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REPUBLIC OF BELARUS

CRUSHING CIVIL SOCIETY

"What scares me most is to see how fragile our freedom turned out to be. I used to think that the freedom we had achieved would never be taken away from us again."
Yury Drakokhurst, Belarusian journalist.

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SUMMARY

In his three years in office, Belarusian President Aleksandr Lukashenka has reversed nearly all the advances in the field of human rights, freedoms and democratization that had marked the perestroika era and the post-Soviet period. Indeed, with media forced to abandon critical expression, with public organizations harassed into closure, with the government's systematic attempts to stop public protests and to silence its political opponents, Belarus bears an eerie and increasing resemblance to Soviet society. By all indicators, the government campaign to control civil society is killing it. Freedom of expression has been restricted severely. The state-owned press, which has a near monopoly on disseminating information, no longer provides a forum for public discussion or even for a variety of opinions; rather, it allows only one view—that of the president—and presents it as the unqualified truth. Government print and broadcast media routinely vilify members of the political opposition, depicting them as enemies of the people, as well as critical journalists, independent activists, nongovernment organizations (NGOs), and their supporters, calling them spies, criminals or worse.

Government attacks on the independent media are slowly driving all such outlets out of business. Independent radio and television stations in Belarus have been closed by the authorities for political reasons, and independent print media have been marginalized and harassed. Russian television stations, which are widely received in Belarus and which are now the only source of critical information on President Lukashenka and the Belarusian government in the broadcast media, have come under attack. In March and July 1997, correspondents for Russian television stations were stripped of their accreditation because of their alleged "inobjective reporting." One of these correspondents, Aleksandr Stupnikov, was even expelled from Belarus. Finally, numerous journalists have been arrested and beaten while covering demonstrations.

Another facet of the government's attack on civil society is its campaign to control or destroy NGOs. Tax inspectorates have conducted questionable audits of other NGOs, and still others housed in government-owned buildings have faced questionable rent hikes. The imposition of a US$3 million fine on the Belarusian Soros Foundation can be interpreted only as an attempt to force the foundation to close its office in Minsk and, in consequence, to deprive numerous NGOs of their main source of financial support. These measures have created a climate of intimidation that has weakened NGO morale and caused many NGO leaders to fear imminent closure.

The government backlash aims not only at civic institutions but also at public protest and other forms of public expression, in particular peaceful mass demonstrations. A new presidential decree —formalizing the already established government practice of limiting freedom of assembly and expression—has imposed onerous and excessive restrictions on demonstrations. Given the lack of an independent judiciary in Belarus, the decree's vague wording permits participants and organizers of demonstrations to be punished using a system of heavy fines or administrative detention. This system appears to be purposefully designed to discourage people from organizing and participating in demonstrations.

Throughout the past year, police unjustifiably broke up various demonstrations, often using violence. Excessive use of force by the police at demonstrations appeared aimed at spreading terror among protestors and bystanders rather than at maintaining or restoring public order. Police beat demonstrators with batons, punching and kicking them, spraying mace in their faces, and arresting them en masse. In the first few months of 1997, police arbitrarily arrested hundreds of people at and around demonstrations, often charging them on the basis of false information, and providing false testimony at arrestees' court hearings. Courts have sentenced hundreds of people to exorbitant fines, or to three to fifteen days of administrative detention, in blatantly unfair trials. Police have often prevented defense lawyers from participating in these hearings, and a new presidential decree on lawyers may result in the exclusion of independent-minded lawyers from the court room.

Various demonstrators have been reprimanded at work, school or university for taking part in protests; they now fear expulsion from university or loss of their jobs. Many members of the disbanded Thirteenth Supreme Soviet have been

arbitrarily arrested, fined and detained. In some cases they have also been beaten and threatened. Other political activists and opposition party members are regularly harassed by the police.

By employing these methods, President Lukashenka has all but made impossible a peaceful and constructive dialogue on policy among the government, the opposition, the public and NGOs. He has branded nearly every form of self-organization or independent thinking as "opposition," and he has sought to root out this opposition. Hence, President Lukashenka has—whether purposefully or unwittingly—politicized even the most moderate, apolitical organizations. Without a free media or independent institution in which to exchange views openly, both sides have grown increasingly entrenched.

RECOMMENDATIONS

The Belarusian president and government should take the following steps to improve the human rights situation in the country:

- Reestablish the independence of the judiciary to ensure effective judicial protection of human rights and freedoms—in accordance with international standards—against arbitrary decisions and actions of the executive and legislative powers;

- Immediately end measures aimed at establishing a complete state monopoly on information. In particular, cease using the state monopoly on print and distribution services to marginalize the independent media. Also, Decree No. 218 on the import and export of information should be rescinded and its provisions removed from the draft law on the mass media. Similarly, the draft law should set out an appeals process for journalists whose accreditation has been revoked;

- In addition, Ministry of Communications plans to restrict the use of private telephones should be halted; confiscations of written, taped and video materials should be ceased; and independent journalists should be granted sufficient access to government information;

- Cease all forms of government-initiated or -supported harassment of independent media and individual journalists. In particular, cease politically motivated rent hikes; physical and verbal attacks on journalists; and end restrictions on the use of publishing houses;

- Restore the accreditation of television journalists Pavel Sheremet and Aleksandr Stupnikov, as well the latter's residence permit;

- Reestablish Radio 2, Radio 101.2, and independent Belarusian television stations;

- Cease performing politically motivated audits of NGOs and discontinue other forms of harassment of NGOs, such as raising their rents unreasonably or forcing them to move out of their offices;

- Establish sufficient guarantees to exclude political criteria from playing a role in the admission and dismissal of lawyers from bar associations;

- Rescind the arbitrary provisions in Presidential Decree No. 5 restricting public demonstrations;

- Ensure that demonstrations can be organized and carried out in accordance with international law and human rights standards, and without unnecessary police intervention;

- Ensure that in cases of police interventions law enforcement agencies employ only those measures that are strictly needed to restore public order, and that police do not arbitrarily arrest or beat demonstration participants and non-participants;

- Cease the harassment and intimidation of deputies of the Thirteenth Supreme Soviet and political opponents of the government, including at work places, universities and schools; and

- Ensure that Aleksandr Bondarev receives a fair trial.

The Russian government should:

- Encourage the Belarusian government to implement the above recommendations, using its good offices and its exceptional relationship with Belarus;

- Following references to human rights and press freedoms in the Charter of the Union of Russia and Belarus, continuously seek guarantees from the Belarusian authorities for respect for human rights;

- Within the context of the Charter of the Union of Russia and Belarus, establish an independent human rights commission to investigate violations of human rights in Belarus; and

- Support the European Union, the OSCE and the Council of Europe in their efforts to restore the rule of law and respect for human rights in Belarus.

The European Union should:

- Continue to give high priority to its efforts directed at restoring the rule of law, the independence of the judiciary and respect for human rights in Belarus, and to closely monitor and react to continuing human rights violations; and

- Increase support for civil society in Belarus through financial and technical assistance, especially by encouraging the organization of seminars on human rights and the rule of law for NGOs, judges and lawyers; and by organizing seminars to promote media freedoms and discourage censorship that would include government officials, representatives of both the state-owned and independent media, and human rights NGOs.

The United States Government should:

- Continue to give high priority to its efforts directed at restoring the rule of law, the independence of the judiciary and respect for human rights in Belarus, and to closely monitor and react to continuing human rights violations.

The Office of Democratic Institutions and Human Rights to:

- Offer to organize training sessions on human rights and the rule of law for Belarusian judges and lawyers.

The Council of Europe should:

- Persist in its demands that the Belarusian authorities improve their human rights record, restore democracy and reestablish a functioning separation of powers as a precondition to restoring Special Guest Status to the country; and

- Support and stimulate the development of the civil society in Belarus by providing technical assistance and organizing seminars on human rights and the rule of law for NGOs, judges, lawyers and law enforcement officers in Belarus.

A NOTE ON GEOGRAPHY AND DEMOGRAPHY

When the Soviet Union collapsed in 1991, the Republic of Belarus gained independence for the second time in the twentieth century. Belarus, which is situated to the west of the Russian Federation and borders on Poland, Ukraine and the Baltic States, is closely related to Russia in both language and culture, and continues to maintain strong political and economic ties with that country. Belarus is currently in difficult economic straits: In 1995, annual per capita GNP was US$2,070 and the average monthly income was below US$100.[1] Most of the ten and a half million people living in Belarus work in the agricultural sector. Ethnically, Belarus is comprised of 77.9 percent Belarusians, 13.2 percent Russians, 4.1 percent Poles, 2.9 percent Ukrainians with other non-specified ethnicities making up the remaining 1.9 percent.[2] The main urban centers are Minsk, Brest, Vitebsk, Gumilyov and Gomel. Belarus was the country that was worst of all affected by the Chernobyl nuclear disaster of 1986.

BACKGROUND

On March 15, 1994, the Supreme Soviet of the Republic of Belarus adopted a new constitution that enshrined democratic values and contained important human rights protections. The 1994 constitution was hailed by the Belarusian Government in its fourth periodic report on the implementation of the International Covenant on Civil and Political Rights (ICCPR) as proof that "Belarus [had] opted definitively for democracy and respect for human rights."[3] At that time, Belarus had indeed made significant progress in respecting civil and political rights after decades of Soviet rule.

In the pre-perestroika Soviet Union, the right to freedoms of opinion, information and expression were severely restricted. The government used its monopoly on the media to disseminate carefully selected and censored information and propaganda. Attempts to express views that differed from official policy met with harsh repression. Similarly, freedom of association was seriously limited. Indeed, all forms of private initiative were not just actively discouraged but made impossible. In the prevailing atmosphere of intimidation and fear, only the most courageous dared publicly to challenge government policies. Discussion of policy matters took place behind closed doors by a small group of the Communist Party elite, while the Supreme Soviet, the parliament, was a rubber stamp institution where real discussion was not possible. Wherever the authorities thought it necessary, the judiciary administered justice according to Communist Party instructions.

In the early 1990s, the human rights situation in Belarus improved significantly. The government ended its monopoly on the media, allowed information in various forms and from various sources to circulate relatively freely, and stopped relying on repressive measures to suppress dissent, alleviating fear and self-censorship. Consequently, Belarusians started openly expressing their views and ideas, and founded or joined NGOs, independent media outlets, and similar institutions of civil society. In government, the Supreme Soviet became a forum for discussion among parties with differing political platforms. The judiciary began to function more independently.

In July 1994, only a few months after the adoption of a new constitution, voters in Belarus elected Aleksandr Lukashenka to the presidency, in quickly organized but relatively free and fair elections. Since his election, Lukashenka has clearly sought to subordinate and control all aspects of public life, both in government and in civil society. Three years

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[1] The World Bank, *World Bank Atlas* (Washington, D.C.: The World Bank), 1997.

[2] Data taken from the CIA World Factbook, 1996 (http://www.odci.gov/cia/publications/nsolo/factbook/bo.htm).

[3] CCPR/C/84/Add.4, September 3, 1996. The report was submitted by the Belarusian government in 1995 and was supposed to be considered by the Human Rights Committee in August 1997. However, the Belarusian government recently informed the Committee that the report would be updated in light of changed circumstances. The consideration of Belarus' report during the August session has therefore been canceled.

after President Lukashenka's election, Belarusian civil society is nearly moribund and Belarusian society has in many important ways come to resemble its Soviet-era predecessor.

In November 1996, a referendum sealed the president's monopolization of state power, giving him quasi-dictatorial powers. Although formally the separation of powers still exists in Belarus, under the new constitution (hereinafter, the presidential constitution) the president overwhelmingly dominates the other branches of government. Indeed, he hand-picked the lower chamber of the National Assembly (the new parliament), he has substantial influence on the upper chamber, and can often bypass the legislature altogether and rule on his own. The judiciary, including both the Constitutional Court and the courts of general jurisdiction, are subject to strong presidential pressure and the judiciary does not exercise control over the actions and decisions of the executive.

Weakening Parliament and the Judiciary

The 1994 constitution provided for the separation of powers, even though it favored the parliament. Since assuming power, President Lukashenka has sought to maximize executive power and minimize that of the legislature and the judiciary.[4] He openly urged Belarusian voters not to vote during the 1995 parliamentary elections, as a turnout of less than 50 percent would have given him legitimate grounds to disband the parliament and rule alone.[5] With respect to the judiciary, President Lukashenka systematically ignored rulings by the Constitutional Court declaring presidential decrees unconstitutional, and ordered the Cabinet of Ministers and other government institutions to ignore such rulings.[6]

The Referendum

President Lukashenka's attempts to weaken the legislature and judiciary culminated in the November 1996 referendum. In July of that year, President Lukashenka had demanded that the Supreme Soviet extend his term of office from five to seven years and adopt legislation creating a second legislative chamber—whose members he would appoint—and limiting the powers of the Constitutional Court. When the Supreme Soviet refused to meet his demands, President Lukashenka called for a public referendum on these and other issues. According to official results, the referendum, held on November 24, 1996, yielded a large majority of votes favoring the presidential proposal for an amended constitution. The circumstances under which the referendum was held have been widely criticized[7] and many countries, including those of the European Union and the United States, have not recognized its results.[8] Human Rights Watch/Helsinki takes no position on the referendum's legitimacy; our concern lies with the negative effects of the presidential constitution on human rights in Belarus.

The presidential constitution declares that government is based on the separation of powers and a system of checks and balances, yet it completely undermines such a system. First, the head of the executive branch, the president, is granted very broad legislative powers. Second, the system of checks and balances is heavily skewed in favor of the president, who now enjoys vast control over the legislature and the courts, but who is largely unhindered by their authority.

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[4] The term "1994 constitution" refers to the constitution adopted by the Supreme Soviet in 1994.

[5] James Rupert, "Belarus Voters' Turnout Blocks President's Plan to Rule Alone," *Washington Post*, December 1, 1995, p. 30.

[6] "Message from the Constitutional Court of the Republic of Belarus on the State of Constitutional Legality in the Republic of Belarus in 1995," Minsk 1996, p. 45.

[7] See Lawyers Committee for Human Rights, *Presidential Powers and Human Rights under the Draft Constitution of Belarus* (New York: American Bar Association Central and East European Law Initiative (CEELI), October 1996), and *Analysis of the Draft Constitution of the Republic of Belarus with Alterations and Amendments*, October 15, 1995, Washington.

[8] The most notable exception is Russia, whose parliament and government have recognized the results of the referendum.

Indeed, not only does the president exercise exceptionally broad influence on the parliament, he can often bypass it altogether.

Legislative Powers of the President

The president enjoys vast legislative powers. Any draft legislation that requires state expenditures can be discussed by parliament only with his consent. Further, in circumstances of "specific urgency and necessity," the president can issue decrees that have the force of law without a parliamentary decision to delegate such powers. President Lukashenka has already done so on numerous occasions, demonstrating his loose interpretation of "specific urgency and necessity." In addition, the constitution provides only for brief parliamentary sessions, a feature likely to cause the legislature to delegate further power to the president, so as to allow him to issue binding decrees with regard to issues on which the legislature is unable to reach a decision during its sessions.

The National Assembly (Parliament)

The presidential constitution provides for the establishment of a new, bicameral parliament, called the National Assembly[9] made up of the Chamber of Representatives and the Council of the Republic. Under the presidential constitution's article 143, the outgoing parliament (the Thirteenth Supreme Soviet) and the president were supposed to negotiate to form the first Chamber of Representatives from among the members of the Thirteenth Supreme Soviet.

Instead of making this a cooperative effort, as required in article 143, the president and a group of about 11 deputies of the Thirteenth Supreme Soviet, who had remained loyal to President Lukashenka, discussed and announced the formation of the Chamber of Representatives without inviting the other members of the Thirteenth Supreme Soviet to participate. The National Assembly has so far been notable for its inaction, and Belarus has therefore been ruled practically by presidential decree since the November referendum.

The Constitutional Court

Prior to the November 1996 referendum, President Lukashenka treated the Constitutional Court as a political opponent rather than an independent judicial body, ignoring some of its key readings. The presidential constitution ends the independent position of the court and places it under presidential control. Half of the twelve judges, including the chairperson, are appointed directly by the president; the other half are appointed by the Senate (the president, in turn, appoints one-eighth of the Senate's members). In addition, the number of institutions that can appeal to the court is restricted significantly and the right to initiate a case has been taken away from the court.

Immediately after the November referendum, five judges, including the chairperson, Valery Tikhinya, resigned in protest. Judge Mikhail Pastukhov, who refused to resign, was later dismissed by a presidential decree that stated as the reason for his dismissal: "expiry of the term in office as judge of the Constitutional Court." Pastukhov, however, was elected to the court in 1994 for a period of eleven years.[10]

On March 4, 1997, the "new" Constitutional Court was sworn in. It consisted of only eleven judges (under the constitution, the court should consist of twelve), a majority of whom were presidential appointees.[11] Unsurprisingly, in

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[9] The National Assembly is distinct from the now defunct Thirteenth Supreme Soviet, which was the parliament that was elected by popular vote in 1995. The Chamber of Representatives is comprised of 110 popularly elected members and the Council of the Republic consists of eight representatives of each of the six regions and the city of Minsk, and eight presidential appointees.

[10] Human Rights Watch/Helsinki and Memorial interview with Mikhail Pastukhov, Minsk, April 1, 1997.

[11] OMRI, March 5, 1997.

its first decision after the November 1996 referendum, the court ruled that the presidential decree declaring the results of the referendum legally binding was issued in accordance with the constitution.[12]

Courts of General Jurisdiction

The presidential constitution does not provide adequate protection for the independence of the judiciary. It fails to regulate the tenure of judges and contains only the following very general provision in article 111 on the appointment and dismissal of judges: "Grounds for electing (appointing) judges and their dismissal shall be determined by law." In other words, the constitution contains no protection against politically motivated dismissals. All ordinary judges in Belarus are appointed by the president. Supreme Court judges are nominated by the president, confirmed by the Senate, and dismissed by the president alone, which seriously compromises judicial independence.

Further, the Belarus Law on Judges authorizes local governments to request court qualification commissions to investigate judges for procedural or other violations, which may result in sanctions. If the qualification commission finds a judge guilty, the president can dismiss him or her by decree. This procedure appears to be open to abuse. Court qualification commissions reportedly tend to be biased in favor of requests from local governments. Further, given the country's overburdened court system, procedural violations might be found in the practice of almost any judge in Belarus. In selecting which judges to prosecute, therefore, local governments and commissions can easily be swayed by political considerations.

As in other republics of the former Soviet Union, the judiciary in Belarus was never truly independent. Legal professionals currently observe a further bias in the practice of ordinary courts in cases that have political overtones. This is, no doubt, directly related to the vulnerable position of judges in relation to the executive branch. Most illustrative are cases involving people accused of participating in unsanctioned demonstrations and disturbing public order in Minsk. Courts have heard hundreds of these cases over the last six months but have yielded extremely few acquittals, even though a substantial proportion of such prosecutions have been groundless.

One lawyer told Human Rights Watch/Helsinki: "Judges review such cases practically according to instructions from above. They do have their own opinion but cannot realize it and do not have the wish to do so because they might lose their job tomorrow."[13] Human Rights Watch/Helsinki did not find proof of any judicial dismissals as punishment for acquitting individuals who faced charges with a political orientation. However, considering the blatantly unfair nature of trials of individuals charged with offences related to demonstrations, it appears that judges feel a certain pressure to convict.

BELARUS AND THE INTERNATIONAL COMMUNITY

As President Lukashenka's rule has grown increasingly undemocratic, the Republic of Belarus has become isolated from the international community. The United States, the countries of Western Europe and many international organizations saw the controversial November 1996 referendum and the massive violations of freedom of speech and assembly as unacceptable, vehemently protesting them. Russia in contrast, has defended Belarus before the international community, even while protesting violations of the rights of Russian journalists in Belarus.

U.S. policy

Following the November 1996 referendum, the United States reassessed its policy towards Belarus. Considering that Belarus' drift away from democratic principles had reduced the scope for constructive relations, the Clinton

[12] Interfax (Moscow), cited in WNC, April 15, 1997.

[13] Human Rights Watch/Helsinki and Memorial interview, Nadezhda Dudareva, Minsk, April 2, 1997.

administration adopted a policy of selective engagement, limiting government contacts to a minimum while continuing to work with democratic institutions, such as the independent media and NGOs.

Relations were strained further when, first, Peter Byrne, Executive Director of the Belarusian Soros Foundation, was refused entry into Belarus on March 16, 1997, and then a week later, when Serge Aleksandrov, the U.S. Embassy's first secretary, was expelled from the country for having allegedly participated in an opposition demonstration. The Clinton administration protested the expulsion, expelled a Belarusian diplomat and requested that the new Belarusian ambassador to the U.S. not come for his posting.

EU policy

The European Union (EU) reacted to the November 1996 referendum by sending a fact-finding mission to Belarus to investigate the circumstances of the referendum. Based on the conclusions of this mission, the Council of Ministers of the EU made its economic cooperation programs with Belarus conditional on concrete steps to be taken to return to democracy. Currently, under the guidance of an EU mediator, representatives of the Belarusian government and the opposition are discussing a new constitution that would guarantee a functioning separation of powers and human rights.

Council of Europe and the Organization for Security and Cooperation in Europe

The Parliamentary Assembly of the Council of Europe suspended Belarus' special guest status in late January 1997 in reaction to the November 1996 referendum. The Organization for Security and Cooperation in Europe (OSCE) sent a fact-finding mission to Belarus from April 15 to 18, 1997, which concluded that "there is every indication that the [Belarusian] authorities are constructing a system of totalitarian government."[14] The OSCE delegation recommended that a permanent OSCE representation be established in Minsk to monitor the human rights situation and advise the Belarusian government on promoting democracy. While the Belarusian government initially agreed to the establishment of such an office, it informed the OSCE on July 18, 1997, that negotiations had been suspended indefinitely, as the OSCE Parliamentary Assembly had invited only deputies from the old parliament and not from the National Assembly to participate in the Parliamentary Assembly.

Russian policy

Russia immediately recognized the results of the November 1996 referendum as well as the newly- established parliament. On April 2, 1997, Russian President Boris Yeltsin and President Lukashenka signed a short accord and initialed a Union Charter, which was signed on May 23, 1997. While both countries had been discussing far-reaching integration or even a merger, the text of the charter was watered down considerably under pressure from liberals in the Russian government. The charter provides for closer cooperation in the social, political, economic, military and other fields.

Russian officials have stated on various occasions that Belarus' human rights problems are an internal matter, and have continuously supported and defended Belarus in the international community. Belarus was openly criticized by President Yeltsin, Prime Minister Chernomyrdin and First Vice Prime Minister Nemtsov when correspondents for Russian television stations were stripped of their accreditation.

[14] Ambassador Rudolf Thorning-Petersen, "Report of the Mission of the Personal Representative of the Chairman in Office of the OSCE to the Republic of Belarus," April 29, 1997.

MONOPOLIZING THE MEDIA AND INFORMATION FLOWS

"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."
Article 19 (2) of the International Covenant on Civil and Political Rights.[15]

"No monopolization of the mass media by the State, public associations or individual citizens and no censorship shall be permitted."
Article 33 (3) of the Constitution of the Republic of Belarus.

"Citizens of the Republic of Belarus shall be guaranteed the right to receive, store, and disseminate complete, reliable, and timely information on the activities of state bodies and public associations, on political, economic, and international life, and on the state of the environment."
Article 34 (1) of the Constitution of the Republic of Belarus.

During the second round of the July 1994 presidential election campaign, President Lukashenka promised that if elected, he would end the state monopoly on mass media, ban political censorship and the persecution of journalists and allow the independent distribution of information free of government interference.[16] He centered his campaign on a strong anti-corruption platform of which a free media was an integral part. At that time, the Belarus media faced censorship from Prime Minister Kebich's administration which, in an attempt to silence critical voices during the campaign, had taken radio programs off the air and prevented independent newspapers from printing. It was therefore anticipated that should Lukashenka come to power, such government practices would be consigned to the past.

Lukashenka's subsequent tenure however, has brought about a sharp decline in media freedom. The state monopoly on the media continues and has in fact deepened; government decrees now specifically block or vet the independent distribution of information both within Belarus and from across its border; and the independent media have been the target of government censorship, administrative harassment and outright closure. In addition to administrative measures, there is overwhelming evidence of a vigorous and brutal government-sponsored campaign of physical attacks on, and intimidation of, journalists. In the three years of Lukashenka's administration, a series of repressive measures have targeted first the state-owned media, then the independent media, and finally foreign media—most notably Russian television—affecting all forms of information: the print media, radio, television, telecommunications and the internet. As a result of this climate of fear, the media now generally practice "self-censorship" to avoid running afoul of government doctrine. This creeping monopolization has served to deprive the Belarusian people—except for a minority in Minsk—of objective information about their country, providing them instead with a daily diet of pro-government, pro-Lukashenka propaganda.[17]

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[15] Belarus ratified the ICCPR in 1973.

[16] Belapan news agency (Minsk), cited in BBC Summary of World Broadcasts (SWB), June 25, 1994.

[17] Apart from monopolizing information flows and trying to marginalize the independent media, President Lukashenka uses the state-owned media to discredit the opposition, demonstrators, the non-state sector and the independent media through, among other things, branding them as "enemies of the people." For example, the authorities have repeatedly made the claim that the Belarusian Popular Front (BPF) pays children to attend demonstrations, which both the BPF and young demonstrators deny. On April 9, 1997, Belarusian state-owned media reported that President Lukashenka told collective farm officials in western Belarus that the "savagery" they saw on Russian Television after the April 2, 1997, demonstration never happened and had been staged by the Russian television stations. (see Radio Free Europe/Radio Liberty (RFE/RL) Newsline, an electronically distributed news digest, part 2, April 10, 1997.) Anatoly Lebedko, a member of the Thirteenth Supreme Soviet, gave Human Rights Watch/Helsinki one example of the way President Lukashenka tries to discredit deputies of the Thirteenth Supreme Soviet in the eyes of the people:

Banning Plurality from State-owned Media

Censorship in the state-owned media began in earnest a mere five months after President Lukashenka's election. In December 1994, in keeping with Lukashenka's pre-election promise to fight corruption, parliamentary deputy Sergei Antonchyk carried out an investigation into corruption in parliament. However, the Belarus government banned press coverage of Antonchyk's report, which was said to contain corruption charges against various high-ranking officials. In reaction to this ban the newspapers *Sovetskaya Belarussiya*, *Zvyazda*, and *Respublika* ran huge blank spaces in their December 23, 1994, editions, where the report was to have been printed.[18] The same day, printed copies of the daily *Narodnaya Gazeta* and *Gazeta Andreya Klimova*, which presumably had already printed the report, were not permitted to leave the state-owned publishing house.[19]

In a February 1995 address to state television and radio employees, Lukashenka delineated his position on the role of state-owned media and his opinion on media freedom in general:

> We have freedom of the press and a journalist has the right to support any opinions. I agree with that... However, there is one "no" here. You work for a state TV and radio company—I stress, a state one, and this obliges you to do everything for the benefit of our state... Journalists should not get involved in the "game of big politics."[20]

Shortly thereafter, Iosif Syaredzich, editor-in-chief of *Narodnaya Gazeta*—then the most popular and widely r publication in Belarus, known for its criticism of Lukashenka's policies—became the third editor of a state-owned newspaper, after the editors of *Sovetskaya Belarussiya* and *Respublika*, to be dismissed.[21] Syaredzich's dismissal was based on the publication of a letter that, according to Lukashenka, contained calls for "violence and civil confrontation."[22] According to Uladzimir Zametalin, then chief of the Directorate for Public and Political Information,[23] publishing the letter violated article 100 of the presidential constitution, which states that the president is empowered and obliged to take measures aimed at securing political and economic stabilization.[24] Syaredzich's successor at *Narodnaya Gazeta*, Nikolai

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> [Around the time of the November 1996 referendum, the president] ... made a speech on TV and said: "My dear compatriots! Well, I don't know, how can we fight with the Supreme Soviet? You know, they adopted a law: They can retire at the age of thirty-five." And the people think: 'How can that be?! I slave in the salt mine ... and retire at sixty, and they just sit there, do nothing and retire at thirty-five!'"

According to Lebedko, deputies can retire after thirty-five years of service in parliament, not at the age of thirty-five. Human Rig Watch/Helsinki and Memorial interview, Anatoly Lebedko, April 6, 1997.

[18] *Respublika*, (Minsk), cited in World News Connection (WNC), January 6, 1995.

[19] Minsk Radio, cited in WNC, December 23, 1994.

[20] Belarusian radio, (Minsk), cited in BBC SWB, February 24, 1995.

[21] *Trud*, (Moscow), cited in WNC, March 24, 1995.

[22] Ibid.

[23] Zametalin later became chairman of the State Press Committee and, on July 15, 1997, was appointed deputy prime minister.

[24] *Zvyazda* (Minsk), cited in BBC SWB, March 21, 1995.

Galko, lasted until March 17, 1996; his ouster, officially for "failing to carry out his duties," was widely believed to be in retaliation for articles that criticized the proposed unification of Belarus and Russia.[25]

The Independent Media

In March 1995, in a portent of things to come, in response to the question what the president would do if an independent newspaper published articles or letters that criticized the president's policies, Uladzimir Zametalin replied:

> I think that the President perfectly understands that these are not state-owned media. In such a case he would not violate the law. In my opinion, he would first recommend that the Ministry of Culture and Press annul agreements on disseminating these papers concluded with their editorial boards, and then, of course, he would take steps to prevent these editorial boards from publishing their papers in state-owned publishing houses.[26]

Zametalin's reply proved to be an accurate and ominous forecast of the initial steps taken by the government to silence the independent printed press.

Marginalization of the Print Media

In Belarus, the government controls the print media through its ownership of all the printing plants in Minsk and of the national distribution service. The fact that there are no longer any daily independent newspapers—all eight daily newspapers are state-owned—is also indicative of state control over the print media. Over the past three years, the government has used this control to reduce the total circulation of the independent printed press to less than the daily circulation of the presidential administration's newspaper, *Sovetskaya Belarus* (Soviet Belarus).[27]

The marginalization of the print media began in earnest in late 1995. Following President Lukashenka's allegations in October that the "mass media has not responded to his call for objective coverage of the situation in the republic," concrete and punitive action was taken against three independent newspapers.[28] The same day that the newspaper *Narodnaya Volya* (Peoples' Will) learned that its printing contract with the publishing house (Belorusskiy Dom Pechati), had been terminated, the state-owned printing house in Gomel, Belarus' second largest city, announced that it would no longer print the independent daily *Belarusskaya Delovaya Gazeta* (Belarus Business Paper) and the weekly *Imya* (The Name), citing lengthy repairs as the reason.[29] Zametalin's subsequent announcement that all printing houses, with his department's consent, would have the right to conclude contracts with independent newspapers, suggests that the "repairs" to the Gomel publishing house were a pretext for preventing publication of independent thought in Belarus. This supposition is strengthened by the concomitant cancellation by Minskaya Pochta, the state postal and distribution service, and Soyuzpechat the state-owned distribution agency, of their distribution contracts with independent newspapers.[30] *Belarusskaya Gazeta* (Belarusian Newspaper) and *Imya* began to publish in neighboring Lithuania and import each edition to Belarus, a step that other independent newspapers were to follow. However, the effect of barring independent newspapers from using state distribution networks was to greatly reduce the number of copies in circulation,

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[25] Yasha Lange, *Media in the CIS* (Brussels: The European Commission, May 1997), p. 76. Also at http://www.internews.ras.ru/books/media.

[26] *Zvyazda*, cited in BBC SWB, March 21, 1995.

[27] Radio Russia (Moscow), cited in BBC SWB, March 22, 1997.

[28] *Izvestiya* (Moscow), cited in BBC SWB, November 3, 1995.

[29] Ibid.

[30] Ibid.

limiting the sale of independent newspapers to the streets of major cities. Further, by forcing the printing of independent newspapers outside of the country, Lukashenka placed the import and export of the papers at the mercy of customs officials, and made them vulnerable to punitive decrees (see below, "Restrictions on the Import and Export of Information").

A further blow to the independent media came on January 10, 1996, when it was announced that access to the Belarusian parliamentary session hall was denied to journalists of independent newspapers—only reporters from state-owned, and therefore censored, media were permitted to enter.[31]

The independent media responded to these restrictions with criticisms and specific recommendations for change. In March 1996, a Belarusian conference of independent press publishers released a statement declaring that in Belarus, "a state monopoly on the mass media, printing facilities and distribution of periodicals still exists." The statement included numerous recommendations intended to counter the state monopoly on the flow of information. Among the recommendations was that parliament limit the right of state structures to found mass media outlets; that the government draw up a state program for the development of mass media that would envisage taxation and other concessions for mass media in the Belarusian language; and that the government annul instructions that clearly violate both the Belarusian constitution and internationally accepted norms. The independent publishers specifically opposed the proposed reregistration of periodicals published in Belarus and of independent television and radio companies envisaged by the Belarusian Security Council, and they also protested the Council's proposal that all foreign correspondents reapply accreditation.[32]

Harassment and Intimidation of the Print Media

The government of Belarus has employed a variety of administrative measures in its efforts to paralyze the independent media and related bodies, including tax audits, evictions and outright threats of closure. Tax audits have served as a particularly punitive and effective tool. Toward the end of 1996, all independent newspapers that had already passed a regular audit were re-audited on the instruction of the Lukashenka administration. It seems clear that the purpose of the second audit was to impose fines for non-payment of taxes so punitive as to force the newspaper in question to close. In most cases the grounds for such fines were absurd. One of the leading opposition newspapers, *Svaboda* (Freedom) faced such an audit last year. Igor Gremenchuk, the editor, explained:

> Yes, we had an audit; they were sent out at the end of last year straight away to all independent newspapers. Despite the fact that the regular audit had already been carried out in the fall, before the referendum, our newspapers [the independent press] were sent a new audit and the newspapers were assessed for unbelievably high fines for violations, which in general they had not committed.[33]

Gremenchuk explained how *Svaboda*'s advertisement revenues enabled the free distribution of several hundred copies per edition:

> The purpose of the advertisements was so part of the circulation of the newspapers could be distributed free. We, for example, during the period when we had subscription advertisements, distributed part of our circulation free. This amounted to approximately 300-500 copies per edition. For many months we

[31] Belapan news agency, cited in BBC SWB, January 10, 1996.

[32] Belarusian radio, cited in BBC SWB, March 17, 1996.

[33] Human Rights Watch/Helsinki and Memorial interview, Igor Gremenchuk, Minsk, April 4, 1997.

gave away a large number of newspapers that the authorities said we had to pay tax on as though we had sold them.[34]

Ignoring the documents that showed that these copies were given away free and that no revenue had been generated directly from this free distribution,[35] the state tax service fined the newspaper thirty million rubles (approximately US$3,000) and froze its bank account.[36] According to Gremenchuk, the independent newspaper, *Svobodnyie Novosti* (Free News), which underwent a similar audit at the same time, was fined US$25,000.

Other independent newspapers report that companies that advertise with them face similar audits and tax inspections. Given the difficult financial circumstances of the independent press, revenue from advertisers is vital to a newspaper's survival—and its absence is devastating. Tatyana Melnichuk, editor of the weekly newspaper *Belarusskaya Molodezhnaya* (Belarusian Youth) told Human Rights Watch/Helsinki:

> It is practically impossible to earn income from advertisements: companies that worked with us the past few months have once again received serious warnings that any contact with the independent press, and in particular our newspaper, would threaten them with trouble. That would be either a tax inspection or some kind of incomprehensible investigation. . . in short companies received warnings. . . : "do not cooperate with us." Whomever we turned for help, everyone was confronted by the dilemma of being penalized for helping us. [37]

Melnichuk told Human Rights Watch/Helsinki about a company that pulled its advertisement in *Belarusskaya Molodezhnaya* after a three-week run:

> We received a letter of credit from [the company] Verkhnedvinsk, it had placed an advertisement [in our newspaper], but the third week we could not make the payment from its local branch of Belagroprombank. In the beginning the bank checked, then probably leaned a little on the director [of the company], because he called me and said that certain difficulties had arisen.
>
> This is administrative pressure. It is clearly political. To live and work when high ranking officials continually threaten severe reprisals against the independent press is extremely difficult.[38]

Such political pressure is further illustrated by the warning issued by Uladzimir Zametalin, then chief of the Directorate for Public and Political Information, against *Belarusskaya Molodezhnaya* for the publication on February 21, 1997 of an article entitled *Chto Delat?* (What is to be done?) by Evgenniy Lobanovich, Chairman of the Frunzensky Regional Organization of the United Civil Party. The charges read:

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[34] Ibid.

[35] Human Rights Watch/Helsinki was unable to verify this claim, although the free distribution of *Svaboda* has been well documented.

[36] As of July 1997, the average wage in Belarus was below US$100 per month.

[37] Human Rights Watch/Helsinki and Memorial interview, Minsk, April 4, 1997.

[38] Ibid.

> In the article by E. Lobanovich, "What is to be done?," there are indications of a violation of article 5 of the Belarus Law on the Press and Other Mass Media in the section where there is a call to overthrow the authorities and to forcibly alter the constitutional structure of the country.[39]

The article, published on March 6, 1997, concerns various approaches for returning to democracy in Belarus. It argues that President Lukashenka will not reestablish democracy himself, and that free and fair elections that could bring to power another president cannot be expected. The author therefore concludes that the currently fractured opposition has no choice but to unite and stage massive protests that would, as in Serbia and Bulgaria, bring down the authoritarian government. Human Rights Watch/Helsinki views the article as an example of Mr. Lobanovich's right to freedom of expression.

Attempts at eviction

The newspaper *Svaboda* faced further harassment in the form of an attempted eviction from its premises in 1996. *Svaboda*'s offices were located in a government-owned building that was also home to the ministry of statistics. "Ownership" was then transferred to the presidential administration, and this transfer was then cited as a reason for evicting the newspaper, despite the fact that three years remained on its lease. Gremenchuk explained:

> Well, they replaced the owner. . . but the law on rent is intended so that should ownership change, the lease agreement remains legally binding. They then embarked on a different course and raised the rent. Under the law they have the right to do that. So they swiftly raised the rent threefold. Of course that's very dear for us and it isn't worth paying that much, but we were forced to pay because we need premises.[40]

Combined with government restrictions that forced *Svaboda* to print temporarily in Lithuania, as well as other restrictions on its circulation (see below, "Restrictions on the Import and Export of Information") the net effect of these measures has been a reduced number of copies at an increased price, and, accordingly, a smaller readership:

> The [rent] payment is excessive and it is reflected in the expensive price of the newspaper . . . Readers receive the paper through subscription and it's sold in kiosks. Last year [the government] sometimes prohibited distribution of the paper... the authorities have restricted circulation. In the market, demand for the paper exceeds supply. Other than by the state, there are no alternative means of distribution.[41]

Belarusskaya Molodezhnaya—one of the few independent newspapers to be printed in Belarus—has experienced similar problems. It faces a glaring imbalance between production costs and revenue generated, one which does not augur well for its future survival:

> [T]he economic situation has really deteriorated, printing prices have risen again. Now it costs five million [roubles] to print five thousand copies (we use our own paper, film—in order to pay less we carry out as much of the work of the publishing house we can), that is, each paper, just for the printing process through the printing house, costs a thousand [roubles]. Add to that the cost of paper, plus exorbitant taxes and that makes the cost price of one edition 6,500 [roubles, about forty cents] which no Belarusian

[39] Notification of legal action against the editor in chief of *Belarusskaya Molodezhnaya*, March 6, 1997, No. 02-13/101, signed by U.P. Zametalin, Chief of the Directorate for Public and Political Information.

[40] Human Rights Watch/Helsinki and Memorial interview, Minsk, April 4, 1997.

[41] Ibid.

can afford. The newspaper sells in the kiosks for 2,500 [about eleven cents]. It's an average price in the newspaper market.[42]

Belarusskaya Molodezhnaya's financial problems are compounded by the absence of alternative sources of funding. While economic problems of the independent press are not in themselves of direct concern to Human Rights Watch/Helsinki, there is strong evidence that this hardship stems from politically motivated and government-induced measures intended to close down or greatly reduce the circulation of the independent printed media in Belarus. That the independent press still exists attests to the ingenuity and resourcefulness of the editors, journalists and staff of these papers, who face a constant struggle simply to present an alternative to government information.

The Broadcast Media

Following concerted efforts by the Belarusian government to control the radio waves, there are no longer any domestic radio stations that dare broadcast anything remotely political. Those radio stations—both state-owned and independent—that did, faced censorship and closure (see below). Hence, there are no domestic alternatives to the censored state monopoly on political news and information. Russian television, namely the stations RTR and ORT, can be received by almost all Belarusians, while Russian NTV is received by approximately half the population.[43] However, reports suggest that, by order of the president, a second national Belarusian television station will start broadcasting in 1997 on the same frequency as the Russian ORT channel. Given the history of President Lukashenka's criticism of, and allegations of bias against ORT, together with the removal of ORT journalist Pavel Sheremet's accreditation (see below, "Stripping Journalists' Accreditation: the Cases of Aleksandr Stupnikov and Pavel Sheremet"), such appropriation of the ORT frequency would therefore appear to be no coincidence.

The Cases of Radio 2, Radio 101.2, and Cable TV Channel 8

The Belarusian State Television and Radio Company (STRC) is the only national television company and controls the licencing and frequency allocations for all television and radio stations. There are fifteen terrestrial and twenty-seven private local television stations in Belarus that broadcast to small pockets of the population.[44] Two of the terrestrial stations and all cable stations belong to a collective broadcasting network known as the Television Broadcasting Network of Belarus (TBN) while the remaining thirteen terrestrial stations have combined to form the Belarusian Association of Independent Television (BAIT). Both groups are known for avoiding material of a political nature. Such self-censorship is explained by the government monopoly on transmitters that, according to Arthur Karapetov, director of TBN, could be shut down at any time.[45] The temporary closing in 1995 of Channel 8, the local cable station for Minsk, may have served as a warning to other local stations. The government closed the station in the three months prior to the 1995 parliamentary elections on the pretext of repairs. Channel 8 was permitted to reopen only on the proviso that it no longer carry programs of a political nature.[46]

Following the April 26, 1996, demonstration commemorating the tenth anniversary of the Chernobyl catastrophe and the ensuing violent clashes with riot police (see below, "Suppressing Freedom of Assembly and Expression"), the

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[42] Human Rights Watch/Helsinki and Memorial interview, Tatyana Melnichuk, Minsk, April 4, 1997.

[43] Statistics from Lange, *Media in the CIS*, p. 80. The abbreviations stand for, respectively, Rossiskaya Teleradio Kompaniya (Russian Television and Radio Company) and Obshchestvennoe Rossiskoe Televideniye (Russian Public Television); NTV is an independent Russian television company.

[44] "Terrestrial" as opposed to satellite or cable broadcasting refers to standard television broadcasts by transmitters that necessitate only the use of an antenna to receive pictures.

[45] Lange, *Media in the CIS*, p. 81.

[46] Ibid. p. 78.

STR banned the second national radio station, Radio 2, from reporting live until May 9, 1996. It also ordered the station to limit subsequent coverage of the April 26 demonstration—and related issues concerning anti-government protest—to negative comments only.[47]

On September 2, 1996, the STR again banned Radio 2 from broadcasting live, this time because in late August it had given air time to the chairman of the Thirteenth Supreme Soviet, Syamyon Sharetski, and his first deputy, Vasil Novikov, both of whom were known for their vocal opposition to President Lukashenka.[48] The ban clearly intended to prevent any coverage of, or publicity for, the opposition that had not been vetted by the government.

On September 1, 1996, the day on which the draft presidential constitution was published for debate, the government closed Radio 101.2, the sole independent radio station in the Belarusian language. Radio 101.2 was a popular music radio station that also broadcast news. The Ministry of Communications claimed that the station's transmitter was interfering with government communications, but two facts suggest that the government actually sought to eliminate it as an outlet for free expression. First, Radio 101.2 had applied several times to move its aerial to a different location where a new transmitter had been installed, but these applications had been turned down. Second, several months after the station's closure the government announced that it would assign the 101.2 FM frequency for the use of the pro-presidential youth organization, the Belarusian Patriotic Youth Union (BPSM), also called Direct Action. This group, reminiscent of the communist-era Komsomol youth movement, is reportedly the mouthpiece for governmental policy.[49] According to a Minsk journalist who declined to be named for fear of possible repercussions, BPSM/Direct Action is nothing more than a vehicle to spread government propaganda. He recalls:

> Radio 101.2 was appropriated (it was independent) and the frequency was given to [BPSM]. It was a great, regular radio station: news, music—the youth liked it. Now they have given that wavelength to [BPSM] and there will be propaganda. A young person will hear this: "Our national president. . . is the leader of the Slavic people, the sun of the world. . .", it will be simply funny. Nevertheless, they will be spending money on this and...well, what will follow?[50]

Despite numerous subsequent protests and demonstrations demanding the return of the 101.2 frequency to Radio 101.2 and the station's reinstatement, as of this writing Radio 101.2 remains off the air.

Assaults on Journalists at Demonstrations and Restrictions on Media Coverage

An abundance of evidence documents the specific targeting of photo- and video-journalists covering opposition demonstrations: On numerous occasions, police have physically assaulted journalists attending such events and have confiscated their film and video footage. In contrast, there is no evidence of similar incidents occurring at pro-government demonstrations. The number of opposition demonstrations and concomitant assaults on media personnel since Lukashenka entered office would require an exhaustive report due to the sheer scale of the alleged incidents (see appendix A). Two demonstrations, a year apart, exemplify police and government policy aimed at preventing independent coverage of public protest.

On May 1, 1996, several thousand people took part in a rally to commemorate May Day. Many of the demonstrators used the occasion to voice their protest against the proposed reintegration of Belarus with the Russian

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[47] Belapan news agency, cited in BBC SWB, April 30, 1996.

[48] Belapan news agency, cited in BBC SWB, September 5, 1996.

[49] Belapan news agency, cited in BBC SWB, February 14, 1997. For more on this organization, see below, "Strangling the NGO Community."

[50] Human Rights Watch/Helsinki interview, Minsk, April 1997.

Federation. Journalists covering the demonstration noted the presence of large numbers of OMON (riot police).[51] In contrast to a April 26, 1996, rally at which police targeted demonstrators for physical attack, on May 1, the Belarus government evidently shifted strategies and sought instead to prevent news of the demonstration from reaching the public. Aleksandr Stupnikov, correspondent for the Russian NTV television company and Aleksandr Kushner, a reporter for *Respublika*, were interviewed on Russian TV and described what happened:

> *Stupnikov*:
> During the demonstrators' march, heavily built people in civilian dress grabbed three photo correspondents one after the other as they were filming the column of Belarusian social democrats marching by, and made them expose their film.
>
> *Kushner*:
> They twisted my hands behind my back and threw me in the car. They threw Viktor Okovochko, the Belapan photo correspondent, in along with me. They then drove us out of town. . . and they were continually demanding that we expose our film. . . I was afraid for my own safety and life and I did it—I exposed the film. But I exposed the wrong film and today I can show you this shot, which shows a man from the presidential guard who did not introduce himself and the car in which they took us away. Here you can clearly see how he leads away Mariya Zhilinskaya who later exposed her film under pressure from him.[52]

Stupnikov explained what happened to the NTV camera crew who had just finished covering the rally:

> In the yard, five or seven big men in civilian clothes, who were obviously not workers, jostled the NTV group, which was returning from filming in the very center of the city, and demanded the material which had been filmed. They hit the cameraman, tried to snatch the camera and, forcing his hands open, tore the cassette away from him, then ran away. While they were wrestling with the NTV correspondents in the yard to obtain the video cassettes on which their material had been filmed, the assailants shouted out to passers-by: "They've got weapons! They've got weapons!" Our only weapon is this microphone.[53]

In addition, RTR correspondent Leonid Sveridov, while driving home from the rally, was followed and harassed by men in plainclothes who forced him to pull over and threatened to smash his car windows:

> Well, it was perfectly clear to me that these people in civilian dress wanted to take away the video material we had shot, but we categorically refused to leave the car and they failed to get it. Why this situation, why this awful story with the photo correspondents, first with you [Stupnikov] from NTV, then with us from Russian TV? Well, it is a logical link in the same chain. It is a deliberate action to intimidate journalists working in Belarus, and Russian journalists in particular.[54]

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[51] OMON—Otryady Militsii Osobogo Naznacheniya (Special Task Militia Units).

[52] NTV, Moscow, cited in BBC SWB, May 5, 1996.

[53] NTV, cited in BBC SWB, May 1, 1996.

[54] NTV, cited in WNC, May 5, 1996.

Despite subsequent claims by the Belarusian KGB[55] that they had had nothing to do with these attacks and that the attacks were the work of common criminals,[56] the fact that the assailants clearly intended to steal photographic film and video cassettes with footage of the demonstration—particularly in light of the earlier confiscation and exposure of photographers' film—strongly undermines the assertion that the assaults were the work of "common criminals," whose sole interest surely would have been the valuable equipment alone.

As a consequence of such incidents, journalists covering demonstrations in Belarus have had to adopt special techniques in order to prevent the confiscation of their footage and to deter physical attacks by the police.

> We have worked out a system of working almost like in a war zone, in case something happens. It is understood, that although in Moscow we are divided into [different television stations] RTR, ORT and NTV, here. . . we are allies and comrades-in-arms, especially when such large demonstrations occur.
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> We always look out for each other, as a rule three cameramen work together, three correspondents stay together, because if some kind of incident occurs, someone can keep hold of the film.[57]

On April 2, 1997, at a demonstration in Minsk protesting the signing of a watered-down unification treaty between Russia and Belarus, police attacked at least five journalists. Violence at the demonstration broke out when some 2,000 out of an estimated 4,000 demonstrators broke from the march, which had been peaceful, and headed toward the Russian embassy, and demonstrators reportedly threw stones at the police. Nonetheless, targeted violence against clearly identifiable journalists from the broadcast and print media alike strongly suggests an official policy to stifle the independent coverage of demonstrations that oppose government policy. Yelena Lukashevich, the Belarus correspondent for Vesti attended the demonstration:

> I know that yesterday [April 2] the following journalists were beaten: Irina Khalib, correspondent for the magazine, *Itogi*; Tomashevskaya, *Kommersant-Daily*; Shchukin, deputy of the Thirteenth Supreme Soviet and correspondent for the *Tovarishch* newspaper; Naumenko, correspondent of the Belarusian newspaper *Svobodnye Novosti-Plus*.
>
> They were beaten mainly on the body, but Shchukin took a beating. . . they beat him on the head—it was a frightening sight.[58]

Tatyana Melnichuk, editor of *Belarusskaya Molodezhnaya*, also attended the April 2 demonstration. She explained to Human Rights Watch/Helsinki that due to financial constraints *Belarusskaya Molodezhnaya* has had to employ many students as free-lance writers. As free-lance writers, however, these students do not have official certification as journalists. Melnichuk explained that she had initially believed that having official certification might afford the students some measure of protection, in the event of police brutality at demonstrations. She changed her mind after an incident involving one of her free-lance colleagues:

> Denis Nosov had only just joined us, he is a free-lance correspondent for *Belarusskaya Molodezhnaya*. After the street protests of April 2, in which he did not take part but on which he reported, with a press

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[55] Kommitet Gosudarstvenniy Besopastnosti (Committee for State Security).

[56] Belapan news agency, cited in BBC SWB, May 2, 1996.

[57] Human Rights Watch/Helsinki interview, Yelena Lukashevich, Belarus correspondent for Vesti, RTR's news program, Minsk, April 3, 1997.

[58] Ibid.

pass, he had his head split open. . . [and now he is feeling very poorly] he was taken to hospital in an ambulance. They [OMON] used force against him, not in spite of his press pass, quite the reverse—it was like waving a red flag at a bull.[59]

The April 2, 1997 demonstration is distinct from the May 1, 1996, action in that far greater restrictions on foreign media have since been initiated.

Controlling the Foreign Broadcast Media

As part of its efforts to censor information broadcast within the country in 1996 and 1997, the government has sought to restrict the foreign broadcast media, especially Russian television, which is viewed by the vast majority of Belarusians. These efforts included intimidating and harassing foreign broadcast journalists, regulating the editorial processes of foreign television companies and confiscating footage and equipment at state borders.

In one of the most egregious cases of intimidation, on June 22, 1996, at 2:00 a.m., two unidentified men broke into the apartment of Radio Free Europe/Radio Liberty (RFE/RL) correspondent Yuri Drakokhurst, who happened to be away in Poland. The assailants beat Drakokhurst's wife, Galina, who was alone in the apartment, instructing her to tell her husband what had happened. The beating was so severe that she lost consciousness. When she came to, she found that the attackers had left the apartment untouched, indicating the intimidatory nature of the assault. Five months later, on November 16, Galina surprised two more intruders in the apartment; they too escaped.[60] Yury Drakokhurst was noted at the time for his coverage of opposition demonstrations, including the beatings of journalists covering them.

Stripping Journalists' Accreditation: The Cases of Aleksandr Stupnikov and Pavel Sheremet

On March 24, 1997, Interfax reported that Aleksandr Stupnikov, NTV's Belarus correspondent, was to be stripped of his accreditation as a journalist and expelled from the country for his alleged systematic distortion of information about events in Belarus.[61] Although Stupnikov held USSR citizenship, he was forced to leave the USSR in 1985, as a result of pressure from the Soviet authorities and, as a Jew, he was able to acquire Israeli citizenship. He later acquired legal residency in Belarus but not Belarusian citizenship. His status as a "foreigner" formed the grounds for his expulsion by the Belarusian government. The Ministry of Internal Affairs released the following statement:

> The activities of Israeli citizen Aleksandr Stupnikov as the head of the office of the Russian television company NTV undermine the atmosphere of trust [and] the neighborly and friendly nature of relations between Belarus and Russia. The deliberate distortion of facts in his coverage of internal political life in the republic misleads both citizens of Belarus and citizens of other states.[62]

The Ministry of Internal Affairs statement claimed that Stupnikov had violated article 3 of the Law on the Legal Status of Foreign Citizens and Persons without Citizenship in the Republic of Belarus. This article provides that "the exercising by foreign citizens and persons without citizenship of their rights and liberties in the Republic of Belarus should not damage the interests of the Republic of Belarus, the rights and legal interests of citizens of the Republic of Belarus and other persons." Human Rights Watch/Helsinki considers Stupnikov's reports for NTV on recent events such as opposition demonstrations, beatings of demonstrators and journalists and government harassment of the media, events which the government of Belarus clearly sought to cover up,

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[59] Human Rights Watch/Helsinki interview, Tatyana Melnichuk, Minsk, April 4, 1997.

[60] Ekho Moskvy news agency (Moscow), cited in BBC SWB, June 22, 1996.

[61] Interfax news agency, quoted in NTV, Moscow report, cited in BBC SWB, March 24, 1997.

[62] Belapan news agency, cited in WNC, March 28, 1997.

to have been informed and objective and in no way could be construed to be "damaging" to the interests of the country. Human Rights Watch/Helsinki therefore considers the stripping of Stupnikov's accreditation, his expulsion from Belarus and the confiscation of his multiple-entry visa and residence permit politically motivated and in violation of his right to impart information under Article 19 of the ICCPR. Consequently, Stupnikov's expulsion was punitive as it forced separation from his wife and five children, all citizens of Belarus, who remained in Minsk.[63]

Reflecting on of his imminent deportation, Stupnikov said:

> Frankly speaking, I have no idea what the authorities want from us, from the Russian correspondents of all the channels who work here, and from me in particular, because we avoid analytical reporting. We simply report facts. It is not our fault that some facts do not fit into the picture which is obviously being drawn at the office of the Belarusian president.[64]

In response to a question from Stupnikov regarding which journalists would next be stripped of their accreditation, Belarusian Foreign Minister Ivan Antanovich stated:

> I think, Mr. Stupnikov, that the next one [to lose his accreditation] will be someone who has, for just as many years as you, reported fabrications about us which were maliciously inspired and emotionally loaded and which distorted the real state of affairs.[65]

On July 2, 1997, a little more than three months after the Stupnikov incident, Russian Public Television (ORT) Minsk bureau chief, Pavel Sheremet—a citizen of Belarus—had his special events accreditation annulled. The action was prompted by a report broadcast by Sheremet on ORT about the devastating hurricane that swept through Belarus on June 24 of that year, killing three people, wounding more than forty and destroying 620 homes.[66] Sheremet had chided the Belarusian government and President Lukashenka for not canceling "costly" festivities planned for the July 3 Independence Day celebrations and for not using the funds instead to repair the extensive storm damage.[67] Sheremet also allegedly referred to the holiday, which had been moved from July 27 to July 3 in the November 1996 referendum, as "a holiday invented by President Lukashenka."[68] Human Rights Watch/Helsinki believes that Sheremet's work, and this report, were part of the legitimate exercise of his right to freedom of speech. We view the suspension of his special events accreditation on July 2 as clearly designed to censor news coverage on Belarusian Independence Day, in clear violation of freedom to receive and impart information.

On July 7, 1997, Sheremet was stripped of his general accreditation. According to a statement released by the Ministry of Foreign Affairs of Belarus, Sheremet was alleged to have deliberately distorted information about events in Belarus, leading to the disinformation of the public in Belarus and Russia. Revoking his accreditation was therefore deemed to be in accordance with article 42 of the Belarusian Law on the Press and

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[63] Stupnikov has since been granted Russian citizenship by presidential decree. Under rules regulating visa-free travel in the countries of the Commonwealth of Independent States (CIS) for CIS citizens, as a Russian citizen, Stupnikov can no longer be subject to forcible expulsion. However, as of July 1997, Stupnikov has elected to work as bureau chief for NTV in Tel Aviv, Israel. The NTV bureau in Minsk remains open.

[64] Ekho Moskvy radio, cited in BBC SWB, March 24, 1997.

[65] RTR, cited in BBC SWB, March 25, 1997.

[66] RFE/RL Newsline, Vol. 1, No. 60, Part II, June 25, 1997.

[67] *Komersant Daily* (Moscow), cited in Reuters news wire, July 4, 1997.

[68] *Komersant Daily*, cited in Reuters news wire, July 9, 1997.

Other Mass Media. Human Rights Watch/Helsinki regards the allegations made against Sheremet to be unfounded and the action taken against him to be politically motivated and designed to silence criticism of President Lukashenka. Further, the removal of his accreditation impedes his exercise of freedom of expression, which is protected under both article 19 of the ICCPR and article 8 of the Charter of the Union of Russia and Belarus. The Charter, signed by Presidents Lukashenka and Yeltsin on May 23, 1997—which resolved outstanding differences that remained following the signing of the April 2, 1997 unification treaty—clearly mandates "...universal respect and implementation of the rights and basic freedoms of the individual, in line with generally accepted norms of international law." Human Rights Watch/Helsinki is also alarmed that the Law on the Press and Other Mass Media does not provide for the appeal of such withdrawal.

Human Rights Watch/Helsinki believes that the stripping of Sheremet's and Stupnikov's accreditation, together with the latter's expulsion, was designed both to encourage self-censorship and to warn other journalists—notably television journalists from Russia—that criticism of President Lukashenka, coverage of demonstrations, opposition rallies, police brutality and/or harassment or intimidation of journalists would be rewarded by similar treatment. That the action taken against Stupnikov was just days before the April 2, 1997, signing of the unification treaty between Belarus and Russia, and, that Sheremet's accreditation was annulled the day before the inaugural independence day celebration lends credence to the notion that President Lukashenka moves to silence dissenting media at critical junctures in the political calendar.

Restrictions on the Import and Export of Information

On November 20, 1996, the Russian television companies ORT and NTV both reported that President Lukashenka had ordered new restrictions on the Russian media in Belarus. NTV quoted a news agency dispatch on the reporting restrictions, which included cutting off Belarusian journalists' E-mail (electronic mail) links with Russia. The same report asserted that Russian channels would be allowed to file reports to Moscow only after Belarusian television transmission station chiefs examined and vetted them. Although this vetting procedure was discontinued toward the end of 1996, it was reinstated in March 1997, presumably to stifle coverage of opposition demonstrations. According to information received by Human Rights Watch/Helsinki, this procedure was again discontinued shortly after the April 2 signing of the unification treaty between Russia and Belarus. However, all transfers of video material made from the center are recorded simultaneously by the Belarusian station staff, which further serves to foster the practice of self-censorship.[69]

On March 18, 1997, the Belarus Council of Ministers passed Decree 218 on Applying Interdictions and Restrictions to any Belarusian Material, which would affect all material believed to threaten "the national security, rights and freedoms of individuals, health and morale of the population, and environmental protection." Decree 218 bans the transfer of equipment for media that could "represent a threat to the country's political and economic interests." It further states that materials "that carry information," meaning audiovisual equipment and printing equipment, may also be banned.[70] Decree 218 served to formalize what was, in fact, the already common practice of state control over the import and export of information. In an interview with Human Rights Watch/Helsinki, the editor of *Svaboda* gave this example:

> Last fall [1996] a publisher had prepared a digest of independent Belarus press. He collated the most interesting articles and had around 600,000 copies printed in Lithuania. When he imported half of the copies they were confiscated and then the second half was confiscated as well. The digest was confiscated because it contained information that was against Lukashenka. This was either in the news articles or readers' letters from legally published independent newspapers, gathered together into two pages. This was before the referendum.[71]

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[69] ORT, cited in BBC SWB, November 19, 1996.

[70] Reporters sans Frontières, Action Alert, April 1, 1997.

[71] Human Rights Watch/Helsinki interview, Igor Gremenchuk, Minsk, April 4, 1997.

The decree was enforced on the very day of its adoption. On March 18, 1997, at the Belarus/Lithuania border, plainclothes officials intercepted and inspected all copies of the *Belarusskaya Gazeta*. Having reviewed, and presumably approved, the paper's contents, it was delivered—after some delay—to the distributors.[72]

On April 3, 1997, Nikolai Kopchenov, deputy director of *Belarusskaya Molodezhnaya*, went to visit his parents in Vilnius, Lithuania for his birthday. He was carrying back issues of the newspaper. Tatyana Melnichuk, Kopchenov's wife, told Human Rights Watch/Helsinki:

> I gathered some different examples of our newspaper [for Nikolai to take with him], those which had been on sale in the kiosks, those which had been sold a week or a month ago. Today there was a call from Vilnius: at the Belarus side of the border copies of *Belarusskaya Molodezhnaya* were confiscated as well as a few loose photographs of the recent events. . .[Nikolai] took [the photographs] to show his parents what he is doing and what acts he had taken part in. It was all confiscated as though it were illegal to export the materials.[73]

On March 23, 1997, following violence at an unauthorized demonstration by supporters of the Belarusian Popular Front, Ivan Pashkevich, deputy head of the Belarusian presidential administration telephoned NTV and ORT correspondents in Moscow to inform them that they were now forbidden to transmit from Belarus video material of opposition marches and rallies. At the same time security guards at the Belarusian television studio, from which video footage was ordinarily transmitted, refused journalists access to the building. On March 24, Russian television companies were prevented from transmitting journalists' video reports to their Moscow newsrooms.[74] Shortly afterwards, Sergey Yastrzhembsky, Russian President Boris Yeltsin's press secretary, expressed "deep concern" over what he termed the "media blackout" in Belarus, specifically citing the ban on the transmission of video materials.[75] The ban was rescinded some two and a half days later. In an attempt to justify the measure, Lukashenka stated on March 28:

> [N]o state will allow disturbances; there is a law that must be observed. . . [there are] neither censorship nor bans [for journalists working in the republic].[76]

But later that day, Russian television journalists felt the full extent of restrictions on the flow of information when they attempted to transfer their footage to Moscow. The Belarusian government had placed a ban on the transfer of video footage outside of the country. This ban turned out to be temporary, lasting only two and a half days, yet it demonstrated both the ease with which restrictions can be enforced at the whim of the Belarusian president and the lengths to which foreign journalists have had to go in order to simply file their reports. Yelena Lukashevich of RTR explains how she managed to get her film out of the country:

> Our colleagues from NTV tried to take a cassette via Vilnius but it was confiscated at customs. Our colleagues at ORT sent material by [overnight] train and the train wasn't searched, but all the same it was no longer current news, because we broadcast our work on the same day. We succeeded in reaching Smolensk [in Russia] and therefore that evening broadcast our material. This causes great worry in Moscow—because the journey is over 300km. . . We reached Smolensk by car. The border is

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[72] Reporters sans Frontières, Action Alert, April 1, 1997.

[73] Human Rights Watch/Helsinki interview, Minsk, April 4, 1997.

[74] NTV (Moscow), cited in BBC SWB, March 24, 1997.

[75] ITAR-TASS news agency, Moscow, cited in BBC SWB, March 25, 1997.

[76] As quoted in ITAR-TASS, Moscow, March 28, 1997.

sufficiently porous, but, first of all I think that the situation worked in our favor, because. . . they didn't expect that we would attempt something after the unsuccessful attempts of the other [TV] channels. Secondly, we left Minsk headed not towards Moscow, but towards Mogilev [in the east] and then turned to go to Moscow. On their [the government's] invitation, we had to play a game of "spies."[77]

Draft law on the Press[78]

On June 25, 1997, the lower house of parliament approved the latest draft amendments to the Law on the Press and Other Mass Media. The law, which is not expected to be passed until late in the year, outlines broad new powers for the State Press Committee, including a number of new penalties, and codifies Decree 218 on import and export restrictions. Human Rights Watch/Helsinki is greatly concerned that while many provisions of the draft amendments are legitimate, the absence of the rule of law in Belarus would permit an overly broad interpretation of them. This would seriously erode various rights enshrined in domestic Belarusian law and the presidential constitution.

Article 5 of the law, for example, enumerates acts that are punishable by suspension of the right to engage in media activities. Among these is the exposing of information which is considered to be a state or other legally guarded secret, a provision that is especially open to overly broad interpretation.

Periodicals registered abroad, which include most of the independent press that is currently printed in neighboring Lithuania, could be distributed, but only with the prior approval of the State Press Committee. Given the harassment that the independent press has already had to endure, it would seem apparent that should the draft become law—as seems likely—such approval would be used effectively to ban such publications.

The amendments also seek to control publications with even the smallest print run. Under existing law, only those publications that have a print run of more than 500 need register with the State Press Committee. The proposed draft would mandate the registration of all publications with a serial number and title, regardless of the number produced. In effect, even high school bulletins could be targeted and fined for not registering with the committee.

Decree 218, the implications of which are discussed above, would, under the proposed amendments, be codified into law. As article 50 of the law it would ban the import, export and distribution of printed, audiovisual and other matter containing material that could harm the political and economic interests, state security, health, and morality of the republic and its citizens.

The draft also provides for the banning of any publication deemed by the State Press Committee to dishonor, defame or libel the person or reputation of the Belarusian president, state officials mentioned in the constitution, or any other citizen of the republic. It is unclear whether the ban would be enforced prior to the publication of the offending article, thus effectively turning the State Press Committee into a censoring body. Significantly, previous government interpretations of "slander" and "defamation" have included material by internationally respected mass media that was merely critical of, in particular, President Lukashenka's increasingly authoritarian rule.

In cases of repeated violations of the law by the editorial board of a publication, the publication may be suspended from three to twelve months. The founders of previously proscribed publications forfeit the right to found a new publication for two years following the original ban.

Under the draft law, foreign media will need the approval of both the State Press Committee and the Ministry of Foreign Affairs to set up a representative office. Similarly, foreign correspondents will need the Committee's approval

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[77] Human Rights Watch/Helsinki interview, Minsk, April 3, 1997.

[78] The following analysis was drawn from commentary written by Natalya Dovnar, a Belarusian media rights lawyer, for the Belarusian Association of Journalists.

as well as that of the Ministry of Foreign Affairs to receive accreditation. Human Rights Watch/Helsinki is concerned that the duplication of the approval process would serve to present obstacles to those media who have run afoul of the government.

Article 25 of the draft law now has a new clause according to which periodicals registered abroad may be distributed within the Republic of Belarus only if approved by the State Press Committee (unless stated otherwise in an international agreement). In sharp contradiction, article 44 guarantees Belarusian citizens unhindered access to periodicals and material from foreign media.

Transgressing these rules can result in the confiscation of the entire print run, with the distributors liable to administrative prosecution—a fine from ten to fifty times the minimum wage (between US$54 and US$270).

Censoring Telecommunications and the Internet

Human Rights Watch/Helsinki notes with extreme concern a news report stating that the Belarus Ministry of Communications is "conducting renegotiations of contracts for supply of . . . services to users of telephone communications." Under the new proposal for contracts, the ministry could terminate its contract with a subscriber if the latter "use[s] telephone communications for purposes that run counter to state interests and public order."[79] Human Rights Watch/Helsinki is concerned that, should such clauses be introduced into contracts, they will be used to interrupt or deprive telephone service to individuals connected with the opposition movement and to mass media personnel whose reports deviate from a pro-Lukashenka position. Human Rights Watch/Helsinki also notes that such actions would be in clear violation of article 28 of the Belarusian constitution, which states:

> Everyone shall be entitled to protection against unlawful interference with his private life, including encroachments on the privacy of his correspondence and telephone and other communications.

Further, such action would also violate article 33 (1) of the Belarusian constitution, which protects freedom of expression and, similarly, article 19 of the ICCPR.

On the internet, unknown attackers crudely vandalized an independent website (http://www.belarus.net/) on November 22, 1996, just two days before the referendum. The website, run by an editorial group headed by Vladimir N. Korvatsky, contains a wide variety of information on Belarus; it also distributes the independent newspaper *Vechernyi Minsk*, official releases from the president's administration press service, the Supreme Soviet press service, and from the Constitutional Court. The attack, which followed the posting of photographs and articles of a recent opposition demonstration, rendered the website's service temporarily inoperable. In an announcement, Korvatsky reported that the "assailants":

> wiped out all the information, changed the configurations, and reprogrammed the system of our server, http://www.belarus.net/. . . .[T]he hackers did not limit themselves to placing offensive information and pictures, but made an attempt to completely destroy our journal.[80]

While it has not been proven that government agents were responsible for this act of internet vandalism, the attackers' strategic timing, in tandem with attacks on other media, leads Human Rights Watch/Helsinki to suspect that it was officially sanctioned. In the weeks that followed the attack, however, the website was able to restore most of its functions and has since operated unhindered.

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[79] Belapan news agency, cited in WNC, April 23, 1997.

[80] Excerpt from Vladimir N. Korvatsky's letter to Patrick Colebright, administrator of "Magic News," an electronically distributed digest of Belarusian political affairs (belmagnews@aol.com), November 23, 1996.

STRANGLING THE NGO COMMUNITY

"Everyone shall have the right to freedom of association with others, including the right to form and join trade unions for the protection of his interests."
Article 22(1) of the ICCPR

The drive by the Belarusian government to control the activities of non-state actors is strangling the NGO community. In some cases the government has tried to gain substantial influence over the functioning of NGOs; in others, private organizations have been harassed and intimidated in an apparent attempt to force them to close. Notably, harassment and intimidation are not confined to such organizations as trade unions and human rights organizations, but also include humanitarian NGOs. While the authorities harass independent organizations, they have encouraged (if not initiated) the creation of a pro-presidential youth organization called Direct Action/BPSM that employs rhetoric openly threatening its opponents.

Several methods are used to harass the NGO community and to weaken its morale, including raising rents arbitrarily, ending rental contracts and performing audits. Although such measures in and of themselves are not usually of concern to Human Rights Watch/Helsinki, it appears that they are used in Belarus for the sole objective of hindering the functioning of NGOs, intimidating their employees and volunteers, and creating a pretext for imposing sanctions that are, in turn, aimed at closing them or forcing them to suspend their operations. The positive contribution that NGOs—in particular, human rights NGOs—make towards building civil society has been generally acknowledged by the international community. The Belarusian government's harassment and intimidation of NGOs thus runs counter to prevailing international practice.

Audits and Other Forms of Harassment

A key weapon used by the authorities in their battle against NGOs is the tax audit. While it may be perfectly legitimate to audit an NGO, audits are carried out in Belarus with the apparent aims of paralyzing the work of NGOs and finding a pretext for imposing sanctions on them. On March 19, 1997, representatives of the Security Council—a body which, under the Law on Public Associations, does not have the right to audit NGOs—notified three organizations that audits would be carried out. The cases of these organizations, Children of Chernobyl, the East-West Center for Strategic Initiative, and the Belarusian Soros Foundation are illustrative of the intentions of the authorities to hinder or make impossible the functioning of NGOs.

Children of Chernobyl is a humanitarian organization that helps young victims of the 1986 Chernobyl disaster. Over the years, it has sent a large number of children with serious illnesses to Western Europe and North America for short trips meant to provide them with good medical care and some relief from the difficult situation they face at home. The organization has also distributed large quantities of humanitarian aid, such as medicine, in the region affected by the disaster. Irina Grushevaya, one of the leaders of the organization, told Human Rights Watch/Helsinki that the organization was based on the idea of participation: People have to become actively involved in the work of the organization before they start receiving money. As a result of this policy, local structures that receive funding from Children of Chernobyl have developed throughout Belarus. According to Grushevaya, some 700 volunteers work with the organization in Minsk, and there are some sixty-two regional sections the country. The regional sections do the preparatory work for the children's trips and are involved in setting up and carrying out humanitarian programs.[81]

Children of Chernobyl has been subjected to various forms of harassment throughout the last few years. Initially, the government proposed that the organization become a part of the state relief program. The organization refused the offer. In late 1996, the rent for the organization's office was suddenly raised by a factor of twenty, after which the organization immediately moved to a new location. In late January 1997, however, the government informed the

[81]Human Rights Watch/Helsinki and Memorial interview, Irina Grushevaya, Minsk, April 3, 1997. Unless otherwise stated, the information in this section was obtained during this interview.

organization that it had to pay rent for the old location accrued during the four months since the move. The organization refuses to pay the money and is seriously worried that the government may rely upon this refusal as a pretext to close the organization altogether.

In early 1997, the Ministry of Education informed Children of Chernobyl that it would forbid the organization from sending any more children abroad if the organization did not bring back a girl to Belarus who had allegedly been taken to Germany unlawfully. The girl had been sent to Germany for treatment by Children of Chernobyl in the early 1990s and had returned to Belarus at the end of her stay. Three years later, the German couple that had hosted her in 1991 visited Belarus and expressed an interest in adopting her. The adoption was arranged without the involvement of Children of Chernobyl. The ministry's threat, apparently an act of harassment, was eventually dropped when many people, including German Minister of Foreign Affairs Klaus Kinkel, protested to the Belarusian authorities.

The organization has also undergone several audits. Last year, an extensive audit lasted about six months and included the participation of all levels of the procuracy, the presidential administration, the tax inspectorate and the economic crimes unit. When the audit was finished in October 1996 and no irregularities were found, Children of Chernobyl was told that it would not be audited again for a long time. But on March 19, 1997, a representative of the Security Council visited the organization and announced a new audit.

The Security Council was interested in, among others things, financial aid that Children of Chernobyl had provided to some twenty former subway employees who had been fired for participating in a 1995 strike, which had called on the subway administration to respect a salary agreement. When the strikers and their families turned to Children of Chernobyl for assistance, the organization approached a contact in a German labour union who gathered some money. Children of Chernobyl subsequently distributed it to the twenty families. The Security Council also requested information on two trips to a sanatorium that were paid for by Children of Chernobyl for Yury Khodyko and Vyacheslav Sivchik, leaders of the Belarusian Popular Front. Both men had been arrested on April 26, 1996, during a demonstration commemorating the tenth anniversary of the Chernobyl disaster. As the men felt that they had been detained arbitrarily, they started a hunger strike that lasted twenty-one days. After their hunger strike, the health of both men deteriorated significantly and they apparently needed to recover at a sanatorium. Since Children of Chernobyl had been one of the organizers of the demonstration, the organization decided to pay for these trips.

On May 23 and 25, 1997, the procurator of the Moscow district of Minsk announced on public television that "serious violations" had been found in the economic activities of the organization and that criminal cases had been instituted against Gennady Grushevoy, the leader of Children of Chernobyl, and against the organization's main bookkeeper. According to unconfirmed reports, an order to arrest Grushevoy has already been issued. At the time of the television announcements, Children of Chernobyl had not yet been informed of the final results of the audit. In fact, to date the organization has received only a preliminary report of the findings of the audit, which are highly speculative in nature and contain neither concrete accusations against Grushevoy or others nor references to the legal provisions that were allegedly violated.[82]

Irina Grushevaya believes the harassment of Children of Chernobyl is linked to the fact that the organization supports and encourages the idea of self-organization and independence from the state. She told Human Rights Watch/Helsinki: "With our principles, people change, . . . their mentality changes, feelings of protest appear, they become thinking beings. . . We worked in this spirit all the time and thus became dangerous [for the authorities]."[83]

Because of this harassment, the organization recently had to stop its program of humanitarian support for kindergartens, orphanages and the physically handicapped.

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[82]Human Rights Watch/Helsinki telephone interview, Gennady Grushevoy, Minsk, June 2, 1997.

[83]Human Rights Watch/Helsinki and Memorial interview, Irina Grushevaya, Minsk, April 3, 1997.

Another NGO currently being audited is The East-West Center for Strategic Initiatives (EWCSI). The EWCSI aims at uniting all democratically-minded businessmen, politicians and scientists in a think-tank to facilitate the creation of civil society and promote understanding between East and West. During its five-year existence it organized a permanent round table entitled "Belarus-Russia" with the participation of Russian Duma deputies, as well as a yearly conference on security in Europe with the participation of NATO experts, Russian specialists on foreign policy and defense, Ukrainian, Polish and Belarusian officials, and it has issued various research papers on these topics.

On February 26, 1997, the EWCSI organized a round table featuring those deputies of the Thirteenth Supreme Soviet who do not have a seat in the Chamber of Representatives. Shortly thereafter, the administration of the building where the EWCSI office is located informed the EWCSI that it had to quit its office space before March 31, 1997, allegedly because NGOs cannot be based in buildings that belong to the presidential administration. On March 19, 1997, when representatives of the Security Council announced an audit of the organization, the lease of the office space was extended until after the audit.[84]

As of this writing, the audit has not been finalized. However, in late April, the organization was fined US$20,000 for allegedly having engaged in commercial activities that are not permitted under its status as a nonprofit organization. The EWCSI denies the charges and has appealed the fine in court. Employees of the EWCSI are frequently called in for questioning by the tax inspectorate.[85]

The atmosphere of intimidation created by the forms of harassment discussed above has caused some NGOs to fear unwarranted searches of their offices. Representatives of one NGO told Human Rights Watch/Helsinki that they had removed all confidential materials from the office as they were afraid that they too might be raided.[86]

Deprivation of Financial Resources

The Belarusian authorities announced on April 29, 1997 that they would impose a fine of approximately US$3 million on the Belarusian Soros Foundation for alleged currency exchange violations. When the foundation's bank account was frozen, it suspended its activities in Belarus. The Soros Foundation claims that the allegations are without merit and believes that the imposition of the fine was designed to force the Belarusian Soros Foundation to shut down.[87]

Human Rights Watch/Helsinki is concerned that the imposition of this fine was in fact aimed at incapacitating the independent organizations that make up Belarus's nascent civil society. The Soros Foundation is one of the main sources of financial assistance for independent organizations in Eastern Europe. In Belarus, it has provided about US$13 million over the last few years in support of education, science, internet access, the independent media and civic organizations. Because domestic sources of funding are almost non-existent, Belarusian civil society is almost entirely dependent on outside sources such as the Soros Foundation. Without its support, the majority of these organizations may be forced to cease their operations.

Belarusian Patriotic Youth Union

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[84] Human Rights Watch/Helsinki and Memorial interview, Olga Abramova, Director of the International Educational Program of the East-West Center for Strategic Initiative, Minsk, April 1, 1997.

[85] Human Rights Watch/Helsinki telephone interview, Olga Abramova, Director of the International Educational Program of the East-West Center for Strategic Initiative, Minsk, July 17, 1997.

[86] Human Rights Watch/Helsinki and Memorial interview, anonymous NGO representative, Minsk, April 2, 1997.

[87] Human Rights Watch/Helsinki and Memorial interview, Ales Antipenko, Executive Director of the Belarusian Soros Foundation, and Galina Leonova, legal advisor, Minsk, April 2, 1997.

The Belarusian Patriotic Youth Union (BPSM), called Direct Action until spring 1997, is a pro-presidential, government-funded youth organization. Human Rights Watch/Helsinki finds this organization alarming because the government may use it as a tool to attack its opponents and thereby curtail political and civil rights and freedoms. An informational pamphlet, which was handed out last year by Direct Action at universities, institutes and schools, poses the question: "Why do all normal young people join Direct Action these days?" The rest of the pamphlet gives a variety of answers to this question. A full translation of the pamphlet is appended (see appendix B), some of the most troubling points are reproduced below:

"Direct Action:. . .

- Will suppress opponents ruthlessly;. . .
- Will destroy opponents when they hinder the organization;. . .
- Is not afraid of the ridiculous opposition which lives on gifts from Western funds. . . "

Excerpts from a letter written by BPSM/Direct Action leaders to President Lukashenka, published in the February 14-21, 1997, edition of *Svobodnye Novosti - Plyus* (Free News Plus) also give cause for concern. The letter expresses the wish of the organization's leaders that President Lukashenka become the leader of the entire former Soviet Union, "from Brest to Vladivostok," and that a new ideology be built around the personality of President Lukashenka:

> Any opposition to the state and its leader is in fact opposition to the most fundamental interests of the nation. Many institutions of the false democracy (the damaging influence of part of it has, thank God, been neutralized by the new constitution). . . , we mean first and foremost, the irresponsible press, "national representatives" (who buy their mandates for money), lobbyist business men, and other unions and clubs, foreign funds, pseudo-religious sects, and activists of the "non-formal alternative youth culture."

The pamphlet and letter are especially alarming if one considers that BPSM/Direct Action receives very substantial support from the authorities. Human Rights Watch/Helsinki was informed by various sources that universities, institutes and other educational institutions were ordered to provide offices to BPSM/Direct Action, and that representatives of the organization were provided with faxes and security guards for their offices, and cars, pagers, and mobile telephones to travel around the country to recruit new members. BPSM/Direct Action has also been given radio wave length 101.2, on which the independent Belarusian radio station used to broadcast. Apparently, the use of that wave length no longer interferes with police frequencies, as it had when it belonged to Radio 101.2.[88]

THE SUBORDINATION OF LAWYERS

On May 3, 1997, President Lukashenka issued a decree on the activities of lawyers and notaries.[89] The decree seriously compromises the independence of lawyers from the government as it puts the Ministry of Justice in charge of licencing lawyers and obliges all practicing lawyers to become members of a centralized system of lawyers collegia (or bar associations), the activities of which are controlled by the ministry. Such a system gives the Ministry of Justice ample opportunity to exclude independent-minded lawyers from the justice system, and thereby strip defendants of their right to defend themselves in court using legal assistance of their own choosing.

In accordance with the decree, after candidates pass an exam with the qualification commission and fulfill a number of formalities, the Ministry of Justice issues licences to them for a period of five years. The qualification commission consists of representatives of state institutions, lawyers and other legal experts, and is chaired by the deputy

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[88]See above, "Monopolizing the Media and Information Flows."

[89]Decree No. 12 on Several Measures on Improving the Practice of Lawyers and Notaries in the Republic of Belarus.

minister of justice. The ministry renews these licences only after it reviews the findings of the lawyers collegium regarding the consistency of the lawyer's activities with legislation regulating the practice of lawyers.

The decree establishes that, starting July 1, 1997, all practicing lawyers must be members of a lawyers collegium. Belarus has seven such collegia (one for each province and one for the city of Minsk,) each of which can establish offices in its jurisdiction. The decree orders the Ministry of Justice to establish an all-republican lawyers collegium, which would unite all provincial collegia.

Lawyers collegia are tightly controlled by the Ministry of Justice, which has the right to suspend decisions of lawyers collegia and file requests to rescind them; to monitor the legality of the practice of any lawyer; to request collegia to institute disciplinary measures against lawyers; and to annul licences of lawyers in cases provided for by law. If a lawyer's licence is annulled, he cannot request a new licence for a period of five years. In addition, the Ministry of Justice has the right to issue normative acts regulating the activities of lawyers.

Independent lawyer Nadezhda Dudareva told Human Rights Watch/Helsinki that since July 1, 1997, about twenty formerly independent lawyers have been refused entry into lawyers collegia. Dudareva—who has defended numerous opposition figures in court and has been subjected to harassment by the Ministry of Justice—doubts that she would be accepted into a lawyers collegium but refuses to try to enter one as she considers that lawyers working for collegia are almost entirely stripped of their independence and that their position is similar to that of civil servants. She asserted that under these circumstances, lawyers cannot, in a great number of cases, function in a professional manner.[90]

This attempt to control lawyers' professional organizations contravenes the spirit of the United Nations Basic Principles on the Role of Lawyers, which are authoritative guidelines to member states on "promoting and ensuring the proper role of lawyers" in the interests of justice.[91] The Basic Principles uphold the rights of lawyers to "freedom of expression, belief, association and assembly. . . and to join or form local, national or international organizations. . . without suffering professional restrictions by reason of their lawful action or their membership in a lawful organization (rule 23). " Expanding on this right, the Basic Principles also embrace the right of attorneys to "form and join self-governing professional organizations" that ensure that lawyers may work unhindered by "improper interference (rules 24 and 25)."

Moreover, by so controlling lawyers' access to the courts, the decree indirectly interferes with a defendant's right to be represented by the counsel of his or her choice, a right that is protected in article 14 (3) (d) of the ICCPR.

PREVENTING THE PREPARATION AND ORGANIZATION OF DEMONSTRATIONS

"The right to 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 interest 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."
Article 21 of the ICCPR

By marginalizing the media and parliament, President Lukashenka has left opposition figures and others who disagree with official policy few fora for expressing their views, other than the streets. Indeed, numerous

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[90]Human Rights Watch/Helsinki and Memorial interview, Nadezhda Dudareva, Minsk, April 2, 1997; Human Rights Watch/Helsinki telephone interview, Nadezhda Dudareva, Minsk, July 17, 1997.

[91] Adopted by the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Havana, Cuba, August 27 to September 7, 1990.

demonstrations have been staged in Belarus over the last few months as public discussion of policy matters became increasingly difficult.

Since the November 1996 referendum, itself marked by massive rallies, numerous demonstrations have protested government policy, especially the Russian-Belarus union and the increasing concentration of power in the hands of the president. In most of these instances, the authorities took measures that unjustifiably limited demonstrators' rights to freedom of assembly and expression. These include restrictions imposed prior to demonstrations, such as restricted permission staging a demonstration, outright denial of such permission and measures taken by the authorities to restrict freedom of expression during demonstrations. Many of the measures employed are also aimed at discouraging people from exercising the rights to freedom of assembly and expression altogether.

On March 5, 1997, President Lukashenka issued Decree No. 5[92] to end what he called the "orgy of street democracy."[93] The decree seriously inhibits the organization and preparation of demonstrations, provides for extremely strict rules to be observed by demonstrators and establishes a system of exorbitant fines. The decree therefore seriously restricts the rights to freedom of assembly and expression and illustrates President Lukashenka's wish to weaken the effectiveness of demonstrations and to discourage people from organizing and participating in them.[94]

By far the most egregious provision in Decree No. 5 is contained in article 9, which prohibits organizers and participants from, among other things:

- Using posters, banners and other objects that insult the honor and dignity of officials of state organs; and
- Using flags or pennants which have not been registered in the established manner, and emblems, symbols, posters, the content of which is aimed at damaging the state and public order, the rights and legal interests of citizens.

The last provision is clearly not consistent with international standards on the right to freedom of expression, yet it has already been used to convict demonstrators. The most outrageous example is that of a young man who was arrested on February 14, 1997, and was later sentenced by the Central District Court of Minsk to four days in administrative

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[92]Presidential Decree No. 5 of March 5, 1997 on Gatherings, Meetings, Street Marches, Demonstrations and Picketing. The decree differentiates among various forms of demonstrations: *sobraniye* (gathering), *miting* (meeting), *ulichnoye shestviye* (street march), *demonstratsiya* (demonstration) and *piketirovaniye* (picket) to indicate their size, whether or not they include marches, etc. Unless indicated otherwise, the word "demonstration" used in this report includes all of these types of demonstrations.

[93]OMRI, March 6, 1997.

[94]In issuing Decree Number 5, President Lukashenka may have exceeded his authority as president. The National Assembly had not delegated to the president the power to issue decrees with the force of law. The president therefore used his right to issue such decrees in cases of "specific necessity and urgency." It is questionable whether such a situation existed.

detention[95] for carrying a "blue flag with twelve yellow stars" (the flag of the European Union).[96] The decree's other myriad restrictions are extremely burdensome and lend themselves to arbitrary and discrimminatory enforcement. Several examples follow.

[95] Presidential Decree No. 5 terms such deprivation of freedom "administrative detention," which is handed down by judicial sentence. It is standard practice, however, for the term "administrative detention" to describe detention that is ordered by a branch of executive power, rather than sentenced by a court. In a 1989 report for the United Nations Commission on Human Rights, administrative detention was defined as detention "ordered by the executive and the power of decision rests solely with the administrative or ministerial authority, even if a remedy a posteriori does exist in the courts against such a decision. The courts are then responsible only for considering the lawfulness of this decision and/or its proper enforcement, but not for taking the decision itself." "The Administration of Justice and the Human Rights of Detainees: The Question of the Human Rights of Persons Subjected to Any Form of Detention or Imprisonment: Report on the practice of administrative detention," submitted by Mr. Louis Joinet, E/CN.4/Sub.2/1989/27, July 6, 1989.

[96] Human Rights Watch/Helsinki and Memorial interview, anonymous demonstrator, Minsk, April 6, 1997; Rigor Boyan, "A stsyag Evrasayuza - chatsvyora sutak aryshtu" (For the flag of the European Union - four days of arrest), *Svaboda*, February 28, 1997, p. 2.

Article 5(4)
"In order to guarantee the rights and freedoms of citizens, public safety, and also the normal functioning of traffic, companies, institutions and organizations... [the authorities] have the right to change the time and place ... [of the demonstration]."

Article 15
"...[the authorities] can issue additional regulations on the manner of carrying out the gathering, meeting, street march, demonstrations and picket taking into consideration the local conditions and the requirements of this Decree."

These provisions are clearly open to broad interpretation, which could easily restrict the right to freedom of assembly arbitrarily. An example of the apparent application of these provisions is the demonstration of March 10, 1997 (against unification with Russia), when the authorities went so far as to limit the number of permitted participants to forty persons. When some 2,000 people gathered for the demonstration and started marching, the police intervened to stop the action and detained between fifty to 100 people. In another example, the authorities granted permission for a demonstration on Constitution Day, March 15, 1997, but limited the action to an "especially designated spot." Furthermore, the demonstrators were not allowed to march to that spot; police battalions and concrete barriers were placed along the main road, but demonstrators walked around them. Police detained about 100 demonstrators.

Article 7
"Until permission for organizing the gathering, meeting, street march, demonstration or picket is received [from the authorities], the organizers are not allowed to carry out any preparatory activities, including making announcements about the time and place of the demonstration in the mass media, preparing pamphlets, posters and other materials with this purpose [announcing the demonstration] and spreading them around."

This provision clearly compromises the effective organization of demonstrations and appears to be meant solely to marginalize the effectiveness of demonstrations. Once again, it is not consistent with international standards.

Articles 9 and 10 contain a number of rules that participants and organizers must observe during demonstrations. Article 10 states that in case any of the provisions of Article 9 are violated, the authorities have the right to demand that the demonstration be ended. The article further states that if demonstrators refuse to follow the lawful demands of the organs of the Ministry of Interior, "the necessary measures" are taken "in accordance with the law" to end the demonstration.

Article 9 obliges participants in demonstrations to respect public order and to follow all lawful orders of the organizers of the demonstration and officials of the Ministry of Interior. Some of these obligations are vaguely phrased, which would allow the government to interpret them broadly and thereby use them arbitrarily to restrict freedoms of assembly and expression. For example, it is unclear how the authorities will construe "hindering the movement of traffic and pedestrians." Several other provisions of article 9 raise similar concern: "putting pressure on police officials"; "insulting the honor and dignity of officials of state organs"; and "emblems, symbols and posters aimed at damaging the state, and public order." Such vague provisions are especially problematic in Belarus where the judiciary is not sufficiently independent and cannot challenge the interpretation of legislation by the executive branch, let alone ensure an interpretation that is both consistent and in accordance with international standards.

Apart from restricting freedom of expression and limiting the effectiveness of demonstrations, many of the above-mentioned provisions appear to be meant to provide the authorities with a pretext to intervene in demonstrations. Under with article 10 of the decree, any violations of the rules established in Article 9 justify police intervention.

Article 11 of the decree establishes exorbitantly high penalties for violations of the "established manner of organizing and carrying out gatherings, meetings, street marches, demonstrations and pickets." This provision, read in conjunction with article 9's vaguely worded rules, allows the authorities to fine practically any demonstration participant or organizer. The decree sets the penalties as follows:

- Ordinary participants in demonstrations who are first-time offenders can receive a warning, a fine of twenty to 150 minimal monthly salaries, or three to fifteen days of administrative detention;
- Organizers of a demonstration or repeat offenders (who have committed their second offence within a year of the first one) can be penalized by a fine of 150 to 300 times the minimum wage [about US$8 per month] or ten to fifteen days of administrative detention;
- Persons using unregistered flags or pennants—or emblems, symbols or posters that are aimed at damaging the state and public order—can be penalized by a fine of twenty to a hundred times the minimum wage, or three to fifteen days of administrative arrest, and confiscation of the object(s).

Relying on article 11, Minsk courts have fined numerous people more than US$100 each for participating in demonstrations, and have fined various demonstration organizers hundreds of dollars. These penalties are clearly excessive if one considers that the average per capita income in the country is below US$100 per month.

An unreasonably heavy responsibility is put on demonstration organizers, both in terms of the severity of the punitive measure (see above) and in terms of the number of rules and obligations they have to observe. In addition to the prohibitions included in article 9, article 8 obliges organizers of demonstrations to:

- Be present at the demonstration they organize at all times;
- Make sure that the conditions for and correct manner of carrying out the demonstration are observed; ensure the safety of citizens; and ensure that buildings, means of transport and other property remain undamaged;
- Follow all lawful orders of officials of the Ministry of Interior and assist them in maintaining public order;
- Inform participants in case the demonstration is ended [by the authorities];
- Carry a special sign to facilitate recognition as an organizer; and
- Report to the competent authorities on their request to clarify matters related to the demonstration.

It is clearly impossible for demonstration organizers to fulfil some of these requirements. In particular, while organizers can be expected to do everything within reasonable limits to make sure that public order is respected and that no damage is done to any persons or objects, they cannot be asked, as the decree does, to guarantee respect for public order.

In light of the numerous and onerous responsibilities placed on organizers of and participants in demonstrations, the vague wording of rules that must be observed during demonstrations—which are liable to be broadly interpreted—and the severe sanctions that can be imposed on organizers and participants for violating these rules and obligations, Human Rights Watch/Helsinki believes that one of the main objectives of Presidential Decree No. 5 is to discourage people from organizing and participating in demonstrations.

Preemptive Intervention

In addition to enforcing the restrictions set out in Presidential Decree No. 5, the Belarus government has in the past authorized the police to arrest people prior to demonstrations as a means of preventing their occurrence. A demonstration planned for March 14, 1997, in Minsk entitled "Belarus into Europe II," was stopped before it could begin when police surrounded the place of assembly and arrested everyone they thought might take part in the demonstration, including very young children. Many of these people were detained for a few hours and then released without charge. Before the same demonstration, school authorities reportedly demanded that parents promise that their children now not participate in any mass protests. Aleksandr Stupnikov told Human Rights Watch/Helsinki:

> My daughter. . . had to bring a note to school from her parents saying that she would be at home tomorrow until 4:00 p.m. under the supervision of her parents. If not, the school claimed the right to bring the child to school so that she would be in class from 10:00 a.m. to 4:00 p.m., even though tomorrow, Constitution Day, is a school holiday. A similar letter was published in the newspaper *Svaboda*, from school girls, that the director of the school has to inform the police at 9:00 a.m. about the whereabouts of the pupils.[97]

According to a trial monitor from the Belarus Helsinki Committee, the authorities went so far as to cancel train services into Minsk from the countryside on October 19, 1996, the date set for a demonstration. On that same day, buses into Minsk were stopped and people were forced to get off just before entering the city. The overall effect of these measures was to keep people out of the city during the demonstration.[98]

POLICE VIOLENCE AND ARBITRARY ARRESTS AT DEMONSTRATIONS

It's understandable. You've just spent 10 days [in prison], you don't feel like participating in a second demonstration. Your mother, wife, or someone else tells you that it isn't worth it. . . Today's tactics are that simple.[99]

Numerous demonstrations held in early 1997 ended in police intervention, clashes between police and demonstrators, excessive use of force by the police and arbitrary arrests. Human Rights Watch/Helsinki believes that in many cases, the circumstances did not justify such aggressive police responses, which were clearly part of a government-sanctioned policy to mistreat protesters and to intimidate others who might consider participating in public demonstrations. Police violence and arbitrary arrests victimized people of all ages and all walks of life, political activists, journalists and bystanders alike.

Atmosphere at Demonstrations

As a rule, police apparently would intervene after demonstrators would violate some of the unreasonable regulations of Presidential Decree No. 5. However, Human Rights Watch/Helsinki has evidence suggesting that even in those instances when the behavior of demonstrators might have justified police intervention, the authorities themselves were often responsible for escalating tensions. Police activities at and around demonstrations were reportedly aimed solely at creating an intimidating atmosphere, or even simply to provoke violence. Human Rights Watch/Helsinki has received several, credible eyewitness reports that plainclothes policemen have been stationed amid the demonstrators. Several sources said that they saw plainclothes policemen try to incite demonstrators into using violence. One demonstrator, a male student, told Human Rights Watch/Helsinki:

> An enormous number of provocateurs from the police and KGB walk around at every demonstration [among the demonstrators]. They wear badges, yell the same slogans [as demonstrators], wave flags and

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[97] Human Rights Watch/Helsinki telephone interview, Aleksandr Stupnikov, NTV correspondent, Minsk, March 14, 1997. See also Memorial Human Rights Center, "Respublika Belarus', v preddverii grazhdanskogo konflikta: narusheniya prav i svobod grazhdan" (The Republic of Belarus, on the threshold of civil conflict: Violations of rights and freedoms of citizens), April 1997, Appendix I.

[98] Human Rights Watch/Helsinki and Memorial interview, Minsk, April 1, 1997.

[99] Human Rights Watch/Helsinki and Memorial interview, representative of the Belarus Helsinki Committee, Minsk, April 1, 1997.

incite the crowd, saying: "Let's go onto the streets [leave the sidewalk], let's beat those enemies [the police]..." I was caught once by police officers who had incited me.[100]

Excessive Use of Force by Police

In addition to the fact that police efforts to stop several demonstrations have reportedly been unjustified, they have also been excessively violent.[101] In many cases, they apparently sought more to intimidate people than to protect or restore public order. Numerous demonstrators provided first-hand accounts to Human Rights Watch/Helsinki of how the police intervene in demonstrations. Their descriptions consistently showed the following basic police practice: With or without a warning to disperse, the policemen form long chains several layers thick, and then close in on the demonstrators, beating and kicking the first rows of people, and pushing them back. Trying to avoid being hit, the first rows of demonstrators push back upon those demonstrators behind them, who cannot easily escape. As demonstrators begin to panic and flee, the police follow and beat whomever is closest, hitting them with batons and fists, kicking them, and spraying gas in their faces. The following excerpts from testimonies, selected from dozens of interviews Human Rights Watch/Helsinki and Memorial conducted with victims and witnesses, speak for themselves.

Describing police intervention at an April 2, 1997, demonstration, one demonstrator explained:

> While they beat up the first [row of demonstrators] with batons and fists, the ones in the back are trampled by feet. . . There was such pressure!. . . They started a clean-up operation, just as the demonstration was passing [a row of] two-story houses. . . The crowd of two thousand people could not disperse that quickly. There was panicky pressure, people ran. Those who could not get away hid in the staircases of the houses. But I don't think they got off lightly, the . . . [policemen] went after them and they took people from the staircases and out of the shops and beat them up, just like that.[102]

An anonymous female participant told a Memorial representative at the demonstration:

> It was a normal peaceful day. There was a demonstration, in which we participated, and we were going home quietly. Here they blocked all movement. A whole. . . military division of riot police jumped on us and started grabbing the youth first, and then just everyone. I saw—I'm still shocked—how they dragged away a young guy by the hair.[103]

The Memorial representative recorded some of his observations as police beat participants in this demonstration:

> They are beating up a woman at the moment, they're taking her away, two of them [policemen]. The OMON [riot police] just came out of café Voskhod, around twenty people were beaten up. . . They used their batons on people who tried to [flee] into the cafe, there were beatings at the door without any warning. There were no banners or flags. Most of them were journalists and witnesses who were being interviewed.[104]

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[100] Human Rights Watch/Helsinki and Memorial interview, student "A," April 5, 1997, Minsk.

[101] Human Rights Watch/Helsinki has changed the names of most victims we interviewed for this section, in the interests of their security.

[102] Human Rights Watch/Helsinki and Memorial interview, anonymous demonstrator, Minsk, April 6, 1997.

[103] Human Rights Watch/Helsinki and Memorial interview, anonymous demonstrator "B," April 2, 1997, Minsk.

[104] Stas Markelov, Memorial Human Rights Center, April 2, 1997, Minsk.

A demonstration on February 14, 1997, also ended in police violence. A participant in this youth demonstration told Human Rights Watch/Helsinki:

> On Varvasheni [a street in Minsk] the first skirmishes with the police started because people started to spread out over the road [instead of remaining on the sidewalk]. They started to grab [people] somewhere after the Gorizont factory. The tactic was as follows: They cut a wedge [in the demonstration], started pulling out several people, grabbed them, [put them] into the car and took them away...[105]

An anonymous demonstrator described police action during a demonstration on February 5, 1997:

> [T]hey beat people, just like that, or dragged them over the pavement. It was a regular weekday and the picketers were elderly men and women. The only thing they could do was scream. Or they fell on the ground and the police then pulled them by their hair, hands over the ground. They started to pull one old man's arm, and I just could not deal with the situation and began to pull him [out of the hands of the police]. He was already on the ground. At that moment the police superior. . . pointed at me and they all threw themselves on me and twisted my arm behind my back. . . They beat me in different places: legs, neck, all sensitive spots... I more or less came off lightly, I don't know why. At the court hearing I even praised the officers that they hadn't just killed me.[106]

The police beatings described above run counter to police conduct mandated by the United Nations Basic Principles on the Use of Force and Firearms by Law Enforcement Officials.[107] In the event of unlawful but non-violent demonstrations, the Basic Principles (principle 13) exhort police to "avoid the use of force or, where that is not practicable, . . . to restrict such force to the minimum extent necessary."

Arbitrary Arrests

Police have arbitrarily arrested not only demonstrators but also many accidental bystanders who had been standing on street corners, waiting for buses, or shopping. Some have been detained for no apparent reason, others because the police apparently suspect they might join the demonstration. Waves of such arrests have taken place before, during, and after demonstrations. As one person commented "That's the way it is these days: Even just walking on the streets is terrifying."[108] In numerous cases, bystanders who have spoken out about police brutality have been themselves beaten up and arrested.

In some cases police have not intervened to stop demonstrations, but have still arrested alleged protestors. A student who requested anonymity told Human Rights Watch/Helsinki, "These days they just wait for the action to end and arrest those who leave. They notice by the appearance, they film [demonstrations] continuously, all actions are filmed, there must be kilometers of footage."[109] A student who participated in the demonstration of February 14, 1997, told Human Rights Watch/Helsinki about his arrest that day:

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[105] Human Rights Watch/Helsinki and Memorial interview, anonymous student "A," April 5, 1997, Minsk.

[106] Human Rights Watch/Helsinki and Memorial interview, "B," April 6, 1997, Minsk.

[107] Adopted by the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Havana, Cuba, August 27 to September 7, 1990.

[108] Human Rights Watch/Helsinki and Memorial interview, student "A," Minsk, April 6, 1997.

[109] Human Rights Watch/Helsinki and Memorial interview, student "C," Minsk, April 1, 1997.

> I went down into the subway and went home. When I changed from metro station Oktyabrskaya to Kupalovskaya,. . . I was jumped from the back by two guys in leather jackets, shaved heads. . . They jumped me without a word, immediately put on handcuffs, did not identify themselves, grabbed me, and while making threats dragged me to the [subway station] police room.[110]

Police kicked and punched the student at the subway station police room and, twenty minutes later, sent him to the central Minsk police station. Upon receiving confirmation from the student's parents that he was a diabetic, police released him at 11:00 p.m.

Arrests in connection with the March 14, 1997, demonstration in Minsk were especially egregious.[111] Human Rights Watch/Helsinki and Memorial interviewed dozens of credible victims and eyewitnesses of the police violence and arbitrary arrests that took place that day. We detail in the relevant sections below the cases of three people—those of Yury V., Serezha and Zhenya, and Tatyana S.—who were all arrested that day in order to demonstrate the pattern of arbitrary arrest, the charging process, trial procedures, and repercussions on individuals after demonstrations.

Yury V.

On March 14, 1997, Yury V. and several of his friends were walking around the center of Minsk about 150 meters away from an opposition demonstration. The group had stood on a street corner for approximately five minutes observing the demonstration when, in the words of one member of the group:

> [S]uddenly and without warning about eight policemen swarmed four of us and dragged us to the paddy wagon. . . We were caught totally off guard, for we were certainly not breaking any laws with our behavior, and before we found ourselves inside the paddy wagon with other political detainees we did not recognize the vehicle for what it was.[112]

The four were driven around Minsk for about an hour during which time numerous other people were picked up.

Tatyana S.

Tatyana S., a middle-aged woman, told Human Rights Watch/Helsinki that on March 14, 1997, she and her friend were shopping for a needy child:

> We went past Liberty Square towards a shop. . . when we saw some young people run by. They were being chased by the police. . . suddenly on the same street [the police] were beating up a young man ... The elderly man [who was standing close to the young man] started defending him: "What are you doing? You'll ruin his liver, lungs and kidneys!" The policeman didn't say a word, took the young man, and took the elderly man and pushed them into the car. . . At that moment, the policeman started pushing us away. . . I said: "How dare you push me?! You don't have the right to." He said: "Go away." Then I said: "I will stand where I want. This is MY country." Then the policeman screamed: "Opposition! Take [her] away!" The police grabbed me and put me in the car behind bars.[113]

Serezha and Zhenya

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[110] Human Rights Watch/Helsinki and Memorial interview, student "A," Minsk, April 5, 1997.

[111] The demonstration, "Belarus into Europe," was meant to be primarily a youth rally.

[112] Human Rights Watch/Helsinki and Memorial interviews, Yury V. (not the man's real name) and his friends, Minsk, April 6, 1997.

[113] Human Rights Watch/Helsinki and Memorial interview, Tatyana S. (not the woman's real name), Minsk, April 4, 1997.

Fourteen-year-old Serezha and sixteen-year-old Zhenya were detained by plainclothes policemen on March 14, 1997, at 4:20 p.m. The two boys had just left a McDonalds restaurant in central Minsk and made a right hand turn when a car without licence plates stopped and two policemen ran out and grabbed them. One boy claimed that while he was being forced into the car, his head was deliberately pushed against it. The policemen showed no identification; the boys requested it, the policemen responded: "That's none of your business. We'll figure things out when we get there." The policemen told the boys that they had been wrecking cars and that that was the reason for their arrest. However, at the police station they were charged with participating in a demonstration.[114]

The Charging Process and Ill-treatment

During and after many demonstrations, police have driven patrol cars full of detainees to regional police stations (ROVDs),[115] where they have pressed mostly unfounded charges, have beaten detainees, have denied them phone calls to their family and have failed to provide for their basic hygiene.

Yury V.

After an hour in the paddy wagon [on March 14]. . . we arrived at the police station. As we were unloaded from the vehicle. . . a line of police [on] either side of us shoved us hurriedly along into the police waiting room, where we were forced to stand with our hands against the wall and threatened us with Kalashnikov machine guns. While I was personally not subjected to it, many of the men who stood beside me were kicked and abused by policemen.[116]

Some detainees, at this police station especially minors and the elderly, were released a few hours after the demonstration ended.[117] Most others were charged with administrative offences, and, in a few cases, with criminal offences. The police apparently selected the charges arbitrarily and followed a pattern of gathering as many alleged participants as possible, and later making up the charges. Anatoly Lebedko, an activist of the United Civil Party, described to Human Rights Watch/Helsinki what he saw and heard at the Moscow district police station after being arrested at the March 14, 1997, demonstration:

One group of policemen brings in the young people; they don't give any explanation as to why they are being detained. This group of policemen hands the detainees over to a second group of policemen, whose task it is to write up the reports. A normal conversation among the policemen: "What shall I write on him?" Someone says: "Write down that he swore, screamed anti-president slogans, walked on the street where you're not supposed to walk.". . .Then yet another group [of policemen] comes in, picks the youngsters up and takes them away.[118]

Serezha and Zhenya

Serezha and Zhenya were brought to the Central ROVD, where they were searched and later questioned separately. Serezha, a fourteen-year-old, was told to sign a blank piece of paper. Zhenya was instructed to sign the report that had been written up on him, while a policeman, reportedly standing behind him, was playing menacingly with his baton. According to the report, Zhenya and Serezha had participated in the March 14 demonstration. In fact, the demonstration started at 5:00 p.m., after the boys had already been arrested.

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[114] Human Rights Watch/Helsinki and Memorial interview, Serezha and Zhenya (not their real names), Minsk, April 6, 1997.

[115] *Rayonnoye otdelyeniye vnutrennykh del'* (district department of internal affairs).

[116] Written testimony by Yury V.'s friend, received by Human Rights Watch/Helsinki on April 7, 1997.

[117] Under Belarusian law, police may detain an individual of any age for three hours in order to establish his or her identity.

[118] Human Rights Watch/Helsinki interview, April 6, 1997.

It should be noted that even if arrestees are in fact guilty of "carrying an unregistered flag" or "shouting anti-president slogans"—charges which police often press against demonstrators—these offences are themselves in violation of the right to freedom of expression, which is protected under article 19 of the ICCPR.

Although some arrestees are allowed to go home if they promise to appear at their court hearing, most of them are kept in detention until the day of their trial. A defense lawyer told Human Rights Watch/Helsinki:

> If meetings or marches take place on Friday or Thursday,. . .people are usually kept in detention for two or three days. They are detained [in conditions that violate] even the most elementary norms of hygiene. No toothpaste, no towels. . . Therefore, when these people are brought to court, they are already under very severe psychological and physical stress."[119]

In many cases, detainees are not allowed to phone their relatives and are prevented from using the bathroom for hours at a time. Beatings reportedly also take place regularly.

> *Yury V.*
> At the police station, three of Yury V.'s friends were released on March 14 without charges:
>
> After his initial interrogation he [Yury V.], like myself, was scheduled for release without charge. Unfortunately, he was unlucky enough to have been spotted by an over-zealous and malicious policemen who, [as he himself admitted] was not pleased with the way my friend looks. His shoulder-length hair and Semitic facial features made him an object of persecution.[120]

Yury V. was charged with "actively participating in an unsanctioned demonstration on Nemiga Street near metro station Nemiga, and refusing to follow police orders to disperse." When Yury V. refused to sign the police report because that he did not commit the actions described in the report, the policeman hit him in the abdomen (where he had undergone surgery) with his baton. After this, Yury V. signed the report and wrote on the other side of the sheet that he did not agree with the contents of the report and denied the charges. The policeman had to call an ambulance to transport Yury V. to the hospital.

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[119] Human Rights Watch/Helsinki and Memorial interview, Nadezhda Dudareva, Minsk, Aril 2, 1997.

[120] Written testimony by Yury V.'s friend, received by Human Rights Watch/Helsinki, April 7, 1997.

Serezha and Zhenya

Zhenya told Human Rights Watch/Helsinki that he and Serezha were the first to be taken into a rather large room inside the Central ROVD police station. Over time, more and more people were brought in. Zhenya estimated that the police eventually brought in at least fifty more detainees, of whom at least twenty were children. He stated:

> When a policemen at the ROVD told him [one detainee] to approach, the man said, "Can't you say 'please?'" They beat him up with batons for that and took him to the isolation cell. Another man, a former military man . . .started complaining: "How can you beat him?! There are children in here." .When the former military man started complaining, they took him to the isolation cell as well. There were some elderly ladies. They [also] took an old man with an ice cream cone. He had been shopping. . .They searched him and found milk, ice cream and a loaf of bread in his bag.[121]

During a rally in Minsk on March 23, 1997, policemen arrested a diabetic and kept him in detention for fourteen hours, even though he repeatedly notified them that he suffered from diabetes. When the man said that he required medication, the police responded by calling him a "drug addict." When his mother finally located the police station where he was being held, he was in a near-comatose state and was rushed to the hospital in an ambulance. Human Rights Watch/Helsinki was not able to speak to the victim himself because his health condition was still too serious at the time of our visit.[122]

Court Hearings and Penalties

"You are a judge - how can you accept false testimonies?!" - a Belarusian defendant to a judge

In the wake of demonstrations, literally bus loads of people are brought to various courts in Minsk and tried. Most of these trials are blatantly unfair. Defense witnesses are often not allowed into the court rooms, while verdicts are frequently based on inconsistent police testimony. In many cases, these police officers were not even present during the arrest or did not witness the allegedly unlawful actions of the accused.

A representative of the Belarusian Helsinki Committee, which actively monitors these trials, told Human Rights Watch/Helsinki that one trial observer had witnessed a case where:

> [T]he policeman said that the accused was standing on the street and discussed the politics of the country, which in itself was the accusation. The judge asked what exactly [the accused] had said, to which the [policeman] said: "How am I supposed to know? I was far away [from the accused] and there were a lot of people."[123]

The representative added:

> That is an example of the witnesses [that are used during these court hearings]. Mostly the majority of the witnesses are policemen, the witnesses of the accused usually aren't called on [to testify], even if there are [such witnesses]. And there rarely is a lawyer. . . Either [the demonstrators] very rarely ask for one, or [the authorities] very rarely allow one. And [the punishments] they give. . .well, that really depends on the judge."

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[121]Human Rights Watch/Helsinki interview, Zhenya, Minsk, April 6, 1997.

[122] Human Rights Watch/Helsinki and Memorial interview, mother of the victim, Minsk, April 6, 1997.

[123] Human Rights Watch/Helsinki and Memorial interview, representative of the Belarusian Helsinki Committee, Minsk, April 1, 1997.

From other sources, Human Rights Watch/Helsinki has learned that although at least some detainees are asked whether they want legal representation, this is often done only on the day of the court hearing. When a detainee wants a lawyer, the authorities are often slow in finding one, with the result being that insisting on legal representation often adds two to three extra days to one's detention. In addition, when the authorities ask whether a detainee wants a lawyer, they apparently make it clear that those who insist on having a lawyer will not receive any benefit from doing so. Moreover, many detainees are not allowed to phone their relatives while they are being detained, so relatives cannot arrange for a lawyer.

The courts have liberally applied the two forms of punishment—fines and administrative detention—established by Presidential Decree No. 5.[124] Although it is impossible to ascertain the exact number of people who have been subjected to these sanctions, the Belarusian Helsinki Committee estimates the number to be in the hundreds.

Yury V.

On April 2, 1997, the Partizan Regional Court of Minsk heard the case of Yury V. Representatives of Human Rights Watch/Helsinki visited the court in an attempt to observe the hearing. However, Judge Roinik barred the representatives from entering the court room during the hearing, refusing to give any explanation for this decision. Yury V. later informed Human Rights Watch/Helsinki that he had told the court:

> I did not attend the demonstration because I'm not involved in politics, and also, I recently underwent a serious operation and didn't want to be in a crowd where I could easily get injured.[125]

He also said that he was arrested on a different street than that described in the police report and he asked the judge to allow him to call on four witnesses who could confirm his story. He told Human Rights Watch/Helsinki:

> The court apparently decided not to create any unnecessary problems for itself with respect to assessing the evidence and refused to satisfy my request to examine the witnesses without motivating the decision in any way [providing an explanation as to why].

The judge did allow the testimony of two policemen. According to Yury V., he had seen the policemen only at the police station and not on the street where he was arrested. The policemen, however, stated that Yury V. had been detained while taking part in an unsanctioned demonstration and had refused to follow orders to disperse.

> During the court hearing, the two policemen gave contradictory testimonies. ... Pashchenko [one of the policemen] said that I was dressed in a dark jacket, while according to Makovsky [the other policeman] I was dressed in a gray raincoat.[126]

Judge Roinik did not, however, take into consideration the contradictions in the testimony. She issued a decision stating:

> [Yury V.] actively took part in an unsanctioned demonstration on Nemiga Street around metro station Nemiga and refused to follow police orders to disperse, in violation of point 10 of the decree [Presidential Decree N5]. . .[Yury V.] does not admit his guilt, stating that he was unlawfully detained on Lenin Street and did not take part in the demonstration but was there by coincidence. However, his

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[124] See above, footnote 95, for a discussion of judicial sentences of administrative detention.

[125] Human Rights Watch/Helsinki interview, Yury V., Minsk, April 6, 1997.

[126] Ibid.

guilt in committing an administrative offence is confirmed by the report[127] ..., and the testimonies of witnesses Pashchenko S.E., Makovskii, V.V.[128]

Yury V. was fined 2.6 million Belarusian roubles (approximately US$100).

Tatyana S.

Tatyana S. described her hearing to Human Rights Watch/Helsinki and Memorial:

> We were taken to the court. I was tried first. . .I was asked [by the judge]: "Did you take part in the demonstration?" I said: "No, I did not. I just walked by, we were helping a child in need and were not involved in anything." That was the only thing the judge asked me. Then he called in a policeman, as a witness. The judge asked him what I was doing there. The young guy said that I had just stood there. . .Then a second one was called in. This one said: "She said: 'This is my country, I will stand where I want.'" And he added that I ran onto the road, threw stones and swore.[129]

The judge eventually sentenced her to five days in administrative detention and fined her friend 2.6 million Belarusian roubles (approximately US$100).

Repercussions at the Workplace Schools, and Universities

Demonstrators are punished not only by police and the courts—they are also reprimanded and discouraged from taking part in opposition activities by their teachers and colleagues. Even those who are in principle sympathetic to the protestors' causes apparently want to protect their own positions and therefore discourage students and colleagues from taking part in demonstrations. Many people interviewed by Human Rights Watch/Helsinki and Memorial expressed fear of repercussions at work for what they do or say at or outside the workplace.

One man told Human Rights Watch/Helsinki that after being arrested at demonstrations on February 5 and 14, 1997, the authorities sent letters to his office. Although his director defended him, several people at work criticized him for participating in political rallies fearing that the entire institution could be closed because of his activities. The director also told the man that he would not be able to protect him if the Ministry of Education instructs the director to get rid of those who are "not trustworthy."[130]

A university student told Human Rights Watch/Helsinki that the dean at his faculty had defended one student who had participated in demonstrations, but had later warned the other students that they should not get caught because she would not be able to defend them for very long.[131] Human Rights Watch/Helsinki has also been informed that a number of students who participated in demonstrations were reprimanded and harassed by their university or institute. In March 1997, the director of the Belarus State University issued Directive No. 227 on the Intensification of Legal and Educational Work with Students. On the basis of this directive, disciplinary measures were reportedly taken against a number of student movement leaders for their

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[127] The report was signed under physical pressure.

[128] Human Rights Watch/Helsinki interview, Yury V., April 6, 1997, which includes quotes from the court decision, Minsk, issued April 2, 1997.

[129] Human Rights Watch/Helsinki and Memorial interview, Tatyana S., Minsk, April 4, 1997.

[130] Human Rights Watch/Helsinki and Memorial interview, "A," Minsk, April 6, 1997.

[131] Human Rights Watch/Helsinki and Memorial interview, anonymous demonstrator, Minsk, April 5, 1997.

participation in demonstrations.[132] Eight students apparently received a reprimand, as did six deans and a deputy director of the university. Several students told Human Rights Watch/Helsinki that they believed professors gave them low grades as punishment for participating in demonstrations. One of them said: "The dean who [gave] the exam did not hide the reasons for the [low] marks."[133] It appears that these low grades are later used to expel the concerned student from university on the grounds of his or her unsatisfactory academic performance. Sergei Martselev, one of the organizers of the March 20, 1997, demonstration, was apparently one of the first to be expelled for this reason.

Belarus State University reportedly expelled several other students for their participation in demonstrations. Pavel Karnazytsky was apparently expelled from the faculty of journalism for his repeated participation in and organization of student protests, and specifically for a demonstration held on May 30, 1996.[134]

In some cases, school children and their parents have been harassed after participating in a demonstration:

Serezha's participation in the March 14, 1997 demonstration was broadcast on Minsk television. He told Human Rights Watch/Helsinki the following:

> [T]wo days had gone by when the head of the institution called me. He said: "You were shown on the news, right?" I said: "Yes, Saturday on Vesti." Then he started telling me: "Do you know what will happen?! You're fourteen already. They'll send you to the Commission on Minors, and then to Gomel [to a boarding school]."[135]

Serezha's mother told Human Rights Watch/Helsinki, "We were visited by his teacher and a young man who did not introduce himself. . .She [the teacher] told me that the Commission on Minors will call me in because my son was in contact with the Belarus Popular Front."[136]

A teacher threatened Serezha's mother with a serious fine for her son's actions. Sixteen-year-old Zhenya was shown on the news together with Serezha and was subsequently harassed at school for several days. Teachers reportedly told him that they might lose their bonuses because of his activities.[137]

HARASSMENT OF POLITICAL OPPONENTS

Many of the deputies of the Thirteenth Supreme Soviet who were not among those hand-picked by President Lukashenka to be members of the Chamber of Representatives have remained active in opposition politics, and as a result they have faced administrative prosecution, harassment, threats, and ill-treatment. Here we document several of these incidents, by no means an exhaustive account, but one that demonstrates the general pattern of harassment.

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[132] *Russkaya Mysl'* (Russian Thought), Paris, July 3-9, 1997.

[133] Human Rights Watch/Helsinki and Memorial interview, Sergei Martselev, Minsk, April 1, 1997.

[134] Human Rights Watch/Helsinki and Memorial interview, Sergei Martselev, Minsk, April 1, 1997; Human Rights Watch/Helsinki interview, Pavel Karnazytsky, Minsk, April 1, 1997.

[135] Human Rights Watch/Helsinki and Memorial interview, Serezha and Zhenya, Minsk, April 6, 1997.

[136] Ibid.

[137] Ibid.

This group of deputies began to be harassed almost immediately after the formation of the "presidential" parliament in November 1996. President Lukashenka, for instance ruled that the deputies diplomatic passports were no longer valid, and it took an unusually long time to issue regular passports to them, preventing them from traveling abroad. [138] More importantly, the immunity of several deputies was lifted by decision of the General Procurator of Belarus and the Chairman of the Supreme Court, even though the presidential constitution states that deputies of the Thirteenth Supreme Soviet preserve their powers until the end of the term of the Chamber of Representatives. Stripped of parliamentary immunity, such individuals may be, and have been, prosecuted.

Several deputies told Human Rights Watch/Helsinki that they had been threatened by strangers. Lyudmila Gryaznova said that she had recently been approached several times by strangers who offered to help her but also subsequently warned her in a suspicious way that her activities might have unpleasant consequences: that "they" could kidnap her and take her away somewhere, or that she might be driving her car in the countryside and another car might crash into her. Recently, her parents were also approached and threatened. [139] Several other deputies have received phone calls from complete strangers threatening their wives and children.

Anatoly Lebedko

Anatoly Ledebko, a deputy of the Twelfth and Thirteenth Supreme Soviets and a member of the United Civil Party, was the victim of an attack on February 11, 1997, by unknown men in the elevator of his own apartment. He told Human Rights Watch/Helsinki:

> On the day after a meeting of the commission [which was established by the Presidium of the Supreme Soviet to investigate violations of laws and the constitution by President Lukashenka], Viktar Gonchar. . . drove me home in his car around 8:00 p.m. We said goodbye at the entrance of my apartment building ... I entered the building, got the mail and went up to the third floor [by elevator]. The door opened and immediately, at the open elevator, [I received] several punches. I fell into the elevator and they started kicking me with their feet. It all happened in silence, no one said a word.

Anatoly Lebedko recalls being both hit and kicked in the face. No valuables were taken away from him. Earlier, in 1996, Ledebko had received various anonymous phone calls following a series of publications on government involvement in organized crime. The callers told him that it would be better for his safety and that of his family to leave that theme alone.[140]

Many deputies have also been arbitrarily arrested, tried, and sentenced to administrative detention or fines, although usually they have been released shortly after being detained. These deputies include Anatoly Lebedko, Pavel Znavets, Boris Gyunter, Gennady Karpenko, Mecheslav Grib, Stanislav Shushkevich, Stanislav Bogdankevich, Vasiliy Novikov, Semyon Sharetsky, and Valery Shchukin. Other leading political figures who have received such treatment include: Leon Borshchevsky, Vintsukh Vechorka, Stanislav Gusak, Uladzimir Nester, Vyacheslav Sivchik, Yury Khodyko, Nikolai Statkevich and Yuri Zakharenko. In some cases, as wit "ordinary" people, deputies are detained without any apparent reason:

Stanislav Shushkevich

On April 2, 1997, police detained Stanislav Shushkevich, a former speaker of the Supreme Soviet. Shushkevisch told Human Rights Watch/Helsinki that he intended to visit an art exhibit and had just given an interview to a journalist. He had been standing at the entrance to a church where the exhibit was held, when seven or eight policemen approached him and asked him to come with them. When Shushkevich refused to come voluntarily, he was forcefully taken to the police station. Shushkevich told Human Rights Watch/Helsinki that

[138] OMRI, January 6, 1997.

[139] Human Rights Watch/Helsinki interview, April 2, 1997.

[140] Human Rights Watch/Helsinki interview, April 6, 1997; see also OMRI, February 13, 1997.

he repeatedly asked the police why he was being detained and that the police themselves did not know, but claimed that he had committed some sort of administrative offence. Two hours later, Shushkevich was released, apparently after the police station had been swamped by phone calls from people asking about him.[141]

Pavel Znavets

Some deputies have been sentenced to administrative detention or to serious fines. One of the more serious cases is that of Pavel Znavets.

On March 14, 1997, Znavets was detained briefly together with several other deputies of the Thirteenth Supreme Soviet. On March 20, 1997, Znavets was reportedly sentenced to five days of administrative detention for participating in the demonstration of March 15, 1997. During those five days, he reportedly went on a hunger strike. After serving that sentence, he was then sentenced to five more days in administrative detention and a fine of 13 million Belarusian roubles (approximately US$500) for participation in a number of demonstrations. On March 30, 1997, Znavets stood trial again and was sentenced to another five days for organizing a demonstration that was supposed to take place on March 20, but that did not happen because he and two student leaders were arrested. After serving these last five days, he was finally released.

Police regularly attempt to carry out searches of the apartments of opposition leaders and deputies. For example, the apartments of Shushkevich, Simyon Sharetsky, Yuir Zakharenko and Valery Shchukin were searched just before the demonstration of March 23, 1997. On March 12, 1997, a search was carried out at the headquarters of the United Civil Party, and 359 pamphlets announcing the demonstration of March 15, 1997, were confiscated. On the same day, several Belarus Popular Front (BPF) activists were detained or harassed. Other forms of harassment at the offices of opposition parties and figures have also been reported. For example, on February 11, 1997, the office of the Party of Communists of Belarus was sealed off because it allegedly was in breach with fire safety regulations.[142]

Vyacheslav Sivchik and Yury Khodyko

Criminal cases against a number of leading BPF members deserve special attention. Vyacheslav Sivchik, Yury Khodyko, both BPF leaders, were accused of participating in or organizing group activities which led to violations of public order on April 26, 1996, the tenth anniversary of the Chernobyl disaster. During their detention, they held a twenty-one day hunger strike. Their criminal cases were dropped in early 1997 for the puzzling reason that the men had stopped being a threat to the state after the adoption of the presidential constitution. On March 13, 1997, Yuri Khodyko was arrested when he demanded to see the identification of police officers who wanted to carry out a house search at the BPF headquarters. The next day, he was sentenced to five days of administrative arrest for "insubordination to police officers."[143]

Aleksandr Bondarev

Aleksandr Bondarev is a research associate at the national center for physics at the Belarus State University. On March 23, 1997, he participated in a demonstration organized by the BPF. When a police officer began beating a group of demonstrators, Bondarev reportedly tried to grab the policeman's baton but caught his arm instead. He and other demonstrators then pulled the policeman into the group of demonstrators where the policeman was beaten up. Bondarev claims that he tried to grab the policeman's baton in an attempt to defend himself and did not intend to harm the policeman or pull him into the crowd of demonstrators. Bondarev also maintains that he did not beat the policeman himself. Before this incident, Bondarev had been hit over the head by the police with a baton several times. On April 1, 1997, Bondarev was arrested during another demonstration. A criminal case was instituted against him on April 4, 1997 for violations of public order and beating a

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[141] Human Rights Watch/Helsinki interview, April 3, 1997.

[142] OMRI, February 13, 1997.

[143] Human Rights Watch/Helsinki and Memorial interview, Yury Khodyko and Vyacheslav Sivchik, Minsk, March 31, 1997.

policeman.[144] Human Rights Watch/Helsinki is concerned that due to Bondarev's association with the BPF, the Belarus criminal justice system will not afford him full due process of law.

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[144] Human Rights Watch/Helsinki interviews with Olga Dolgopolova, Minsk, April 3 and 17, 1997

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APPENDIX A
List of Demonstrations, February to April 1997

Date	Type of Demonstration	Results
February 10	Meeting and march against the presidential decision concerning the Komarov market, as a result of which over 10,000 people lost their place in the market.	Four people were arrested, but later acquitted of the charges against them.
February 14	"Belarus into Europe," organized by the youth movement of Belarusian Popular Front. The embassies of various Western countries were visited.	Around 3,000 participants. At the end of the demonstration, between eighty and two hundred people were arrested. Police used batons, electric shock prongs, and gas balloons on demonstrators. Many of the arrested were sentenced to administrative detention or heavy fines. One of the leaders of the BPF youth movement was sentenced to ten days in administrative detention for "organizing an unsanctioned march and violating public order." Several journalists suffered the destruction of video and audio footage.
February 24	Picket of the Free Union of Belarus at the presidential residence.	Nine participants were arrested.
March 2	930th anniversary of the city of Minsk	An estimated 1,000 participants staged an unsanctioned march along sidewalks and roads to the city center. Around thirty people were arrested after the action and subjected to administrative proceedings, including the BPF vice-chairman, Vintsuk Vechorka.
March 10	Picket against the unification of Russia and Belarus on Independence Square. Only forty participants were allowed.	Some 2,000 demonstrators started to march. Russian and Belarusian flags were burned and trampled. The police intervened and between fifty and a hundred people were detained. At least forty people were sentenced to three to ten days in administrative detention or to a fine of 1.3 to 3.0 million Belarusian roubles (approximataely US$50-US$120)
March 14	"Belarus into Europe II." This demonstration was forbidden altogether.	Some 146 people were arrested, including school children, bystanders, Supreme Soviet deputies and journalists. Many were released without charges.
March 15	Constitution Day meeting. Had only been sanctioned on an "especially designated spot" and demonstrators had to arrive there using narrow back streets.	Two thousand people marched to the center of the city. Police batallions and concrete obstructions were placed on the road but the demonstrators walked around them. Some one hundred demonstrators were detained after the demonstration.
March 20	Picket against forced assignment of students to jobs.	Around forty people were arrested, including the organizers, Pavel Karnazytsky and Sergei Martselev who were both sentenced to ten days of administrative arrest. Fines of US$200 to US$400 dollars were apparently imposed on the other arrested students.

Date	Type of Demonstration	Results
March 23	Forbidden march for the seventy-ninth anniversary of the Belarusian People□s Republic.	Some 5,000 to 7,000 participants. Chains of riot police stopped demonstrators on their way to the center of the city. Serious clashes between police and demonstrators, some eighteen policemen and numerous demonstrators were wounded. Dozens of participants were arrested. Several members of the Thirteenth Supreme Soviet were prosecuted for organizing the demonstration.
April 1	"Garbuz-97," demonstration against the unification of Belarus and Russia.	Dozens of people were arrested. Deputy and journalist Shchukin was beaten up by the police.
April 2	Sanctioned meeting against the unification of Belarus and Russia.	No clashes occurred during the sanctioned part of the demonstration. A group of demonstrators that marched towards the Russian Embassy was stopped by the police. Over fifty people were beaten up by riot police, including at least five journalists, and around 200 people were arrested.
April 6	Picket at the National Assembly against the "presidential" parliament	No police action.

APPENDIX B
Direct Action, Youth Union
(Pamphlet distributed October 26, 1996.)

Why are all normal youth now joining Direct Action?

Because it is the first and only among youth organizations that has made three goals for itself:

-to not allow our own to be harmed;
-to defend the interests of youth;
-to suppress opponents ruthlessly.

Because Direct action does not chat, it works. And it is tough. It sets a goal and it gets it. If something gets in the way, it's overcome. If opponents get in the way, we destroy them.

Because Direct action does not distinguish between bureaucrats, titles and offices. Direct Action does not fear bureaucrats still in office but who have sold out, does not fear the ridiculous opposition, which lives on gifts from Western funds. Direct Action is in the fight against both. Generally, it fights for order at all levels—from the ministry to the school and dormitories. If they violate our rights—the rights of youth—the Direct Action commandant makes him behave properly. If it's a minister, Direct Action will not back off and will do everything to have the ministry call him to task. As long as anyone anywhere violates the rights youth, Direct Action will not rest at ease. And there are violations everywhere. So there's lots of work to do.

Because Direct Action does not allow harm to its own. If we have to, we help defend. We have the ways, the means and the strength for it.

Because Direct Action has order and discipline. This is the power of Direct Action. Here youth learns to follow and give orders. Here leaders speak who know how to take responsibility and deal with responsibility. That's why Direct Action is successful.

Because for Direct Action, the law is the interests and desires of youth, and not some half-baked thoughts. If students demand open visits and higher stipends, Direct Action fights for it and will fight for it. If the dormitory needs renovation, we'll get it. It's time to widen and simplify acceptance in higher education, especially for youth from the provinces, and we'll get that too. It's time to straighten out he distribution of housing and other benefits for youth, with the help of supervisory bodies loyal to the President we'll straighten things out here and will push into the corner bribe-takers and thieves. . .