

Belarus¹

IHF FOCUS: freedom of expression and the media; freedom of association; peaceful assembly; fair trial; torture, ill-treatment and police misconduct; prison conditions; death penalty and disappearances; religious intolerance; conscientious objection; ethnicity; intolerance and hate speech.

Belarus' human rights record remained one of the worst in Europe, with the almost complete absence of democracy and the rule of law. High officials who had come to power by undemocratic means showed little respect for the law, and kept in motion a vicious cycle that made the situation of people living in Belarus insecure and unstable. Continued violations of political, social and economic rights created an atmosphere of fear: according to public opinion polls, almost one third of the Belarusian population were contemplating leaving the country and settling abroad.

Meanwhile, Belarus faced increasing international isolation. On October 29, the last foreign staff member of the OSCE Advisory and Monitoring Group in Minsk - the officer-in-charge - left the country after the Belarusian government had refused to extend her diplomatic accreditation. Prior to that, the Belarusian authorities had successively expelled OSCE mission members while at the same time making it impossible for the mission to operate normally.²

There were almost no state institutions in Belarus whose officials were elected or appointed according to democratic procedure: most of them were appointed directly by President Aleksandr Lukashenka or his administration.

As a result of non-observance of the rule of law, the power of officials increased. The Criminal Code and legislation governing economic activities allowed arbitrary accusations to be made against any person of various forms of violations and this was used to intimidate critically-minded officials and to manipulate them.

The State Control Committee, answerable directly to the president, had control over the implementation of legislation related to state property, the economy, financial matters and taxes. Its activities resulted in criminal prosecution of the heads of numerous state-run enterprises and commercial companies, banks and executive organs.

The government tried to increase its popularity by carrying out a sloganising campaign highlighting its alleged struggle against corruption. At the order of President Lukashenka, a new draft law, "On the Struggle against Corruption" was formulated. It provided for a number of new offenses of corruption to result in criminal prosecution and harsher punishments. In 2002, the Prosecutor's Office initiated 337 judicial proceedings on corruption issues, 31% more than in 2001, but many of the proceedings were believed to be on fabricated charges while real cases of corruption went unpunished.

The most common human rights abuses in 2002 were violations of freedom of expression and association, restrictions on peaceful assembly and religious freedom, and violation of the right to fair trial. Further, police misconduct, including arbitrary arrest, ill-treatment and torture, continued, and unsolved past "disappearances" remained uninvestigated.

Freedom of Expression and the Media

¹ Based on the *Annual Report 2002* of the Belarusian Helsinki Committee, prepared by Dzmitry Markusheuski.

² OSCE, "OSCE CiO regrets Belarus decision not to extend accreditation of AMG official," October 29, 2002. On 30 December the OSCE Permanent Council decided to open a new office in Minsk from January 1, 2003. OSCE, "OSCE and Belarus agree on new OSCE Office in Minsk," December 30, 2002.

Freedom of Expression

In a positive development, the House of Representatives of the National Assembly rejected a draft law “On Providing Security of Information” that would have provided for serious limitations of the freedom of expression.

State officials attempted to exercise full control over individuals’ right to receive and disseminate information as well as over access to information.

- On April 16, the governmental Board of the Committee on Education and Youth Affairs adopted a temporary provision on computer clubs in Minsk that obliged each club to register with the Ministry of the Interior, the center of hygiene and epidemiology, the departments for emergency and economy and the administration for educational and youth affairs. The provision prescribed that “persons attending a club must be compulsorily registered as Internet users... During their work in the Internet Global network the club’s administration must secretly monitor their work ... with the help of specialized software.”
- On August 29, the Council of Ministers decided that opinion polls concerning elections and national referenda and the social and political situation in the country should be carried out only by persons accredited with the government-appointed Commission on Opinion Polls of the National Science Academy.

The Criminal Code included a section on “Crimes against the Order of Governance.” Its article 367 prescribed a prison sentence of up to five years for defamation of the president of Belarus, and article 368 a fine or up to three years in prison for insulting him.

On March 14, judge Khaladtzova of the Shklow Court in the Mahilew region ordered Aliaksandr Pawlovich, Maksim Patupchyk, Mikhail Kisialiow, Dzianis Senakosaw and Dzmitry Shalashkow to pay fines for staging a parody in a public place of President Lukashenka’s electoral program during the 2001 election campaign.

Natalia Brel, a student at the Institute for History of the National Academy of Science, was accused of publicly insulting the president after she had sent a rope in the shape of a noose to the local administration of Rechitsa as a birthday present from the residents to President Lukashenka.

Censorship also interfered in a free artists’ exhibition: in March, works by Aliaksej Marachkin, Ales’ Pushkin, Valiery Schastny and Alesia Tsyrukunova were arbitrarily seized from the “Pahonia” exhibition.

Freedom of the Media

Infringements of media freedoms intensified. During the year, several newspapers were closed down due to court rulings, the failure of the authorities to extend licenses or due to economic pressures, and numerous court cases were initiated on criminal libel charges. As there were few independent electronic media outlets, most violations affected the print media.

Newspapers and periodicals were obliged to register with the authorities through a cumbersome procedure, and authorities could close them down after they had given them two warnings about “illegal” activities, which usually meant justified political criticism or disclosures of corruption. Journalists were harassed and even ill-treated and denied access to information of public interest. In addition, editorial offices of the non-state press were exposed to permanent tax inspections.

The Criminal Code set out provisions that envisaged criminal prosecution for libel against the Belarusian president and other government officials and these were in practice used to curb legitimate criticism of officials and exposure of official wrongdoings or corruption. The number of libel charges against journalists increased and resulted in incarcerations or in fines high enough to force newspapers to shut down.

- On June 24, the Leninski District Court in Hrodna sentenced the editor of the recently closed newspaper *Pahonia*, Mikola Markevich, and its correspondent Pavel Mazheika to two and a half and two years of deprivation of liberty respectively for slandering the president. The paper had written that “seven years of Lukashenka’s rule demonstrate that he is simply a sick person who ruins his people and kills his opponents.” In August, the sentences were reduced by a year under an amnesty.
- In August, a court found the newspaper *Nasha Svaboda* and a staff journalist Mikhail Padaliak guilty of defaming Anatol Tozik, the chair of the State Control Committee. According to the court, the journalist had harmed Tozik’s pride, dignity and business standing. Padaliak had written in his article about a report prepared by Russian experts regarding the situation in Belarus, further perspectives for President Lukashenka’s regime and possible alternatives to it. The court obliged the newspaper and the journalist to pay Tozik €55,000 and €2,700 in compensation respectively, a ruling which led to the closure of the newspaper.
- On September 16, the Pervomaiski District Court in Minsk sentenced Viktor Ivashkevich, the editor of the newspaper *Rabochy* to a two-year prison sentence for publishing an article on corruption among senior military officials and on illegal arms trading by the Belarusian government.

In addition, independent and foreign journalists had difficulties in gaining access to events attended by high state officials even if they were open to the public. On some occasions they were not allowed to attend public trials under various pretexts, such as that the court rooms were too small. This happened particularly when so-called high profile cases were heard.

- In February, a correspondent of the human rights magazine *Chalavek*, Dzmitry Markusheuski, was denied access to the congress of Belarusian judges while journalists of state-run media were granted access.
- On June 13, Yuras Karmanaw, a correspondent of radio Ratsyja, was denied access to the press conference of the Deputy Foreign Minister Aliaksandr Gerasimenka who spoke about the visa policies of Belarus, Latvia, Lithuania and Poland.

Despite their special status, journalists were ill-treated and arrested when covering mass events and accused of taking part in them without permission.

- During a peaceful demonstration dedicated to the anniversary of the Belarusian People’s Republic, eight journalists were arrested. Among them were: Vasilij Fedosenka (Reuters), Siarhej Gryts (Associated Press), Zmitser Sawka (Radio Ratsyja), Dzianis Nosaw, Yuras Ziankovich (*Belarusskaja Maladziozhnaja*), and Valery Schukin (*Narodnaja Volja*). The police smashed a camera belonging to Viktor Talachko (ITAR-TASS).

Warnings given to mass media outlets by the authorities were a powerful form of censorship because after two warnings a newspaper could be closed down.

- In February, the Prosecutor's Office gave a warning to *Belorusskaja Delovaja Gazeta* and its journalist Iryna Makavetskaja for carrying information which "cast aspersions on the law enforcement bodies" after she had reported on police brutality.
- Newspaper *Nasha Niva* received a warning for having published information about the Belarusian Autocephalous Church which was denied registration by the authorities.
- On March 29, the Ministry of Information gave a warning to the newspaper *Narodnaja Volja* for its article "The Big Wash," which allegedly contained "baseless statements about the president." The article was taken from the official website of Radio Svaboda. Hence, in accordance with article 37 of the Law "On the Press and Other Mass Media" the journalists of *Narodnaja Volja* should not have been held responsible for the contents of the article. However, the Supreme Economic Court, with which the newspaper filed a complaint, considered the position of the ministry to be reasonable and dismissed *Narodnaja Volja's* complaint.

The discriminatory policy of the state-run distribution network Belpost as well as local authorities seriously hindered the distribution of the independent print media and thus managed to limit its attempts to gain wider public attention. As of October, the state-run Belpost increased the postal charges of the delivery of non-state newspapers to subscribers by 38%. Compared to the 2001, the total price of delivery charges of some papers went up by over 60%.

- On February 7, the city administration of Brest banned the advertising of the newspaper *Brestski Kurier* in public transport despite an agreement reached between the newspaper and the tramway authorities. The advertisements of the *Belorusskaja Delovaja Gazeta* were prohibited in a similar way in Minsk.
- In February, local authorities of Hrodna refused to approve a "judicial address" for Mikola Markevich which was necessary to register the new newspaper *Gazeta Pahonia*. Later, Markevich was not allowed to register the papers titled *Golas* and *Muzhytskaja Pravda*.
- On November 26, the Ministry of Information annulled the license of the Minsk newspaper *Mestnoje Vremia*. This followed the local authorities' decision to render null and void its registration after they had forced the paper to move out of its premises.

The authorities also restricted financing from the state budget of media outlets. As a result, the State Television and Radio Company fired 200 workers.

Moreover, the government decided to merge into one state-run holding company five literature magazines of the Belarusian Writers Union: *Polymia*, *Maladost*, *Krynitsa*, *Nioman*, and *Litaratura i Mastatstva*. The leadership of the company was to be appointed by the government. Many staff members resigned in protest. In May, Eduard Skobelew, editor-in-chief of the presidential administration's bulletin, had urged the literature magazines not to publish writers critical of the government.³

On December 30, the Council of Ministers adopted a provision which obliged all television and radio stations to re-register by June 1, 2003. In addition, responsibility for the allocation of frequencies and issuing of licenses was moved from the Ministry of Communications to the Ministry of Information, making this ministry a center of power in media affairs and concentrating potential pressure measures in its hands. President Lukashenka publicly declared that all mass media "must hold to the state conception of the development of society" and ordered Information Minister Mikhail Padgajny to put everything in "perfect order." The Belarusian Association of

³ Belarusian Association of Journalists (BAJ), "Belarus: Practicing Journalism Under Threat – BAJ Concerns Over Recent Media Freedom Violations," Memorandum for the 2002 OSCE Human Dimension Meeting – Fundamental Freedoms: Freedom of the Media, September 12, 2002.

Journalists feared that that obligatory re-registration would turn into “cleansing” of the media sector.

Freedom of Association

The activities of non-registered civil groups were banned. The Ministry of Justice and its representatives in local administration were responsible for registration, but they frequently refused to register civil associations on formal grounds and if they could not produce recommendations from the Commission on NGO Registration or Re-registration established by the president.

The NGOs which in 2002 were refused registration included Helsinki-XXI, Legal Protection of Citizens, the Human Rights Center, Human Rights Defender, and the House of Human Rights. Many organizations were not registered due to the absence of a “juridical address.” The authorities also failed to register the umbrella organizations of NGOs called Assembly.

As of January 1, 2003, there were 18 officially registered political parties in Belarus, 73 trade unions, 241 international NGOs, 810 national NGOs, 1,234 regional NGOs and 26 unions of NGOs. All of them could operate only within a rigid and narrow framework: those who did not comply received an official warning and faced possible closure. Warnings were issued, for example, for the use of a logo somewhat different from that officially registered (e.g. in color or size), for the failure to keep exact record of incoming and outgoing correspondence and protocols of the NGO’s board, and for renting office premises at a different address than the one mentioned in the registration documents.

During 2002, the Ministry of Justice issued political parties and NGOs with 121 written warnings, and Justice Minister Viktor Galavanaw ordered increased control over the work of political parties, which also meant closer control of their publications.

- The Ministry of Justice issued a warning to the United Civil Party after its chairperson, Anatol Liabedzka, published an article entitled “Where is the money?” about the presidential shadow budget and illegal arms trading by the government.
- The Justice Administration of Minsk issued a warning to the NGO Legal Aid to Population because its members represented people in courts. According to the authorities, such activities were “incompatible with the statutes of the association.”
- The Ministry of Justice issued an official warning to the NGO Human Rights Center for undertaking “activities that are not provided for by its statutes,” referring to the NGO’s involvement in the observation of elections. It was also warned that should they repeat such activities within one year, the ministry would proceed with the liquidation of the organization.
- The regional NGO Vezha, which provided support to various civil initiatives, was closed down for carrying out “activities not provided for by its statutes.”⁴

There were also all grounds to believe that the State Security Committee (KGB) and other secret services were closely monitoring NGO activities.

Trade Union Rights

Trade unions activities were complicated by state pressure on their activists and leaders, a virtual ban on strikes and obstacles related to the registration of new trade unions.

⁴ See IHF, “Belarusian NGOs Face Liquidation,” press release, March 7, 2002.

No less than 500 founders were needed to establish a national or a regional trade union, and no less than 10% of workers (but at least 10 persons) to found a trade union at an enterprise. These demands seriously limited the possibilities for setting up new trade unions. At the same time, trade unions appeared on a territorial (instead of professional) basis under the aegis of local authorities and were controlled by them. The state's pressure upon the trade unions turned into open interference in their activities, including attempts to influence their elections at all levels.

The government neither published nor implemented the recommendations of the International Labor Organization (ILO). In November, the ILO accused the Belarusian government of seriously infringing workers' rights and proposed that new elections be held at the Trade Unions in Belarus (FPB) after President Lukashenka's longtime aide, Leanid Kozik, took charge of the FPB in July by "virtual appointment." The International Confederation for Trade Unions filed a complaint with the ILO accusing Lukashenka of making a number of veiled or open threats against the independence and autonomy of trade unions.⁵

Long-term (no less than two months) and complicated conciliatory measures were provided to precede a strike, and an application to strike had to be submitted three months prior to the planned date. The Belarusian president had the right to decide either to allow a strike or suspend it for up to three months on grounds of a threat to national security, public order, public health, and the rights and freedoms of others. Participants of illegal strikes could be dismissed from work on the grounds of absence from work, and trade union activists faced harassment.

- On January 29, a Minsk regional court ruled illegal the decision of the workers of the Salihorsk plant to hold a strike in case the Council of Ministers refused to cancel its Decree No. 1804 of December 2001 prohibiting the collection of trade unions fees via banks. The Belaruskalij Company stated that its administration would fire every worker on strike. The strike was cancelled.
- On September 1, taxi drivers in Krychaw, Mahilew region, supported a strike by individual businessmen and failed to appear at work to protest a temporary provision by local authorities that provided for measures which aggravated their working conditions. The district administration responded by annulling the licenses of all taxi drivers.
- Harassment against independent trade union activist Albert Yawmenaw continued. He had been fired from the glass works Oktiabr in 2000 for refusing "to lead his people to *subbotnik*," i.e. to work "voluntarily" and without pay on a free day. In 2002, Yawmenaw demanded that the local administration fulfill an ILO recommendation and reinstate him with compensation for lost income, but the administration failed to do so and stated that he might not be hired by any employer in the region. He still managed to get a job in road administration in Rajservise, but was immediately dismissed after he had registered to run in the local elections. Moreover, Yawmenaw's wife was advised by her employer to "either quit or move to half-time work."

Peaceful Assembly

Permission from city authorities was necessary to hold peaceful assemblies and demonstrations. Municipal authorities charged the organizers with additional costs to provide for public order, and often moved the demonstrations to take place in suburban areas rather than in city centres as proposed by the organizers, or banned them outright. Participants of unsanctioned assemblies faced police violence, administrative fines and arrest. In addition, authorities threatened to shut down associations holding demonstrations.

⁵ RFE/RL Newslines, November 22, 2002.

- In the city of Pinsk and in other towns, the municipal authorities decided that all mass events were to be held in the stadium.
- The Chair of the Belarusian Social and Democratic Party (Narodnaja Hramada), Mikalaj Statkevich, was sentenced to 10 days of administrative arrest by the Sovietski District Court in Minsk for participation in a peaceful demonstration on the Day of the Belarusian Constitution.
- Riot squads of the Ministry of the Interior dispersed a demonstration on Freedom Day, i.e., the anniversary of the founding of the Belarusian People's Republic. Fifty-nine persons were detained, including nine minors. The Central District Court in Minsk found them guilty of an administrative offense and handed down a fine or 15 days in detention.
- On April 19, the Minsk police violently dispersed an assembly held under the motto "We should not live like that." Twenty-three demonstrators were subjected to administrative detention and eight were fined.
- In July, the Sovietski District Court in Minsk sentenced Leanid Malakhaw to ten days in administrative detention for organizing protest actions against the violation of the rights of business people.

In addition, activists of the youth movements Zubr and Malady Front, participants of a number of actions of the "Chain of Concerned People" and pickets against the persecutions of journalists and for Belarusian sovereignty were prosecuted and punished with fines and administrative arrests.

Fair Trial

Positive developments could be observed in the progress towards judicial autonomy, and more articles of progressive legislation were adopted, including laws that acknowledged the principles of the judicial protection of people's rights and freedoms. Further, the material conditions in courts improved somewhat, and court cases proceeded more promptly.

Generally, Belarusians did not trust the courts, which they did not perceive as bodies that would work for the reinstatement of their basic rights: for many people, the courts were extensions of the repressive mechanism of the state.

The judicial system did not abide by the principle of independence and impartiality. Constant control over courts intimidated judges and forced them to work in accordance with the government's will instead of based on the laws and evidence available.

Courts rarely based their ruling on the Constitution and international covenants, and the decisions of the Constitutional Court were often ignored. While the law provided for a number of alternative punishment, sentencing policies were harsh and courts still chose to hand down prison terms: 32.5% of all sentences were prison terms. Furthermore, for minor administrative offenses judges handed down fines in the scale of those for criminal violations, sometimes in the amount of €800 or more, which equaled an average annual salary.

- In October, the Pervomaiski District Court in Vitsebsk sentenced seven juvenile instigators of a riot in the Correctional and Labor Colony No. 1 to between three and seven years in closed confinement for breaking the regulations of the colony, occupying a state building and taking hostages.

Prosecutors and courts failed to deal adequately and solely on the basis of the law with complaints about misconduct by authorities or irregularities in elections. For example, while

hundreds of people who participated in peaceful protests were subjected to cruel and inhuman treatment by law enforcement organs, their complaints did not receive proper or adequate attention and redress through the courts, as judges tended to favour the police version of events. Moreover, confessions extracted during preliminary investigations were often sufficient to hand down a verdict even when the defendants testified that they had been extracted under duress.

- Andrei Zaitsaw, an activist with the youth movement ZUBR, committed suicide. Just before his death he told his relatives and the Belarusian Helsinki Committee (BHC) that a particular KGB officer had blackmailed him. Zaitsaw's father demanded that a criminal case be initiated against the officer in question, but his request was rejected and his lawyer was put under pressure.

In numerous cases, human rights organizations were not allowed to offer legal assistance to defendants in courts.

Torture, Ill-Treatment and Police Misconduct

Police continued to carry out arbitrary arrests and to ill-treat arrestees.

- On April 16, unidentified individuals in plain clothes beat and arrested three young men who were guarding the site of Stalin era mass executions of Belarusian civilians in Kurapaty. Police claimed to concerned relatives and human rights organizations that the young men had not been arrested. After one day, however, it turned out that the men had indeed been arrested by the Sovietski District Administration of the Interior and were accused of resistance to the police and swearing at them. They were taken to a special reception center of the Minsk City Administration of the Interior.
- On November 5, in Minsk, unknown people in uniform captured Anatol Liabedzka, chairperson of the United Civil Party, and pushed him into a car. He was then taken to the KGB office where he was given an official warning for "illegal activities." The KGB officers reportedly showed him a file of documents they had collected which, they alleged, gave grounds to suspect him of preparing an act of high treason. He was also accused of having contacted a number of foreign diplomats in Minsk. According to the law, he should first have been invited to the KGB to discuss the matter, then summoned there. The Belarusian Helsinki Committee (BHC) regarded the incident as illegal deprivation of liberty, intimidation and pressure on both politicians and the public.

Law enforcement officials resorted to physical and psychological abuse when cracking down on demonstrations, upon arrest, and during preliminary investigations of criminal cases. Ill-treatment was also common in prisons.

- On January 25, police arrested Aleh Mazhejka, a musician, took him to the Leninski District Administration of the Interior in the city of Hrodna and threatened to rape and beat him. They insisted that he should admit to having stolen a music instrument. Four days later, three men in plain clothes arrested Dzmitry Harshanaw and Olga Sawchuk on their way home from a concert and took them to the same office. They searched Harshanaw and questioned him, too, about the disappeared music equipment. They bound him, put a gas mask on him and closed its air passage. Thereafter he was taken to a police station where police officers made him sign a statement that he had been drunk and insulted the policemen. On January 30, the Leninski District Court issued him with a small fine for "hooliganism."
- On April 19, riot squads (OMON) used unnecessary force when dispersing a peaceful assembly held under the slogan "We Should not Live like That," which took place in Minsk. The participants, including teenagers, were sitting on the ground holding each

other's hands. OMON troops beat them with truncheons and pushed them to buses where the beatings continued. Among the arrestees was Valery Schukin, a journalist and member of the BHC. He was seriously beaten as a result of which he had to be treated at the neuro-surgical department of the local military hospital due to injuries to his spine, lumbar region and chest. However, the following morning the police took him to the special reception center of the Minsk City Administration of the Interior, where he was sentenced to 15 days' detention.

Five officers of the Pervomaiski District Administration of the Interior in Minsk were sentenced to prison terms for torturing suspects. The court found there to be sufficient evidence that Uladzimir Kramsajew, a former deputy head of the Pervomaiski District Criminal Investigation Office, had for years beaten detainees to extract "confessions." In a similar vein, the Zavodski District Court in Minsk sentenced a police officer to eight and a half years in prison for beating to death Aliaksandr Kulakow at a police sobering-up facility.

Prison Conditions

In 2002, tensions in penitentiaries diminished due to efforts taken by prison personnel and as a result of an amnesty law.

At the same time, as of January 1, 2003, 48,767 persons were held in penitentiaries and pre-trial detention centers, a number that exceeded the designated limit by 20.5%. In correctional colonies overcrowding was 20.8% above the maximum capacity; in prisons 35.9%; and in pre-trial detention centers 26.8%. About 43% of prisoners and detainees were serving their terms under strict security and 24% under maximum security regimes.

The spread of tuberculosis was a serious problem: 5,101 or 15% of all prisoners were infected, including those suffering from its most virulent form (about 10%). Moreover, 1,126 prisoners were HIV positive, constituting 24% of all registered HIV positive cases in the country, 1,286 were drug addicts and 9,907 were chronic alcoholics. Over 25% of the convicts had mental disorders.

- The Frunzenski District Court in Minsk decided that Siargei Budnitski, who died in March 2000 in a correctional colony of strict security in Ivatsevichy (Brest region), had suffered from a mental disease and was disabled and therefore not responsible for his actions.

Death Penalty and "Disappearances"

During 2002, five death sentences were executed in accordance with court decisions. On May 30, the House of Representatives held a parliamentary hearing on the death penalty, where most deputies supported the abolition of the death penalty or the imposition of a moratorium on death sentences.

In recent years, over 1,000 people have "disappeared" annually in Belarus. In many cases, the "disappearances" can be attributed to the person's economic problems or to criminal activities, but there were also a number of politically motivated, forcible "disappearances."

- On March 14, Valeryj Ignatovich and Maksim Malik, former members of Belarusian special police forces, were convicted and imprisoned for life for kidnapping journalist Dzmitry Zavadski. Zavadski's relatives raised doubts about the court's decision, claiming that the investigation of the case was not complete and objective. Neither investigators nor the court had answered the question remaining about Zavadski's whereabouts.

- The whereabouts of Yury Zakharanka, Viktor Hanchar and Anatol Krasowski, all of whom “disappeared” in 1999-2000, remained unknown. In January 2003, the senior investigating officer of the Minsk Prosecutor’s Office, Uladzimir Chumachenka, decided to suspend the preliminary investigations into the cases. The BHC regarded the decision as premature and baseless: during the investigation that lasted over three years neither a credible explanation was given for the “disappearances,” nor were the perpetrators found. Moreover, the investigators did not look into the alleged involvement of state officials in those incidents. In spite of keen public interest and international response, including a special commission of the Parliamentary Assembly of the Council of Europe on politically motivated “disappearances,” high Belarusian authorities did not disclose the results of their investigations. The BHC believed that the failure by the authorities to complete an objective investigation into the cases was clearly politically motivated and added weight to suspicions that Belarusian officials were involved in them. It regarded the cases as extrajudicial executions.
- In January, Yury Korban, the head of the Vitsebsk youth center Kontur and vice-chair of the Vitsebsk city branch of the Belarusian People’s Front, “disappeared” under unexplained circumstances. His relatives believed that the “disappearance” was of a political nature. After a year of investigation, no credible explanation had been found.

Religious Intolerance

The Belarusian Constitution guarantees freedom of religion, but in practice this principle was violated in 2002. State authorities continued to accord the Russian Orthodox Church privileged status while violating the rights of other confessions.

The authorities refused to register a number of religious communities or to rent premises to Protestant Christian groups for worship. In one case, a church building was demolished, while the state-run press frequently published articles casting aspersions upon minority religions.

- On January 6, the authorities took the Belarusian radio program “Voice of the Soul” off the air. The presenter of the program was Catholic priest Vladzislav Zavalniuk.
- The State Committee for Religious and Ethnic Affairs refused to register the Shiva and Shakti spiritual community called “The Light of Kailas.” For years, its adherents have faced harassment for practicing Hinduism, including prohibition of religious activities, defamation in the media, violence, evictions and even killings.
- Nina Yanovich, a contributor to the newspaper *Narodnaja Gazeta* – which is owned by parliament – called Protestants “sectarians” and associated their activities with satanic sects. Following this defamation campaign, the Full Gospel Union took the case to court. However, the Sovietski District Court in Minsk dismissed the claim and deemed that the article by Yanovich was part of a “scholarly dispute.”
- On July 23, the Berestovitsa District Administration decided to demolish a newly re-constructed church building that belonged to the Belarusian Autocephalous Church. The church was not registered because, according to authorities, one Orthodox Church – the Russian Orthodox Church – was enough for the country. The members of the church attempted to defend the church, and some of them chained themselves to the building. Nevertheless, on August 2, authorities supported by the police demolished the church building.

Belarusian authorities have gradually returned to religious associations churches and other religious buildings appropriated by the state during the Soviet era. However, only the former property of the Belarusian exarchate of the Russian Orthodox Church has been returned, while

some other churches or places of worship (e.g. a synagogue in Barysaw) have been put up for auction. Despite protests by believers, other objects that formerly belonged to non-Orthodox confessions have been destroyed.

Law on Religion

Despite protests from different confessions and human rights organizations, the parliament in October approved amendments to the law “On Freedom of Conscience and Religious Organizations.” On November 14, this new and repressive law entered into force.

According to the State Committee on Religious and Ethnic Affairs, the amendments were aimed at “protecting people from the influence of new cults, occultism and destructive sects.” In practice, however, the law was regarded as the most restrictive law on religion in the whole of Europe. It was prepared in close cooperation with the Russian Orthodox Church and provides for many privileges for this institution: for example, its preamble states that the Russian Orthodox Church is instrumental in the spiritual development as well as cultural and state traditions of the Belarusian people.

The new law is internally contradictory and totalitarian in nature. It provides for limitations to the activities of already registered religious associations as well as extremely strict requirements that religious communities must fulfill in order to obtain registration. It virtually bans individual practice of religion and worship outside a registered community: for example, a person can be prosecuted for possession of a Bible or other religious literature if he is not a member of a registered community.

Moreover, the law prescribes prior censorship for all religious literature and bans foreign citizens from leading religious communities. By law, all religious communities are obliged to re-register within two years, a procedure that in Belarus means dealing with an extremely cumbersome bureaucracy. Local monitors feared that in practice many currently registered religious communities will lose their legal status.⁶

Conscientious Objection

The Belarusian Constitution guarantees the right to carry out alternative civilian service to military service if the applicant’s conviction is based on religion. However, by the end of 2002, the parliament had not adopted a law on alternative civilian service. In practice, believers who refused to conduct military service as well as pacifists faced criminal prosecution or administrative sanctions.

Ethnicity

The referendum on national issues initiated by President Lukashenka in 1995 established Russian as the second state language in Belarus. Since then, the title nationality (over 80% of the population are Belarusians) has been relegated to a position of an ethnic minority and faces discrimination.

Also in 2002, the Russian language prevailed in newspapers, on radio and television. Almost all official documents were available only in Russian. Courts refused to conduct trials in Belarusian and the already small number of Belarusian-language schools and classes decreased: there were no schools of higher education with instruction in the Belarusian language.

⁶ Keston Institute, Felix Corley, “Belarus: Repressive Religion Law Gets Presidential Signature,” October 31, 2002.

- Maryja Karalkova, a fifth-grade pupil of the Horki school in the Mahilew region, did not attend school for two months because she could not receive education in the Belarusian language. Maryja was brought up in a Belarusian day care center, after which her parents applied to the regional department of education to place their daughter in a Belarusian class. This, however, was rejected. Since then, Maryja has started each school year with a strike, which in 2002 lasted for two months. Local authorities suggested that Maryja's parents move their daughter to a village school, four kilometers from the town of Horki. However the parents refused to do so and filed a case with the Prosecutor's Office. As of early 2003, the case was pending and Maria's parents were facing serious pressure from authorities.

Intolerance and Hate Speech

Neo-fascist organizations could operate undisturbed and unpunished in Belarus.

- During the night of July 7, unidentified vandals demolished 79 Jewish gravestones at the old cemetery in Barysaw (Minsk region). According to Yury Dorn, the president of the Jewish association of Belarus, this was the second such incident in Barysaw since 1991. In 2001-2002, desecration of Jewish graves took place also in the village of Parychy (Svetlahorsk district of the Homel region) and in the town of Berazino (Minsk region).
- On December 14, the Moscow-based group "Kolovrat" – which was banned in Russia for propagating intolerance and extremism – gave a concert in the city of Orsha. The group consisted of active members of the pro-fascist Russian National Unity (RNU). During the concert RNU adherents hoisted flags with swastikas, shouted "Heil Hitler!," made threats to non-Slavic nationalities and provoked fights among the public. The organizer of the event was the Orsha city committee of the Belarusian national youth union. The secretary of the organization, Zhanna Skuterionok, welcomed the neo-Nazis gathered in Orsha. On that day, for the first time since 1944, Orsha residents could see groups of people walking in the city carrying fascist symbols.