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BELARUS

Dissent and Impunity

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This report gives an overview of the worsening human rights situation in Belarus in the period 1999 to 2000. The unwillingness of the Belarusian authorities to tolerate dissent and independent thought and their tolerance of impunity is evident throughout the report. The propensity of the Belarusian authorities to use the state apparatus to repress dissent and criticism, often in the face of condemnation from abroad, through large-scale arbitrary detention and ill-treatment of peaceful demonstrators, imprisonment of prominent opposition figures, the possible abduction of opposition leaders, and the harassment of human rights defenders, academics and independent journalists has been common throughout this period.

Two and a half years ago the United Nations (UN) Human Rights Committee, which monitors compliance with the International Covenant on Civil and Political Rights (ICCPR), underscored the worsening human rights situation in the country and outlined several of its main concerns: "The Committee notes with concern that remnants of the totalitarian rule persist and that the human rights situation in Belarus has deteriorated significantly since the Committee's consideration of the State Party's third periodic report in 1992. The Committee notes in particular the persistence of political attitudes that are intolerant of dissent or criticism and adverse to the promotion and full protection of human rights, the lack of legislative limits on the powers of the executive, and the growing concentration of powers, including legislative powers, in the hands of the executive, without judicial control".[1] This explanation of the root causes of the poor human rights situation in Belarus still has great relevance some two and a half years later, as the Belarusian authorities have become increasingly intolerant of dissent and criticism and impunity has been allowed to flourish.

The tendency of the Belarusian government to stifle criticism through the use of force is not only in clear violation of its obligation to allow pluralism in society under various articles of the ICCPR, but also in clear violation of its obligation to prohibit torture and ill-treatment of detainees under the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Convention against Torture), to which Belarus is also a state party. In the course of the next two years Belarus will come before the Human Rights Committee and

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[1] UN Doc. CCPR C 79/Add.86 (199[illegible] - paragraph 7.

the UN Committee against Torture, in its four-yearly periodic reviews by these bodies. Amnesty International believes that unless the Belarusian authorities take immediate steps to end impunity and the intolerance of dissent and criticism Belarus is likely to be heavily criticized by these international bodies for violations of fundamental human rights. Amnesty is calling on the Belarusian authorities to avoid such an indictment and presents its recommendations in this report.

KEYWORDS: FREEDOM OF EXPRESSION1 / UNLAWFUL DETENTION1 / TORTURE/ILL-TREATMENT1 / IMPUNITY1 /DEMONSTRATIONS / HUMAN RIGHTS DEFENDERS / CONSCIENTIOUS OBJECTORS / JOURNALISTS / POSSIBLE POC / PRISONERS OF CONSCIENCE / POLICE / ELECTIONS / POSSIBLE DISAPPEARANCE / TRIALS / USE OF EXCESSIVE FORCE

This report summarizes a 32 page document : BELARUS Tolerating Impunity, Repressing Dissent (AI Index: EUR 49 14/00) issued by Amnesty International in 21 June 2000. Anyone wishing further details or to take action on this issue should consult the full document. An extensive range of our materials on this and other subjects is available at http://www.amnesty.org and Amnesty International news releases can be received by email: http://www.amnesty.org/news/emailnws.htm

INTERNATIONAL SECRETARIAT, 1 EASTON STREET, LONDON WC1X 0DW, UNITED KINGDOM

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Introduction

Belarus is a state party to a number of international human rights conventions, which oblige it to protect certain fundamental human rights. Irrespective of these international obligations human rights continue to be violated in the country. The United Nations (UN) Human Rights Committee, which monitors compliance with the International Covenant on Civil and Political Rights (ICCPR), underscored this problem in its concluding observations and recommendations in November 1997: "The Committee notes with concern that remnants of the totalitarian rule persist and that the human rights situation in Belarus has deteriorated significantly since the Committee's consideration of the State Party's third periodic report in 1992. The Committee notes in particular the persistence of political attitudes that are intolerant of dissent or criticism and adverse to the promotion and full protection of human rights, the lack of legislative limits on the powers of the executive, and the growing concentration of powers, including legislative powers, in the hands of the executive, without judicial control".[1] Not only does this explanation of the root causes of the poor human rights situation in Belarus still have great relevance some two and a half years later, but the human rights situation itself appears to have further deteriorated.

This report aims to give an overview of this worsening situation in the period 1999 to 2000. The unwillingness of the Belarusian authorities to tolerate dissent and independent thought, noted by the Human Rights Committee, is evident throughout the report. The propensity of the Belarusian authorities to use the state apparatus to this end, in the form of the large-scale arbitrary detention of peaceful demonstrators, imprisonment of prominent opposition figures, the possible abduction of opposition leaders, and the harassment of human rights defenders, academics and independent journalists has been common throughout this period. The tendency of the Belarusian government to stifle criticism through the use of force is not only in clear violation of its obligation to allow pluralism in society under various articles of the ICCPR but also in clear violation of its obligation to prohibit torture and ill-treatment of detainees under the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Convention against Torture), to which Belarus is also a state party.

While the Belarusian government has been quick to resort to force against its citizens, often in the face of considerable condemnation from abroad, the loss of independence and subordination of the judiciary to the demands of the executive, represented in the form of the presidency, has meant that individuals whose rights have been violated by the authorities have little hope of judicial redress. In Amnesty International's experience impunity flourishes in conditions where effective legal and administrative mechanisms do not exist to bring perpetrators of human rights violations to justice. In conditions where force is both sanctioned and employed by the authorities to further their political aims, the task of counteracting

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[1] UN Doc. CCPR/C/79/Add.86 (1997) - paragraph 7.

impunity becomes even more difficult. This report illustrates the extent to which impunity has been allowed to develop unchecked in Belarus. While certain cases featured in the report, most notably those of well-known opposition figures, have attracted significant amounts of international government and media attention, the cases of less-known individuals have not. For these victims of human rights abuses, who are not in the public eye and may not have popular support or wield influence, the difficulty of obtaining some form of redress is often even greater.

(1) Arbitrary detention and alleged police ill-treatment

Throughout 1999 and the first months of 2000 Amnesty International repeatedly expressed concern about the treatment of members of the opposition in Belarus. In this period opposition groups staged a number of peaceful protests against President Lukashenka, questioning the legitimacy of his tenure in office. In November 1996 President Lukashenka held a constitutional referendum which led to the dissolution of the elected parliament, increased his powers considerably and extended his mandate to stay in office until 2001, despite an election being scheduled for 1999. Opposition groups and a significant part of the international community have argued that the referendum violated the existing constitution and was not held under free conditions and therefore President Lukashenka's presidency expired in July 1999.

In May 1999 the opposition organized unofficial presidential elections throughout the country, in which around four million people reportedly voted. During the elections several hundred people were arrested, some of whom were given administrative sentences of detention. Under the Criminal Procedure Code of Belarus, protestors can be placed under administrative arrest for up to 10 days without formal charge. Later in the year in July and October 1999 and in March 2000, the opposition staged a series of large-scale demonstrations, as well as numerous smaller protest actions, both in and outside Minsk, during which hundreds of arrests and detentions took place. In a series of public statements Amnesty International condemned the arrests and detentions of any demonstrators for peacefully exercising their right to freedom of assembly, whom it considered prisoners of conscience. The organization also condemned frequent reported acts of ill-treatment of detainees by police officers. It is relevant to note that during its review of Belarus' fourth periodic report in November 1997 the Human Rights Committee expressed concern about the severe restrictions imposed on the right to freedom of assembly, which were not in compliance with the ICCPR and recommended that "the right of peaceful assembly be fully protected and guaranteed in Belarus in law and in practice..."[2] It also expressed concern about "numerous allegations of ill-treatment of persons by police and other law enforcement officials during peaceful demonstrations and on arrest and detention, and about the high number of cases in which the police and other security officials

[2] UN Doc. CCPR C 79 Add. 86 (1997) - paragraph 18.

resort to the use of weapons".[3] The following cases illustrate the treatment of peaceful opponents of the Belarusian government and are indicative of the reaction of the authorities to peaceful dissent.

Unofficial presidential elections: 7 - 16 May 1999

Beginning on 7 May 1999 the opposition organized unofficial presidential elections over a 10-day period throughout the country in protest against President Lukashenka's refusal to hold fresh elections. In both the run-up to the elections and during the election period itself Amnesty International repeatedly expressed concern about the treatment of members of the electoral commission, who organized the election, and would-be candidates in the election (see Prisoners of Conscience and Possible "Disappearances"). According to the Belarusian human rights organization, *Spring-96*, around 2 300 members of the electoral commissions nation-wide were questioned by police officers in the run-up to and during the elections and around one thousand people received police warnings during the election itself. Other opposition activists and members of the electoral commission, as in the following case of Yevgeny Murashko, received administrative sentences of detention.

The cases of Yevgeny Murashko and Galina Artemenko

During the unofficial presidential elections Amnesty International learned about the arrest of 57-year-old Yevgeny Murashko. Yevgeny Murashko is both the chairman of his local Belarusian Helsinki Committee and the regional electoral commission. He is also the head of the human rights organization 'Union for the Protection of Human Rights' and the 'Union of the Unemployed'. Two days after the start of the unofficial elections on 9 May 1999 he was arrested by police officers while returning to the town of Kalinkovichy in the Gomel Region of Belarus with election material. The police officers confiscated the election material and the next day he was sentenced to 10 days' administrative detention. Later in the year in June he was charged under Article 196 of the Belarusian Criminal Code for organizing an unofficial meeting earlier in February. On 11 February 1999 he had arranged a meeting relating to the upcoming unofficial presidential elections, which Viktor Gonchar (see Possible "Disappearances") the chairman of the central electoral commission attended, and for which Yevgeny Murashko was given a one-year suspended prison sentence.

This incident was not the first occasion he had been arrested, since both prior to his arrest in May and afterwards he has been detained for his opposition activities, and, like numerous other human rights activists, he has spent time in detention on several occasions. On 7 November 1998 he was reportedly arrested at the entrance of the main market in Gomel for selling posters with the slogan "*A state is criminal if it violates the rights of its own people*", for which he was sentenced to 10 days' administrative detention on 3 December. Most recently, on 7 November 1999 he and his wife Galina Artemenko were stopped by police in Gomel. The

[3] UN Doc. CCPR/C/79/Add. 86 (1997) - paragraph 9.

couple had gone to Gomel as members of the local Belarusian Helsinki Committee to observe a picket protesting against the union treaty between Belarus and Russia, which was being signed in Moscow by Presidents Lukashenka and Yeltsin. Yevgeny Murashko was driven away in a police car but released after about two and a half hours. On 30 November a court in Gomel fined Galina Artemenko a sum equivalent to five monthly minimum wages for refusing to show one of the arresting police officers her identity papers. Galina Artemenko, who is a former employee of the mayor's office, also maintains that she lost her job as a result of her husband's opposition activities in 1999, and, like her husband, is also now unemployed.

During the elections several other opposition activists served periods in detention for their activities. On 10 May Igor Stukalov was given three days' administrative detention by a court in Mogilev after being arrested in the town for his electoral activities two days previously. On 11 May Piatro Zosich was given an administrative sentence of detention of 10 days for violating a law on public meetings and demonstrations. Piatro Zosich and his companion Valery Giadzko of the Glusk Region electoral commission were arrested the previous day in the town of Luninets. Valery Giadzko was reportedly fined one million Belarusian roubles. On 12 May the vice chairman of Mogilev Region electoral commission, Anatoly Federov, was reportedly sentenced to three days' administrative detention for failing to appear in court. He and a colleague were detained by police officers on 9 May in the town of Mogilev and told to appear in court on 12 May. The police officers also confiscated materials relating to the election. Anatoly Federov claims that illness prevented his appearance in court. Nevertheless, a court in Mogilev proceeded to sentence him. Numerous other opposition activists were subjected to police searches, had electoral material confiscated and were detained for short periods of time.

Demonstrations to mark the official end of President Lukashenka's term in office: 21 and 27 July 1999

The Belarusian opposition and a part of the international community have argued that President Lukashenka's tenure in office officially came to an end on Tuesday 20 July 1999. To mark the official end of his presidency Belarus' opposition staged a large-scale demonstration in Minsk and smaller protest actions across the country on 21 July. Amnesty International learned that at least 50 people were arrested by police during the protests in Minsk in which several thousand demonstrators are reported to have taken part. Among those arrested were prominent members of the opposition, including a member of the dissolved parliament, Pavel Znavets, leader of the Belarusian Popular Party, Vyacheslav Sivchik, and the editor of the independent newspaper *Imya*, Irina Halip (see below). In some cases arrests were reportedly accompanied by examples of police ill-treatment, as the case of the human rights defender and lawyer Oleg Volchek reveals (see Persecution of Human Rights Defenders).

The case of Irina Halip

Irina Halip, editor of the independent newspaper *Imya*, was originally detained on 21 July, following peaceful protests in the capital Minsk marking the official end of President Alyaksandr Lukashenka's term in office, but she was later released. However, on the evening of 22 July she was arrested at the Belarusian headquarters of the Russian television station, *ORT*, where she had been scheduled to give an interview. She was arrested on the charge that *Imya* had slandered the Belarusian Prosecutor General, Oleg Bozhelko, in a previous article. Under Article 128 of the Belarusian Criminal Code the defamation of a public official is a charge which carries up to five years' imprisonment. In the past, Article 128 has been used by the Belarusian authorities to harass and silence outspoken members of the opposition and most notably the lawyer Vera Stremkovskaya (see Persecution of Human Rights Defenders). Two years prior to this arrest Amnesty International had also expressed concern about the ill-treatment of Irina Halip by police officers after she and her father, Vladimir Halip, were severely beaten by police officers while taking part in a peaceful demonstration.

Irina Halip also had her travel documents confiscated by the authorities after her arrest. She was due to fly to the United States several days later to attend meetings with fellow journalists and to take part in a training program. In a news release on 23 July Amnesty International expressed the concern that the confiscation of her travel documents was part of the government's crack-down on peaceful dissent and to prevent her from talking about the political situation in the country. Amnesty International learned several days later that the Belarusian authorities had eventually allowed her to visit the United States as she had originally planned. On 17 September Irina Halip was interviewed again by a representative of the State Prosecutors's Office about her alleged defamation of the Belarusian Prosecutor General, Oleg Bozhelko. During the interview she was also reportedly asked where she had found the money to fly to the United States.

Irina Halip is only one among a number of journalists working in the independent media who have come under pressure from the Belarusian authorities in the course of the last year. In April *Naviny* journalist Oleg Gruzdilovich was reportedly detained by officers from the Committee of State Security (KGB) and questioned for several hours about an article he had written the previous month on the KGB's intended efforts to frustrate the unofficial presidential elections planned for May. In 1999 *Naviny* and *Imya* were closed down after losing financially crippling libel cases which appeared politically motivated. In July *Belorusskaya Delovaya Gazeta* was forced to pay judge Nadezhda Chmara nearly eight thousand dollars after its criticism of her handling of the trial of former Amnesty International prisoner of conscience, 75-year-old Vasiliy Starovoitov. The harassment of the independent press aroused significant criticism abroad.

Amnesty International reiterated its appeal to President Lukashenka and the authorities to ensure that no one should be ill-treated, or imprisoned by the police simply

for their political beliefs and for peacefully exercising their right to freedom of assembly. The organization called on the authorities to release unconditionally members of the opposition who had been arrested and to respect their right to freedom of peaceful assembly. However, during a demonstration staged a week later on 27 July to mark Belarus's Day of Independence around 40 participants were detained and approximately 15 held overnight. One of the main organizers of the demonstration the leader of the Belarusian Social Democratic Party, Nikolai Statkevich, was sentenced to 10 days' administrative detention on 28 July, one of several administrative sentences he has served for his opposition activities. Other detainees were given warnings or fined.

The case of Yevgeny Osinsky

Another demonstrator to spend time in prison was the 20-year-old member of the Belarusian Popular Party's Youth Front, Yevgeny Osinsky, who was arrested during the demonstration on 27 July and held on the charge of "malicious hooliganism" and taking part in an unsanctioned demonstration. He maintains he was ill-treated by police officers who reportedly hit him in the stomach, kidneys and back. He was released from prison on bail on 6 September after spending around five weeks in detention. On 18 January 2000 a court ruled that Yevgeny Osinsky, who works as an electrician, must pay 20 per cent of his wages for a period of two years as a form of "corrective labour" for allegedly resisting arrest. The charges originally brought against him were dropped.

The Freedom March demonstration: 17 October 1999

Belarus' opposition staged a large-scale demonstration in Minsk on 17 October 1999, the so called Freedom March, in which around twenty thousand demonstrators are reported to have taken part, once again to protest against President Lukashenka's refusal to hold fresh elections and his increasingly unpopular rule. Prior to the demonstration Amnesty International called on the Belarusian authorities not to detainee people for peacefully exercising their right to freedom of assembly. However, the organization learned that at least 200 demonstrators were detained by the police. Although many of the demonstrators were released shortly after their arrests, around 40 were held for longer periods of time and were subsequently charged. Once again, the arrests were accompanied with significant numbers of reports that police officers physically ill-treated the detainees and used excessive force against the participants in the demonstration.

While the main demonstration reportedly passed without incident there were reports of violence later in the day. After the demonstrators arrived at their final destination at Bangalor Square in Minsk a smaller group of protestors attempted to march into the centre of the city, clashing with police officers who blocked their path. It is reported that demonstrators retaliated by throwing stones at the police after police officers attacked them with batons and riot shields. On 9 February 2000 the independent newspaper *Narodnaya Volya* published an open letter from a serving police officer, Lieutenant Oleg Batourin, which reportedly highlighted the role police

agent provocateurs had played in the clashes during the Freedom March. He stated in the letter: "*My task was a simple one - to watch and remember the faces of the main activists and, afterwards, detain those whom they told me to detain. However, my major mission was to provoke clashes, insult the police officers and direct the crowd towards the police ambush. Unfortunately, among those throwing stones were some desperate youths, but all of their actions were provoked and planned beforehand. The crowd was purposefully guided toward the place, where the stones were piled. Riot police squads were hiding there in an ambush.*" As a result of the open letter Oleg Batourin was reportedly dismissed from the police force and the authorities have charged him with slandering the police. His brother was reportedly attacked and threatened and both he and Oleg Batourin have been forced into hiding. Due to considerations for his own personal safety Oleg Batourin reportedly left Belarus for Poland, where he remains, at the end of February 2000.

Several other participants, who were arrested during the Freedom March, have also left Belarus for Poland, where they are currently claiming political asylum. Seventeen-year-old Yevgeny Aphnagel, 17-year-old Andrei Volobev, 18-year-old Anton Lazarev, 20-year-old Gleb Dogel and 19-year-old German Sushkevich were among a number of young Belarusians who were arrested and given administrative sentences of detention after the Freedom March demonstration. Yevgeny Aphnagel was reportedly acquitted of all criminal charges on 29 November after having spent 15 days in detention and allegedly being beaten by police officers. University students Gleb Dogel and German Sushkevich have alleged they were also ill-treated by police officials after their arrests. Criminal charges of 'malicious hooliganism' under Article 201 (2) of the Belarusian Criminal Code have reportedly been brought against Gleb Dogel, German Sushkevich, Andrei Volobev and Anton Lazarev, whose trials were scheduled to commence at the end of March 2000. Amnesty International learned that, expecting to be sentenced to extended terms in prison for their protest activities, they fled to Poland in March 2000, where they are claiming political asylum. They were reportedly placed on an official police wanted-list by the Belarusian authorities on 31 March 2000.

Among the participants arrested and detained during or after the demonstration were a number of prominent members of the opposition. Leader of the Belarusian Social Democratic Party Nikolai Statkevich, human rights activists and deputies of the dissolved parliament Loudmila Gryaznova and Valery Shchukin, chairman of the human rights organization *Spring-96* Ales Byalatsky, deputy chairman of the dissolved parliament Anatoly Lebedko and chairman of the Belarusian Popular Front Vintsuk Vyachorka were among around 200 protestors detained by the authorities. While many others of the detained participants received fines or warnings, a notable number of people were sentenced to periods of administrative detention. According to *Spring-96*, 18 demonstrators received periods of administrative detention of between three and 15 days at court hearings on the 18 and 20 October. Criminal charges were later brought against Nikolai Statkevich and Valery Shchukin for their part in organizing and participating in the demonstration. Their cases are ongoing and are expected to continue throughout the first

half of 2000. If they are convicted, Amnesty International will consider them prisoners of conscience.

The cases of Alyaksandr Shchurko and Olga Baryalai

During the Freedom March a significant number of detained participants have complained that they were physically ill-treated by police officers while in detention. Forty-year-old Alyaksandr Shchurko has alleged that he was detained at around 5.30pm on 17 October on Yanka Kupala Street in Minsk by police officers, forced into a police car and taken to the Partizansky District Department of the Interior. He was charged with taking part in an unsanctioned demonstration and detained until approximately 3am on 18 October when he was transferred with 10 other detainees to another detention centre in a police bus manned by police officers from the special police unit, the OMON. Mother of three children, Olga Baryalai, who had been detained earlier in the afternoon was also on the police bus and, like Alyaksandr Shchurko, bore witness to the police ill-treatment the detainees were forced to endure.

During the two-hour journey to the detention centre Alyaksandr Shchurko has alleged that he and the other detainees were both physically and verbally abused. He has stated that upon entering the bus he suffered a blow to the head causing him to lose consciousness, only to be kicked, punched, sworn and spat at after he had regained consciousness. He has stated that the police officers kicked and punched him and other detainees, hit them with their truncheons and forced them to the floor. He reportedly lost consciousness for a second time later in the journey after being hit. The police officers are alleged to have spat at the detainees, verbally abused them and threatened them with murder and rape. In addition to being physically assaulted and verbally abused he was given a five-day sentence of administrative detention for taking part in the Freedom March demonstration. Olga Baryalai was also hit and thrown to the floor of the police bus but, unlike the other detainees, she managed to escape being kicked. After arriving at the detention centre a chief official who saw from her passport that she was a mother of three small children ordered that she be taken back into the city and released. Olga Baryalai has alleged that on the way to the city on the police bus she was repeatedly verbally abused by the OMON police officers, who threatened to rape her and punish her and her family. She received a warning the next day at Partizansky district court. Amnesty International has been informed of a number of other occasions after the Freedom March during which detainees were seriously physically ill-treated by police officers on board police buses and other vehicles.

Alyaksandr Shchurko has written to the Belarusian authorities, including the Partizansky and Minsk prosecutor's offices and various courts, complaining about his ill-treatment on the police bus and the unlawfulness of his detention and has demanded compensation. In March 2000 he informed Amnesty International that if he only obtains one rouble's compensation and an admission his rights were violated by the police officers he feels his efforts will have been vindicated. He informed Amnesty International that as a result of his persistent complaints to the authorities and his efforts to secure redress, the Belarusian authorities have applied pressure on him and his family. He has complained of receiving anonymous threatening telephone calls

instructing him to terminate his complaints. In particular, his 20-year-old son who is studying economics at a state institute has reportedly began to score very low marks after previously being a very good student. Alyaksandr Shchurko believes his son has been deliberately targeted by the authorities in order to punish him for complaining about his ill-treatment and unlawful arrest. Amnesty International has received significant numbers of similar reports about politically active students whose academic performance has suddenly worsened for no explicable reason or who have been given official warnings or expelled from their institutes by their relevant administrations. Olga Baryalai, like Alyaksandr Shchurko, lodged a number of complaints highlighting her ill-treatment by the police officers but came under increasing pressure from the authorities to drop her complaints. In December 1999 she left Belarus and is currently claiming political asylum in a Western European country.

Amnesty International is calling on the Belarusian authorities to initiate prompt, thorough and impartial investigations into all allegations of police ill-treatment and that any police officers suspected of ill-treating or torturing detainees should be brought to justice. The organization is also urging the authorities to ensure that the victims of police ill-treatment are compensated as required by Article 14 of the UN Convention against Torture.

The Day of Freedom demonstration: 25 March 2000

The reports of large-scale detentions and police ill-treatment during the first Freedom March in October 1999 contrasted starkly with the relatively peaceful Freedom March-2 demonstration, which was held in Minsk on 15 March 2000. A delegation from Amnesty International, which was in Minsk to observe the demonstration, did not record any arrests or incidents of police ill-treatment. The demonstration was well organized and passed peacefully. The second Freedom March was exceptional in that it was the first large-scale demonstration in recent history in Belarus during which there were no reported arrests or allegations of police ill-treatment.

The usual pattern of arbitrary detention, administrative prison sentences and allegations of police ill-treatment resumed just 10 days later on 25 March during a second unsanctioned demonstration in Minsk. It was staged to coincide with anniversary of the creation of the first Republic of Belarus in 1918 and to protest against President Lukashenka. The city municipal authorities had outlawed all future demonstrations in Minsk, reportedly on the orders of President Lukashenka, the day after the Freedom March-2 on 16 March on the grounds that the organizers of the demonstration had violated various regulations relating to the staging of demonstrations and meetings. This decision was heavily criticized both within Belarus and outside as an unwarranted attack on the freedom of peaceful assembly. During the demonstration between 400 - 500 demonstrators were reportedly detained for several hours by the police, who were patrolling the centre of Minsk in large numbers. While around 200 detainees were reportedly held in a city sports hall, others were held at various police stations and detention centres. Amnesty International has received reports that police officers used significant amounts of force to detain some protestors. A number of people have complained

of being knocked to the ground, beaten with truncheons, kicked by police officers and verbally abused. Most of the detainees were reportedly released between two and three hours later.

At least 30 journalists covering the demonstration were also deliberately targeted by the Belarusian authorities. This attempt to stem criticism of the intolerance of the authorities of dissent caused considerable criticism both domestically and abroad. The Russian embassy in Minsk reportedly intervened to secure the release of several television reporters working for the Russian television broadcasters *NTV*, *ORT* and *RTR*. Reporters from *ORT* and *RTR* complained that expensive camera equipment was damaged when they were detained. Reporters from the Belarusian service of *Radio Liberty*, *Associated Press* and the Polish television station, *Polonia 1*, were also among the journalists detained. The majority of the journalists detained worked for Belarus' independent newspapers, who have been very vocal in their opposition to President Lukashenka's increasingly unpopular rule and the poor human rights situation in the country. Representatives from the independent *Nasha Svaboda*, *Svabodnye Novosti*, *Nasha Niva*, *Kurier*, *Belorusskaya Gazeta* and *Belorusskaya Delovaya Gazeta* newspapers were released after several hours. Amnesty International also learned of several representatives of domestic human rights organizations who were temporarily detained during the demonstration, such as Tatyana Protsko from the Belarusian Helsinki Committee, Oleg Volchek from the legal advice centre Legal Assistance to the Population, Valentin Stepanovich and several of his colleagues from *Spring-96*.

In the aftermath of the demonstration several of the organizers were detained for several days and some were later given periods of administrative detention. On 30 March the deputy chairman of the Belarusian Popular Front Vyacheslav Sivchik received a 10-day prison sentence for his part in organizing the demonstration. The vice chairman of the dissolved parliament Anatoly Lebedko was reportedly arrested prior to the demonstration on 25 March and spent two days in detention before being brought before a court on 27 March. His trial was postponed until 4 April when he was acquitted. On 6 April the leader of the Belarusian Popular Front in Grodno, Sergey Malchik, was sentenced 10 days' administrative detention for his part in organizing a demonstration in the town on 25 March. The leader of the Belarusian Social Democratic Party, Nikolai Statkevich, escaped imprisonment at a court hearing on 29 March with a fine of 50 US dollars. Numerous other participants received warnings, fines and periods of administrative detention from the courts in early April.

The case of Valery Shchukin

Amnesty International learned of a number of opposition activists outside Minsk in the regions of Belarus who were also given sentences of administrative detention for organizing and participating in demonstrations on 25 March. The leading opposition activist and *Narodnaya Volya* journalist Valery Shchukin was sentenced, along with several other people, to 10 days' imprisonment in the town of Vitebsk. He was arrested at around midday on 25 March outside Vitebsk's main library with several representatives of the political party, the Belarusian Popular Front. Police reportedly arrived and arrested the gathering of opposition activists and took them

to a police station in the city. While some people were released with fines or warnings, others, including Valery Shchukin, were given periods of administrative detention of between three and 10 days. Valery Shchukin, also a member of the dissolved parliament, has been arrested on numerous occasions and has served multiple administrative prison sentences for his opposition activities. He served four periods of administrative detention in 1999, two in 1998 and one in late 1997, amounting to 61 days in detention. He reportedly spent a further 74 days in pre-trial detention. He has also been subjected to numerous fines amounting to over three thousand seven hundred US dollars[4] and has received a number of official warnings. He has also alleged that he has been subjected to ill-treatment by police officers on several occasions while in police detention.

Amnesty International has repeatedly called on the Belarusian authorities to ensure that no one is ill-treated or imprisoned by the police simply for their political beliefs and for peacefully exercising their right to freedom of assembly. The prohibition of torture and ill-treatment and the right of people to freedom of peaceful assembly and freedom of conscience, without state interference, are made explicit in both the UN Convention against Torture and the ICCPR (see Recommendations). Amnesty International will continue to consider any demonstrators who are detained solely for their peaceful protests and political beliefs as prisoners of conscience.

(2) Possible "Disappearances" in Belarus

Amnesty International has expressed concern about the possible "disappearances" of prominent figures in Belarus' opposition. The organization considers a "disappearance" to have occurred whenever there are reasonable grounds to believe that a person has been apprehended by the authorities or their agents, and the authorities deny the victim is being held, thus concealing the victim's whereabouts and fate and thereby placing the victim outside the protection of the law. In May 1999 the former Minister of the Interior, Yury Zakharenko, apparently "disappeared", leaving behind his wife and two daughters, while in September the chairman of the unofficial electoral commission, Viktor Gonchar, and a companion, Anatoly Krasovsky, apparently "disappeared", leaving behind several family members. These possible "disappearances" occurred at key political moments and the Belarusian authorities have shown great reluctance to investigate the cases. Instead, they have accused Belarus' opposition of staging the "disappearances" for the purposes of seeking international attention or have stated that the individuals concerned have been sighted abroad.

[4]The official average monthly wage is around 40 dollars.

It is important to note that the victims of human rights violations are not the only direct victims of state and non-state persecution, but that their families also are subjected to great emotional distress. The imprisonment of a family member in what are often cruel, inhuman and degrading conditions, their possible exposure to ill-treatment or torture, the uncertainty of their fate in cases where family members have "disappeared" are causes of great suffering and hardship. The families of Yury Zakharenko, Viktor Gonchar and Anatoly Krasovsky have been forced to endure numerous pressures as a result of their possible "disappearances" and in some instances they themselves have received anonymous threats. Members of the opposition who have spoken out in support of the men and their families and have demanded thorough and impartial investigations into the possible "disappearances" have also been intimidated by the Belarusian authorities.

The case of Yury Zakharenko

Amnesty International has repeatedly expressed concern for the safety of opposition activist and former Minister of the Interior Yury Zakharenko, who failed to return home on the first day of the campaign of the unofficial presidential elections held in May.

Yury Zakharenko is a senior figure in the opposition movement and was working closely with the former prime minister, Mikhail Chigir, in the unofficial presidential elections. He is married to Olga Zakharenko and the couple have 15-year-old and 23-year-old daughters, Julia and Elena Zakharenko. Yury Zakharenko's family have not heard from him since 7 May 1999, when he reportedly telephoned his daughter to say he was on his way home at about 8pm. His wife believes that he was arrested for his involvement in the unofficial presidential elections. In an interview on 10 May Olga Zakharenko reportedly stated: "During the last two weeks two cars would always follow him. Reliable people warned Zakharenko that someone wanted to kill him and he ought to be very careful. I also warned him. But he believed in the rule of law and he never agreed with absolute tyranny". She also reportedly added: "I don't hope for the best. I have no hope that he is alive. He has been murdered and his body will never be found. This is an act by that criminal Lukashenka who hired the killers and got rid of his uncompromising opponent, Zakharenko". Olga Zakharenko has reportedly also been subjected to intimidation. She has stated that she has received anonymous telephone calls threatening her and her two daughters and warning her to leave the country.

On 31 August Yury Zakharenko's mother, Ulyana Zakharenko, appealed to President Lukashenka in an open letter entitled "Give My Son Back", in which she wrote: "Alyaksandr Grigorievich, you also have a mother and she also worries about her son. Although you are the President, first and foremost you are a son. You are shown every day on television. But what about me? I had a child but suddenly he was gone. If someone would tell me that Yura is alive and has not been murdered or tortured to death I would feel immediately relieved. I cannot sleep at night... and during the day I cannot find any peace".

A spokesperson for the Ministry of Internal Affairs is reported to have said in May that Yury Zakharenko was not being held in Minsk, and that his whereabouts were unknown. In the light of the apparent unwillingness of the Belarusian authorities to investigate his possible "disappearance", members of the opposition set up their own commission to ascertain what had happened to Yury Zakharenko and to pressure the authorities to conduct a thorough and impartial investigation. The head of the commission, Oleg Volchek, reportedly stated at a press conference on 10 August, at which Olga and Elena Zakharenko were present, that there was evidence that he had been detained on Zhykovsky Street in Minsk and forced into a car. The authorities have been reluctant to investigate the case further.

After founding the commission to look into Yury Zakharenko's possible "disappearance" Oleg Volchek became an object of state attention (see Persecution of Human Rights Defenders). He was arrested and ill-treated by police officers during a peaceful march in Minsk on 21 July, during which at least 50 other people were arrested by police officers. Amnesty International learned that he was allegedly beaten unconscious at a police station and detained until the next day. Although he made a number of complaints to the authorities about his ill-treatment, the authorities reportedly failed to investigate his allegations. He was subsequently charged under Article 201 (1) of the Belarusian Criminal Code with "*aggravated hooliganism*" and faced a possible prison sentence of up to one year, but when his case came to trial in late November a court in Minsk decided not to pursue the charges against him.

Amnesty International has called on the Belarusian authorities to initiate a thorough and impartial investigation into the possible "disappearance" of Yury Zakharenko. If he is in police custody the organization has urged that he be protected from any form of ill-treatment. The organization has also urged that he be given immediate access to his family and to legal representation as enshrined in international human rights standards[5] and that any criminal charges against him are made public.

The case of Viktor Gonchar and Anatoly Krasovsky

Amnesty International has also expressed serious concern for the safety of prominent opposition leader Viktor Gonchar and a companion Anatoly Krasovsky, who failed to return home on 16 September 1999. Amnesty International fears that they may be in incommunicado detention where they would be at risk of torture, ill-treatment or "disappearance".

The two men had visited a sauna on Fabrichanaya Street in Minsk on the evening of 16 September and are believed to have attempted to leave in Anatoly Krasovsky's car at approximately 10.30pm. There are reports that traces of blood and broken pieces of Anatoly

[5]Principles 7 and 8 of the UN Basic Principles on the Role of Lawyers and Principle 17 of the UN Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment.

Krasovsky's car were found on the ground near the sauna, from where the men may have been forcibly abducted. The Belarusian police visited the location the following day, but it is not known whether they have been able to confirm that the blood belonged to either of the two men. Since they went missing there has been no reliable information about the whereabouts of the men. Amnesty International learned that on 19 September, three days after the men's possible "disappearance", Viktor Gonchar was due to give a key report to members of the former parliament on the political situation in the country.

Viktor Gonchar was chairman of the electoral commission before President Lukashenka dissolved parliament after the controversial referendum of November 1996 and he had a leading role organizing the unofficial presidential elections of May 1999. His companion, Anatoly Krasovsky, is reported to run a publishing business. Both men are married: Viktor Gonchar has a 17-year-old son and Anatoly Krasovsky 16-year-old and 21-year-old daughters. After their possible "disappearances" Viktor Gonchar's wife, Zinaida Gonchar, reportedly contacted the police and the KGB to find out if he had been arrested but she was unable to get any information. It was also reported that after the two men went missing Zinaida Gonchar and Anatoly Krasovsky's wife, Irina Krasovsky, visited a number of foreign embassies in Minsk in search of support. In her efforts to find her husband Zinaida Gonchar has sent a number of open letters to foreign governments and international governmental organizations, among some of whom the spate of possible "disappearances" of prominent opposition figures has caused a significant amount of concern. In a letter to the Organization for Security and Co-operation in Europe (OSCE) in early October Zinaida Gonchar reportedly stated: "Belarusian special services had been openly shadowing Gonchar 24 hours a day since the start of the year, law enforcement bodies cannot but know his whereabouts", and added: "Because it was they who organized Gonchar's kidnapping, they do not need to search for him".

Amnesty International has also received copies of several letters which Zinaida Gonchar addressed to the head of the Belarusian KGB, Vladimir Matskevich. In one letter dated 18 September she wrote: "You must understand, that the abduction of Gonchar is a political crime, which has caused indignation throughout the world. Therefore, as the legitimate president of the KGB, approved by the Supreme Soviet, you have the obligation to undertake all necessary measures to find my husband and find the organizers and perpetrators of this crime. Otherwise the leadership of the KGB and you personally will shoulder the same responsibility as the organizers of the crime".

Opposition spokespersons in Belarus have complained that the authorities have failed to investigate the possible "disappearances" of the two men. The deputy head of the presidential administration, Ivan Pashkevich, reportedly stated shortly after the men's possible "disappearances" that Viktor Gonchar had deliberately gone missing to attract attention to the sessions of the dissolved parliament, the former 13th Supreme Soviet. In a television interview on 23 September the leader of the police team investigating the case, Valyantsin Patapovich, appeared to give little credibility to the claim that the possible "disappearances" had been

politically motivated, stressing that either the men had fallen victim to robbers, absented themselves voluntarily or somehow fallen victim to an organized crime group in connection with Anatoly Krasovsky's business affairs. On 25 September the state-owned newspaper, *Belorusskaya Niva*, circulated a story that Viktor Gonchar had been seen in Lithuania on 19 September in conversation with the exiled speaker of the dissolved parliament, Seymon Sharetsky. The story, which was widely reported in the state-controlled media, was condemned by Belarus' opposition as pure fabrication on the part of the Belarusian authorities. Over a month later, on 30 October, President Lukashenka also reportedly commented on the men's possible "disappearances" during a meeting with Adrian Severin, the head of the OSCE Parliamentary Assembly's working group on Belarus, stating that Yury Zakharenko was in Ukraine and Viktor Gonchar was in Russia. The opposition rejected the statement saying that there was no evidence that the missing men were abroad.

Viktor Gonchar has a long history of peacefully opposing President Lukashenka and is a former Amnesty International prisoner of conscience. At the beginning of March 1999 he was sentenced by a Minsk court to 10 days' imprisonment for organizing an unsanctioned meeting in a café with other members of the electoral commission. While in prison he reportedly suffered a serious heart complaint. Amnesty International adopted him as a prisoner of conscience and expressed concern about his health and the failure of the prison authorities to provide him with appropriate medical care. He was officially charged under Article 190 of the Criminal Code of the Republic of Belarus, *"Wilful self-conferment of an official title or authority"*, which carries a maximum penalty of two years' imprisonment or correctional labour. At a press conference of the electoral commission on 19 May 1999 Viktor Gonchar confirmed that the charges against him still stood.

Amnesty International is calling for an immediate and impartial investigation into the possible "disappearances" of Yury Zakharenko, Viktor Gonchar and Anatoly Krasovsky and for the results to be made public. If they are in police custody, the organization is calling for their whereabouts to be immediately made known to their families, that they be given legal representation and that they be protected from any form of torture or ill-treatment. Amnesty International is also calling on the authorities to ensure that the families of the three men are protected against all forms of intimidation and are not subjected to any form of torture and ill-treatment. The authorities should ensure that Oleg Volchek, the head of the independent commission demanding a thorough and impartial investigation into the possible "disappearances", is not subjected to any form of intimidation for his opposition activities.

(3) Prisoners of Conscience and Fair Trials

Amnesty International has learned about three leading political opponents of President Lukashenka who have been imprisoned for long periods of time in pre-trial detention for speaking out against his increasingly arbitrary rule, two of whom were later given long prison sentences. They were charged with bribery, large-scale embezzlement, abuse of power or other alleged irregularities relating to their business interests. Amnesty International, like a significant number of other international non-governmental and governmental observers, believes that the charges brought against the men are politically motivated in order to punish them for their peaceful opposition activities.

Amnesty International is also concerned that, due to the widely acknowledged fact that Belarus does not have an independent judiciary, the opponents of the president did not or are not expected to receive a fair trial. During a visit by Amnesty International delegates to Belarus in March 2000 they spoke with various lawyers, senior judges and government figures and were informed of the great difficulties an individual faces in obtaining justice from the judiciary if the subjective interests of the Belarusian authorities are threatened. Judges are not independent of the executive branch of government, since all important positions in the judiciary are appointed by President Lukashenka, including most senior city, regional and district court judges as well as judges to the Supreme Court and Supreme Economic Court. The appointment of judges at lower levels is very much dependent upon bodies higher up in the judiciary, which the executive is able to influence. The president also has the authority to appoint six of the 12 members of the Constitutional Court, including the chairperson, while the other six members are appointed by the Council of the Republic, a body of individuals who largely owe their positions to the president. The Human Rights Committee expressed concern about this fact during its review of Belarus' fourth periodic report in November 1997, stating: "The Committee notes with concern that the procedures relating to tenure, disciplining and dismissal of judges at all levels do not comply with the principle of independence and impartiality of the judiciary".[6]

The extent to which the judiciary in Belarus lacks autonomy from the government also directly contradicts Article 1 of the UN Basic Principles on the Independence of the Judiciary, which states: "The independence of the judiciary shall be guaranteed by the State and enshrined in the Constitution or the law in the country. It is the duty of all governmental and other institutions to respect and observe the independence of the judiciary". The Human Rights Committee also expressed concern about reports that two judges were dismissed by President Lukashenka on the grounds that they failed to impose and collect a fine imposed

[6]UN Doc. CCPR C 79 Add.86 (1997) - paragraph 13.

by the executive.[7] In February 1999 Yury Sushkov, a court judge from Bobruysk district, who fled to Germany and claimed political asylum, reportedly commented on the requirement of court judges to produce verdicts of guilt, even in the absence of sufficient evidence, and the widespread practice of forcing detainees to sign confessions through ill-treatment and torture.

Amnesty International was informed that the President has taken a personal interest in a number of cases. On 5 August 1999 President Lukashenka reportedly told reporters in Brest oblast that he was personally overseeing certain ongoing judicial cases, including that of former Prime Minister Mikhail Chigir, stating: "I have them under control, I am not going to allow any injustice there myself". Amnesty International is concerned that such politicized conditions, in which the judiciary is so dependent on President Lukashenka, makes it impossible for his political opponents to receive a fair trial and lays the judiciary open to grave abuse.

The case of Mikhail Chigir

Amnesty International expressed concern that Mikhail Chigir was arrested on 30 March 1999, shortly after he had expressed his intention to stand as a presidential candidate in the unofficial presidential elections scheduled for May 1999. Opposition groups in Belarus staged unofficial presidential elections between 7 and 16 May 1999 in protest against the policies of President Lukashenka (see Unofficial presidential elections). Mikhail Chigir was charged with financial impropriety relating to a position he held as head of a bank before becoming Prime Minister in 1994. The arrest of Mikhail Chigir caused a great deal of concern abroad and there were numerous calls for his release.

Mikhail Chigir was one of two main candidates who had intended to participate in the unofficial presidential elections. The other main candidate, former leader of the Belarusian Popular Front, Zenon Poznyak, has been in exile in the United States and, more recently, in Poland after fleeing Belarus in April 1996. Mikhail Chigir is reported to be a popular political figure in Belarus and served as Prime Minister between mid-1994 and late 1996. He reportedly resigned his post after President Lukashenka dissolved parliament, and joined the emerging opposition who called for a return to democratic rule. Before being appointed as Prime Minister in 1994 he was head of the bank "Belagroprombank", to which the charges of financial impropriety relate. It is reported that the decision by the Belarusian authorities to audit the bank's financial documents did not commence until February 1999, nearly five years after Mikhail Chigir left the bank, and shortly after he had made public his decision to stand as a candidate in the unofficial presidential elections in December

[7] UN Doc. CCPR/C/79/Add.86 (1997) - paragraph 13.

1998. The investigation against him has been under Article 91 (4) of the Belarusian Criminal Code for large-scale embezzlement relating to funds which were allocated for the construction of an office building and under Articles 166 and 167 (1) of the Belarusian Criminal Code relating to the abuse of power.

Mikhail Chigir has denied the charges saying he always acted within the law. His wife and lawyer, Yulia Chigir, reportedly stated in a newspaper interview in May 1999: "The fact that he has been arrested makes me feel sad and frightened. However, it is his fate, which he has to overcome. I know for sure that in his life Mikhail Mikhailevich has never done anything against the Criminal Code. It doesn't matter what Lukashenka or the detectives say, they won't find any criminal activity in it". In a letter sent to Amnesty International in early November 1999 Yulia Chigir complained about the prolonged period he had spent in pre-trial detention, making reference to Article 92 of the Belarusian Judicial Code, which reportedly states that people should only be detained for longer than six months in particularly grave criminal cases. Amnesty International has expressed concern about the tendency of the Belarusian authorities to keep unconvicted detainees in conditions of detention which fall well below international minimum standards. In November 1997 the Human Rights Committee also noted "with concern that pre-trial detention may last up to 18 months, and that the competence to decide upon the continuance of pre-trial detention lies with the Prosecutor and not the judge, which is incompatible with article 9, paragraph 3, of the Covenant".[8] Article 9 (3) states: "Anyone arrested or detained on a criminal charge shall be brought promptly before a judge ... and shall be entitled to trial within a reasonable time or to release. It shall not be the general rule that persons awaiting trial be detained in custody...". Shortly after Yulia Chigir's letter and possibly as a result of increasing international pressure Mikhail Chigir was released, albeit conditionally, on 30 November, by which time he had been in pre-trial detention eight months. He was released on the condition that he does not leave the country.

Mikhail Chigir is being defended by his lawyer wife Yulia Chigir and the prominent human rights defender and leading member of the Belarusian Helsinki Committee, Gary Pogonyailo. The lawyers have reportedly complained that the courts have already violated numerous legal procedures during the investigation into the case. Mikhail Chigir's trial commenced at the end of January 2000 and is expected to continue throughout the year 2000. The initial sessions of the trial at Minsk city court have attracted considerable international and domestic attention and have been attended by various representatives from foreign embassies based in Minsk and from the OSCE. Amnesty International has expressed concern that, like Andrei Klimov and Vladimir Koudinov who have already been sentenced to prolonged periods of imprisonment, Mikhail Chigir will not receive a fair trial, and believes that he was arrested solely because of his peaceful opposition activities to President

[8]UN Doc. CCPR/C/79/Add.86 (1997) - paragraph 10.

Lukashenka. If he is convicted and imprisoned Amnesty International will consider him to be a prisoner of conscience.

The case of Andrey Klimov

Andrey Klimov was arrested on 11 February 1998 and spent over two years in pre-trial detention before being sentenced to six years' imprisonment at a hard labour colony with confiscation of property in March 2000. A representative from Amnesty International was present at the Leninsky court in Minsk on 17 March 2000 when, amid chaotic scenes, it passed final sentence on the 34-year-old member of the dissolved parliament. Various international representatives, who were present at the court hearing and had observed the trial, cast considerable doubt on the fairness of the trial and the final court ruling.

In the course of the controversial eight-month trial Andrey Klimov was convicted under a number of articles of the Belarusian Criminal Code, most notably for allegedly embezzling public money by overestimating the number of bricks and costs envisaged in the construction of a block of flats, but also for building without the required permits and fraudulently obtaining a bank loan. His lawyer rejected the charges stating that the cost of the building project did not exceed the estimates. Furthermore, the lawyer condemned the investigator's audit of the building project as being flawed, calling for additional expert advice, and has complained that key witnesses were not cross examined. With regard to the lesser charges of building without the required permits and fraudulently obtaining a bank loan, the lawyer argued that Andrey Klimov's company had possessed all the necessary permits through the sub-contraction of work and, as the owner of the bank from which the loan was obtained, Andrey Klimov had lawfully borrowed the sum of money from himself, which he subsequently repaid.

Amnesty International believes that Andrey Klimov, like Mikhail Chigir, has been deliberately targeted by the Belarusian authorities to punish him for his opposition activities. He was elected to the Belarusian parliament, the 13th Supreme Soviet, in 1995 for a five-year term, which was unconstitutionally cut short after President Lukashenka's forced dissolution of parliament in November 1996. During the dissolution of the 13th Supreme Soviet Andrey Klimov took an active part in the attempted impeachment of President Lukashenka. After the dissolution of parliament he continued his criticism of the President, accusing him of violating the law and the constitution. He had reportedly played an active role in the parliamentary committee established in January 1997 to examine the violations of the constitution by President Lukashenka. Furthermore, Andrey Klimov produced a document highlighting the various violations committed by President Lukashenka during the dissolution of parliament. The document was reportedly written in consultation with the then chair of the electoral commission and opposition leader, Viktor Gonchar, who apparently "disappeared" in September 1999 (see Possible "Disappearances").

The case of Andrey Klimov eventually came to court in July 1999 after he had spent nearly 18 months in pre-trial detention during which his health reportedly deteriorated. Amnesty International has repeatedly expressed concern that conditions in prisons and pre-trial detention centres fall well below international minimum standards and amount to cruel, degrading or inhuman treatment. Prisoners are poorly fed, do not always have access to water, receive inadequate medical care and are housed in poorly heated and ventilated conditions in overcrowded cells. During the first months of his pre-trial detention Andrey Klimov was reportedly forced to share a small cell with five other inmates, who had to take turns in sleeping due to the lack of sufficient sleeping berths with very limited access to drinking water. While in pre-trial detention he undertook two hunger strikes protesting against the conditions of his confinement, lack of access to his wife and children and the refusal of the prison authorities to provide him with adequate medical treatment. As a result of his failing health he was hospitalized on a number of occasions and continues to require treatment for a heart condition - microcardial dystrophy.

Amnesty International has also expressed concern that Andrey Klimov was ill-treated during his pre-trial detention, which is reportedly commonplace in places of detention in Belarus. He has alleged that during his trial on 13 December 1999 prison officials kicked and punched him while he was lying handcuffed on the floor of his cell. The prison officials then dragged him into a Minsk courtroom in torn clothes and without shoes. The ill-treatment allegedly occurred after Andrey Klimov refused to leave his prison cell and go to court, protesting he was not receiving a fair trial. On 8 and 9 December the judge presiding over the Leninsky court reportedly refused to allow Andrey Klimov's defence to bring key witnesses to testify. He was ejected from the court room after questioning the independence and objectivity of the court. An ambulance was called to the court, but the judge presiding over the court refused to allow the defendant to be taken to hospital. As a result of his ill-treatment, which was condemned abroad, he suffered injuries to his head and bruising to his body necessitating his hospitalization some nine days later on 22 December. The Belarusian authorities have refused to investigate the allegations of ill-treatment and bring any of the prison officials to justice.

Andrey Klimov is married to Tatyana Klimov and the couple have a daughter of five years of age, a son of 10 years of age and an older daughter of 15 years of age. Since the arrest of Andrey Klimov, the main breadwinner of the family, and the subsequent bankruptcy of his business interests the family have reportedly suffered considerable financial difficulties. Throughout the prolonged pre-trial detention Tatyana and Andrey Klimov have also reportedly complained about the restricted access he has had to his wife and children. Gary Pogonyailo, who is representing Andrey Klimov and is appealing against his conviction reportedly stated immediately after the court ruling that: "The sentence was announced neither on behalf of the Constitution of the Republic of Belarus, nor on the behalf of its people, but on behalf of President Lukashenka".

The case of Vladimir Koudinov

Vladimir Koudinov is another member of the dissolved parliament who is serving a long-term prison sentence, convicted of a charge relating to his former business interests. Like Andrey Klimov, he is a political opponent of President Lukashenka and as a deputy in the dissolved 13th Supreme Soviet he took a very active role in the attempt to impeach the president in November 1996. In August 1997 he was sentenced to seven years' imprisonment with confiscation of his property on the charge of bribing a police officer. The sentence was later reduced by one year in May 1999 in a general prison amnesty. Amnesty International believes that the charge may have been brought against him in order to punish him for his opposition activities and to silence a prominent figure who had spoken out against President Lukashenka. The organization also believes that Vladimir Koudinov did not receive a fair trial.

Vladimir Koudinov has stated that he first became an object of state attention shortly after being elected to a five-year term to the Supreme Soviet in 1995, claiming that the Belarusian authorities then began to show considerable interest in the foodstuffs production and foodstuffs haulage firm he owned. The authorities reportedly conducted several raids on the offices of his business in 1996, similar to the one experienced by Andrey Klimov in 1997, apparently for the purposes of a tax inspection, during which no breaches were uncovered but considerable disruption to the running of the company was caused. The increased activity on the part of the Belarusian authorities reportedly coincided with Vladimir Koudinov's political opposition to the increasingly undemocratic rule of the President and his complaints of electoral violations during the presidential referendum in 1996. On 4 February 1997 Vladimir Koudinov was arrested for allegedly offering a 500 dollar bribe to the head of the traffic police in the town of Borisov, who had impounded one of his lorries carrying foodstuffs to Russia on the grounds that the driver did not have the correct shipping documentation. On 4 August 1997 he was sentenced to seven years' imprisonment with confiscation of property after being convicted of the charge of bribery, largely on the strength of the statements made by two serving traffic police officers and an audio-tape recording of the alleged incident.

Amnesty International has expressed concern that, due to a number of irregularities committed in the course of the investigation and the trial, Vladimir Koudinov did not receive a fair trial. Amnesty International is informed that a forensic examination of the dollar bills for fingerprints was not conducted, witness statements were subsequently altered and the audio tape recording of the incident was of questionable authenticity and may have been tampered with. Doubt has also been cast on the credibility of the witnesses after one of the police officer witnesses was promoted after Vladimir Koudinov's conviction, even though he had previously been found guilty of causing a serious road accident due to being intoxicated. Another police officer, who had originally impounded Vladimir Koudinov's vehicle and later received a prison sentence for a serious traffic offence, has reportedly stated that the charges against Vladimir Koudinov had been fabricated. Amnesty International is also informed that the state prosecutor

intruded upon the private deliberations of the court during the trial, which represented a serious breach of confidentiality.

Amnesty International has expressed concern about the cruel, inhuman and degrading conditions of detention to which Vladimir Koudinov has been subjected at labour colony UZ 15/1, which have adversely affected his health. It is reported that he is being held in overcrowded conditions which lack even the most basic amenities and as result of the poor prison diet he has lost around 40 kilograms in weight. Amnesty International has also learned of a number of occasions during which Vladimir Koudinov has been physically ill-treated by prison guards. After a prison visit by his two daughters in September 1998 he was reportedly beaten by prison officials after they found his daughters smuggling a political document he had written out of the prison. He has reportedly been placed in punitive isolation on several occasions for his alleged violations of the labour colony's rules, the last occasion reportedly being on 1 March 2000 for a seven-day period as punishment for not fully completing the morning prison exercise drill.

During his pre-trial detention in 1997 Vladimir Koudinov and his wife Zoya Koudinov divorced due to the fact that he had been charged under an article of the Belarusian Criminal Code which might lead to the confiscation of the family's property. By divorcing the couple would at least ensure that Zoya Koudinov and his two teenage daughters retained some assets. However, in April 1999 the couple reportedly remarried at labour colony UZ 15/1 in Minsk so as to allow more frequent family visits. Since her husband's conviction Zoya Koudinov has been unable to secure employment and has stated that enterprises, which are still predominantly state owned, are reluctant to employ her because of who her husband is, causing the Koudinov family considerable financial distress.

Amnesty International has also learned that Zoya Koudinov was accosted and threatened with violence by masked men on 8 June 1998. She has alleged that the men threatened to beat her if she continued her efforts to free her husband. Zoya Koudinov is not the only wife of a political opponent of the government to allegedly suffer such intimidation. On 1 October 1999 the wife of the former Minister of the Interior, Olga Zakharenko, (see Possible "Disappearances") reportedly told a journalist from Liberty Radio that she has also been constantly subjected to threatening anonymous telephone calls.

(4) Possible Prisoner of Conscience

Amnesty International has repeatedly expressed concern about the arrest of the academic Professor Yury Bandazhevsky in July 1999. He was conditionally released in December 1999 after spending nearly six months in pre-trial detention and is currently living in Minsk awaiting trial. The organization is concerned that he may have been deliberately targeted

by the authorities for exercising his right to freedom of expression. He has openly criticized the way in which the Ministry of Health has conducted research into the adverse health effects of the Chernobyl nuclear reactor catastrophe of 1986 and the money it has spent on such research. Amnesty International believes that he may have been held solely for exercising his right to freedom of expression, and considered him a possible prisoner of conscience. Amnesty International is also concerned that he will not receive a fair trial.

The case of Yury Bandazhevsky

Yury Bandazhevsky was arrested in Gomel in the middle of the night of 13 July 1999 by a police detachment. The legal basis for his arrest was the presidential decree "On Urgent Measures for the Combat of Terrorism and Other Especially Dangerous Violent Crimes", a measure usually only used for the arrest of violent suspects and terrorists. In violation of several international human rights treaties the Belarusian authorities did not formally charge him until 5 August. He was eventually informed that he was charged under Article 169 (3) of the Belarusian Criminal Code for allegedly taking bribes from students seeking admission to his research institute. If he is convicted, he faces between five and 15 years' imprisonment and confiscation of his property.

Amnesty International believes that Yury Bandazhevsky may have been imprisoned for his outspoken criticism of a state-funded research program into the effects of the explosion of the Chernobyl nuclear reactor on the population's health. In his capacity as both the rector of the Gomel Medical Institute and a respected academic, Yury Bandazhevsky has been active in this field of research for a number of years. As a member of a special research committee he had recently written a report about the research being conducted into the Chernobyl catastrophe by the Institute of Radiation Medicine, which is part of the Belarusian Ministry of Health, criticizing the manner in which the research had been carried out and the fact that money had been spent on research which had not produced any important scientific findings. On the night of his arrest police officers reportedly searched his home and confiscated his computer, books and files. Amnesty International believes that his arrest may be due to his criticism of the Belarusian Ministry of Health's Institute of Radiation Medicine.

Amnesty International has learned that the allegations against Yury Bandazhevsky were made by a colleague, who reportedly later withdrew his statement. Yury Bandazhevsky has stated that he fears that officials in the research institute he criticized have also made unfounded allegations against him. The organization has received reports that the prosecuting authorities are investigating the charges against him, which could take many months, and fears that he may not be given a fair trial at the end of the investigation.

The circumstances surrounding Yury Bandazhevsky's arrest have caused further concern, since he was not given access to a lawyer or allowed to see his family until three weeks after his arrest. The requirement that detainees should be given immediate access to a lawyer is a principle supported by international human rights standards, such as Principles 7 and 8 of the UN Basic Principles on the Role of Lawyers and Principle 17 of the UN Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment. The organization is additionally concerned that his lawyer has not been given adequate access to his client, as is required by these same standards. After the lawyer obtained permission to visit his client in Gomel, Yury Bandazhevsky was transferred to a prison some 100 miles away in Mogilev without the lawyer's knowledge. The lawyer has reportedly complained that he could not gain access to his client at the prison in Mogilev because his client had been placed in a temporary isolation cell. He was later transferred to a maximum security prison in Minsk, where he remained until his conditional release on 27 December. During his time in pre-trial detention Yury Bandazhevsky's state of health deteriorated drastically. He reportedly suffers from a stomach condition, which was exacerbated by the inhuman and degrading conditions of his imprisonment, and depression as a result of his predicament. His health continues to be poor and as a result of not having official residency in Minsk, where he must remain as a condition of his release, he cannot register for medical treatment. His wife is reportedly treating him as best she can with the limited resources the family have.

Amnesty International is calling on the authorities to allow Yury Bandazhevsky to defend himself in the course of fair proceedings and is urging the Belarusian government to reaffirm its commitment to Article 19 (1) of the International Covenant on Civil and Political Rights, which states: "Everyone shall have the right to hold opinions without interference". Amnesty International is also seeking assurances that no one in future will be subjected to ill-treatment, or imprisonment solely on grounds of their non-violent beliefs. Yury Bandazhevsky should be allowed to return to his hometown of Gomel so that he can obtain the necessary medical treatment.

(5) Persecution of Human Rights Defenders

In the course of the last year a number of prominent human rights defenders and human rights organizations came under increased pressure to cease their human rights work. During its trip to Belarus in March 2000 representatives from Amnesty International had the opportunity to meet with a number of human rights lawyers and spokespersons from human rights organizations, who spoke about their experiences. Two of their most common complaints related to the absence of an independent judiciary in Belarus (see Prisoners of conscience and

fair trials) and the extent to which their freedom to practise their professions independently has been compromised in recent years.

On 3 May 1997 President Lukashenka issued Decree No. 12 "On Several Measures on Improving the Practice of Lawyers and Notaries in the Republic of Belarus". The decree introduced severe restrictions on the independence of lawyers from the executive power by appointing the Ministry of Justice in charge of licencing lawyers and by introducing mandatory membership of all lawyers in a centralized body, the Collegium of Advocates, whose activities are controlled by the Ministry of Justice. The obligation of lawyers to belong to the state-controlled Collegium of Advocates directly violates international standards with regard to the role of lawyers, such as Article 23 of the UN Basic Principles on the Role of Lawyers, which states: "Lawyers shall be entitled to form and join self-governing professional associations to represent their interests, promote their continuing education and training and protect their professional integrity. The executive body of the professional associations shall be elected by its members and shall exercise its functions without external interference". Lawyers in Belarus are not only unable to form and join self-governing professional associations but are prohibited from practising their profession if they do not join the state-controlled Collegium of Advocates or are expelled from it. The Human Rights Committee expressed concern about the adoption of the decree during its review of Belarus' fourth periodic report in November 1997, stating: "The Committee stresses that the independence of the judiciary and the legal profession is essential for a sound administration of justice and for the maintenance of democracy and the rule of law. The Committee urges the State party to take all appropriate measures, including review of the Constitution and the laws, in order to ensure that judges and lawyers are independent of any political or other external pressure".[9]

In recent years Amnesty International has been informed of a number of lawyers who have not been allowed to practise as lawyers either because they refused to join the state Collegium of Advocates or were expelled from it for so called "violation of the professional ethics". The human rights lawyer, Nadezhda Dudareva, refused to enter the state-controlled Collegium of Advocates after the decree of May 1997 came into force and has not been allowed to practice law. In addition, a criminal case was opened against her in October 1997 on charges of "defamation of judges". She informed a representative from Amnesty International present at a roundtable discussion on the 'Role of the Constitutional Court' organized by the Human Rights Center (see Vera Stremkovskaya) in Minsk in March 2000 that she had practised law for most of her adult life, loves her profession and really would like to obtain her licence back and start practising again. Similarly, the human rights lawyer Vera Stremkovskaya has not only been threatened with disbarment from the state-controlled Collegium of Advocates for alleged "violation of the professional ethics" but, like Nadezhda Dudareva in 1997, in the course of the past 18 months she has been charged on three accounts with defamation.

[9] UN Doc CCPR/C/79/Add.86 (1997) - paragraph 14.

The case of Vera Stremkovskaya

In the course of 1999 Amnesty International learned that the Belarusian human rights lawyer, Vera Stremkovskaya, came under increasing pressure to cease her human rights activities. She is a leading human rights lawyer in Belarus and has acted as a defence counsel in a number of high-profile cases, such as that of 75-year-old Vasiliy Starovoitov, whom Amnesty International adopted as a prisoner of conscience. She is also currently the director of the Human Rights Center, which is a non-governmental association of lawyers, formed in 1998, who are engaged in the defence of civil rights. For her work Vera Stremkovskaya received a number of prestigious international human rights awards in 1999 including the International Human Rights Award given by the American Bar Association's Litigation Section and an award from the German Association of Judges *(Deutscher Richterbund)*.

For her human rights activities she has become an object of considerable state attention. Three different criminal cases have been brought against her since December 1998, of which all three have been dropped. Amnesty International believes that these criminal cases have been deliberately initiated by the Belarusian authorities in order to silence Vera Stremkovskaya and punish her for her opposition activities. All three cases have been formulated on the basis that she had defamed public officials. In her most recent case Vera Stremkovskaya was being charged under Article 128 (2) of the Belarusian Criminal Code for slandering a public official during the court hearing of Vasiliy Starovoitov in May 1999. The head of the team investigating the criminal case against Vasiliy Starovoitov claimed that Vera Stremkovskaya defamed him by asking the court what had happened to a number of her client's personal belongings which were confiscated during the search of the Starovoitov family home. Among the items missing were a gold necklace, a large number of military medals and 40 bottles of cognac. Vera Stremkovskaya believed that her question was legitimate, since she was representing the interests of client. If she had been found guilty of defamation she could have been sentenced up to five years in prison. Has she been convicted, Amnesty International would have considered her to be a prisoner of conscience.

Amnesty International learned that these charges against Vera Stremkovskaya, like all previous charges, were dropped at the end of December 1999. The organization is concerned that she continues to be targeted by the authorities purely on account of her human rights work. During a two-day human rights conference held in Minsk in March 2000 Vera Stremkovskaya informed the participants, who included a delegation from Amnesty International, that the authorities continue to tap her telephone and open her mail regularly. She also complained that the Collegium of Advocates has continued to exert pressure on her for alleged violations of regulations which govern the legal profession in Belarus. She reportedly

received her most recent reprimand on 6 March 2000 for alleged violations of professional ethics. Amnesty International has expressed concern on numerous occasions that this state-controlled body has attempted to disbar her and prevent her from practising as a lawyer.

In respect of the treatment of Vera Stremkovskaya it is relevant to note Article 16 of the UN Basic Principles on the Role of Lawyers, which states: "Governments shall ensure that lawyers (a) are able to perform all their professional functions without intimidation, hindrance, harassment or improper interference; (b) are able to travel and to consult with their clients freely both within their own country and abroad; and (c) shall not suffer, or be threatened with, prosecution or administrative, economic or other sanctions for any action taken in accordance with recognized professional duties, standards and ethics". In her case the basic principles that she should not be intimidated or harassed or be threatened with prosecution appear to have been violated. In the following case of the lawyer, Oleg Volchek, cruder methods appear to have been employed to intimidate him and punish him for his human rights activities.

The case of Oleg Volchek

Oleg Volchek is the chairman of the legal advice centre, Legal Assistance to the Population, which offers legal advice on a number of issues to people who are unable to hire the services of lawyers. People may come to and speak with a member of the centre and have access to a range of written documents informing them of their rights. The centre has offered legal advice to people who have been arrested and sometimes ill-treated by police officers during the course of the demonstrations which have been organized by the opposition. Due to the nature of the lawyers' work at the centre they have been evicted from their offices on several occasions. Oleg Volchek is also the chairman of the non-governmental committee which has demanded an independent investigation into the possible "disappearance" of Yury Zakharenko and has published material about the case. In July 1999 Oleg Volchek was charged under Article 201 (2) of the Belarusian Criminal Code with "malicious hooliganism" and, if convicted, faced several years in prison. The charges related to his participation in a peaceful protest organized by the opposition on 21 July, during which he was arrested and ill-treated by police officers. Amnesty International expressed concern that he had been deliberately targeted by the Belarusian authorities to punish him for working on Yury Zakharenko's behalf and his role in setting up the legal advice centre.

During the peaceful protests organized by the opposition on 21 July Oleg Volchek, as a prominent opposition figure, had taken part in the demonstration and delivered a speech to the other participants. A number of other leading opposition figures also delivered speeches, including Viktor Gonchar, who apparently "disappeared" in September 1999. After the meeting dispersed Oleg Volchek and his companions were arrested on Moskovskaya Street in Minsk and taken to the Moskovsky District Department of Internal Affairs, where Oleg Volchek was later

charged under Article 201 (2) of the Belarusian Criminal Code. Amnesty International learned that the charges against him were dropped in late November 1999.

Amnesty International also expressed concern about the alleged ill-treatment of Oleg Volchek by three police officers at the Moskovsky District Department of Internal Affairs. He alleges that he was repeatedly punched and kicked about the body and head. He has also stated that the police officers laughed while they punched and kicked him and afterwards they reportedly refused him access to a doctor. Oleg Volchek and his companions were not released until the next day. Although he has made a number of complaints to the authorities about his alleged ill-treatment the authorities have apparently failed to investigate his allegations. Under Article 13 of the United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, to which Belarus is a state party, the Belarusian authorities have an obligation to investigate allegations of ill-treatment. By failing to conduct an immediate and impartial investigation into Oleg Volchek's allegations of ill-treatment Amnesty International believes that the Belarusian authorities failed to fulfil their international obligations. In March 2000 Oleg Volchek informed a representative from Amnesty International that he thought it unlikely that he would receive any form of redress.

Amnesty International has learned that in recent months several human rights organizations in Minsk have encountered state actions which appear to have been aimed at disrupting their human rights activity. The Human Rights Committee had expressed concern about this practice in November 1997, stating: "the free functioning of non-governmental organizations is essential for protection of human rights and dissemination of information in regard to human rights among the people..."[10] The Minsk offices of the human rights organization *Spring-96* were raided on 4 October 1999 by police. Police officers confiscated computers, a printer and photocopier and copies of their human rights journal *Right to Freedom* on the pretext that the organization did not possess the necessary documentation to print on the premises. The police officers reportedly recorded the personal details of all the people in the offices at the time. On 18 November 1999 the chairman of *Spring-96*, Ales Byalatsky, was detained and kept in custody for one day after demanding from officials that the organization's confiscated equipment be returned.

The Belarusian Helsinki Committee was also subjected to continued harassment by the authorities. During a visit to their offices in Minsk in March 2000 Amnesty International was informed of the difficulties the Belarusian Helsinki Committee faced re-registering the organization after President Lukashenka implemented a presidential decree in 1999, which stated all non-governmental organizations, independent newspapers and political parties had to re-register with the authorities. The organization was successful only after considerable lobbying. In December 1999 the Belarusian Helsinki Committee was threatened with eviction

[10] UN Doc CCPR/C/79/Add. 86 (1997) - paragraph 19.

from its offices, which are owned by the Presidential Business Administration and were the only tenants to be asked to leave in the entire building where the offices are located. While the threat was not implemented the danger exists that the Belarusian authorities may attempt to remove the organization at a future date.

(6) Other Concerns of Amnesty International - Conscientious Objectors

During its review of Belarus' fourth periodic report in November 1997 the Human Rights Committee recommended: "...a law exempting conscientious objectors from compulsory military service and providing for alternative civil service of equivalent length be passed at an early date..."[11] Military service is compulsory for all males between the ages of 18 and 27. It lasts 18 months, except for university graduates, who serve 12 months. Military service can be postponed for social reasons, such as family matters, being the breadwinner of the family, having small children or for educational reasons, such as attending university. Educational reasons can only be used to postpone military service once. Should a young man want to enroll at another university or begin another period of study, he must do the compulsory military service first.

There is no alternative service at present for conscientious objectors to military service. According to reports, the Ministry of Defence was inclined to broaden the concept of military service to include a wide range of options for alternative service similar to the German model. However, no progress has been made towards this goal. In the absence of an alternative civilian service in Belarus young men who state their conscientious objection to military service continue to face prosecution by the military authorities, conviction on criminal charges for evading the service and imprisonment.

The case of Valentin Gulai

Amnesty International is concerned that there is no alternative civilian service available in Belarus to men liable for compulsory conscription who refuse to undertake military service for reasons of conscience. The recent case of 21-year-old Valentin Gulai from the south-eastern town of Rechitsa highlights the difficulties which conscientious objectors face if they refuse to perform military service. Amnesty International has been informed that as a practising Jehovah's Witness Valentin Gulai felt that serving in the Belarusian army would conflict with his conscientiously held beliefs. On 23 March 2000 Rechitsa regional court gave Valentin Gulai a suspended 18-month prison sentence for refusing to perform military service, made conditional on the basis that he spends the 18 months working on state construction projects. While Amnesty International welcomes the decision of the

[11] UN Doc CCPR/C/79/Add.86 (1997) - paragraph 16.

Belarusian authorities not to imprison Valentin Gulai, the organization fears that the absence of any alternative civilian service to compulsory military service in Belarus may in the future result in conscientious objectors being imprisoned for their conscientiously held beliefs. The state prosecutor in Valentin Gulai's case had reportedly made the recommendation to Rechitsa regional court that he be given a prison sentence of three years. Amnesty International is also concerned that conscientious objectors such as Valentin Gulai, even if they are not sentenced to terms in prison, may spend periods of time in pre-trial detention and may acquire a criminal record solely for their conscientious objection to performing military service.

Amnesty International is informed that Valentin Gulai made his conscientious objection known to the military authorities shortly after being called up to undertake military duties. He reportedly asked both the military authorities responsible for conscription in the town of Rechitsa and Gomel oblast and the local state prosecutor's office that he be allowed to undertake an alternative form of civilian service. The authorities reportedly rejected his request on the grounds that due to the absence of an alternative civilian service his claim could not be considered.

On 23 February 2000 Valentin Gulai was arrested in Rechitsa on the orders of the local state prosecutor's office after being called to an interview by an official investigating his case. Amnesty International has learned that Valentin Gulai had regularly reported to the relevant military authorities and had never attempted to unlawfully evade military service or go into hiding. Nevertheless, the authorities placed him in a pre-trial detention centre in the nearby town of Gomel until the start of his court hearing at Rechitsa regional court on 22 March. The court's decision to suspend a possible prison sentence on the condition Valentin Gulai works on state construction projects for a period of 18 months was taken the next day.

The right to conscientious objection to military service is a basic component of the right to freedom of thought, conscience and religion - as articulated in the Universal Declaration of Human Rights, the ICCPR and the European Convention for the Protection of Human Rights and Fundamental Freedoms. It has been recognized as such in resolutions and recommendations adopted by the UN Commission on Human Rights, the UN Human Rights Committee, the Committee of Ministers of the Council of Europe and the European Parliament. While Amnesty International recognizes that Belarus is not a state party to the European Convention for the Protection of Human Rights and Fundamental Freedoms or a member of the Council of Europe or represented in the European Parliament, it is a state party to the ICCPR and committed to the principles of the Universal Declaration of Human Rights, both of whose Articles 18 make explicit the notion of freedom of thought, conscience and religion. Amnesty International is concerned that, although the right to conscientious objection is supported by these articles, Belarus has not introduced the

relevant legal framework to provide for a genuine alternative civilian service of comparable length to military service.

Amnesty International recommends that, until an alternative civilian service is implemented, conscientious objectors, such as Valentin Gulai, should either be excluded from military service altogether or permitted to wait until an alternative service is in place. Amnesty International will adopt as a prisoner of conscience anyone who is imprisoned for refusing to perform military service on grounds of conscience, provided they have not had access to an alternative civil service that is not punitive in length and that is of purely civilian character and under civilian control.

Recommendations

Amnesty International is concerned that the overall human rights situation in Belarus appears to have deteriorated during the past year and the Belarusian authorities have become increasingly intolerant of criticism and dissent. The right to hold peaceful political beliefs and act upon those beliefs are enshrined in various international human rights standards, which Belarus is bound to observe and uphold. Yet it is with growing concern that Amnesty International has learned that the Belarusian authorities have repeatedly employed excessive force, mass detentions, imprisonment, harassment, intimidation and even possibly "disappearance" as methods to quash such rights and silence criticism and dissent in Belarusian society. The independence of the judiciary has also increasingly been called into question, both domestically and internationally, and this failing has been aptly illustrated in the course of a number of highly politicized trials of former members of the dissolved parliament, the 13th Supreme Soviet. In these circumstances it has become increasingly difficult to obtain judicial redress through the courts in instances where an individual's basic human rights have been violated by the Belarusian authorities.

In the course of the next two years Belarus will come before the UN Committee against Torture and the Human Rights Committee as part of its four-yearly periodic reviews by these international bodies. Unless the Belarusian authorities take immediate steps to end impunity and the intolerance of dissent and criticism Belarus is likely to be heavily criticized for violations of fundamental human rights in the international sphere. In order to avoid such an indictment Amnesty International recommends that the Belarusian authorities as a matter of priority reassert their commitment to fulfilling their obligations under (a) the **Convention against Torture** by:

- ensuring that no one is subjected to torture or to cruel, inhuman or degrading treatment or punishment;
- initiating prompt, impartial and thorough investigations of all complaints of torture and ill-treatment of detainees, as well as when there are reasonable grounds to believe that torture or ill-treatment has occurred, even if no complaint has been made;

- introducing legislative and procedural measures to ensure that investigations are prompt, impartial and thorough;
- bringing those suspected of being responsible for torture or ill-treatment of detainees to justice in the course of fair proceedings;
- ensuring that information regarding the absolute prohibition of torture and ill-treatment is fully included in the training of law enforcement personnel and other persons who may be involved in the custody, interrogation and treatment of any individual subjected to any form of arrest, detention or imprisonment;
- informing all people deprived of their liberty of their rights, including the right to complain to the authorities against ill-treatment;
- ensuring that all people under arrest are informed promptly of the charge or charges against them in a language they understand, and that they are allowed access to a lawyer of their choice from the outset of their detention and during interrogation;
- ensuring that all detainees are allowed access to a medical practitioner of their choice;

and (b) under the ICCPR by:

- ensuring that everyone has the right to hold opinions without interference;
- ensuring that everyone has the right to freedom of expression, including the freedom to seek, receive and impart information of all kinds;
- ensuring that everyone has the right to liberty and security of person and no one is subjected to arbitrary arrest or detention;
- conducting an impartial and thorough investigation into all possible "disappearances";
- ensuring all prisoners of conscience are unconditionally released and all political prisoners receive a fair trial;
- ensuring observation of the right to freedom of peaceful assembly and freedom of association;
- ensuring that anyone who has been the victim of unlawful arrest, detention or police ill-treatment shall have an enforceable right to compensation;
- ensuring that everyone has the right to freedom of thought, conscience and religion;
- introducing an alternative civilian service of non-punitive length for conscientious objectors who base their objection on profound conviction arising from religious, ethical, moral, humanitarian, philosophical or similar motives and by ensuring that no one is imprisoned for refusing on these grounds to undertake military service;
- ensuring that anyone arrested or detained on a criminal charge is brought before a judge or other officer authorized by law to exercise judicial power and shall be entitled to a trial within a reasonable time or to release and that it should not be the general rule that persons awaiting trial shall be detained in custody;
- ensuring that everyone is entitled to a fair and public hearing by a competent, independent and impartial tribunal established by law.