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Human Rights and Democracy: The 2010 Foreign & Commonwealth Office Report - Section VII: Human Rights in Countries of Concern

Belarus

After some small steps towards political liberalisation in 2008 which led to more productive relations between Belarus and the EU, 2010 turned out to be a disappointing year. The political and human rights situation deteriorated between February and June and Belarus failed to build on the modest progress achieved in 2008. The EU therefore kept in place the asset freezes that were imposed against members of the regime in response to the fraudulent presidential elections in 2006 and the regime's failure to properly investigate the disappearances of four members of the opposition in 1999 and 2000, although the travel bans against 40 individuals remained suspended. The human rights situation in Belarus is now critical following a violent crackdown on protesters by the authorities after fraudulent presidential elections on 19 December and subsequent successive waves of repression.

We believe that a more democratic Belarus, which acts in accordance with EU values, would contribute to enhanced security in the region. Our Embassy represented the local EU presidency in the first half of 2010 and used the opportunity to uphold a strong focus on human rights issues, particularly on the death penalty. While we managed to raise the profile of the issue both domestically and internationally, it was not possible to make progress in the absence of commitment from the Belarusian government. At the start of 2011 we worked with EU partners to re-impose targeted sanctions on Belarus. We plan to identify further measures to put pressure on the Belarusian authorities to release those detained on political grounds and to support Belarusian civil society, the independent media and those who advocate pluralism.

Elections

Presidential elections took place on 19 December. According to official figures, the incumbent President Lukashenko won the elections with 79.6% of the votes. We provided 19 short-term observers, four long-term observers and three embassy observers to the OSCE's *Office for Democratic Institutions and Human Rights* observation mission. There were some small improvements in certain aspects of the electoral process compared with previous elections. For example, several presidential candidates were allowed to collect the requisite number of signatures without being harassed, and were even given some limited state media exposure. The OSCE's *Office for Democratic Institutions and Human Rights'* preliminary report concluded that there was a perceived risk of fraud during the early voting system, and that 46% of the observation teams had judged the vote counting process to have been either "bad" or "very bad". The report commented that, regardless of the fact that some specific improvements had been made in the run-up to the elections, Belarus still had a considerable way to go in meeting its OSCE commitments.

The elections were an important opportunity for the authorities to demonstrate a commitment to improving standards of democracy in Belarus. They failed to deliver.

Furthermore, Belarus refused to renew the mandate of the OSCE mission in Minsk. The UK, EU and US publicly expressed our regret that the authorities had taken this decision.

Access to justice

Following mass street protests in Minsk on 19 December, more than 700 people were arrested. Around 600 were imprisoned for 15 days as an administrative punishment. Thirty-two prisoners remained in detention by the end of the year, including four ex-

presidential candidates and two prominent independent journalists. Those still detained had been charged with the organisation of, and participation in, mass riots. We, along with EU partners, consider the cases against them to be politically motivated. The UK, EU and US urged the Belarusian authorities to release those detained for politically motivated reasons and to ensure that all detainees were given proper legal representation and any necessary medical care.

Rule of law

Despite their formal protection in the constitution, human rights are not consistently defended or understood by the authorities in Belarus. At best, they are seen as aspirational as opposed to obligatory. At worst, they are used as a bargaining chip to extract economic or political benefits from the international community. The biggest challenge in Belarus is that the court system is seen as an extension of government power and not a check on the abuse of power.

Death penalty

Belarus is the only remaining European state that retains the death penalty. It is one of our five target countries for the abolition of the death penalty. The issue became prominent following the execution by shooting of two convicts in Minsk on 1 March which took place despite a formal request by the UN Human Rights Committee to postpone the executions until it could consider the convicts' complaints about the judicial process. On 30 March, the EU condemned the executions and urged an immediate moratorium. Two more death penalty verdicts have since been confirmed and a further one was before the court of appeal in December.

We have worked with local and international NGOs to promote public debate and to publicise EU views on the death penalty. The EU has urged Belarus to abolish the death penalty or, as an initial measure, to introduce a moratorium.

Our Embassy in Minsk, together with Amnesty International, supported local human rights organisations campaigning against the death penalty. In 2010, this included the organisation of an on-line petition which was signed in London by Minister of State Jeremy Browne. As part of the Council of Europe and EU-supported campaign against the death penalty, our Embassy hosted a screening of "Dance with a Stranger", a film

about the last woman to be executed in the UK. This was followed by a panel discussion with experts, which provoked a lively debate among the students attending the screening.

The authorities continue to insist that their hands are tied by a 1996 referendum which purportedly showed that 96% of the population supported the death penalty. However, recent independent opinion polls indicated that 49% supported its retention while approximately 40% opposed it. However, in the light of recent human rights set-backs and the resulting deterioration of relations between Belarus and the EU, we are not optimistic that the Belarus authorities will change their policy soon. Nevertheless, we will continue to highlight the death penalty as an issue in Belarus.

Torture and other ill treatment

General concerns relate to the conduct of public institutions, such as the police and prison authorities, and the lack of effective investigations by the authorities into allegations of torture.

To give a specific example, Andrei Sannikov is an ex-presidential candidate and one of the political detainees in Belarus. Mr Sannikov was injured when police broke up the 19 December protest. 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. Friends attempted to drive him to hospital, but the car was stopped by police and Mr Sannikov was arrested. Witnesses claim that at this time he had no visible head injuries. Mr Sannikov's lawyer visited him in detention on 20 December. According to the lawyer, he had new cuts and bruises on his arms, face and head. He was unable to stand and could barely move. The new injuries suggested that Mr Sannikov had been beaten again while in custody. The lawyer described his condition as "horrendous" and said that the way Mr Sannikov spoke and held himself suggested he had suffered brain damage. On 23 December, Amnesty International representatives announced that they believed Mr Sannikov had been subjected to torture.

Prisons and detention issues

As well as the politically motivated detentions related to the events following the presidential elections of 19 December, we remained concerned about the cases of Mikalai Autukhovich and Mikhail Kazlou, who were both convicted for "illegal actions with explosives, firearms and ammunition" in May. The UK, acting as local EU presidency at

the time of their conviction, expressed the EU's concern that the trial could be seen as politically motivated.

Human rights defenders

Many human rights defenders and NGO workers have been detained, interrogated and have had their homes and offices raided by the authorities since 19 December. Our embassy staff visited raided organisations to show the UK's support.

We remained concerned about the disappearances of four individuals: former Minister of the Interior Yuri Zakharenko; former Vice-President of the Parliament of Belarus, Victor Gonchar; a TV cameraman, Dimitri Zavadski; and businessman Anatoly Krasovski. They all disappeared in unexplained circumstances in 1999 and 2000. The Belarusian authorities have failed to open an independent investigation into these disappearances. We support the efforts of activists in Belarus to maintain public awareness of the disappearances.

Freedom of expression

The Belarusian state controls all media outlets and only officially approved views are heard by most of society. The authorities hinder the activities of both independent domestic and foreign media journalists. Denial of accreditation to journalists, as well as their harassment, acts as a means to restrict media freedom. When unsanctioned demonstrations have been forcibly broken up, plainclothes policemen have prevented journalists from performing their jobs. Following the presidential election of 19 December, the independent media was specifically targeted. Premises were raided, equipment was seized and journalists were interrogated and in some cases beaten up.

Articles in the civil code that envisage criminal responsibility for defamation and insult of the president, state officials and judges, and discredit of the Republic of Belarus remain in place. Media organisations can be shut down after a single "gross" violation of the law or after two warnings from the Ministry of Information. A number of independent media organisations received such warnings.

Two independent journalists, Irina Khalip and Natalia Radina, are currently in detention following the 19 December election events. Independent journalists are constantly harassed by the State Security Agency of Belarus (known as the KGB). The Polish-based TV and radio stations “Belsat” and “Radio Ratsyja” have been unable to accredit their correspondents in Belarus, and journalists working for these organisations received official warnings from the Prosecutor’s Office and the KGB.

A number of independent newspapers have managed to defend their editorial independence in recent years, albeit under constant pressure. These include *Norodnaya Volya*, *Nasha Niva* and the local *Bobrujski Kurier* and *Volnaje Hlybokae*. However, at least eight new non-state newspapers were refused registration in 2010. Ten independent publications still have no possibility of being distributed through the state press distribution system.

Freedom of religion and belief

While the Catholic and Orthodox churches are largely able to operate unhindered, Protestant churches face some difficulties. We have worked closely with EU partners to raise concerns about these issues with the Belarusian authorities in 2010.

The UK, as local EU presidency in Belarus during the first half of 2010, arranged a meeting of EU heads of mission with the Belarusian Commissioner on National Minorities and Religion. The case of the New Life Church, which is under pressure from the authorities to close – by means, amongst others, of an unaffordable fine for alleged environmental damage – was one of the issues of concern raised. Our Ambassador attended a human rights round table in April, at which participants were briefed by a representative of the church.

Other issues: Political activists

The authorities routinely harass political parties and any NGOs not directly controlled by the government. All attempts at official registration by new parties and organisations which might follow an independent line to the government have been declined by the Ministry of Justice on a raft of spurious grounds. In 2010, the Belarusian Christian Democratic Party, which has links with a number of Christian conservative parties around Europe, was yet again denied registration, as was the “Molody Front” youth organisation. The fact that one of the leaders of the Christian Democratic Party, Vitaly Rymasheusky,

is currently facing a prison term of up to 15 years and that the leader of the Molody Front, Zmitser Dashkevich, is in prison on what appears to be trumped-up charges of assault highlights the dangers of engaging in democratic activism in Belarus.

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