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Belarus

Covering events from January - December 2004

No progress was made in investigating four cases of "disappearance". Death sentences and executions continued. Human rights defenders were subjected to intimidation and harassment. The government continued to restrict freedom of expression and assembly; opposition activists were arbitrarily detained and allegedly ill-treated by police. Non-governmental organizations including human rights groups continued to be subjected to restrictions and closures.

Background

There was increasing international concern about Belarus' failure to improve human rights. In January the Parliamentary Assembly of the Council of Europe (PACE) rejected Belarus' request for the reinstatement of its special guest status with PACE. In April the UN Commission on Human Rights appointed a Special Rapporteur to examine the human rights situation in Belarus and to report back to the Commission in 2005. The Special Rapporteur was also mandated to monitor the development of a programme of human rights education for all sectors of society, in particular the judiciary, law enforcement and prison officials and civil society. He was refused a visa to visit Belarus in December.

In parliamentary elections on 17 October government candidates were elected to all seats. The elections were overshadowed by a referendum in which President Alyaksandr Lukashenka won the right to lift the constitutional limit of two presidential terms. Observers for the Organization for Security and Co-operation in Europe (OSCE) commented that the elections and the referendum fell significantly short of OSCE commitments.

Death penalty

In March the Constitutional Court concluded its assessment of the compliance of death penalty provisions in the Criminal Code with the Constitution and international standards. The Court found that a number of articles of the Criminal Code were inconsistent with the Constitution. The Court ruling made it possible for the head of state and parliament to abolish the death penalty or, as a first step, introduce a moratorium, should the political will exist. However, during 2004, at least five people were reportedly sentenced to death and executed.

'Disappearances'

In March the department for organized crime and corruption of the Procuracy announced that the investigation into the "disappearance" of television cameraman Dmitry Zavadsky in July 2000 had been stopped "because of the failure to discover the disappeared person". There was no progress in the cases of leading opposition figures Yury Zakharenko and Viktor Gonchar and businessman Anatoly Krasovskiy, who all "disappeared" in 1999 and 2000.

In April PACE called on the authorities to carry out an independent investigation into the "disappearances" and to launch criminal investigations into the alleged involvement of high-ranking officials in the events and their cover-up.

Human rights defenders



Belarus

Republic of Belarus

Head of state: Alyaksandr Lukashenka

Head of government: Sergei Sidorsky

Death penalty: retentionist

International Criminal Court: not signed

UN Women's Convention and its Optional Protocol: ratified

Take action!

[Human rights defenders in Eurasia: Belarus](#)

Further information

[Belarus: Stifling the promotion of human rights](#)
(AI Index: EUR 49/004/2004)

[Belarus and Uzbekistan: The last executioners – The trend towards abolition in the former Soviet space](#)
(AI Index: EUR 04/009/2004)

[Europe and Central Asia: Summary of Amnesty International's concerns in the region, January-June 2004: Belarus](#)
(AI Index: EUR 01/005/2004)

[All AI documents on Belarus](#)

A pattern of deliberate obstruction, harassment and intimidation of human rights defenders persisted. In June the Special Representative of the UN Secretary-General on human rights defenders, Hina Jilani, expressed serious concern at the reported curtailment of the freedom of association in Belarus. She expressed particular alarm at the threatened closure of the Belarusian Helsinki Committee (BHC), reportedly the last nationally operating human rights non-governmental organization.

- In January the tax inspection office of the Minsk Moskovskaia District accused the BHC of using a European Union (EU) grant without registering it and of not paying taxes in accordance with national legislation. The EU programme that provided the grant was in fact exempted from tax, as recorded in a 1994 memorandum between the Belarusian authorities and the EU. In June, the BHC was cleared of all charges by the Minsk Economic Court, a decision upheld by the Appellate Court at the end of July. The decision confirmed that the organization's activities were lawful and complied with all procedures as required by the Belarusian authorities. Despite this, a criminal investigation into alleged tax evasion against the chair and the head accountant of the BHC continued until 28 December, after which the charges against them were dropped.

Freedom of expression

Peaceful protesters continued to be detained solely for exercising their rights to freedom of expression and assembly.

- In September, Valery Levonevsky and Alexander Vasiliev, respectively the president and deputy president of the national strike committee of market traders, were each sentenced to two years in prison by the Leninsky district court in Grodno after being convicted of publicly insulting the President. They had distributed a leaflet containing a satirical poem and calling on people to take part in 1 May demonstrations and "to come and say that you are against 'somebody' going on holiday skiing in Austria and having a good time at your cost". President Alyaksandr Lukashenka was known to have spent his holidays in Austria.
- Mikhail Marinich, a prominent member of the opposition, was detained on 26 April, originally for a traffic offence. The charge was then changed to possession of foreign currency and he was finally charged with illegal use, possession and transfer of arms after a pistol was found at his dacha. On 30 August he was charged with theft of computers from the organization Delovaia Initsiativa, of which he is president. The computers were on loan from the US Embassy, which stated it had made no complaint. Members of the organization informed his lawyer that they had agreed to him storing the computers in his garage temporarily. On 20 December Mikhail Marinich was sentenced to five years' imprisonment by the Minsk district court for "abuse of an official position for the purpose of theft". The theft in question referred to the computers on loan to Delovaia Initsiativa. The charge of possession of arms was dropped.
- Opposition activists who held peaceful demonstrations to protest at the results of the October elections and referendum were subjected to arbitrary arrest and ill-treatment by the police. After demonstrations on 19 October about 50 demonstrators were reportedly detained and beaten. Anatoly Lebedko, leader of the United Civil Party, suffered concussion, broken ribs and possible kidney damage as a result of beatings. Forty people were charged with participation in or organization of unsanctioned public demonstrations and sentenced to up to 15 days' imprisonment or fined.

Violation of trade union rights

There was continuing pressure on trade unions to conform to government policies. Trade union members were constantly harassed.

- In October, Sergei Antonchik was sentenced to 15 days' administrative detention by the Partizansky District Court in Minsk for holding a meeting on the premises of the Free Trade Union of Belarus. The meeting, which had been agreed with the chair of the union, was to organize the setting up of a new non-governmental organization.

Long-term prisoner of conscience

- The Central District Court of the City of Minsk eased Yury Bandazhevsky's conditions of detention and transferred him to a "corrective labour settlement" in Grodno Region. Professor Yury Bandazhevsky was sentenced to eight years' imprisonment in June 2001 for alleged bribe-taking but AI believes that he was convicted because he had criticized official responses to the Chernobyl nuclear reactor catastrophe of 1986. The new terms of detention allowed him to receive visitors and request leave for family visits.

AI country visits

An AI delegate attended a human rights forum near Minsk in January.

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