

## Belarus

The government of Belarus failed to ensure free and fair election in 2004, in large part by attacking the independent media and undermining freedom of association. The situation worsened in the months leading up to October 2004 parliamentary elections and a simultaneous referendum to remove presidential term limits. Several independent newspapers were closed, and journalists jailed on libel charges. Nongovernmental organizations (NGOs) and independent trade unions were given warnings or closed. Many opposition politicians were prevented from registering as election candidates. Some were arrested on trumped-up charges.

### *Elections*

The 110-member House of Representatives was elected in October without the election of a single representative from the opposition parties. According to official statistics, 77 percent of those who voted approved the lifting of presidential term limits. The results pave the way for President Alexander Lukashenka to stand for a third term of office.

The government took full advantage of defective electoral legislation to manipulate the election campaign and engineer the outcome of the vote. An Organization for Security and Cooperation in Europe (OSCE) observer mission to the October vote emphasized that the poll was undermined by problems with the election laws, including: the accreditation process for independent election observers; rules regarding early voting and the storage of the resulting ballots, and procedures for adjudicating electoral complaints.

In early 2004, authorities arrested three prominent opposition politicians on politically-motivated charges. Valery Levonevsky, a member of the coordination committee of "Free Belarus," and his deputy Aleksandr Vasilyev were convicted of defamation on September 7. Both received two-year prison sentences. Mikhail Marynich, who joined the opposition after resigning his post as ambassador to Latvia, is awaiting trial on charges of storing illegal arms.

Would-be candidates for the October elections were denied registration of their candidacy on questionable grounds. The Central Election Authority denied the candidacy of Mecheslav Grib, deputy chairman of the Belarus Social-Democratic Party, "Narodnaya Gramada," citing his failure to register company stock purchased in the early 1990s. It also rejected the candidacy of Vladimir Parfenovich of the Respublika parliamentary group, alleging that signatures on his registration petition had been falsified.

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Those opposition candidates who did manage to register their candidacy faced difficulty campaigning. Election law entitles each candidate to a total of five minutes broadcast time during the course of the campaign. However, state-controlled media allowed many pro-government candidates more than five minutes, while limiting opposition candidates to the statutory period. State-run newspapers published articles designed to discredit opposition candidates in the run-up to the vote.

The October elections and referendum were marred by irregularities. Members of the opposition were barred from observing at voting stations during early voting and on election day. During the vote count, officials did not announce numbers out loud as votes were being tabulated, and observers had only a limited view of the counting process, making verification impossible. The OSCE observer mission concluded that the parliamentary elections fell significantly short of international standards. The OSCE did not monitor the referendum.

During the week following the October vote, opposition activists organized demonstrations to protest the official results. Belarusian police beat, detained and arrested dozens of protesters, among them Anatoly Lebedko, the leader of the leading opposition party, the United Civil Party. Lebedko was hospitalized with severe injuries. He was discharged after receiving treatment.

### ***Human Rights Defenders***

The government continues to use presidential decrees to suppress human rights activities. Presidential Edict 24, introduced on November 28, 2003, allows for strict control over foreign financial assistance to NGOs, and prohibits foreign funding to educational and “political” activities. Any NGO, political party, or other organization, deemed to violate the decree can be shut down. Several NGOs have been closed down for alleged violations. Others received warnings from the Ministry of Justice. Two warnings in a year constitute grounds for closure.

At this writing, the Belarusian Helsinki Committee (BHC), a prominent NGO, faced closure on charges of alleged tax evasion. Although the Minsk Economic Court and the Court of Cassation acquitted BHC of tax violations on June 23, 2004, the Ministry of Justice decided on September 16 to file another lawsuit on the same charges, after BHC criticized publicly the October 17 referendum.

On January 29, 2004, authorities closed down the Independent Society of Legal Research (ISLR), citing repeated violations of the Law on Public Associations. Independent lawyers believe that the real reason was that ISLR members had defended other NGOs in court proceedings.

### ***Trade Unions***

Independent trade unions are under threat in Belarus. The sole remaining independent trade union federation, the Belarusian Congress of Democratic Trade Unions (known by its Belarussian-language abbreviation BKPD) and its affiliates face the constant threat of denial of registration or closure. The activities of unregistered unions are effectively illegal. BKPD union members risk dismissal and

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imprisonment, and pressure to join state-controlled unions. In March, authorities in Navapolatsk denied registration to the Free Trade Union (FTU), a BKPD member, for alleged deficiencies in application documents. The organization had been registered since 2002, but was required to re-register after amending its internal bylaws.

In September 2004, BKPD President Aleksandr Yaroshuk was sentenced to ten days in prison. Yaroshuk was convicted of defamation following the publication in the independent newspaper *Narodnaya Volya* (Will of the People) of his article criticizing the August 2003 decision by Supreme Court to liquidate the Trade Union of Air Traffic Controllers of Belarus. Authorities had pressured members of the union to resign before the court's ruling closed it down entirely.

### **Media Freedom**

All national television stations, and most radio stations, in Belarus are controlled by the state. Independent radio broadcasts are limited to non-political music and advertising. Citizens do not receive objective information from the state-controlled media. Re-broadcasted Russian television programs are often manipulated through the insertion of Belarusian footage presented as part of the Russian program.

The long-standing government pressure on independent newspapers intensified in the run-up to the October elections. Some printing houses were pressured to stop printing independent newspapers, damaging their circulation. Several large stores in Minsk refused to sell independent print media. On August 27, 2004, the Ministry of Information suspended the operations of the newspaper *Navinki* (The News) for three months, saying it had failed to inform authorities about changes in its publishing schedule, and published articles that the Ministry considered to “jeopardize public morals.” The Ministry also ordered a three-month closure of the independent weekly *Novaya Gazeta Smorgoni* (The New Newspaper of Smorgon) on August 16, citing an alleged failure to comply with registration procedures.

Journalists who criticize the government face prosecution. On September 30, a court convicted Alena Rawbetskaya, the editor-in-chief of the independent newspaper *Birzha Informacii* (Stock-exchange Information), on defamation charges and fined her 1.3 million rubles (approximately U.S.\$630), after the paper criticized the upcoming referendum. On the day of the elections, Pavel Sheremet, a Russian journalist from Channel One television was arrested on charges of “hooliganism.” Channel One broadcast two documentaries immediately prior to the elections in which Sheremet described the Lukashenka government as dictatorial. Sheremet was later released and the case against him suspended pending additional investigation.

### **Key International Actors**

In June 2004, the U.N. Special Representative on human rights defenders, Hina Jilani, expressed serious concern over restrictions on freedom of association in Belarus. She highlighted legislation permitting the authorities to deny registration to, and close down, NGOs without justification. Jilani also criticized the government's actions against the Belarusian Helsinki Committee.

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In September, the OSCE Office in Minsk criticized the prison sentences given to Valery Levanevsky and Aleksandr Vasilyev for allegedly defaming the president. In July, the OSCE condemned the closure of the private European Humanities University.

In February, the Parliamentary Assembly of the Council of Europe (PACE) published a report accusing high-ranking officials of involvement in the disappearances of former Interior Minister Yuri Zakharenko, former Prime Minister Viktor Gonchar, former electoral commission chairman Anatoly Krasovski and journalist Dimitri Zavadski between 1999 and 2000. The report accuses the current Belarusian Interior Minister, Prosecutor-General and Sports Minister, as well as a high-ranking officer in the special forces, of involvement. PACE members demanded that the government investigate the disappearances. PACE criticized the detention of the human rights activists Tatsiana Reviaka and Hary Pahaniayla for distribution of its disappearances report. The body also expressed concern over the decision of President Lukashenka to hold a referendum on removal of presidential term-limits.

On April 8, 2004, the U.N. Commission on Human Rights adopted a resolution expressing concern about human rights in Belarus—including the key disappearance cases, flawed elections, and the continued harassment and closure of NGOs—and appointed a Special Rapporteur to investigate the situation in the country.

In September, the European Union issued a travel ban against the three government ministers and special forces officer named in the PACE disappearances report. The ban prevents the four from entering the E.U.

U.S. officials twice criticized the Belarusian government during 2004 for its actions against NGOs, independent journalists, and opposition politicians. The U.S. State Department has enacted a similar travel ban to that imposed by the E.U. The State Department expressed doubts that the results of the October referendum reflected the opinion of the Belarusian people, and on October 20, three days after the elections, President George W. Bush signed the Belarus Democracy Act, prohibiting U.S. financial aid to the Belarusian government, while authorizing assistance for NGOs and independent media.