

## Review-Chronicle of Human Rights Violations in Belarus in December 2009

At the end of the year its results were summed up. On 22 December the leadership of the United Democratic Forces of Belarus held a press-conference at which it was stated that this year the situation for the opposition wasn't better than last year. The country again has political prisoners, the Ministry of Justice again denies the state registration to political parties and NGOs and the Ministry of Foreign Affairs denies accreditation to foreign media and their correspondents. Besides, democratic activists are kidnapped by unidentified persons and are arrested for participation in unauthorized peaceful street actions.

On 10 December Belarusian human rights defenders intended to hold a number of various events dated to the 61<sup>st</sup> anniversary of the Universal Declaration of Human Rights, including informational pickets, quizzes, contests, etc. 14 applications for authorization of such actions were filed to the authorities in the capital and other large cities of Belarus. None of them were satisfied. In fact, in Belarus the Human Rights Day was put under a ban. Only in Brest the authorities sanctioned a rally at the unfrequented *Locomotive* stadium on the outskirts, though the local civil activists filed applications for three actions: a rally, a picket and a procession in the center of the city.

In Minsk the first events dated to the Human Rights Day took place before 10 December. On 6 December an open youth meeting was held at the International Educational Center (IBB). On 7-9 December Minsk activists of the Movement *For Freedom* organized the viewing of human rights documentaries.

On 9 December the civil initiative *Human Rights Alliance* presented its yearly prizes. The correspondent of Radio *Liberty* Aleh Hruzdilovich was awarded as the journalist of the year, Pavel Sapelka – as the best lawyer and Raman Kisliak – as the best human rights defender. After the award ceremony there was held a joint press-conference of representatives of human rights organizations.

On 10 December Minsk human rights defenders and civil activists went out to Nezalezhnasti Avenue to congratulate passers-by on Human Rights Day. Together with the congratulations people were given informational booklets and postcards with information about different human rights issues.

On 23 December the organizing committee of the civil initiative *Charter'97* presented its National prize for human rights protection in 2009. The political activist Franak Viachorka, the civil activist Zmitser Barodka, the young activist Maksim Viniarski, the political prisoner Artsiom Dubski, Vaukavysk entrepreneurs Uladzimir Asipenka, Yury Liavonau and Mikalai Autukhovich and Salihorsk human rights defender Yana Paliakova were awarded for personal courage (the latter one – posthumously).

On 23 December the Assembly of Pro-democratic NGOs presented symbolic awards to representatives of the civil initiatives that were most active in 2009. Among the prize holders there are the Belarusian Helsinki Committee and the Human Rights Center *Viasna*. The campaign *Human Rights Defenders* was declared the civil campaign of the year. The anti-hero of

the event was the Ministry of Justice that won in the nomination *Non-registration of the year*.

On 17 December the European Parliament adopted by the overwhelming majority of votes a resolution on Belarus. The document points at the absence of significant progress in the situation of human rights in spite of a number of positive steps. The resolution welcomes the decision to extend the sanctions towards the Belarusian officials till October 2010 and freeze them till that time. The European MPs believe that the dialogue with Belarus on human rights must be aimed at concrete results and significant progress in the sphere of democracy and supremacy of law. The MPs expect that in 2010 the Belarusian authorities will reform the law *On mass media* and will put it in line with recommendations of international experts, will abolish the article that penalizes activities on behalf of unregistered organizations, will allow the registration of political parties and NGOs and will create favorable conditions for activities of NGOs and mass media. The European MPs also insist on urgent introduction of the moratorium on death penalty in Belarus. The resolution also calls on the Belarusian authorities to review the verdict that were issued in 2007 to the figurants of the Process of 14 (including Artsiom Dubski who is serving a prison term now) and urgently release from jail the former Vaukavysk entrepreneurs Uladzimir Asipenka and Mikalai Autukhovich.

Belarusian human rights defenders also prepared and passed to the UN Human Rights Council an alternative Universal Periodical Report on Belarus. The authorities must present their report by February 2010. On the basis of these reports the Human Rights Council will adopt its recommendations for Belarus. According to the lawyer of HRC *Viasna* Valiantsin Stefanovich, within the frames of the preparation of the alternative UPR the authorities agreed to hold consultations with the NGOs that prepared it. The human rights defenders twice met with representatives of the Belarusian MFA and the first vice-head of the Presidential Administration Natallia Piatkevich.

The human rights defenders also prepare an alternative report to the UN Human Rights Committee on implementation of the International Covenant of Civil and Political Rights by Belarus. The official Minsk has already twice ignored its obligation to report on the ICCPR to the Committee and didn't implement its decisions.

As it was stated by the Director General of Democracy and Political Affairs Jean-Louis Laurens, the Council of Europe insists on introduction of the death penalty moratorium in Belarus.

## **1. Politically motivated criminal cases**

On 7 December in Navahradak the activist of Belarusian Christian Democracy and *Young Front* Yury Kazak was charged under Article 339, part 1 of the Criminal Code of the Republic of Belarus (hooliganism). The youth activist was detained in the night of 6-7 November 2009, when the local monument to Lenin was smeared with green paint. The court hearings took place on 29 and 30 December. The activist confessed having poured the paint over the monument to Lenin. The director of Navahradak local core museum stated that the monument wasn't a historical or cultural value and Lenin Square would soon be renamed. The historian Yury Bachyshcha read a letter from his colleagues about the negative role of Lenin in the history of Belarus. The

prosecutor asked to fine Yury Kazak about 8 million rubles. Judge Valer Yatsynkavich postponed the trial to 11 January 2010.

At the end of December the head of Brest branch of *Young Front* Yuliya Pashko received a prosecutorial warning for activities on behalf of unregistered organization.

In his letters the activist of *Young Front* Artsiom Dubski writes about the increase of his pressurization by the administration of the prison where he is serving his one-year term. He writes that the prison authorities try to isolate him, prohibiting other prisoners to communicate with him. He cannot even a detailed description of the situation, as his mail is censored in prison.

## **2. Administrative punishments to civil and political activists**

On 2 December the *Young Belarus* activists Andrei Kuzminski, Pavel Prakapovich, Nastassia Mashchava and Yahor Babrou were detained for holding a performance near *Belarus* department store. The young people set up a stand and painted a man with moustache on it. It was written under the caricature: 'Throw an egg at me if you don't like the regime'. The young activists placed a box with eggs near the stand. There were some persons who liked the idea, and some eggs were flung into the stand. On 3 December the judge of Zavadski district court of Minsk A.Niakrasava found the detained activists guilty under Article 23.34 of the Administrative Code (participation in unauthorized action). Pavel Prakapovich and Yahor Babrou were sentenced to 15 days of jail, Andrei Kuzminski – to 7 days and Nasta Mashchava was fined 1 050 rubles (about \$376).

On 17 December the Savetski district court of Minsk fined Aliaksandr Haharyn for taking part in the protest action near the Embassy of Iran on 16 December. That day representatives of the Belarusian LGBT community protested against the Iranian law according to which homosexuals must be punished with death. A.Haharyn was fined 105 000 rubles (about \$38) under article 23.34, part 1 (participation in unsanctioned rally). Two other participants of the action, Siarhei Androsenka and Siarhei Pradzed were tried on 23 December. Judge of the Savetski district court of Minsk Aksana Reliava found Siarhei Androsenka the organizer of the mass action and fined him 825 000 rubles (about \$295), while Siarhei Pradzed was fined 350 000 rubles (about \$125).

As it follows from ruling #16 of the Ministry of Information of Belarus, the administrative case against the Russian ecologist Andrey Ozharovskiy was dropped because of absence of corpus delicti in his actions. 'One can be administratively punished for distributing printed periodicals without imprint. The materials that were confiscated from Ozharovskiy weren't production of a printed media,' was stated in the court verdict. The confiscated printed editions, in which Ozharovskiy criticizes the idea of the construction of a nuclear power-plant in Belarus, will be returned to him. Bear in mind, the Russian nuclear physicist, project coordinator of the *EcoDefense* group A.Ozharovskiy was detained on 9 October in the town of Astravets in Hrodna oblast to which he came as an official participant of the public hearings about the possible influence of the nuclear power plant on the ecology. Later the local court sentenced the ecologist to 7 days of jail on charges in hooliganism.

### **3. Freedom of speech and the right to disseminate information**

At the beginning of December the Ministry of Justice refused to register the news office of the Polish satellite TV channel *BelSat*. The denial was signed by the vice-minister of foreign affairs Valer Varanetski. The official reason is that in 2009 *BelSat* journalists worked in Belarus without accreditation, thus violating the law.

The Supreme Court dismissed the appeal of the chief editor of *Narodnaya Volia* Iosif Siaredzich and its journalist Maryna Koktysh against the decision of Minsk city court to start civil proceedings concerning the refusal of the Chamber of Representatives to accredit the journalist. 'As far as the question of accreditation of journalists is beyond the competence of the court and the Belarusian legislation doesn't empower it to consider appeals against accreditation denials, the judge reasonably refused to bring the case,' is stated in the letter signed by the vice-head of the Supreme Court A.Fedartsou. Maryna Koktysh was denied accreditation two years ago and since that time has been tried to get the justice.

On 24 December the Ministry of Information issued a warning to the private socio-political newspaper *Narodnaya Volia* for dissemination of allegedly inaccurate information (Article #4 of the Law *On mass media*). It is already the second warning to the newspaper in 2009. The first one was issued on 17 November.

On 28 December the editorial office of the private regional edition *Hazeta Slonimskaya* received a written denial to its request for accreditation of journalists at Slonim district executive committee. In the letter signed by the deputy head of Slonim district executive committee Dzimitry Dzeshka it is stated that 'elucidation of the sitting and counsels held by the executive committee is conducted by journalists of the state newspaper *Slonimski Vesnik*, the official press edition of Slonim district executive committee'.

### **4. Death penalty**

On 10 December representatives of human rights community within the frames of the campaign *Human rights defenders against death penalty in Belarus* passed to the Presidential Administration a petition with the call to annul this kind of punishment that violates the right to life. A copy of the petition was passed to the Chamber of Representatives of the National Assembly of the Republic of Belarus. It was signed by more than 30 well-known cultural and civil activists, human rights defenders, lawyers and scientists.

The Office of the UN Supreme Commissioner on Human Rights received the commentary of the Belarusian government to the individual communication of the death convict Andrei Zhuk's mother. In this commentary the authorities appeal against the legitimacy of the communication and state that Andrei hadn't depleted all national means of defense (they consider clemency petition to the president as one of such means). By 7 January the UN Human Rights Committee must receive a commentary on this information from the human rights defender Raman Kisliak.

## 5. Freedom of association

On 9 December the Ministry of Justice refused to register the Belarusian Christian Democracy Party. Inaccurate information about the regional assemblies of the party founders is cited as the official reason. It was the second registration denial to BCD in 2009. According to the co-chairman of the party Vital Rymasheuski, there were dozens of cases when founders of the party were summonsed to the ideological departments of executive committees or educational establishments and threatened. As a result of psychological pressurization five persons had to revoke their signatures.

On 15 December the Supreme Court of Belarus dismissed the appeal of the organizing committee of the Belarusian Party of Workers against the non-registration of the latter by the Ministry of Justice. The head of the organizing committee Aliaksandr Bukhvostau refers to cases of intimidation of founders of the party, as a result of which some of them revoked their signatures. He also stated that the organizing committee would start preparing to a new constituent assembly.

On 18 December the second constituent assembly of the Assembly of Pro-Democratic NGOs took place in Minsk. The first attempt of the Assembly to legalize its activities was unsuccessful. The head of the executive bureau of the Assembly of Pro-democratic NGOs Aliona Valynets hopes that the recent election of the Assembly representative Siarhei Matskevich the Speaker of the Eastern Partnership Civil Society Forum can positively influence the decision of the Ministry of Justice on registration of the organization.

On 29 December Brest oblast court dismissed the lawsuit of the co-founders of the human rights civil association *Berastseyskaya Viasna* against the main justice department of Brest city executive committee that had refused to register the organization. The judge agreed with the opinion of a CEC representative that presenting a copy of the receipt for the state registration fee instead of the original was an incorrigible mistake and was a sufficient reason for non-registering the association.

On 29 December Hrodna oblast court considered the complaint of members of *Zalaty Leu* NGO against the justice department of Hrodna oblast executive committee that had refused to register *Zalaty Leu*, and left the decision on non-registration in force. As stated by the representative of the NGO Ales Masiuk, the judge confessed that most reasons for non-registration of the NGO were wire-drawn, but agreed that according to the registration documents the organization Board had too many powers, which allegedly contradicts to the Civil Code.

## 6. Tortures and harassment of civil and political activists

On 5 December two unidentified persons in mufti assaulted the leader of *Young Front* Zmitser Dashkevich near his apartment and pulled him into a bus. They pulled two caps down over his eyes so that he couldn't see anything and took him to a forest out of the city. There they passed a pole through the mantles of his overcoat so that he couldn't move normally for some time, then

took the caps off his head and drove away. As it was found later, the forest was located about 70 km from Minsk.

On 6 December the activist of the civil campaign *European Belarus* Yauhen Afnahel was seized by people in mufti in Bialinski Street in Minsk. He was taken into a car, ordered to lay his head down on the knees so that he couldn't look in the window and drove him around the city for about 20 minutes. Then they drove several kilometers in Barysau direction, halted and ordered him to go out. Before driving away they took out the battery from his mobile phone.

Human rights defenders consider such seizures of citizens and politically motivated kidnappings, which is a criminal offence. Such actions are conducted by representatives of law machinery, are evidently unlawful and gravely violate such human rights as security of person.

In the middle of December the Leninski district prosecutor's office of Brest refused the *Young Front* activist Mikhas Iliin in bringing a criminal case against the policemen and persons in mufti who had inflicted bodily injuries to him. The refusal was signed by the investigator of the prosecutor's office Aliaksandr Yaroshyk. On 17 September the activist was beaten at a picket near the monument to the 1000<sup>th</sup> anniversary of Brest by policemen whose actions were directed by a person in mufti. Besides, M.Iliin was fined for participation in the unauthorized picket.

On 18 December officers of the organized crimes section of Valozhyn district police department interrogated the administration of Ivianets branch of the Union of Poles in Belarus that is not recognized by the authorities. The policemen checked up the documents and asked about the economical activities of the organization. The administration of Valozhyn district police department refused to comment on the reasons for the check-up, within the frames of which the interrogation was conducted. Before this Ivianets UPB branch was checked up by the State Control Committee.

## **7. Freedom of conscience**

On 8 December the College Board of the Supreme Economic Court consisting of the judges Siarhei Kulakouski, Aksana Mikhniuk and Stsiapan Turmovich dismissed the complaint of the Protestant church *New Life* and left in force the ruling on the eviction of the believers from their temple. The parishioners, in their turn, are not going to pass their building to the city authorities. On 29 December the *New Life* Church filed a petition with the vice-head of the Supreme Economic Court Vasil Dzemidovich, asking him to appeal against the ruling of the Supreme Economic Court and Minsk Economic Court about the eviction of the church from the building in Kavaliou Street, 72 in Minsk.

Residence permits weren't extended to three police priests. As *Polish Radio* informed with reference to *Gazeta Wyborcza*, the official reason was that they conducted masses in the Polish language.

## **8. Language rights**

Zhodzina human rights defenders Aliaksei and Sviatlana Lapitskis are still struggling for giving their son an opportunity to learn at school in the mother-tongue. They have been maintaining correspondence with the local officials for five years already, with little results. In December they filed a letter with the Ministry of Education. The Lapitskis consider the refusal of the local authorities to provide their son with the opportunity to learn in Belarusian as national and linguistic discrimination.

## **9. Right to peaceful assemblies**

On 10 December the authorities disrupted the festive action *Human Rights Tramway*, organized by the Belarusian Helsinki Committee. Members of the organization rented a tramway in order to drive by one of the usual routes handing out human rights brochures to the passengers, telling them about human rights and treating them with cake and tea.

Viachaslau Bolbat, Siarhei Housha and Viktor Syrytsa filed with the prosecutor's office a complaint against Baranavichy city executive committee that failed to give within the legally established term an answer to their application for authorization of a picket dated to the Human Rights Day. Baranavichy activists asked the prosecutor's office to hold a check-up and give a legal evaluation to the inaction of the duty officials of the executive committee.

Alena Papova, vice-head of the Kastychnitski district court of Vitsebsk on civil affairs, dismissed the complaint of the local human rights defenders against the prohibition of a picket dated to 10 December. The Kastychnitski district executive committee of Vitsebsk banned the action as the human rights defenders didn't conclude agreements with the police, ambulance and the community services. The human rights defenders also asked the court to find unlawful ruling #881 *On mass actions*, issued by Vitsebsk city executive committee on 10 July 2009. Predictably enough, judge Papkova took the side of the authorities.

## **10. Politically motivated dismissals from job**

On 3 December the press secretary of *Young Front* Tatsiana Shaputska was expelled from the second year of the juridical faculty of Belarusian State University. The activist was expelled because of her participation in the Civil Society Forum in Brussels in November 2009. T.Shaputska was one of the best students. Her average grade was 8,5 out of 10. Just one week was left to the winter exam session. That's why the expelled student filed a complaint with the education minister Aliaksandr Radzou and a petition to the rector's office for reinstatement at the place of study. Together with the text of the petition she passed about 400 signatures of BSU students in her support. 'The surnames of the students that had to revoke their signatures under the pressure, are crossed out – let Mr. Ablameika (*the rector*) see the results of activities of the administration of the juridical faculty and the student dormitory,' said Tatsiana Shaputska.