

IHF FOCUS: Elections; freedom of expression and the media; freedom of association; peaceful assembly; independence of the judiciary; fair trial; "disappearances"; conditions in prisons and detention facilities; religious intolerance; conscientious objection; ethnicity; economic rights.

According to the Belarus Helsinki Committee, the Government continued to violate basic human rights throughout 2000. The economic crisis deepened, crime was on the increase, and apathy and fear for the country's future and the status of the Belarusian language, culture and traditions in the continuing process of russification grew.

Freedom of expression and the media was seriously repressed. Opposition politicians and critical activists faced harassment; a few disappeared without a trace. Objective information was hardly available, a fact that constituted a serious obstacle to carrying out fair and free parliamentary elections. Freedom of peaceful assembly was restricted, and associations – including trade unions – were harassed. Courts fell under the control of the Executive and fair trial standards were consistently violated. Ill-treatment and inhumane conditions in detention facilities were commonplace.

President Lukashenka continued to issue decrees and edicts that had the force of law and which often restricted basic human rights.

Elections

Elections to the Belarusian National Assembly were held on 15 and 29 October. 1,487 activists of the Belarus Helsinki Committee observed the polling and exposed numerous violations of international standards related to fair and free elections, as well as infringements of national legislation.

In spite of amendments and additions to the Electoral Code, it did not comply with international regulations, and contained provisions allowing for a wide scale of interpretation. As a result, a considerable number of candidates representing the democratic forces were not allowed to participate in the elections.

Perhaps the worst obstacle for free elections was the lack of press freedom. Even if the regime allowed a few minutes of airtime to all candidates – including independent candidates not supported by the regime – those candidates were unable to counteract the massive disinformation and ideological indoctrination campaign carried out over the years, and especially since 1994, through the state-owned and state-run mass media.

The Central Electoral Commission was set up in violation of the procedure established by law. Persons perceived by the State as opponents, representing various political parties and public organizations of a democratic orientation, were excluded from the District Electoral Commissions with no explanation.

During the registration of candidates, District Electoral Commissions employed the Electoral Code procedure of verification of the authenticity of signatures collected in support of the candidates, which led many candidates to be abusively rejected. The Central Electoral Commission, through its own interpretation of the Electoral Code, limited the participation of election observers.

It was virtually useless to file a complaint against decisions of the Central Electoral Commission because the Deputy Chairman of the Supreme Court was a member of that Commission.

Local authorities under presidential control coerced citizens to vote. Under the threat of dismissal, the heads of administration, industry managers, heads of offices and organizations were under pressure to make sure that all their staff went to the polls. Local authorities demanded that heads of different public bodies submit lists of staff members who would vote in advance. During the second round of the elections, the polling day (29 October) was

illegally ruled to be a working day in many companies and educational establishments. On election days, members of Local Electoral Commissions visited citizens at home and, in fact, forced them to vote at home if they had not already done so. Democratically oriented citizens who called for a boycott of the elections were systematically harassed.

In many cases, lists of voters who voted at home were compiled not by the Electoral Commissions but by local authorities. The falsification of lists was observed throughout the country. In order to reach the necessary turnout (50 percent plus one), up to 10 percent of voters were excluded from the initial voter lists. In a number of districts the necessary figures were arbitrarily provided by the authorities without proof. In at least seven districts different authorities gave different figures on the number of voters.

The practice of not allowing observers to monitor the acts of sealing ballot boxes and counting ballots was widespread.

The number of voters was suspiciously much higher in districts with no observers than in districts where observers were present, thus suggesting that turnout figures were falsified.

The IHF and the Belarus Helsinki Committee issued a press release on 23 October stating that the election process in Belarus was being completely manipulated and subverted by state authorities. Furthermore, the electoral process appeared to be one of the most compromised in the post-soviet period in the OSCE region.²

Freedom of Expression and the Media

On 11 July, the Belarus Helsinki Committee issued a statement "On Freedom of the Press in Belarus", in which it called upon the Government to ease the numerous repressive measures applied against the mass media. The result of the current measures would amount to a virtual ban on information in the country, according to the Committee.

Belarusian authorities embarked on a campaign to deprive the nation of the possibility to receive any alternative information and ideas. This "non-information campaign", which continues at the time of writing, is unprecedented in the country's recent history. Through the mass media, people are only given the Government's interpretation of domestic and foreign events. This dramatic restriction on the free flow of information made it impossible to hold democratic, free and transparent elections.

The Government had a monopoly on printing presses, distribution services, electronic media, as well as a number of large nationwide - and also smaller - local newspapers. Belpost, the monopoly distribution service, introduced discriminatory tariffs for the independent press. Printing presses also charged independent newspapers twice the amount they charged the state-owned press. The State routinely blocked the creation of independent local newspapers.

A series of legislative acts and regulations were enacted aimed at destroying the remaining independent mass media. Newspapers must be registered as commercial entities, which required a prohibitively high minimum capital and level of commercial activities. The legislation provided for 14 different instances for the Government's extra-judicial closure of a newspaper.

Local authorities established the unlawful practice of mandatory approval of locations for newspaper offices. This allowed the authorities to ban, if they wished, the opening of a newspaper on their territory. The Council of Ministers ordered that commercial entities of all kinds not advertise in the independent press. According to the Belarus Journalist Association, a "black list" was made of companies that advertised in the independent media.

◆ On 16 October, the Minsk Tax Administration threatened to either sell or seize the equipment of a private printing shop, "Magic", which printed about 20 independent newspapers. The threat was issued be-

cause they found, among other financial documentation belonging to "Magic", an agreement between the print shop and the Open Society Institute (i.e. the Soros Foundation) for the lease of equipment. The tax officers alleged that the print shop did not belong to its director Yuri Budzko but to the Soros Foundation, which ceased its activities in Belarus several years ago under pressure from the authorities and leased its equipment to Budzko. Also, the authorities claimed that "Magic" had not yet settled an alleged tax debt on certain grants. After long legal proceedings, the court ruled that "Magic" owed U.S.\$ 78,000 in taxes. The seizure of the equipment would mean the termination of printing of practically all independent national periodicals.

Freedom of Association

Trade Union Rights

Belarus authorities recently took measures to significantly restrict individuals' rights to freely join trade unions. This attitude was even more worrisome in light of the dissatisfaction with the worsening social and economic situation and the increasing violations of individuals' basic rights.

According to the Belarus Helsinki Committee, more than 200 strikes or other activities against the worsening working conditions and low wages took place in the year 2000. With increasing protests, the Belarus Government took several measures to interfere with trade union activities.

- ◆ On 11 February, the Presidential Administration ordered that Ministers suggest the names of persons who should head the trade unions.

- ◆ In July, authorities directly interfered in the process of electing new officials for the trade unions by attempting to have their candidate illegally elected head of the trade union of agricultural employees.

- ◆ On 14 July, the Law "On Trade Unions" was amended, providing that "the activities of trade unions can be subjected to limita-

tions in the interests of national security, public order and the guarantee of rights and freedoms of others."

In July, the Secretary General of the International Confederation of Free Trade Unions visited Minsk. His visit was triggered by complaints by some trade unions regarding violations of their rights by the authorities. Also in July, the Presidential Administration accused some trade union leaders and activists of having "combined their high-waged elected posts with political activities in various political parties and movements," and of having "spread" propaganda of "false slogans, and deceitful and destructive ideas."

The authorities initiated a campaign on establishing "parallel" trade unions loyal to the Government in November.

Burglaries in NGO Offices

- ◆ At 10.30 p.m. on 21 September, two armed and masked men broke into the office of the Belarus Social Democratic Party (Narodnaya Hramada). The safes were forcefully opened, party documents, along with hard disks and diskettes, were stolen, and three computers were broken. The party leaders viewed the act as one of political terror.

- ◆ On 20 September, the Bobruisk office of the Association of Afghan War Veterans was burglarised. A computer, fax machine, TV-set and other office equipment were stolen. The Police of the Lenin District conducted a routine investigation, claiming that the incident was of a solely criminal nature. However, Piotr Kastsjukovich, a member of the Association and candidate for the National Assembly, was convinced that the incident was politically motivated.

The Belarus Helsinki Committee received information in 1999 and 2000 of nine cases of burglaries in the offices of human rights and opposition organizations. The perpetrators were not found in any of the cases. The inaction of the authorities

gave rise to suspicion that the State used criminals to carry out its politics of repression against democratic organizations in Belarus.

Warnings

According to the law, any NGO or political party can be closed down after having received two warnings from the authorities. During the latter half of 2000, such warnings were given to the United Civil Party (five), the Association of Belarusan Students (two), the Youth Association "Civil Forum" (three), the Human Rights Centre (two), and the Human Rights Centre "Viasna" (one).³

Peaceful Assembly

While the State retained a monopoly on the mass media, group acts such as meetings, demonstrations, rallies and pickets were some of the few remaining means of enjoying freedom of expression. During the first half of the year, about 100 protests were held in Minsk. The number was much smaller in regional centres, and such were rare actions in smaller towns and rural areas. It was reported that local authorities – particularly in the town of Slutsk - demanded an exorbitant pre-payment for holding pickets or rallies, and organizers were forced to pay the police and the fire brigade for their "services." The authorities allotted "special places", i.e. stadiums, parks outside the centre and similar places, for demonstrations to make them less attractive.

◆ On 24 August, the Central District Court in Minsk heard a suit filed by Genadz Mironaw and Aleh Pronin against the Ministry of Interior and Military Unit No. 5448. The plaintiffs claimed that officers at the two institutions had violated their honour and dignity and demanded a payment of 5 million roubles (U.S.\$ 5,000) each in punitive damages. According to the plaintiffs, on 25 March they witnessed the severe beating of a Russian Television (ORT)

cameraman by the police. Mironaw and Pronin interfered in the incident and were arrested and beaten. The plaintiffs were taken to a military unit in the Mayakovski Street where they were searched and videotaped. Four hours later, the police drove them 13 kilometres from the city centre and released them. According to the plaintiffs, the persons who arrested them wore uniforms and helmets and could be identified on videotapes. Nevertheless, the Ministry of Interior representative stated in Court that the persons on the videotapes were not police officers, but rather "extremists or criminals trying to blacken the reputation of the police." The Court established that minor bodily injuries had been inflicted on the plaintiffs in detention. The Court ruled that the plaintiffs had indeed been detained by police officers and found that their complaint was partially justified. Accordingly, the Court ordered a payment of approximately U.S.\$ 50 in damages to both plaintiffs.

Independence of the Judiciary

The 1996 constitutional referendum widened presidential powers, granting the President the right to appoint judges of all levels, at the recommendation of the Ministry of Justice. The President often rejected candidates submitted by the Judicial Commission, since they had not been approved by the Security Council.

Preliminary approval of candidates by the Executive branch violates Belarusan legislation and does not comply with international standards. In practice, the old Soviet system with party control over the courts remained in force.

The Belarus Helsinki Committee expressed deep concern that politicians frequently declared a person's guilt in public, before a court verdict was issued.

Since 1996, judges have only rarely applied the provisions of the Constitution or approached the Constitutional Court with a request to determine the constitu-

tionality of certain laws. Judges have not referred to international documents ratified by the Republic of Belarus even in cases of the violation of civil rights and freedoms.

Fair Trial

The Deputy Minister of Justice, Viktor Halavanaw, stated that citizens of Belarus were not eager to go to court to settle their disputes. Foreign companies operating on the territory of Belarus appeared unwilling to cooperate with local lawyers because the law does not hold a lawyer responsible for errors committed during proceedings. There were proposals to amend such provisions, but, as of this writing, nothing had happened.

Courts reportedly accepted as evidence and convicted people on the basis of information obtained illegally, particularly through torture and other forms of ill-treatment.

◆ On 19 June, the case of two well-known opposition politicians, Valery Shchukin and Nikolai Statkevich, ended in a Minsk court. Both men had been accused of organising mass disorders on 27 July and 17 October 1999. Fifty-four officers of the Ministry of Interior units were summoned as witnesses, but not all of them appeared. Some of the officers who were involved in the incident but had subsequently left the army unit did not confirm their previous statements. It was believed that, while in the army, they had been coerced to testify against the accused. Almost all of the prosecution's witnesses stated that the demonstrators had been drunk. The judge took those allegations into consideration although no formal proof was produced. Statements to the contrary made by witnesses of the defence were ignored by the court. There was no evidence that Shchukin had organised a spontaneous demonstration on 17 October, but the court found him guilty regardless. The Belarus Helsinki Committee stated that the verdict was politically motivated in an attempt to hinder the

opposition activities during the up-coming parliamentary elections.

◆ The persecution of former Prime Minister Mikhail Chygir began after he declared his intention to run in the May 1999 alternative presidential elections organized by the 13th Supreme Soviet. On 9 March 1999, President Lukashenka accused Chygir of failing to return large amounts of money he had borrowed five years earlier from the State - Lukashenka claimed that Chygir had used that money for his electoral campaign. On 30 March 1999, Mikhail Chygir was arrested and accused of larceny and embezzlement. Chygir was released in early 2000 due to pressure from the international community. The court began hearing his case in February and on 4 March it came to light that evidence had been falsified. Witnesses refused to confirm charges according to which Chygir had violated credit regulations while working as chair of the Belarus Agro-Industrial Bank. However, on 19 May, the Minsk City Court sentenced Chygir to three years imprisonment with two years' suspension. On review, the Supreme Court revoked the sentence, and the case was sent back to the prosecutor for "further investigation." The Court thereby avoided acquitting Mikhail Chygir. In October 2000, Mikhail Chygir informed the Belarus Helsinki Committee that another criminal case had been brought against him, accusing him of tax evasion while working for a German company based in Moscow.

"Disappearances"

In the last few years some 4,000 people "disappeared" in Belarus. About 20 percent of the "disappearance" cases have never been solved and many of the victims are well-known government critics.

The phenomenon of violent "disappearances" of people in Belarus has become increasingly political. The opposition suspects that state security and law-enforcement agencies were behind the "disappearances"

of well-known political figures. High state officials, without being able to produce any evidence, claimed such incidents were “provocations by the opposition”.

The Belarus Helsinki Committee noted that the State, with security services and 200,000 law enforcement forces at its disposal, has enough resources to clarify the “disappearances.” Nonetheless, at the time of writing, the “disappearances” of Yury Zakharenka, Viktor Hanchar, Anatol Krasouski and Dzmitri Zavadski had yet to be solved. The circumstances of the escape of Tamara Vinnikava, who was under house arrest guarded by armed officials of the presidential security services also went uninvestigated.

◆ On 7 July, Dzmitri Zavadski, a cameraman for the Russian TV ORT, disappeared near Minsk International Airport. Despite the President’s personal promises to find him, nothing is known about his fate. That morning, Zavadski had driven to the airport to meet his colleague, the head of the ORT Department of Special Projects, Pavel Sheremet. When Sheremet arrived in Minsk, he found only Zavadski’s empty car in front of the airport building.

On 8 November, the ORT broadcast a film by Pavel Sheremet entitled “Wild Hunting,” dedicated to Zavadski and other kidnapped Belarusians. According to Sheremet, ORT journalists were under surveillance during the shooting of the film (which took four months). He also claims that there is every reason to believe that Belarusian security services were involved in the “disappearance” of Dzmitri Zavadski.

At the time of writing, five men had been arrested in connection with the kidnapping of Zavadski: two police officers, and former officers of special Ministry of Interior squadron “Almaz”.

On 16 November, the Prosecutor’s Office reported that criminal charges had been brought against Pavel Sheremet for libel against President Lukashenka. At the request of the Belarusian Prosecutor General’s

Office, Russian officials seized videotapes of “Wild Hunting” and fragments of a television program “Wait for Me,” in which Sheremet and Zavadski’s mother were seen.

Conditions in Prisons and Detention Facilities

Prisoners Infected with HIV

V. Hancharenka, who was being held in the Minsk Pre-Trial Detention Centre, reported to the Belarus Helsinki Committee on the conditions of detention for prisoners infected with HIV. According to him, such prisoners were held in cells under totally inhuman conditions, e.g. with wet floors, almost no fresh air, and the ventilation closed most of the time because the guards were afraid of being infected with HIV. Moreover, the prisoners did not receive even elementary medical care. When Hancharenka had gingivitis, the doctor refused to take him to a dentist saying that they did not have one in the prison, nor did they have the necessary medicine. Hancharenka had to use a razor blade to let the puss out.

All the letters the prisoners tried to send to an AIDS-centre were intercepted by the prison administration. According to Hancharenka, after their attempt to send a complaint to the UN, their cell was visited by an unknown person who introduced himself as belonging to a certain organization specialised in helping prisoners. He promised to take all the complaints to this organization, which nobody has ever heard of.

Juvenile Detainees

◆ On 22 September at 11 a.m., two men in plain clothes arrested Denis Selivonik, a minor, at his school and took him to the Pervomayski Police Station in Babruisk. He was interrogated until 11 p.m. in the absence of a lawyer or any other legal representative. Police officers ignored the boy’s requests to call his parents and let them know about his whereabouts. The school teachers did not inform Denis’ parents about his detention either.

Denis, who suffers from asthma, felt ill during the interrogations and was given an injection after which point he could not understand the documents he was signing. He was detained for three days following the interrogation. The police officers then called his parents and explained that Denis had been called in as a witness and that witnesses are not required to have a lawyer.

In the pre-trial detention cell where Denis was held, one of the officers hit him in the head and he was held together with adult detainees, in violation of international standards. One of the detainees was ill with tuberculosis and infected Denis, who, at the time of writing, is being hospitalised.

Ethnicity

The process of integration for Russia and Belarus continued with increasing discrimination against ethnic Belarusians and a growing Russian nationalism.

The integration treaty provides for the introduction of a single currency (the Russian rouble) and the establishment of a single economic (including monetary) area, a single tax and price policy, unified transport and energy systems, communications and a joint military policy. It became clear that the project of creating a unified State required the liquidation of Belarusian sovereignty.

The Belarusian Constitution declares Belarus a neutral, non-nuclear State. Joint military programs for Belarus and Russia are therefore a gross violation of international obligations assumed by Belarus.

Many classes taught in the Belarusian language in various schools and gymnasia have been changed into Russian-language classes. In 2000, 70 percent of all school students were educated in Russian. Only 10.2 percent of all periodicals were in Belarusian. Less than half of all Belarusian TV airtime was in Belarusian.

Works by Vasil Bykaw, an outstanding Belarusian writer, were no longer available. Courses on Belarusian history in high schools and universities were censored by the State: information regarding the anti-

Russian liberation wars of the 18th and 20th centuries were deleted.

Russian is the language of advertisements, street signs, and record production. The judiciary and the army only speak and carry out their work in Russian.

Religious Intolerance

The Belarusian Constitution provides for a multi-confessional State and a neutral attitude towards all registered denominations acting within the framework of the legislation. This, however, has not stopped the State from strongly supporting the Belarus Exarchate of the Russian Orthodox Church and restricting the activities of Protestants, Catholics, and others minorities. The Russian Orthodox Church supports the State, although, according to the law, it is supposed to be independent of the State.

According to the State Committee on Religions and Nationalities, over 2,500 religious communities and parishes belonging to different confessions were registered in Belarus as of 1 January 2000. Among them were 1,139 Russian Orthodox, 862 Protestant, 405 Roman Catholic, several Uniate and Belarusian Autocephalous Orthodox communities, as well as Jewish and Muslim communities.

◆ *Narodnaya Gazeta* stated in an article that "Belarus is turning into a Protestant country" and that "Protestants push us to betray our ancestors' faith." Following the publication of the article, the Protestants of Belarus demanded that the editor-in-chief place a retraction in the press. There was no reaction, however, and another article written by Nina Yanovich was published, describing Protestant Christians in a very negative light. A second request to publish a retraction in the newspaper was also ignored. The Protestants initiated judicial proceedings against the newspaper and its columnist Nina Yanovich. The court refused to hear the case claiming it had no jurisdiction in "scientific polemics".

◆ When the film "Expansion" was aired on National TV, Protestant groups felt that the film promoted a negative attitude among the public towards Protestants and stirred up religious hostility.

Conscientious Objection⁴

According to both the Constitution and the law "On Military Service", draft-age men were obliged to perform either military or alternative civilian service. However, in 2000, Belarus still lacked a law regulating alternative civilian service. In the absence of appropriate legislation, the right to alternative service was, in practice, denied.

◆ Valjantsin Hulai, who was charged under Article 77 (evasion of military service) of the Criminal Code, filed a complaint with the OSCE Advisory and Monitoring Group in Belarus against a court's conviction in Rechytsa, which he claimed violated his constitutional right to freedom of religion. Hulai is a Jehovah's Witness who, once drafted, asked the authorities to allow him to perform alternative civilian service because of his religious convictions. Another draftee, M. Mikhaltsow, was charged under the same article.

Valjantisin Hulai's case led OSCE Ambassador Hans-Georg Wieck to ask the House of Representatives of the National Assembly to comment on the situation.

Reportedly, Chair of the House of Representatives A. Malafeyaw replied that Hulai's demand to perform alternative service is not allowed under the present legislation.

Economic Rights

The operation of small businesses became increasingly difficult in 2000. On 1 January 2000, a new law "On Value-Added Taxes" came into force, increasing the VAT 3-4 times. According to the Minsk Trade Union of Employers, "Sadruzhnast", this increase effectively made the work of individual employers useless.

◆ On 14 January, the owners of small businesses in Vitebsk went on strike to protest the new taxes, penalties, repeated payments for licenses, certificates, and other mandatory expenses under the new legislation. A nationwide strike involving the owners of small businesses began on 1 February, as a result of which the new VAT system was changed. About 100,000 individuals, i.e. 90 percent of all owners of small businesses, took part in the strike.

The chair of the strike committee, Valery Levanewski, reported that after the protests the authorities stopped the mass confiscation of goods lacking the Belarus certification mark. However, the law on the mandatory certification of all kinds of goods remained valid.

Endnotes

¹ Based on the *Belarus Helsinki Committee Annual Report 2000*.

² IHF and the Belarus Helsinki Committee, "The Process in Belarus is Not an Honest Attempt to Hold Elections," press release, 3 October 2000. See also "IHF Executive Committee on So-called Elections in Belarus," 17 September 2000 at <http://www.ihf-hr.org/appeals/000917.htm>

³ In December 1999, the Belarus Helsinki Committee won its case in court after being charged with the alleged failure to re-register. See IHF and the Belarus Helsinki Committee, "Belarusian Helsinki Committee Wins in Court," 17 December 1999, at <http://www.ihf-hr.org/appeals/991217.htm>

⁴ Based on information from the Belarus Helsinki Committee to the IHF, August 2000.