

**Flygtningenævnets baggrundsmateriale**

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## Belarus

### Briefing note Belarus - September 2010

5 October 2010

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FIDH, its member organisation in Belarus, Human Rights Centre "Viasna", and Belarusian Helsinki Committee (BHC) publish a briefing note on the situation of human rights in Belarus in the context of the Presidential elections, which are scheduled to take place on December 19th 2010. In this context, specific recommendations should be directed to the Belarusian Authorities.

### I. THREATS AND PATTERNS OF REPRESSION

#### 1. *Situation of the media:*

- While some symbolic progress was registered (two independent newspapers were authorised for distribution at the national level), the freedom of the media remains dire. Independent newspapers were forced to work under a constant pressure: " Issuance of "warnings" against newspapers, which can justify their closure; " Searches of journalists and of their offices, confiscation of hardware; issuance of warnings against individual journalists; life threats.
- Applications for the accreditation of foreign media at the Ministry for Foreign Affairs were denied arbitrarily and many foreign journalists were forced to work illegally.
- On 1 July 2010, Decree No. 60 on measures to improve the utilisation of the national segment of the Internet came into effect, which restricts the rights of citizens to receive and disseminate information.
- The Criminal Code penalises the "discredit to the Republic of Belarus", "insult of the President", "defamation of the President" and "insult of the official person on duty", loosely defined offenses.
- The tragic death, on September 3, 2010, of Aleh Byabenin, a founder and head of "Charter'97", an independent web-site, has raised great suspicion on the conditions of his death. The thesis of his "suicide" presented by the authorities is seriously challenged by his colleagues, who, alongside NGOs, have asked for an independent and impartial enquiry into his death. Evidence brought from the autopsy of his corpse and of the rope on which he was found dead should be shared with his family and colleagues.

**2. Political repression:** As of today, Belarus still has individuals held in prison, who are convicted or prosecuted on

the grounds of their political activity:

- On 14 May 2010, the Conservative Christian party activist Sergei Kovalenko was sentenced to house arrest for three years by the Vitebsk October Court under articles 339 (deliberate act, gross violation of public order and expressing obvious disrespect for society) and 363 (resisting a police officer or other public order official) of the Criminal Code, for having hung the Belarusian flag on a public Christmas tree in the city of Vitebsk on 7 January 2010 (orthodox Christmas day).
- On 18 and 19 May, 2010, in more than 20 cities in Belarus, searches were carried out in the homes and offices of NGO activists of the civic campaign Speak the Truth. Several dozen individuals were arbitrarily arrested as a result of these searches. The leaders of the campaign, Uladzimir Neklyayev (who later declared that he would take part in the presidential elections), Sergei Voznyak and Andrei Dmitriev, spent three days in a temporary isolator (IVS) in Minsk as suspects according to article 250 of the Criminal code (spreading false information about goods and services). They were released on 21 May, 2010. The Criminal case is still pending.
- On March 3rd 2010, Andrei Sannikov, the leader of the civic initiative European Belarus, was subjected to a search and interrogation. The day before, he had also announced his intention to stand as a candidate in the forthcoming presidential elections.

### **3. Situation of human rights defenders and freedom of assembly**

- Peaceful rallies held in favour of the defence of human rights are severely repressed, and restricted by the National law on mass rallies. Recently, on September, 16, 2010, a peaceful rally was stopped. 20 individuals, among them Young Front leader Zmitser Dashkevich, opposition activists Vyachaslau Siuchyuk and Mikola Dzemedzenka, were detained at the Tsentralny district police station. Some were beaten.
- Independent human rights organisations and other civil society organisations remain unable to register. While many have actively sought registration, they were systematically refused. The Human rights Centre Viasna, an FIDH member organisation, has asked on three occasions to be registered and was repeatedly rejected.
- The active refusal of the registration of NGOs puts them in a criminal situation. Article 193.1 of the Criminal code indeed criminalises all activities "as part or an unregistered organisation", which is punishable to six months to two years' imprisonment.

**4. Death Penalty** Belarus is the only country in Europe and in the post-Soviet block where the death penalty is practiced regardless of appeals from the international community. Andrei Zhuk and Vasilii Yuzepchuk were executed in March 2010 despite the fact that their cases were pending at the Human Rights Committee. Two more death sentences were passed on 14 May 2010 against Aleh Hryshkautsou and Andrei Burdyka. On September, 17, 2010, the Supreme Court upheld their sentences. More recently, on September 14 the Mahiliou Region Court pronounced the death verdict to Aliaksandr Sychou.

**5. Elections observation** The Belarusian Helsinki Committee and the Human Rights Center 'Viasna' have announced their 'Human Rights Defenders for Free Election' campaign, an independent and non-political mobilisation to monitor the presidential election, assess the electoral process in line with Belarusian and international standards, as well as disseminating information on the evolution of the situation. 80 observers will be deployed across the country and apply to territorial election commissions. 600 observers will be deployed at 300 polling stations across the country on Election Day. Particular attention will be paid to voter turn-out. On launching of the campaign, its organisers condemned the imperfections of the electoral preparation and the failure of the early 2010 reform to achieve substantive change. The existing rules and procedures still enable the authorities to arbitrarily manipulate the results. Thus the organisations do not foresee a favourable climate ahead of the major electoral campaign. In this context, only an immediate end to the repressive practices would send a clear message which would encourage a truly free choice of the citizens.

## **II. CHALLENGES FOR THE EU-BELARUS RELATIONS**

Within this context, the relations between the EU and Belarus could be a leverage of influence on the human rights situation in Belarus.

A sanctions regime, previously in place, has been suspended following the release of political prisoners in 2008. In addition, a first round of a human rights dialogue with the Belarusian authorities has enabled a deepening of discussion on benchmarks for progress. Finally, the EU and Belarus have strengthened their ties, notably through the Eastern Partnership, to develop economic and commercial ties, following progress in the field of human rights.

Yet, the subsequent absence of tangible results in the ground has prevented the EU from further lifting the sanctions or increasing its relations with Belarus. Individual sanctions remain against certain officials and are to be reviewed in October 2010.

FIDH, Human rights Centre Viasna and the Belarusian Helsinki Committee thus recommend the benchmarking of further lifting of sanctions (short term) and strengthening of economic ties (medium term) to clear public benchmarks, which should include:

**Short term:**

- conducting a prompt, comprehensive and impartial investigation into the death of independent journalist Aleh Byabenin and presenting its results, including the material evidence and forensic examination, to Belarusian organisations, in particular to the Belarusian Association of Journalists, and to the international community;
- Registering the Human rights centre "Viasna";
- Releasing without further delay all individuals convicted for political reasons, who are imprisoned or serving other forms of punishment;
- Immediately stopping the persecution, arbitrary arrest or any harassment of citizens for political reasons; ensuring that all the country's citizens have the right to act freely in the presidential electoral campaign; and taking effective steps to investigate any cases of illegal arrests;
- taking effective steps to ensure the freedom of the independent media, both domestic and foreign;
- Enabling freedom of assembly, without excessive bureaucratic regulations.

**Medium term:**

- Introducing a moratorium on the death penalty, ratifying the Second Optional Protocol to the International Covenant on Civil and Political Rights and taking steps to remove the death penalty from the penal system;
- Enabling freedom of assembly in law, through the simplification of the procedure of notification, suppression of the obligation for organisers to bare the costs for "guaranteeing law and order and safety for citizens" and suppressing the restrictions on place, time and procedure for holding events;
- Promoting the role of the judiciary in Belarus and its activity without Executive interference; implementing the recommendations of the UN Special Rapporteur on the independence of judges and lawyers; ensuring appropriate publicity for the judicial process; conforming with the OSCE Human Dimension commitments in particular in the field of the Rule of Law.
- Respecting fundamental freedoms, including freedom of expression according to the International Covenant on Civil and Political Rights..

<http://www.fidh.org/Belarus-2010-presidential-elections-Threats-and>