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World Report 2010 - Belarus

Belarusian authorities continue to restrict civil society activism and the media through the criminal justice system and burdensome administrative requirements. Authorities have made some positive steps, including restarting state distribution of three independent publications, registering one radio station and one nongovernmental organization, and releasing all political prisoners in 2008. However, despite the appearance of liberalization, 2009 saw progress reversed; authorities placed four more political prisoners behind bars, violently dispersed several demonstrations, and refused to register at least two NGOs and three newspapers for unfounded reasons.

Freedom of Association

Independent civil society groups in Belarus remain active despite authorities' attempts to control them. The government requires groups to register, a lengthy and costly process, and authorities often deny registration for missing application materials or other easily resolved minor, technical problems. Authorities prohibit residences to be used as legal addresses, which are required for registration. NGOs enjoyed discounted rent until an April 2008 Presidential Edict changed the pricing structure of state-owned property; now independent groups pay as much as commercial organizations, while organizations whose activities the government deems to be "humanitarian" in nature continue to receive discounted office rent.

Authorities registered the first independent NGO since 2000, "For Freedom," in late 2008, but in 2009 continued a policy of denying registration to other outspoken organizations. The government several times refused to register Nasha Viasna, most recently in August, for alleged problems with the list of founders and the legal address. Nasha Viasna is the successor to Viasna, a well-known human rights organization that worked to develop civil society in Belarus. Viasna was forcibly disbanded in 2003 for submitting allegedly invalid documents for registration, and because of its leaders' monitoring of the 2001 presidential election. In August 2007 the United Nations Human Rights Committee found that Viasna's closure violates article 22 of the International Covenant on Civil and Political Rights. In 2009 authorities twice denied registration to the Belarusian Assembly of Pro-democratic Nongovernmental Organizations, an unofficial umbrella organization for Belarusian NGOs that provides legal guidance and conducts advocacy on their behalf. Authorities allege the organization's name does not describe its activities, and procedural violations in its creation. The group's appeal of the denial was rejected.

Due to frequent registration denials, many activists are forced to continue their activities without official registration. Under article 193.1 of the criminal code, acting on behalf of an unregistered organization is a criminal activity punishable by up to two years in jail.

Since 2006 more than 15 activists have been fined or imprisoned under this article, and at this writing LGBT activist Svyataslau Semyantsov is charged with violating article 193.1 for participating in the unregistered NGO TEMA Information Center. Belarusian and international human rights organizations and foreign governments have called on the Belarusian government to abolish this article.

In March 2009 Belarusian Helsinki Committee activist Leonid Svetik was convicted of violating two articles of the criminal code: article 130.1 (fomenting national and religious enmity) and article 367 (insulting the honor of the president) and fined 31 million rubles (US\$10,890). His case had been reopened in March after being suspended in September 2008 for unknown reasons. In May 2008, after breaking into Svetik's home where they seized equipment and printed materials, the KGB (Belarus's state security agency) had interrogated him for nine hours about a case he was allegedly witness to, warned him against commenting on the case to certain people, and imposed travel restrictions. He was told at that time that he was suspected of violating article 130.1.

Authorities also prevented international monitors from entering Belarus in 2009: Souhayr Belhassen, president of the International Federation for Human Rights, who was planning to attend Nasha Viasna's court hearings, was denied a visa, and Nikolay Zboroshenko from the Moscow Helsinki Group was told by a border guard on a train entering Belarus that he was on a list of foreigners barred from the country.

Freedom of Assembly

Activists are required to apply for demonstration permits, but the onerous application process serves to restrict the right to hold peaceful assemblies. Civil society activists are frequently subjected to arrests, fines, and detention for participating in unsanctioned assemblies.

Authorities used force to disburse three demonstrations in September and October, including on September 9 against Russian-Belarusian joint military exercises, and on September 16 and October 16 to commemorate the 10th anniversary of the "disappearance" of former parliamentary deputy speaker Viktor Gonchar and businessperson Anatoly Krasovskii. During the September 9 demonstration police detained 20 demonstrators; 17 received fines. Police detained 22 demonstrators during the October 16 demonstration. They forcibly tried to prevent journalists from filming each of these demonstrations.

Media Freedom

The government restricts press freedom and authorities monitor the internet. Journalists are frequently harassed and detained for covering opposition rallies and other events authorities try to suppress. Twelve officially registered independent newspapers and one journal remain unavailable at newsstands. In positive moves, however, three independent papers were allowed to be officially distributed in 2009, *Nasha Niva*, *Narodnaia Volia*, and *Uzgorak*, and European Radio for Belarus received permission to officially register an office.

In February 2009 President Alexander Lukashenko signed a law requiring all media outlets to register, including already registered outlets. This gives authorities the option to deny a license to any outlet they deem undesirable, and allows them greater control of online media by subjecting them to the same restrictions as print and broadcast media. The restrictions also prohibit foreign funding. However, the new law no longer requires media outlets to obtain special permits for distribution from local authorities, removing a major obstacle to registering new media outlets.

Two new independent newspapers, *Novaia Gazeta Babruiska* and *Nasha Pravincia*, were denied registration in September because the publishers' offices were not registered to the home addresses of the owners of the publications. A third, *Mahiliouski Chas*, was denied registration because its editor-in-chief has not received a higher education degree. These reasons for denial are not listed in Belarus's media law.

Political Prisoners

Authorities released all remaining political prisoners in 2008. However, at least four activists were arrested and imprisoned on politically motivated charges in 2009.

Mikalaj Autukhovich, Uladzimir Asipienka, and Yury Lyavonau were detained in February and charged under article 218 of the criminal code (intentional damage to or destruction of citizens' property) for alleged arson against local officials' property. Autukhovich and Asipienka remain in prison; Lyavonau was released in August. Autukhovich is also charged with illegal weapons possession and preparing a terrorist act. Authorities claim he attempted to murder a local official in Hrodna. The three activists' imprisonment is more likely in connection with their civil society activism: Asipienka and Lyavonau have previously been imprisoned for their involvement in the entrepreneurs' movement, while Autukhovich attempted to unite veterans in an opposition organization and ran in parliamentary elections as an independent candidate.

In July Artsiom Dubski was sentenced to one year in prison for violating the terms of a sentence of "limitation of freedom without transfer to an open correctional institute" (a version of house arrest that restricts a person to home and work) handed down in 2008 for taking part in a January 2008 demonstration against new policies affecting small businesses.

Death Penalty

Belarus is the only country in Europe that continues to use the death penalty. At least two people were sentenced to death in 2009. Families of those executed are not provided with information on the date of the execution or where the body is buried.

Key International Actors

In March the European Union agreed to allow Belarus to join the so-called Eastern Partnership, a newly established framework that offers preferential economic treatment, enhanced political contact, and the potential for visa-free travel with EU member states. Following the Belarus authorities' release of political prisoners in 2008, EU foreign ministers in October 2008 suspended the travel ban imposed on President Lukashenka and most of his inner circle; in March 2009 the suspension was extended for another nine months. The EU also launched an annual human rights dialogue with Belarus, the first round taking place in Prague, Czech Republic, in June. The European Commission has committed to giving Belarus €300,000 for projects aimed at strengthening the role of civil society.

The Parliamentary Assembly of the Council of Europe in June indicated its readiness to restore special guest status to Belarus, pending "substantive and irreversible progress towards Council of Europe standards," particularly in regard to the electoral process, respect for political freedom and media pluralism, and the death penalty. The Council of Europe stripped Belarus of its special guest status in 1997 over human rights concerns.

United States Assistant Secretary of State Philip Gordon and a delegation of US congressmen visited Belarus on separate occasions. Gordon outlined requirements for improved relations with the US, including the release of political prisoners, freedom of the media, and free and fair presidential elections. The six-member congressional delegation pressed for the release of imprisoned US lawyer Emanuel Zeltser; he was released and pardoned on June 30. President Obama renewed the Democracy Act of 2004, which authorizes assistance to organizations that promote democracy and civil society in Belarus.

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