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The Belarusian government continued to ignore the fundamental principles of civil society, democracy, the supremacy of the law and human rights. The standard of living continued to dwindle and the crisis grew in all sectors of social life. The general decay in society caused an increase in the crime rate, including juvenile delinquency. Apathy, fear, moral decay, and despair about the country's future all persisted.

President Alexandr Lukashenka's legitimate term in office expired on 20 July 1999 although he didn't step down. The National Assembly, the current acting legislature, was not recognized by the international community because it was not democratically elected but rather appointed by the president who strongly limited its authority. The 13th Supreme Soviet, the legitimate parliament elected in 1995, persevered with its activities without the necessary authority.

Human rights standards dropped to a catastrophic level. The government continued to suppress freedom of expression and the media, as well as any public initiatives that were critical of its politics. The government monopoly over the main media outlet restricted the dissemination of ob-

jective information and amendments to the press law provided for the closure of several independent or opposition media.

The judiciary operated largely under the control of the executive: the right to a fair and public hearing by an independent and impartial tribunal was virtually nonexistent. The judicial system was no longer determined by the constitution, but by presidential decrees and departmental regulations.

Freedom of peaceful assembly and the right to association were suppressed. The steps taken towards the Belarusian-Russian union were accompanied by numerous attempts to further weaken Belarusian national identity.

Opposition figures were seriously harassed, arrested, held in detention, tortured and ill-treated. Two major opposition leaders "disappeared" and the government failed to carry out a serious investigation to the cases.

Elections

The aim of the OSCE-brokered talks between the government and the opposition was to break the constitutional deadlock and lay the legislative foundation for free and genuine parliamentary elections, to be held in 2000 and recognized by the international community. However, the election law passed in the first reading did not include the OSCE or opposition proposals. The opposition leaders' access to state controlled mass media was rejected. Hans-Georg Wieck, head of the OSCE mission in Minsk, declared that unless an agreement was reached by April 2000 and unless the elections were held according to the OSCE recommendations, they would not be recognized as fair and free.

¹ Based on the Belarusian Helsinki Committee, *Human Rights Abuses in Belarus, July–December 1999: A Local Catastrophe*, January 2000.

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Local Elections

The elections of local authorities in April 1999 were undemocratic and were not recognized by either the Belarusian public or the international community.²

Alternative Presidential Elections

The legal presidential term of Alexander Lukashenka expired on 20 July 1999, without him stepping down from office. No official elections took place. According to the 1994 constitution, Siamion Sharshki, chairman of the 13th Belarusian Supreme Soviet (replaced by President Lukashenka's "National Assembly" in 1996) should have taken over the presidency. He sought asylum at the OSCE mission in Minsk, claiming that he had reliable information on plans to arrest him. Sharshki was later granted asylum in Lithuania.

The alternative presidential elections, initiated by the 13th Supreme Soviet, came to an end on 16 May. Since the beginning of the electoral campaign, it had been clear that the elections were going to be held under difficult conditions, including direct persecution. The opposition Central Election Commission (CEC) stated that the turnout at the unauthorized presidential polls was 53 percent, a figure that was sufficient for the vote to be declared valid. However, the ballot results were invalid because of "irregularities" in the voting process, mainly caused by the hostility of authorities, and the absence of conditions for free election campaigning.

From March until May, the Belarusian Helsinki Committee recorded more than 100 cases of persecution of members participating in the election campaign in 23 localities, and the confiscation of election materials. Ballots and ballot boxes were

seized, the police and security services stormed polling stations and carried out searches, confiscating materials. Individuals were summoned to the KGB and local police stations where they were warned not to participate in the elections. Many were arrested. Other forms of pressure included cutting off telephone lines, beatings, anonymous phone threats and job dismissals. In smaller towns, which suffered particularly from the economic crisis, the loss of even a poorly paid job could put people and their families on the brink of ruin.

Rule of Law

All the supreme authorities in Belarus were illegitimate. The country had an illegitimate National Assembly for the legislature. The 13th Supreme Soviet, elected in 1995 in parliamentary elections, continued to operate and was recognized by international organizations as a legitimate representative of the Belarusian people. On 20 July, President Lukashenka's legal term in office expired. Although he illegally used the 1996 referendum to extend his term in office, his authority was not recognized by large parts of society, since the referendum was not binding, and the question of extending the president's term in office had not been included on the referendum ballots.

The Belarusian regime had strong authoritarian and totalitarian elements. President Lukashenka declared on several occasions that all branches of power were under his control. He and his government strove to control every sphere of public life, even through measures not provided by law. The presidential administration often had more authority than the Council of Ministers. Moreover, in 1999, a commission to supervise the government was established, headed by A. Plaskavitski, the president's

² See the supplement of the *Belarusian Helsinki Committee, Report over the First Six Months of 1999: Election of Local Authorities on April 4, 1999.*

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representative, who was known to promote strict state control over society. A major part of the national budget was allocated by the president, without any transparency or control.

Political Opposition

Several government critics and other individuals “disappeared” in 1999, others were detained on fabricated charges and held in detention for long periods of time and ill-treated. During the year, some 1,500 people went missing and law enforcement bodies failed to investigate the cases properly.

■ Vasil’ Staravoytau (75) was arrested 14 October 1997, accused of having committed large-scale misappropriations while serving as chairman of the OAO Rassvet, an agricultural firm. However, the BHC believed that the real reasons for his arrest were his dissenting views on the agricultural reform policy. Despite his poor health (he suffered from a deteriorating lung disease, glandular tuberculosis, inguinal-scrotal hernia, and rapidly deteriorating eyesight) he was forced to serve his entire term, which expired on 11 November. When Staravoytau was sentenced, he did not receive a copy of the verdict within 10 days, and thus had no chance to appeal the decision.

■ Vasil’ L’avonau, former minister of agriculture and the author of plans for agricultural reforms, was arrested on 11 November 1997, probably because he was a possible rival for presidency. President Lukashenka publicly accused L’avonau and Staravoytau of murder, and Leonau of having personally profited from government credits to the agricultural firm Rassvet. During judicial proceedings, L’avonau was forbidden from copying any parts of the official charges and his lawyer was forbidden from even reading the order to initiate criminal proceedings. The defendant did not receive a copy of the verdict

either. Uninformed of the facts, L’avonau stated that he could not respond to the accusation because he was unable to understand its substance. The term of his detention was illegally extended. L’avonau and his defense lawyers were only allowed to begin studying the case materials in November 1998. L’avonau suffered from several serious diseases, and his health was deteriorating rapidly. In 1999, the prosecutor gave him a 6-year sentence for accepting bribes and embezzlement and confiscated his property. All other charges were dropped for lack of evidence.

■ Since former prime minister Mikhail Chyhir announced his intention to run for presidency and take part in the alternative elections, he was harassed by the authorities. On 9 March, the president accused Chyhir and Viktor Hanchar – chair of the Central Electoral Commission, former chairman of the National Bank and co-chairman of the United Civic Party – of having failed to return large amounts of money that they had borrowed five years earlier on credit from the state, and of using it to finance Hanchar’s presidential campaign. Chyhir’s son, Alexander, was summoned to the police station as a witness in an unspecified case. Militia later tried to arrest him. Since Chyhir’s retirement from the post of prime minister, he has been held detained several times by the police without reason and beaten. The criminal cases initiated by Chyhir’s family were suspended because “it was impossible to establish the identity of the policemen involved in the beating.” Members of the president’s guard attempted to kidnap Chyhir from the hospital where he was receiving medical treatment after the beating. On 30 March, police arrested Chyhir using physical force. Chyhir was placed in the Minsk pre-trial detention center where many opposition members have been held, including Andrey Klimau, Alexey Shydouski, Alexander Bondaryou, and Uladzimir Kudzinou. The OSCE was not allowed to see him.

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■ The persecution of Yuri Zakharka, former minister of internal affairs and an active member of Mikhail Chyhir's presidential election campaign, began on 16 April 1999. Zakharka was informed that criminal charges were being brought against him under article 188(1) of the criminal code that provided for imprisonment for resisting the police. On 7 May, Zakharka "disappeared" in Minsk under suspicious circumstances after having parked his car on his way home. President Lukashenka claimed that Zakharka's "disappearance" was the work of organized crime. No criminal proceedings in connection with his "disappearance" were initiated. As of this writing, Zakharka's whereabouts are still unknown.

■ Andrey Klimau, deputy of the parliament disbanded by Lukashenka in November 1996, was placed in pre-trial detention on 11 February 1998 on charges of embezzlement, violating the regulations of enterprise, and other financial irregularities. The Belarusian Helsinki Committee (BHC) believed that Klimau's arrest was connected to his political activities. Since November 1996, Klimau had compiled and published a document revealing violations of law in Belarus and spoke out against President Lukashenka. A few days prior to his arrest, Klimau had sent several hundred copies of a document, which recorded violations of the constitution, to state authorities and executive officials of all levels. The document had been prepared in co-operation with Viktor Hanchar. Klimau went on hunger strike on two occasions, both of which affected his health, and refused to co-operate with investigators. In early January 2000, Klimau was standing trial. Klimau was ill-treated whilst in detention, but all complaints to the Prosecutor's Office were ignored. At one point, he was taken to court with serious injuries, dressed in torn clothes and bare-footed, suffering from a concussion, an abdominal injury, a broken and dis-

located arm, and he could not walk. The prosecutors' Office refused to initiate investigations into torture due to a lack of *corpus delicti*.

■ Tamara Vinnikava, former chairperson of the National Bank of the Republic of Belarus, was arrested on 14 January 1997 on charges of having committed financial crimes in her capacity as chairperson of the Joint-Stock Bank of the Belarus Bank and the Belarusian National Bank. The BHC believed that her arrest was politically motivated because she possessed information on violations of the law during the 1996 referendum, as well as information on embezzlement and other abuse committed by high-ranking government officials. Vinnikava was held in KGB preventive detention, and later placed under house arrest with guards assigned to round-the-clock surveillance. Vinnikava was not allowed proper medical care although she suffered from cancer and needed an urgent operation. On 7 April 1999, Vinnikava left her apartment secretly. In December, she reappeared in London.

The government attempted to conceal the persecution of political opposition from the international community. Thus, in September, government authorities refused, for the second time, permission for the Committee on the Human Rights of Parliamentarians to visit Belarus. In 1998, the Committee had initiated 13 cases on violations of the rights of the Supreme Soviet deputies. In spring 1999, the Committee sent its mission to Belarus in order to get a better look at the situation. The government then promised that the mission would be granted unlimited access to two political prisoners, Supreme Soviet deputies Kudzinou and Klimau. However, the meeting was postponed, and later refused. The proposal of the mission to visit the deputies in September was also denied.

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Freedom of Expression and the Media

The constitution and the press law provided for the right to receive, keep and impart information. Article 53 of the constitution prohibited a state monopoly over the mass media, and censorship.

However, most of the press and nationwide electronic media were under state control, and opposition and critics had no access to them. The overwhelming majority of citizens had no access to impartial information. The increasing governmental pressure on independent mass media could be partly explained by the approaching parliamentary and presidential elections.

The OSCE-brokered consultations on the opposition's access to state-controlled mass media offered a ray of hope, with the government and the opposition reaching an agreement according to which the opposition would have the right to appear on certain main national radio and television programs and was granted 250 lines twice a week in the leading governmental papers *Sovietskaya Belorussia*, *Belorusskaya Niva*, *Narodnaya Hazieta*, *Zvezda*, and *Respublika*. In late 1999, for the first time in several years, some opposition figures appeared on state controlled Belarusian TV on "Panorama" and "Political Dialogues" programs. At the same time, Belarusian Radio Channel One violently attacked and insulted opposition leaders.

According to the State Committee on the Press, there were 1,036 registered printed media in 1999, including 704 newspapers and 2 news agencies. Only 758 were in operation. Pro-governmental press (about 350) was subsidized by the state budget and presidential funds and enjoyed other privileges: for example, state-run enterprises, institutions, and military units were entitled to subscribe to state-controlled papers. Most of them featured social and political issues.

The press law was amended again in 1999, providing for even more stringent registration policies and extrajudicial closure of the mass media. The government employed various means to financially ruin the independent press: government officials filed law suits, the newspapers were heavily fined (ranging from 100 to 1,000 minimal monthly wages) and had to pay enormous taxes, they had to pay higher prices for newsprint, printing, distribution and the rent of their offices, and authorities carried out numerous checks of editorial offices. To rent state-owned premises as an office, independent mass media now needed special permission from local authorities and were thus made dependent on them.

■ On 24 September, the Mascouski district court in Minsk sentenced the newspaper *Naviny* for libel against Viktor Shejman, National Security Council Chairman. Local monitors suspected that the order came directly from the president. *Naviny* and its journalist Siarhiej Aniska were ordered to pay a combined fine of approximately U.S.\$ 30,000 and publish a retraction, at their own expense, in the state-controlled press. The newspaper was closed down, and its bank account was frozen. On 8 November, the Minsk City court upheld the verdict.

The independent press struggled with financial problems, and reported little (about 30 percent) on politics. The total circulation of the major independent papers, such as *Narodnaya Vol'a*, *Belorusskaya Delovaya Gazeta*, *Svobodnye Novosti*, *Belorusskaya Gazeta*, *Belorusskiy Rynok*, *Femida*, was significantly less than the circulation of the pro-government *Sovietskaya Belorussia*.

The State Committee on the Press issued some blatantly illegal measures. On 30 September, it issued an order annulling the registration of nine independent newspapers. The decision had to be cancelled fol-

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lowing wide protests at home and abroad, but many of the papers were still not published as of the end of 1999. On another occasion, the Committee gave the independent press an ultimatum to either get permission from local authorities within one month to keep their offices or they would be shut down without a court ruling. With local executive officials refusing to give their approval, the newspapers faced the danger of being shut down. The campaign so clearly breached the law that the government prolonged the approval procedure for an uncertain period of time. However, the problem persisted as of this writing and affected around 200 periodicals in Minsk alone.

The only nationwide television channels were government monopolies. Moreover, the government sought to control private radio stations by encouraging them to air entertainment and commercial programs. The World Wide Web resources were inaccessible for most people, due to a lack of access to computer technologies.

Freedom of Association

The two major means by which civil society was subsumed under the government included the banning and persecution of NGOs or their incorporation into state institutions that were subsidized by the state and operated as pseudo-independent NGOs. For example, the National Association of Entrepreneurs and Businessmen was established to control businessmen. At the same time, independent trade unions of businessmen were under severe pressure.

On 26 January, the president issued Decree No. 2 on "Certain Measures to Regulate the Activities of Political Parties, Trade Unions and other Public Associations," demanding the re-registration of civil associations. The decree virtually banned professional public associations, trade unions and political organizations unless they un-

derwent stringent re-registration. The Ministry of Justice and a special commission chaired by Deputy Chairman of the Council of Ministers, Vladimir Zamiatin, had the authority to determine which organizations could be re-registered. NGO documents were commonly distributed to different state institutions for their opinions. According to the decree, a political party, trade union or NGO could be shut down if any written report by any state authority stated that they had violated their own charter.

In addition, the Ministry of Justice came up with a number of arbitrary requirements for NGO charters and membership. For example, all NGOs, parties, and trade unions were ordered to change their charters and recognize the illegal 1996 constitution. The requirement so clearly contradicted the law that it was abolished in late May.

The Ministry of Justice also required that nation-wide organizations have at least 50 members, as opposed to the 11 members provided for by law. Words such as "national", "popular", and "Belarus" were not allowed to be used in NGO names.

Labor Rights

The government continued to harass independent trade unions.

■ On 19 August, the militia searched the office of the Belarusian Congress of Democratic Trade Unions under the pretext of looking for a bomb. A number of leaflets were confiscated.

■ The Independent Trade Union of Metalworkers intended to submit a petition on the violations of labor rights to ambassadors of several foreign countries, but the action was impeded by the authorities. Further, on 9 December, a local group of the FUMW was forcibly evicted from its offices at the Minsk Automobile Factory

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(MAF). The trade union filed a suit with the labor court, with the result that its property was arbitrarily confiscated. Without an office, 400 trade unionists held a meeting on 16 December in the street near the factory entrance. The militia dispersed the meeting and FUMW leaders Mikhail Marynich, Zmicier Plis, Mikola Zimin, and Viktor Troshchyj were arrested. Another seven people were later arrested and 3,000 thousand copies of *Rabochy* newspaper were confiscated. The detainees were brought to Zavodzki District police station (Zavodzki DDIA) and were charged with holding an illegal rally. Zmicier Plis was fined 29 million roubles (about U.S.\$ 40), Uladzimir Kazjakou, Sciapan Paulovich, Mikola Zimin were fined 29 million roubles each, and a warning was issued to Viktor Troshchyj. Mikola Ramanau's trial was postponed due to a mistake in the militia record.

Peaceful Assembly

Freedom of peaceful assembly was one of the most severely restricted basic rights in Belarus in 1999. Ninety-two large-scale opposition rallies were followed by the harassment of their participants, including both judicial and extra-judicial action: demonstrators were beaten by militia officials, intimidated at workplaces and schools, etc. City authorities often did not grant permission to hold opposition protests, citing the inexpediency of the event.

Presidential Decree No. 36 of 9 September was characterized by a negative approach to demonstrations. In Salihorsk, Brest, and Krychau, local authorities ordered that rallies could only take place at unfrequented stadiums and demanded the payment of 60 minimum monthly wages for the rent of the locations and the work of the militia.

■ On 21 July, an event was to take place in Kastychnickaja Square and other places to peacefully celebrate the end of

President Lukashenka's term in office, attended at best by 4,000 participants. Militia officers videotaped the action and demanded, over megaphones, that the crowd disperse and ordered them not to display white-red-white flags advocating Belarus' sovereignty and language, and to stop singing Belarusian songs. At 6 P.M., several persons who had tried to set up a tent, and other protesters, were attacked by militia at Kastychnickaja Square. Throughout the day, some 70 peaceful demonstrators were arrested. According to the Minsk Police Department, 53 persons – including minors – were arrested.

■ The most severe and massive-scale beatings and cruel treatment of demonstrators were reported on 17–19 October following the "Freedom March" demonstration, in which over 25,000 people took part. The demonstration was held in support of consultations between the government and the opposition, and against the Belarus-Russia Union. It began as a peaceful demonstration but turned violent when the militia tried to block the procession. BHC monitors described the incident as a provocation by law enforcement authorities. Militia and AMAP officers then began beating the demonstrators, using truncheons, stones and tear gas. The demonstrators defended themselves with flag staffs, pieces of asphalt and stones, and the situation got out of control. When escaping, some of demonstrators jumped into the river. The militia forces began searching the city center. Leaders of the demonstration tried to protect the militia from attack, but it was reported that approximately 50 militia officers were injured in the clashes with demonstrators. Over 200 persons were detained following the demonstration.

Following the demonstration, some participants were threatened with expulsion from university for handing out leaflets, others were transferred to other jobs. Judicial proceedings were initiated against

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some persons who had signed the application to hold the protest.

Judicial System and Fair Trial

Basic due process standards, such as the equality of arms, the right to be tried in one's presence, and the presumption of innocence, were not respected. There was no independence of judiciary.

The judiciary was dependent on the executive, particularly on the local level where the executive "advised" judges on cases. Other abuse included holding a trial in the defendants' absence; denying the defendant access to legal counsel or banning defense attorneys from the court; professional misconduct by judges; exerting pressure on defendants (e.g. ill-treatment and torture); using fabricated or flawed evidence; ignoring evidence and witnesses' statements, etc. There were reports of judges consulting the executive about the sentence during court sessions. Moreover, the government made politically motivated trials look like criminal cases.

Presidential decrees had priority over the law and the constitution. The Constitutional Court did not take any action against such measures. The appointment, promotion, and dismissal of judges at all levels contradicted the independence and impartiality of the judiciary: all of them were appointed and dismissed by the president. If dismissed, judges also lost their houses or apartments.

■ In February, the Ministry of Justice "did not recommend" judges to attend the international conference on the "Protection of Human Rights in Courts," organized by the BHC. As a result, not a single judge appeared at the conference, although they had expressed their will to participate.

Presidential Decree No. 12, of 3 May, on lawyers and notaries gave the Ministry of Justice the authority to issue attorneys' licenses, disbar attorneys and take disciplinary measures against them. In addition, it entitled all attorneys to join the Collegium of Advocates, subordinated to the Ministry of Justice, thus affecting the independence of the judiciary and the legal profession.

Torture, Ill-Treatment and Misconduct by Law Enforcement Officers³

The BHC was unable to obtain official data on the number and structure of police and security forces. Unofficial statistics estimated the number of staff at the Ministry of Internal Affairs (MUS) to be 120,000; 80,000 of which did police work and 40,000 were armed police troops. Of the latter, only 5,000 were doing military service, while the other 35,000 belonged to the notorious AMAP, i.e. "special militia forces," and other special forces whose duties included monitoring the activities of political opponents and dispersing public demonstrations. While the large-scale public beatings of demonstrators became less frequent, individuals were seriously ill-treated in detention and penitentiary facilities.

Victims of torture included the opponents of President Lukashenka's regime, persons speaking publicly in Belarusian or using Belarusian national symbols and opposing the annexation of Belarus to Russia, and ordinary prison inmates.

■ Between 17–19 October, participants in the "Freedom March" and passers-by were arrested and subjected to massive beatings in militia vehicles and militia stations. Medical examinations confirmed the beatings. The victims reported that they had been severely beaten by AMAP members with truncheons and kicked, with the clear

³ See also *Political Opposition*.

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aim of injuring their internal organs. The detainees were then forced to lie on top of each other on the floor of a militia bus and were driven around the city for an hour. In the meantime, the AMAP officers walked on the detainees, stepped on their heads, and continued to beat and trample them. Meanwhile, the detainees were forced to sing silly children's songs. One detainee complained that his mouth had been torn and a truncheon pushed inside. The beatings continued at the local militia stations and pre-trial detention facility. Militia officials reportedly checked hospital records in order to identify those persons who applied for medical help following the demonstration.

■ Stanislau Kavalou was among the people detained when leaving the park towards the metro station after the "Freedom March." Militia officers began arresting them. They pulled the persons into the cars and threatened them. Kavalou was taken first to Minsk Savietski District Department of Internal Affairs (a militia station), and then transferred to another station in the middle of the night and hit by officers during the transfer. When he fell down, the officers kicked him and took him back to the bus. He was thrown on the floor. Other detainees were treated the same way. The detainees were kept for 3–4 hours above each other in layers, and started to suffocate as a result. Kavalou felt very ill because he had a heart disease. He began to suffocate and finally fainted. When leaving the bus, several AMAP officers held him while the others beat him with truncheons and kicked him. He and the other detainees were then placed against a wall with their legs and arms spread widely apart and the officers continued to beat them. A young man in a long leather coat suffered particularly brutal beatings because they suspected he was Jewish.

■ On 20 August, 20 militia officials rounded up young people in the Alaksandrauski

Garden in downtown Minsk. The garden is a known location where "informal" (e.g. sub-culture and counterculture) groups, as well as gays and lesbians, meet. Militia officials encircled the garden, rounded up at least 30 persons, beat many of them, and then took them to the Tsantralny district militia station. At the station, those detained were subjected to further beatings and harassment. Those persons believed to be gay received the most brutal treatment.

Security Services

The fact that security services operated outside the legal framework caused fear among the population. Public figures, opposition activists, businessmen, bankers, and other citizens had their phones tapped. Opposition members and their families were under continuous surveillance.

■ On 15 July, a wiretap was found in the office where the 13th Supreme Soviet was having talks with the OSCE Parliamentary Assembly's Belarus Committee.

■ On 17 December, the BHC learned that there were wiretapping devices installed on the ground floor of the building where its office was located.

On 30 August, the "Panorama" program of the official BTV announced that the president had issued a decree to establish an inter-institutional commission headed by Uladzimir Matskievich, the KGB chairman. The commission consisted of unnamed "lawyers and experts in the legislature, legal system and justice," and its duties included investigating high-profile criminal cases and reporting its results to the president. The KGB refused to give any additional information on the commission to the BHC, except that the commission would not violate the legal authority of law enforcement bodies, prosecutors or the judiciary. The BHC was also informed that the commission had already finished

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its work but that the public had no access to the results.

Religious Intolerance

The constitution proclaimed Belarus a multi-confessional country and guaranteed the equality of all registered confessions operating in accordance with the law.

However, in 1999, authorities publicly supported the Belarusian exarchate of the Russian Orthodox Church and pursued a restrictive policy regarding Protestants, Catholics and other confessions. In March, President Lukashenka claimed that the West pursued an expansionist policy toward Belarus in the sphere of religion and ideology. He said that the Roman Catholic Church was an agent of Western influence: therefore, according to the president, 40 Roman Catholic priests and nuns had been expelled from Belarus over the past three years.

According to the 1995 resolution by the Council of Ministers, foreign clergy may visit Belarus upon the invitation of a parishioner, who in turn required a permit from the Council for Religions of the Council of Ministers. This resolution, however, has not been applied to Russian Orthodox clergymen who are also foreigners. The Russian Orthodox Church supported state policy in many respects although, by law, it was separate from the state. The Belarus-Russia union was presented as the "unification of two orthodox peoples." Also, the state formed a Belarusian Foundation of Unity of Orthodox Peoples. The Foundation's Charter states that "...it is the Orthodox community that promotes the formulation of the priorities of the national ideology, which will become a common ideology for the entire country."

■ The Catholic Trinity Parish in Rechitsa has tried, unsuccessfully, for years to regain the ownership of a Catholic church

building that was constructed by the parishioners and confiscated by the authorities in 1918. In 1999, the church building was being used as a bar. The Rechitsa authorities refused to return the building despite a decision, in 1998, by the Committee for Religions and Nationalities to do so. The Catholic Community has attempted to open a Catholic University under the auspices of Vatican, but the idea has been rejected by the authorities.

■ In addition, authorities have rejected an application for registration by the Autocephalous Belarusian Orthodox Church (ABOC). The ABOC Bishop P. Gushcha was sentenced, in violation of the law, to three years imprisonment for his activities in promoting his confession. The ABOC is independent from the Russian Orthodox Church and conducts its service in Belarusian.

Intolerance, Xenophobia, Racial Discrimination and Hate Speech

Anti-Semitism

Since 1991, 322 Jewish graves have been the targets of vandalism. In April 1999, on the night of Orthodox Easter, the only synagogue in Minsk was set on fire. Anti-Semitic newspapers were openly published and distributed, in particular *Znamya Yunosti* and *Slavyansky Nabat*, whose content was blatantly xenophobic. Even high-ranking Jewish officials were harassed, and accused of connections with the "world of Zionism and imperialism", as was the case for Pavel Yakubovich, editor of *Sovetskaya Belorussia*, and loyal to the president.

The General Prosecutor's Office did not respond adequately to appeals by the BHC to take measures against anti-Semitic activities. The General Prosecutor's Office ignored BHC letters and "lost" its documents. However, 11 months after the sub-

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mission of the first letter, *Slavyansky Nabat*, the very newspaper that had made anti-Semitic statements, published copies of the BHC documents that had been “lost” by the prosecutor. After a year-long inquiry, on 22 April 1999, the Prosecutor’s Office of Belarus replied, stating, among other things, that “...a number of the reported publications incite hostile attitudes towards persons of Jewish nationality, which may cause national, religious and racial intolerance and strife... [and] contravene the legislation on the press.” The office said that it had recommended the State Committee on the Press to take appropriate measures to strengthen control over the mass media. The Committee cancelled the registration of *Slavyanskaya Gazeta*.

Russian Fascism

Russian fascism was freely propagated in Belarus.

■ The criminal case initiated against the fascist-like RNU organization, whose members had attacked A. Sannikau, O. Bebyanin and D. Bandarenka of the Charter-97, was dismissed, although some members of the group had been identified in the course of the investigation. RNU has branches in most large cities in Belarus.

■ In another trial of RNU activists who had fought with militia in Smalevichi, near Minsk, the parents of the young defendants asked the court to imprison their children in order to save them from the influence of fascism.

Between 1998 and 1999, the BHC observed the unhindered and open distribution of RNU leaflets and papers in the streets of Minsk, despite several complaints by the BHC.

Right to Ethnic Self-Determination

The right to ethnic self-determination and the establishment of a national state were endangered in Belarus. The process of merging Belarus with Russia, which was launched in 1998, was bound to create much tension. Still, on 20 December, President Lukashenka, and Russian President Boris Yeltsin signed the Treaty on the Belarus-Russia Union State. The treaty constituted a violation of the Belarusian constitution, which stated that Belarus shall not form any military alliances.

The Belarusian government expected the annexation would defuse the current political crisis in the country, since the union would entail restoring the centralized Soviet-style Russia-Belarus relations, with the periphery deprived of any rights. According to the BHC, the annexation would be accompanied by increasing discrimination against ethnic Belarusians, and a rise in Russian nationalism in Belarus and Russia.

Belarusian citizens remained uninformed of opposing opinions since the state-controlled mass media only let proponents air their views: no public discussion was possible. No referendum on the union was held. At the same time, a number of public polls proved that only 31 to 40 per cent of the Belarusian population were in favor of closer ties with Russia, and only 4 per cent promoted the union. Still, all public protests against the union were repressed.

The up-coming merger was accompanied by the gradual annihilation of Belarusian identity. Teaching of the Belarusian language was reduced and Belarusian culture in general was discouraged. Yet, in the 1999 census, 81 per cent of the population identified themselves as Belarusians, with Belarusian as their mother tongue, and 37 per cent spoke Belarusian at home.

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The real number may well be higher, however, as many refused to fill in the Russian-language questionnaires. Also, there were reports that census officials changed Belarusian names into Russian.⁴

Many Belarusian-language newspapers have been closed down. Belarusian-speakers working as civil servants and even clergymen have been replaced by Russian-speakers.

A November report, published jointly by the UNDP and Belarusian authorities and research and development institutions, stated that since the May 1995 referendum, in which about 52 per cent of voters supported the idea of acknowledging Russian as the official state language alongside Belarusian, the use of Belarusian has fallen dramatically. For instance, the use of Belarusian was no longer allowed in the legislature, executive, or judiciary. In Minsk and certain other cities, street signs were changed from the Belarusian language into Russian in 1999. The Ministry of Communications has nearly ceased using the Belarusian language on stamps, envelopes and postcards.

State universities issued warnings and reprimands to those lecturers whose educational concepts differed from the official stance. University staff were advised either to stop any political activities or to change the subject of their research if it was connected to anti-Russian insurrections or the history of Belarusian state sovereignty. Stalin-era repression was excluded from research, and school books published after the proclamation of Belarusian sovereignty were withdrawn from secondary and higher schools and replaced with standard Soviet-era editions.

Belarusian citizens who hoisted the traditional Belarusian white-red-white flag, or

shouted slogans such as “long live Belarus”, were persecuted. Many were beaten and detained. The BHC recorded 16 such cases, including one case in which militia defiled the flag.

Right to Property

The provision for the inviolability of property was abolished. In December, the president issued Decree No. 40 on “Certain Measures to Repay Damage to the State.” The decree allowed for the arbitrary expropriation of private property. The executive is able to initiate the procedure, hand down a verdict and execute the decision. Individuals and organizations deprived of their property can only appeal to court, to prove their innocence, after the confiscation.

Economic and Social Rights

The standard of living continued to decrease and in all sectors of social life the crisis grew. The death rate exceeded birth rate. An average monthly wage was US\$ 30, and the pension half of that sum. Some 90 per cent of the population reportedly had an income rate below the official minimal consumer budget. In the 1999 census, most Belarusians stated they had only one source of income, working in the public sector. The hostile government policy towards private business led a number of small and medium-sized enterprises into bankruptcy.

As of April 1999, the total backlog of unpaid wages in the Grodno region was 150 billion rubles (c. U.S.\$ 200,000). Around 8,000 people were granted leave without pay. The enterprises stood idle. As a general rule, information on unemployment, and the operation of enterprises, was either concealed from the public or falsified. On 25 June, the government of Belarus an-

⁴ See Supplement of the report *BHC Report over the First Six Months of 1999, Incidents Recorded by the Society for the Belarusian Language during the 1999 Census*.

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nounced that it would be unable to pay state employees' salaries for a three-month period.

Under the present economic conditions, a Belarusian citizen who has been working for decades would not be able to save enough money to even buy a single-room apartment.

The general decay in society caused an increase in the crime rate, including juvenile delinquency.

The country's economy operated on a state-run basis, with command performance implemented. Seven out of ten enterprises were under state monopoly and the private sector was under continuous repression, with many prominent businessmen and bankers being harassed: they included Andrey Klimau, Vasil Staravojtau, Uladzimir Kudzinou, Vasil L'avonau, and Uladzimir Khilka. In 1999, privatization virtually ceased. Small private businesses were under tight control and faced serious problems from the authorities. The extortion of bribes by tax inspectorate employees, militia, the administration and inspectors has become commonplace. The extortion of bribes by tax inspectorate employees, militia, administration and inspectors was commonplace.

President Lukashenka and the government issued a directive to hold a *subbotnik* (Soviet time "voluntary" work day without pay) on 24 April, a public holiday. Although working that day was supposed to be voluntary, some faced reprisal, even dismissals, for non-participation.

Human Rights Defenders

All major human rights groups were under severe pressure from government authorities in 1999.

■ On 22 August, the Maskouski District Prosecutor's Office in Minsk instituted

criminal proceedings against Aleh Volchak, head of the public commission, to investigate the circumstances of Yury Zakhranka's disappearance and ALAP's head, on alleged charges of "malicious hooliganism" (article 21.1 of the criminal code). While in detention, he was beaten until he lost consciousness. Having spent 20 hours in custody, Volchak filed a complaint of misconduct with the Prosecutor's Office. One month later, Volchak was informed that criminal proceedings had been initiated against him but had been dropped in the absence of *corpus delicti*. On 8 November, the Ministry of Justice suspended the ALAP license to provide legal counsel under the pretext of minor irregularities in their documents. The association protected the rights of numerous victims of militia officials' misconduct following the 17 October Freedom March. Militia raids and tax audits became frequent occurrences at ALAP's office. As of the year's end, ALAP was only allowed to organize educational workshops. At a ceremony on 10 December, the International League for Human Rights rewarded Aleh Volchak as a prominent human rights activist.

■ On 4 October, the Spring-96 Human Rights Center was evicted from its office. On the same day, the office was raided and searched by the militia, and a computer and other equipment (which were partly the property of the U.S. embassy) were confiscated and only returned in December. The militia claimed that Spring-96 had no documents to prove they had the right to use the equipment, and that they had printed more copies of the *Right to Freedom* bulletins than indicated in the registration data. However, the Centralny District Court called for further investigation into the case, as it noted that, during the search and confiscation proceedings, militia officials had not recorded the number of copies confiscated. The trial ended on 28 November and *The Right to Freedom* bulletins were burned.

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■ In the evening of 17 December, BHC headquarters were broken into and computers were stolen, including a four-year-old database of BHC activities and publications. On 25 November, officials from the Department of Administrative Buildings of the presidential administration informed the BHC that it would have to vacate the premises within a month, although it had paid the rent through the end of 1999. According to the authorities, only state-controlled organizations could have their offices on state-owned premises. However, no other NGO renting an office in the same building received a similar notice.

The BHC was not allowed to monitor trials and was publicly defamed.

■ On 5 August, the BHC was asked by local activists to monitor the public trial of Yury Okarakau (27) and Ihar Zanka (23), in the Minsk Regional Court that was reviewing the criminal case against the two men. They were charged with blackmail and malicious hooliganism. The case reportedly involved numerous violations of due process standards, and both defendants had allegedly been tortured into confessing that they stole a gun from the Niasvizh District Department of Internal Affairs. In court, Zanka claimed that he had changed his testimony several times to incriminate Okarakau, and some of his evidence had been given under pressure and was therefore inadmissible. Unaware of the presence of the monitors, judge Huchok conducted the trial in a disrespectful and offensive manner, not allowing a voluntary defense lawyer to represent Okarakau because the minutes of the staff meeting that offered Okarakau a lawyer had not been properly drawn up. Once the judge discovered that the trial had been attended by a BHC monitor, he ordered the monitors to identify themselves, and leave the court room. He added that they should be glad they were not arrested.

■ However, a promising development took place in December when a court ruled in favor of the BHC, and accepted its registration. The BHC had been struggling to survive throughout 1999. In early March, the BHC received two warnings from the Ministry of Justice for allegedly failing to register regional branches and respond to a letter from the ministry. A third warning would have legally enabled the government to ban the committee. In September, the BHC was granted "re-registration" after much effort, but the warnings persisted, along with the problem of "registering" its regional branches. Never having received the letter that was the basis of the second warning, the BHC sued the Ministry of Justice in the High Economic Court, which had jurisdiction over cases involving organizations. In December, the court ruled in favor of the Helsinki Committee, annulling the warning and ordering the Ministry of Justice to pay the symbolic trial tax to the state treasury. ■