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**PROMOTION AND PROTECTION OF ALL HUMAN RIGHTS, CIVIL,  
POLITICAL ECONOMIC, SOCIAL AND CULTURAL RIGHTS,  
INCLUDING THE RIGHT TO DEVELOPMENT**

**Written statement\* submitted by the International Federation for 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.

[3 September 2007]

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\* 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*”<sup>†</sup>. Since then, no actual inquiry was led on these allegations.

### ***Violations of the freedom of association***

On 28 August 2007, the Ministry of Justice issued the refusal to re-register Human Rights Center “Viasna” closed down by the Belarusian authorities in 2003 under the pretext that “*the charter of the association does not comply with the law of the Republic Belarus on public associations*”. By refusing to re-register “Viasna”, the Republic of Belarus further directly violates Communication n°1296/2004 of the United Nations Human Rights Committee issued on July 24, 2007. During its nineteenth session, the UN Human Rights Committee examined the complaint lodged by HRC “Viasna” under article 5, paragraph 4, of the Optional Protocol to the International Covenant on Civil and Political rights and recognised that its dissolution constitutes a violation of article 22, paragraph 1, of the Covenant. The Committee also considered that the co-authors of the complaint were “entitled to an appropriate remedy, including the re-registration of “Viasna” and that Belarus was “under an obligation to take steps to prevent similar violations occurring in the future”(§9). The abusive decision of the Belarusian authorities constitutes evidence of their determination to strike down any dissenting voice in the country and a blatant violation of international and regional standards on freedom of association.

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<sup>†</sup> 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>

***Criminal and administrative 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 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 sentences<sup>‡</sup>.

In 2006 alone, close to 1000 individuals were victims of administrative arrests and more than 20 people were 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.

On May 30<sup>th</sup> 2007, **Barys Haretski, Dzmitry Khvedaruk, Aleh Korban and Nasta Palazhanka**, members of the «Malady Front», were judged under article 193-1 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.

New criminal cases were open under the same article were open against members of the «Malady Front» : on 4 September the trial of **Ivan Shyla** will took place in Salihorsk and the trial of **Nasta Azarka** in Niasvizh, the trial of **Jaroslav Gryshenia** will start on 10 September in Baranavichy district court.

***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.

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.

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

From July 23 to July 26, 16 activists were arrested in Minsk for distributing leaflets and posting stickers calling for peaceful opposition actions on the occasion of the State Sovereignty Day. Seven of them were subsequently sentenced to 10 to 15 days' imprisonment, while two were briefly detained and fined to the equivalent of USD 280 and USD 540.

On July 27, 2007, the Belarus authorities repressed and arrested several persons in Minsk in order to prevent any action aiming at opposing the regime and at « disturbing » the State Sovereignty Day festivities. In about two hours, more than 40 persons - including journalists and politicians - who had gathered in the square near the monument of Yanka Kupala, were violently pushed out of the place of the event. At least 8 persons were arrested and arbitrarily detained, of which six have been released. **Franak Viachorka** was sentenced to 7 days' administrative detention. On July 30, **Yaraslau Hryshchenia** was sentenced to 15 days administrative detention, after being arbitrarily detained for three days.

### ***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 economic, administrative, and political pressure. Many newspapers cease to exist because of the impossibility to be 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.

Academic freedoms are absent : the state 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". Effective equality between the Belarusian and Russian languages does not exist in many spheres, although guaranteed by the Belarusian Constitution. Religious freedoms in Belarus are 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.

Belarus remains 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, does not submit regular state reports under the International Covenant on Civil and Political Rights and ignores previous recommendations of the UN Committee on Human Rights.

**Thus, FIDH call on the Human Rights Council to 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 review the decision of the Ministry of Justice to close down “Viasna” and to conform with Communication n°1296/2004 of the United Nations Human Rights Committee issued on July 24, 2007;**
- **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 independent human rights mechanisms;**
- **to abolish the death penalty.**

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