

Flygtningenævnets baggrundsmateriale

Bilagsnr.:	117
Land:	Belarus (Hviderusland)
Kilde:	Amnesty International
Titel:	Security, peace and order? Violations in the wake of elections in Belarus.
Udgivet:	2. februar 2011
Optaget på baggrundsmaterialet:	15. august 2011

“SECURITY, PEACE AND ORDER”?

**VIOLATIONS IN THE WAKE
OF ELECTIONS IN BELARUS**

**AMNESTY
INTERNATIONAL**



Amnesty International Publications

First published in [YYYY] by
Amnesty International Publications
International Secretariat
Peter Benenson House
1 Easton Street
London WC1X 0DW
United Kingdom
www.amnesty.org

© Amnesty International Publications [YYYY]

Index: [Index Number]
Original Language: English
Printed by Amnesty International, International Secretariat, United Kingdom

[ISBN:]
[ISSN:]

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INTRODUCTION

*"That's enough of that. There won't be any more silly democracy, muddle-headed democracy in the country."
President Lukashenka, speaking to journalists on 20 December 2010*

On 20 December it was announced that President Alyaksandr Lukashenka had been re-elected for his fourth term of office as President of Belarus by 79.7 percent of the votes. Despite some improvements in the way the electoral campaigning had been conducted during the 2010 presidential elections - greater access to the media was given to opposition candidates - the Organization for Security and Cooperation in Europe (OSCE) observer mission found that the elections fell short of OSCE commitments. In particular “the vote count (was assessed) as bad and very bad in almost half of all observed polling stations.”¹ The elections have been followed by a comprehensive clamp down on the opposition. Hundreds of protesters were detained and many beaten by riot police during the violent dispersal of a demonstration on election night. Searches, interrogations and detentions of opposition activists and human rights defenders have continued since, under the pretext of a criminal investigation.

During a press conference following the announcement of his re-election, Alyaksandr Lukashenka claimed that he had thwarted attempts by the opposition to stage a revolution and stated that “the main task of a president is to ensure the security of people, peace and order in the country.” Amnesty International believes that there can be no security without human rights. Events since the elections have highlighted that the people of Belarus are exposed to the risk of arbitrary detention, ill-treatment at the hands of law-enforcement officers, and violations of their rights to freedom of expression, assembly and association. Amnesty International calls on President Lukashenka to guarantee the human rights of all people on the territory of Belarus. This briefing summarizes the main human rights violations that Amnesty International has documented since the elections on 19 December in Belarus.

THE DEMONSTRATION

In the run up to the elections, as fears mounted that they would not be conducted fairly, many of the opposition candidates called on their supporters to gather in October Square in the centre of Minsk at 8pm after voting stations closed on 19 December. Up to 30,000 demonstrators gathered in October Square and then marched peacefully and good naturedly down the main street to Government House, the seat of parliament and of the Central Election Commission, unhindered by law enforcement officers, who stopped traffic to allow the demonstrators to pass. At around 9pm, the crowd gathered outside Government House and opposition leaders gave speeches from the Lenin statue at some distance from the building. The crowd were standing with their backs to Government House listening peacefully to speeches by the opposition leaders.

At around 10pm, a group of about 20 masked young men standing by the doors of Government House, armed with batons, called on the crowd to storm the building and started to break windows. Most eyewitnesses that Amnesty International spoke to said that it was hard to understand what was taking place at the back of the crowd, nearest to these events. Eyewitnesses who were close to the building said that they did not recognize any of the people engaged in breaking down the doors. It was some time before the news of what was happening travelled to the front of the crowd and reached the speakers. Eye witnesses report that law enforcement officers stood by and allowed the men to continue breaking the doors and windows for some minutes without attempting to stop them. Shortly after the attempt to break into Government House, riot police moved in and cleared the demonstrators from the square, encountering virtually no resistance. The process of clearing the square took about 20 minutes. Video footage of the events shows that most demonstrators simply fled the square. Nonetheless, over 700 people, most of them peaceful participants and bystanders,

were detained. Most of them were charged with the administrative offence of violating the regulations for public gatherings and were sentenced to 10 – 15 days’ imprisonment. However, to date 37 people including six of the seven opposition presidential candidates, many leading journalists and opposition activists have been charged with the criminal offence of “organizing mass disorder” and could face up to 15 years in prison.



Demonstrators make their way down the main street towards Government Building © Leonid Varlamov

FREEDOM OF ASSEMBLY

“When we were being beaten there were no shovels, no axes or grenades [being used by the protesters] like they showed on television afterwards. There was just blood. Snow and blood.”

Oleg Volchek, Centre for legal support to the population

Despite the constitutional guarantee of “the freedom to hold assemblies, rallies, street marches, demonstrations and pickets that do not disturb law and order or violate the rights of other citizens of the Republic of Belarus”, Amnesty International has repeatedly documented violations of the right to freedom of assembly in Belarus. The Law on Mass events, which came into force in August 2003 is extremely restrictive, requiring organizers of demonstrations and events to apply for permission at least 15 days before the event and banning all demonstrations less than 50m away from government buildings, including schools, hospitals, courts or buildings relating to public utilities, effectively making it impossible to hold any demonstrations in the centre of any major cities. Applications are routinely turned down and peaceful demonstrators who fail to comply with the law are frequently detained for short periods, prosecuted under the Administrative Code or subjected to disproportionate use of force by police officers and riot police.

Amnesty International believes that the organizers of the demonstration on 19 December were acting in accordance with their right to freedom of assembly, and did everything in their power to avert any problems. The opposition leaders did not apply for permission to hold the demonstration on 19 December knowing already that such permission was impossible under the restrictive legislation, but they did ask for a meeting with the Minister of Internal Affairs and the State Security Committee (KGB) to discuss the planned demonstration. On 17 December the Chair of the KGB told the press that leaders of the opposition had asked for a meeting to discuss the safety of the demonstrators, but “law enforcement officers cannot discuss such matters as the calls (for a demonstration) are illegal”.²

As outlined above, the demonstration was peaceful except for a small group of men at the back of the crowd who tried to break into Government Building. Eye witnesses have reported to Amnesty International that apart from the small group of men at the back of the crowd they did not see anybody carrying weapons or offensive articles of any kind. However, films shown on state television have shown scenes of the square after the demonstration littered with sticks, shovels and axes. Eyewitnesses claim that these items were deliberately planted by the security forces in order to incriminate the demonstrators.



Unknown men attempt to break into Government Building © Leonid Varlamov

ARBITRARY DETENTION

On the night of 19 December over 700 people were detained and charged with the administrative offence of violating the rules of organizing and holding mass events. According to a survey of released detainees carried out by the NGO, Human Rights Centre Viasna, the detainees were taken to court to be sentenced to administrative detention in large groups. The hearings were held in expedited proceedings frequently without legal representation and without any analysis of the defendants' role in the demonstration. The detainees reported that they had no opportunity to establish their innocence and that witnesses for the defence were not called. Some people reported that the hearing lasted as little as five minutes. In many cases detainees who requested lawyers were not granted access to pro bono lawyers and some detainees reported that they were not allowed to see a lawyer hired by their families.

According to the survey carried out by Viasna, the detainees spent up to three hours in police vans after being apprehended, in extremely overcrowded conditions. Detainees reported that there were up to 70 people in vans intended for 30 people – and they were not given water or access to toilets. Once in the police stations they spent two to three hours standing with their faces to the wall before being allowed to sit on the floor. Some reported being kicked by passing police officers as they sat there. The detainees were only fed after 30 hours of being in detention. Relatives were not informed of their detention.

Amnesty International believes that the vast majority of those held were arbitrarily detained for participating in a mainly peaceful demonstration to express legitimate concerns about the vote count.



Law enforcement officers forming a corridor and beating demonstrators as they pass through to the police van @ Leonid Varlamov

DISPROPORTIONATE USE OF FORCE

The UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials state that law enforcement officers “in carrying out their duty, shall, as far as possible, apply non-violent means before resorting to the use of force and firearms. They may use force and firearms only if other means remain ineffective or without any promise of achieving the intended result.” The Law on Internal Troops of the Ministry of Internal Affairs states that internal troops may use force only when unavoidable to stop mass disorder and destruction of property and to arrest suspects who resist the police. They must take all possible measures to ensure the safety of citizens and “to cause as little damage to their health, honour, dignity and property as necessary.” The law also allows internal troops to use force “in other circumstances determined by the President”.

The law enforcement officers who dispersed the demonstration on 19 December were made up of special forces (OMON), police including police cadets, and emergency service troops (солдаты срочной службы) many of whom were doing their national service. As these forces moved in to disperse the protestors, there are reports that many people were beaten or pushed to the ground by officers. There are no independent reports that demonstrators used force against law enforcement officers, and once they moved in law enforcement officers were able to clear the square in about 20 minutes, which suggests that there was very little resistance. Eye witnesses described how people who showed no resistance to law enforcement officers, and passersby were beaten with batons. Photographic evidence supports the claim of one eyewitness that law enforcement officers formed a corridor leading to one of the police vans and beat demonstrators as they were forced to walk down the corridor.

“In my thirteen years as a human rights defender in Belarus I have never seen such beatings.”

Oleg Volchek, of the NGO Legal Assistance to the Population

There are no figures available for the number of people who were wounded during the dispersal of the demonstration, but Amnesty International has come across many such cases.

MAJA ABRAMCHIK

“I do not understand why, or for what we were beaten.”



Maja Abramchik in hospital on 22 December 2010 © Aliaksandr Piletski

Maja Abramchik, a 21 year-old student, told Amnesty International that she had not been present during the demonstration. However, at about midnight she and her friends decided to go and see what was happening. They were passing near the Independence Square, which was cordoned off by the police and a few people were walking outside the cordon. Suddenly Maja and her friends found themselves surrounded and confronted by three law enforcement officers who looked very angry. One of them said: “Now we are going to show you what you have come to see” and started beating one of Maja’s friends with a baton while shouting “Go to the police van!”. When Maja asked the police officer to stop beating her friend, one of them turned his baton on her. She fell and was unable to get up. When the officer ordered her to stand up and go to the police van she was carried there by her friends. Despite asking for medical help, Maja spent the next two and a half hours in the police van being driven from one detention centre to another. The police were looking for a place in one of the detention centres but they were already full of demonstrators who had been detained earlier. Eventually, an ambulance was called, and Maja was taken to the hospital. She had a crushed tibia and was operated on the following day. She spent eight days in the hospital and was discharged on 27 December. She was not charged with any offence. Her parents complained to the Prosecutor General, but no official reply had been received by the end of January.

Uladzimir Nyaklyayeu, one of the opposition candidates and a well known poet, received head injuries when he was beaten by riot police as he was making his way towards the demonstration on 19 December. He was taken to hospital where he was admitted into intensive care. Later that night, unidentified men in plain clothes reportedly removed him from intensive care by dragging him away on a blanket. His wife screamed for help, but was locked into an adjacent room in the hospital. He was taken into police detention.

From the information available to Amnesty International it seems that riot police used force indiscriminately against unarmed peaceful demonstrators and even passersby in violation of international standards and Belarusian legislation. There must be a thorough, prompt and independent investigation into the actions of law enforcement officers during and following the demonstration on 19 December and all those reasonably suspected of using

disproportionate force should be brought to justice. Those who were ill-treated or arbitrarily detained for their peaceful participation in the demonstration should be compensated.

FREEDOM OF EXPRESSION

Article 33 of the Constitution of Belarus guarantees everyone “the right to freedom of thought, belief and their free expression”. Belarus is also a state party of the International Covenant on Civil and Political Rights and has the obligation to guarantee everyone the right to hold opinions without interference. Amnesty International and other organizations have repeatedly documented violations of the right to freedom of expression over the past decade. In the period since the election violations of the right to freedom of expression have been even more blatant. Opposition activists and journalists have been detained and charged with trumped up criminal offences, and independent media outlets, journalists and human rights organizations have been subjected to searches and interrogations in what appears to be a coordinated attempt to silence them in violation of their right to freedom of expression.

Following the violent dispersal of the demonstration in Minsk on 19 December, the authorities opened a criminal investigation under Article 293 of the Criminal Code which punishes ‘organizing or participating in mass disorder accompanied by violent attacks and armed resistance’ and carries a maximum sentence of 15 years. . A large number of people have been detained, searched and interrogated throughout the country, and to date 37 people, most of them opposition activists and independent journalists, have been charged under this article . All seven opposition presidential candidates are being investigated and six of them have been charged so far.

The right to freedom of expression may be subject to restriction for the protection of national security and public order,³ but Amnesty International has found no evidence that the opposition presidential candidates, and many of the others who have been charged, either resorted to or incited the use of violence before or during the demonstration. Most of the politicians were standing at some distance from the group that were smashing the doors and windows of the parliament building. One eyewitness reported that one of the detained presidential candidates, Mykalau Statkevich, who was speaking at the time, called on the crowd to stop breaking down the doors of the parliament building. Video footage shows presidential candidate, Vital Rymasheusky, apparently attempting to stop the men from causing damage to the building.

Amnesty International believes that many of those charged have been targeted for peacefully exercising their right to freedom of expression. By 31 January, Amnesty International was able to gather information on 16 of the people who were in detention at that time and confirm that they had not incited violence or taken part in any violence. The organization considers them to be prisoners of conscience and is calling on the authorities to immediately and unconditionally release them. There are probably many more who took no part in the violence and who have been charged for the peaceful expression of their views and as information becomes available Amnesty International will also call for their release as prisoners of conscience.

Additionally, Amnesty International notes that the burden of proof lies with the authorities and calls on the authorities to provide proof of instigation or of incitement to violence for all those who are currently charged with “organizing mass disorder”. The authorities must ensure that all those charged are given fair trials in accordance with Belarus’ international human rights obligations.

ANDREI SANNIKAU

Andrei Sannikau was a career diplomat who reached the rank of Deputy Minister of Foreign Affairs before resigning in 1996 as a statement of protest against the referendum held that year to strengthen the power of the president. In 1997 Andrei Sannikau was among the founders of the Charter97 citizens’ movement which founded an opposition

news website. In 2010 he announced his intention to run in the presidential elections. He was on the square on 19 December and was injured when police broke up the demonstration. According to eyewitnesses, he was assaulted by police who pinned him down with a riot shield and repeatedly jumped onto it, severely injuring his legs. With the help of friends and his wife he was able to flee and was being driven to hospital, when the car was stopped by police and Andrei Sannikau was reportedly dragged out of the car and arrested. His wife, the independent journalist Iryna Khalip, who was travelling in the car with him, was punched in the face and arrested. She was speaking to the Russian Radio station Ekho Moskvyy as they were stopped by police and described what was happening live on air.



Andrei Sannikau lying injured before the attempt to drive him to hospital ©Charter 97

Both Andrei Sannikau and his wife Iryna Khalip were detained. Their son, Danil Sannikau, who is three years old has been left in the care of his grandparents. On 27 December employees of the child welfare services visited Danil at his day care centre and informed his grandmother (who had been warned about the visit) that she would need to go through procedures to establish her custody over the child. This included a rigorous health examination which she feared she would not pass. The KGB had reportedly notified the child welfare services on 23 December to take action concerning the custody of Danil Sannikau. On 19 January 2011 the child welfare services announced that Danil would stay with his grandmother. Iryna Khalip was released under house arrest on 29 January.

Andrei Sannikau's sister, Irina Bogdanova, told Amnesty International: “ Most of the information we are getting from the news. In what condition they are held there we don't know, how badly my brother is beaten up, we don't know, whether they are getting any medical care or not, we don't know.

SAFEGUARDS FOR DETAINEES

Amnesty International is concerned that those detained for “organizing mass disorder” are reportedly being denied basic safeguards for detainees required by international human rights standards.

CONTACT WITH FAMILY

The UN Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment (Body of Principles) requires that detainees should have the right to be visited by and to correspond with family members subject to reasonable restrictions. At the time of writing the detainees had had no opportunity to see family members for over a month. Families of the detainees only started to receive postcards and letters at the beginning of January and they reported that the letters were not in the accustomed style of their relatives and all gave positive reports of the food, their health and conditions.

ACCESS TO LAWYERS

Access to a lawyer is one of the most important rights granted to detainees and it is a vital safeguard against torture and ill-treatment. All detainees must be granted unimpeded and confidential access to their lawyer and be given the opportunity to make adequate

preparations for their defence. The right to unimpeded communication with a lawyer is laid down in Article 49 of the Belarusian Criminal Procedural Code, as well as being a key principle of international law which Belarus has agreed to be bound by.

Those who have been charged under Article 293 of the Criminal Code have had extremely limited access to their lawyers. All those currently detained have instructed their own lawyers, but none of the detainees have been able to see their lawyers in private. Some lawyers reported that they were being obstructed from seeing their clients. Tamara Sidorenko, the lawyer of Uladzimir Nyaklyayeu saw her client twice only while he was in detention. She reported that lawyers are required to wait in line outside the KGB detention centre where all the detainees are held and they are often told that no meetings rooms are available. When they do get to see their clients they cannot see them privately, but only in the presence of KGB officers.

ACCESS TO MEDICAL CARE

The UN Body of Principles requires that detainees should be provided with free medical care whenever necessary. Several of the detainees have serious health concerns, yet because of the fact that they have been cut off from all contact with the outside world, there is no information on whether they are receiving adequate medical care or not.

Andrei Sannikau was badly beaten before being taken into detention and when his lawyer saw him on 20 December he reported that he was unable to stand and could barely move. The lawyer described his condition as "horrendous", and raised the concern that he had been further ill-treated in detention. Uladzimir Nyaklyayeu was severely beaten when he was detained. He has a pre-existing problem with high blood pressure and has previously suffered a stroke. When his lawyer saw him on 29 December he was so ill he was incapable of speaking and she feared for his well-being. Amnesty International has no information that he had been transferred to hospital.

Amnesty International urges the authorities to ensure that all detainees are given regular and confidential access to their lawyers, that they are provided with necessary medical care and that they can correspond with their families.

FAIR TRIAL CONCERNS

Amnesty International has repeatedly expressed concern about unfair trials in Belarus. President Lukashenka personally appoints half of the judges of the constitutional court and he appoints and dismisses all judges of the lower courts. In his February 2001 report, the Special Rapporteur on the Independence of Judges and Lawyers concluded that the rule of law was thwarted in Belarus. He pointed out that "the placing of absolute discretion in the President to appoint and remove judges is not consistent with judicial independence" and that there was "excessive executive control of the legal profession, particularly by the Ministry of Justice. Such control undermines the core values of an independent legal profession and the Basic Principles on the Role of Lawyers." A decade after this report, the situation remains much the same.

Following the demonstration on 19 December the Belarusian state has been ratcheting up the pressure on those accused under Article 293. On 9 January the First Channel of State Television broadcast a documentary "The square – Metal against Glass".

The film presents the government's contention that leading members of the opposition were plotting a violent coup with help from abroad. The narrator states: "The former opposition candidates decided to take by force what they had not been able to gain through the elections ." It casts doubt on their intentions if they were willing to take part in elections that they had no hope of winning. It also claims that Uladzimir Nyaklyayeu was attacked by rivals within the opposition. On 14 January the state newspaper *Sovetskaya Belorussiya* published the first in a series of articles "by order of the head of state" which also made the case that leaders of the opposition were plotting to overthrow the state with support from abroad.

Amnesty International is concerned that the articles and the film constitute a public airing of
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the case for the prosecution and as such are a violation of the right to the presumption of innocence.

HUMAN RIGHTS DEFENDERS

“They are pursuing a tactic of putting pressure on NGOs and civil society to spread fear, distrust, apathy and indifference to the political process.”
Aleh Hulak, Chair of the Belarusian Helsinki Committee.

According to the UN Human Rights Defenders Declaration governments are called on not only to ensure that human rights defenders are able to carry out their activities unhindered, but also to protect them against any “violence, threats, retaliation, de facto or de jure adverse discrimination, pressure or any other arbitrary action” as a consequence of their human rights activity. Since the demonstration on 19 December there have been widespread violations of the rights of those who have been documenting human rights violations and attempting to support the victims of police ill-treatment, and those unjustly accused of mass disorder.

LAWYERS

Some lawyers defending those who have been charged with “organizing mass disorder” have been threatened with disbarment for legitimately defending the rights of their clients.

On 20 December, the Ministry of Justice wrote to the Minsk City College of Lawyers asking for disciplinary action to be taken against four lawyers. The letter quotes one lawyer as having stated publicly that their client had not been given any sanitary towels and stated “such a statement could be interpreted to mean that the lawyer believes the prison officials are deliberately violating the rights of detainees”. Another lawyer is quoted as saying that her client was still bleeding from the ears having been beaten twice by law enforcement officers. She allegedly failed to quote the official medical report and did not state when the injuries were incurred. According to the letter such actions are a violation of the Rules of Professional Ethics for lawyers which require lawyers to defend the rights of their clients “in a tactful and dignified manner”.

On 5 January, the Ministry of Justice wrote to the Minsk City College of Lawyers asking again for disciplinary action to be taken against Pavel Sapelko, Andrei Sannikau’s lawyer. He had publicly raised concerns about the state of health of his client. In a statement to the press on 17 January the chair of the Minsk City College of Lawyers stated that no disciplinary action would be taken.

Amnesty International calls on the authorities to ensure that lawyers are able to defend the rights of their clients unhindered.



Aleh Hulak and Dmitry Makarov from the Committee on International Control speaking to KGB officer outside Viasna office on 17 January 2011 © Belapan

HUMAN RIGHTS ORGANIZATIONS

As a state party to the International Covenant on Civil and Political Rights Belarus has the obligation to ensure that everyone can exercise their right to freedom of association and that no restriction is placed on that right apart from those necessary in a democratic society in the interests of national security, public safety, public order or the protection of public health or morals. Human rights organizations in Belarus work in a hostile environment and Amnesty International has documented the difficulties they face in registering their organizations and carrying out their work.⁴ Despite the difficulties they play an invaluable role in documenting human rights violations and in offering legal assistance to the public. Since the elections on 19 December the situation for those few organizations that continue to monitor human rights violations has worsened. Human rights groups throughout the country have been subjected to searches, confiscation of property and questioning by the KGB, on a scale that suggests that the intention has been to intimidate rather than conduct legitimate investigations.

BELARUSIAN HELSINKI COMMITTEE

The Chair of the Belarusian Helsinki Committee (BHC), Aleh Hulak, was detained at 12.30pm on 20 December as he was returning home after monitoring the observance of human rights during the demonstration. He reported that a pregnant woman who happened to be walking down the street at the same time was also detained. He was kept for three hours in a police van before being taken to the Oktyabr district police station. He was transferred from there to the pre trial detention centre on Okrestina street and at 11am on 20 December he was taken to court where he was accused of having “violated the regulations of organizing and holding a mass action or picket.” He was finally released at 7pm on 20 December, but the charges against him remain. On 5 January, the office of BHC was searched by four KGB officers. They confiscated the computer server and two computers. Aleh Hulak’s home was also searched on the same day. Amnesty International believes that Aleh Hulak has been targeted for his legitimate activities as a human rights defender and is calling for the charges against him to be dropped, and for the confiscated equipment to be returned.

Furthermore, on 12 January, the Belarusian Ministry of Justice formally censured the BHC, meaning that the human rights group can be legally shut down by the government after one more warning. The Ministry complained that a BHC report on restrictions faced by lawyers after the elections to the UN Special Rapporteur on the independence of lawyers and judges

was an "attempt to discredit the Republic of Belarus in the eyes of the world." Aleh Hulak has responded that, on the contrary, he has the "strong impression that the Ministry of Justice is discrediting the Republic of Belarus."

In her report to the Human Rights Council in May 2010, the UN High Commissioner for Human Rights called on states to take measures to prevent intimidation and reprisals against individuals for their use of UN mechanisms "by publicly supporting activities in defence of human rights and cooperation with the United Nations, its representatives and mechanisms in the field of human rights and by taking measures to inform the population about the different ways and means available to cooperate with the United Nations." ⁵

Amnesty International is alarmed by this warning to BHC which is an attempt to take reprisals against the human rights organization for its application to a UN Human rights body in violation of Belarus' obligations as a state party to the ICCPR, and calls on Belarus to respect its citizens' rights to communicate with UN bodies.

HUMAN RIGHTS CENTRE VIASNA

"They have already confiscated our computers, but we managed to install some old one. If they take these we will use pen and paper"
Valentin Stefanovich, Human Rights Centre Viasna

During the night following the demonstration, a group of KGB officers in civilian clothes arrived at the offices of the Human Rights Centre Viasna at 3.15am. Ten staff members were detained and taken to Pervomaisk police station where they were asked about their whereabouts during the previous evening. They were all released at 6am. While they were in detention the office was searched and all computer equipment was removed. At 7am on 20 December a second group of men in civilian clothes, assumed to be KGB officers, attempted to gain entry into the office and were refused because they did not have a search warrant.

On 17 January, the Viasna offices were searched again. A group of men in plain clothes attempted to gain entry, but were refused and the activists only opened the door to uniformed KGB officers with a search warrant. KGB officers also searched the home and dacha belonging to Ales Belyatsky, the Chair of the organization, for six hours and confiscated a laptop and some documents.

Amnesty International believes that the Human Rights Center Viasna and its staff have been targeted for their legitimate human rights activities and asks for all equipment confiscated during the search to be returned.

Amnesty International has received reports that similar searches have been carried out throughout the country, allegedly in connection with the post-election demonstration. On 29 December, the Molodechno (Minsk District) branch of Viasna was searched and a computer, memory sticks and disks were confiscated. On the same day, the home of Eva Tonkacheva, the director of The Centre for Legal Transformation, was searched by KGB officers. Documents connected with her human rights activities and a SIM card were confiscated. On 6 January, the Gomel office of the human rights organization Legal Initiative was searched as was the home of a member of the organization, Leonid Sudalenko. On 26 January Leonid Sudalenko's flat was searched again, and an NGO resource centre in Gomel was also searched and equipment was removed.

Amnesty International calls on the Belarusian authorities to uphold the right to freedom of association and to respect the right of the Belarusian Helsinki Committee, the Human Rights Centre Viasna, Legal Initiative and other non-governmental organizations to carry out their legitimate work in defence of human rights.

CONCLUSION

On the night of 20 December, 30,000 people gathered in Minsk to express their frustration with the way the elections were conducted and to call for change. The demonstration was overwhelmingly peaceful. Nothing in the way the violence started, or the manner in which the vast majority of demonstrators responded to the police, suggests that there was any intention, on the part of the organizers, or most of those that gathered, to do anything other than peacefully register their protest.

The reaction of the authorities, however, has been both brutal and chilling. Hundreds of protesters were beaten, arbitrarily arrested, and summarily sentenced. Prominent opposition leaders and activists have been silenced; those that might defend them threatened and harassed.

The clampdown that has followed the 19 December Presidential elections marks a new low for the respect for human rights in Belarus that can only be reversed by the prompt release of all prisoners of conscience, respect for the rights of all detainees, and thorough, impartial and independent investigations into the violations that have taken place.

As the recent events have shown, security without rights is not security at all.

RECOMMENDATIONS

TO THE BELARUSIAN AUTHORITIES

Amnesty International calls on all relevant Belarusian officials, including the President, the General Prosecutor, the Minister of Interior and the Minister of Justice:

Freedom of Assembly

- To conduct a thorough, independent and impartial investigation into the use of force by law enforcement officers during the events of 19 December 2010, and that any officials found to have used disproportionate force against demonstrators are brought to justice in accordance with international standards for fair trial;
- To ensure that all those arbitrarily detained for their peaceful participation in the demonstration on 19 December are offered appropriate redress;
- To conduct a thorough, independent and impartial investigation into the treatment of those detained under administrative charges for their peaceful participation in the demonstration on 19 December 2010 including into allegations that judges refused some detainees access to a lawyer;
- To review the Law on Public Events and bring it into line with the requirements of the International Covenant on Civil and Political Rights.

Freedom of Expression/Criminal suspects

- To release all prisoners of conscience who are detained solely for the peaceful expression of their political views;
- To ensure that all those detained are offered unimpeded and confidential access to their lawyers; that they are offered prompt medical assistance, and that they are able to correspond with and receive visits from their relatives;
- To ensure that officials at all levels including state media outlets refrain from making public statements that violate defendants’ right to the presumption of innocence;
- To refrain from the harassment of the relatives of those detained including through travel restrictions and repeated searches of their residences.

Human Rights Defenders/Freedom of Association

- To ensure that human rights defenders, lawyers and other civil society actors are able to carry out their legitimate activities without fear or threat of reprisal or obstruction;
- To return the computer equipment and other materials that have been removed from the offices of the Belarusian Helsinki Committee, the Human Rights Centre Viasna, and other human rights and civil society organizations;
- To drop all charges against Aleh Hulak, the Chair of the Belarusian Helsinki Committee for his presence during the demonstration on 19 December 2010 as human rights observer;
- To ensure that the Ministry of Justice withdraws its complaint against the Belarusian Helsinki Committee for its legitimate recourse to UN human rights bodies.

TO THE INTERNATIONAL COMMUNITY

Amnesty International calls on the international community:

- To condemn the human rights violation in Belarus, to challenge the Belarusian authorities on their human rights record in any dialogue, and urge the Belarusian authorities to release all those detained for the peaceful expression of their views.

Amnesty International calls on the Organization for Security and Cooperation in Europe:

- To make use of the “Moscow Mechanism” to establish an independent international investigation into the human rights abuses in the wake of the December 19 elections, in light of the particularly serious threat to the fulfillment of the provisions of the OSCE human dimension by the authorities of Belarus.

END NOTES

¹ OSCE/ODIHR, Republic of Belarus — Presidential Election, 19 December 2010, Statement of preliminary findings and conclusions, p.1, <http://www.osce.org/odihr/74638>
The Office for Democratic Institutions and Human Rights of the OSCE deploys election observation missions to OSCE participating States to assess the implementation of OSCE commitments relating to elections.

² http://www.belta.by/ru/all_news/politics/Otdelnye-predstaviteli-oppozitsii-pytalis-zakupit-elektroshokery-i-petardy---KGB_i_535954.html

³ Permissible restrictions to the right to freedom of expression are very limited. The reasons for any restriction must be demonstrably necessary and proportionate for the achievement of the purposes of the protection national security and public order. clearly demonstrated reason to make such a restriction.

⁴ *Belarus: Authorities deny registration of the human rights organization “Nasha Vyasna” for the third time*, AI index: EUR 49/009/2009,

<http://www.amnesty.org/en/library/info/EUR49/009/2009/en>

Belarus: “As long as there are journalists, there will be prison cells”,

<http://www.amnesty.org/en/library/info/EUR49/007/2002/en>

⁵ Annual report of the United Nations High Commissioner for Human, 7 May 2010, p. 13, <http://unispal.un.org/pdfs/AHRC1419.pdf>

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