

Flygtningenævnets baggrundsmateriale

Bilagsnr.:	109
Land:	Belarus
Kilde:	Observatory for the Protection of Human Rights Defenders
Titel:	Annual Report 2010
Udgivet:	13. september 2010
Optaget på baggrundsmaterialet:	6. januar 2011

BELARUS

OBSERVATORY FOR THE PROTECTION OF HUMAN RIGHTS DEFENDERS
ANNUAL REPORT 2010

Political context

In its Resolution P7_TA-PROV(2009)0117 of December 17, 2009, the European Parliament stressed that clear and significant progress in democratisation should still be made in Belarus to ensure media freedom, reform of the Electoral Code, the release of political prisoners and the abolition of the death penalty. The sanctions imposed by the European Union against the country are suspended, but will in theory be lifted if these improvements take place¹. For its part, after twelve years of suspension, the Parliamentary Assembly of the Council of Europe (PACE) declared on June 23, 2009 that it was ready to give Belarus its special guest status in the Council of Europe, provided that the country continues its efforts towards democratisation and establishes a moratorium on the death penalty. Belarus has ignored this call².

In 2009, despite the hopes raised by several positive developments in 2008, such as the release of political opponents, the situation of human rights changed very little. Freedoms of expression and association remained very restricted and repression against critical voices of power continued. This year, political parties faced systematic refusal of registration³, exposing themselves to criminal sanctions if they chose to continue their activities. This repression particularly affected young political opponents, such as activists from Youth Front, which during the year were subjected to arbitrary arrests, mistreatments and punishment following their participation in peaceful gatherings. Several were conscripted into the army or expelled from their university. More disturbingly, several cases were reported of members of security forces dressed in civilian clothes kidnapping young activists and subjecting them to humiliation and intimidation before dumping them off in the outskirts of cities⁴.

1/ The EU had imposed a number of sanctions in 2004 that were partially suspended in 2008, and the visa ban on Belarusian officials in some of Europe, imposed in 2004, was temporarily lifted in 2008. These transitional measures were extended for six months following the resolution of the European Parliament.

2/ No moratorium was implemented by the authorities. On July 17, 2009, the courts sentenced two men, who had filed a clemency petition with the Board of Pardons, but the request had not yet been examined as of late 2009.

3/ For example, in 2009, the Belarusian Christian Democratic Party (BkhD) and the Party for Liberty and Progress.

4/ See RFE/RL, *Charter 97* and the Viasna Centre for Human Rights.

While small advances in press freedom were reported in 2008, the State retains the monopoly of print and electronic media, and distribution and printing systems. Several independent newspapers were censored in 2009, and the new Media Act that entered into force on February 8, 2009 thwarted the hopes of easing the State policy on freedom of expression. This new law, which regulates online media and provides for media subscribing in a register, also accelerates the closing procedures of media outlets for minor offenses, as well as the possibility to prosecute journalists for publishing statements of political parties or NGOs if they “discredit the Republic of Belarus”⁵. Applications for accreditation of foreign media at the Ministry of Foreign Affairs were denied arbitrarily and many foreign journalists were forced to work illegally⁶.

In this context, defenders, as well as any kind of opposition to power, were victims of the repressive State system of President Lukashenko.

Repression of peaceful assemblies

Again this year, peaceful rallies held in favour of the defence of human rights were severely repressed. In most cases, defenders were not allowed to gather, and demonstrations mostly ended with violent intervention by law enforcement officials, arrests and convictions. Since 2005, on the 16th of each month, supporters gather in cities of Belarus to commemorate the disappearance of opponents of the regime⁷. Rallies held to mark this “Solidarity Day” are regularly repressed by the police. For instance, on September 16, 2009, the police dispersed a rally in Minsk and prevented journalists from filming and photographing the events. Thirty-one people were arrested, threatened, insulted and abused by the police during their detention at the police station before being released. The same day, some of them complained to the Prosecutor of Minsk Central District, and that complaint was forwarded to the Ministry of Home Affairs⁸. However, the Prosecutor declined to open an investigation, and the Directorate General for Security Affairs Ministry said that the allegations of violence could not be proven⁹. Similarly, on October 16, 2009, 16 people were arrested

5 / See Declaration by the Belarusian Association of Journalists (BAJ), February 17, 2009.

6 / See Viasna.

7 / These gatherings have been held since October 16, 2005 in honour of opposition leader Mr. Viktor Hanchar and businessman Mr. Anatol Krasouki, who disappeared on September 16, 1999 and who were allegedly both abducted by services secrets. The Minsk Prosecutor closed the investigation into their disappearance in 2003.

8 / The complaint also concerned acts of violence by the police on September 9, 2009 during a protest rally against the arrival of a military contingent of the Russian Federation to Belarus in the framework a joint military exercise.

9 / See Viasna.

in Gomel on their way to the rally planned for “Solidarity Day” and were prosecuted for “conducting non-authorised collective action” whereas they were, in fact, unable to attend the event. On October 13, 15 and 19, 2009, ten of them were sentenced by the District Judge of Gomel Chihunachni to fines amounting to 10,325,000 rubles (about 3,700 euros)⁴⁰. Most applications for assemblies to mark the anniversary of the Universal Declaration of Human Rights on December 10, 2009 were also denied by municipalities such as in Baranavichi, Barisau, Biaroza, Gomel, Hrodna, Mahiliou, Mazir, Navapolatsk, Orsha, Smarhon and Vitsebsk. The complaint filed by Mr. **Anatol Palauni** and Mr. **Leanid Sudalenko** with the Court of the Central District of Gomel to challenge the ban of the demonstration by the municipality of Minsk was dismissed on December 30, 2009. Furthermore, the city of Minsk refused the Union of Belarusian Radio Industry to assemble to demand respect for human rights on Banhalor plaza in Minsk, which was specifically designated by authorities for organised opposition demonstrations. Another rally organised by the Belarusian Popular Front for December 10, scheduled to take place on Yakub Kolas plaza, was banned by the city of Minsk on the pretext that no group was allowed within 200 meters of a subway station. Similarly, activists of the Belarus Helsinki Committee planned to conduct an awareness-raising campaign on human rights the same day, through meetings with civil society actors in a tram around the city. However, they were prevented from doing so, as the tram was not able to circulate for “technical reasons” and the bus booked at the last minute as a replacement was blocked by police. Members of the Belarus Helsinki Committee, the Viasna Human Rights Centre, the Committee for the Protection of Victims of Repression “Solidarnosts” and the Innovation Fund of Legal Technologies then had to resort to celebrate International Human Rights Day by distributing leaflets in the streets of Minsk on various subjects relating to human rights, such as discrimination affecting persons with disabilities, lack of alternative military services, and the use of death penalty in Belarus.

Serious attacks on the freedom of association

In 2009, independent civil society organisations, notably human rights organisations, were again confronted with systematic refusals of registration, thus exposing them to criminal sanctions if they chose to continue their activities. Article 193.1 of the Criminal Code criminalises activities “as part of an unregistered organisation”, punishable by a fine or a prison sentence from six months to two years. Twice this year, the application for registration by the Viasna Human Rights Centre, under the name

of Nasha Viasna, was denied. A first request on January 26, 2009 was rejected by the Ministry of Justice on March 3, 2009. The organisation challenged the ruling before the Supreme Court, which in turn upheld the decision of the Ministry on April 22, 2009 on the ground that there were inaccuracies in the list of members of the association and the charter of association. A second request was made on April 25, 2009 and was rejected on May 25, 2009. The organisation also challenged this refusal before the Supreme Court, which confirmed its position on August 12, 2009. These two consecutive refusals of registration were accompanied by a smear campaign against the organisation. In March 2009, following the first refusal, a television station aired footage of a building in Minsk and presented it as the premises used by the association to hold its meetings. The size of space designated obviously did not allow for the holding of such meetings. One of the reasons advanced by the Ministry to refuse registration was indeed that the premises were too small. The branch of Viasna from the city of Brest, “Brestskaya Viasna”, also faced similar difficulties. All four of its applications made in 2009 were refused by the office of the Ministry of Justice of Brest. The organisation appealed the decision to the Regional Court of Brest, which confirmed the decision of the Ministry. Similarly, on April 9, 2009, the Ministry of Justice dismissed the application for registration of the Belarusian Assembly of Pro-Democratic NGOs, a collective of associations that aims to contribute to the development of civil society in Belarus. This decision was upheld by the Supreme Court on June 3, 2009¹¹.

Judicial harassment against defenders

In 2009, judicial procedures to hinder the work of defenders were opened or continued. For example, the judicial proceedings opened in 2008 continued against Mr. **Leonid Svetsik**, a member of the Vitsebsk branch of Viasna, for the “fomenting of national and religious hostility” (Article 130.1 of the Criminal Code) after he supported citizens threatened by the extreme right organisation Russian National Unity (RNE). On March 31, 2009, Mr. Svetsik was also accused of “defamation against the President” under Article 367.2 of the Criminal Code. On July 16, 2009, Mr. Svetsik was fined 31 million rubles (7,500 euros) by the Regional Court of Vitsebsk, a conviction affirmed on appeal on September 15 by the Supreme Court despite serious procedural violations. In addition, Ms. **Yana Poliakov**, lawyer and member of the Alliance for Human Rights in Belarus, committed suicide on March 7, 2009, days after being sentenced under Article 400.2 of the Criminal Code to “deliberate false accusations” to two and a half years of “restricted freedom,” and a fine of one million

11 / *Idem*.

rubles (about 240 euros) by the District Court of Salihorsk. Ms. Yana Poliakova defended the victims of police abuse and had herself been a victim of aggression by police officers. When she wanted to file a complaint against one of her attackers, she had been prosecuted for “harming the reputation of the police”¹².

Threats against journalists defending human rights

Independent journalists who expose human rights violations are particularly vulnerable to intimidation and threats. The journalist Ms. **Irina Khalip**, who has written numerous articles on human rights violations in Belarus, received death threats in her mailbox on November 23, 2009¹³. She had just sent an article to the Russian newspaper *Novaya Gazeta* on the involvement of the Belarusian authorities in a case of inheritance, and she received a message threatening that she would “join [the Russian journalist murdered in 2006] Anna Politkovskaya” if she did not withdraw her article. The fact that on that date only the Editor of *Novaya Gazeta* had been informed of the investigation conducted by Ms. Khalip suggests that the authors of the threats are members of secret services and that correspondence and telephone conversations of journalists are monitored. Journalists also received threats from neo-Nazis. For example, Ms. **Natalia Radzina**, Director of the *Charter 97* opposition website, received a letter containing particularly violent threats of assault, including rape, following the publication of an article on July 8, 2009 denouncing the impunity of racist crimes¹⁴.

Obstacles to the visits by foreign defenders and travels abroad for Belarusian defenders

In 2009, the authorities sought to restrict and prevent contacts between Belarusian and foreign defenders. On the one hand, they impeded the access of foreign human rights defenders in Belarus. On July 31, 2009, the Consulate of Belarus to France refused to issue a visa to Ms. **Souhayr Belhassen**, FIDH President. During her stay, Ms. Belhassen was to meet with representatives of civil society and attend the hearing of the Supreme Court regarding the refusal to register the association *Nasha Viasna*. Similarly, in late August 2009, Mr. **Nikolai Zboroshenko**, Assistant Director of the Moscow Helsinki Group, was denied entry at

12 / *Idem*.

13 / *Idem*.

14 / The article criticised the weakness of a conviction against a leader of the RNE who was prosecuted for engaging in racist attacks. The far-right activist was originally sentenced under Article 193.1, which normally sanctions unregistered organisations, and was then granted amnesty. See Charter 97, July 8, 2009.

the Lithuanian border. Mr. Zboroshenko then learned that he was under a ban on entry because of his participation in protests in Belarus in 2006¹⁵. On the other hand, Belarusian defenders were regularly subjected to disproportionate checks during their travels abroad. For instance, from mid 2008 until July 2009, the personal belongings and car of Mr. **Ales Bialiatski**, Mr. **Valentin Stepanovitch** and Mr. **Vladimir Labkovitch**, respectively President, Deputy President and lawyer for Viasna, were systematically searched by customs at the Belarusian border crossing.

Urgent Interventions issued by The Observatory in 2009

Names	Violations / Follow-up	Reference	Date of Issuance
Viasna Human Rights Centre	Registration refusal	Urgent Appeal BLR 001/0309/OBS 038	March 4, 2009
		Urgent Appeal BLR 001/0309/OBS 038.1	June 8, 2009
		Urgent Appeal BLR 001/0309/OBS 038.2	August 14, 2009
		Press Release	October 2, 2009
Dr. Leanid Svetsik	Judicial harassment	Urgent Appeal BLR 001/0608/OBS 095.1	April 16, 2009
Ms. Souhayr Belhassen	Visa refusal	Press Release	August 7, 2009

¹⁵/ See Viasna.