

Review-Chronicle of Human Rights Violations in Belarus in January 2010

In January, the elections to the local Soviets of Deputies started in Belarus. According to Presidential decree #21 of 18 January 2010, the elections to the local Soviets were appointed on 26 April. It will be the first campaign carried under the amended Election Code. As soon as the decree was published, the Belarusian human rights defenders have started monitoring the electoral process all over Belarus within the frames of the campaign *Human Rights Defenders for Free Elections*. One of their aims is to analyze the practical implementation of the new provisions of the election legislation. According to these innovations, the subjects who nominate their representatives to election commissions received the right to appeal against their non-inclusion in the commissions by the appropriate state agencies. A number of public and political activists appealed against their non-inclusion in the commissions at court.

The year started with escalation of the confrontation between the Belarusian authorities and the Union of Poles in Belarus that is not recognized by them. The confrontation has a long history. Pressurization of the UPB activists increased at the end of 2009. A criminal case under Article 210, part 2 of the Criminal Code, 'abuse of duty powers', was instigated against Tereza Sobal, Chairperson of the Polish House in Ivianets (one of the three houses that remained under the control of the disgraced Union of Poles). On 21 January the Belarusian authorities organized an assembly for electing new administration for the Polish House. That day the police detained 43 activists of the Union of Poles who were heading for Ivianets. The detainees were released by 5 p.m. only thanks to intervention of a representative of the Polish Embassy in Minsk. Meanwhile, the assembly of the UPB activists living in Ivianets unanimously voted for re-election of Tereza Sobal. On 26 January Henryk Litvin, Polish Ambassador to Belarus, was presented the official note of the Foreign Ministry of Belarus where it was stated that actions of the Embassy representatives 'didn't correspond to the fundamental international standards regulating the actions of foreign diplomats in the countries where they are accredited'.

Another celebrated case this month was the case of teachers. On 15 January Taisa Danilevich, Chairperson of the education bureau of the Minsk city executive committee, summoned to her office six teachers who were members of different political parties and blankly demanded that they should either leave the parties or quit working at schools. Human rights defenders assisted the teachers in applying to the procuracy in connection with the unlawful actions of the state official by which their constitutional rights were rudely violated.

In January, human rights defenders continued to struggle at courts for their right to peaceful assemblies in connected with the refusal of the authorities to sanction the 18 informational actions they intended to hold for marking the anniversary of the Universal Declaration of Human Rights. In particular, the Biaroza district court found the ban of the local district executive committee legal and didn't grant the claim of the human rights defenders Siarhei Rusetski and Vasil Azaranka. This verdict was appealed at a higher court. On 25 January and

26 January cassation appeals against similar verdicts of other courts were lodged by the Smarhon human rights defender Ales Dzerhachou and the Barysau human rights defenders Maryna Statkevich and Aleh Matskevich.

The death penalty remains an acute issue for Belarus in 2010. In January 2010 the Human Rights Center *Viasna* and the Belarusian Helsinki Committee launched the campaign *Human Rights Defenders Against Death Penalty* with the support of Amnesty International. Provision of objective information and leading a free and open discussion on the merits of the problem of the death penalty – this was the conception the human rights defenders kept to in the work with the population. The abolition of the death penalty or introduction of moratorium to it is one of the conditions for normalization of the relations with Belarus that were set forth by the European Union. This is also an obligatory condition for returning to Belarus its guest station at the Parliamentary Assembly of the Council of Europe. As a result, the Belarusian officials had to speak on the subject of the death penalty. In January, the internet portal tut.by published a number of articles in which this topic was covered by Ela Sarkisava and Anatol Sharkou, professors of the MIA Academy; Siarhei Pratsenka, Deputy Chairperson of the MIA execution department; and Mikalai Samaseika, Chairperson of the Regular Commission of the Chamber of Representatives of the National Assembly on legislation and judicial issues. All of them agreed that Belarus was a civilized country and must get rid of the death penalty.

The international human rights organization *Human Rights Watch* published its yearly report on observance of human rights in the world. The situation of the human rights in Belarus is described as deteriorating.

On 28 January it became known that the detention in custody of the Vaukavysk entrepreneurs Uladzimir Asipenka and Mikalai Autukhovich was extended for another month, till 28 February. According to Asipenka's daughter Liudmila, the sanction was issued by A.Tsiatsiukhin, Judge of the Supreme Court.

1. Politically motivated criminal persecution

On 10 January the prosecutor signed the ruling for two-month detention in the pre-trial prison in Vitsebsk of the civil activist Siarhei Kavalenka who had been detained on 7 January for hanging out a white-red-white flag on the top of the main New Year tree of Vitsebsk. A criminal case under Article 339, part 2, 'hooliganism', was instigated against him. On 13 January the order to Kavalenka was suddenly changed to written undertaking not to leave Vitsebsk. On 19 January S.Kavalenka underwent psychiatric expertise to which he was directed by investigator Aksana Muravitskaya. He wasn't informed about the results of the expertise. As Kavalenka learned from the case materials, the charges were changed to Article 339, part 1 and Article 363, 'resistance to police', was added.

On 11 January Valer Tsynkevich, Judge of the Navahradak district court, found Yury Kazak, activist of the Belarusian Christian Democracy Party, guilty under Article 339, part 1 of the

Criminal Code, 'hooliganism', and fined him 8,750,000 rubles (about \$3,017) for smearing with green paint the monument to Vladimir Lenin in the central square of Navahradak. At the trial Mr. Kazak stated that his main aim was not to destroy the monument, but to draw the public attention to the problem of the criminal communistic heritage in Belarus.

On 5 January officers of the Ivianets district police department brought a criminal case under Article 210, part 2 of the Criminal Code against Chairperson of the Polish House in Ivianets Tereza Sobal, member of the disgraced Union of Poles in Belarus. The woman is charged with abuse of the duty powers, because in 2004 the Polish House allegedly received material aid without paying the taxes. Andrei Pachobut, Chairperson of the main council of the Union of Poles, considers the actions towards T.Sobal as provocation.

2. Warnings, fines, detentions and arrests of civil and political activists

On 5 January Kastus Smolikau, Chairperson of the Vitsebsk oblast organization, was fined 70,000 rubles (about \$25) by the Vitsebsk district court. The reason for the fine was that on 29 October the BPF activist set five memorial crosses near the village of Paliiai where victims of Stalin's regime had been shot. K.Smolikau decided to warn Yury Vosipau, Chairperson of the Voranava village executive committee, about it and proposed holding a memorial event. However, the official answered him with threats and applied to the district procuracy which instigated against Mr. Smolikau an administrative case for arbitrary rule.

On 9 January Taras Surhan, activist of the *Young Belarus*, was detained in Vitsebsk. Unidentified persons in mufti forcibly pulled him into a car when he went out of his apartment to take out the garbage. Surhan's friends believe the detention is connected to the detention of his comrade-in-arms Siarhei Kavalenka who hanged a white-red-white flag on the main New Year tree of Vitsebsk. Mr. Surhan was escorted to the Chyhunachny district police department where a criminal case was brought against him under Article 17.1, 'hooliganism'.

3. Freedom of speech and the right to disseminate information

The Ministry of Information refused to register the private newspaper *Mahiliowski Chas* once again. This time the officials stated that the premises where the legal address of the newspaper was situated didn't meet the legal requirements. The first registration denial was issued because the editor of the newspaper didn't have a higher education, the second – because of non-presentation of a copy of agreement between the founder of the newspaper and the legal entity functioning as the editorial board. Since 2007 *Mahiliowski Chas* has been published as a socio-political newspaper with the circulation of 299 copies. The attempts to register with the state started on 10 September 2009.

The Ministry of Justice presented to the Belarusian Association of Journalists, concerning the

member certificate, the status of the Center of social defense of mass media and the BAJ tasks and aims, and was issued with a warning. The appropriate order was signed on 13 January by Aliaksandr Simanau, Deputy Minister of justice. The BAJ administration stated that it would appeal against the groundless warning.

On 19 January three state institutions refused to provide with the needed information Anatol Mazgou, journalist with the newspaper *Borisovskiye Novosti* who was collecting information for the column *Barysau: numbers and facts*. One of the officials, Chairperson of the district registry office, refused to inform the journalist about the number of marriages and divorces during the week saying she had already given this information to the local state newspaper and TV channel and advised Mr. Mazgou to look for the information at the web-site of the district executive committee. On 21 January Anatol Bukas, chief editor of *Borisovskiye Novosti*, lodged with the local prosecutor's office a complaint requiring a check-up and warning of the officials about the possibility of punishment for violation of the law on mass media.

4. Death penalty

Activists of the campaign *Human Rights Defenders Against Death Penalty in Belarus* received an answer to their address to the Chamber of Representatives of the National Assembly of the Republic of Belarus and a petition to abolish the death penalty. The answer signed by Viktor Huminski, Chairperson of the National Security Commission of the Chamber of the Chamber of Representatives, reads: 'Belarus has come to the point where a detailed and open discussion on the abolishment of the death penalty needs to be started in the society. We, deputies, need a dialogue with the people in this respect. This dialogue can have different forms. First of all, we will consider the opportunities of holding parliamentary hearings on this issue. I think they will allow an objective evaluation of the situation and the readiness of the society to look at the problem from a new viewpoint.' At the same time, V.Huminski refers to the results of the referendum held in 1996 and states that the deputies have no right to ignore its results.

5. Freedom of associations

On 14 January founders of the Association of civil organizations *Assembly of NGOs* for the third time passed to the Ministry of Information the documents for its registration with the state. By the way, the first registration attempt was undertaken in 2002 and the organization founders had to answer for the negative answer of the Ministry of Justice for 18 months (whereas the legal term is just one month). In 2009 the Ministry of Justice refused to register the Assembly of NGOs more quickly. In particular, the officials stated that the aims of the member organizations didn't meet the charter aims of the assembly. Another reason for the registration denial was that the constituent agreement about the establishment of the association was invalid as the heads of the member organizations ostensibly signed it without

the consent of the governing organs of the organizations. Thirdly, the organization name allegedly didn't meet the legal requirements as it contained no indication of the subject of activities of its members.

At the end of January the Ministry of Justice denied registration to the Belarusian trade union *Razam*, allegedly because a number of mistakes in the list of founders were discovered during an appropriate check-up. Iryna Yaskevich, Chairperson of the trade union, stated in an interview with the *BelaPAN* that these assertions of the ministry didn't meet the reality and promised that the registration attempts would continue.

6. Discrimination and persecution of civil and political activists

On 21 January the preliminary meetings of the sides in the case Lapitskis v. the Zhodzina town executive committee. The case concerns the decision of the Zhodzina TEC to stop the education of the Lapitskis son Yanka Lapitski in the Belarusian language at the Zhodzina gymnasium #1. The trial was scheduled for 8 February.

On 26 January the Leninski district court of Brest didn't grant the complaint lodged by the *Young Front* activist Yauhen Skrabets against the unlawful actions of the draft board during the autumn drafting campaign. Judge A.Karpava explained the verdict by saying that the court hadn't refused the necessary papers in the time due. It is not the first attempt of the court to evade from considering Skrabets' complaint: at the end of October the judge refused to consider the complaint as it ostensibly was to be considered by the intergarrison military court. However, later this decision was reversed.

7. Freedom of conscience

On 12 January the Minsk city committee of natural resources and environmental protection fined the Protestant church *New Life* 262,798,725 rubles (about \$91,900). Prior to it, in December 2009, the committee officers took soil samples at the car parking located near the church. According to Siarhei Lukanin, the church lawyer, this fine was imposed under Article 15.11 of the Administrative Code, for alleged 'environmental pollution'. The officials warned the community they would apply to the Minsk Economical Court for forced exaction of the fine would the church fail to pay it in the time due.

Ivan Mikhailau, 21, member of Jewish-messianic community, has been kept in custody since 20 December 2009. He is charged under Article 435 of the Criminal Code, 'evasion from the drafting into the army'. I.Mikhailau considers himself not an evading person, but a conscientious objector on religious grounds and states he is ready to perform an alternative civilian service. However, the draft board refused to assign him to such service. On 31 December 2009, the criminal case against Mikhailau was passed to the Minsk district court. The trial started on 29 January 2010. As it was found out at the trial, Ivan Mikhailau was the

eldest son out of the seven children in the family and helped his parents because the family was living in a hard financial situation. Some of the children go to school and others study at high schools on a paid basis. The witnesses from Mikhailau's work characterized him very positively. Ivan Mikhailau faces six months of arrest for 'evasion from the drafting', though the civil right to alternative civilian service is enshrined in Article 57 of the Constitution of the Republic of Belarus.

8. Freedom of peaceful assemblies

On 22 January the Leninski district court of Brest didn't grant Siarhei Vakulenko's claim against the decision of the Hrodna city executive committee to ban him picketing near the *Belarus* cinema for marking the anniversary of the Universal Declaration of Human Rights. The court agreed with the motivation of the refusal stating that the only place for such actions that had been determined for the picket was the stadium *Locomotive* situated in a lonely place.

The Mahiliou authorities didn't let civil activists and historians to hold in the town hall a round table dedicated to the 433rd anniversary of receiving the Magdeburg rights by Mahiliou. On 25 January the organizers of the event, representatives of the Social-cultural institution *Strategy of Development and Peace* applied to the authorities for the permission. By the way, the event organizers intended to discuss the local self-government at the round table.

9. Electoral rights

On 28 January political scientist Yury Chavusau lodged a claim with the Mahiliou city court against the decision of the Minsk city executive committee and the presidium of the Minsk city Soviet of Deputies by which he wasn't included in the Minsk city election commission as a member of the civil association BPF *Adradzhenne*. Mr. Chavusau thinks that he wasn't included in the commission on political grounds as there were no defects in the documents on his nomination to the election commission.

On 29 January the Barysau district court received a complaint against the decision of the Barysau district executive committee and the presidium of the Barysau district Soviet of Deputies by which human rights defender Maryna Statkevich, a representative of the local electors, wasn't included in the Barysau district territorial election commission. No explanations were offered by the authorities concerning the non-inclusion of Maryna Statkevich in the commission.