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Trodden Underfoot: Peaceful Protest in Belarus

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SUMMARY

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In 2002 so far more than 200 people have been detained and at least 51 people imprisoned in Belarus for exercising their rights to peaceful assembly and freedom of expression. Amnesty International has documented six different occasions in the first four months of 2002 in which people have been deprived of their liberty as a result of peacefully expressing their concerns and frustrations on the country's squares and streets relating to their government, particularly its poor human rights record. Amnesty International considered them to be prisoners of conscience and called for their immediate and unconditional release.

This short report gives an overview of the various waves of detention in 2002 so far, which Amnesty International believes constitute a deliberate government campaign to silence and punish individuals who publicly show dissent on a collective basis in the country. While a significant numbers of detainees have been sentenced to periods of imprisonment between three and 15 days, others have been handed down fines amounting to the equivalent of several hundreds of US dollars or officially warned by the courts. In some instances, peaceful protestors alleged that police officers ill-treated them or used excessive force against them while taking them into custody. The frequency and scale with which people have been deprived of their liberty gives little reason to believe that Belarus is seriously taking steps to address widely held concerns about its overall human rights record.

KEYWORDS: FREEDOM OF EXPRESSION / FREEDOM OF ASSOCIATION / IMPUNITY / PRISONERS OF CONSCIENCE / USE OF EXCESSIVE FORCE / POLICE / ARBITRARY ARREST / DEMONSTRATIONS / PRISON CONDITIONS /

This report summarizes a 12-page document: Trodden Underfoot: Peaceful Protest in Belarus (AI Index: EUR 49/008/2002) issued by Amnesty International in May 2002. 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.web.amnesty.org/web/news.nsf/thisweek?openview>

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Trodden Underfoot: Peaceful Protest in Belarus



A young ZUBR activist detained in a police vehicle after the Freedom Day protest march, Minsk, 24 March 2002 (c) IREX/ProMedia.

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

Trodden Underfoot: Peaceful Protest in Belarus

The large-scale detention and subsequent imprisonment of peaceful demonstrators in Minsk on 19 April 2002 further tarnished Belarus' poor track record of tolerating peaceful protest. The incident sent a clear signal to human rights monitors in Belarus and abroad that President Alyaksandr Lukashenka's government is becoming increasingly intolerant of citizens who hold opposing opinions to those of the incumbent administration. Amnesty International remains extremely concerned that this most recent round of arrests is only one of a series of incidents in the first few months of 2002, during which individuals have been deprived of their liberty purely for exercising their rights to peaceful assembly and freedom of expression. In the past few weeks alone, Amnesty International has documented four separate occasions in which people, who peacefully vented their concerns and frustrations relating to their government on the country's public squares and streets, subsequently served prison sentences of between 10 to 15 days. A number of the individuals, who were imprisoned in the first four months of 2002, later spoke out about the poor material conditions of their detention. In other instances, when peaceful protestors escaped imprisonment, they did so with fines amounting to the equivalent of several hundreds of US dollars, which many could ill afford to pay. Other detainees received official court warnings. The only exception to this apparent trend of detaining protestors was the Chernobyl Shlyach 2002 demonstration in Minsk on 26 April 2002, organized to mark the 16th anniversary of the explosion of the Chernobyl nuclear reactor in 1986, during which no detentions were reported.

A large number of the protest actions documented in this report were unsanctioned, although always peaceful, due to the refusal of the Belarusian authorities to allow meaningful displays of public discontent to take place, particularly in centrally located urban areas. In a country where the government has a virtual monopoly over the printed and electronic news media there have been few other alternatives for people to voice their disquiet, particularly with the government's track record relating to human rights and fundamental freedoms. This short report gives an overview of the various waves of detention in 2002 so far, which Amnesty International believes constitute a deliberate government campaign to silence and punish individuals who publicly show dissent on a collective basis in the country.

Background

While events in recent weeks may have dealt Belarus' reputation of tolerating dissent a further blow, these waves of detentions have only been part of a continuing pattern of abuse of the rights to freedom of expression and peaceful assembly by the Belarusian authorities. This history of abuse has certainly not escaped the attention of domestic as well as international human rights monitors. In November 2000 the United Nations (UN)

Committee against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Committee against Torture) expressed concern about "... the deterioration of the human rights situation in Belarus ... including persistent abrogations of the right to freedom of expression, such as limitations of the independence of the press, and of the right to peaceful assembly".¹ Similar sentiments were expressed several years previously by another UN treaty body, the Human Rights Committee, which stated in late 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 ... 1992. The Committee notes in particular the persistence of political attitudes that are intolerant of dissent and criticism and adverse to the promotion and full protection of human rights".²



Figure 1 Policing a peaceful anti-government demonstration in Minsk, 21 July 1999, during which more than 50 demonstrators were detained
(c) IREX/ProMedia.

There appears to have been little change in the political attitudes of the Belarusian authorities, referred to by the Human Rights Committee above. The recent report by the International Limited Election Observation Mission³ of the September 2001 presidential elections reinforced much of what has been said by the Committee against Torture and the Human Rights Committee. The report described the various violations of fundamental

¹ UN Doc. CAT/C/XXV/Concl.2/Rev.1, 20 November 2000 – paragraph 6(a).

² UN Doc. CCPR/C/79/Ass.86, 19 November 1997 – paragraph 7.

³ The International Limited Election Observation Mission comprises the Organization for Security and Cooperation in Europe's Office for Democratic Institutions and Human Rights (OSCE/ODHIR) and the Parliamentary Troika of the OSCE Parliamentary Assembly (OSCE/PA), the Parliamentary Assembly of the Council of Europe and the European Parliament.

freedoms prior to the 9 September election in the following terms: "The pre-election period was marked by a high level of harassment directed against political opponents, domestic monitoring groups, the independent press, youth groups, trade unions, election campaigns organizations and activists. During the campaign period, the LEOM⁴ recorded a surge in allegations involving: acts of intimidation, arbitrary arrests and detentions, and confiscations/seizures of office equipment. The LEOM documented some 100 such cases from around the country involving the freedoms of association, assembly and expression."⁵

The refusal of the Belarusian authorities to allow people to exercise their rights to freedom of assembly and expression is plainly in violation of their obligations under international law. While Article 19 of the International Covenant on Civil and Political Rights (ICCPR) guarantees the right of peaceful expression⁶, Article 21 of the ICCPR guarantees the right of peaceful assembly.⁷ Amnesty International considers that the detention of people solely as a consequence of the peaceful exercise of their fundamental rights to freedom of expression and assembly is arbitrary detention and violates these rights set out in the ICCPR, which the Belarusian government is bound under international law to respect. The organization will consider anyone detained solely for their peaceful protests and non-violent political beliefs to be prisoners of conscience and will call for their immediate and unconditional release. Throughout this report there are numerous people whom the organization considered to be prisoners of conscience.

⁴ Limited Election Observation Mission.

⁵ See Republic of Belarus Presidential Election 9 September 2001 OSCE/ODIHR Limited Election Observation Mission Final Report, 4 October 2001 – page 11.

⁶ Article 19 of the ICCPR states: "(1). Everyone shall have the right to hold opinions without interference. (2). Everyone shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice."

⁷ Article 21 of the ICCPR states: "The right of peaceful assembly shall be recognized. No restrictions may be placed on the exercise of this right other than those imposed in conformity with the law and which are necessary in a democratic society in the interests of national security or public safety, public order (ordre public), the protection of public health or morals or the protection of the rights and freedoms of others."

2002: A Bad Year for Peaceful Protest?

'We Can't Live Like This!' Protest March detentions

The year's largest number of detentions were reported on 19 April 2002 during the peaceful, but unsanctioned, 'We Can't Live Like This!' Protest March, which had been called by a number of Belarusian opposition figures to protest, among other things, against rapidly falling living standards, failed election promises and the country's poor human rights record. According to the Minister of the Interior, Vladimir Naumov, 85 people were detained on the day, while Belarus' opposition placed the true figure at around 100. According to the prominent Belarusian human rights organization *Spring-96*, 17 of the detainees were below the age of 18, all of whom were released on the same day. More than 40 detainees were reportedly held in detention until 22 April when city courts handed down prison sentences to the detainees and fined them the equivalent of between US\$ 100 to \$200. The scale of the detentions and the degrees of brutality reportedly used by police officers to disperse and detain the peaceful protestors resulted in a significant amount of adverse media coverage abroad. As a result of his negative coverage of the authorities' reaction to the demonstration, the Russian *NTV* television correspondent, Pavel Selin, later received an official warning from the Belarusian Ministry of Foreign Affairs, jeopardizing his accreditation.



Figure 2 Police forcefully breaking up a peaceful sit-down protest action, Minsk, 19 April 2002 (c) IREX/ProMedia.

Approximately 300-400 people assembled on Yakub Kolas Square in the capital, Minsk, and proceeded along the city's main central avenue, Skaryna Prospekt, where they were intercepted by several hundred police officers and officers from the special OMON police detachment. Various news reports stated that the officials began detaining the peaceful protestors after they refused to disperse. A group of young protestors, many of whom belong to the unregistered *ZUBR* pro-democracy and human rights youth movement, were targeted by the officials after they sat down on the road and linked arms. Police and OMON officers are reported to have repeatedly hit the young demonstrators with rubber batons and kicked them in order to unlink their arms and effect their arrest. The detentions of other peaceful protestors were also accompanied by allegations that police and OMON officers ill-treated their detainees, resulting in a number of injuries. Among those injured were the veteran human rights activist and journalist, 60-year-old Valery Schukin, who required hospital treatment after allegedly being punched in the face. Three other participants also reportedly suffered concussion after being beaten by police and OMON officers.

The first wave of prison sentences were handed down by Sovetsky, Tsentralny and Partizansky District Courts in Minsk on 22 April. According to the human rights initiative, *Charter-97*, the three courts passed sentence on 44 detained demonstrators, of whom 33 individuals received prison sentences of between three and 15 days. The remaining detainees received fines. Two of the four main organizers of the event, the *Charter-97* activist, Dmitry Bondarenko, and journalist, Nikolai Khalezin, were sentenced to 15 days' imprisonment by Sovetsky District Court under Article 167 (2) of the Code of Administrative Infringements for organizing an unsanctioned protest action. The same court also sentenced their fellow organizer, film-maker Yury Khashchevatsky, to 10 days' imprisonment. The remaining architect of the event, Valery Schukin, was sentenced by Partizansky District Court to 15 days' imprisonment, despite the injuries he sustained while being taken into custody. Valery Schukin has been detained and imprisoned numerous times in recent years for his human rights and pro-democracy activities (see AI Index: EUR 49/14/00). Amnesty International considered all four men to be prisoners of conscience.

Many of the detained protestors served their prison sentences at the Okrestina Special Detention and Distribution Centre in Minsk. Conditions at the Special Detention and Distribution Centre have been condemned in the past by other detainees (see AI Index: EUR 49/005/2001) and were the subject of an inquiry by the Special Rapporteur on Torture in September 2001, whose report stated: "[I]t is reported that there are mice in the cells and that inmates have to share a cup to drink water, a situation which is said to facilitate the spread of diseases. The lavatory pan, the washbasin and the drinking water tap are reportedly connected to form a single structure, and everyone using the lavatory has allegedly to do it in plain sight of other inmates. It is alleged that there is no toilet paper or soap and that the detainees are not allowed to use their own toiletries or to change clothes.

Parcels brought for inmates are reportedly accepted very rarely. According to the information received, cells are heavily overcrowded and without ventilation. It is also reported that detainees are not allowed to have television sets or radios, or to make phone calls, write, draw, read, play any kinds of games or study."⁸ Amnesty International considers that such conditions fall well below international minimum standards and amount to cruel, inhuman and degrading treatment.

Youth activists from the *ZUBR* human rights and pro-democracy movement featured heavily among the human rights defenders sentenced to periods of imprisonment on 22 April for their part in the unsanctioned Protest March. According to the organization, a total of 25 of its members received prison sentences, while three others received fines. One of the first detainees reported to be imprisoned on 22 April was the *ZUBR* youth



Figure 3 Valery Schukin in discussion with a police officer, Minsk, 19 April 2002 (c) IREX/ProMedia.

activist, 18-year-old Alyaksandra Andzhienskaya, who received a five-day prison sentence at Sovetsky District Court. The *ZUBR* press secretary, Alyaksandr Otroschenkova, was also sentenced to five days' imprisonment by Partizansky District Court. Activists belonging to the prominent human rights organization, *Spring-96*, also received prison sentences. Partizansky District Court sentenced the *Spring-96* human rights activist, Anatoly Askerka, to 10 days' imprisonment, while Tsentralny District Court sentenced the *Spring-96* human rights activists Oleg Zhlutko and Dmitry Borodko to four and five days' imprisonment. As prisoners of conscience respectively, Amnesty International called for their immediate and unconditional release.

⁸ UN Doc. E/CN.4/2002/76/Add.1, 14 March 2002 - paragraph 139.

The *Pagonia* Protest detentions in Grodno

Exactly two weeks prior to the 19 April 2002 arrests in Minsk Amnesty International adopted six journalists from the city of Grodno, located on the Polish-Belarusian border, as prisoners of conscience. On 5 April police detained 13 journalists for peacefully protesting against the impending trial of two of their colleagues from the independent newspaper, *Pagonia*, who are facing up to five years' imprisonment for allegedly slandering the Belarusian President, Alyaksandr Lukashenka (see AI Index: EUR 49/007/2002). According to the Belarusian radio broadcaster, *Radio Racyja*, the detained journalists included several *Pagonia* staff members, a small number of freelance journalists and journalists from the independent newspapers *Barcnews*, *Belarusky Chas*, *Birza Infarmacyji*, *Dien*, *Glos znad Niemna*, *Nasha Niva*, and *Navinki*. A journalist associated with *Radio Racyja* was also reportedly among the detainees.

The journalists, who were detained on the pretext that the picket had not been sanctioned by the city authorities, were later brought before Leninsky District Court, which sentenced six of them to periods of imprisonment of between three and 10 days. Among those deprived of their liberty were Stas Pachobyt and Andrey Pisalnik from the respective newspapers *Glos znad Niemna* and *Dien*, who received 10-day sentences of imprisonment; Andrey Meleshko of *Nasha Niva*, who was imprisoned for 8 days; the freelance journalist Alyaksandr Dvorestkov, who was sentenced to four days' imprisonment; and *Barcnews'* Dmitry Egorov and *Third Sector* magazine's Vitaut Rudnik, who received respective prison sentences of three days. Other journalists escaped imprisonment with fines and official warnings.

The peaceful protest action had been planned to protest against the trial of journalist Nikolai Markevich, editor of *Pagonia*, and his colleague, Pavel Mozheiko, which was due to commence on 9 April 2002. The two journalists had alleged President Alyaksandr Lukashenka's involvement in the "disappearances" of several leading opposition figures in a September 2001 edition of *Pagonia* and, in doing so, had echoed concerns shared by both domestic and international human rights monitors.

'Freedom Day' detentions

On 24 March 2002 between 50 and 60 people were detained in Minsk during the unsanctioned Freedom Day demonstration, marking yet another large-scale round of detentions. Five of the detainees were later sentenced to periods of imprisonment of between 10 and 15 days. On the same day a parallel protest action took place in Grodno, which reportedly resulted in around 24 people being detained by the police, three of whom

were subsequently imprisoned. The Freedom Day demonstrations, which were staged to coincide with the anniversary of the creation of the first Republic of Belarus in 1918 and to protest against President Alyaksandr Lukashenka, have in past years also resulted in large-scale detentions (see AI Index: EUR 49/14/00 and EUR 49/005/2001).

In Minsk police reportedly began to detain a column of peaceful protestors heading towards Yakub Kolas Square in the city centre shortly before 2pm on 24 March. Media reports stated that between 1500 and 2000 people took part in the demonstration. A number of people detained by police alleged that police officers used excessive amounts of force to effect their arrests, while a smaller number of protestors alleged that police officers deliberately ill-treated them by punching and kicking them. Among those detained were prominent members of Belarus' opposition, including the deputy of the dissolved Belarusian parliament, Ludmila Gryaznova, the Deputy Chairman of the Belarusian Popular Front, Vyacheslav Sivchik, leader of the Belarusian Popular Front's Youth Front, Pavel Severinets, the human rights activist and journalist, Valery Schukin, and Dmitry Bondarenko from the Belarusian human rights and pro-democracy initiative, *Charter-97*. The majority of the detainees were reportedly transported in police vehicles to the Tsentralny and Sovetsky Departments of Internal Affairs in the city. According to reports, approximately 25 of the 50 to 60 people detained were held overnight.



Figure 4 Demonstrator being detained by police officers, Minsk, 24 March 2002 (c) IREX/ProMedia.

In the days following the incident around 40 of the people detained during the demonstration were reportedly ordered to appear before the city's courts where they received fines or official court warnings. Five of these detainees were sentenced to periods of imprisonment for organizing and taking part in the unsanctioned action including Vyacheslav Sivchik and Pavel Severinets, who were sentenced to 15 days' imprisonment. The *ZUBR* youth movement member, Timofey Dranchuk, Youth Front member, Viktor Daskevich, and Viktor Kaveshnikov were all sentenced to 10 days' imprisonment.

In Grodno approximately 24 protestors were detained at the parallel protest, in which several hundred people reportedly took part. Three of the detainees were later imprisoned for 10 days for their participation in the demonstration. These included the leader of the Grodno branch of the Belarusian Popular Front, Sergey Malchik, and the Youth Front leader, Vadim Saranchoukov. On 8 April 2002 Grodno's Leninsky District also sentenced the 62-year-old academic and Deputy Chairman of the Belarusian Popular Front, Yury Khadyka, to ten days' imprisonment for his participation in the demonstration in Grodno. According to the Belarusian human rights organization, *Spring-96*, Yury Khadyka was ordered to come before Leninsky District Court immediately after returning from Prague on 8 April, where he had given a series of lectures at Charles University.

The Constitution Day imprisonment of the Social Democratic Party leader, Nikolai Statkevich

On the evening of 15 March 2002 the leader of the Social Democratic Party, Nikolai Statkevich, was detained by police officers for his role in organizing an unsanctioned demonstration in Minsk earlier in the day. The protest action was staged on Yakub Kolas Square in the centre of the capital, Minsk, in order to mark the adoption of the Belarusian Constitution on 15 March 1994. According to news reports, a large police presence prevented the 500



Figure 5 Social Democratic Party leader Nikolai Statkevich before his arrest, Minsk, 15 March 2002 (c) IREX/ProMedia.

participants, who had assembled on Yakub Kolas Square, from taking their peaceful protest elsewhere in the city. Police officers are reported to have visited the officers of the Social Democratic Party late in the evening on 15 March and ordered Nikolai Statkevich to accompany them to the Sovetsky Department of Internal Affairs, where he was officially charged under Article 167 (3) of the Code of Administrative Infringements for organizing an unsanctioned protest action. He was held until 18 March at the Okrestina police detention centre in Minsk when the Sovetsky District Court in Minsk sentenced him to 10 days' imprisonment.

Nikolai Statkevich, like several other political opposition figures in Belarus, has served numerous sentences of imprisonment for his peaceful opposition activities, and for which Amnesty International has repeatedly adopted him as a prisoner of conscience.

Valentine's Day detentions



Figure 6 Young man being dragged onto a police bus during the Valentine's Day demonstration, Minsk, 14 February 2002 (c) IREX/ProMedia.

Valentine's Day 2002⁹ was marked by the detention of around 30 youth protestors being taken into detention in Minsk after they staged an unsanctioned, but peaceful, anti-government protest action in Minsk. Around 100 young people, many of them minors, reportedly took part in the annual event, marching from Yakub Kolas Square along the city's main thoroughfare, Skaryna Prospekt. The protest action was reportedly stopped when a large cordon of police officers prevented the march from proceeding back to Yakub Kolas Square and began detaining people. According to news reports, approximately 30 young protestors were detained, of whom 16 were minors. While nearly all of the under-age demonstrators were released shortly after being taken to various police stations, a number of the other young protestors were reportedly held overnight by the police, a minority of whom alleged that they were ill-treated by police officers. According to the Belarusian human rights organization,

Spring-96, the detainee, Dmitry Dashkevich, stated that an officer at the Sovetsky Department of Internal Affairs handcuffed him to a radiator and proceeded to hit him in the face and stamp on his feet. Dmitry Dashkevich was also said to have been verbally abused and threatened by the officer. The same police officer also allegedly repeatedly hit Dmitry Dashkevich's friend, Stas Ivashkevich, in the face.

⁹ 14 February 2002.

In the days following the incident a number of the detainees received official court warnings or fines. The leader of the youth wing of the Belarusian Popular Front, Pavel Severinets received the highest fine, the equivalent of US\$1800, while other detainees received fines in the region of US\$125 to \$250. However, on 20 February 2002 the Sovetsky District Court sentenced one protestor, 18-year-old Vasily Parfiankov, to 10 days' imprisonment under Article 167 (1) of the Code of Administrative Infringements for having participated in two unsanctioned protest actions in the course of one year. Amnesty International considered him to be a prisoner of conscience.

International Human Rights Day detentions

Barely one week into 2002 Leninsky District Court in the city of Brest, located on the Polish-Belarusian border, sentenced two human rights activists to 15 days' imprisonment. On 5 January 2002 the court sentenced the *Spring-96* human rights activists, Vladimir Maley, and the United Civic Party member, Gennady Samoilenko, for their participation in an unsanctioned protest action on 9 December 2001 to mark International Human Rights Day. Amnesty International considered the two men to be prisoners of conscience. According to *Spring-96*, around 30 people took part in the action, of whom 12 were detained. Although all of the detainees were released later the same day, nine of them were subsequently ordered by Leninsky District Court to pay fines reported to be in the region of approximately US\$125. On 10 December 2000 the same event had also been marred by the detention of human rights activists commemorating International Human Rights Day (see AI Index: EUR 49/005/2001).

Conclusion

From this report the disturbing pattern of the Belarusian authorities to use repressive measures to stifle peaceful protests against its failure to ensure that human rights and fundamental freedoms are respected is self-evident. In the course of the 6 protest actions, documented in the report, more than 200 people were detained and at least 51 were sentenced to periods of imprisonment of between three and 15 days. Numerous other detainees were fined or given official warnings by courts, whose independence has repeatedly been called into question.¹⁰ In some instances detainees complained that police officers used excessive force or ill-treated them while taking them into detention. The frequency and scale with which people have been deprived of their liberty gives little reason

¹⁰ See the report of the Special Rapporteur on the independence of judges and lawyers' visit to Belarus in June 2000 UN Doc. E/CN.4/2001/65/Add.1, 8 February 2001.

to believe that Belarus is seriously taking steps to address widely held concerns about its overall human rights record.

In August 2001 Amnesty International published the report, *In the Spotlight of the State: Human Rights Defenders in Belarus* (AI Index: EUR 49/005/2001), which focussed on the difficulties faced by individuals in Belarus who seek to promote and defend human rights. Among these difficulties were violations of the rights to be free from arbitrary arrest and detention and ill-treatment. Disturbingly, a number of the human rights defenders, who were featured in the 2001 report, are also included in this report, along with many other colleagues, suggesting that the situation for people who promote and defend human rights in the country remains precarious.