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BELARUS ELECTIONS: KEY HUMAN RIGHTS CONCERNS IN BELARUS

As Belarus prepares for elections on Sunday 19 December, Amnesty international UK issued the following briefing, outlining key human rights concerns in the country.

Amnesty international UK Director Kate Allen said:

“The human rights of people in Belarus are routinely abused by the state. Freedom of speech and the right to peaceful protest are not respected. Human rights defenders are harassed.

“We have serious concerns about unfair trials and the use of torture in detention. This is all the more worrying because Belarus is the only country in Europe still to retain the death penalty.”

Key human rights concerns in Belarus include:

Freedom of expression

Most printed and electronic media remains under state control and the state press distribution system maintains a monopoly. However two independent newspapers – Narodnaya Volya (People's Will) and Nasha Niva (Our Field) – have been allowed to use the state press distribution system.

Amnesty is calling for a prompt, impartial and effective investigation into the recent death of the founder of the unofficial news website Charter'97, Aleh Byabenin. Shortly before his death, he had joined the campaign team of Andrei Sannikov, presidential candidate for the civic movement “European Belarus”. He was found with a rope around his neck suspended from the banisters of his country house on 3 September this year; an initial investigation said the cause of death was suicide. In November two experts commissioned by the Organisation for Security and Co-operation in Europe (OSCE) agreed with the official conclusions that Byabenin had committed suicide, however, their mandate had been to review the materials already compiled by Belarusian prosecutors and no autopsy was carried out.

Colleagues and friends questioned this possible cause of death as Byabenin was a happily married man who had arranged to meet friends at the cinema the following day. Eyewitnesses saw bruises on his body and dirt on his hands, suggesting a struggle. Aleh Byabenin had been attacked in the past and in March this year, the Charter'97 offices were searched by police, allegedly in connection with a criminal investigation into corruption in the police force. Colleagues say they have received anonymous threats since Aleh Byabenin's death.

On 1 July, Presidential Decree No. 60 “On measures to improve the use of the national segment of the internet” came into effect. The decree requires that Internet cafés check the identity of all customers and keep records of internet use; and that internet service providers check the identity of subscribers in person and make information about subscribers available to the authorities. Other measures limit access to information that could be classed as extremist, pornographic, linked to illegal migration and trafficking, or that promotes violence and other illegal acts. According to a study commissioned by the OSCE these

measures “lead to unsubstantiated restrictions of a citizen’s right to receive and disseminate information”, and give the authorities extremely broad powers to limit access to certain sources of information.

Freedom of assembly

The authorities continue to violate the right to freedom of assembly by not permitting demonstrations and public actions. The very restrictive Law on Public Events requires demonstrators to apply for permission to the local authorities to hold an event, and bans all demonstrations less than 200m away from underground stations and pedestrian crossings .

There have been allegations that excessive force has been used to disperse non-violent demonstrations, and peaceful demonstrators have been detained.

On 24 March, Ales Bialiatski, Valiantsin Stefanovich and Iryna Toustsik of Human Rights Centre Viasna were detained overnight and fined for holding an unauthorised picket when they unfurled a banner against the death penalty in front of the Presidential Administration building.

Amnesty is campaigning for three youth activists who fled Belarus after they were convicted for their involvement in a peaceful public protest about taxation. Tatyana Tishkevich left Belarus after she was expelled from university because of her political activities. She was sentenced in her absence. Alyaksei Bondar and Mikhail Kryvau also left the country after they were sentenced. All three face up to three years’ imprisonment if they return to Belarus as leaving the country means that they have automatically violated the terms of their sentence.

The original sentence against Tatyana Tishkevich, Alyaksai Bondar and Mikhail Kryvau was in violation of their right to freedom of assembly. Amnesty is calling on the Belarusian authorities to allow the three to return to Belarus without any risk of being charged for violating the terms of their sentence. The organisation is urging people to take action on this case at www.amnesty.org.uk/minsk

Death penalty

Belarus is “Europe’s last executioner” - the only remaining country in Europe and the former Soviet Union which still carries out executions.

In March this year, Vasily Yuzepchuk and Andrei Zhuk were executed by a shot to the back of the head. Vasily Yuzepchuk was sentenced to death in June 2009 for the murder of six elderly women, after an investigation and trial which, according to his lawyer, were fundamentally flawed. The lawyer also claims that Vasily Yuzepchuk was beaten in detention to force him to confess. Vasily Yuzepchuk belonged to the marginalised Roma ethnic group, and was originally from Ukraine. He may have had an intellectual disability and, according to his lawyer, he did not know the months of the year and was illiterate.

Three men are currently on death row. Two were sentenced to death by shooting on 14 May 2010 for crimes committed during an armed robbery on a flat in Grodno in October 2009. Both men had their appeals dismissed on 17 September by the Supreme Court and have now appealed to the President for clemency. On 14 September, Ihar Myalik was sentenced to death by Mahilyou regional court for a series of armed assaults and murders, committed in 2009.

Fair trials and torture

Nineteen years after independence, Belarus retains many repressive features of the Soviet criminal justice system. Judges routinely do not exercise their authority to independently and impartially decide on the legality of an arrest or detention nor the need for continued detention.

There is credible evidence that, under pressure to solve crimes, police investigators sometimes resort to torture and other ill-treatment in order to force confessions. These confessions are subsequently admitted as evidence in trials.

On 18 January a Minsk prosecutor turned down a request for a criminal investigation into allegations of torture made by Pavel Levshin. He had been detained by police officers on 9 December 2009 on suspicion of theft. Levshin claims that on 10 December from 5pm to 8pm police officers subjected him to torture and ill-treatment: they handcuffed him, laid him on his stomach and inserted his feet behind his hands in a position known as “the swallow”. They then beat him with a rubber truncheon and with plastic bottles filled with water. They also put a plastic bag over his head and held it there five times until he came close to suffocating. A forensic medical report confirmed that he had injuries consistent with his allegations, but the Prosecutor quoted the police report and stated that no evidence of torture had been found.

Human rights defenders

In January 2009, the human rights organisation, Nasha Vyasna (Our Spring), previously known as Vyasna (Spring), applied for registration for the third time. This request was refused for reasons which appear to be politically motivated, including reference to previous convictions of members of the group on administrative charges, inaccuracies in the list of founders, the fact that the mechanism for electing the Chair and the Secretary was not described, that the name of the organization was missing from one document, and that the headquarters of the organization were too cramped.

On 24 July 2007, the UN Human Rights Committee had ruled that the dissolution of the human rights organization Vyasna in 2003 violated the right to freedom of association and that the organisation was entitled to an appropriate remedy, including re-registration and compensation

Lesbian, Gay, Bisexual and Transgender rights

The Minsk City Executive Committee refused permission for the Slavic Pride march to take place on Saturday 15 May 2010. The organisers of the march received a letter on 8 May from the Minsk authorities, prohibiting the march on the grounds that the proposed route violated Article 9 of the Law on the staging of public events. The Article stipulates that public events cannot take place within 200 metres of underground stations and pedestrian crossings.

Amnesty International believes that the strict application of the law in this case resulted in a disproportionate and unjustifiable restriction on the rights to freedom of assembly and expression of those organising and wishing to take part in the march.

Violence against women

Adequate resources and structures to respond to violence against women are lacking in Belarus. There are only two shelters for victims of domestic violence, financed from a combination of state and non-governmental funding. The recently-introduced Law on Crime Prevention specifically referred, for the first time, to domestic violence and called on state bodies including the Ministry of Internal Affairs to investigate all cases of domestic violence and to prosecute the perpetrators.

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