



Belarus

Belarusian authorities continue to use the criminal justice system and onerous administrative demands to control civil society, political opposition, and the media. In 2008, as in previous years, several opposition activists and journalists were arrested and jailed for participating in unsanctioned protests. Violence was used against some activists and journalists during demonstrations.

Belarus has demonstrated some progress by releasing its last remaining political prisoners in 2008, but at least 10 activists continue to serve “restricted freedom” sentences that permit them only to be at home or at work. Belarus introduced new restrictions on the media that take effect in early 2009.

Political Freedoms and Civil Society

Belarus held parliamentary elections on September 28, 2008. The elections failed to meet international standards for free and fair elections, according to the United States, the European Union, and the Office for Democratic Institutions and Human Rights of the Organization for Security and Co-operation in Europe (OSCE/ODIHR). The ODIHR noted minor improvements over previous elections, including opposition representatives’ increased ability to participate in election commissions and conduct meetings without interference; but cited a major lack of transparency in the vote count, more than 35 percent of OSCE election observers having been denied permission to observe that process. Observers who were granted access observed falsification of results in several cases.

The government controls political opposition groups, NGOs, and trade unions through costly and burdensome registration requirements, and often denies registration for unfounded reasons. Some requirements, such as a legal address in a nonresidential building, are often too expensive for applicants to meet, while authorities have denied registration to NGOs for such minor technical reasons as

incorrect birth date information and typos in names on applications, rather than giving them an opportunity to make corrections.

Activists are also required to apply for demonstration permits, but the onerous application process serves as a tool to restrict the right to hold peaceful assemblies. Belarusian authorities continue to fine, jail, and search the homes of opposition activists in relation to organizing and participating in “unauthorized events.” In 2008 such events in Minsk included the annual Freedom Day demonstration on March 25 and the April 26 Chernobyl rally, as well as rallies on January 10 and 21 against new policies affecting small businesses. In December 2007 riot police beat political opposition leader Anatol Labiedzka and Young Front leader Dmitry Fiedaruk during a protest, leaving Fiedaruk unconscious.

The Ministry of Justice has not legally registered any new NGO since 2000. Some organizations operate despite repeated denials of registration, and the authorities have harassed and arrested dozens of activists for acting on behalf of unregistered organizations, a criminal offense. Even for registered NGOs, authorities monitor correspondence and telephone conversations and conduct frequent inspections of premises.

The Belarusian Helsinki Committee (BHC) remains under threat of closure for alleged tax violations, following a 2007 court ruling that it is liable for back taxes and fees of 160m rubles (about US\$75,000). Authorities harassed several BHC senior staff members. On May 1, 2008, Belarusian border guards stopped BHC Chairperson Aleh Hulak, his wife Anastasia Hulak, and a BHC regional coordinator, Eduard Balanchuk, at the Belarus-Poland border and searched them for more than 10 hours. Belarusian customs officials confiscated their money and computer for supposed “verification”; their belongings have not been returned. Pavel Levinov, a human rights lawyer and representative of the BHC in Vitebsk, was detained on May 26 and fined 700,000 rubles (approximately US\$330) in connection with legal aid he provided to journalists under investigation for televising cartoons that allegedly insulted President Alexander Lukashenka. Officers of the KGB (Belarus’ state security agency) broke into BHC activist Leonid Svetik’s home in May, seized office equipment and

printed materials, and interrogated Svetik for nine hours about an ethnic hate case he allegedly witnessed.

Political Prisoners

In February 2008 the government unexpectedly released several political prisoners, including Young Front leaders Artur Finkevich and Zmicier Dashkevich. In 2006 Finkevich had received a sentence of two years' corrective labor for "malicious hooliganism" for allegedly writing political graffiti. In November 2006 Dashkevich had been sentenced to 18 months in prison for "organizing or participating in the activities of an unregistered organization."

In August 2008 the authorities granted early release to Belarus's three remaining political prisoners. Alexander Kazulin, a candidate in the March 2006 presidential election, was released from a five-and-a-half-year prison sentence handed down in July 2006 for hooliganism and disturbing public order after his arrest during a peaceful post-election opposition march. Andrej Kim, a youth activist, was released early from an 18-month sentence handed down in April 2008 for "petty hooliganism" and "violation of rules of organizing and holding mass actions" in connection with the two January demonstrations against new policies for small businesses. Siarheji Parsiukevich, a businessman and former police officer, was released from a two-and-a-half-year sentence handed down in April for "violence or threat of violence against a policeman" during the January 10 protest, in which more than 2,000 small business owners took part.

Kim had stood trial with 10 other youth activists for the January protests. Seven of Kim's co-defendants received two years of "limitation of freedom without transfer to an open correctional institute" (a version of house arrest that restricts them to home and work) and two received fines for blocking traffic.

Media Freedom

The government continues to tightly control the media. Several privately-owned Belarusian newspapers are printed in Russia because local, state-run printing companies are not permitted to print material that "discredits Belarus" by

“fraudulent representation” of developments in the country. There are no independent television or radio stations and authorities monitor the internet; politically-sensitive sites are often temporarily shut down. In August Belarusian authorities approved a new law that will further restrict the media effective from February 2009. The new restrictions include requiring online media to register with authorities and for registered media to reregister. The law also prohibits media outlets from receiving foreign funding.

Journalists are affected by the restrictive measures against peaceful assembly. In 2008 police on several occasions searched, detained, interrogated, and arrested journalists for covering demonstrations. The homes of roughly 30 journalists in several cities were searched for materials that allegedly defamed the president in connection with coverage of the peaceful March 25 demonstrations, and *Nasha Niva* reporters Syamyon Pechanko and Andrei Lyankevich were beaten and detained while reporting from a rally in Minsk that day. Pechanko was sentenced to 15 days in prison for participating in an unsanctioned protest.

Death Penalty

Belarus is the only country in Europe that continues to use the death penalty. As of mid-November 2008, three executions had been carried out this year, all in February; there is no public information on the number of executions in 2007. Families of those executed are not provided with information on the date of the execution or where the body is buried.

Key International Actors

The United States and the European Union welcomed the August releases of political prisoners and expressed hope that it would lead to improved relations. Both have expressed clearly that more progress needs to be made, especially in regard to free and fair elections, civil society, and the media. In October EU foreign ministers decided to suspend the travel ban imposed on President Lukashenka and also suspended the travel restrictions imposed on most of his inner circle, although six Belarusian officials are still barred entry to the EU, and the financial measures imposed against the Belarusian administration remain in place. The US maintains a

visa ban against Lukashenka and his inner circle, as well as economic sanctions including against the energy company Belneftekhim, imposed in response to the flawed 2006 election and subsequent arrests and detention of independent political activists. In September 2008 the US lifted economic sanctions against two subsidiaries of Belneftekhim, however.

US-Belarusian relations deteriorated in late 2007 and early 2008 when Belarusian authorities demanded expulsion of US Embassy staff after the US imposed sanctions on Belneftekhim, but relations thawed somewhat following the prisoner releases. In May the US Congress extended and amended the Belarus Democracy Act of 2004, which authorizes assistance to organizations that promote democracy and civil society in Belarus. The United States remains concerned about imprisoned US lawyer Emanuel Zeltser, who was arrested by the KGB on March 12, 2008, and has been convicted and sentenced to three years' imprisonment for economic espionage and using false documents. US officials were refused access to his closed trial and were denied consular access to Zeltser several times.

The Council of Europe's Parliamentary Assembly (PACE) welcomed Alexander Kazulin's release, but noted that he should never have been jailed in the first place. In April PACE adopted the resolution "Abuse of the criminal justice system in Belarus," urging Belarus to "mitigate the effects of abusive legislation" and abolish the death penalty, among other recommendations. The resolution "encouraged" the EU and the US to continue targeted sanctions, and called for a mechanism to assist victims of human rights abuses, such as a working group of local and international human rights defenders with tasks such as identifying officials responsible for abuses. In a July statement PACE's rapporteur on the situation in Belarus condemned the new media law.