Federation and Belarus: Restrictive Legislation and Bad Practices*, 13 February 2006, at http://www.ihf-hr.org/documents/doc_summary.php?sec_id=58&d_id=4192, and in IHF press releases and statements at www.ihf-hr.org.
- ⁴⁶ *Question of the Violations of Human Rights and Fundamental Freedoms in Any Part of the World: Report of the Special Rapporteur on the situation of human rights in Belarus, Adrian Severin*, E/CN.4/2006/36, 16 January 2006.
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