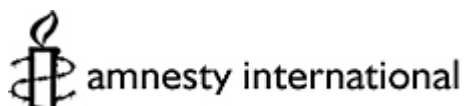


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Amnesty International Report 2009 - Belarus

Head of state: Alyaksandr Lukashenka
Head of government: Syarhey Sidorski
Death penalty: retentionist
Population: 9.6 million
Life expectancy: 68.7 years
Under-5 mortality (m/f): 14/10 per 1,000
Adult literacy: 99.6 per cent

The government continued to exert excessive control over civil society. State control over the media increased, and restrictions on independent media continued. Some public events were banned; peaceful demonstrators were fined and detained for short periods; and civil society activists and journalists were harassed. Belarus continued to hand down death sentences and execute prisoners.

Background

The OSCE sent an observation mission to the parliamentary elections held on 28 September and found they fell short of OSCE standards. There were some improvements in access to the media for opposition candidates but the mission found that voters still could not make an informed choice. Article 193-1 of the criminal code continued to restrict rights to freedom of assembly and expression. A presidential decree in December 2005 had introduced this law – which penalizes membership and activities of civil society organizations – ahead of the presidential elections in March 2006.

There were signs of increased engagement with the EU. Following the release of a number of opposition prisoners in the course of the year, on 13 October the EU temporarily and partially lifted the travel ban that had been imposed on some leading government figures in 2006.

Freedom of assembly

The authorities continued to limit freedom of assembly by banning or using force to disperse demonstrations, detaining peaceful demonstrators, and harassing civil society activists and journalists.

- On 10 and 21 January and 18 February, more than 40 people were detained and sentenced to maximum sentences of 15 days or fines for taking part in demonstrations against Decree No. 760, which required small businesses to employ only family members or pay significantly higher business taxes.
- On 25 March, security forces reportedly used excessive force against demonstrators who had gathered in the capital, Minsk, to commemorate Freedom Day (the anniversary of the creation of the Belarusian People's Republic in 1918). Around 100 demonstrators were detained and subsequently sentenced to a fine or held in administrative detention. The authorities took unprecedented action against journalists who were covering the demonstration.

Detainees included Andrey Lyankevich, a photo-journalist from the independent newspaper Nasha Niva, who reported he was beaten. He was charged with organizing and participating in an unsanctioned meeting. He was released on 27 March but the case remained under investigation at the end of the year. Two Lithuanian television reporters were allegedly beaten and their equipment damaged by police. On 27 March, the State Security Services – still named KGB – carried out nationwide searches in the homes of journalists who worked with foreign media. On 31 March, the EU expressed its "strong disappointment at the arrest of a large number of participants, especially young people" and condemned the use of violence in dispersing peaceful demonstrators.

Two opposition activists, Andrey Kim and Syarhey Parsyukhevich, were subsequently charged under Article 364 of the Criminal Code for assaulting police officers. Andrey Kim was sentenced to 18 months' imprisonment on this charge on 22 April. Witnesses claimed that it was he who was struck by a police officer, rather than the other way round. Syarhey Parsyukhevich, the leader of an organization of small entrepreneurs in Vitsyebsk, was placed under 15 days' administrative detention after the demonstration on 10 January. On 24 April he was sentenced to two and a half years' imprisonment for assaulting a police officer while in detention, although he alleges that he was taken out of his cell and beaten by two police officers. Local human rights groups claimed that the cases were fabricated, and that both men were being punished for the peaceful expression of their political views. Both were released in August by presidential decree.

Rights of lesbian, gay, bisexual and transgender people

Lesbian, gay, bisexual and transgender activists were denied permission to hold events. In Homyel and Minsk, groups applied for permission to hold small street actions on 4 and 10 May respectively, but both were refused permission by the city administrations. The Minsk activists were told that their action would block traffic. The Homyel activists were told that they had not proved that they would provide adequate medical assistance or stewarding for the event, or that they would clean up afterwards, although they had demonstrated this in their application.

Freedom of expression

- On 7 August, the President signed a new law on mass media. The Belarusian Association of Journalists stated that the new law would considerably increase restrictions on freedom of expression and make it even more difficult for media outlets and journalists to work. In September no more than 30 independent social and political publications continued to print, and half of those had been excluded from the state-owned distribution systems. The OSCE representative on freedom of the media expressed concern that the law "extends the government's right to warn, suspend and close down media outlets." The new law further increased restrictions on registration, forbade any funding from abroad or from unacknowledged sources, and made it easier for state organs to close down media without a court order and with only one warning. The law applied to internet publications, and the Deputy Head of the Presidential Administration, Natalya Pyatkevich, stated that it would apply to websites because of the need to

control "disinformation from foreign sites." She said the authorities had drawn on "the experience of China, which has closed access to such sites on its territory."

In September, an issue of the independent newspaper Svaboda (Freedom) and a number of video materials including the Polish documentary film *A Lesson in Belarusian* were classified as extremist by Kastychnitski District Court of Hrodna, after an application by the Hrodna district department of the KGB. Svaboda had published a report on a demonstration by the youth opposition movement Malady Front (Young Front) against Russian military action in South Ossetia. The report fell foul of the Law to Counteract Extremism, ratified in 2007. This law ordered that any organizations found to promote the violent overthrow of the constitutional order, to promote terrorist activity or incite racial, national or religious hatred could be closed down and any publications classified as extremist could be destroyed. The decision against Svaboda was overruled on appeal. In November the same court refused to consider an application to classify the 2004 human rights report of the NGO Viasna (Spring) as extremist.

Prisoners of conscience

- On 18 January, Alyaksandr Zdzvishkou, the former deputy editor of Zhoda (Today) newspaper, was sentenced to three years' imprisonment by a Minsk city court for "inciting racial, national, or religious enmity or discord." He was sentenced for the publication in 2006 of the cartoons of the Prophet Muhammad, that some Muslims found offensive, originally published in a Danish newspaper in 2005. Criminal proceedings started on 22 February 2006, and the newspaper was closed down the following month. Alyaksandr Zdzvishkou left Belarus to avoid prosecution, but was arrested on 18 November 2007 when he returned to visit his father's grave. The head of the Muslim community in Belarus reportedly opposed Alyaksandr Zdzvishkou's sentence and the closing of the Zhoda newspaper. On 22 February, the Supreme Court of Belarus reduced his three-year prison sentence to three months. This decision resulted in his immediate release from the high security prison where he was being held.
- Zmitser Dashkevich, a leader of Malady Front, was released on 23 January, two months early. He had been sentenced to 18 months' imprisonment in November 2006 for "participating in an activity of an unregistered non-governmental organization".
- In August President Lukashenka released Alyaksandr Kazulin, presidential candidate during the March 2006 elections, who had been convicted of "hooliganism" and "organizing group activities that breach public order" and sentenced to five and a half years in prison in July 2006.

Death penalty

According to media reports, four people were executed during the year. On 5 February Valery Harbaty, Syarhey Marozaw and Ihar Danchanka were executed. The three men were convicted of a series of murders in the Homyel region between 1990 and 2004. All three were sentenced to death by shooting by the Supreme Court on 1 December 2006. On 9 October 2007, Syarhey Marozaw and Ihar Danchanka were tried for further murders and Syarhey Marozaw was sentenced again to death. According to press reports, all three men appealed to President Lukashenka for clemency. The Council of Europe Secretary General condemned the executions and accused the Belarusian authorities of a "blatant disregard" for human values.

On 6 October Pavel Lenny, who had been sentenced to death by Homyel district court for the rape and murder of a minor, was executed. At a press conference on 9 September, the Chair of the Supreme Court stated that only one person had been sentenced to death in 2008. The Ministry of the Interior stated in October that there was an "irreversible and gradual progress towards abolition."

In December, Belarus abstained on a UN General Assembly resolution calling for a worldwide moratorium on executions.

Amnesty International visits

An Amnesty International delegate visited Belarus in October to research the death penalty.

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