

Human Rights Center “Viasna”

**SITUATION  
OF HUMAN RIGHTS  
in BELARUS in 2013**

**REVIEW-CHRONICLE**

**Minsk, 2014**

# SITUATION OF HUMAN RIGHTS IN BELARUS IN 2013

REVIEW-CHRONICLE

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The book was prepared on the basis of monthly reviews of the situation of human rights in Belarus in 2013. Each of the monthly reviews includes the analysis of the most important events influencing the observance of human rights for the reported period, as well as the most eloquent and significant facts of violations registered at the time.

The review was prepared on the basis of personal appeals of victims of human rights violations, registered by human rights defenders and/or voiced in open sources of information.

The book makes use of photos from the websites [nn.by](http://nn.by), [euroradio.fm](http://euroradio.fm), [svaboda.org](http://svaboda.org), [gazetaby.com](http://gazetaby.com), [charter97.org](http://charter97.org) and the archive of the Human Rights Center "Viasna".



## FOREWORD

In 2013, the situation with human rights in the country remained stably bad: the basic political and civil rights were extremely limited, rigid and authoritarian practices persisted, bringing an aggravation of systematic and systemic issues:

- Eleven political prisoners — Ihar Alinevich, Mikalai Autukhovich, Ales Bi-aliatski, Mikalai Dziadok, Andrei Haidukou, Eduard Lobau, Vasil Parfiankou, Artsiom Prakapenka, Mikalai Statkevich, Yauhen Vaskovich and Uladzimir Yaromenak — continued to be held in jail;

- the release of political prisoners Dzmitry Dashkevich, Aliaksandr Frant-skevich and Pavel Seviarynets took place in connection with the expiration of punishment and does not indicate a change in the policy of the authorities on the issue of political prisoners;

- Despite the end of suspended sentences and exemption of a number of political prisoners from deterred punishment, various restrictions continued to apply to more than 20 individuals who had previously been prosecuted;

- More than 50 people were brought to administrative responsibility in the form of arrest for the peaceful exercise of their civil rights, or were subjected to arbitrary detention;

- death sentences were still issued;

- the authorities continued the pressurization of independent journalists, including their detention by law enforcement agencies for exercising their professional duties;

- we registered cases of torture and other inhuman treatment, including in respect of persons who are kept in penitentiary institutions;

- in some cases, the legislative process was non-public, and the bills were not available for public discussion;

- the Belarusian authorities continued ignoring the human rights mechanisms of the UN and their international commitments in the field of human rights;

### **Politically motivated persecution: main trends of the year**

Despite the overall decline in politically motivated criminal and administrative prosecution as compared to previous years, no positive trends and dynamics suggesting an improvement or positive expectations in the short term were observed in this area. Quantitative reduction can be explained by a significant decrease in social and political activity and the absence of the election campaigns in 2013, rather than by changes in the government policies.

The main indicator of the lack of progress is the unsolved problem of political prisoners, as well as the phenomenon of politically motivated prosecution (both criminal and administrative).

After the liberation of Dzmitry Dashkevich, Aliaksandr Frantskevich and Pavel Seviarynets, at the end of the year the country held eleven political prisoners — Ihar Alinevich, Mikalai Autukhovich, Ales Bialiatski, Mikalai Dziadok, Andrei Haidukou, Eduard Lobau, Vasil Parfiankou, Artsiom Prakapenka, Mikalai Statkevich, Yauhen Vaskovich and Uladzimir Yaromenak.

It should be noted that the release of Dz. Dashkevich, A. Frantskevich and P. Seviarynets took place solely in connection with the completion of their sentences, while the position of the official Minsk with regard to the issue of political prisoners remained unchanged. The authorities continued denying the existence of political prisoners in the country, noting that if “the convicts, whose release is demanded by the West” had written personal appeals for clemency, they would have been released. It was repeatedly stated by President Aliaksandr Lukashenka and Foreign Minister Uladzimir Makei.

In 2013, the court released from further punishment Iryna Khalip and Uladzimir Niakliayeu (both of whom were sentenced to two years in prison with deterrent of sentences) in connection with the protests of December 19, 2010. The terms of conditional imprisonment against other defendants in the case, A. Dzmitryieu, A. Fiaduta, S. Martsaleu and V. Rymasheuski, came to an end, too, as well as the term of personal restraint without sending to a penitentiary for Dz. Miadzvedz, and journalist A. Poczobut (sentenced for defaming the President). However, all kinds of restrictions continued to apply to more than 20 persons convicted for political reasons, who were released without a previous conviction. These restrictions (preventive surveillance and supervision) are a serious method to control their political activity by the security services. The imprisonment of V. Parfiankou and U. Yaromenak for violating the rules of preventive surveillance are eloquent examples of the use of such limitations. It should be noted that according to the current legislation, persons with a conviction are not eligible to be nominated as candidates in elections at all levels.

The situation of political prisoners caused great concern. Four prisoners, Mikalai Autukhovich, Mikalai Dziadok, Mikalai Statkevich and Yauhen Vaskovich, continued to serve punishment in strict isolation in prisons, to which they were transferred from penal colonies due to “violations of the internal regulations”. During the year, there were regular reports about the placement of political prisoners in solitary confinement and various provocations against them on the part of the administrations of the penitentiary institutions, whereas all complaints about such treatment weren’t considered on their merits either by the Prosecutor’s Office or by the Department of Corrections of the MIA. Most of the prisoners were assigned the status of “repeated violators of the regime”,



which deprives them of the possibility of early release or release on parole under the law on amnesty. Vice-President of the International Federation for Human Rights and Chairman of the Human Rights Center “Viasna” Ales Bialiatski, sentenced to 4.5 years of imprisonment, was not an exception. He also has the status of a repeated violator of the internal regulations and various disciplinary actions have been imposed on him. The imprisoned human rights defender is kept in strict isolation from the outside world (during the year he had only two short meetings with relatives), and within the colony: the administration limits his contacts with other prisoners, putting pressure on them for any contacts with A. Bialiatski and threatening with various disciplinary measures. Such treatment clearly highlights the special attitude of the authorities to these prisoners and proves their de facto recognition as political prisoners, despite the public denial of the existence of political prisoners in the country.

Much attention of the public and human rights defenders was attracted by the criminal case against a 23-year-old resident of Navapolatsk, Andrei Haidukou, charged with high treason. There was no complete and accurate information, the details of the case were concealed from the people and Haidukou's lawyer had to sign the undertaking not to disclose any information related to the case. During the hearing, which was held behind closed doors, the Vitsebsk Regional Court reclassified the charges against A. Haidukou to Part 1 of Art. 14 and Art. 356-1 of the Criminal Code (attempt to establish cooperation with a special service, a security authority or intelligence service of a foreign state) and sentenced him to 1.5 years of imprisonment. During the investigation and the trial, there were violations of the principle of presumption of innocence, the right to protection and hearing by an independent and impartial tribunal. Even before the appeal of A. Haidukou was considered, the largest state-owned newspaper “Sovetskaya Belorussiya” printed some materials of the criminal case. This caused a legitimate criticism of the Belarusian human rights community and was qualified as a violation of the rights of the accused. This fact clearly demonstrated the political motivation in this case.

A great public interest was aroused by the civil proceedings for involuntary hospitalization and psychiatric treatment of Dr. Ihar Pastnou, after several video messages that contained criticism of the state of medicine in the Vitsebsk region were posted online. In August, the Vitsebsk District Court in a closed session satisfied the appeal of the Vitsebsk Regional Clinical Center for Psychiatry and Addiction (where Mr. Pastnou worked). The court session was held with serious violations of the principles of a fair trial. The verdict did not provide sufficient justification for the consideration of the case in the absence of Mr. Pastnou; it did not specify why exactly he was dangerous for the society and for himself and why leaving him without medical help could inflict substantial harm. The verdict does not contain any convincing arguments about the need for his treatment

and isolation. All these circumstances allowed human rights defenders to state the violation of the rights of Ihar Pastnou and unlawful psychiatric treatment and isolation. Despite the fact that I. Pastnou's appeal was turned down by the court, he was released from hospital and continued his career at the same workplace. To a large extent, the release of I. Pastnou from hospital was a result of the wide publicity received by the case both in Belarus and abroad.

A topical issue during the entire year was the arbitrary detention and administrative prosecution of citizens in connection with the peaceful exercise of their civil rights. More than 50 people served administrative arrests, mostly for participating in unauthorized mass events. At the same time, collecting signatures outdoors, handing out postcards with the images of political prisoners and even screening of a documentary in a village Palace of Culture (the case of a Slutsk activist Zinaida Tsimoshak), a bike carnival "Hipsters on Bikes" in Minsk and others were interpreted by the authorities as unauthorized mass events. Participants of both authorized and unauthorized mass events tended to be drawn to administrative liability under Art. 23.4 of the Administrative Code of the Republic of Belarus (disobedience to lawful demands of police officers). The courts didn't assess the legality of actions of the police officers. The cases of preventive detentions and arrests of youth activists remained a topical issue as well.

### **The death penalty**

The problem of the death penalty remained relevant. Human rights defenders became aware of four cases of death sentences: Ryhor Yuzepchuk — by the Mahiliou Regional Court, Pavel Sialiu — by the Hrodna Regional Court, Eduard Lykau — by the Minsk Regional Court and Aliaksandr Hrunou — by the Homel Regional Court. All convicts were found guilty of intentional homicide.

With regard to A. Hrunou, the death sentence was imposed twice: it was initially issued by the Homel Regional Court, then overturned on appeal by the Criminal Division of the Supreme Court for procedural reasons and sent back to the Homel Regional Court for a new trial. After that, the head of the state, Aliaksandr Lukashenka, said during a meeting with the Prosecutor General A. Kaniuk, "If you are a scoundrel and a bastard, and it is not the first time you kill someone, then what right do you have to live on this earth? I am not bloodthirsty, but retribution and punishment should be appropriate. Otherwise, we would never put things in order and never lower the temperature in this society. Grave crimes must be punished with maximal severity." These words, although they were not addressed directly to the judicial authority, can be considered as pressure on the court on the eve of the second trial. Soon the Homel Regional Court again sentenced A. Hrunou to capital punishment.

In November, publicity was given to the decision the UN Human Rights Committee on the case of Andrei Zhuk, executed by shooting in March 2010. Among other things, the HRC recognized violation of Art. 6 of the ICCPR, the right to life, against Mr. Zhuk. The complaint of his mother was registered at the HRC in 2009, and at the same time, the government of Belarus received a note of the UN High Commissioner for Human Rights requiring an extraordinary remedy. However, the death sentence was carried out before the consideration of the appeal by the Committee. It is worth noting that this is the second decision of the Human Rights Committee, which established violation of the right to life — the first was taken in the case of Uladzislau Kavaliou, executed by shooting together with Dzmitry Kanavalau in 2012. At the end of the year, four more individual communications of Belarusian death convicts were pending at the Committee: Vasil Yuzepchuk's (executed in 2010), Andrei Burdyka's and Aleh Hryshkavets' (executed in 2011) and Pavel Sialiu's (kept in the death row in remand prison No.1 in Minsk). The practice of the execution of death convicts before the consideration of their appeals by the Committee shows a gross disregard by Belarus of international obligations under the first Optional Protocol to the ICCPR.

Death sentences periodically caused public debate. The head of the Belarusian Orthodox Church, Metropolitan Filaret, also addressed this issue in his response to a letter from the mother of Pavel Sialiu, noting that “the Belarusian Orthodox Church is making efforts to prevent the execution of death verdicts in Belarus”.

During the year, activists of the campaign “Human Rights Defenders against the Death Penalty”, initiated by the BHC and the HRC “Viasna” a few years ago, took many efforts to raise the awareness of the issue of the death penalty. They released several movies and cartoons on this topic and organized the first music concert “Last Dawn” which united Belarusian musicians that support the idea of refusing from such a cruel and inhuman punishment.

### **Torture**

Revitalization of the work of human rights defenders in the direction of the fight against torture and other cruel and inhuman treatment helped to focus on this issue and receive a wide publicity.

One of the most publicized cases is the death of Ihar Ptsichkin in prison No.1 in Minsk after four days of detention. The injuries on the corpse gave the relatives serious reasons to suspect his murder. As a result of the interference of human rights activists from “Platform” in this issue, a great public resonance and a number of publications in the independent media, an examination was initiated on this case, ensuing a criminal case against a paramedic of prison No. 1 under

Part 2 of Art. 162 of the Criminal Code (improper performance of professional duties by a medic, which entailed the death of a person by negligence).

The Human Rights Center “Viasna” also learned about the case of Aliak-sandr Akulich, who died in the detention center in Svetlahorsk in May 2012, where he was serving an administrative arrest. The mother of the deceased and the human rights activists believe that the death was a result of lack of timely medical aid by the prison guards. Instead of calling an ambulance for A. Akulich, who was clearly in a morbid state, they used physical force and police gear towards him for a long time, which is confirmed by a corresponding entry in a special registry. Despite the obvious facts, the investigating authorities stubbornly refused to give any assessment and initiate criminal proceedings.

The attention of the HRC “Viasna” was also attracted by the situation of a prisoner of penal colony No. 15 in Mahiliou, Piotr Kuchura. In September, he was placed in solitary confinement, where bleaching powder was poured in the basin and in the toilet sink. The prisoner was not informed that the sewage did not work properly. When he opened the tap and the bleach dissolved in the water, there occurred a chemical reaction. As a result, the prisoner felt bad and started banging on the door demanding to call a plumber. The guards told him that they couldn’t call a plumber and called one only when he felt very bad. Despite the numerous appeals of the prisoner’s wife to various instances, the perpetrators of torture weren’t prosecuted.

These examples clearly witness the need to reform the penitentiary system. One of the main reasons for the presence of torture in places of detention of citizens is the lack of effective mechanisms of public control, as well as the lack of effective legal mechanisms to protect human rights in the country.

### **Freedom of speech**

The situation of freedom of speech and the right to disseminate and receive information didn’t improve in 2013, either.

One of the trends of the year was the continued practice of pressuring of independent journalists working for foreign media without official accreditation by prosecutors and the national security service (KGB). The pressure was mainly applied to the journalists who cooperated with the media that carry out broadcasting from Poland: Radio “Racyja” and the satellite TV channel “Belsat”.

There were registered cases of detention of journalists by law enforcement agencies while implementing their professional duties in covering various social events.

During the year, the authorities used various methods to restrict the right to disseminate and receive information, including through the use of legisla-

tion on counteraction of extremism. For instance, on 18 April, the Ashmiany District Court (Hrodna region) declared the album “Belarus Press Photo 2011” extremist. The case was initiated at the request of the KGB Hrodna Regional Department following the seizure of 41 copies of the edition by the Belarusian customs officers during an attempt of their import to Belarus. The “expert examination” appointed within the frames of the case by the Hrodna Regional Executive Committee concluded that the publication “contains deliberately distorted, untrue materials on the life of the Republic of Belarus in the political, economic, social and other spheres, offending the honor and dignity of citizens of the Republic of Belarus”. The Hrodna Regional Court turned down the appeal against this verdict, after which the latter entered into force.

Indicative is also the inclusion of the website of the Human Rights Center “Viasna”, [www.spring96.org](http://www.spring96.org), in the list of online resources with limited access. Back in 2010, the President issued Decree No. 60 “On Measures to Improve the Use of the National Segment of the Internet”, and the relevant regulation was adopted by the Operational and Analytical Center under the President and the Ministry of Communication and Information. These regulations provide for the possibility of putting Internet resources in the list of restricted access on such grounds as the promotion of extremism, pornography, etc. Soon, the Ministry of Information Communications published information about the inclusion in the list of a number of independent information resources: the websites “Charter’97”, “Belarusian Partisan”, the Human Rights Center “Viasna”. However, there were no official explanations of the reasons for it. Only as a result of a long correspondence with the various state agencies responsible for maintaining and making the list, it became known that the website of the HRC “Viasna” was put on the list of limited access in August 2011 by the General Prosecutor’s Office. Deputy Chairman of the Human Rights Center “Viasna” V. Stefanovich was officially informed about it by the Prosecutor’s Office and explained that the reason for such a decision was the absence of state registration of the organization and carrying out activities on behalf of an organization that had not passed state registration, which, according to the Prosecutor General, was the “propaganda of the acts prohibited by law”. The letter also reminded the human rights activist of criminal responsibility for activity on behalf of an unregistered organization established by Art. 193-1. Restricting access to social, political and human rights websites is a prime example of censorship in the country.

### **Changes in the Electoral Code ahead of local elections**

The elections to the local councils started on 16 December. The Electoral Code was amended on the eve of the campaign. This process took place in

an atmosphere of secrecy: the text of the bill was inaccessible to the general public, there was no extensive discussion of the proposed and then adopted amendments. Even the OSCE ODIHR, who arrived in Minsk at the official invitation of the Belarusian Foreign Ministry, had no opportunity to read the full text of the bill.

After the official publication of the adopted amendments, it became clear that they had nothing to do with the recommendations of ODIHR, but are mainly related to procedures of the organization of the electoral process and legalize the ban on calls for election boycott introduced by the Central Election Commission during the parliamentary elections in 2012. Such changes can in no way contribute to fair and transparent elections.

### **Human rights defenders**

In 2013, the situation of human rights defenders and organizations remained as complex as in the previous years. The authorities continued a focused long-term policy aimed at marginalizing the human rights community, which included pushing them out of the legal field, criminalization of unregistered organizations, creation of obstacles to internal and external funding, criminalization of foreign financing and others. All these measures created significant obstacles to the legitimate work of human rights organizations. A striking example of this repressive policy of the state is the imprisonment of the head of the HRC “Viasna” Ales Bialiatski, who continues to serve his sentence for his human rights activities in the Barbuisk colony.

There were cases of detention of human rights defenders and bringing them to administrative liability. In particular, Chairman of the human rights institution “Platform”, Andrei Bandarenka, was detained and sentenced to five days of arrest for an attempt to hold a picket in memory of Ihar Ptsichkin, who had died in prison No. 1 in Minsk. The members of the Council of the Human Rights Center “Viasna” Tatsiana Reviaka and Uladzimir Labkovich were detained while handing out postcards with pictures of Ales Bialiatski. Both of them were charged with violating the order of holding mass events and brought to administrative responsibility in the form of fines.

On 26-27 October, the Third Belarusian Human Rights Forum was held in Vilnius. The event was attended by representatives of Belarusian, foreign and international human rights organizations, and became a significant event for the Belarusian human rights community. The Forum showed that, despite the adverse conditions for the activity, the number of human rights organizations and initiatives had increased, as well as their activity and professionalism.

## International context

In the beginning of 2013, the Belarusian Foreign Ministry continued close contacts both with individual officials of the European Union and representatives of foreign ministries of individual European countries. This was a continuation of the policy of imposing official contacts between the Belarusian side and the EU, registered at the end of 2012. A number of meetings were arranged at various levels during the first four and five months.

In March, the European MP Justas Paleckis arrived in Belarus with the aim to prepare a report on the situation of human rights in Belarus. He made no secret that he came to look for positive sides to the situation in Belarus. The original version of the report caused sharp criticism from the Belarusian human rights community. As a result, the findings of the report were corrected to reflect the real situation in Belarus.

During the first half of the year, there were many calls for a dialogue between the EU and Belarus, the possible release of political prisoners as a first and fundamental step for the EU on the part of the official Minsk towards mutually beneficial cooperation. Sometimes there was the impression that the main initiator of increased interaction was the EU, not the authorities of Belarus: the official Minsk chose the tactics of waiting. The Belarusian authorities did not take any steps for removing the main obstacles to the dialogue (release of political prisoners) even after the unilateral exclusion of the Foreign Minister of Belarus Uladzimir Makei from the list of persons who were banned from entering the EU. Despite all expectations, the Vilnius summit of the Eastern Partnership didn't affect the desired course of the official Minsk, either. All "cautious optimism" concerning the positive steps taken by the Belarusian authorities completely vanished by the end of the year.

The evident economic and political support of the official Minsk by the Russian Federation considerably limited the ability of the EU to influence the political processes. During the year, the Belarusian authorities continued the policy of ignoring the international commitments in the field of human rights within the UN. As in the previous years, the authorities did not implement the Views of the UN Human Rights Committee on individual communications of Belarusian citizens and stated the termination of cooperation with another mechanism within the United Nations — the Working Group on Arbitrary Detention of the Human Rights Council. The corresponding statement was made by the Foreign Ministry of Belarus in connection with the decision of the Working Group in 2012, according to which the arrest of A. Bialiatski was recognized arbitrary, and the Belarusian authorities were ordered to immediately release him. A similar decision was taken by the Working Group on Arbitrary Detention in 2011 concerning the case of the presidential candidate in the 2010 elections Mikalai Statkevich.

Another “irritant” for the official Minsk was the mandate of the Special Rapporteur on the situation of human rights in Belarus, introduced in 2012 and extended in 2013 by the UN Human Rights Council. The official Minsk refused to recognize the mandate of the Special Rapporteur himself and take into account his reports. At the session of the UN Human Rights Council, which was held in Geneva from 27 May to 14 June, the representative of Belarus Mikhail Khvastou speaking on the results of a report submitted by Belarus noted that the country did not need a special rapporteur or other similar institutions. The same position was announced in October by representatives of the Foreign Ministry of Belarus during the presentation of the report by Miklós Haraszti at the UN General Assembly in New York. The Belarusian authorities denied Mr. Haraszti an entry visa to the country to study the situation with human rights. They also didn't invite to Belarus the UN thematic rapporteurs on human rights defenders, on arbitrary detention, the independence of judges and lawyers, and on torture.

Despite the policy of openly ignoring the UN human rights mechanisms by the official Minsk, in 2013 Belarusian human rights defenders continued active contacts both with the Special Rapporteur Miklós Haraszti and with other UN mechanisms, including within the framework of the Universal Periodic Review.

One of the examples of effective cooperation with the United Nations is a joint shadow report “Forced labor and pervasive violations of workers' rights in Belarus” by the International Federation for Human Rights and the Human Rights Center “Viasna”, submitted to the Committee on Economic, Social and Cultural Rights. The report came to the Committee on the eve of consideration of the report on the implementation by Belarus of the Covenant on Economic, Social and Cultural Rights. The report submitted by human rights activists contains an analysis of the national legislation in this area, describes the practice of forced labor and forced labor elements in a number of ways: short-term labor contracts, assignment of students, forced labor at national and local “subbotniks”, forced labor of military officers and forced work of “obligated persons” and the patients of activity therapy centers. Following the consideration of the reports in November, the UN Committee on Economic, Social and Cultural Rights made a number of important recommendations to the Government of Belarus. These include the abolition of forced labor of people with drug and alcohol addiction, who are kept in the activity therapy centers against their will, abolishment of the punitive approach and focus on social rehabilitation of persons who need care and support, providing citizens with the right to free choice of employment and ensuring fair and safe working conditions, abolition of forced labor as a punishment for persons deprived of their parental rights (obligated persons). The Committee also made recommendations concerning short-term employment contracts, noting that they should be revised.



## Situation of Human Rights in Belarus in January 2013

The first month of 2013 brought no changes in the human rights situation. Twelve political prisoners were still held in jail, the investigation of the cases concerning the disappearance of political opponents of Lukashenka in 1999 (Yu. Zakharanka, V. Hanchar and A. Krasouski) was again extended by three months, persecution and pressure on civil society and political activists, human rights defenders and independent media continued.

An important event for understanding the position of the authorities on the most acute issues related to human rights, especially the fate of political prisoners, was a press conference of Lukashenka for the Belarusian and foreign mass media. Being asked, "When will the political prisoners Autukhovich, Bialiatski and Dashkevich be released, as well as your opponent at the presidential election, Mikalai Statkevich?" he answered, "Yes, they can be. You can read in "Sovetskaya Belorussiya" what needs to be done for it. They will be released after serving their terms. They can be also released earlier — read the law. I have no opponents in prisons. Statkevich is not a rival for me..." What concerns the imprisoned head of the Human Rights Center "Viasna" Ales Bialiatski, A. Lukashenka pretended not knowing where he was. "Has he been released already or is he still in jail?" he asked rhetorically.

Evidently speculative were Lukashenka's statements concerning journalist Iryna Khalip, wife of the former presidential candidate Andrei Sannikau, sentenced to two years of imprisonment with a two-year deterrent. Her husband asked for political asylum in the UK shortly after his release from prison. Being asked why she could not go abroad to visit her husband, Aliaksandr Lukashenka said in his characteristic manner, "It was Iryna who refused to go — she understands that here she is a martyr, and no one would need her if she went, like her husband. Contact the Prosecutor General for more information." After the press conference, control over Iryna Khalip increased.

Despite the clear desire of Lukashenka to mask the painfulness of the problem of political prisoners, his statements once again confirmed that their fate is under the control of the state authorities and the issue of their release was under his personal control. During the press conference, Lukashenka spoke about the EU claims to the official Minsk. In his opinion, it was no use making a list of political prisoners by the West. "Well, but you also included bandits and hooligans there!" stated Lukashenka. He proposed that all issues be solved at a round table, noting that the normalization of relations was necessary only for him, not his opponents in Minsk.

In January, the Belarusian authorities continued their attempts to normalize relations with the Western countries, which is witnessed by the numerous meetings of the Minister of Foreign Affairs of Belarus, Uladzimir Makei, with the heads of diplomatic missions of the EU Member States, the Vatican, the US and Switzerland as well as a delegation of the Council of Europe led by the Director of the Private Office of the CE Secretary General Secretary Bjørn Berge, who arrived in Minsk on 14-15 January. Immediately after the meeting with the delegation of the Council of Europe, the former presidential candidate Mikalai Statkevich, who is serving a prison sentence in Mahiliou, was again asked to write a petition for clemency in the name of Lukashenka. The previous proposal was made to Mr. Statkevich six months before this.

### **Political prisoners, criminal prosecution of civil society activists**

As it became known on 2 January, Vasil Parfinakou hadn't been allowed to phone home since August 2012, when he had been put in the detention facility in Baranavichy. The arrest term of Vasil Parfinakou ended on February 9, 2013.

On 3 January the counsel was again not allowed to meet the civil society activist Andrei Haidukou, accused of espionage. Mr. Haidukou had been transferred to the KGB remand prison in Minsk from the Vitsebsk remand prison at the end of 2012. It was the third attempt of the counsel to meet with his client, rejected under the pretext that there were no "free rooms for meetings". It should be stressed that, according to the Code of Criminal Procedure of Belarus, counsels have the right of confidential meetings with their clients without any limitations. The repeated cases of non-admission of the counsel to the KGB remand prison gave rise to the fears that the prisoner might be subjected to torture. On this occasion, the initiative "Human Rights Activists against Torture" submitted a special appeal to the UN Special Rapporteur. The authors of the appeal ask the Special Rapporteur to demand explanations from the Belarusian authorities concerning non-admission of the counsel to Andrei Haidukou and recommend them ensure free and unimpeded access of the lawyer to his client.

On 9 January, Tatsiana Frantskevich reported about exacerbation of the stomach illnesses of her son, political prisoner Aliaksandr Frantskevich. On the New Year eve he spent ten days in the penal cell (all in all, in 2012 he spent there about one month). The mother worried about the health of her son, who has only one kidney, and prepared a parcel with medicines for him.

As it became known on 11 January, political prisoner Mikalai Dziadok was allowed just one meeting and one parcel a year. He was deprived of the additional number of parcels and meetings due to the transfer to the cell-type prison facility for alleged repeated violation of the prison rules in the Shklou penal colony.

On 1 January, political prisoner Eduard Lobau phoned his mother Maryna Lobava and said that he could be punished with the deprivation of a short meeting, which was scheduled for February.

At a press conference held on 15 January, Aliaksandr Lukashenka stated that Iryna Khalip refused to go abroad though she was given such an opportunity. On 24 January, Deputy Prosecutor General Aliaksei Stuk pointed that the sentence to I. Khalip did not contain a direct prohibition on foreign travels: "There are no obstacles to her going abroad based on the verdict. For this, she needs to apply to the agency which is responsible for the sentence implementation — the penal inspection of the Partyzanski District Police Department of Minsk, which conducts a preventive surveillance over her. She needed to file an application, which would be considered by the head of the inspection, who will then take a decision on it." Iryna Khalip gave the following commentary to these statements: "Stuk forgot to mention the main thing — there is a law about leaving Belarus, according to which all persons on probation or a suspended sentence are automatically entered in the list of persons prohibited from leaving the country. This is not mentioned in the sentence, because it is a separate legal norm. That's why all talks that I am free are nonsense." On 28 January, during a visit to the penal inspection (where she had to come to register every week), Iryna Khalip filed a request to be allowed to leave Belarus: "I request permission to leave for a week for the UK for a meeting with my husband and for one week to the Russian Federation to participate in the editorial activities of "Novaya Gazeta", a member of whose editorial staff I am."

As it became known on 16 January, Mikalai Statkevich was again demanded to write a petition for clemency. He stated it in a letter to his wife, Maryna Adamovich, and wrote that the proposal was formulated in the following way: "Stop playing cops and criminals, get released and go to the sea".

On 26 January, reports appeared of a disease that affected political prisoner Dzmitry Dashkevich, held in the Hrodna prison. "The medics diagnosed Zmitser with inflammation of the central nerve," said his wife Anastasiya Dashkevich. According to her, he couldn't move normally due to bouts of the disease and the prison medics had to give him injections of painkillers. "However, it just removes the symptoms and he will need a regular medical aid," noted Anastasiya Dashkevich.

## The death penalty

On 26 January, Liubou Kavaliova, the mother of the executed death convict Uladzislau Kavaliova, was informed by the UN High Commissioner for Human Rights that till 3 July they would be waiting for a reply of the Belarusian authorities on measures taken to implement the decision of the UN Human

Rights Committee on the case of her son. According to the appropriate ruling of the Human Rights Committee, Belarus must recognize that the right to life and defense, the presumption of innocence, the right to a fair trial and the right to judicial review were violated with regard to Uladzislau Kavaliou.

### **Enforced disappearances**

On 4 January, the United Civil Party reported about the preparation of an appeal to the Prosecutor General concerning the disappearances of the political opponents of Aliaksandr Lukashenka, Viktor Hanchar and Yury Zakhranka. According to the UCP leader Anatol Liabedzka, the party was going to use the case of Sergei Magnitsky, the auditor of the investment fund “Hermitage Capital Management” (who died in a remand prison in Russia, which resulted in the introduction of visa restrictions against the Russian officials who were involved in his death). A. Liabedzka stated that the UCP had the intention to draw public attention to the cases of the missing politicians, as far as the time limitation was to expire in 2014, after which the cases could be dropped. The UCP expressed an intention to file a detailed application to the Prosecutor General and demand answers on all questions concerning the disappearances, which had been asked back in 1999-2000 in connection with the disappearance of Lukashenka’s opponents.

### **Torture and other cruel and inhuman treatment**

The complaint of the student Maya Abromchyk, who had suffered from the violent actions of the riot police during the dispersal of the peaceful protest action on Nezalezhsnats Square in Minsk in the aftermath of the presidential election of December 19, 2010, was registered by the UN Human Rights Committee. The registration number is 2228/2012. The Belarusian courts did not want to punish the people who were guilty of inflicting a hard fracture of Maya’s leg, though their names could be seen in the detention report. The recovery took a year, Maya had three surgeries. In April 2011, the prosecutor of the Maskouski district of Minsk informed Maya Abromchyk that a criminal case had been opened on her complaint under Article 155 of the Criminal Code (infliction of hard bodily injuries by negligence) against an unidentified person. However, the police were not defendants in that case, though the results of the forensic examination held on request of the Prosecutor’s Office stated that the injuries could have been inflicted by something like a police baton.

On 14 January, a security guard of a Minsk parking lot Vasil Sarochyk appealed the ruling about the cessation of the criminal investigation against the officers of the Leninski District Police Department of Minsk who, according to

him, were involved in his beating. The appeal contains the conclusion of the lawyers of “Platform Innovation”, according to which “the prosecution did not take all statutory measures for comprehensive, complete and objective investigation of the facts of the criminal case, as a result of which there was made a groundless conclusion about the absence of corpus delicti in the actions of the officers of the Leninski DPD of Minsk”. The appeal was filed in connection with the dismissal of the criminal case concerning the beating of Sarochyk by the officers of the Leninski DPD at the end of December 2012. The beating took place on 14 November. According to Mr. Sarochyk, two policemen, one of them dressed in mufti, came to the checkpoint of the parking lot. Without showing their documents or introducing themselves, they told him to come to the Leninski DPD. Mr. Sarochyk spent about an hour at the duty department, after which he was taken for an interrogation. As it was found later, the interrogation was conducted by detective Zh. Bahdanouskaya. According to Mr. Sarochyk, she put his hands in hand-cuffs and then started beating him, demanding to admit to stealing gravestones that were stored in the parking lot, as well as diesel and batteries from cars. In addition, the guard was tortured to confess that he had repeatedly robbed stalls in the market “Svelta”. A. Lukashenka commented on this situation during a press conference on 15 January in the following way: “It made me excited. I ordered Piatkevich (Natallia Piatkevich, assistant to the President) to see to the case, and was informed on the same day that a woman had allegedly beaten him up... Frankly speaking, if a woman has beaten a man — I immediately lost interest in the subject. But you see — you have raised that question. The Prosecutor General will now have to do it. However, I know that there was nothing of the kind. You mustn’t blow up such things and reproach our police. It was not the way you present it, and the prosecutor will show and prove it to you.”

### **Persecution of human rights defenders and organizations**

On 5 January, the Leninski District Court of Hrodna considered the administrative cases against the Hrodna human rights defenders Uladzimir Khilmanovich, Viktor Sazonau and Raman Yurhel who had been photographed with portraits of the imprisoned human rights defender Ales Bialiatski and the Universal Declaration of Human Rights on December 10, 2012. The Hrodna police considered this media fact to be an “unauthorized picket”. All three cases were considered at one trial, conducted by Judge Vital Liatsko. The hearing lasted for about 2.5 hours. No evidence against the human rights defenders was given, no witnesses were found, all the charges were based solely on the reports and speculations of the police. In the end, Judge Vital Liatsko sentenced each of the defendants to a fine of 1.5 million rubles.

### **Politically motivated restrictions on freedom of movement**

On 21 January, the Maskouski District Court of Minsk dismissed the claim of the lawyer of the Belarusian Helsinki Committee Hary Pahaniaila to public authorities. Mr. Pahaniaila asked the court to exact 3 million rubles in his favor as a compensation for the moral damage to him due to improper inclusion in the list of foreign travel restrictions, and 300,000 rubles as a compensation of the court fee. The case was considered in presence of representatives of the defendants — the Ministry of Finances, Ministry of Justice and Ministry of Interior. H. Pahaniaila was banned from leaving the country on the grounds that he had allegedly been a debtor or a concerned party related to a debtor in a bankruptcy case. It took him three months to get removed from the list.

### **Pressurization of civil society and political activists by security services**

On 14 January, an activist of the “European Belarus” Yuliya Stsiapanava was attacked by unidentified men in plain clothes near the entrance of her house in Minsk at about 1 a.m., while walking home from a bus stop. The offenders used foul language, threw the girl down in the snow and cut her hair. Yuliya Stsiapanava reported having received anonymous threats for two weeks before the attack. She links the attack to her activities aimed at the assistance to political prisoners and the repressed. On 17 January, Yu. Stsiapanava underwent a forensic examination, as far as the offenders not only cut off her hair, but also broke her lip. She also applied to the Frunzenski District Police Department requesting to bring the perpetrators to justice.

### **Administrative prosecution of civil society and political activists, arbitrary detention**

On 10 January, the Kastychnitski District Court of Minsk sentenced an activist of the campaign “Tell the Truth” Sviatlana Volkava to five days of arrest. Two more activists of the campaign, Yury Fabisheuski and Aliaksei Marozau, were sentenced to ten days of arrest. Sviatlana was detained after leaving Fabisheuski’s apartment at 7 p.m. on 9 January. The guys were detained in the apartment 90 minutes later. The reason for the detention was the distribution of leaflets about the Civil Agreement.

On 15 January, the judge of the Pershamaiski District Court of Minsk Yury Harbatouski sentenced an activist of the civil campaign “European Belarus”, Uladzimir Lemesh, to a fine of 3 million rubles on charges of disobeying police. According to the young man, in the evening of 14 January he had planned

a number of important meetings related to an exhibition dedicated to letters of political prisoners. At about 4 p.m., he was detained in the Minsk metro by men in plain clothes. They had shown their police IDs, when he started calling for help. U. Lemesh was guarded to the Pershamaiski DPD and kept there till morning. He managed to phone his relatives in Salihorsk and inform them about his detention and whereabouts.

On 22 January, Anatol Liabedzka received by mail with a notification about a fine of 300,000 rubles, issued to him on 15 January by Judge of the Savetski District Court Dzmitry Paulichenka for “unauthorized picketing”. The trial was held in Liabedzka’s absence, he wasn’t summoned to it. The judge considered as “unauthorized picketing” the distribution of leaflets “The tough stance of the United Civil Party and its adherents on privatization of the state property. They stole the elections to sell the country”, conducted by UCP members near the Kamarouski market on December 19, 2012.

On 24 January, a “Young Front” activist Uladzimir Yaromenak came to the Pershamaiski DPD of Minsk to get registered. He is required to do so every Thursday by the rules of preventive supervision. At the DPD the activist was presented a court ruling according to which he was sentenced to 12 days of arrest for violation of these rules. U. Yaromenak told it to his comrades who came there and passed him the things he would need while serving the arrest in the detention center in Akrestsin Street.

On 24 January, a Navapolatsk activist Yauhen Parchynski was fined 500,000 rubles for holding an unauthorized mass event. In fact, he was just photographed with a portrait of the imprisoned head of the Human Rights Center “Viasna” Ales Bialiatki. The trial was conducted by Chairman of the Navapolatsk City Court Piotr Liauchonak, who decided that by such actions the defendant violated the Law “On Mass Events”. The photos taken on the stairs of the Navapolatsk City Court were considered as evidence of the violation.

On 29 January, the Navapolatsk City Court found Siarhei Malashonak, an activist of the organizing committee of the Belarusian Christian Party, guilty of holding an unauthorized action. The judge Zoya Balabolava sentenced him to a fine of 2.5 million rubles for being photographed with portraits of Ales Bialiatki, together with Yauhen Parchynski, at the entrance of the Navapolatsk City Court. Mr. Malashonak was also photographed at the entrance of the Navapolatsk City Police Department.

### **Restrictions on freedom of speech and the right to impart information, persecution of journalists**

On 11 January, the Brest Regional Prosecutor’s Office issued a warning to a UCP activist Alina Litvinchuk for work with foreign media without accredita-

tion. “I was warned about the inadmissibility of cooperation with foreign media without accreditation. They said they allegedly found some articles at Radio “Racyja” which had been allegedly written by me. I answered that I didn’t work for any foreign media and asked them to show evidence that I was the author of those articles,” said A. Litvinchuk. “However, they showed me just some printouts from the Internet and said that my authorship had been proven by a prosecutorial examination. However, I wasn’t familiarized with any documents concerning this examination.”

On 11 January, the national enterprise “Belposhta” (“Belarusian Post”) answered a collective request of more than 300 citizens of the Slonim district to create for the private socio-political edition “Hazeta Slonimskaya” equal conditions with state-owned newspapers by including it in the state distribution network. The answer was signed by the deputy director general for maintenance, Alena Skrypchyk. There she stated: “Your collective address filed to the national unitary enterprise of postal communications “Belposhta”, and also received from the secretariat of the Chamber of Representatives of the National Assembly of the Republic of Belarus concerning the inclusion of the newspaper “Hazeta Slonimskaya” in the subscription catalog, has been considered. I can tell the following about its results: Article 391 of the Civil Code of the Republic of Belarus (further referred to as CC) establishes that physical and legal bodies are free in the conclusion of agreements. According to part 3 of Article 2 of the CC, participants of civil legal relations acquire and realize their civil rights on their own will and in their own interests. They are free in the determination of their rights and duties on the basis of agreements and the establishment of any conditions of agreements, provided they don’t contradict the law. On the basis of point 1 of Article 17 of the Law No. 427-3 of the Republic of Belarus “On Mass Media” of July 17, 2008, distribution of mass media is conducted in conformity with the legislation of the Republic of Belarus by the legal body which implements the functions of the editorial board of the mass media, or on the basis of an agreement, concluded with distributors of media production. There is no agreement between “Belposhta” and the editorial board of the aforementioned edition, according to which this edition could not be included in the subscription catalog of the enterprise. As far as the duty to include any mass media in the catalog is not provided by the legislation, the choice of printed editions for the catalog with the aim of their further distribution by subscription is the right of the national unitary enterprise “Belposhta”, exercised by it in conformity with the legislation. On the basis of the aforesaid, the distribution of the printed edition “Hazeta Slonimskaya” must be conducted directly by its editorial board.” It’s worth mentioning that this situation has a long story — it has lasted since the beginning of 2006, when “Hazeta Slonimskaya” and a number of other independent printed edi-



tions were excluded from the list of the centralized subscription of “Belposhta”. On 26 January, it also received an answer from the Ministry of Information of Belarus, signed by Deputy Minister U. Matusevich, who said he had no right to interfere in the business activities of commercial organizations.

### **Restrictions on freedom of assembly**

On 9 January, the UN Human Rights Committee recognized a violation of the right to freedom of expression against a retired woman from Vitsebsk, Antanina Pivanos. The case concerned the events of March 25, 2008, when she brought embroidery with the words of the prayer “Our Father” to the so-called “Blue House” in order to congratulate the opposition activist Barys Khamaida on the Freedom Day. The police regarded the embroidery as an opposition poster, as a result of which the Chyhunachny District Court of Vitsebsk sentenced Antanina Pivanos to a fine for “unauthorized picketing”. The appeals to the Vitsebsk Regional Court and the Supreme Court brought no results. The UN Human Rights Committee issued a positive decision on Antanina’s case. According to it, Article 19 of the Covenant on Civil and Political Rights was violated in relation to her. According to part 2 of this article, citizens of the countries which ratified the Covenant (including Belarus) have the right to free expression of their views. The Belarusian authorities must pay the woman a compensation including the reimbursement of the court expenditures, and return the confiscated items.

On 19 January, a number of Navapolatsk activists intended to file another appeal for holding a picket of solidarity with political prisoners and against the impoverishment of the Belarusian population. Before this, they had received three refusals with reference to a failure to present service contracts with the police, medics and public utilities. This time the activists decided to enter into such contracts. On 5 January, they applied to the police and were proposed to write an application to the head of the police department in a free form. Four days after this, they came to the police again to ask about the results and discovered that nobody had considered it. When the application was finally passed to the head of the Navapolatsk City Police Department D. Radziankou, he stated that it was composed in the wrong way and could not be considered. At the same time, the official refused to explain how to compose the appeal correctly. The city medics were dissatisfied with the form of the agreement as well, though the text was composed by them. According to the text of the agreement of December 27, 2012, the medical services were to be paid for after the event. However, two weeks later Siarhei Malashonak received a notice from the city hospital, saying that the agreement was “annulled due to the uncoordinated and contradictory manner of payment”.

## Restrictions on freedom of association

On 3 January, there appeared public information about persecution of the public association “Good Will” (“Dobraya Volia”). The Ministry of Justice asked the organization to convene another constituent assembly, declaring the previous one invalid. As stated by the head of the public association Leanid Skarabahaty, the officials had no opportunity to check whether the assembly was really held because they ignored it. “Good Will” specializes in the protection of children, particularly orphans. In 2011-2012, members of the NGO discovered abuses and violations concerning adopted children and orphans on the part of the Ministry of Education. The prosecution of “Good Will” has lasted since May 2012 on a lawsuit of the Ministry of Education.

On 5 January, Aleh Stakhayevich, the head of the independent trade union at “Granite” in Mikashevichy, stated that the number of union members had dropped significantly as a result of persecution from the side of the plant administration. In particular, in early 2012, the union included about 300 people, whereas by the beginning of 2013 there remained just a dozen activists. The main reason was that the “Granite” administration continued persecuting them, threatening with dismissals. In particular, the treasurer of the trade union, Anatol Litvinka, was forced to write explanatory notes almost daily. The administration was doing everything possible to create unbearable conditions, waiting for him to quit the job. One more activist, Leanid Dubanosau, was put before a choice: he could either take away the documents for payment of the trade union fees from the accounting department of “Granite”, or they would find reasons to fire him.

As it became known on 8 January, the civil initiative “Khopits Pits — Treba Zhyts” (“Stop Drinking — Start Living”) faced obstacles when trying get a legal status. According to the initiative’s activist Kanstantsin Zhukouski, at first, they faced the trouble of getting a legal address. “For instance, we find ads about provision of a legal address, we phone, and we promised to be provided with a legal address, and then we receive refusals for various reasons. Afterwards, we filed documents to the Tsentralny District Executive Committee of Homel in order to get the legal address registered at the place of my residence. The answer was that it was “an improper use of a dwelling house or its part”. According to the law, it is possible on permission of the people who dwell in the house. But this is where the trouble started,” explains the activist. The authorities answered him that his application would be considered by the chief architect of the Tsentralny District Executive Committee. The administration also wrote that “you need to receive an agreement of the organizations, enumerated in part 4 of Article 8 of the Housing Code” (town-planning organs, the sanitation service and the fire security). “There are no such demands in the law. These are the artificial obstacles which are created to us,” stated Mr. Zhukouski.

## Situation of Human Rights in Belarus in February 2013

Though the situation of human rights remained stably bad in February, an important event concerning the situation of political prisoners took place. On 9 February, Vasil Parfiankou, a defendant in the “case of December 19, 2010”, pardoned in 2011 and convicted in 2012 for violation of the conditions of preventive supervision, was released from the detention facility due to the end of the six-month arrest term. However, this fact brought no changes for the overall situation of political prisoners, as it could by no means be considered as a manifestation of changes in the attitude of the Belarusian authorities to political prisoners. Eleven prisoners of conscience were still held in Belarusian prisons.

The European Union reiterated its position and continued to insist on the release of political prisoners as a precondition of the restoration of a political dialogue with the official Minsk. Belarus, in its turn, showed a reluctance to meet these requirements, at the same time building up contacts with European structures and diplomatic missions of the EU, which could indicate a desire for a dialogue, but on pragmatic terms. On 13 February, following negotiations with European Commissioner for Enlargement and Neighborhood Policy Štefan Füle in Tbilisi within the framework of the two-day round of talks at the ministerial level between the EU and the member countries of the EU “Eastern Partnership”, the Minister of Foreign Affairs of Belarus Uladzimir Makei stated that only engagement in the European integration process, not isolation, could help the country to become democratic. At the same time, commenting on the results of these negotiations, Füle said, “Belarus is one of our partners. Unfortunately, Belarus is our only partner with whom we have no legal basis for a strong bilateral relationship, as with other partners. In such circumstances, the EU can only occasionally point out that in Belarus there is the prospect of the development of relations enjoyed by our other partners. The prerequisite for this development is the release of political prisoners.”

During the month, the leaders of the Belarusian Foreign Ministry kept looking for opportunities to establish contacts with European diplomats. On 7 February, Foreign Minister of Belarus Uladzimir Makei received the Ambassador Extraordinary and Plenipotentiary of the Republic of Latvia Michails Popkovs. As a result, the Belarusian side spread the information that the results of bilateral cooperation in 2012 in the political, trade and economic spheres were summed up during the meeting and the interest in maintaining the dynamics of the development of relations between Belarus and Latvia was expressed. According to the Belarusian Foreign Ministry, on 21 February Mr. Makei and

Finland's Ambassador to Belarus Harri Mäki-Reinikka discussed the state and prospects of bilateral cooperation and interaction in the region of Northern Europe. "There was an exchange of views on the subject of the development of relations between Belarus and the EU, as well as other issues on the international agenda."

The public information of the Foreign Ministry of Belarus had no references to the fundamental condition for the resumption of the EU's dialogue with the official Minsk, but it is possible that it was voiced by European diplomats at the meeting. An indirect confirmation of the fact that the Belarusian authorities had to react to the position of the EU was the increased pressure on political prisoners in order to force them to write a request for clemency to the President. Most likely that in such a way the Belarusian authorities were trying to implement the EU condition and at the same time to save their own reputation by extorting clemency petitions from political prisoners.

The official Minsk continued the policy of non-recognition of the mandate of the Special Rapporteur on the situation of human rights in Belarus, established by a resolution of the Human Rights Council in July 2012. During his meeting with Belarusian journalists in Kyiv on 18 February Miklós Haraszti, who was appointed to the position of Special Rapporteur, said he had asked for a Belarusian visa several times, but hadn't received a positive answer. According to him, he had only been able to meet with representatives of Belarusian civil society while working on the report which was to be presented to the UN Human Rights Council in June 2013. All these meetings were held outside Belarus.

At the same time, the Belarusian Foreign Ministry continued criticizing human rights mechanisms and bodies of the United Nations. On 25 February, during the 22nd session of the UN Human Rights Council, the Permanent Representative of Belarus to the United Nations in Geneva Mikhail Khvastou criticized the current state of affairs in the Council. He noted that there were "numerous problems in the human rights body: selectivity, a serious imbalance in the consideration of human rights violations in different regions, lack of awareness of human rights issues in countries that have positioned themselves as "advanced democracies", the promotion of controversial human rights concepts, etc." Speaking about the readiness of Belarus to "help bridge these gaps", the diplomat at the same time expressed no desire to allow the Rapporteur to visit Belarus, so that the latter could get acquainted with the state of human rights and thus have a comprehensive view of the situation in the country, in order to later put it in his report. Mr. Khvastou offered to focus on human rights violations in other countries, including through the "presentation of our annual country reports on resonant human rights violations in specific countries". The first such report appeared under the auspices of the

Ministry of Foreign Affairs of Belarus in February, providing information on human rights violations in 23 European countries, USA and Canada. The MFA stated that the purpose of the report was to draw attention to human rights violations in countries that traditionally identified themselves as “advanced democracies” and demonstrated their non-compliance with the international legal obligations. By this report, the Belarusian Foreign Ministry tried to distract the attention of the international human rights community from the situation of human rights in Belarus and to switch criticism to other countries, at the same time avoiding the recognition and solving of internal problems.

### **Political prisoners, criminal prosecution of civil society activists**

On 2 February, during the first telephone call from the Mahiliou prison for eight months, activist of the anarchist movement Mikalai Dziadok stated that he had been examined at the prison hospital, diagnosed with a chronic stomach illness and assigned a course of medical treatment.

On 3 February, it became known that the Norwegian parliament nominated the imprisoned human rights activist Ales Bialiatski for the Nobel Peace Prize. In February, Henk Hulshof, European Coordinator of Amnesty International, and Harry van Bommel, MEP, met with the Ambassador of Belarus in The Hague, Alena Hrytsenka, to pass her 84,000 signatures collected in support of Ales Bialiatski, along with a gold coin engraved with a portrait of the political prisoner and the inscription “Freedom for Ales Bialiatski”. On the same day a book by Ales Bialiatski, “Enlightened by the Belarusian Issue”, which included his literary articles and essays, was issued. Ales Bialiatski started writing the book in 2011 at large and continued to work at it after his arrest, in the prisons of Minsk, Babruisk and Zhodzina. On 13 February, it was announced that Ales Bialiatski was denied visits, which he was to have received in the following six months. This information was confirmed to the prisoner’s wife Natallia Pinchuk by the administration of Babruisk penal colony No. 2 where Ales is held. Before that, in 2012, the imprisoned head of the HRC “Viasna” was deprived of one short (out of three) and one long (of two possible) visits with family members. The short meeting was to have taken place in April, and the long one was scheduled for 21 August. Increased pressure on Ales Bialiatski may be connected with the attempts of the Belarusian authorities to extort a clemency petition from him.

As it became known on 3 February, ex-presidential candidate Nikolai Statkevich, who is serving a prison sentence in Mahiliou, received the first food parcel within a year. The wife of the political prisoner, Maryna Adamovich, noted that the prison administration had not accepted some of the foodstuffs, mostly vegetables and herbs, as well as honey, citing sanitary rules as the rea-

son. On 11 February, Mr. Statkevich phoned his wife Maryna Adamovich and stated that another wave of provocations against him had started. A former intelligence officer, known for a very tough attitude towards inmates, humiliation and beatings, was put in his cell. A few days later, it became known that the man didn't stay in the cell for a long time. He apologized to M. Statkevich after seeing to the situation and asked to be transferred to another cell. At the same time, at the press conference of 12 February, Deputy Prosecutor General of Belarus Aliaksei Stuk said that the prison conditions of ex-presidential candidate Mikalai Statkevich and human rights activist Ales Bialiatski were the same as those of all other prisoners.

On 4 February, during a ten-minute call home from the Mahiliou penal colony, political prisoner Artsiom Prakapenka told his mother Vyaleta Prakapenka that he had returned to work after bronchitis, but didn't feel quite well, and the workshop was very cold. The prisoner asked his mother to send him vitamins.

On 6 February, it became known that entrepreneur Mikalai Autukhovich, who is serving a prison sentence in Hrodna, couldn't solve the problems that had arisen due to poor dental prosthesis, made in the Ivatsevichy penal colony. Toothache accompanies his entire sentence. According to his former lawyer, Pavel Sapelka, they plan some steps to get the problem solved. As it became clear from Autukhovich's letter to civil society activist Leanid Haravy, he was not going to apply to A. Lukashenka for clemency. Noting that the President expected the prisoners to write at least three words: "Please, release me," the political prisoner wrote that he wouldn't get even these three words from him.

At about 11 a.m. on 9 February, political prisoner Vasil Parfiankou was released from the detention facility of Baranavichy remand prison No. 6, where he had served a six-month sentence for violating the terms of preventive supervision. After his release, he was met by his friends and associates, human rights defenders, activists from Minsk and Baranavichy. Mr. Parfiankou told reporters that he had been waiting for this day. He didn't complain about the prison conditions and said that he knew the situation in the country, as he regularly read newspapers. He also said that he received many letters (on some days even a few hundred), from Belarus and abroad, thanked everyone for their support. When asked if he was going to stop social activities, Parfiankou said no. What concerns his life in the house of detention, Mr. Parfiankou said that his cell was spacious, and some 6-8 people were serving arrest with him.

On 11 February, a "Young Front" activist Eduard Lobau phoned his mother Maryna Lobava and told that he had received a permit for a short meeting, the possibility of which had previously been under threat because of a violation charges he faced. On 14 February, M. Lobava had a short meeting with

her son, speaking to him through a glass barrier. Despite the fact that Eduard Lobau was serving his sentence in a penal colony, he said that the conditions resembled those of a prison. The political prisoner's mother said that in recent months her son had some minor violations, but only preventive talks were used as punishment. She also emphasized that the opportunities for self-development of prisoners were rather limited.

On 11 February, civil society activist from Navapolatsk Andrei Haidukou, accused of high treason in the form of intelligence activity, had a meeting with his lawyer in the KGB jail. According to the detainee's mother, Volha Haidukova, the meeting lasted several hours and was the first one since the transfer of her son to the KGB remand prison in Minsk. "The lawyer came to him at ten o'clock and talked with him till afternoon, but he doesn't tell any details". The lawyer was only able to say that Andrei was well, looked good and said that he was healthy. Before this, the lawyer could not meet with his client: the permission was given, but the meeting did not happen as the KGB prison allegedly was short of the meeting rooms. On 19 February, the Human Rights Center "Viasna" and the Belarusian Helsinki Committee issued a statement in which they demanded transparency and compliance with all procedural norms in the case of Andrei Haidukou, providing him with adequate protection and realization of his rights in accordance with the Belarusian legislation and international obligations. On 28 February, civil society activist Yauhen Kanstantsinau was questioned on Haidukou's case at the KGB's Minsk office.

On 14 February, wife of former presidential candidate Andrei Sannikau, journalist Iryna Khalip was allowed to temporarily leave Belarus. "I was called to the penal inspection of the Partyzanski District Police Department where I am registered. The head of the penal inspection Natallia Kaliada informed me that my application was approved, and I could visit my husband and the editorial office of "Novaya Gazeta" before 3 April," said Iryna Khalip. "But my status remains unchanged. I am still an arrestee awaiting a trial in July, at which they will decide what to do with me." On 18 February, I. Khalip came to be registered at the Partyzanski District Police Department. However, in the room of the head of the criminal executive inspection she was met by another official — the head of the supervisory and executive department of the Main Police Department of the Minsk City Executive Committee Aliaksandr Kupchenia. "Instead of giving me the register for putting my signature, Kupchenia asked when exactly I was going abroad. I explained that I hadn't determined the day of my travel to husband yet, as far as my child was ill. Then Kupchenia started shouting: "We have opened the border for you, and you refuse going. Tell me the truth, you didn't intend to go anywhere. You didn't think you'd be given permission. And we did it, contrary to your expectations. Take your child, go there and get political asylum, but do not come back here! You

are not needed here! You only distort facts!” Obviously, the sputtering colonel shouted somebody else’s words. HE didn’t he realize he was blatantly violating not only the law, but also the duty instructions? After all, he threatened me and openly provoked to a violation of the regime of sentence. And he didn’t do it somewhere in the street, he did it in the penal inspection, while performing his office duties. Now I understand that they just want to expel me from the country, like it was done with dissidents in the USSR,” said the journalist.

On 18 February, it was reported that Ihar Alinevich got the first food parcel since May 2012. His mother Valiantsina Alinevich said she had a short meeting with her son. V. Alinevich noted that the administration kept prohibiting Ihar to study in the vocational school in Navapolatsk penal colony No. 10 for the third year already. “Despite the fact that my son has a higher education, he is committed to further development. In order not to waste time, he tried to get permission to study at the vocational school in the colony. It’s also a chance for him to feel like a man sitting at a desk in a warm room, which cannot be done in prison. But the administration has repeatedly denied Ihar this opportunity without explaining its decision. I should say that other prisoners were allowed to study,” commented the woman.

On 19 February, Tamara Vaskovich, grandmother of an activist of the organizing committee of the party “Belarusian Christian Democracy” Yauhen Vaskovich, stated she hadn’t received letters from him for more than a month. After the end of the trial, he was kept in the penal cell for almost every fourth day. Since May 2011, he had 40 penalties and was put in the penal cell more than 20 times, spending more than 150 days there.

On 19 February, it became known that political prisoner Aliaksandr Frantskevich was placed in a penal cell in the Ivatsevichy penal colony for 20 days. This was reported by his mother Tatsiana Frantskevich. This is the fourth case since the moment of imprisonment, last time he was kept in the penal cell for ten days was before New Year. “Harder conditions of detention are created for those who refuse to write clemency petitions for Lukashenka. This is done in order to undermine their moral strength and will,” said T. Frantskevich. She says the son started having problems with his stomach in jail, that’s why she prepared a medical packet for him. A long meeting with the son was appointed on May.

### **The death penalty**

On 11 February, Liubou Kavaliouva, the mother of Uladzislau Kavaliou executed by shooting on charges of terrorism, was declared “Person of the Year 2012 in Vitsebsk”. The woman is an active advocate of the abolition of the death penalty in Belarus.



On 13 February, it became known that the review of an appeal filed in September 2012 against the death sentence to Uladzislau Kavaliou was still pending. Counsel Stanislau Abrazei applied to the head of the Supreme Court with a demand to immediately consider it.

### **Enforced disappearances**

On 12 February, representatives of political parties, social movements and human rights organizations met to develop a common tactics that would allow to prevent the closure of the criminal cases concerning the disappearance of the former Interior Minister Yury Zakharanka, politician Viktor Hanchar, businessman Anatol Krasouski and journalist Dzmitry Zavadski. The cases could be closed due to the expiry of the terms of investigation. BHC lawyer Hary Pahaniaila reported that relatives of the missing persons and their officials had prepared a petition to Prosecutor General of Belarus with a request to extend the investigation of these cases. Deputy Chairman of the Human Rights Centre “Viasna” Valiantsin Stefanovich identified three main sets of actions: 1. legal actions under the national law and 2. international ones, including the presentation of complete and accurate information to the UN Special Rapporteur on Belarus, Miklós Haraszti, and the use of other instruments, including the UN Human Rights Committee, 3. informational ones, designed to work with the community and public opinion. The meeting participants approved the idea of a national report on the missing persons and its broad presentation, creation of professional documentaries, and a wide collection of signatures by means of electronic petitions.

### **Persecution of human rights defenders and organizations**

On 7 February, Hrodna human rights defender Uladzimir Khilmanovich was detained by the border guards and customs officers of the border crossing point “Bruzgi” while returning from Poland by a Bialystok-Hrodna shuttle. His belongings were searched, after which the human rights defender had to wait for about an hour to receive a copy of the search report. Then he received his passport, they put on another bus and finally allowed to continue his trip after a 2.5-hour detention on the border.

On 17 February, Hrodna human rights defenders Uladzimir Khilmanovich, Raman Yurhel and Viktor Sazonau filed review complaints to the Chairperson of the Hrodna Regional Court against verdicts of the Hrodna City Court and the Hrodna Regional Court which confirmed the legality of their administrative punishment for publishing photos on the web, which was qualified as an unauthorized picket. The human rights defenders had been sentenced to

administrative fines of half a million each for the photos in which they could be seen holding portraits of political prisoner Ales Bialiatski, head of the Human Rights Center “Viasna”.

On 25 February, officers of the Ministry of Dues and Taxes of the Republic of Belarus came to the office of the Belarusian Helsinki Committee without any warning. They passed to the head of the organization, Aleh Hulak, a warrant for arrest and/or seizure of property and a notice about the actions aimed at identifying the property of the payer. BHC had to pay to the budget over 284 million Belarusian rubles in taxes and penalties for the grants from the European Commission which were received in 2002-2003 and were exempt from taxes.

### **Pressurization of civil society and political activists by security services**

On 14 February, the Frunzenski District Police Department of Minsk refused to open a criminal case against the unidentified people who had assaulted activist of “European Belarus” Yuliya Stsiapanava. In the official response to Yuliya Stsiapanava it was stated that there was no criminal corpus delicti in the actions of the offenders and they could only be punished with up to 15 days of arrest under the Code of Administrative Offenses. In the document received by Yuliya, it is also stated that the actions of the strangers manifest a hostile attitude to her social activities. An activist said that the police admitted political implications of the case, but they were not going to look for the criminals and bring them to the proportionate liability. The activist applied to the police after being attacked by unidentified people in the night of 14 January near the entrance to her house. The offenders used foul language to express their attitude to her political convictions and activities in support of political prisoners, threw her in the snow with her face down and cut her hair.

### **Administrative prosecution of civil society and political activists, arbitrary detention**

On 1 February, civil society activist Ales Mekh was detained in a queue for fluorography. An officer of the local police department, Anatol Dzhyha, didn't like Mekh's private conversation with a neighbor about the new loans taken by Belarus. A. Dzhyha took him out of the queue, then to the street and called the KGB. Instead of the expected KGB car there arrived a police car which took them to Kobryn District Police Department. A KGB officer came up to Mr. Mekh and started speaking about something that had nothing to do with the aforementioned situation. The activist told him that he needed to know the

Belarusian language and speak it if he defended the state security. The talk with the KGB officer ended, and Mr. Mekh was taken to an office room where he was told to write an explanatory note. He wrote that an unknown man in mufti who hadn't introduced himself took him out of the queue.

In the night of 1-2 February, about ten policemen in mufti came to a Minsk club "6 A", a place of gatherings of LGBT community, for the third examination during the last month. They put down the passport data of the present people, about 40 of whom were detained for identification. All of them were guarded to the police department. One of the boys, who demanded that the police officer introduced himself, was forcibly dragged to the bus and then fastened to the seat with handcuffs. All detainees were forbidden to use mobile phones and promised to be kept at the police department till evening. The pressure on the LGBT community in Belarus started about a week after the submission of documents for registration of a LGBT organization to the Ministry of Justice.

On 5 February, activist from the city of Biorozauka, Vitold Ashurak, received a notification from the Lida District Court, according to which he was to pay 150,000 rubles in legal expenses incurred by the Svislach District Court. The case was related to his arrest on October 27, 2012 for holding a white-red-white flag during a memorial action in honor of the insurgents of 1863 and a subsequent arrest for three days by verdict of the Svislach District Court. Mr. Ashurak paid the expenses for foodstuffs during the prison term in the due time. However, now he is also required to pay for the court expenses related to the trial. Before this, Vitold Ashurak received an official letter stating that he had to pay 78,000 rubles for detention in December 2010, the cost of which was recalculated, as a result of which some strange surcharge was imposed.

On 7 February, an "Alternative" activist, Dzmitry Silchanka, was sentenced to ten days of arrest by the Savetski District Court of Minsk under Article 23.34 of the Administrative Code, violation of the order of organization or holding of mass events, for participating in a flash mob dedicated to the official unemployment rate in Belarus. On 29 January, activists of "Alternative" fixed to the fence near the Kamarouski market some improvised mannequins which symbolized the unemployed, holding posters: "Like the other 1.5 million Belarusians, I'm going to work in Moscow", "The authorities ignore me", "I cannot buy anything at the market" and others. The activists were summoned to the police station for a preventive conversation. Only Dzmitry Silchanka went there, whereas all others refused to come to the DPD without their lawyers.

On 12 February, the Minsk City Court considered an appeal of a Salihorsk activist of the public initiative "European Belarus" Uladzimir Lemesh against the verdict of the Pershamaiski District Court of Minsk, according to which he was fined three million rubles for allegedly disobeying policemen in plain clothes. The trial lasted just fifteen minutes, the complaint was turned down.

On 16 February, Vitsebsk members of the organizing committee of the Belarusian Christian Democracy party Aliaksei Kishchuk and Stanislau Laurenau were detained for an action of solidarity with political prisoners and taken to the Kastychnitski District Police Department. The action took place in the center of Vitsebsk, near the Summer Amphitheater. Aliaksei Kishchuk and Stanislau Laurenau unfurled a banner with the word "Freedom!" and took out portraits of political prisoners. That's all they managed to do, as a police car arrived several minutes after it. The detainees were charged under Article 23.34 of the Code of Administrative Offenses, participation in an unauthorized mass event. The trial started on 18 February. Before that, the activists were held in a remand prison. The hearings were postponed till 21 February, as the defendants solicited for being provided with a lawyer. On 21 February, Judge Ina Hrabouskaya of the Kastychnitski District Court of Vitsebsk sentenced Stanislau Laurenau and Aliaksei Kishchuk to fines of 3 million rubles, finding them guilty of holding an unsanctioned rally. At the trial, both activists plead not guilty, trying to prove they just expressed their opinions.

On 20 February, Aliaksandr Kalyshka, head of the public association "Polish Culture in the Lida Area", was tried at the Lida District Court for laying flowers and lighting candles on the place of the burial of priest Adam Falkouski. Judge Siarhei Pipko found the activist guilty of organizing an unauthorized rally. On 22 February, Mr. Kalyshka was sentenced to a fine of 2.5 million rubles.

On 21 February, sculptor Henik Loika held a one-man picket at the entrance to High School No. 4 in Minsk, protesting against the Russification of Belarusian-language schools. He unfurled a poster "Happy Mother Language Day! High School No. 4 was the last one with the Belarusian language of teaching." The sculptor was detained on the way home. On the same day, the Frunzenski District Court of Minsk charged him with participating in an unsanctioned rally and sentenced him to 5 days of arrest.

At about 1 p.m. on 24 February, about ten activists of cultural and educational movement "European Action" were detained in the Vesninka suburb of Minsk where they gathered to take part in an organized jogging. A police bus was waiting for them near "Minsk-Arena". The police accused the activists of hooliganism. The detainees were kept in the detention center in Akrestsin Street during the night before the trial. The court hearings were held behind closed doors. Anatol Naumovich was sentenced to 15 days of arrest, all others received 10-15 days of arrest. One of the activists pleaded guilty at the trial and was sentenced only to 2 days of arrest.

On 25 February, the Pershamaiski District Police Department demanded that former political prisoner Mikita Likhavid served 10 days of administrative arrest for participation in the protest rally of December 19, 2010. Local police inspector told Mr. Likhavid that he was to come to the delinquents' isolation

center in Akrestsin Street on his own. According to him, he got an appropriate document from the Pershamaiski DPD, not only concerning Likhavid, but also concerning many other people who hadn't served arrest terms till the end. The paper explains that there are no time limitations for such cases. Mikita Likhavid regarded such decision as unlawful, as far as more than two years had passed since the issue of the verdict. Moreover, he served a prison term for the participation in the aforementioned rally, and no one can be punished twice for the same violation.

On 28 February, one of the leaders of the youth organization "Zmena" Pavel Vinahradau was sentenced to 7 days of arrest by Judge Yauhen Khatkevich of the Maskouski District Court of Minsk for violation of the regime of preventive supervision. The matter was that on 22 February Mr. Vinahradau took part in a party dedicated to the third anniversary of the establishment of the civil initiative "Tell the Truth" in "Zhuravinka" restaurant, whereas the rules of preventive supervision prohibit visiting the places where alcoholic beverages are served — cafes, restaurants and bars. Pavel Vinahradau was arrested on 28 February, when he came to the police for weekly registration, and was immediately taken to court. He didn't deny being present at the party.

### **Restrictions on freedom of speech and the right to impart information, persecution of journalists**

On 4 February, the Ministry of Information refused to re-register the "ARCHE" magazine with the new founder. According to Acting Editor of "ARCHE-Pachatak" Ales Pashkevich, this time the ministry was dissatisfied with the procedure of filing the documents, although it completely repeated the previous attempt.

On 6 February, the first day of the International Book Fair in Minsk, the presentation of a new novel by Uladzimir Niakliayeu was to have taken place at the stand of the Polish Embassy among the books which were on the short-list of the Giedroyc Literary Prize. The organizers of the exhibition came up to the staff of the Polish Embassy and prohibited to hold the presentation of Niakliayeu's book, but it was started in an improvised manner. Soon the host, poet Andrei Khadanovich, was approached by the guards who gave him five minutes to curtail the presentation. At the same time, an autograph-session of Uladzimir Niakliayeu was prohibited at the stand of the "Lohvinau" bookstore.

On 14 February, Chairman of the BPF's Vitsebsk regional branch Leanid Autukhou addressed the head of the TV company "Vitsebsk" Anatol Kamovich with a proposal to create a new TV show of socio-political orientation. In response, A. Kamovich sent a polite refusal, citing lack of funding. "Your offer is very sensible, but the creation of new projects is not planned this year due to

lack of funds,” stated the head of the TV company in his answer. According to L. Autukhou, such a program on television would be fully consistent with the declared right to free access to information, which supposedly exists in Belarus. Meanwhile, Vitsebsk TV hasn’t had such a program for many years, and not for financial reasons, but for ideological ones.

On 15 February, it was announced that Belarus was among the ten most censored countries. The conclusion was made by the International Committee to Protect Journalists (CPJ). CPJ notes that Aliaksandr Lukashenka rules one of the most “censored” countries in the world, continuing the policy of suppressing critical journalism and freedom of opinion.

On 18 February, an independent cameraman Aliaksandr Barazhenka was asked to appear in the Minsk City Prosecutor’s Office on 20 February “within the framework of an examination”. A notice was sent to the place of Barazhenka’s official registration. During the conversation at the Prosecutor’s Office Barazhenka was asked about his work for the TV channel “Belsat”, but refused to explain anything, referring to Article 27 of the Constitution, which allows citizens not to testify against themselves. “I was given a paper which said that I allegedly violated the law working for foreign media without accreditation, being a member of the “Belsat” staff. I do not agree with this warning, as such provisions of the law violate my constitutional rights to collect and disseminate information. But this is a reality that must be considered, so I will not appeal the warning because I know it’s pointless,” said Aliaksandr Barazhenka.

On 25 February, a Navapolatsk activist Yauhen Parchynski received an anonymous threat call from a person who introduced himself as an officer of the city administration and advised the activist to remove the article “Navapolatsk authorities got frightened again” from a local independent website, threatening with trouble otherwise. The author of the article wrote that the situation when people were unable to exercise their right to freedom of expression of ideas and opinions was abnormal. It was also written that it was possible to get permission for a mass event under the former head of the Navapolatsk City Executive Committee, but it became impossible after Natallia Kachanova replaced him at this position.

On 27 February, senior police lieutenant Siarhei Karytkin charged Valery Vusik with two administrative violations. The first report dealt with an alleged libel against the chairman of the “Lebiadzianka” farm Piotr Bialou, and the other — with the distribution of the independent newspaper “Mahiliouiski Vybar”, which was allegedly distributed in violation of Art. 17 of the Law on Mass Media.

In the afternoon of 28 February, Minsk police detained BelaPAN journalists Vasil Siamashka, Hanna Afonina and Siarhei Satsiuk who arranged a video poll near the Academy of Sciences, asking citizens who they would support

financially, the opposition or the authorities. The detainees were taken to the Pershamaiski District Department of Minsk. The police put down their passport data, watched the video and then released the journalists. After the release, the police officers advised them to hold their polls in another city district next time.

### **Restrictions on freedom of assembly**

On 7 February, a Baranavichy entrepreneur and civil society activist Mikalai Charnavus received a letter signed by Deputy Chairman of the Baranavichy City Executive Committee Dz. Kastsiukevich in which it was stated that the committee did not agree to his holding a rally on 12 February. As it is stated in the letter, “those who violate the order of organization or holding of mass events cannot be the organizers of mass events within one year after the imposition of an administrative penalty for it”.

As it became known on 25 February, a member of the Conservative Christian Party BPF Yan Dziarzhautsau was struggling for the right to express his views by means of picketing and other mass events. The order of these events is regulated by ruling No. 881 of the Vitsebsk City Executive Committee. The opposition activist tried to litigate with the Vitsebsk city housing utilities, which he accused of violating the aforementioned ruling and hindering the realization of the right to freedom of expression by refusing to conclude agreements for serving mass events. Mr. Dziarzhautsau demanded that the court either obliged this institution to sign a service agreement or advised the Executive Committee to amend the ruling so as to ensure the realization of the right to freedom of expression.

On 27 February, chief ideologist of the Salihorsk District Executive Committee Mikalai Maskevich banned a rally in support of the construction of a new polyclinic. A corresponding application was submitted to the local authorities on 8 February by a member of the United Civil Party Viktor Malochka. He intended to hold the picket on 2 March in order to collect signatures under a petition to the authorities with a demand to build a new modern polyclinic in the city. As it was stated in the bid, the collection of signatures was permitted in the stated place of the action during the 2012 parliamentary elections and the 2010 presidential elections. However, this argument did not convince the Executive Committee’s Deputy Chairman for Ideology. Mr. Maskevich refused to authorize the picket due to its incompatibility with the ruling of the Salihorsk DEC “On measures to prevent accidents and rule of law during public events”.

On 27 February, it became known that the United Nations Human Rights Committee had registered a complaint of the Zhlobin members of “Fair World” concerning a ban of their pickets in 2012 by the Zhlobin District Executive Committee. The head of the Zhlobin “Fair World” organization Valery Ry-

bchanka noted that two such complains had been filed to the Human Rights Committee. One of them, which was registered by the Committee, concerns the prohibition of pickets in support of political prisoners in 2012. What concerns the other complaint, which concerned the rigging of the presidential election in 2010 and the appeals of party members to various state institutions, the Committee required more detailed comments on it.

### **Restrictions on freedom of association**

At the press conference of 7 February, the Minister of Justice of Belarus Aleh Slizheuski said that the Ministry of Justice denied registration to 19 public organizations in 2012, including two parties: “Belarusian Christian Democracy” and “Belarusian Communist Party of Workers”. The Minister noted that the founders of the parties didn’t prepare to the holding of the activities they needed to carry out according to the legislation for the establishment of the associations. A. Slizheuski reported that 111 new associations, four unions (associations) of public associations and 29 new organizational structures of political parties were registered by the state in 2012.

On 8 February, the Ministry of Justice refused to provide state registration to the National Youth Human Rights Association “Human Rights Center Lambda” (the name under which the human rights project “GayBelarus” made the second attempt to legalize its activities). The registration denial was signed by the head of the board of non-profit organizations of the Ministry of Justice Alena Kirychenka. The official reason was that the “presented statute of the Human Rights Center “Lambda” does not contain any provisions witnessing that the statutory activities of the public association will seek to provide a comprehensive social formation and development of young people”.

On 14 February, the Belarusian Ministry of Justice refused to register the public association “Young Christian Democrats”. A month earlier, the Ministry of Justice suspended the registration of the organization due to the requirement to provide additional documents, such as a paper confirming the registration of the constituent assembly, and the agreement for the lease of premises for the assembly. The organizing committee of the association considered that the presentation of these documents to the ministry was not required by law, and therefore did not fulfill this requirement. The founding congress of the organization “Young Christian Democrats” was held in Minsk on November 3, 2012.

On 21 February, the Assembly of Democratic NGOs and the Center for Legal Transformation released an annual survey, “Freedom of association and the legal status of non-profit organizations in Belarus” for the year 2012. As noted in the review, “in 2012, opportunities for the exercise of freedom of as-



sociation in Belarus weren't extended. No significant changes in the situation of public associations were registered in the sphere of legislation despite the introduction of some positive legal norms. The earlier negative trends persisted at the level of enforcement, whose intensity remained unchanged." The Center for Legal Transformation also prepared a separate analysis of the registration of public associations in 2012 and the lists of non-profit organizations which were registered or dissolved during the year.

On 25 February, it was reported that another activist of the trade union organization at the "Granite" plant was threatened with dismissal. The administration was trying to find irregularities in the work of the assistant excavator operator Leanid Dubanosau who was a member of the local branch of the Belarusian Independent Trade Union. A special commission kept coming to his working place every day. One day he was forced to write two explanatory notes concerning the allegedly discovered shortcomings in his work. Leanid Dubanosau had worked at "Granite" for more than twenty years and hadn't received any reprimands from the company's management before that. He stated that the special attitude to him was due to his membership in the trade union and the fact that his labor contract expired on 2 May. As far as Leanid was going to have a vacation, they wanted to issue him a reprimand before his leaving on holiday in order to have an excuse for not extending the labor contract with him.

## Situation of Human Rights in Belarus in March 2013

March was marked by the activation of the diplomatic relations between the EU countries and the Belarusian authorities, which was an important aspect for understanding the perspectives of the development of the situation of human rights, taking into consideration the strong dependence of this sphere on the external policy factor. Despite the voiced statements of the EU officials on the results of the contacts with the Belarusian side, there were no changes in the main principal issue — the release of political prisoners.

Among the positive steps on the part of the Belarusian authorities noteworthy is the closing of the criminal case on the defamation of President opened against journalist Andrei Poczobut, as well as the refusal of the Financial Investigations Department to continue a criminal case against the “Arche-Pachatak” magazine. Thus, the Belarusian side took an intermediate position: it didn’t undertake practical measures to solve the main issue stated by the EU as the precondition for restoring full-scale relations with the official Minsk, but also stopped the practice of further confrontation, marking its readiness to refrain from the extension of the list of political prisoners.

The most optimistic statements concerning the perspective of the release of the political prisoners were voiced by the rapporteur on Belarus of the European Parliament, Justas Paleckis, who visited Minsk on 18-21 March to gather materials for his report for the EU Parliament. On the results of his visit, Mr. Paleckis stated that he had raised the problem of political prisoners at all meetings, first of all with Belarusian officials. “At present, as far as I understand, Minsk is no longer rigid and unready to solve these issues. To my mind, it is completely possible, but it is hard to tell when and how it will happen.” Commenting on the content of the report, J. Paleckis noted the key problem in the relations of Belarus with the EU: “The situation of the political prisoners will be surely spoken about in the report. It is clear — as far as there are political prisoners in Belarus and the authorities are reluctant to solve these issues, the cooperation with the EU will be accompanied with great obstacles and losses for the both sides.” The press-secretary of the Belarusian MFA Andrei Savinykh, in his turn, stated that the Belarusian side expected Paleckis’ report to foster the activation of the dialogue between Minsk and Brussels or “will at least increase the mutual understanding”, specifying that “we are interested in the development of the relations with the European Union on an equitable and transparent basis.”

The meaning of these MFA statements wasn’t explained, but if it is a continuation of the assertion of the pragmatic position in the dialogue, it decreases the possibility of positive changes, as far as the existence of political prisoners

still remains the main obstacle to the normalization of the relations between the European Union and the official Minsk.

That this position remains unchanged was confirmed by the Italian Ambassador Arnaldo Abeti during his meeting with journalists on 22 March in Minsk: "Not only the EU, but also the whole world is waiting for the release of the Belarusian political prisoners." He also noted that while continuing to insist on the release of political prisoners, the EU was also looking for "other ways to improve the situation which wasn't beneficial for anyone." The situation of the relations of Belarus and the EU was discussed on 25 March, during a meeting with the deputy head of the Belarusian MFA Alena Kupchyna with the head of the EU mission to Belarus Maira Mora. Though the Belarusian Foreign Ministry confined itself to a short statement that "during the talk the sides exchanged their thoughts about the situation and the perspectives of the development of the relations between Belarus and the European Union", there are reasons to believe that the issue of political prisoners was one of the key ones in the talk. The situation of human rights and the issues of the release and rehabilitation of political prisoners in Belarus were also discussed during the Belarusian-Lithuanian consultations between the MFAs on 28 March in Minsk.

In the beginning of March, the International Federation for Human Rights (FIDH) and the Human Rights Center "Viasna" expressed their deep concern with the fact that the political prisoners were still kept behind bars and dissent at the massive and systemic cases of pressurization and reprisals, to which they were subjected. In March 2013, eleven political prisoners were kept in jail: I. Alinevich, M. Autukhovich, A. Bialiatski, Dz. Dashkevich, M. Dziadok, A. Frant-skevich, E. Lobau, A. Prakapenka, P. Seviarynets, M. Statkevich and Ya. Vaskovich; two people were serving terms of personal restraint without being put in open penitentiaries (Dz. Miadzvedz and S. Baranovich); eight people were under conditional or deferred imprisonment (A. Dzmitryieu, A. Fiaduta, I. Khalip, S. Martsaleu, U. Niakliayeu, A. Poczobut, V. Rymasheuski and S. Vazniak); three people remained in the status of accused on criminal cases (S. Basharymau, A. Mikhalevich and A. Surapin); A. Haidukou, the charges against whom could be politically motivated, was still kept in the KGB remand prison; three former political prisoners were still under preventive supervision imposed by the court (V. Parfiankou, P. Vinahradau, U. Yaromenak); preventive surveillance was applied towards 25 people who had been pardoned or released on parole. FIDH and "Viasna" prepared an appropriate analytical note, which was passed to the Special Rapporteur on Belarus of the UN Human Rights Council, the European Commissioner for Enlargement and European Neighborhood Policy Štefan Füle, the appropriate thematic bodies of the UN, OSCE and other international instruments for the protection of human rights. The International Federation for Human Rights (FIDH) and the Human Rights Center "Viasna" demanded that

the Belarusian authorities stopped the shameful repressive practice, released and rehabilitated all unlawfully sentenced prisoners, reviewed the cases with evident political motivation and removed all restrictions on their rights of already released victims of political repressions.

The most important event not only for the Belarusian, but also for the universal human rights community was the adoption on 21 March by the UN Human Rights Council of an unprecedented resolution with the aim to put an end to the financial smothering of human rights NGOs. This resolution became a strong answer to the ongoing tendency to curtail or even criminalize the activities of human rights defenders by restricting their access to financing, especially when it comes from foreign countries. The resolution, passed by Norway in co-authorship with 62 other states, states that “no law should criminalize or delegitimize activities in defense of human rights on account of the origin of funding thereto”. This resolution confirmed and strengthened the preliminary conclusions of the UN human rights instruments concerning the incompatibility of restrictive and repressive techniques and laws with the international legislation in the sphere of human rights. This was shown by the recent decision of the UN Working Group on Arbitrary Detention concerning the case of Ales Bialiatski, which confirmed that Belarus interfered with the financing of the activities of human rights NGOs in violation of its international obligations, and urged Belarus to immediately release A. Bialiatski, whose arrest was deemed as arbitrary. Since then, all appropriate mechanisms of the UN were to be guided by the text for strengthening the protection of human rights defenders who became a target for the legislation and the restrictions on their lawful activities in many countries.

Before the resolution was adopted by the UN Human Rights Council, the Observatory for the Protection of Human Rights Defenders, a joint program of the International Federation for Human Rights (FIDH) and the World Organization against Torture (OMCT), issued a comprehensive report on the restriction of the access of human rights defenders to financing, which showed that the governments tended to increasingly create obstacles to the access of NGOs to financing, especially from abroad. The states make use of restrictive laws, defamation campaigns and court prosecution of human rights defenders as ways to suppress any critique: among such states are Alger, Bangladesh, Bahrain, Belarus, Egypt, Russia, Azerbaijan, Ethiopia, India and many others in different parts of the world.

### **Political prisoners, criminal prosecution of civil society and political activists**

On 1 March, Valiantsina Alinevich, the mother of political prisoner Ihar Alinevich, stated that the administration of Navapolatsk penal colony No.

10 was delaying his mail correspondence. She said that there had been some problems with the correspondence even earlier and she didn't know why it happened so when they were writing to each other about general and neutral topics. In the middle of March, Alinevich's book "Going to Magadan" was published, in which the author tells about the events in Belarus since the end of 2010 in the form of a diary: about the judiciary system, political prisoners and anarchist movement, his arrest and imprisonment in the KGB jail.

On 6 March, the wife of former presidential candidate Andrei Sannikau, Iryna Khalip, who was sentenced to two years of imprisonment with a 2-year deterrent for taking part in the protest action in Minsk on December 19, 2010, flew to Warsaw. She received permission to temporary leave Belarus to visit her husband and the editorial office of "Novaya Gazeta" in Russia, a correspondent of which she was. The permission was issued to her on 13 February by the criminal-executive inspection of the Partyzanski District Police Department of Minsk where she was registered. I. Khalip returned to Belarus on 3 April.

In the beginning of March, Amnesty International summed up the results of the Marathon of letters to Ales Bialiatiski, which was held all over the world. A total of 104,731 actions were taken on the globe to support the Belarusian human rights defender, declared a prisoner of conscience by the organization. Participants of the global campaign expressed their support to the imprisoned head of the Human Rights Center "Viasna", vice-president of the International Federation for Human Rights by various means — writing letters of solidarity, signing petitions to the Belarusian authorities and artistic actions including live concerts and light projections. On 6 March, the presentation of Ales Bialiatiski's book "Enlightened by the Belarusian Issue", consisting of literary critique essays about Belarusian writers, took place in Minsk. The author wanted to date the book to his 50<sup>th</sup> anniversary, but it was published during the time of his imprisonment. A part of the essays was written by Ales already in prison. On 30 May, the bailiffs started taking the earlier attached items from the apartment of Ales Bialiatiski. His wife Natallia Pinchuk stated that before this a bailiff also took out of the apartment a TV set, which had been attached yet before the trial.

As it became known on 11 March, the investigation into the case of the Navapolatsk activist Andrei Haidukou charged with "high treason by means of intelligence activities" was extended by another month — till 8 April. This was stated by his mother, Volha Haidukova, who added that she didn't know any other details of the case. The investigation had lasted for five months already. The only positive change is that the council was finally given an unimpeded access to Andrei Haidukou.

On 11 March, political prisoner Aliaksandr Frantskevich was transferred to the cell-type facility of Ivatsevichy penal colony No. 22 after serving 20 days in the penal cell. The prisoner was to be released in September 2013. He was also been deprived of food parcels and meetings until the end of the term and could receive only small parcels. 4 people were kept in the cell-type facility and walks were allowed for an hour a day.

On 13 March, Viyaleta Prakapenka, the mother of political prisoner Artsiom Prakapenka, stated that the administration of the Mahiliou colony advised her son to write a pardon petition for Aliaksandr Lukashenka, but he refused. A week later, on 20 March, the relatives stated that Artsiom had been put in a penal cell for 5 days for an alleged violation of the prison regime and deprived the 30-kilo food parcel. The guy declared a hunger-strike of protest during the five days in the penal cell (he is a vegetarian and ate only porridge among all prison food).

On 15 March, the Pershamaiski District Court of Minsk extended the preventive supervision over a former political prisoner, "Young Front" activist Uladzimir Yaromenak by six months, up to September 15, 2013. The preventive supervision over U. Yaromenak was established on March 15, 2012. Since then the activist had received two administrative penalties for alleged violations of the public order. The decision was issued by Judge Yarmolenkava with the participation of prosecutor Yermakova. On 20 March, the Pershamaiski District Court of Minsk repeatedly considered the case of Uladzimir Yaromenak, who on 24 January was sentenced to 12 days of arrest for violation of the preventive supervision. Mr. Yaromenak disagreed with the court ruling and appealed it to the Minsk City Court, which abolished the verdict and returned the case for the second trial by another judge. During the repeated consideration, Judge Hanna Paskevich added another violation of the public order to the previous two and sentenced him to 15 days of arrest. As far as Uladzimir Yaromenak had already served the 12-day arrest, he had to serve just three days and was to have been released on 24 March. However, instead of his release from the delinquents' isolation center, police took him to the Pershamaiski District Police Department of Minsk, where he was kept until 3 p.m., which prevented him from taking part in the Freedom Day rally.

On 15 March, the Hrodna Regional Department of the Investigative Committee completed the investigation into the criminal case of the journalist of the Polish edition "Gazeta Wyborcza" Andrzej Poczobut on charges of defamation of President. "Due to the fact that the conclusions of the linguistic examinations differ and no objective data confirming the commitment of the crime by Poczobut had been found, there was issued a ruling about the cessation of the preliminary investigation due to the failure to prove the participation of the

accused in commitment of the crime". That's why the restraint against Poczobut in the form of a written undertaking not to leave was lifted.

On 22 March, political prisoner Eduard Lobau was deprived of money in the penal colony for alleged violations of the regime. His mother Maryna Lobava noted that he had already been punished in such a way for violations of the regime, and the term of the penalty was coming to an end, but then the prison administration recalled the violations which had allegedly taken place in the beginning of the year. According to her, E. Lobau was allowed to receive only 100,000 rubles a month (10 USD) during the next six months. M. Lobava stated that Eduard was being denied medical treatment for his teeth for more than 1.5 years. The mother received an agreement of the prison dentist to buy good plumbs (Eduard needs two of them). At first, the prison administration agreed to accept the parcel, but then changed its mind.

On 28 March, political prisoner Mikalai Dziadok was visited by a counsel in the Mahiliou prison. As a result, it became known that the prisoner had served 6 days in the penal cell. The prison administration called no reasons for the penalty, confining itself to the statements that Mikalai had allegedly moved in the cell and violated the public order. According to the counsel, M. Dziadok didn't complain about his health.

On 27 March, Siarhei Martsaleu, who was serving a 2-year prison sentence with a 2-year probation period for the participation in the post-election protests of December 19, 2010, was denied permission to go abroad for a course of medical treatment. S. Martsaleu was tried together with Iryna Khalip, who was allowed to travel abroad to meet her husband, that's why Siarhei also hoped to receive permission for it. There are three reasons for which convicts on probation can be allowed to go abroad: the death of a close relative abroad, the participation in a trial in another state and the state of health. Mr. Martsaleu attached medical documents to his application. However, in the answer of the penal inspection it was stated that Minsk polyclinic No. 9 saw no reasons for his medical treatment abroad.

## **The death penalty**

On 13 March, the anniversary of the execution of Dzmitry Kanavalau and Uladzislau Kavaliou, punished with death on charges in committing a terrorist act in Minsk metro in 2011, a press conference with the participation of Uladzislau Kavaliou's mother and human rights defenders was held. Liubou Kavaliouva stated that she had finally received an answer to her review appeal to the Supreme Court, filed back in September 2012. The answer, signed by Chairman of the Supreme Court, was eventually found at the Leninski District Bar Association of Minsk, where her lawyer works. As it turned out, the answer

was given in November 2012. “The Supreme Court, on behalf of its chairman Sukala found no violations of the norms of the Code for Criminal Procedures in the case of Uladzislau Kavaliou,” reads the answer. Human rights defender Raman Kisliak pointed out that it was important to find out which institution implemented the death verdict to Kanavalau and Kavaliou: it can be either remand prison No. 1 of the Ministry of Internal Affairs, where death convicts are usually kept, or the remand prison of the KGB where Kavaliou was kept. “It is necessary to establish which agency executed the verdict in order to understand what further actions should be taken, from whom further answers are to be demanded,” said R. Kisliak. According to him, the next action will be the demand to disclose the place of burial of U. Kavaliou. R. Kisliak also stated that human rights defenders intended to demand the elimination of the legal norm according to which the bodies of the executed convicts aren’t issued to their relatives: according to the decision of the UN Human Rights Committee the concealment of such information from relatives is considered as “inhuman treatment”.

### **Enforced disappearances**

On 16 March, an event dedicated to the memory of the missing politicians and journalists Yury Zakharanka, Dzmitry Zavadski, Viktor Hanchar, Anatol Krasouski and Henadz Karpenka (who died under strange circumstances) was held. Signing of a petition to the General Prosecutor’s Office, composed by human rights defender Hary Pahaniaila and demanding an investigation into these cases, started there.

### **Persecution of human rights defenders and organizations**

As it became known on 4 March, a criminal case could be opened against Chairman of the human rights institution “Platform” Andrei Bandarenka for “libel against police officers” in connection with the publication of the information about the torture of Bahdan and Ivan Shkurkos by policemen of the Lida District Police Department. On 4 March, Andrei Bandarenka learned that he was wanted by the police in the town of Kirausk, where he was officially registered. Meanwhile, he received no official notices, the police phoned his father and insistently asked to tell the son that he was wanted in the district police department. After A. Bandarenka failed to appear at the DPD, the police forwarded his case to Lida.

On 14 March, a Baranavichy human rights defender Siarhei Housha received by mail a ruling of Chairman of the Supreme Court V. Sukala, which abolished the ruling of the Brest Regional Court of October 4, 2012 concern-



ing the refusal to consider the appeal of Mr. Housha due to the alleged expiry of the terms of consideration. The ruling of Chairman of the Supreme Court prescribed to direct Housha's appeal to the regional court for consideration by another judge. The case concerned the administrative prosecution of the human rights defender during the parliamentary elections, when Mr. Housha was charged with using obscene language and punished with a fine of 1.5 million rubles after revealing the rigging of an election protocol by the election commission of Baranavichy-Western election constituency No. 5, where he was registered as an observer. S. Housha appealed the court verdict to the Brest Regional Court and at the same time applied for being freed from paying the state fee. The court decided not to consider the application for the exemption from the state fee and simply returned all the materials to the human rights activist and refused to consider the case due to the failure to pay the fee and later — due to the expiry of the time limits of appealing. The Brest Regional Court refused to consider the case on its merits and didn't grant Housha's petition for the resumption of the appeal term. On 17 March, Siarhei Housha received a subpoena from the Brest Regional Court with information that the hearing was appointed on 21 March. The court turned the appeal down.

On 21 March, the wife of a Homel human rights defender Leanid Sudalenka received an official inquiry from the Savetski District Inspection on Dues and Taxes of Homel, asking whether she had lent any money to her husband. The tax inspection had been holding various examinations concerning the human rights defender and his family for several months already, including the son who was serving in the army. The couple answered that the people who are married and run a common household don't lend money to each other. What concerns their son, the tax inspectors argued that his expenses exceeded his income (the tax inspectors counted as expenses the tickets to Poland where the boy studied). In his answer to the tax inspection concerning the son's expenditures, Leanid Sudalenka stated that it was impossible to provide the necessary documents as the son was in the army. He reminded the tax inspection that during the period for which the tax inspectors demanded to report about the income and assets his son wasn't a tax resident of the Republic of Belarus.

On 25 March, a Biaroza journalist and human rights defender Tamara Shchapiotkina displayed a white-red-white flag on her balcony, which attracted the attention of the police. Police inspector Siarhei Nestsiarovich came to her apartment and demanded that she removed the flag, warning that she could receive a subpoena to the police.

On 27 March, Hrodna human rights defenders Viktor Sazonau, Raman Yurhel and Uladzimir Khilmanovich received an answer to their complaint

from Chairman of the Hrodna Regional Court. The human rights defenders appealed the verdict of the Leninski District Court of Hrodna which had fined each of them 1.5 million rubles for a photo of solidarity with human rights defender Ales Bialiatski on the Internet, and the ruling of the Hrodna Regional Court concerning the results of the consideration of their appeal. Chairman of the Regional Court, Aliaksandr Hrynkevich, upheld the position of the court, stating that photographing of human rights defenders on the International Human Rights Day and placing the photo on the Internet was an unauthorized public event for which they were rightfully punished.

### **Torture and other cruel and inhuman treatment**

On 5 March, a criminal case was opened against five officers of the Lida District Police Department under Article 426, part 3 of the Criminal Code (abuse of authority or official powers, committed by a responsible official, or which ensued grave consequences, or intentional commitment by a duty official of the actions which evidently exceed the limits of the rights and powers provided by the duty position, accompanied with violence, suffering or insult of the victim or the use of arms or police gear). The ruling about the opening of the criminal case was issued by the head of the Lida District Department of the Investigative Committee, Aliaksandr Urbanovich, after the information about the unlawful actions of the police against Lida residents Ivan and Bahdan Shkurkos had been published by the human rights institution “Platform”. The incident took place on November 18, 2012 and the information about it was published on the “Platform” website on 19 February.

On 17 March, an incident took place in Dziarzhynsk, about which the press service of the Police Department of the Minsk Regional Executive Committee wrote that two hooligans had violently beaten a police patrol. As it followed from the information, two youngsters, Siarhei Khachaturan and Vital Hanchar, started provoking the police officers on duty late in the evening in the streets of Dziarzhynsk. In response, the police officers used police gear and guarded them to the police department. Human rights defenders of the “Platform” found a witness, Andrei Kalatsei, who told a different story. He was detained by the police outdoors in the evening. When S. Khachaturan and V. Hanchar were being detained and loaded in the police car, he was already there. Then he became a witness of the beating of Siarhei Khachaturan at the police station. Later there were found some other witnesses who had been together with the guys. The head of the Dziarzhynsk District Police Department Sviataslau Darashevich stated that none of the participants of the incident had been hospitalized — neither Siarhei Khachaturan nor Vital Hanchar — the investigation into this fact was held by the Investigative Committee and a criminal case was

opened against these people for resistance to the police. However, human rights defenders discovered that Siarhei Khachaturan was hospitalized with a brain concussion. The same diagnosis was given to Vital Hanchar who lost consciousness several times, being hit in the head with police batons.

### **Pressurization of civil society and political activists by security services**

At about 10.30 a.m. on 27 March, near the building of the Klimavichy District Executive Committee, “Tell the Truth” activist Aliaksandr Balobin was detained by two unidentified persons who introduced themselves as KGB officers. They put him in a car and drove to another city — to the Krychau Inter-district KGB Department for a “talk”. There he was taken to the office of Chairman of the KGB department Illia Krautsou, who charged him with a violation of Article 193.1 of the Criminal Code, “activities on behalf of an unregistered organization”, and showed many photos and other materials which allegedly proved it. I. Krautsou proposed the activist to collaborate and “consult KGB officers on certain issues”, which the latter refused. A. Balobin was warned that the information about the meeting with the KGB officers shouldn’t be publicized, threatening with a great trouble otherwise. After composing the minutes of questioning, the KGB officers let Aliaksandr Balobin go. However, he had to get back home, to the village of Paulavichy in the Klimavichy district, at his own expense. At present, the military enlistment office is trying to draft 23-year-old Aliaksandr Balobin into the army though during the previous years the medical commission twice found him unfit for the army service due to a skin illness. On 28 March, the activist was summoned for a medical examination.

### **Administrative prosecution of civil society and political activists, arbitrary detention**

On 2 March, Hrodna members of the Belarusian Christian Democracy tried to hold a picket in support of the small border movement with the neighboring countries. The picket organizer Halina Kotava mistakenly understood that the picket was authorized in Rumliouski Park. When the action was about to begin, there appeared people in mufti who started videoing the present people. They didn’t say that the picket hadn’t been authorized. When it was found out, the BCD members left, that’s why the picket actually wasn’t carried out. However, later Halina Kotava faced administrative charges. On 18 March, Judge Zinaida Bartsevich of the Kastychnitski District Court of Hrodna fined her 2.5 million rubles.

On 5 March, Judge Aliaksei Bychko of the Minsk City Court left standing the ruling of Judge Liudmila Lapo of the Frunzenski District Court of Minsk, who on 21 February sentenced sculptor Henadz Loika to 5 days of arrest for an action in support of the mother tongue. The artist called the trial politically motivated and emphasized that he would continue struggling against the discriminatory Russification of the national educational system and outrageous actions of the judges who refused to hold the trial in Belarusian, a state language.

On 5 March, a Slutsk activist Vital Amialkovich received a ruling about dropping of the administrative case against him, issued on 28 February by the administrative commission of the Slutsk District Executive Committee. The activist was charged with posting leaflets at a lamppost near a shop. The commission had twice found the activist guilty of violating the urban maintenance rules, adopted by a ruling of the Slutsk District Executive Committee. Vital Amialkovich didn't agree to it and appealed the ruling to the Slutsk District Court. As a result, the case was dropped due to the impossibility to prove his guilt. Thus, it took Vital Amialkovich seven months to prove his innocence.

On 8 March, an activist of the "European Belarus" Valiantsina Tsiurava was detained at the Kamarouski market in Minsk for holding a one-person picket, holding a poster "Where's my holiday? Where's my freedom?" In such a way she tried to draw public attention to problems of the Belarusian women. Valiantsina Tsiurava was tried on 11 March. Judge Dzmitry Pauliuchenka of the Savetski District Court of Minsk found her guilty of holding an unauthorized picket and sentenced her to three days of arrest, which she had already served in the detention center awaiting the trial. Thus, the activist was released from custody right in the courtroom.

On 12 March, in Hrodna police officers detained a member of the Belarusian Christian Democracy Siarhei Verameyenka who was going to the party's office with a bag of leaflets. At the entrance he was stopped by two people in mufti who introduced themselves as policemen. S. Verameyenka was detained in front of fellow party members and guarded to the police station. In his bag, there were leaflets in support of political prisoners. BCD members intended to distribute them within the framework of the solidarity campaign "Write a letter to a political prisoner".

On 18 March, in Brest three members of the organizing committee of the Belarusian Christian Democracy party, Ulad Barouski, Yauhen Khaziakhmetau and Andrei Sharenda, were detained during an action of the campaign "Wave of Solidarity", launched by the BCD, while hanging out white-red-white flags. On 22 March, the Maskouski District Court of Brest fined A. Sharenda 2.5 million rubles and Ya. Khaziakhmetau — 1 million. The case against 17-year-old Barouski was passed to the commission for minors at the Maskouski District Executive Committee of Brest.

In the morning of 23 March, at a bus stop in Talachyn an activist of “Our House” (“Nash Dom”) campaign Raman Zabela was detained by the police. The detention was conducted by police Major Karota. The formal reason for the detention was that Mr. Zabela allegedly looked similar to a man who was suspected of committing a crime. This could be a preventive detention on the eve of the celebration of the 95<sup>th</sup> anniversary of the Belarusian People’s Republic with the aim to prevent him from taking part in the officially authorized mass event in Minsk.

On 24 March, after the end of the authorized procession and rally on the occasion of the Freedom Day in Minsk, the police detained the leader of the “Young Democrats” Dzmitry Kavalhin and an activist of the United Civil Party Stanislau Ramanovich. During the detention one of the police officers hit Mr. Kavalhin in the head several times. Both activists were searched. The police confiscated from them a large white-red-white flag they were carrying at the head of the column and two smaller flags, after which they were released. Nine detained participants of the action, including three citizens of the Ukraine, were taken to the Savetski District Police Department of Minsk. All detainees were charged with insubordination to lawful demands of the police. All detainees were kept behind bars until trials. On 25 March, Judge Dzmitry Pauliuchenka of the Savetski District Court of Minsk issued a warning to an under-aged citizen of the Ukraine Nazar Zelinkovskij. Two other citizens of the Ukraine, Yuliya Hryshchuk and Yuliya Slivinskaya, were punished with one day of arrest. A “European Belarus” activist Aliaksandr Kavaliou was fined 4 million rubles, Anton Tsimokhau — 2.5 million rubles. Vital Stanisheuski was sentenced to 5 days of arrest, Siarhei Mokich was fined 3.5 million rubles, Aleh Astashonak was fined 4 million rubles, “European Belarus” activist Aleh Rahouski was sentenced to a fine of 3 million rubles.

On 25 March, in Vitsebsk there was held a closed trial of two activists of the Belarusian Popular Front Party, Kastus Smolikau and Leanid Autukhou, detained on 22 March in the shopping center “Evicom” while handing out the samizdat magazine “Magistrate” with information about the planned event on the occasion of the Freedom Day. The sentence was delivered by Judge Ina Hrabouskaya of the Kastychnitski District Court of Vitsebsk after the end of the working hours, at about 9 p.m. Both activists were sentenced to 5 days of arrest on charges of violating the legislation on mass events. An adherent of the creation of the Belarusian Christian Democracy Party, Alena Shabunia, and the coordinator of its organizing committee Tatsiana Seviarynets were detained on the way to the trial. They were going in a car driven by Aliaksandr Kuzniatsou, the head of the city branch of the BPF Party. The car was detained by the road police and the driver was fined 300,000 rubles for a

violation of the traffic rules. However, the passengers weren't let go, but were made to wait for about two hours. Two more activists, Stanislau Laurenau and Aliaksei Kishchuk, were detained on the way to the trial: the police stated that they "looked similar to the thieves who had stolen a bottle of vodka". Thus, Kishchuk and Laurenau got to the Kastychnitski District Court at the end of the trial.

At about 8.30 p.m. in Vitsebsk, political prisoner Siarhei Kavalenka was detained on charges of crossing a road in the wrong place. He spent the night in a detention center. He was charged with two violations — crossing the street in the wrong place and disorderly conduct. On 26 January, Judge N. Karablina of the Pershamaiski District Court granted Kavalenka's petition for admitting his counsel to the trial and released him from custody, having issued a subpoena for the next hearing. On 29 March, Judge Valiantsina Kismiaroshkina fined Siarhei Kavalenka 1 million rubles, finding him guilty of disorderly conduct.

On 27 March, a Belarusian LGBT activist Siarhei Androsenka was taken off a train Vilnius-Minsk at the Hudahai border-crossing checkpoint while returning from Vilnius. At first, two customs officers and a person in plain clothes searched his belongings, including his backpack, laptop and the magazine "Sexus", issued by "BelHazeta". An hour later, the head of the Ashmiany customs office Niviarkevich ordered to conduct a personal examination of Mr. Androsenka. After that, the activist received copies of the search reports, his passport and was released. However, at the exit of the customs office Siarhei Androsenka was met by another officer, who told him to proceed with him to another building for solving a "technical issue". As a result, Androsenka's passport was confiscated again under the pretext that it was found in the database of invalid documents.

On 29 March, the Navabelitski District Court of Homel considered the violation reports presented by the police against Deputy Chairman of the United Civil Party Vasil Paliakou and civil society activist Uladzimir Shytsikau. In the morning of 29 March, they were summoned to the Navabelitski District Police Department, where the police, directed by the head of the public order department Henadz Khilkevich composed a report about a violation of Article 23.34 of the Code of Administrative Offenses (unauthorized rally) and took Paliakou and Shytsikau to court. The trial lasted for 15 minutes, the opposition activists were found guilty of taking part in an unauthorized rally and fined 2 million rubles each. The police regarded as an unauthorized rally laying down flowers in Dimitrov Street in Homel where an activist of the Belarusian People's Republic Paluta Badunova used to live. Each year the Homel oppositionists hold such action on 25 March, the Freedom Day, in order to honor the memory of the prominent compatriot.

## **Restrictions on freedom of speech and the right to distribute information, persecution of journalists**

On 7 March, the shop of the Bialynichy entrepreneur and member of the Belarusian Popular Front Party Mikalai Miatselitsa was visited by an officer of the Bialynichy District Police Department who was interested in the independent press sold there. He insistently recommended that Mikalai Miatselitsa stopped selling the small-circulation democratic press in his shop, threatening with troubles in business otherwise. Mikalai reacted calmly, saying he wasn't violating any Belarusian laws, the small-circulation newspapers "Rehiyon", "Pakhodnia" and "Mahiliouski Vybar" were issued in line with the Law "On Mass Media" and those who wanted could take them in the shop without any restrictions.

On 14 March, "Arche" magazine received the third registration denial. According to the acting head of the magazine, Ales Pashkevich, this time the officials explained the refusal with the absence of some telephone number in the registration documents. On 22 March, it became known that law-enforcement agencies refused to open a criminal case against "Arche". This was found out by the counsel who applied to the State Control Committee in connection with the end of another term of checking the magazine's activities. On 25 March, the Financial Investigations Department unblocked the bank account of the editorial board. However, the FID didn't issue a written confirmation concerning the refusal to open a criminal case.

On 11 March, a police inspector Siarhei Karytkin charged the former deputy of the Bialynichy District Council, resident of the village of Lebiadziianka with committing a disorderly conduct during the visit of the shooting crew of the TV channel "Belsat" to the "Lebiadziianka" farm on February 28, 2013. Then arrived the head of the farm and accused the journalists of industrial espionage and demanded that they urgently left the territory. On 22 March, police inspector Siarhei Karytkin paid a visit to a Bialynichy journalist Barys Vyrvich. He inquired how the democratic newspaper "Mahiliouski Vybar" was issued and distributed. According to Siarhei Karytkin, this was necessary for an objective consideration of the report of administrative violation brought against the former deputy of the Bialynichy District Council Valery Vusik. The local police inspector also asked whether Valery Vusik was a member of the Belarusian Popular Front party. Then the policeman started asking where and how the newspaper "Mahiliouski Vybar" was published and where its editorial office was located. On 29 March, the Bialynichy District Court punished Valery Vusik with a fine of 5 million rubles for allegedly slandering the head of the "Lebiadziianka" farm Piotr Bialou and the distribution of the independent newspaper "Mahiliouski Vybar".

On 15 March, the presentation of Siarhei Chyhryn's book "By local core paths of Zelva area" was to have taken place at the district library of Zelva. However, on 13 March the author received a telephone call from the head of the Zelva district library system Sviatlana Zhamoitsina, who told him that the presentation was canceled as the names of Larysa and Yanka Heniyush and the President of the Belarusian People's Republic Vasil Zakharka were mentioned many times in the book, it was written that the bells for the Khatyn monument were made out of the bell tower of Synkavichy church and many other things unpleasant for the present authorities and not correspondent to the modern life.

On 18 March, all workers of the Slonim District Hospital were forced to give 4,000 rubles for the subscription to the district newspaper "Slonimski Vesnik" for the second quarter. They were also forced to subscribe to the newspaper last year. At that time, Chief Physician of the Slonim hospital Yury Piatselski personally ordered all heads of hospital departments to subscribe to the newspaper. The same oral order has been received from him this month. At the same time, it is impossible to subscribe to the independent "Hazeta Slonimskaya", as it still hasn't been included in the subscription catalog of the Belarusian post.

On 19 March, a correspondent of Radio "Liberty" Mikhail Karnevich wasn't admitted to the construction site of the Astravets Nuclear Power Plant, allegedly due to the absence of a necessary paper from the Ministry of Energy. Earlier, Mr. Karnevich had filed all necessary documents to the NPP administration and had received permission. However, when he came to Astravets, he was told he couldn't visit the construction site.

On 24 March, during the celebration of the Freedom Day, cameraman of "Nasha Niva" newspaper Tatsiana Haurylchyk was detained in the pedestrian underground crossing of the metro station "Akademiya Navuk" ("Academy of Sciences") while making shots of police officers who disliked it. The policemen took away her journalist's ID and took her to the police station at the metro station, from which she was released several hours later.

On 26 March, the TV channel "Belsat" was again denied accreditation. The Belarusian MFA explained it by reference to repeated violations of the law by the journalists who collaborated with the channel. The MFA decision was passed to the official representative of the channel in Belarus, Mikhail Yanchuk.

### **Restrictions on freedom of peaceful assembly**

On 7 March, the head of the regional BPF branch Leanid Autukhou filed an application to the Chyhunachny District Executive Committee of Vitsebsk in order to hold a rally at the Vitsebsk stadium "Locomotive" on 25 March.



The head of the regional branch of the movement “For Freedom” Khrystafor Zhaliapau proposed to organize the rally on 25 March, but in the 30-hoddzia VLKSM Park. Both places are city parks which were determined as suitable for mass events by the local administrations. Another condition for receiving permission is entering into service contracts with the central city polyclinic, the district police department and the public utilities. However, the aforementioned institutions used various pretexts to avoid entering into such contracts with opposition activists. The medics stated that all ambulance brigades were busy due to a peak of seasonal illnesses. The police answered that the agreement would be concluded only if the event were authorized by the district administration.

On 7 March, a member of the Conservative-Christian Party “Belarusian Popular Front” Yan Dziarzhautsau received a ban on holding a rally in honor of the 150<sup>th</sup> anniversary of the anti-Russian uprising. The activist intended to hold the rally on 10 March and applied for permission to the city Executive Committee, as far as the route of the event lied on the territory of three districts of the city. The written refusal is dated 4 March, but the post seal has another date — 6 March. At the same time, the law obliges the authorities to inform the applicants about their decision at least 5 days before the planned events. The organizer didn’t manage to enter into service contracts with the medics and the police. Chief physician of the Vitsebsk city central polyclinic S. Tsitovich banned the event referring to the seasonal rise in illnesses and a great load on the ambulance. The deputy head of the public security of the Main Police Department of the Vitsebsk Regional Executive Committee I. Skarynovich stated that in his opinion the route of the procession didn’t correspond to the Law “On Mass Events” and explained his refusal to conclude the service agreement by it.

On 14 March, Klimavichy activists of “Tell the Truth” received a refusal from the District Executive Committee to their application for holding a picket on 25 March, dated to the Freedom Day. The reason for the refusal was that according to the officials “the application cannot be considered as it doesn’t correspond to Article 5 of the Law “On Mass Events” of December 30, 1997.”

On 19 March, Slonim activists received a refusal from the District Executive Committee to their application for holding a Freedom Day rally on 23 March. Deputy Chairperson of the Slonim District Executive Committee Mikalai Shykh stated that the applicants allegedly hadn’t mentioned in which of the city parks their event would be held, in Opernaya Street in the city center or in Parkavaya Street (in the suburb of Albiartsin). This answer was quite surprising for the applicants, as far as there are no parks in Slonim: there is the quay of Ahinski channel in Opernaya Street and a public garden near the Puslouskis’ palace in Albiartsin. Nevertheless, the rally was banned.

On 20 March, civil society activist Viktor Syrytsa received a refusal to authorize the 25 March picket, dedicated to the 95<sup>th</sup> anniversary of the Belarusian People's Republic, signed by Deputy Chairperson of the Baranavichy City Executive Committee Dz. Kastsiukevich. The applicant concluded service agreements with the medics and the public utilities, but the officer of the Baranavichy City Police Department Major Pavel Kulhavik refused to enter into a service agreement with him, as demanded by the law and a regulation of the City Executive Committee. V. Syrytsa paid two personal visits to the police and also had one telephone talk with them, but without any results. Thus, the Freedom Day event was banned by the City Executive Committee.

On 21 March, the Salihorsk District Executive Committee banned the picket dated to the 95<sup>th</sup> anniversary of the declaration of the Belarusian People's Republic. The application for the action was filed by the local civil society activist Uladzimir Shyla. It was intended to hold the picket at the "Budaunik" stadium, the only place determined for such actions by the city authorities. Acting Chairman of the Salihorsk City Executive Committee Valery Shamruk explained the ban by stating that the measures to protect the public order and security, stated by the organizer, didn't correspond to the Law "On Mass Events".

On 22 March, the coordinator of the public initiative "Stop Drinking — Start Living!" Zmitser Karashkou filed an appeal with the Tsentralny District Court of Homel against the refusal of the Homel City Executive Committee to authorize a picket against the alcoholization of the population. The reason for the ban is usual for all applicants for such events during the last four years: the applicant failed to conclude service agreements with the police, ambulance and public utilities. In his appeal to the court, the activist asked to declare the decision of the Executive Committee unlawful and abolish the provisions which restrict the legal rights of citizens; and also find unlawful the decision of the Executive Committee to ban the picket.

On 27 March, the former head of the Homel City Executive Committee Sviatlana Haldadze filed an appeal to the UN Human Rights Committee against the ban on the picket she intended to hold on August 4, 2012 together with human rights defenders Anatol Paplauny and Leanid Sudalenka in order to support the imprisoned human rights defender Ales Bialiatki. The district court, where the ban was appealed, sided with the City Executive Committee, and the regional court confirmed the ruling of the district one. Thus, the internal remedies were exhausted. Sviatlana Haldadze asked the Committee to establish the fact of violation of freedom of peaceful assembly on the part of the state and recommend the Belarusian government to bring the Law "On Mass Events" and the decision of the local authorities about the order of holding mass events in line with the international obligations.

## **Restrictions on freedom of association**

On 26 March, the preliminary hearing concerning the refusal of the Ministry of Justice to issue the state registration to the public association “Young Christian Democrats” took place. The trial was appointed on 9 April. The Ministry of Justice refused to register the organization referring to three points. First of all, the Ministry stated that the list of the organization founders didn’t correspond to reality, as the places of their employment were incorrect. Secondly, the Ministry stated that the founders hadn’t provided additional materials which were related to the assembly, in particular — the rent agreement with the owner of the premises and the registration list of its participants. The founders of the organization considered such demand to be unlawful and therefore decided not to implement it. Thirdly, the Ministry of Justice stated that the founders had filled the registration documents with violations of the rules of orthography and punctuations concerning the use of capital letters and quotation marks.

## Situation of Human Rights in Belarus in April 2013

In April, the human rights situation in Belarus remained consistently poor with a clear tendency to deteriorate. 11 political prisoners (Ihar Alinevich, Mikalai Autukhovich, Ales Bialiatski, Dzmitry Dashkevich, Mikalai Dziadok, Aliaksandr Frantskevich, Eduard Lobau, Artsiom Prakapenka, Pavel Seviarynets, Mikalai Statkevich and Yauhen Vaskovich) were still kept in jail; 2 persons continued to serve their terms of personal restraint (Sviataslau Baranovich and Dzmitry Miadzvedz); 8 more still had suspended or conditional prison terms (Andrei Dzmitryieu, Aliaksandr Fiaduta, Iryna Khalip, Siarhei Martsaleu, Uladzimir Niakliayeu, Andrzej Poczobut, Vital Rymasheuski, Siarhei Vazniak). Three persons remained in the status of defendants in politically motivated cases — Siarhei Basharymau, Ales Mikhalevich and Anton Surapin. Andrei Haidukou continued being held in the KGB remand prison. Preventive supervision was used as a means of control and pressurization against three former political prisoners (Vasil Parfiankou, Pavel Vinahradau and Uladzimir Yaromenak), and 25 persons who were pardoned and released on parole were still under preventive surveillance.

A dangerous trend in April was that KGB and the prosecutor's offices issued warnings to civil society and political activists about the possible criminal punishment for activities on behalf of unregistered organizations. During the month, such warnings were received by human rights activist Tamara Siarhei (Minsk), BCD activist Aleh Aksionau (Mahiliou) and an activist of the civil campaign "Tell the Truth" Aliaksandr Kuzmin (Belaaziorsk). Following these warnings, criminal cases under Article 193.1, which provides for up to two years of imprisonment, can be instigated against the activists.

Arbitrary detentions and arrests of civil society and political activists and journalists continued, freedom of assembly and expression was considerably restricted. All peaceful assemblies were banned except for the "Chernobyl Way" rally held in Minsk on 26 April and May Day rally in Brest on 1 May. The Belarusian MFA for the third time refused to accredit the independent television channel "Belsat", which continued the practice of unfavorable working conditions for journalists. A dangerous tendency with possible long-term consequences was started by recognition of the photo album "Press Photo 2011" as extremist on apparently frivolous and absurd grounds. Dismissals of activists of independent trade unions and the practice of closing public organizations continued.

Due to the lack of effective mechanisms to influence the situation with human rights and freedoms in the country and given the high dependence of this

sphere on the foreign policy factor, much attention was paid to the relations of the official Minsk with the Western countries, especially the European Union and the United States. During the month, representatives of the Belarusian Foreign Ministry showed increasing contacts with European diplomats and politicians.

On 1 April, Foreign Minister of Belarus Uladzimir Makei said in an interview to “RIA Novosti” and BelTA that Belarus was ready to a dialogue with the EU, but without any pressure and sanctions. On 9 April, Uladzimir Makei discussed the issues of interaction between Belarus and the EU, including the context of the forthcoming presidency of Lithuania in the European Union, with the Ambassador Extraordinary and Plenipotentiary of the Republic of Lithuania in Minsk Evaldas Ignatavičius. On 10 April, in Vitsebsk, U. Makei held talks with Foreign Minister of Latvia Edgars Rinkēvičs, on the results of which he stated that “the relations between Belarus and the EU are not at an impasse” and that “there is a clear understanding that we must always find a sequence of actions that will allow us gradually move in the possible directions, solving fundamental issues”. It is impossible to settle all disputes between Belarus and the European Union overnight, but the dialogue is very important — this is the view expressed by Edgars Rinkēvičs. “Here we have so many more questions that need to be worked at. This is the vision of the EU on certain aspects of democratic rights and freedoms, but it is very important that we move on to a discussion of these issues, to dialogue, and I think there are some issues that will be promoted in a positive way. We will continue these negotiations,” he said.

On 11 April, during her visit to Brussels, Deputy Foreign Minister of Belarus Alena Kupchyna had a number of meetings, including with the European Commissioner for Enlargement and European Neighborhood Policy Štefan Füle and the EEAS director for Russia, “Eastern Partnership” Regional Cooperation and the OSCE, Gunnar Wiegand.

On 26 April, Uladzimir Makei had an audience with the U.S. Charge d’Affaires in the Republic of Belarus, Ethan Goldrich. During the meeting, Mr. Goldrich passed to Mr. Makei a message of the U.S. Secretary of State John Kerry, outlining the prospects of the Belarusian-American relations.

The extraordinary activation of contacts between the EU and the U.S. with the Belarusian authorities, the contents of which remained closed to the public, raised an issue regarding the possible change positions and strategies of the Western democracies. First of all, there was the question whether they refused from their earlier position of principle, which was to restore relations with the official Minsk only after the release of political prisoners. This issue became particularly acute after the conference “Dialogue on the modernization of the Belarusian society” on 9 April in Brussels, at which representatives of

the European Parliament supported the need for dialogue with the Belarusian authorities. As a result, on 11 April Peter Stano, spokesperson for Štefan Füle, had to explain that the release of all political prisoners in Belarus remained the sine qua non of Brussels returning to normal relations with Belarus, and the conference was not a serious turning point in the relationship.

Intensification of the relations between the EU and the U.S. with the Belarusian authorities gave some hope for the possibility of achieving positive agreements in the release of political prisoners. However, there were no real signs of improvement in this direction during the month. The effectiveness of diplomatic measures was put to doubt after Lukashenka's speech on 26 April, when he said: "I can definitely say that Europeans and enlightened representatives of our fifth column have clearly understood that the sanctions regime and the ultimatums are not only counterproductive, but also harmful for the European Union itself". According to him, today there is a question: "How to get out of the impasse in which we got with Europeans not through our fault". "They start: there are political prisoners. I say it again: we don't judge anyone for politics, we have no political articles. They are plain criminals. I have already said how to get out of this situation and there won't be any retreat. Those who want to be in jail and get out as heroes — God be with you, stay there," he said. Thus, A. Lukashenka actually stated that the Belarusian authorities did not intend to compromise on the most fundamental issues for the EU, which casts doubt on the possibility of resuming full-fledged dialogue between Belarus and the EU.

### **Political prisoners, criminal prosecution of civil society and political activists**

On 3 April, a Navapolatsk member of the organizing committee of the Belarusian Christian Democracy Illia Bahdanau stated that at the end of March he had been transferred from the status of an accused to the status of a witness in the case of "high treason" after an appropriate petition of his counsel. It should be stressed that at first he was a witness in the case, but during an interrogation at the end of 2012 investigator Aleh Barysevich said that he was transferred to the status of an accused. After this, the 23-year-old operator of the "Naftan" enterprise Andrei Haidukou remained the only accused in the case. On 8 April, his term in custody was extended by another month. No details were known about the investigation which had lasted for six months already. On 29 April, it became known that Haidukou's case would be soon passed to court.

On 4 April, it became known from a letter of political prisoner Yauhen Vaskovich to his grandmother Tamara that he had started receiving letters. In particular, he received many letters of support and congratulations on the Freedom Day. He also received a food parcel from his relatives, whose fate

had remained unknown for a long time. Yauhen also explained the reasons for refusing counsel's services. He said that no counsel would be able to help him and there was no use wasting money on learning about his health if he could write about it in his letters.

On 6 April, it became known that political prisoner Aliaksandr Frantskevich had been transferred to a cell-type facility more than a month before. He started writing and sent two stories to Aliaksandr Fiaduta. One of them is philosophical and the other is fiction.

On 6 April, Eduard Lobau was allowed to meet with a priest. It happened after the intervention of the Apostolic Nuncio Archbishop Claudio Gugerotti. The procedure of confession was watched by several officers of the Ivatsevi chy penal colony, that's why it was held almost in silence.

On 13 April, the mother of political prisoner Ihar Alinevich reported that she had stopped receiving letters from him after the release of his autobiographical book "Going to Magadan" about his detention in the KGB remand prison and in the prison in Valadarski Street. Nevertheless, the book was released on Ihar's own wish. Its presentation was held in Minsk on 19 April. On 22 April, it became known that Ihar had spent 20 days in a punishment cell. On 26 April, the prisoner was visited by his counsel. As a result, the reasons for the punishment became known: Ihar Alinevich was sentenced to ten days in the penal cell for refusing to clean the toilet (a job considered as humiliating among prisoners). Then he received several more days for greeting a fellow prisoner on entering the punishment cell, which was considered as unlawful talking, and a few more days — for minor offenses.

On 14 April, former presidential candidate Mikalai Statkevich said in a letter that prisoners of prison No. 4 in Mahiliou had finally received statutory hygiene means he had struggled to receive. On 20 April, it became known that a new wave of pressurization of Mikalai Statkevich had started. He passed the information according to which prison guards gave him food in specially marked plates which could hint on attempts to poison him.

## **The death penalty**

On 2 April, Liubou Kavaliova, the mother of Uladzislau Kavalio (executed by shooting on charges of bombing the Minsk subway in April 2011), reported about her actions seeking to find out which institution had implemented the death verdict, issued to her son by the Supreme Court. Liubou Kavaliova filed her inquiries to several state institutions at once. "At first, I wrote to Chairman of the KGB, as Ulad had been kept there until the end. I received a letter signed by the Chairman himself, Valery Vakulchyk, where it is stated that this question is beyond the competence of the KGB and that it is necessary to apply to the

Supreme Court, as far as the information about the implementation of the death verdict is sent there under Article 175 of the Criminal-Executive Code. However, Deputy Chairman of the Supreme Court Valery Kalinkovich also answered that it was beyond their competence and proposed to apply to the Department of Corrections. The answer of this department again contained only a reference to Article 175 of the Criminal-Executive Code, according to which the “institution which implements the death verdict” must inform the court which issued the sentence, which, in turn, must pass the information to the relatives. We received a message from the Supreme Court, but didn’t manage to find out which institution implements death verdicts,” said Liubou Kavaliou. On 24 April, Liubou Kavaliou and Uladzislau’s sister Tatsiana Kaziar applied to the Presidential Administration, the Ministry of Internal Affairs and the State Security Committee (KGB) demanding they revealed the burial site of Uladzislau. They referred to the ruling of the UN Human Rights Committee, which recognized a violation of Uladzislau Kavaliou’s right to life and applied to the Belarusian authorities with a demand to reveal the location of the grave, regarding the concealment of this information as ill-treatment of the convict’s relatives.

### **Enforced disappearances**

On 2 April, the Investigative Committee sent a response to a joint request of the United Civil Party and human rights activists about the prospects of investigation into the disappearances of former Interior Minister Yury Zakhanka, politician Viktor Hanchar, businessman Anatol Krasouski and journalist Dzmitry Zavadski. The answer did not contain any information on the merits of the investigation and its results, and was a usual come-off without any hint of interest in the investigation of these crimes.

### **Persecution of human rights defenders and organizations**

On 1 April, the official opening of the new office of the Human Rights Center “Viasna” was held. It was very hard for the organization to find a new office after the confiscation of the previous one. Deputy Chairman of “Viasna” Valiantsin Stefanovich said that, despite the obstacles of the authorities, the organization would continue all directions of its activity. “Viasna” continued working non-stop despite the confiscation of the office in November 2012. The legal advice office worked on the premises of the Movement “For Freedom” and the Committee for Assistance to the Repressed “Solidarity”. Such analytical publications as the annual review-chronicle “Human rights situation in Belarus” and the report on the monitoring of penitentiary institutions in the Republic of Belarus were presented during the opening of the office.



In the evening of 2 March, unidentified persons gained unauthorized access to the website of the Mahiliou branch of the Human Rights Center "Viasna". They published three provocative articles including a publication with threats to independent journalist Ales Burakou on behalf of human rights defender Barys Bukhel. The unidentified offenders hacked the security system of the website and changed the access passwords to the administrator's panel (back-office). Moreover, the human rights information for the last two years was destroyed. On 5 April, the website mahilyowspring.org completely restored its work. The deleted information was returned, the libelous articles were deleted and professionals started working on increasing the security of the website.

On April 9, 2013, the private house of human rights defender Uladzimir Tseliapun was robbed. Thieves broke into the house through a window, having smashed the glass in two windowpanes. They stole some carpenter tools and the Order "Chernobyl Cross: Courage, Dignity, Humanity", which Mr. Tseliapun received from the All-Ukrainian public organization "Union Chernobyl Ukraine" in 2011 on the occasion of the 25<sup>th</sup> anniversary of the Chernobyl accident. In 1986, Uladzimir Tseliapun took part in the liquidation of the consequences of this man-made disaster. On 26 April, Uladzimir Tseliapun was summoned to the Investigative Committee which investigated the robbery and regained the stolen Chernobyl award. All other items haven't been found yet.

On 18 April, human rights activist Leanid Sudalenka filed a lawsuit against the Ministry of Finance concerning the failure of the authorities to implement a decision of the UN Human Rights Committee on the compensation of the moral damage to him, which he considered to be equal to the wage of an MP during his 4-year term in office. During the parliamentary elections of 2004, the human rights activist was not registered as a candidate for deputy, although he collected the required number of signatures. The district election commission and the CEC decided that the lawyer had incorrectly indicated his place of employment. The Supreme Court sided with the Central Election Commission, that's why Leanid Sudalenka filed a complaint with the UN Human Rights Committee. In 2010, the Committee concluded that Sudalenka's right to take part in the conduct of public affairs through elections was violated. The Committee also stated that this was politically motivated discrimination. The Committee ordered Belarus to provide the author with an effective remedy, and to consider his future applications for his nomination as a candidate for deputy with a full abidance by the International Covenant on Civil and Political Rights.

On 19 April, activists of the initiative "Against Lawlessness in Courts and Prosecutor's Offices" tried to pass a petition to Aliaksandr Lukashenka who was holding a speech before the National Assembly. They wanted him to facilitate the consideration of their appeals against verdicts to their relatives, ignored for many years by state officials and judges. Human rights activist Tamara Siarhei

and more than ten activists of the initiative weren't let in the building of the National Assembly by the guards. Police made them leave Nezalezhnasts Square with the use of pushes and threats. On 24 April, the General Prosecutor's Office warned human rights defender Tamara Siarhei about the possibility of criminal punishment for activities on behalf of an unregistered organization under Article 193.1 of the Criminal Code of the Republic of Belarus.

At about 9 p. m. on 25 April, the website of the Human Rights Center "Viasna" was hacked. The meaning of certain publications was changed to the opposite. It was done simultaneously in the Belarusian, English and Russian versions of the website. In particular, the information about signing of the petition against the death penalty by playwright Andrei Kureichyk was changed — it was written that he supported the death penalty. The codes for the YouTube video were replaced: the offenders inserted a link to a video in support of the death penalty instead of Kureichyk's speech. They also changed the information about the position of the International Federation for Human Rights (FIDH) — it was written that FIDH supported the state policy of Belarus. Changes were also made in some other publications. Within 30 minutes, the informational service of "Viasna" managed to correct the false information and prevent new attacks.

On 25 April, a Hrodna human rights defender and journalist Uladzimir Khilmanovich was summoned to the Hrodna Regional KGB Department for 2 p.m. on 26 April. A KGB officer explained the reason for the call as follows: it is "within the competence of the KGB". Uladzimir Khilmanovich received a warning for certain publications in the weekly newspaper of the Belarusians in Poland "Niva". The KGB stated that some of them trenched upon discrediting Belarus.

On 29 April, human rights observer Viachaslau Dashkevich, detained in Minsk in the evening of 26 April after the end of the authorized rally "Chernobyl Way", was sentenced to five days of administrative arrest. The verdict was issued by Judge Dzmitry Pauliuchenka of the Savetski District Court of Minsk. The observer was detained while heading to the Savetski District Police Department to monitor the transportation of the detained participants of "Chernobyl Way". According to the court verdict, V. Dashkevich was found guilty of disobeying the lawful demands of police officers (Article 23.4 of the Administrative Code).

### **Pressurization of civil society and political activists by security services**

On 25 April, a Navapolatsk activist Yauhen Parchynski received a telephone call from a man who didn't introduce himself and invited him to a "preventive

conversation". The activist was proposed to meet outdoors and then was told to get into a car in which two men were sitting, while one more was walking around. None of the three introduced themselves despite persistent demands. According to Mr. Parchynski, he was asked many questions about other Navapolatsk oppositionists and the aims of the public association "Free Region". At the end of the talk, the activist was warned about the possibility of criminal punishment for activity on behalf of an unregistered organization, and for the content of articles on the site freeregion.info if they contained offensive and defamatory information about the Republic of Belarus. Ya. Parchynski was also warned that he would receive administrative punishment if he decided to organize an action on the anniversary of the Chernobyl accident. According to the activist, he recognized one of the interlocutors. The latter often visited opposition's events in Navapolatsk, but wasn't acquainted with anyone. Therefore, the activists had the impression that he was an agent of the security services. Mr. Parchynski said that no papers were drawn up during the conversation and he wasn't proposed to sign any documents.

On 29 April, an activist of the Belarusian Christian Democracy Aleh Aksionau received a second warning from the Mahiliou KGB for activities on behalf of an unregistered organization. That morning he received a telephone call from KGB investigator Makhunou, who invited him to a meeting at the KGB office. A few minutes after it the activist was served a subpoena. Chairman of the Mahiliou regional branch of the Belarusian Popular Front "Adradzhenne" Dzmitry Salauyou wasn't allowed to represent Aksionau's interests during the talk. The conversation with the KGB investigator lasted for about an hour. Makhunou told Aleh Aksionau that the reason for establishing preventive surveillance over him was his activity on behalf of the unregistered organization "Belarusian Christian Democracy", the election observation campaign "For Fair Elections" and the Mahiliou Regional Coalition of Democratic Forces. The investigator supported his words by presenting printouts from various websites where Aksionau's surname was mentioned. The activist tried to convince the investigator that the BCD party acted on behalf of its organizing committee, but the latter refused to understand it. Apart from Aleh Aksionau, the KGB Mahiliou Regional Department established preventive surveillance over a BCD activist Tatsiana Shambalava and the head of the Mahiliou regional branch of the Belarusian Popular Front "Adradzhenne" Dzmitry Salauyou.

### **Administrative prosecution of political activists, arbitrary detention**

On 3 April, members of the Slonim coalition of democratic forces Ivan Bedka and Ivan Sheha were summoned to the Slonim District Police Department.

Ivan Sheha was presented a subpoena at work and Ivan Bedka — at home. Police Major Aliaksandr Khudzio stated they were to write explanations about launching air balloons on Freedom Day. Bedka and Sheha refused to write such explanations. On 18 April, police Major Vadzim Shchurski questioned at the Slonim DPD local activists of the United Civil Party, brothers Andrei and Siarhei Bialko in connection with their participation in the Freedom Day celebrations. Pensioner Mikalai Barysik was questioned by police Major Ihar Klybik. He refused to give any explanations, stating that the celebration of Freedom Day was his private business. On 22 April, two more people, Albert Hlinnik and Viktor Marchyk, were summoned to the Slonim DPD and interrogated by police Major Ihar Klybik concerning the participation in Freedom Day. They refused to write explanatory notes. All participants of the celebration were identified by the police on the basis of the photos which appeared on the Internet after the event.

On 4 April, former political prisoner Vasil Parfiankou, who on 9 February had been released from the detention facility of the Baranavichy remand prison No. 6 after serving 6-month arrest term for violating the regime of preventive supervision, was again charged with violating the regime of the preventive supervision and fined 800,000 rubles by Judge Yury Harbatouski of the Pershamaiski District Court of Minsk.

On 4 April, the juvenile commission of the Maskouski District Executive Committee of Brest fined 18-year-old Uladzislau Barouski 50,000 rubles under Article 23.34, part 1 of the Code of Administrative Offenses (participation in an unauthorized mass event). On 18 March, U. Barouski was detained together with activists of the organizing committee of the party “Belarusian Christian Democracy” Yauhen Khaziakhmetau and Andrei Sharenda near the park of Soldiers-Internationalists, where a white-red-white flag was hanged out on an armored personnel carrier standing on a pedestal.

On 5 April, a former political prisoner, activist of the “Young Front” Uladzimir Yaromenak was tried on charges in violating the terms of preventive supervision, imposed by the court. According to the judgment, Mr. Yaromenak was absent from home for some time during the period between 9 p.m. and 6 a.m. of 24 February. The case was considered by Judge Yury Harbatouski. Uladzimir Yaromenak was not present at the trial, as he was not informed about it. On 23 April, the activist received a telephone call from a police inspector who told that he had been sentenced to 15 days of arrest and therefore had to come to the police station. On 24 April, Mr. Yaromenak was taken to the detention center in Akrestsin Street.

On 5 April, the Vitsebsk Regional Court considered an appeal of Chairman of the BPF’s regional branch Leanid Autukhou against the verdict of the Kastychnitski District Court, according to which he had been punished with 5

days of arrest by Judge Ina Hrabouskaya for an alleged violation of the law on mass events. The judge considered as an offense the distribution by Autukhou and his associate Kanstantsin Smolikau of the “Magistrate” bulletin, dedicated to Freedom Day. The appeal was considered by Judge Iryna Smaliakova. Leanid Autukhou solicited for holding court proceedings in Belarusian, but the judge dismissed the petition, as well as a request to impeach the court he entered later. The verdict of the court of first instance was left in force.

On 9 April, activist of the movement “For Freedom” Yan Melnikau, who had congratulated passers-by on Freedom Day on 25 March in Yakub Kolas Square in Minsk, was summoned to the Savetski District Police Department of Minsk and charged under Part 2 of Art. 23.34 of the Administrative Code (organizing an unsanctioned event). On 10 April, Judge Aksana Reliava of the Savetski District Court of Minsk sentenced him to a fine of 2.2 million rubles.

On 10 April, the Maskouski District Court of Minsk found activist Nina Bahinskaya guilty of holding an unsanctioned event and fined her 2.5 million rubles. The activist was detained during a prayer near Sts. Symon and Alena Church in Minsk for raising a white-red-white flag. The verdict was issued by Judge Tatsiana Motyl.

On 12 April, local activist Piotr Ivanou was detained at the police department of the Vitsebsk Regional Executive Committee. Before this, he was giving explanations at the regional road police department to Colonel Stsiapanau in connection with the detention of the BCD members Aliaksei Kishchuk and Stanislau Laurenau on 16 February for holding a poster with the word “Freedom!” in the center of Vitsebsk. Ivanou asked to punish the policemen who had violated the traffic rules during the detention. Instead of it, Piatro Ivanou was charged with giving a knowingly false testimony. Ivanou was taken to the Pershamaiski District Court, but then the police car turned around and took him to the Pershamaiski District Police Department of Vitsebsk, where he was also charged with disobedience to lawful demands of the police. The trial of Ivanou started at the Pershamaiski District Court of Vitsebsk on 15 April. On 17 April, the activist was fined 2 million rubles on charges of giving false testimony about a violation of the traffic rules by the driver of a police car, and 2 more million rubles — for disobedience to lawful demands of police officers. Piatro Ivanou pleaded not guilty in both cases.

On 12 April, Chairman of the Minsk City Court dismissed the appeal of the leader of the United Civil Party Anatol Liabedzka against the verdict of Judge of the Savetski Dzmitry Pauliuchenka District Court of Minsk, according to which he had been sentenced to a fine in absentia on 15 January. The politician was fined for handing out informational leaflets about the attitude of the United Civil Party and its supporters to the privatization of state property. Anatol Liabedzka appealed the ruling to the City Court, but on 15 February

Judge Valery Kamisarau left the initial verdict in force. Chairman of the Minsk City Court supported the position of his colleagues.

On 17 April, Viktor Ivashkevich was banned from leaving the country in connection with an incident in May 2012, when an employee of the Mazyr refinery Maryna Tsibliyenka sued him for the calls on the European companies to boycott Belarusian oil products. The court sentenced Mr. Ivashkevich to pay a compensation of 500,000 rubles to the plaintiff and refute his statements on the website “Charter’97” calling to impose economic sanctions. Mr. Ivashkevich paid the “compensation” and was allowed to leave the country six months after it. However, recently a bailiff informed him that he was banned to leave the country, as he hadn’t disproved his statements in the media.

On 17 April, the Vitsebsk Regional Court turned down an appeal by the activist of the Conservative-Christian Party “Belarusian Popular Front” Siarhei Kavalenka against a verdict of Judge Valiantsina Kismiaroshkina of the Pershamaiski District Court of Vitsebsk, according to which he was to pay a fine of 1 million rubles for disorderly conduct. Judge Iryna Smaliakova of the Vitsebsk Regional Court supported the previous verdict, expressing no doubt in the information of the police reports, which indicated that Kavalenka was walking along the roadway in 2<sup>nd</sup> Pradolnaya Street, which was noticed by a police patrol who approached him and made a remark. Siarhei Kavalenka allegedly refused to return to the pavement, using foul language.

On 22 April, an activist of “Zmena”, the youth wing of the civil campaign “Tell the Truth”, Pavel Vinahradau was detained for hanging out a white-red-white flag and a portrait of political prisoner Mikalai Statkevich over the entrance to the metro station “Niamiha” in Minsk. On 23 April, he was tried at the Tsentralny District Court of Minsk under Article 23.34 of the Code of Administrative Offenses (violation of the order of holding mass events). Judge Viktoryia Shabunia sentenced him to 12 days of arrest.

On 26 April, the leader of the United Civil Party Anatol Liabedzka and journalists Aliaksandr Barazenska and Nasta Yaumen were twice detained in the town of Astravets (the Hrodna region), where a nuclear power plant is being built. The journalists came there with the politicians to make a report about the NPP construction.

On 26 April, in Minsk the annual memorial rally on the anniversary of the accident at the Chernobyl nuclear power plant was held. The rally was allowed by the Minsk City Executive Committee and was peaceful. However, law enforcement officials didn’t refrain from making obstacles, and the event was accompanied by arrests of journalists and activists. The head of the council of the public association “Ecodom” Iryna Sukhiy and its activists Volha Kaskevich, Kanstantsin Kirylenka and Vasil Siniukhin were detained preventively near their houses. They were kept at the Pershamaiski District Police

Department of Minsk for three hours and released after the end of the rally. Some more environmentalists were blocked in their apartments and were not able to come to the event. Human rights observer Viachaslau Dashkevich was detained near the Savetski District Police Department, to which a part of the detained participants of the “Chernobyl Way” were taken. After the end of the rally, an activist of the anarchist movement Ihar Trukhanovich was brutally beaten to blood by four people in mufti and detained. “Nasha Niva” journalists Iryna Arakhouskaya and Aksana Rudovich, who shot the beating on video, were detained and taken to the Savetski District Police Department of Minsk, from which they were released several hours later. In the evening, the police also detained Alena Vitko, Yan Melnikau, minor Iryna Kazlouskaya and Nasta (surname unknown). All of them were soon released. Later in the evening, the journalists of the Belarusian service of Radio “Racyja” Henadz Barbarych and Aliaksandr Yarashevich were detained and taken to the Savetski DPD. Activists of the “European Belarus”, Dzmitry Charniak and Aliaksandr Tarnahurski, were detained for participation in the action. All of them were kept at the detention isolation center in Akrestsin Street until the trial. On 29 April, they were tried at the Savetski District Court of Minsk. Journalists Henadz Barbarych and Aliaksandr Yarashevich were sentenced to three days of arrest for “disobeying the police” (Article 23.4 of the Code of Administrative Offenses). The verdicts were issued by Judge Kiryl Palulekh. Human rights activist Viachaslau Dashkevich was sentenced to five days of arrest on the same charges by Judge Dzmitry Pauliuchenka. Ihar Trukhanovich was sentenced to ten days in jail on charges of participating in an illegal mass rally and disobeying police officers (Judge Aksana Reliava). Dzmitry Charniak and Aliaksandr Tarnahurski were sentenced to ten days of arrest on the same charges by Aksana Reliava and Dzmitry Pauliuchenka respectively.

On 30 April, a Vitsebsk member of the Conservative Christian Party Yan Dziarzhautsau was charged with a violation of the law on mass events. He was summoned to the Kastychnitski District Police Department where the policemen charged him without witnessing his “offense”, solely on the basis of the photos posted on the Internet. On 26 April, Yan Dziarzhautsau and another CCP BPF member, Vital Kavalenka, went to the monument to P. Masherau in Zamkavaya Street with the posters “Only an enemy of Belarus can construct a nuclear power plant without the consent of the people” and “Dictator, if you build Astravets — Chernobyl may come around”. Most possibly, the police were called by a passer-by. However, the police car arrived when the action was over, the activist rolled the posters and were about to leave. Passers-by shot the picket with their cellular phones and in the afternoon photos from it were published online. According to police, it will be used as evidence at the trial.

## **Restrictions on freedom of speech and the right to impart information, persecution of journalists**

On 29 March, the Bialynichy District Court fined a resident of the village of Lebiadzianka Valery Vusik 5 million rubles: 3 million for alleged defamation of the head of the “Lebiadzianka” farm Piotr Bialou and 2 million for handing out the independent newspaper “Mahiliouski Vybar”. The case was considered by Chairman of the Bialynichy District Court Uladzimir Huz. He dismissed the petition for admitting Vusik’s counsel to the trial and ignored the written testimonies of Lebiadzianka residents confirming that the violations at the farm set forth in the article “What has changed at the “Lebiadzianka” farm during the last years?” published in “Mahiliouski Vybar” really took place. The judge referred to the fact that officers of the Bialynichy District Police Department refused to open a criminal case against the administration of “Lebiadzianka”, as far as the facts stated in Vusik’s complaints weren’t confirmed. He also didn’t take into account the testimony of the editor of “Mahiliouski Vybar” Barys Vyrvich that the newspaper was published in conformity with the Constitution and the Law “On Mass Media”.

On 11 April, the ex-editor of the magazine “ARCHE-Pachatak” Valery Bulhakau received an official response to his request to the Financial Investigations Department’s office for Minsk and Minsk region. Deputy Chairman of the FID, Batshevichus, said that “according to the results of an inspection carried out by the FID of the State Control Committee for Minsk region and Minsk, it was decided not to instigate a case under Article 243 of the Criminal Code against you”. In this letter, Valery Bulhakau was also proposed to come to the FID “to decide the fate of the editions” which belonged to him. A similar letter was submitted to “Inbelkult” Ltd. (the former publisher of the magazine, on whose behalf the inquiry was made). Both papers are dated 9 April. On 23 April, the Ministry of Information again refused to introduce changes to the registration data of “ARCHE-Pachatak”, which puts to doubt the magazine’s future. The decision signed by Deputy Information Minister Uladzimir Matusevich notes that the editors supposedly did not provide information about the reappointment of Valery Bulhakau to the position of chief editor. The editorial board of the magazine said this decision aimed at the destruction of the edition.

On 17 April, Judge Aliaksandr Davydau of the Ashmiany District Court started considering a case brought by the KGB’s Hrodna Regional Department concerning the allegedly extremist nature of the album “Belarus Press Photo 2011”. 41 copies of the album were seized from photographers Yuliya Darashkevich and Aliaksandr Vasiukovich on November 2, 2012 at the border crossing point “Kamenny Loh”. Photographers Yuliya Darashkevich,



Aliaksandr Vasiukovich and Vadzim Zamirouski (who organized the contest “Belarus Press Photo”) took part in the trial as interested persons. As it follows from the information presented to Darashkevich’s lawyer, the expert committee appointed by the decision of the Hrodna Regional Executive Committee, concluded that the album “contained intentionally distorted, untrue materials on the life of the Republic of Belarus in the political, economic, social and other spheres, offending the honor and dignity of citizens of the Republic of Belarus”. At the beginning of the trial, the lawyer filed a motion for an alternative examination of the album, which was rejected. On 18 April, the Ashmiany District Court found “Belarus Press Photo 2011” extremist and ruled that the confiscated copies were to be destroyed. The same day the Belarusian Association of Journalists expressed disagreement with the decision of the court, noting that “the mere fact of the trial on this case looks absurd, and it was not the content of the album that could “undermine confidence in the authorities”. In its earlier address to the KGB with the call to withdraw the lawsuit BAJ noted that “photos of this album do not contain calls for extremist activities or promote them. Photos do not create, but merely reflect the reality. They by definition cannot “contain deliberately distorted and untrue speculation about the life in the Republic of Belarus”. The fact that the “choice of the materials for the album on the whole” caused claims of the experts witnesses their prejudiced attitude, not the attitude of the album creators”. On 26 April, the journalists appealed the verdict of the Ashmiany District Court to the Hrodna Regional Court.

On 19 April, Radio “Liberty” journalist Aleh Hruzdilovich and cameraman of the informational agency BelaPAN Siarhei Satsiuk were detained in Minsk while covering the protest action organized by the public initiative “Against Lawlessness at Courts and Prosecutor’s Offices” in Nezalezhnasts Square. The journalists were taken to the Maskouski District Police Department of Minsk and released several hours later. They regained their video equipment, but all footage was erased.

At about 11.50 a.m. on 24 April, the website of the European Radio for Belarus stopped working. Instead of its main page, viewers could only see an announcement about technical works at the website. “Literally 15 minutes ago an extraordinary number of attempts to connect to the website was registered,” stated the chief editor of the Euroradio Vital Zybliuk. “It could be a technical failure or a planned DDoS-attack.” The site started working in the normal mode after 12 a.m.

On 24 April, Chairman of the Vitsebsk regional branch of the Belarusian Popular Front Party Leanid Autukhou was summoned to the Kastrychnitski District Police Department of Vitsebsk and was charged with a violation of the law on mass media. In particular, L. Autukhou was accused of exceeding the

legally allowed number of copies of the party bulletin "Magistrate", during the distribution of which he had been detained at the shopping center "Evicom" on 22 March and subsequently sentenced to 5 days of arrest for a violation of the Law "On Mass Events" (the bulletin contained information about the planned celebration of Freedom Day). The confiscated copies of the bulletin weren't calculated in Autukhou's presence, that's why it is unclear where the number was taken from.

On 25 April, hackers posted a message at the website [belaruspartisan.org](http://belaruspartisan.org): "We could have crushed you, "Charter" and "Viasna" and many others long time ago, but we give you an opportunity to exist under our control. Why didn't we do it? It is just interesting for us, WHAT is said, who says it and where from. And now we have the list of talkers, whom we give the last warning: you can write and speak, but don't go too far, don't fling mud and insult the PERSON". As stated by the editorial board of the website, this was done by "hackers in uniform". The unidentified individuals who posted the statement at the website represented themselves as followers of the "Anonymous" crew. Several days before that a DDoS-attack was suffered by the website of Charter'97, whose work was blocked for an hour. The editorial board of the website stated that the attack had a Russian-Belarusian- Ukrainian footprint (more than 60% IPs were from Ukraine, 30% — from Belarus). It's worth noting that the websites of "Belarusian Partisan", "Charter 97" and the Human Rights Center "Viasna" were put in the so-called "black list" and banned for viewing in state institutions.

On 26 April, independent journalists Aliaksandr Barazenska and Anastasiya Yaumen were arrested during a visit to the construction site of the nuclear power plant in Astravets. The detainees were taken to the local police station, and were released after some time. The journalists came to Astravets together with the leader of the United Civil Party Anatol Liabedzka and environmental activists Ivan Kruk and Mikalai Ulasevich in order to make a report about the construction of the NPP.

On 26 April, after the end of the authorized rally "Chernobyl Way" in Minsk, the journalists of "Nasha Niva" Iryna Arakhouskaya and Aksana Rudovich, who had videotaped the beating of an activist of the anarchist movement Ihar Trukhanovich, were detained. They were taken to the Savetski District Police Department and released at 9.30 p.m. The journalists of Radio "Racyja" Hendarz Barbarych and Aliaksandr Yarashevich were detained after the end of the rally and taken to the Savetski DPD as well. After 11 p.m., they were taken to the delinquents' isolation center in Akrestsin Street. In the morning of 27 April, the guards refused to accept a parcel for them. The journalists were charged with disobedience to lawful demands of the police (Article 23.4 of the Code of Administrative Offenses). Judge Kiryl Palulekh of the Savetski District Court sentenced them to three days of arrest.

On 26 April, the website of the Belarusian Association of Journalists was attacked. The DDoS-attack started 30 minutes after the information about the ways to counteract to DDoS-attacks was published. “We took the advice of experienced IT-persons and wrote how to protect websites from break-ins and DDoS-attacks, but fell victims to an attack ourselves. Our programmers are trying to rein in the attack, but it is very difficult, so we have to just wait until it’s over,” said the press-secretary of the Belarusian Association of Journalists Barys Haretski. The work of the website normalized in an hour.

On 30 April, the TV channel “Belsat” was denied accreditation by the Ministry of Foreign Affairs of the Republic of Belarus. The officials referred it to the fact that the Belarusian journalists had repeatedly violated the law working with the TV channel without accreditation. This was the third accreditation denial issued to “Belsat”. In the previous accreditation denials, the authorities referred to other formal reasons.

### **Restrictions on freedom of assembly**

On 9 April, the Homel authorities banned the May Day rally, organized by the Belarusian Leftist Party “Fair World”. The application for the event was filed to the Homel City Executive Committee back in March. The organizers tried to conclude service agreements with the required institutions. However, the police refused to conclude an agreement for serving the rally referring to the absence of official permission. The Executive Committee, in turn, refused to authorize the action in the absence of a service agreement. The oppositionists stated their intention to require explanations from the Homel City Executive Committee about the ways to solve the problem.

On 12 April, a Vitsebsk activist Aliaksei Haurutsikau (a member of the party of political prisoner Mikalai Statkevich), and the head of the regional branch of the Movement “For Freedom” Khrystafor Zhaliapau intended to hold a picket to express solidarity with political prisoners and protest against the impoverishment of the Belarusian population. They filed an application to the Pershamaiski District Executive Committee of Vitsebsk, as they intended to hold the action in the specially determined place, the 30-hoddzia VLKSM Park on the territory of the Pershamaiski district. The district administration banned the event, citing a regulation of the Vitsebsk City Executive Committee, according to which mass events could be authorized only after their organizers presented service agreements with the public utilities, ambulance and police. The ambulance service evaded concluding an agreement for serving the picket, writing that “ambulance brigades would be serving the national boxing Universiade”.

On 17 April, Judge Zhanna Andreichyk of the Tsentralny District Court of Homel considered the appeal of a civil society activist Kanstantsin Zhukouski

against the refusal of the Homel City Executive Committee to authorize a picket. Mr. Zhukouski and his friends intended to hold their picket on 1 April under the slogan "Homel City Executive Committee! Hands off History!" in order to attract public attention to the destruction of the unique wooden buildings in the center of Homel. The Executive Committee referred its refusal to the failure of the organizer to implement its ruling "On Mass Events" by entering into service contracts with the police, public utilities and ambulance. At the same time, all attempts of the organizers to enter into such contracts were met with refusals of these institutions, who stated they couldn't conclude such agreements in the absence of permission for the action. The Executive Committee, in turn, refused to authorize mass events without being presented such contracts first. At the trial, Kanstantsin Zhukouski explained that the ban on the picket violated his constitutional rights and it was impossible to implement the regulation of the Executive Committee "On Mass Events" in practice. The court ruled that his appeal was to be dismissed.

On 22 April, it was reported that two actions dated to the 27<sup>th</sup> anniversary of the Chernobyl accident were banned in Vitsebsk. The head of the regional branch of the movement "For Freedom" Khrystafor Zhaliapau intended to organize a rally dedicated to the Chernobyl tragedy. The Pershamaiski District Executive Committee of Vitsebsk refused to authorize the action due to the absence of the service agreements with the police and medics. Mr. Zhaliapau managed to conclude such agreement only with the public utilities, whereas the police and the ambulance service ignored his applications. Thus, the organizer again faced the impossibility to implement regulation No. 881 of the Vitsebsk City Executive Committee, which requires the organizers of mass events to conclude the agreements for serving mass events before filing applications for their authorization. The Chyhunachny District Executive Committee of Vitsebsk banned the rally organized by the head of the Vitsebsk regional branch of the Belarusian Popular Front Leanid Autukhou for the same reasons. Mr. Autukhou intended to hold the action in the Park of Culture and Rest of Railwaymen.

On 23 April, a picket was banned in Vitsebsk due to "seasonal diseases" (the reason referring to which the ambulance service refused to enter into a contract for serving the action with the member of the Conservative Christian Party BPF Yan Dziarzhautsau). Mr. Dziarzhautsau stated that the police also refused to enter into service contracts with him citing various reasons, whereas the city polyclinics kept giving same reason without any hesitations.

On 25 April, Mahiliou activists of the United Civil Party weren't allowed to hold a picket in memory of the disappeared ex-minister of Internal Affairs, police General Yury Zakharanka. The Executive Committee referred the ban to the fact that the UCP activists wanted to hold their picket in a place which

hadn't been determined for mass events by the authorities. The activists intended to hold their action on 7 May, the 14<sup>th</sup> anniversary of Zakharanka's disappearance, near the Mahiliou regional diagnostic center. It's worth noting that on 1 March members of the Belarusian National Youth Union (BRSM) held a picket there without any official permission.

On 25 April, the Minsk City Executive Committee prohibited the Belarusian Congress of Democratic Trade Unions (BCDTU) to hold a rally in support of workers on 1 May in the 50-hoddzia Vialiki Kastychnik Park. As the head of the BCDTU Aliaksandr Yarashuk learned from a telephone conversation with the head of the department of public and mass work Yury Uralski, the answer had been already mailed and according to it "official mass festivities would be held in all five park zones of Minsk on 1 May, that's why it is inexpedient to hold any additional actions".

### **Restrictions on freedom of association**

On 1 April, the Supreme Court opened hearings into the lawsuit of the Ministry of Justice against the international NGO "Good Will". The Ministry of Justice started checking the organization on a complaint of the Ministry of Education, which accused "Good Will" of non-statutory activities (legal assistance to families with many children and orphans) and the use of unregistered symbols (envelopes with the inscription "Good Will"). Later, the Ministry of Education withdrew its claim, but the Ministry of Justice found violations in the organization's activities (a capital letter was used instead of a small one on the organization's seal, the "unregistered" envelopes, an error in the title of the organization which lent an office in Ratamka to "Good Will" free of charge, etc.). These "violations" were sufficient to stop the activities of the organization from November 26, 2012 till January 27, 2013. The Ministry of Justice brought charges on 16 points in the dissolution lawsuit. On 3 April, the Supreme Court granted the lawsuit for the dissolution of "Good Will". The court found that the organization untimely amended its charter, did not suspend activities in accordance with the decision of the registering authority, didn't confirm its international status, had deficiencies in record-keeping and failed to present information requested by the Ministry of Justice. Having lost the trial, the organization was also obliged to pay the state fee of 300,000 rubles.

On 1 April, Anatol Litvinka, one of the founders of the independent trade union organization at the "Granite" enterprise in Mikashevichy, was dismissed by order of Director General. The secretary-treasurer of the organization of the Belarusian Independent Trade Union on "Granite" (the position occupied by Anatol Litvinka) received a notice in which it was said that his labor contract was terminated due to alleged "systematic non-fulfillment of job duties". A year

before, Anatol's wife Liudmila Litvinka was dismissed from the enterprise, and was unable to find a job in Mikashevichy for a long time after it. Moreover, during the past year the enterprise administration dismissed almost all activists who were founders of the independent trade union: Mikalai Karyshau, Vital Pashechka, Henadz Paulouski and Aleh Stakhayevich. One more activist, Leanid Dubanosau, was under the threat of dismissal.

On 18 April, the Biaroza District Prosecutor's Office issued a warning for acting on behalf of an unregistered organization to an activist of the civil campaign "Tell the Truth" Aliaksandr Kuzmin. The warning was signed by Prosecutor of the Biaroza district, junior counselor of justice D. Dziarabina. At the prosecutor's office, he and his counsel weren't allowed to study the case materials, being told that they would be sent to the Biaroza District Police Department where they could be studied. The activist stated that Chairman of the Belaaziorsk District Executive Committee had applied to the police with a written request to give a legal assessment to his actions. Aliaksandr Kuzmin thinks that the warning could be issued due to his activities related to the privatization of apartments in a house in Belaaziorsk.

## Situation of Human Rights in Belarus in May 2013

In May, there was no positive development in the human rights situation in Belarus, which remained consistently bad. The absence of real mechanisms of influence in this sphere inside the country and its strong dependence on foreign factors created a situation where the greatest expectations were associated with external influences, especially concerning the release of political prisoners. However, intensive contacts of the Belarusian authorities with the European Union, its institutions and individual countries as well as with the United States didn't bring perceptible results in this direction. 11 political prisoners were still kept in jail, 2 people continued serving terms of restriction of liberty without being sent to open penitentiaries, 8 still had suspended or conditional sentences, and Andrei Haidukou, accused in a criminal case on high treason, was still kept in the remand prison. Preventive supervision, established by courts, was still used against three former political prisoners as a means of control and pressure. Preventive surveillance was used against 25 political prisoners who were pardoned or released on parole. There was no improvement in the observance of freedom of expression, assembly, association, and other rights and freedoms.

However, in May, there was a serious reason to doubt the strong position of the European Union regarding the restoration of relations with the official Minsk only after the release of political prisoners. In the preliminary report prepared by a member of the European Parliament J. Paleckis for the European institutions, it is noted that the human rights situation in Belarus has improved, and therefore it is recommended to consider "the suspension of EU sanctions against the key Belarusian officials for the extension of the diplomatic channels of communication with Belarus, taking into account the summit of the Eastern Partnership". The report provoked strong criticism from the Belarusian human rights community. As a result, during the online conference on 24 May, hosted by Radio "Liberty", Paleckis admitted that the words about the "improvement of the human rights situation" were wrong and had to be changed. During the discussion of the report at a meeting of the Committee on Foreign Affairs of the European Parliament in Brussels on 29 May J. Paleckis focused on the fact that his report said nothing about lifting the sanctions against Belarusian officials and stated that the prerequisite for the restoration of contacts with the Belarusian side, the release of political prisoners, remained unchanged.

An important event related to the international assessment of the situation of human rights in Belarus was the publication of the report of the UN Special Rapporteur Miklós Haraszti on 3 May. The document was prepared

under the mandate approved by the UN Human Rights Council. According to Mr. Haraszti, human rights are systematically limited, especially in the case of freedom of association, assembly and expression, as well as the right to the proper conduct of the trial and a fair trial. The Special Rapporteur noted the centralization of legislative and executive powers around the President. Miklós Haraszti expressed concern about the lack of rule of law in Belarus and the fact that the legal system could be the guarantor of rights in the situations where it is contrary to the interests of the authorities. He highlighted the pressurization of human rights organizations, including in the form of the judicial dissolution of the human rights organization “Platform” and the confiscation of premises of the Human Rights Center “Viasna”. The report made recommendations to the Government of Belarus to improve the situation with the rights and freedoms of citizens. Haraszti drew attention to the fact that he wasn’t allowed to visit Belarus to review the situation on the ground, as the Belarusian authorities refused to cooperate with him. This report was approved by the Belarusian human rights activists, who noted there an objective approach and the lack of political considerations.

The Belarusian authorities demonstrated a further departure from the fulfillment of their international obligations. On 17 May, Deputy Chairman of the Human Rights Center “Viasna” Valiantsin Stefanovich filed an appeal to the Minister of Foreign Affairs of Belarus Uladzimir Makei in connection with the failure of the Belarusian state to implement the decision of the UN Working Group on Arbitrary Detention in the case of Ales Bialiatski. In its decision of August 31, 2012, the Working Group recognized that the imprisonment of the head of the HRC “Viasna” and Vice-President of the International Federation for Human Rights Ales Bialiatski was arbitrary, and stressed that “adequate remedy was to release Mr. Bialiatski and to give him the legal right to compensation in accordance with article 9, paragraph 5 of the International Covenant on Civil and Political Rights (ICCPR)”. However, the Belarusian side responded by saying that it saw no point in cooperation with the Working Group and accused it of political bias. “Belarus has always demonstrated a constructive attitude towards cooperation with the thematic procedures of the Council [of the Human Rights Council] and presented to it all requested information. However, in such circumstances, taking into account the extreme political partisanship of the Working Group and the lack of professional ethics in its activities, Belarus sees no reason for further cooperation with the Working Group in its present form,” stated the official delegation of the Republic of Belarus during the 22<sup>nd</sup> session of the UN Human Rights Council in March. The delegation called the requirements of the Working Group “interference in the internal affairs of the state”: “We regard the opinion of the Working Group on Bialiatski’s case as an attempt to justify a criminal by calling him a human rights defender



and interference in the internal affairs of a sovereign state.” Taking into account these statements, V. Stefanovich, in his address to the Minister of Foreign Affairs, said that the UN special procedures (including the Working Group on Arbitrary Detention) are subsidiary bodies of the United Nations. Their legal conclusions, such as the aforementioned opinion on Ales Bialiatski’s case, are solutions of the UN. The Republic of Belarus, as a UN member state, has an obligation to cooperate with all UN bodies and mechanisms (as provided for in Article 56 of the UN Charter), as well as related agreements, including the ICCPR, which Belarus ratified in 1973. The human rights activist, referring to part 5.11 of the Regulations of the Ministry of Foreign Affairs, approved by the ruling of the Council of Ministers No. 978 of July 31, 2006, stressed that the duties of the Ministry included “monitoring the implementation of international agreements of the Republic of Belarus by state bodies of the Republic of Belarus and assistance in the implementation of international treaties of the Republic of Belarus”. In this regard, Valiantsin Stefanovich asked the Minister of Foreign Affairs to monitor the implementation of the decision of the UN Working Group on Arbitrary Detention in the case of Ales Bialiatski and to take measures to ensure the implementation of this decision by the public authorities of the Republic of Belarus.

### **Political prisoners, criminal prosecution of civil society and political activists**

On 2 May, the mother of political prisoner Eduard Lobau, Maryna Lobava, reported that authorities of Ivatsevichy penal colony No. 22 had been depriving her son of an opportunity to receive dental treatment for 1.5 years. She stressed that her son had registered for an appointment with the dentist back in March. On 21 May, Eduard Lobau had a three-day meeting with his mother and brother Uladz. After the meeting, the administration didn’t allow to pass food to the prisoner, allegedly due to violations of the regime. This happened for the first time, earlier the relatives were allowed to pass 5-10 out of 30 legally allowed kilograms.

On 2 May, after one-month break, the mother of political prisoner Ihar Alinevich received a letter from her son. On 5 May, Ihar Alinevich called home to congratulate the family on Easter (the previous call was done on 8 March). On 30 May, Ihar Alinevich, who is serving his term in Navapolatsk penal colony No. 10, was allowed a short meeting with his family. Valiantsina Alinevich noted that she was also allowed to pass a food parcel to him.

On 3 May, Tamara Vaskovich, grandmother of political prisoner Yauhen Vaskovich, stated that she hadn’t received any letters from him for more than a month. The isolation, created by the administration of Mahiliou prison No. 4,

was interrupted only at the end of May, when people started receiving letters from him. It also became known that he had received the food parcel from relatives, whose fate had been unknown for a long time.

On 4 May, political prisoner Pavel Seviarynets, who was serving a sentence in the open penitentiary in the village of Kuplin, Pruzhany district, was released for 3 days for celebrating Easter at home in Vitsebsk. Since it took a lot of time to get home, Pavel was able to stay there for just 1.5 days. On 6 May, he returned to the penitentiary. On 29 May, P. Seviarynets reported having received more than 2,000 letters while serving his term, most of which were sent from the Belarusian regions, every other — from Minsk and one in ten — from abroad.

On 4 May, former presidential candidate Mikalai Statkevich called his wife Marina Adamovich to congratulate her on the Orthodox Easter. He stated that she wouldn't receive his letter of 25 April, because it had been seized. The letter contained a message to youth activist Pavel Vinahradau, who carried out an action of solidarity with Statkevich and served a 12-day arrest for that. On 29 May, Statkevich's wife reported that some strange fuss was again started around the political prisoner in prison No. 4 in Mahiliou, which reminded an attempt of the prison administration to squeeze out a clemency petition. This time it could be done by handwriting forgery. M. Statkevich decided to get ahead of that possibility. Such threats were posed to the prisoner in the Shkloou penal colony back in summer of 2011.

On 7 May, Volha Haidukova, the mother of the 24-year-old resident of Navapolatsk Andrei Haidukou accused of "high treason", was denied a meeting with her son by a ruling of an investigator of the Vitsebsk KGB, Aleh Barysevich. As she learned from her son's letter of 29 April, the investigation had been completed and the prisoner was being acquainted with the case. On 27 May, it was announced that the case would be considered by the Vitsebsk Regional Court. On 30 May, Chairman of the KGB of Belarus Valery Vakulchyk reported that the hearing of the case of Andrei Haidukou would be held in a closed session. He also said that the charges against Haidukou remained unchanged. On 31 May, the date of the trial was announced, 12 June. The case was to be considered by Judge Halina Urbanovich. The Human Rights Center "Viasna" and the Belarusian Helsinki Committee issued a joint statement in which they called on the authorities to provide for an open trial of A. Haidukou. The mother of the activist also insisted that the trial be open.

On 12 May, the counsel of political prisoner Aliaksandr Frantskevich visited his client at the penal colony "Vouchyia Nory" and reported that Aliaksandr had been shown the document according to which he would be released on 6 September. On 28 May, it was announced that Aliaksandr Frantskevich was kept in solitary confinement.

On 15 May, it was announced that political prisoner Mikalai Autukhovich was unable to eat properly due to problems with his teeth — the bridges which had been once installed were falling off. The law does not stipulate rules how to act in this situation, but it can be interpreted as a lack of the necessary medical assistance.

On 16 May, Natallia Pinchuk, the wife of Chairman of the Human Rights Center “Viasna” Ales Bialiatski, visited Babruisk penal colony No. 2 in order to pass him clothes and means of hygiene, and learned that in March the human rights activist had been deprived of the right to receive food parcels for six months until August. Natallia Pinchuk passed him a tracksuit, bed linen and other things. It was the only parcel the prisoner was allowed to receive during the year. On 20 May, the human rights organization Front Line Defenders issued a statement on the use of new cases of disciplinary action by the administration of the colony against Ales Bialiatski. On 27 May, as a part of the 38<sup>th</sup> Congress of the International Federation for Human Rights (FIDH), Ales Bialiatski was re-elected Vice-President of FIDH. In 2007, he became the first vice-president of FIDH from Eastern Europe, in 2010 he was elected for a second term. As it became known from Bialiatski's letters, he was working on three books: the first one was dedicated to the human rights movement, the second was a collection of his publications in the press, interviews and recollections for more than 15 years of human rights activities. The concept of the third edition was in the process of development — Mr. Bialiatski intended to write a manual for civil society activists and human rights defenders on the organization of companies in support of political prisoners.

On 22 May, political prisoner Artsiom Prakapenka, who is serving his term in the Mahiliou prison No. 4, was allowed a short meeting with his family. His father said that the son had some minor health problems.

## **The death penalty**

On April 30, Senior Assistant Prosecutor of the Mahiliou region Ala Kuzniatsova stated that the Mahiliou Regional Court issued the first death sentence in 2013. The verdict was issued to a native of the Zhytomyr region (Ukraine), born in 1969, who was found guilty of four murders. The last murder was committed by him in Mahiliou prison No. 4, where he was serving a 25-year sentence. Since June 2012, he shared a cell with a resident of Barysau, born in 1990, and another prisoner. He proposed the latter prisoner to play dominoes with him to “life” — the winner takes the life of the one who loses the game. The initiator won the game.

After that, the winner agreed with his cellmate (born in 1990), when they would kill the loser. On July 4, 2012, they strangled their cellmate with a scarf. The native of the Zhytomyr region fully admitted his guilt in court, de-

spite the fact that he repeatedly changed his testimonies. The other prisoner denied his involvement in the murder, but his guilt was proved completely during the preliminary investigation and court proceedings. The court found both prisoners guilty of the crime. The native of the Zhytomyr region received a cumulative sentence with the account of the prior offenses and was punished by death. The resident of Barysau was sentenced to 16 years in a high-security penal colony. As noted by Ala Kuzniatsova, the person convicted of the crime had already committed three murders, all of which also belong to the category of serious and very serious. The man received extremely negative characteristics, he repeatedly violated the punishment regime and was put on the preventive register in Mahiliou prison No. 4 as a person who is prone to escape, assault and suicide. According to a representative of the Regional Prosecutor's Office, the convict presented a threat to society, even in strict isolation, neither a long prison term nor life imprisonment could correct him, that's why his punishment with death "is fully justified". The verdict was announced on 24 April.

On 28 May, human rights activist and political prisoner Ales Bialiatski said in a letter that prisoners were informed about the death verdicts. According to Bialiatski, the information about the death sentence appeared at the bulletin board of the Babruisk penal colony where he is kept. Most probably, such information is presented to the prisoners in order to maintain discipline.

On 1 June, the program "Secrets of Investigation", shown on the first channel of the Belarusian TV, announced the names of persons involved in the case which resulted in the issuance of the death verdict. The name of the death convict is Ryhor Yuzepchuk, the name of his cellmate sentenced to 16 years of imprisonment is Pavel Petrakou and the victim of the prison murder was Ihar Khadarkou.

### **Enforced disappearances**

On 7 May, it was 14 years since the disappearance of General Yury Zakharanka in the center of Minsk under mysterious circumstances. He was kidnapped in the evening of May 7, 1999 in Mahiliouskaya Street in Minsk on the way home. Soon his family received political asylum in Germany. The investigation into the case of the disappearance of Yu. Zakharanka hasn't been completed. According to human rights activist Aleh Volchak, who is the trustee of the Zakharankas, once every three months he gets a message from the investigators about the prolongation of the preliminary investigation. The investigation into the killing of Yury Zakharanka was started on September 17, 1999 under Article 101 of the Criminal Code (murder). This means that it could be terminated on September 17, 2014 due to the expiry of the time limits for bringing the perpetrators

to justice. Belarusian human rights activists intended to seek a change of the charges to Article 128 of the Criminal Code (crimes against humanity), which has no time limitations. The disappearance of Yury Zakharenka was the first high-profile disappearance of people in Belarus who are considered opponents of Lukashenka. On September 16, 1999, a member of the Supreme Soviet of the 13<sup>th</sup> Convocation Viktor Hanchar and businessman Anatol Krasouski disappeared, and in the summer of 2000 journalist Dmitry Zavadski, who used to be Lukashenka's personal cameraman, disappeared.

### **Pressurization of civil society and political activists by security services**

On 15 May, a Klimavichy activist of "Tell the Truth", Aliaksandr Balobin, received a reply from the Mahiliou Regional Prosecutor's Office to his complaint about the actions of the KGB Krychau Inter-district Department, who detained him on 27 March near the Klimavichy District Military Enlistment Office and took him to Krychau. In the response of the Mahiliou Regional Prosecutor's Office, signed by the senior counselor of justice, Assistant Prosecutor M. Ramanouski, it is stated that "the staff of the KGB Krychau Inter-district Department acted lawfully and reasonably during the exercise of individual preventive measures towards you (Aliaksandr Balobin — *Ed.*). There are no grounds for the application of measures of prosecutor's reaction". According to the response of the Prosecutor's Office, officers of the KGB Krychau Inter-district Department held a preventive talk with Aliaksandr Balobin, which is "the mildest of the individual measures of crime prevention". The reason for the talk was "a number of posts on your account of the social network "VKontakte", which attracted the attention of the KGB employees during the monitoring of the Internet and speak about your participation in the political life of the region, as well as your activities in the unregistered public association "Tell the Truth". A bit earlier Aliaksandr Balobin received a reply to his appeal to the KGB Mahiliou Regional Department, where he also complained about the actions of the Krychau Inter-district KGB Department and demanded a compensation for the costs of his return from Krychau to the village of Paulovichy in the Klimavichy district where he lives. In a response, signed by the deputy head of the KGB Department S. Feaktystau, it is stated that "no violations can be found in the actions of the KGB Krychau IDD". It also stated that compensation for travel expenses in this case is not provided.

On 21 May, an unknown person called to the mobile phone of a Mahiliou blogger Dzmitry Yarmolenka, introduced himself as a KGB officer and offered to meet in an informal setting. The youngster refused to meet, saying he would come only if summoned by an official paper. The KGB officer said

that there was no pressing need for it, and he could come to talk with Dzmitry at his work, but never appeared. Dzmitry Yarmolenka stated that the security agencies were interested in his article about a volunteer from Germany, Marlene Hensch, who worked in the Mahiliou foundation “Blakitnyia Berahi” (“Blue Banks”) with pre-school children and people with disabilities from September 2012 to mid-May of 2013. Marlene left Belarus; however, the interest in her personality and publications at the Mahiliou site “Free Format” (formats.by) under the heading “Diary of a Volunteer” only increased. It should be noted that the KGB also phoned the “Blakitnyia Berahi” foundation and asked its director Sviatlana Pahirskaya if she knew that the volunteer from Germany was publishing her notes at the website “Free Format”.

On May 21, KGB officers paid a visit to a Mahiliou trade union leader Halina Lisitsyna, who refused to talk with them in the absence of a warrant. Several days before Halina Lisitsyna had to talk to KGB officers for about two hours. The questions concerned the activities of the trade union, the activists’ trips, as well as the likely successor to her position. The woman said that she got the impression that the KGB knew more about her than she did. Due to their activity, her family faced some problems. According to the activist, KGB officers also came to work of another trade union activist, whose name she decided not to tell.

### **Use of torture and other cruel and inhuman treatment**

On 6 May, following his release from the delinquents’ isolation center after a 10-day arrest for participation in the Chernobyl Way rally, activist of the “European Belarus” Aliaksandr Tarnahurski said that his cell had lice and the prison authorities refused to sanitize it. Civil society activist Dzmitry Charniak, released the same day, stated that there was also a lousy prisoner in their cell.

### **Administrative prosecution of civil society and political activists, arbitrary detention**

On 2 May, activist of the movement “For Freedom” Yan Melnikau was detained by police in Gorky Park in Minsk for holding a banner with the inscription “Anarchism is not a crime, Ihar Trukhanovich is not a criminal”. He spent the night at the Pershamaiski District Police Department of Minsk. On 3 May, the activist was charged with participating in an unauthorized mass event and disobeying the requirements of the police officers (Part 3 of Art. 23.34; Article 23.4 of the Code of Administrative Offenses of the Republic of Belarus). Judge Viktoryia Shabunia of the Minsk Tsentralny District Court sentenced him to ten days of arrest. The case was heard without a lawyer.

On 3 May, a Vitsebsk activist of the Conservative-Christian Party “Belarusian Popular Front”, Siarhei Kavalenka, who was under preventive supervision after his release from the Mahiliou penal colony in September 2012, was summoned to the Pershamaiski District Inspection of Vitsebsk, where he received a second warning. The first warning was issued to Siarhei Kavalenka on 16 April for a violation of the traffic rules. The second one concerned the same episode on 25 March, but was issued for the alleged use of foul language against the police by S. Kavalenka. In 2010, Kavalenka, who was serving a term of personal restraint at the time, was sentenced to 2.1 years in a penal colony after receiving two warnings.

On 4 May, an activist of the organizing committee of the party “Belarusian Christian Democracy” Siarhei Verameyenka was summoned to the police station and charged in connection with his detention on 12 March. The activist was acquainted with the results of the examination of the leaflets with information about political prisoners and copies of the newspaper “Krynitsa Haradzenskaya” by the Ministry of Communications, according to which the printed materials did not meet certain technical standards. Siarhei Verameyenka was charged with the distribution of printed materials without imprint. On 7 May, the Leninski District Court of Hrodna fined him 2 million rubles.

On 8 May, the Baranavichy City Court considered the administrative case of a UCP activist Anzhalika Kambalava, detained by police on 7 May for organizing and holding an unauthorized rally in memory of the former Minister of Internal Affairs of Belarus Yury Zakharenka, who disappeared 14 years ago. The activist spent the night in a temporary detention cell. The court session was led by Judge Katsiaryna Hryda, who found the activist guilty under Article 23.34 of the Code of Administrative Offenses and fined her 2 million rubles.

On 9 May, the leader of “Zmena”, the youth wing of the civil campaign “Tell the Truth”, Pavel Vinahradau, was taken to the police station at around 7 a.m. right out of his apartment. The police officers offered no explanations. He was released at 4.45 p.m. Pavel Vinahradau stated that the police had shown him two crime-prevention films: about the dangers of drinking and about the need to be attentive while driving. Mr. Vinahradau was let go only after the release of the activist of the “Young Front” Uladzimir Yaromenak from the detention center in Akrestsin Street (Vinahradau had organized his festive meeting due to the end of the arrest term). To prevent the meeting, the police took U. Yaromenak out of the city and blocked the SIM-card on his cell phone. Nevertheless, friends took the activist back to the entrance of the detention center, where he was met by friends and like-minded people.

On 17 May, Judge Alena Protas of the Kastychnitski District Court of Vitsebsk found the head of the regional branch of the BPF Party Leanid Auktou and a member of the party Smolikau guilty of violating the Law “On

Mass Media” by distributing the newsletter “Magistrate”. On 22 March, Autukhou and Smolikau were detained at the “Evicom” mall. At first, the detainees were charged under the Law “On Mass Events”, as far as the bulletin contained an article about the rally on Freedom Day, 25 March, and were sentenced to 5 days of arrest. Later the police decided that the circulation of the bulletin exceeded 299 copies, though they didn’t count the bulletins one by one, but in big stacks. According to Kastus Smolikau, he had only two copies of the bulletin in his hands at the time of the detention. All other copies were “counted” by the policemen who found them after searching the car driven by Leanid Autukhou. As a result, Kastus Smolikau and Leanid Autukhou were also sentenced to pay fines of 3 million rubles.

On 17 May, Judge Yury Harbatouski of the Pershamaiski District Court of Minsk fined a former political prisoner Vasil Parfiankou 3 million rubles for breaking the rules of supervision (Part 2 of Article 24.12 of the Code of Administrative Offenses, “non-implementation of the requirements of preventive supervision”). On 16 May, police inspector Aliaksei Piarkou came to Parfiankou’s apartment to check his location, but Parfiankou was not at home, as a result of which the violation was registered. In fact, Parfiankou lingered a bit at work, and when he returned home, the police officer was already waiting for him.

On 18 May, the Kastychnitski District Court of Vitsebsk considered the administrative case against the members of the CCP BPF Yan Dziarzhautsau and Vital Kavalenka. Judge Inna Hrabouskaya found them guilty of taking part in the 26 April unauthorized mass event on the basis of a video from youtube.com. Dziarzhautsau and Kavalenka came to Zamkavaya Street on the anniversary of the Chernobyl accident with the posters “Only an enemy of Belarus can construct a nuclear power plant without the consent of the people” and “Dictator, if you build Astravets — Chernobyl may come around”. However, it wasn’t noticed by the Vitsebsk police, who arrived there when the activists were about to leave, and their posters were folded. Therefore, the main evidence at the trial were the videos which had been posted on the Internet. Judge Inna Hrabouskaya fined each of the defendants 2 million rubles.

On 21 May, a LGBT activist Aliaksei Kulik was taken off the train at the Ukrainian-Belarusian border station Tsarukha for personal customs examination. The activist was kept at the customs office from 4 till 7 a.m., while in the act of personal examination it is indicated that the procedure lasted only 15 minutes. During the personal examination, Aliaksei was asked to show his luggage, the computer and the flash drive and to strip to his underwear. No prohibited items were found. The official reason for the personal customs examination was a coincidence. The activist was told that those who often go abroad periodically undergo such a procedure, and was warned that he could be subjected to it again while crossing the state border.



On 22 May, the administration of the Hlybokaye District Executive Committee fined former math teacher Maryan Misevich for painting his balcony as a white-red-white flag and attaching the national coat of arms “Pahonia” to it. In the police report, it was called a “violation of the architectural solution” of the building. Mr. Misevich was punished with a fine of 200,000 rubles.

On 31 May morning, the leader of “Zmena” Pavel Vinahradau was preventively detained and taken to the Maskouski District Police Department of Minsk for a “preventive conversation”. The police didn’t let Vinahradau’s counsel to represent his interests, as far as he “wasn’t detained”. The activist believes the real reason was the summit of CIS prime ministers in Minsk. P. Vinahradau was kept at the police department for 12 hours and was released in the evening.

### **Restrictions on freedom of speech and the right to impart information, persecution of journalists**

On 2 May, “Freedom House” published a report on freedom of the press in 2012. Belarus was listed among the outsiders. Norway and Sweden are at the top of the rating, followed by a few countries in Western Europe and the United States. According to the report, the worst countries for journalists are Belarus, Cuba, Eritrea, Equatorial Guinea, Iran, North Korea, Turkmenistan, and Uzbekistan. As the report says, independent media are virtually non-existent there.

On 2 May, police inspector of the Bialynichy DPD, Lieutenant Aliaksandr Yemialyanau paid a visit to the private home of an independent journalist Barys Vyrvich in the agrarian settlement of Vialikaya Mashchanitsa in the Bialynichy district. The main reason for his visit was to find out how the report about the farm “Lebiadzianka” appeared on the Polish satellite TV channel “Belsat” and whether the independent journalists who shot it were members of the staff of the TV channel. The same day Aliaksandr Yemialyanau also paid a visit to the house of a resident of the village of Lebiadzianka, Valery Vusik. According to Mr. Vusik, the police inspector asked him where he got acquainted with the independent journalists and how the report about “Lebiadzianka” appeared on “Belsat”. On 13 May, independent journalists from Mahiliou Yauhen Hlushakou and Alina Skrabunova were summoned to the office of police inspector Aliaksandr Yemialyanau at the Bialynichy DPD. However, they decided not to come there, as the notices weren’t composed correctly: it was stated that they were summoned to the DPD for questioning as “persons against whom an administrative case was opened”. On 20 May, Yauhen Hlushkou and Alina Skrabunova did not appear at the DPD. On 22 May, the administration of “Lebiadzianka” filed a collective complaint against the “false information about

the internal situation at the agricultural cooperative". As a result, Alina Skrabunova was questioned at the Kastychnitski DPD of Mahiliou. A police officer stated that the Bialynichy District Prosecutor's Office ordered him to question the journalists Alina Skrabunova, Yauhen Hlushkou and Barys Vyrvich and civil society activist Valery Vusik.

On 6 May evening, a journalist of the Belarusian Radio "Racyja" Aliaksandr Yarashevich and blogger Dzmitry Halko were detained near the metro station "Mikhalova" in Minsk. At about 8.40 p.m. a police minibus with a group of riot policemen stopped near them, after which they were pulled into the bus and taken to the Maskouski DPD of Minsk. The policemen charged them with insubordination. On 7 May, they were tried at the Maskouski District Court of Minsk under Articles 17.1 and 23.4 of the Code of Administrative Offenses ("disorderly conduct" and "insubordination to the police"). Judge Tatsiana Motyl sentenced Dzmitry Halko to ten days of arrest and Judge Yauhen Khatkevich sentenced Aliaksandr Yarashevich to 12 days of arrest. On 21 May, the Minsk City Court considered their appeals and left the initial verdicts unchanged.

On 8 May, a Radio "Liberty" journalist Aleh Hruzdilovich received a warning, signed by the First Deputy Prosecutor of Minsk Ramanouski. The warning was issued for some articles and the book "Who blew up the Minsk metro?" It says that the journalist "has carried out the action on the penetration of the metro station "Frunzenskaya" with metal items in a bag that looks like the one used by the organizers of the terrorist attack in the Minsk metro". The matter is that on 10 April Aleh Hruzdilovich prepared an article about the work of the security service of the Minsk metro. The Prosecutor's Office states that the journalist posted his critical article "With a big bag in the metro: checked twice, nobody looked inside" with a supporting video at the website of Radio "Liberty". The warning also says the presentation of the book "Who blew up the Minsk metro?" by Aleh Hruzdilovich was held. According to the warning, the book "challenges the official results of the criminal investigation into the explosion in the Minsk metro, as well as the validity of the Belarusian judicial system as a whole". The warning also states that the journalist can receive criminal punishment "in case of submission of false information about political, economic, social, military and international position of the Republic of Belarus and the legal status of citizens of Belarus, discrediting the Republic of Belarus and its authorities, to a foreign state, foreign or international organizations, discrediting the Republic of Belarus and its authorities".

On 13 May, all heads of schools and kindergartens of the Slonim district visited the head of the educational department of the Slonim District Executive Committee Tereza Yushkevich and showed her the receipts for subscription

to “Nastaunitskaya Hazeta”, the district newspaper “Slonimski Vesnik”, “Hrodzenskaya Prauda”, “Sovetskaya Belorussiya” and “Znamya Yunosti”. The subscription to these state-owned newspapers is under the personal control of the head of the Department of Education. All heads of schools and kindergartens had to subscribe to these newspapers, as well as their schools and kindergartens, under the pressure of the official. The teachers were dissatisfied with such compelling and appealed to the independent “Hazeta Slonimskaya”, which published their complaint and the list of newspapers they were to subscribe to. For example, the secondary schools of Slonim were ordered to subscribe to at least 15 copies of “Sovetskaya Belorussiya”, “Slonimski Vesnik” and “Nastaunitskaya Hazeta”, for the district school this norm was 8 copies, for the primary schools of the district — 4 copies, and for kindergartens — at least 2 copies.

On 17 May, a distributor of the independent newspapers “Novy Chas” and “Rabochaya Solidarnast” Ryhor Chyk was invited for a talk to the office of the head of the ideological department of the Baranavichy City Executive Committee Tatsiana Zhytko. At the office, Mr. Hryk was met by two more officers of the ideological department, who also took part in the “preventive talk” with him. As the activist found out, he was invited for the talk to be persuaded to stop political activity and, as said by Tatsiana Zhytkova, give up “stirring people up”.

On 22 May, the magazine “Arche-Pachatak” was re-registered by the Ministry of Information with a new founder. The registration was given to the magazine as a result of the fifth attempt. The editorial office started the attempts to return the legal status to the edition back in November 2012.

On 24 May, Chairperson of the Homel branch of the Belarusian Association of Journalists, Anatol Hatouchyts, was summoned to the Regional Prosecutor’s Office. Before that, he received a telephone call from the Senior Assistant Prosecutor Dzmitry Deboi, who invited him for a talk. The Assistant Prosecutor stated that the Prosecutor’s Office had information that on 24 April Mr. Hatouchyts had prepared a video report for the satellite TV channel “Belsat” about a flood in Homel. The journalist answered that he would come to the Prosecutor’s Office only after receiving a subpoena.

On 25 May, a Hrodna journalist of the Belarusian Radio “Racyja” Viktar Parfionenka was denied accreditation for the fifth time. The BAJ member applies for the accreditation each year and receives repeated denials. Nevertheless, he intends to continue his attempts.

On 27 May, the Krychau District Court summoned the editor of the independent newspaper “Volny Horad” Siarhei Niarouny and its publisher Uladzimir Kudrautsau on 5 June as defendants in the lawsuit for the protection of the business reputation filed by the Cherykau enterprise PMK No. 280. The head of the organization, A. Fralou, asked the Krychau District Court to declare false the information about PMK No. 280 published by the newspaper

and oblige the newspaper to print a refutation in the same column. The lawsuits concerned the article “Bondsmen”, written after a telephone call to the editorial office of “Volny Horad” made by the wife of a worker of PMK No. 280 who stated that her husband hadn’t been paid for three months.

On 29 May, it became known that members of the Belarusian Association of Journalists Volha Chaichyts and Ales Silich were summoned to the Smaliavichy District Prosecutor’s Office for giving explanations. The journalists stated they could be summoned to the Prosecutor’s Office in connection with their presence at the public discussion of the project of a Belarusian-Chinese industrial park near Smaliavichy, held in April. A policeman, who was present at the discussion, put down their passport data and promised that they would be punished. On 30 May, Volha Chaichyts received a written warning from the Smaliavichy District Prosecutor’s Office for collaboration with the satellite TV channel “Belsat”.

On 30 May, a journalist of the newspaper “Narodnaya Volia” Maryia Malevich was not accredited at a press conference dedicated to the “First Cheese Festival near Minsk”. At first, she was invited to the event, but later was called back and asked not to come, citing the presence of officials, who could be asked unpleasant questions by the journalist. At the request of the press service of the Belarusian Association of Journalists to comment on the situation, Andrei Kiryienka who was responsible for the accreditation to the festival called the actions of the journalist “inadequate” and refused to give any comments.

On 31 May, Judge Valery Kamisarau of the Minsk City Court left in force the verdicts, according to which the journalists Henadz Barbarych and Aliaksandr Yarashevich were sentenced to arrest, following the detention after the authorized rally “Chernobyl Way” on 26 April in Minsk. The journalists reported numerous inaccuracies and violations on the part of the police, stressing that the police witnesses were interested in recognizing them guilty, as otherwise, they would receive administrative punishment. Henadz Barbarych and Aliaksandr Yarashevich told in detail about the circumstances of their detention and the actions of the police officers. In particular, the police did not introduce themselves, did not explain the reasons for the detention, did not familiarize them with the detention and violation reports and couldn’t tell the place of the detention at the trial. Despite this, Judge Valery Kamisarau found no reasons to abolish the verdicts of the first instance.

### **Restrictions on freedom of assembly**

On 3 May, Brest activists of the United Civil Party received bans from the Brest City Executive Committee to 12 bids for holding pickets on 7 May. By means of these actions, the activists intended to remind the public about the 14<sup>th</sup> anniversary of the disappearance of the former Minister of Internal Affairs,

politician Yury Zakharanka, as well as to the disappearance of other well-known people — Viktor Hanchar, Anatol Krasouski and Dzmitry Zavadski. In their response, the officials of the Brest City Executive Committee stated that such actions could be carried out only in certain places (the “Locomotive” stadium and the Park of Soldiers-Internationalists).

On 3 May, the Salihorsk District Court turned down the appeal of a civil society activist Uladzimir Shyla against the ban on the Freedom Day picket. The case was considered by Deputy Chairperson of the court, Ala Trafimchuk. The defendant was represented by the lawyer of the Salihorsk District Executive Committee Aliaksei Strapko. The hearing was also attended by representatives of the police and the Prosecutor’s Office. In his speech at the trial, Mr. Shyla stated that the decision on his case was already known to all sides and the aim of his appeal was documentary registration of the violation of human rights, which would allow punishing the perpetrators in the future. On 20 May, Uladzimir Shyla appealed the picket ban to the Minsk Regional Court.

On 6 May, the Baranavichy District Executive Committee banned the Milavidy Festival, scheduled by the city public for 2 June and dedicated to the 150<sup>th</sup> anniversary of the Battle of Milavidy, which took place in 1863. This became known from a letter signed by Deputy Chairman of the Executive Committee Anatol Filanchuk and received by the organizers of the festival Viachaslau Bolbat, Tereza Silivonchyk and Viktor Syrytsa. As it was stated in the response of the district authorities, “the cultural department of the Baranavichy District Executive Committee plans to hold a mass event dedicated to the 150<sup>th</sup> anniversary of the Battle of Milavidy at this place and at this time, so there is no need to hold another event on the same topic”. According to Viktor Syrytsa, the organizers of the festival filed a detailed application to the Executive Committee almost two months before the event and entered into service contracts with the district police, health center and public utilities. Nobody told them that another event would be held on 2 June. Having received the denial, the activists applied for holding the festival on 9 June. On 21 May, the Baranavichy District Executive Committee issued another ban. This time Deputy Chair of the Executive Committee Anatol Filanchuk referred to a violation of paragraph 5 of the Law “On Mass Events”, but didn’t explain what was violated by the organizers.

## **Restrictions on freedom of association**

On 30 April, the Council of Ministers adopted decree No. 327 “On approval of the list of public organizations (associations) and their organizational structures, foundations, associations of legal entities and (or) individual entrepre-

neurs (associations and unions), for whom the reduction factor of 0.1 applies during the estimation of the rent costs, and the invalidation of certain decisions of the Council of Ministers of the Republic of Belarus". This list replaced the previous list of non-profit organizations, which had rent benefits, issued on April 8, 2010. The latter list was replenished with new organizations, and in 2012 contained 451 non-profit organizations that rented premises at one-tenth of the cost compared to the other tenants. The new list, adopted on April 30, 2013, provides benefits only for 195 public associations, their organizational structures, foundations, unions and associations. Thus, the number of non-profit organizations that are entitled to preferential rates for tenancy was reduced by more than two times. The vast majority of organizations that remain in the list of beneficiaries are charitable, Chernobyl, humanitarian and sports organizations. Among the organizations which used to enjoy preferential policies, but were not included in the new list, there are the World Association of Belarusians "Batskaushchyna", the Frantsysk Skaryna Belarusian Language Society, the Belarusian Association of UNESCO Clubs, the Belarusian public association "Environmental Initiative", the charitable association of blood donors "Drop of Life", the public association of Lithuanians "Tevine", the International public charity "Hope Express", the International public association "Palestinian Community", the public association "For Children of Chernobyl", the public association "Mahiliou Jewish community", the public organization "Belarusian SOS Foundation — Children's Village", etc. All in all, 256 organizations were deprived of benefits and will have to pay the whole cost of the rent. Some political parties were deprived of the tenancy preferences as well: the Belarusian Social and Sports Party, the Belarusian Patriotic Party and the Belarusian Agrarian Party. Thus, such preferences were left only for the Communist Party of Belarusian and the National Party of Labor and Justice.

On 20 May, Halina Herasimava, a Mazyr activist of the Civil Initiative "Against Lawlessness in Courts and Prosecutor's Offices", received a verbal warning from the First Deputy Prosecutor of the Homel Region, Vadzim Suschynski. The activist was warned about the inadmissibility of activities of the unregistered public association. The text of the warning was read by the head of the Section of Law Enforcement and Crime Prevention of the Mazyr District Police Department Aliaksandr Bykau, who held a preventive talk with the activist. He stated that members of the civil initiative impeded the work of state institutions by their activities.

On 3 May, the Main Economic Board of the Presidential Administration launched a campaign for the termination of the rent contract and eviction of the National Youth Public Association "Sustrecha" ("Meeting") from its office. On this day, the organization received a letter warning of the need to cancel the rent agreement and vacate the office within three business days. The Eco-

nomic Board offered no explanations for its actions. According to “Sustrecha”, the cancellation of the rent agreements was also initiated in other cities where the anonymous consultation rooms of the association were situated. According to the received letters, the rent contracts there had to be canceled until the end of May. If “Sustrecha” didn’t find a new place to register its legal address during two months after the eviction, it could be dissolved through court. The organization’s administration believes that the reason for the actions of the authorities is that “Sustrecha” conducts activities for the prevention of HIV/AIDS and STDs among the men who have sex with men. To solve this situation, representatives of the association sent a letter to the Ministry of Health and the UNDP with a request to assist in preventing the dissolution of “Sustrecha”, maintaining the state rent and accordingly, continuation of its prophylactic activities in the framework of the Global Fund grants. “Sustrecha” has operated in the field of HIV/AIDS prevention since 1998.

On 21 May, an excavator operator of the “Granite” enterprise Leanid Dubanosau learned that his labor contract wasn’t extended. This day he returned to work after vacations, but wasn’t admitted to his working place for the night shift. The chief of the guard Ruslan Bunevich told Mr. Dubanosau that his labor contract was terminated on 16 May, but didn’t present any documents to prove his statement. Leanid Dubanosau invited witnesses and composed an act that he was not allowed to start his work. L. Dubanosau was the only founder of the independent trade union organization at “Granite” who continued working at the enterprise. All other activists of the trade union had been dismissed from it earlier and didn’t manage to get reinstated even through courts. The administration of “Granite” has struggled against the existence of the independent trade organization for almost 1.5 years.

On 31 May, an activist of the civil campaign “Tell the Truth” Aliaksandr Kuzmin from Belaaziorsk filed a complaint to the Brest Regional Prosecutor’s Office concerning the invalidity of the warning issued to him under Art. 193.1 of the Criminal Code. Mr. Kuzmin asked the Regional Prosecutor’s Office to abolish the official warning issued by the Biaroza District Prosecutor Dzmitry Dziarabin, as far as he didn’t consider his activities within the framework of the campaigns held by “Tell the Truth” as activities on behalf of an unregistered organization. The case concerning his activities on behalf of an unregistered organization appeared after an appeal of Chairperson of the Belaaziorsk City Executive Committee Viachaslau Dambrouski to the Biaroza District Police Department. Aliaksandr Kuzmin and his counsel had to wait for a month get an opportunity to familiarize with the case.

## Situation of Human Rights in Belarus in June 2013

June saw an apparent trend towards the worsening of the human rights situation in Belarus. Political prisoners were still kept in jail, and another name was added to their list after a 23-year-old resident of Navapolatsk, Andrei Haidukou, was sentenced to 18 months in prison. Thus, 12 political prisoners were kept in jail in June: Ihar Alinevich, Mikalai Autukhovich, Ales Bialiatski, Dzmitry Dashkevich, Mikalai Dziadok, Aliaksandr Frantskevich, Andrei Haidukou, Eduard Lobau, Artsiom Prakapenka, Pavel Seviarynets, Mikalai Statkevich and Yauhen Vaskovich.

During the month, there were also instigated two politically motivated criminal cases — a case against Aliaksei Shchadrou under Article 193.1 of the Criminal Code, “activities on behalf of an unregistered organization”, and a case against a former political prisoner Vasil Parfiankou under Article 421 of the Criminal Code, “violation of the regime of preventive supervision”.

These facts didn't affect the withdrawal of the European Union from its earlier position that the contacts with the official Minsk could take place only after the release of all political prisoners. In particular, during the sitting of the Council of the Foreign Ministers of the European Union on 24 June in Luxembourg it was decided to suspend the visa sanctions against the Belarusian Foreign Minister Uladzimir Makei. Despite the fact that the concluding document of the sitting indicated that this measure was taken just to facilitate the diplomatic contacts between the EU and Belarus, the move was perceived by the human rights community as a fundamental change in the EU's position for the release of political prisoners as a precondition for establishing contacts with the Belarusian authorities. This is connected to the fact that Mr. Makei was put on the “black list” of the EU in January 2011 as Chairman of the Presidential Administration of Belarus, having relation to the brutal dispersal of the protests of December 19, 2010 and the subsequent persecution of opposition activists.

A serious deterioration was registered in the use of the death penalty. Two death verdicts were issued in June alone. In particular, on 12 June, the Hrodna Regional Court punished with death a 23-year-old citizen of Vileika, and on 14 June, the Homel Regional Court convicted a 25-year-old resident of Homel, Aliaksandr Hrunou. These verdicts were issued during the intensification of the contacts between the official Minsk and the Council of Europe regarding the possibility of a moratorium or abolition of the capital punishment in Belarus. On 21 June, a round table entitled “Religion and the Death Penalty” was held in Minsk by the Council of Europe in cooperation with the Belarusian government, and on 27 June, members of the House of Representatives at-



tended the meeting of the PACE Committee on Political Affairs and Democracy in Strasbourg to discuss the issue of the death penalty in Belarus. The issue of the death verdicts during the discussions on this topic with international organizations shows that the Belarusian authorities are not ready to go further than discussion and are unprepared to deal with the problem on its merits.

The human rights situation in Belarus was in the focus of attention of the Human Rights Council, where a discussion of the report of the Special Rapporteur on Belarus Miklós Haraszti took place on 4 June in the framework of the 23<sup>rd</sup> session. The paper assessed the human rights situation in Belarus in the period from July 5, 2012 to March 31, 2013 and reflects the systemic nature of abuses in the country. The representative of Belarus in Geneva Mikhail Khvastou exercised a harsh criticism over both the report and the very existence of the institution of the UN Special Rapporteur on Belarus. He stated that the report was used to exert political and economic pressure on Belarus. "The Belarusian nation does not need a special rapporteur. We know what problems we have and are ready to tackle them. We have our own model, which is based on national sovereignty, security and rule of law. We reject all allegations contained in the report, and declare that the conclusions of the report are unacceptable to us."

In turn, the human rights community noted the objective nature of the report and again urged the Belarusian authorities to cooperate with the UN human rights instruments. In particular, during the interactive dialogue on the report of the Special Rapporteur, Deputy Chairman of the Human Rights Center "Viasna" Valiantsin Stefanovich called on the Belarusian authorities to invite to the country thematic rapporteurs, including the rapporteurs on torture, human rights defenders, the independence of judges and lawyers, freedom of association and the Working Group on Arbitrary Detention. "We also call on the country to allow entrance to the UN Special Rapporteur on the situation of human rights in Belarus, as he repeatedly requested an opportunity to receive information on the situation in the country both from independent NGOs and government authorities," stated Mr. Stefanovich.

On 13 June, a vote on the resolution on the human rights situation in Belarus, which contained a provision to extend the mandate of the Special Rapporteur, was held within the framework of the 23<sup>rd</sup> session of the UN Human Rights Council. Representatives of 26 countries voted for the resolution, 3 — against, and 18 abstained. Thus, the mandate of the Special Rapporteur on the human rights situation in Belarus was extended by another year. This decision was welcomed by the country's human rights activists who saw this instrument as an opportunity to establish a dialogue on human rights between the Belarusian authorities and the international community, which could lead to systemic improvements in this sphere.

## **Political prisoners, criminal prosecution of civil society and political activists**

On 1 June, Maryna Adamovich, the wife of the former presidential candidate and political prisoner Mikalai Statkevich, stated that he was preparing the book “Path of Freedom”, a collection of his articles and essays written over the past decade. On 20 June, before the start of Lithuania’s Presidency in the European Union, Mikalai Statkevich addressed the Lithuanian Prime Minister Algirdas Butkevicius in connection with the discussion of the possibility of inviting senior officials of Belarus to the Eastern Partnership summit in Vilnius. Among other things, Mr. Statkevich stated, “Those who fight for the freedom of our country, consider any direct contacts between the leaders of democratic countries and the Belarusian regime as a betrayal of the ideals of democracy and an attempt to legitimize the dictatorship. I call you to refrain from meetings with the leaders of the Belarusian regime as long as the country holds political prisoners.”

As it became known on 6 June, political prisoner Dzmitry Dashkevich received a response to his complaint to the Department of Corrections of the Ministry of Interior concerning the humiliations which the prisoners had to face every day — particularly, the use of spoons is not allowed except for the meals which are served on schedule. This means that prisoners can neither stir sugar in their tea nor eat the food passed by their relatives with spoons, but have to use toothbrush cases for it. Mr. Dashkevich asked to check the legality of this rule. The officials answered that such a rule really existed, but didn’t specify the document which contains such provisions, thus putting in question the very existence of such a document. On 25 June, Anastasiya Dashkevich, the wife of Dz. Dashkevich, said that she and her father received telephone calls from the Pershamaiski District Police Department of Minsk and were asked whether they wouldn’t mind if Dzmitry lived with them after his release from jail. A. Dashkevich stated that the police could be preparing the documents for the establishment of preventive supervision over her husband, who was expected to be released on 28 August.

On 7 June, Deputy Chairman of the HRC “Viasna” Valiantsin Stefanovich received an answer from the Belarusian Foreign Ministry to his appeal concerning the non-implementation by Belarus of the decisions of the Working Group on Arbitrary Detention of the UN in the case of the imprisoned head of the organization, political prisoner Ales Bialiatski. In his appeal to Minister Uladzimir Makei, the human rights activist reminded that one of the duties of the Ministry of Foreign Affairs was to monitor the implementation of international agreements of the Republic of Belarus by the state organs of the Republic of Belarus and to assist in the implementation of the international treaties of the

Republic of Belarus. “Belarus is unable to consider the views of the Working Group, and both the UN Human Rights Council and the Working Group on Arbitrary Detention were informed about it”, ends the MFA answer, dated 31 May and signed by Deputy Minister Valiantsin Rybakou. The official explained this inability by saying that “the implementation of the views of the Working Group on Arbitrary Detention is not subject to the international obligations of the Republic of Belarus in accordance with the international treaties to which the Republic of Belarus is a state party”. By this paragraph, the Foreign Ministry just confirmed the demonstrative refusal of the Belarusian state to implement the decisions of the Working Group and cooperate with it, as far as Valiantsin Stefanovich again stressed in his address that “the special procedures of the UN (including the Working Group on Arbitrary Detention) are auxiliary bodies of the UN. They were created by the Human Rights Council and report to it. Members of the WGAD are elected by the Advisory Group, which is appointed by the UN Human Rights Council on the basis of knowledge and experience with their mandate, integrity, independence and impartiality. Their legal conclusions, such as the aforementioned judgment concerning the case of Ales Bialiatki, are decisions of the UN. The Republic of Belarus, as a UN member state, has an obligation to cooperate with all UN bodies and mechanisms (as provided for in Article 56 of the UN Charter), and is bound by international agreements, including the ICCPR, ratified by Belarus in 1973”. Obviously, the representatives of the Foreign Ministry did not want to listen to the arguments of the human rights defender.

On 7 June, Tatsiana Frantskevich, the mother of an imprisoned activist of the anarchist movement Aliaksandr Frantskevich who was serving his sentence in the Ivatsevichy penal colony, stated that her son was not allowed to receive a parcel with books by Sergey Dovlatov and Franz Kafka. The parcel was sent back without giving any reasons for it, although before that Frantskevich’s counsel had been told that fiction could be sent to his client. The lawyer was warned that it was prohibited to send any philosophical and political books to the prisoner. However, in the end the latter was also prohibited to receive fiction.

In the first half of June, political prisoner Mikalai Dziadok spent ten days in a penal cell in Mahiliou prison No. 4 where he is serving his sentence. The wife of the imprisoned activist of the anarchist movement, Valeryia Khotsina, wasn’t informed about it.

On 12 June, the hearings in the case of the 23-year-old Navapolatsk resident Andrei Haidukou, charged with committing a crime under Article 356 of the Criminal Code (treason in the form of intelligence activities), started at the Vitsebsk Regional Court. The trial of A. Haidukou was closed, despite the pleas from human rights activists to make the proceedings transparent. Dur-

ing the trial, the charges were reclassified to part 1 of Article 14 and Article 356-1 of the Criminal Code (attempt to establish cooperation with the special services, security agencies or intelligence agencies of foreign countries). On 1 July, Judge Halina Urbanovich sentenced Mr. Haidukou to 1.5 years in prison. The same day, the Human Rights Center "Viasna" and the national human rights association "Belarusian Helsinki Committee" stated that as far as the preliminary investigation and the trial were completely closed, "it can be assumed that the need for consideration of the case in a closed trial was motivated by the desire to conceal from the public the unlawful methods of the investigation and the provocation of the accused in the commission of a crime. This qualification of the offense by the court shows that the KGB misled the public, while the KGB did not establish the fact of entering by a national of the Republic of Belarus into illegal cooperation with the security agencies of a foreign state. Having established the circumstances, the KGB continued to induce Haidukou to commit a graver crime, thus committing a provocation". Assessing together the aforementioned circumstances, the nature of the charges presented to the defendant in the course of the preliminary investigation and the procedural violations committed during it and the closed mode of trial, as well as the information about Haidukou's actions which served as the formal reason for his detention, the Human Rights Center "Viasna" and the "Belarusian Helsinki Committee" concluded that the "sentencing of Andrei Haidukou is groundless and politically motivated, as it is largely aimed at increasing the role and significance of the KGB in the State with the use of the methods that are unacceptable in a democratic society".

On 14 June, political prisoner Eduard Lobau told his mother Maryna Lobava in a telephone conversation that the Prosecutor's Office would reconsider his complaint on a number of violations in his case in court in 2011, including the KGB interrogations without a lawyer. On 25 June, he had a short-term meeting with his mother at the Ivatsevichy penal colony. The prisoner said that though it was summer, the inmates weren't given any fruit, berries or fresh vegetables. They were only given sauerkraut or pickles. Fruit were only sold in the prison shop on rare occasions in autumn.

On 20 June, it became known that a criminal case under Article 193.1 of the Criminal Code, activities on behalf of an unregistered organization, was opened against a resident of the village of Aliaksandrauka (Shchuchyn district), Catholic believer Ales Shchadrou, who organized a village shelter for homeless people. According to a ruling of the head of the public order and crime prevention bureau of the Shchuchyn District Police Department Siarhei Asovik, Aliaksei Shchadrou "organized the activities of an unregistered religious organization and provided the conditions for its operation without registration in the manner prescribed by law". Aliaksei Shchadrou stated that he

didn't create any organization, but just engaged in philanthropy and set up a shelter for the homeless. He prayed with them, but didn't create any sect. Antoni Hremza, vice-Chancellor of the Hrodna Roman Catholic Curia, to which Aliaksei Shchadrou formally belongs, also called the actions of the believer a private initiative, not the creation of any sectarian movement. According to the accusation, A. Shchadrou faced up to two years in prison.

On 21 June, an activist of the anarchist movement, political prisoner Artsiom Prakapenka who is serving his term in the Mahiliou penal colony, was deprived of a food parcel during the long meeting with his mother, Viyaleta Prakapenka, reminding that he still had the status of a malignant violator of the regime. Artsiom Prakapenka works in the colony as an assistant welder.

On 28 June, the parents of political prisoner Ihar Alinevich reported that they had a long meeting with their son in colony No. 10 in Navapolatsk. According to the prisoner's mother, Valiantsina Alinevich, the meeting lasted one day in a room which was about 10-12 square meters, without permission to leave it, which was an ordeal due to the heat. According to Alinevich's observations, the people with whom he interacts are then subjected to persecution. The same day it became known that the Belarusian Economic University, where Valiantsina Alinevich worked for 30 years, refused to extend the labor contract with her. The administration stated that she was a high-level expert, but the security services insisted on the termination of the working relationship with her. According to the mother of the political prisoner, she didn't show her political convictions at work and never had any problems with the university administration before.

On 28 June, the Pershamaiski District Police Department of Minsk informed former political prisoner Vasil Parfiankou that a criminal case under Article 421, "violation of the regime of preventive supervision", was instigated against him. This was already the second criminal case under this article brought against Mr. Parfiankou after his release in accordance with the President's decree on pardon in August 2011 after being sentenced to four years' imprisonment under Part 2 of Art. 293 of the Criminal Code for taking part in a protest against electoral fraud during the last presidential election. What concerns the first case under Article 421, the activist had been found guilty and sentenced to six months of arrest. The preventive supervision term, imposed on Vasil Parfiankou after his release, ended on 30 June. At the moment, when the new case was opened he had just two violations of the regime of the preventive supervision.

### **The death penalty**

On 10 June, Liubou Kavaliouva and Tatsiana Kaziar, the mother and sister of Uladzislau Kavaliou, accused of the terrorist attack in the Minsk metro and

executed by shooting, filed an appeal to the Ministry of Internal Affairs against the refusal of the Department of Corrections to report his place of burial. The relatives of Uladzislau Kavaliou addressed the Department of Corrections with this request on 25 April and received a denial on 8 May. First Deputy Chairman of the Department of Corrections S. Pratsenka informed them that “the order of execution is strictly regulated by Article 175 of the Criminal Code of the Republic of Belarus in accordance with which the sentence of death, which came into legal force, is executed after the receipt of official information about the rejection of the appeals, filed as supervisory complaints and petitions for clemency. The death penalty is executed by shooting and is non-public. The body is not issued for burial, the place of burial is not communicated”. In their address to the Ministry of Internal Affairs, L. Kavaliova and T. Kaziar insisted that the rule “the place of burial is not communicated”, provided by part 55 of Article 175 of the Criminal Executive Code, referred to the Department of Corrections, was void as contrary to Article 7 of the International Covenant on Civil and Political Rights. They justified their position by the Views of the UN Human Rights Committee in the case of Uladzislau Kavaliou, according to which “the complete secrecy surrounding the date of execution and burial sites as well as the denial of the body for burial in accordance with the religious beliefs and practices of the family of the executed prisoner created the effect of intimidating and punishing families by intentionally leaving them in a state of uncertainty and mental stress. Under these circumstances, the Committee agreed that these elements in the aggregate, as well as the subsequent persistent refusal of the State party to inform the authors about the place of burial of Kavaliou constitute inhuman treatment towards the authors in violation of article 7 of the Covenant” (paragraph 11.10 of the Views).

On 12 June, the Hrodna Regional Court issued the death verdict to a 23-year-old resident of Vileika, finding him guilty under four articles of the Criminal Code: part 2 of Article 139, parts 1 and 6 (the murder of two persons with particular cruelty), Article 205, part 1 (theft), Article 347, part 1 (desecration of corpses) and Article 378 (theft of personal documents). The case was considered by Judge Anatol Zayats. On August 5, 2012, the convict killed his wife, a resident of Zhlobin, and her acquaintance, a resident of Hrodna, out of jealousy, in an apartment in small-family residences in Hrodna. The crime was recognized as a domestic one and the defendant was found sane.

On 12-15 June, in Madrid representatives of the campaign “Human Rights Defenders against the Death Penalty in Belarus” took part in the 5<sup>th</sup> World Congress against the Death Penalty. The Congress was organized by the association “Together against the Death Penalty” (Ensemble Contre la Peine de Mort (ECPM)) with the support of the Governments of Spain, Norway and Switzerland.

On 14 June, the Homel Regional Court issued the death verdict in a criminal case against a 25-year-old resident of Homel, Aliaksandr Hrunou, who was accused of murdering a student of the Homel State University, Natallia Yemialyanchykava, with especial cruelty. The crime was committed on September 19, 2012, the victim suffered 102 stab wounds. The girl died just a few steps outside her house. Aliaksandr Hrunou pleaded guilty during the trial. In 2005, he was sentenced to 8 years of imprisonment for inflicting grievous bodily harm resulting in death — he had beaten to death his mother's cohabitee. He killed the girl only after a year at liberty.

On 18 June, Deputy Chairman of the Human Rights Center "Viasna" Valiantsin Stefanovich addressed the head of the Belarusian TV and Radio Company in connection with a report about the murder in the Mahiliou prison, shown in the program "Secrets of Investigation". The murder was committed by Ryhor Yuzepchuk with the assistance of a cellmate. In the report, the nationality of the perpetrator of the crime is mentioned in a negative context a couple of times. The report makes use of such expressions as "everything was clear with the Roma Yuzepchuk", "with poorly educated Roma Yuzepchuk", "according to the Roma", "the convicted Roma Yuzepchuk", etc. At the same time, the nationalities of his accomplice, Pavel Petrakou, and the victim, Ihar Khodanau, who also have quite negative personal characteristics, aren't mentioned in the report. According to Valiantsin Stefanovich, such indication on the national identity of the perpetrator may contribute to xenophobia and discriminatory behavior in the community, as well as the formation of an extremely negative attitude to all representatives of the Roma minority in Belarus. The human rights activist applied to Henadz Davydzka with a request to check these facts and explain to the authors of the report the inadmissibility of such references in the future.

On 19 June, the Prosecutor General of the Republic of Belarus Aliaksandr Kaniuk expressed dissatisfaction with the position of the media and human rights activists on the death penalties issued in Homel and Hrodna. "The howling in the media has started again. What are they shouting about? They cry about the fate of a man who ruined many lives, but no one talked to the mother of the 22-year-old dead girl, no one asked how the relatives of the victims will continue their lives," said the Prosecutor General in his speech in the House of Representatives. According to Kaniuk, "nowadays there is a change in that we tend to care more about the criminals than about the victims." "The howling has started, but how can you correct a criminal who chopped off one's head and traveled with it across the republic? What can you do to a villain who inflicted 102 stab wounds to his victim?" stated the Prosecutor General.

On 21 June, the House of Charity in Minsk hosted the round table "Religion and the Death Penalty", organized by the Council of Europe in cooperation

with the Belarusian government. The round table was attended by representatives of the Orthodox and Roman Catholic Churches, legislative and judicial authorities of the Republic of Belarus, the delegates of the Council of Europe, diplomats and human rights activists. The Patriarchal Exarch of All Belarus, Metropolitan Filaret, sent a welcome speech to the round table participants: “The Belarusian Orthodox Church has insistently drawn the public attention to the issue of the death penalty back in the 1990s. In 1996, on the eve of the people’s referendum, at which, among other things, the issue of the death penalty was discussed, we called upon the people of Belarus to refuse from such a punishment. “We, Christians, cannot justify the death penalty, as murder is a sin... The life of every human belongs to the Creator, God. If we, sinful people, didn’t give life to a man — we must not deprive him of life. Lord Jesus Christ gave his life for each of us, endured suffering, humiliation, abuse, and death on the Cross... The State re-crucifies Christ each time it executes its citizens. This was our position in the year of the referendum. To date, it has remained unchanged.”

On 27 June, the issue of the death penalty in Belarus was discussed at a meeting of the PACE Committee on Political Affairs and Democracy in Strasbourg. The official Belarusian side was represented by the members of House of Representatives Mikalai Samaseika and Aliaksandr Zazulia. Summing up the results of their participation, Mr. Samaseika stated that the main question was the introduction of a moratorium on the death penalty in Belarus. According to M. Samaseika, he explained to the members of the Council of Europe that the issue of the death penalty in Belarus wasn’t solved by any officials, but its treatment was grounded on the results of the national referendum, at which the majority of Belarusians voted for the use of this measure of punishment. At the same time, Mikalai Samaseika stated that there were different views about the death penalty both in the society and in the Chamber of Representatives, some of whose members were for it, and others stated that it should be abolished. “That’s why”, stated Mr. Samaseika, “we promised not to make any sudden movements in the matter, and to solve it, as the English say, step by step”.

### **Pressurization of civil society and political activists by security services**

On 6 June, after the end of the seasonal conscription into the armed forces of the Republic of Belarus, there was an attempt to forcibly draft into the army an activist of “Tell the Truth”, Artsiom Svirshchyk. The activist was taken to the city’s military enlistment office, where the staff refused to provide him with documents according to which he was drafted into the army, referring to the fact that these documents were for internal use only. Having spent several



hours at the military enlistment office, Artsiom Svirshchyk received a subpoena to appear a few days later and released. A week before this incident the activist had refused to cooperate with the KGB.

On 12 June, Aleh Aksionau filed an appeal against the illegal activities of the KGB Mahiliou Regional Department to the Leninski District Court of Mahiliou. The activist of the organizing committee of the Belarusian Christian Democracy asked the court to cancel the warning issued to him by the KGB and to recognize the “preventive talk” with him by the intelligence personnel as groundless and illegal. Mr. Aksionau also demanded written apologies from the head of the KGB Mahiliou Regional Department and oral apologies from the KGB officer Makhunou for their unlawful actions. The case concerns the events of 29 April, when the KGB officer Makhunou summoned Aleh Aksionau to the KGB department for a preventive talk. During the “conversation”, Mr. Makhunou stated that the activist was allegedly warned for activities on behalf of the unregistered organization, “the organizing committee of the Belarusian Christian Democracy”, as well as for participation in the activities of two unregistered organizations — the civil campaign “For Fair Elections-2012” and the Mahiliou regional coalition of democratic forces. Aleh Aksionau had been under the preventive surveillance of the KGB for more than a year already. Apart from him, such supervision is used towards two more Mahiliou activists — a BCD activist Tatsiana Shambalava and the leader of the Mahiliou regional organization of the Belarusian Popular Front “Adradzhenne” Zmitser Salauyou.

### **Torture and other cruel and inhuman treatment**

As it became known on 20 June, the Krychau police severely beat a man, as a result of which a criminal case was opened under part 3 of Article 426 of the Criminal Code (abuse of power or authority). During the preliminary investigation, the identities of the persons who, intentionally exceeding their authority, had inflicted serious bodily injury, were established. One of the policemen was charged and remanded in custody. The beaten citizen was detained in December 2012 as a suspect in a theft at the Krychau enterprise “Kamunalnik”. The policemen used physical force towards the suspect, which resulted in the infliction of heavy bodily injuries. After his release, the citizen applied to the KGB Krychau Inter-District Department.

### **Administrative prosecution of civil society and political activists, arbitrary detention**

As it became known on 3 June, the UN Human Rights Committee recognized violations of the right to freedom and personal inviolability in respect of

a Brest activist of the movement “For Freedom”, Zhanna Koush. The activist applied to the Human Rights Committee in 2008 with a complaint, saying that she had been detained twice in Brest on suspicion of having committed a crime (each of these cases was subsequently discontinued) and placed in a detention center. In the first case, Zh. Koush was awaiting trial 61 hours and in the second — 72 hours. The activist believes that detention for more than 48 hours without being brought before a judge is a violation of her right to liberty and security under the International Covenant on Civil and Political Rights. The UN Committee found violations of the Covenant in both cases. It is important to note that so far no one has put in front of this international body the question of violation of the Covenant concerning the periods of detention without bringing before a judge shorter than 72 hours. The conclusion of the Committee in the case of Zhanna Koush sets a new standard for the United Nations. The Committee’s findings in this case should lead to a revision of the law on arrest and detention in Belarus, as well as in other state parties to the Covenant, which have not yet entered the 48-hour maximum time limit for bringing detainees before a judge.

Late in the evening of 4 June, a member of the organizing committee of the Belarusian National Bolshevik Party, Dzmitry Paliyenka, was detained while distributing leaflets against conscription slavery. He was guarded to the Maskouski District Police Department of Minsk, where he was beaten by the police. On 5 June, the Maskouski District Court sentenced Dz. Paliyenka to five days of arrest under Article 17.1 of the Code of Administrative Offenses (disorderly conduct).

On 10 June, the Shchuchyn police charged pensioner Veranika Sebastyanovich, a member of the unregistered “Union of Poles in Belarus.” The 82-year-old woman received a mail copy of the report in which she was charged with holding an unsanctioned rally. The matter is that in May V. Sebastyanovich took part in the establishment of a memorial cross in the village of Rachkaushchyna, located near the village of Bakshty (Shchuchyn district), in the memory of a soldier of the Polish resistance movement “Armija Krajova” Anatol Radzivonik, murdered by the NKVD. The cross was placed on private territory. On 13 June, a similar charge was brought against the head of the Union of Poles in Belarus Mechyslau Yaskevich. On 19 June, the Shchuchyn District Court considered the administrative case against Mechyslau Yaskevich and Veranika Sebastyanovich. The trial lasted for five hours with breaks. As a result, both activists were found guilty. Mechyslau Yaskevich was sentenced to a fine of 4 million rubles, and Veranika Sebastyanovich — 2.5 million rubles.

On 12 June, a civil society activist Viktor Strytsa, the organizer of the Milavidy Festival in honor of the 150<sup>th</sup> anniversary of the Battle of Milavidy, was

summoned to the Baranavichy District Police Department. On 13 June, the local police inspector, Lieutenant Dzianis Maisenia in the presence of the head of the public safety and crime prevention bureau, Major Viktor Kuliashou, proposed Mr. Syrytsa and his counsel Zoya Haudzei to read and sign a violation report. The police officer stated that the social activist was accused of committing an administrative offense under part 2 of Article 23.34 of the Code of Administrative Offenses, for the organization and holding of an unauthorized event in memory of the insurgents of 1863. On 19 June, Chairman of the Baranavichy City and District Court Mikalai Kmita sent the report against Viktor Syrytsa back to the police to correct the deficiencies. The court also sent Mr. Syrytsa a letter to inform him about it.

At about 12 a.m. on 27 June, in Minsk the police detained the leader of the entrepreneurs' movement "Perspective" Anatol Shumchanka and journalists Aliksandr Sivy ("Narodnaya Volia"), Ihar Karnei (Radio "Liberty") and Natalia Kastsiukevich who were heading to the mall "Parking" where a strike of entrepreneurs was taking place. All of them were taken to the Tsentralny District Police Department of Minsk. Anatol Shumchanka and the entrepreneurs intended to pass to the Department of Business of the Ministry of Economics the demands of small business. Two hours later, the journalists were released, whereas Anatol Shumchanka was charged with organizing an unsanctioned mass event. The same day the activist was sentenced to five days of arrest by the Tsentralny District Court of Minsk.

### **Restrictions on freedom of speech and the right to impart information, persecution of journalists**

In June, there occurred an event sought eight years by the independent newspaper "Barysauskiya Naviny", since May 2005, when all independent newspapers had been excluded from the subscription catalogs of "Belposhta" and deprived of the opportunity to be sent at the newsstands of "Belsayuzdruk" by order of the Minsk Regional Executive Committee. No arguments and economic calculations helped "Barysauskiya Naviny" to convince these state agencies to change their mind. However, from now on the readers are able to receive the newspaper on subscription through "Belposhta". What is left to the newspaper is to gain its return to the newsstands of "Belsayuzdruk". At the end of June, during the subscription campaign, the informational posters of "Barysauskiya Naviny" were removed from the post offices. This was done on the initiative of the ideological department of the Barysau City Executive Committee.

On 3-5 June, the OSCE Representative on Freedom of the Media, Dunja Mijatović, paid an official visit to Belarus. She met with members of the House of Representatives of the National Assembly, officials of the Presidential Ad-

ministration, the Ministry of Information, Information Analytical Center, the Ministry of Foreign Affairs, as well as the editors of major state-owned media, members of the Belarusian Association of Journalists and the Belarusian Union of Journalists. Dunja Mijatović spoke about the most important issues faced by the Belarusian media representatives: short-term arbitrary detentions and administrative and criminal cases against journalists. In her view, these problems should be solved in the near future. "During a meeting with members of parliament and senior officials, I heard the words of confidence that an end would be put to arrests and criminal cases," she said. "I am convinced that Belarus needs to reform legislation in the sphere of media. Internet should be free. There should be more balance between public and commercial media. I would also like to see public radio and television in Belarus in the future," stated Ms. Mijatović. The OSCE Representative on Freedom of the Media stated that the time for a radical change on the freedom of speech had come in Belarus. "The authorities should allow criticism and differing opinions in the community. This is the price that any country has to pay for democracy."

On 5 June, in Minsk Natallia Liavonava was detained for the distribution of the newspaper "Nash Dom". She was taken to the Frunzenski District Police Department of Minsk. Two hours later, after writing an explanation, the girl was released from the police station.

On 7 June, in Brest independent journalists were prevented from the performance of their professional duties. The incident occurred on the territory of the Brest market "Autazapchastki" during a visit of the campaign "People's Referendum" who intended to talk with the entrepreneurs and other residents of the city. The event was covered by freelance journalists Ales Liauchuk and Milana Kharytonava. They were approached by the head of the market Aleh Dzenisiuk, who stated that they couldn't take any photos and video at the market without a permit, as the territory of the market was a private property. In addition, according to Mr. Liauchuk, the official asked how the captured images would be used. Soon there arrived the police, who put down the passport data of Ales Liauchuk and Milana Kharytonava and warned that in the future they might be summoned to the police station for questioning.

On 7 June, journalist Ales Silich received a written warning from the Smaliavichy District Prosecutor's Office for cooperation with the TV channel "Belsat". A few weeks earlier, the correspondents of "Belsat" Volha Chaichyts and Ales Silich received a subpoena to appear in the Smaliavichy District Prosecutor's Office for giving explanations about their presence at the public discussion of the project of a Belarusian-Chinese industrial park near Smaliavichy, held in April. A policeman who was present at the discussion had put down their passport data and promised they would be punished. After this, Volha Chaichyts and Ales Silich received official warnings from the Prosecutor's Office.

On 11 June, journalist of the “European Radio for Belarus” Zmitser Lukashuk was denied accreditation to the press conference of the House of Representatives of the National Assembly. This was announced by Chairman of the bureau of information-analytical work of the National Assembly Mikalai Lis. He explained that the journalist was not accredited, because there was no annual accreditation to the Parliament. The journalist tried to be accredited to the press conference concerning the consideration of the draft law on confiscation of cars from drunk drivers for a week. “European Radio for Belarus” tried to receive a one-year accreditation at the Chamber of Representatives during the previous two years to no avail.

On 16 June, independent journalist Mikhail Yanchuk was detained while making shots in the Stoubtsy district, where suspicious deaths of pigs were reported. The journalist was taken to the Stoubtsy District Police Department, where he faced charges, and then taken to the railway station. Nothing was confiscated from him.

On 24 June, the Hrodna Regional Court considered an appeal on the case of the photo album “Belarus Press Photo 2011”. In April, the Ashmiany District Court recognized the album “Belarus Press Photo 2011” extremist. The appeal of the organizers of the contest “Belarus Press Photo 2011” wasn’t granted. 41 copies of the album had been confiscated from Yuliya Darashkevich and Aliaksandr Vasiukovich on November 2, 2012 at the border crossing point “Kamenny Loh”.

On 26 June, Rahachou police took explanations from a Rahachou activist Dzianis Dashkevich concerning an article about the persecution of the Rahachou poet Yury Arestau, published at the independent website vrogacheve.ru.

### **Restrictions on freedom of assembly**

On 11 June, Judge Maryna Damnenka of the Tsentralny District Court of Homel considered an appeal of the Homel organization of the Belarusian Leftist Party “Fair World” against the ban on the May Day rally, issued by the Homel City Executive Committee. The housing utility companies entered into a service contract with the applicants before the rally, whereas the police and the ambulance refused to do so. In order to hold a rally or a picket, one needs a permit of the Executive Committee, and one of the conditions for receiving the permit is to enter into paid service agreements with the public utilities, police and ambulance. Police and ambulance, in their turn, refused to enter in such agreements, referring to the absence of the permit of the Executive Committee for the event. Despite this “vicious circle”, the court dismissed the appeal and confirmed the legality of the ban.

On 14 June, the Leninski District Court of Mahiliou considered the appeal of an activist of the United Civil Party Mikhail Sharamet against the ban on the picket he intended to hold in the center of the city. Judge Yuliya Trapynina stated that the decision of the Executive Committee was perfectly legal and it was permitted to hold public events only in the places, which had been specially designated for this by the Executive Committee. The picket was scheduled for 7 May, the day of the disappearance of General Yury Zakharanka.

On 18 June, Slonim residents Ivan Bedka and Viktor Marchyk received a denial from the Slonim District Executive Committee to their request to authorize a picket in support of the trauma surgeon Ivan Sheha on 27 June. In the ban signed by Deputy Chairman of the Executive Committee, Viktor Kot, it is stated that “according to the plan of the Department of Youth Affairs and the public association “Belarusian Republican Youth Union”, there’s no possibility to provide you with space in the city park in Opornaya Street at the stated time, as far as the beginning of the cross-quiz “Know Your Land” will take place there at 11 a.m. on 27 June.”

On 20 June, an activist of the civil campaign “Tell the Truth” Viachaslau Bolbat filed an appeal to the Baranavichy City and District Court against the actions of the Baranavichy District Executive Committee, who twice banned the educational and cultural event “Milavidy Festival in memory of the insurgents of 1863”. As it is stated in the appeal, on 19 April, the social activists Viachaslau Bolbat, Tereza Silivonchyk and Viktor Strytsa applied to the Executive Committee with a request to authorize the mass event on June 2, 2013, attaching to their appeal their written undertakings to secure the public order during it. In his appeal, Mr. Bolbat noted that the organizers of the cultural festival guaranteed the payment of expenses related to the mass event and proved it by sending to the head of the Executive Committee the copies of the service contracts with the Baranavichy district public utilities, the police department of the Baranavichy City Executive Committee and the Baranavichy central polyclinic on April 29, 2013. Thus, the organizers of the event fulfilled all requirements of the Law “On Mass Events in the Republic of Belarus”. However, in its decision of May 3, 2013, the Baranavichy District Executive Committee banned the festival, as the Department of Culture of the Executive Committee allegedly intended to hold the same festival at the same time and place. As a result, the organizers of the event asked the authorities to transfer the time of their event to June 9, 2013. Though no official events were held near the Milavidy monuments that day, the Baranavichy City Executive Committee banned the event by its ruling of May 20, 2013, accusing the organizers of violating paragraph 5 of the Law “On Mass Events in the Republic of Belarus”. However, it wasn’t specified in the answer, what requirements they allegedly violated.

As it became known on 26 June, Viktor Zharkou received three denials to his applications for holding pickets in three districts of Vitsebsk. During these events, Mr. Zharkou wanted to inform the public about the violation of his rights by the police. Having received the bans, the activist filed lawsuits to three district courts of Vitsebsk.

On 26 June, members of the Slonim association of democratic forces who had celebrated the Freedom Day on 25 March stated that they were still summoned to the police and the Prosecutor's Office in connection with allegedly holding an unauthorized mass event. The head of the Slonim organization of the Belarusian Christian Democracy Ivan Bedka received a subpoena signed by the Slonim District Prosecutor, Senior Counselor of Justice Anatol Yaulash, according to which he was to come to the Prosecutor's Office in connection with an "unauthorized mass event dedicated to the anniversary of the establishment of the Belarusian People's Republic".

### **Restrictions on freedom of association**

On 2 June, an assembly of the organizing committee of the party "Belarusian Christian Democracy" of Vitsebsk was nearly disrupted as some of its regional representatives were summoned to work on the day off. In particular, BCD representatives from Lepel and Navapolatsk were called to work without any explanations on that day. According to the co-founder of the BCD Vital Rymasheuski, activists of the organizing committee are pressurized by regional KGB officers who threaten them with "problems" for the participation in such assemblies of Christian Democrats.

On 10 June, the General Prosecutor's Office dismissed the appeal of human rights activist Tamara Siarhei against the actions of Deputy Prosecutor General Aliaksandr Lashyn, who on 23 April issued a formal warning about responsibility under Article 193.1 of the Criminal Code for the organization of activities of the unregistered public association "Civil Initiative against lawlessness in Courts and Prosecutor's offices". The acting Prosecutor General Mikalai Kuklis upheld the warning.

On 17 June, the Belarusian Ministry of Justice refused to register the National research and educational association "Tell the Truth". The Constituent Assembly of the association was held on 13 April and the registration documents were submitted to the Ministry of Justice on 8 May. Therefore, the Ministry was to have answered by 8 June, whereas its answer is dated 12 June, which means that the Ministry violated the legal terms for answering applications for the state registration of public associations and political parties. According to the answer, "Tell the Truth" was denied registration for two reasons. Firstly, the officials stated that the guarantee letter for the supply of a legal

address for the NGO, dated 31 May, was no longer valid, and, secondly, the number of the members of the organization's council allegedly wasn't determined. This was the third attempt to register the association with the state.

On 18 June, the Ministry of Justice refused to register the youth public association "Young Democrats". In their refusal, the officials cited the poor handwriting in the lists of the founders and also indicated that the document was to be printed in a special font. The Ministry of Justice also accused the "Young Democrats" of providing "inaccurate and incomplete information about the founders of the association".



## Situation of Human Rights in Belarus in July 2013

In July, the tendency to deterioration of the human rights situation in Belarus persisted. 12 political prisoners were still held behind bars: Ihar Alinevich, Mikalai Autukhovich, Ales Bialiatski, Dzmitry Dashkevich, Mikalai Dziadok, Aliaksandr Frantskevich, Andrei Haidukou, Eduard Lobau, Artsiom Prakapenka, Pavel Seviarynets, Mikalai Statkevich and Yauhen Vaskovich. Dzmitry Miadzvedz and Sviataslau Baranovich continued serving their terms of personal restraint without being sent to open penitentiaries, and Andrzej Poczobut — his suspended sentence. In June, a criminal case was opened against former political prisoner Vasil Parfiankou for breach of the rules of preventive supervision, and in July a similar criminal case was opened against Uladzimir Yaromenak. Preventive supervision as a means of control and pressure continued to be used against former political prisoner Pavel Vinahradau. Preventive surveillance was used against 25 pardoned and early released prisoners. The investigation into the criminal case under Article 193.1, “activities on behalf of an unregistered organization”, against Aliaksei Shchadrou continued.

The Human Rights Center “Viasna” does not regard the termination of the criminal prosecution of Iryna Khalip and Uladzimir Niakliayeu after the end of their deferment terms as a sign of improvement of the human rights situation, regarding their punishment as illegal, unfair and politically motivated in its nature.

A Member of the European Parliament J. Paleckis had to admit the absence of positive dynamics in the field of human rights in Belarus in his report prepared for the European institutions. If in May during the first reading he spoke of “improving the human rights situation” in Belarus, after serious criticism by the Belarusian experts and MEPs during the second reading in 9 July in the Committee on Foreign Affairs of the European Parliament the wording was changed. “The notion that the human rights situation changed was completely reformulated. At present, it speaks of a hard human rights situation. At the same time, the statistics of the Human Rights Center “Viasna” are cited that the number of those imprisoned for political reasons has decreased. However, it is explained that these numbers are a result of an atmosphere of intimidation and repression,” stated Justas Paleckis. The European MPs recommended to the European Commission, the High Representative of the Union for Foreign Affairs and Security Policy and the EU member states to urge the Belarusian authorities to respect human rights and move towards democratic reforms to end the country’s self-imposed isolation from Europe. In the opinion of the European Parliament, the EU should also make it clear once again: a prerequisite

for any progress that could lead to the lifting of sanctions and the development of bilateral relations is the unconditional and immediate release and rehabilitation of all political prisoners. As it was stated in the report, the EU was to use a temporary suspension of visa sanctions against the Belarusian Foreign Minister with the utmost effectiveness as the diplomatic channel of communication, as well as his possible participation in the Eastern Partnership summit, primarily in order to help address the issue of political prisoners.

In furtherance of this strategy, the issue of the release of political prisoners in Belarus was discussed at a meeting of the EU Foreign Ministers and the Eastern Partnership, which was held on 22 July in Brussels, with the participation of the Belarusian Foreign Minister Uladzimir Makei. Immediately after the meeting, Mr. Makei said, "We discussed all the points that were on the agenda relating to our cooperation with the European Union".

According to the Foreign Minister of Lithuania Linas Linkevičius, the Belarusian Minister demonstrated a desire to "work constructively" with the EU. "In contrast to what it was before, there were no objections — maybe he just kept silent at this point, but it's better than objecting when most of the speakers recalled the issue of political prisoners," said the head of the Lithuanian diplomacy.

After a meeting with Uladzimir Makei, the European Commissioner for Enlargement and Neighborhood Policy expressed hope that the invitation of the Minister of Foreign Affairs could bring positive results for the political prisoners in Belarus, and soon he would meet with Ales Bialiatski in Brussels: "Now it became possible to communicate with the authorities on this level, which is not something that would allow us to forget about our requirements and conditions, but may actually increase them".

However, by the end of July, the optimism of the European policy makers and the advances given to the official Belarusian side yielded no results.

In the situation when the Belarusian authorities ignore the mandate of the Special Rapporteur on human rights in Belarus, which was extended by the UN Human Rights Council in June of this year, and the refusals to invite him to the country, an important event for the international assessment of the situation was a consultation of Miklós Haraszti with representatives of the Belarusian human rights community, held in Vilnius on 12-13 July. Miklós Haraszti once again applied to the Belarusian authorities for a visa, as he considers it necessary to come to Belarus in order to study the situation of human rights, and believes that the dialogue with the Belarusian authorities can be a very important tool to improve the human rights situation. However, he received no response to his appeal. During the consultations in Vilnius, much attention was paid to the Belarusian legislation, falling short of international standards and practices which leads to negative consequences in various fields of human rights.

## **Political prisoners, criminal prosecution of civil society and political activists**

On 2 July, Mikalai Statkevich was allowed a short two-hour meeting with his wife Maryna Adamovich in Mahiliou prison No. 4. They spoke on the telephone, seeing each other through the bars and a double window. On 12 July, the political prisoner was allowed to call his wife from prison. He said that after a long struggle he was allowed to make one phone call a month. On 16 July, Maryna Adamovich said that in the letter Statkevich wrote that his previous letter hadn't been just confiscated — it was then sent to the Regional Prosecutor's Office together with his testimony on the situation in the Shkloou penal colony, which he described in the letter.

On 5 July, the mother of the imprisoned anarchist Aliaksandr Frantskevich stated that police supervision would be established over him after his release, scheduled for the beginning of September. In August, a trial was to take place in the penal colony to determine the type and the term of supervision. On 29 July, Tatsiana Frantskevich noted that not all letters could be received from her son, as the prison censor was on vacation.

On 9 July, Andrei Haidukou's counsel filed an appeal to the Supreme Court against the ruling of the Vitsebsk Regional Court.

On 10 July, the Tsentralny District Court of Minsk rejected the request of the former candidate for presidency in Belarus, the leader of the "Tell the truth!" Uladzimir Niakliayeu to open a criminal investigation into the attack on him on December 19, 2010. The court session was held under the chairmanship of Valery Yesman. U. Niakliayeu asked to cancel the decision to refuse prosecution, signed by the Minsk Prosecutor Yermakou, and oblige the investigation authorities "to start a criminal investigation into the gang assault".

The ex-presidential candidate stated that he considered the attack on him on 19 December "as an assassination attempt". The representative of the defendant, Prosecutor Babchonak, said he did not agree with Niakliayeu. He justified the refusal to institute criminal proceedings by saying that according to the information received from the MIA and the KGB, special units of these structures did not conduct any activities against Mr. Niakliayeu and his supporters on December 19, 2010. The court found these arguments justified. On 25 July, the Leninski District Court of Minsk released Uladzimir Niakliayeu, sentenced to two years of imprisonment with a two-year deferment of the sentence, from punishment. The ex-presidential candidate was found guilty under Part 1 of Art. 342 of the Criminal Code (organization and preparation of activities that breach public order or active participation in them). The trial over U. Niakliayeu took just 40 seconds. He was familiarized with the ruling in the office of Judge Volha Kotsur.

On 12 July, former political prisoner Vasil Parfiankou was charged under Article 421 of the Criminal Code, “violation of the conditions of preventive supervision”, by an investigator of the Pershamaiski District Police Department of Minsk. During the talk with the investigator, Mr. Parfiankou noted that under the law three violations are required to open a criminal case, whereas he had only two. The investigator said that “two violations already make a system” and the inspector saw this as a reason for legal action. On 17 July, V. Parfiankou was familiarized with the case, after which it was sent to the court. The date of the trial wasn’t appointed as of the end of July. V. Parfiankou faced arrest for six months or imprisonment up to one year. Vasil Parfiankou was sentenced to 4 years of imprisonment for participation in the peaceful post-election protests in 2010, pardoned and released from prison, after which a preventive supervision was established over him. In 2012, V. Parfiankou was sentenced to six months of arrest for violation of the rules of the preventive supervision.

On 13 July, Eduard Lobau met with a Catholic priest, Father Dzmitry from the Slutsk parish, with whom he had already met twice in the penal colony. The meeting was held in the presence of an officer of Ivatsevichy penal colony No. 22, where Edward is serving his sentence, and lasted about an hour. In late July, the mother of Eduard Lobau, Maryna Lobava, reported that the Investigative Committee rejected his appeal against his unlawful interrogation by the KGB during the investigation.

On 14 July, the day of the wedding of the “Young Front” member Uladzimir Yaromenak, he received a telephone call from an investigator of the Pershamaiski DPD of Minsk, who persistently asked him to come to the police department. U. Yaromenak managed to postpone the visit to 16 July. On this day, he received a decision to open criminal proceedings under Article 421 of the Criminal Code (violation of preventive supervision), dated 24 May. On 22 July, U. Yaromenak studied the case materials together with his counsel. Among the documents, there were the police reports registering the violations of the preventive supervision. Only two violations were established by the court, all others were considered as violations only by the police. U. Yaromenak didn’t agree to them and his counsel expressed these remarks in the appeal. He also drew attention to the fact that the case had been investigated in the so-called “fast mode” — in just 15 days, though it had been opened in May. The case was then transferred to the Prosecutor’s Office. The investigator took a recognizance not to leave Minsk from Uladzimir Yaromenak.

On 18 July, Aliaksandr Shchadrou, against whom a criminal case under Article 193.1 of the Criminal Code, “activities on behalf of an unregistered organization” was opened, announced his intention to register a charity of missionaries named after Mother Teresa of Calcutta. A few days before this he was visited by an officer of the Shchuchyn DPD who inquired about the situ-

ation of the shelter in the village of Aliaksandrauka not far from Vasilishki. At that time, there were seven disabled who could not walk on their own. When the criminal case was instigated against Aliaksei Shchadrou, there were 27 people in the shelter, which was located in four houses. Seven of them managed to get employed, the rest left. During the two years of the existence of the shelter, it helped 97 people. Aliaksandr Shchadrou filed an appeal to the Prosecutor of Shchuchyn district, asking to abolish the ruling on the instigation of the criminal proceedings against him.

On 19 July, journalist Iryna Khalip, convicted on May 16, 2011 on charges of participating in group activities that breach public order over the events in Minsk on December 19, 2010, and sentenced to two years of imprisonment suspended for two years, was released from serving her sentence. The verdict was issued by Judge Ryta Shakhrai of the Partyzanski District Court of Minsk. The judge read out the materials from the criminal-executive inspection of the Partyzanski District Police Department of Minsk on the conditions of serving of the punishment by Iryna Khalip and the results of the examinations of the implementation of the rules of the punishment, as well as the petition of the criminal-executive inspection for her release from punishment. Prosecutor Sakalova supported this decision. It was also supported by an officer of the inspection. However, on 30 July, the security of the airport “Minsk-2” took away her passport during the registration to the flight Minsk-Warsaw. She was informed that she was on the “KGB lists” and her flight to Poland should be agreed with this institution. The passport was returned to I. Khalip half an hour before the take-off. It’s worth noting that after the release from the punishment the police assured Iryna Khalip that all restrictions had been removed from her.

On 20 July, the two-year term of conditional imprisonment of Siarhei Martsaleu, on 22 July — of Andrei Dzmitryieu, Aliaksandr Fiaduta, Vital Rymasheuski and Siarhei Vazniak, came to an end. All of them were convicted under Part 1 of Art. 342 of the Criminal Code (organization and preparation of activities that breach public order or active participation in them) for taking part in the protests against the rigged presidential election of 2010.

On 20 July, co-Chairman of the organizing committee of the party “Belarusian Christian Democracy” Pavel Seviarynets, who was serving three years of imprisonment in the open penitentiary in the village of Kuplin in the Pruzhany district received a three-day vacation, during which he visited Vitsebsk, where his parents live. The way there and back took 1.5 days.

On 20 July, the leader of the “Young Front”, political prisoner Dzmitry Dashkevich who was serving his sentence in the maximum security penal colony in Hrodna, turned 32 years old. This was the third birthday in succession he had to celebrate in jail.

On 24 July, a Bialynichy journalist Barys Vyrvich stated that, as he learned from a letter received from Mikalai Autukhovich, not all letters were passed to Hrodna prison No. 1. The political prisoner wrote that earlier he received an average of 90-95 letters a month, whereas in June he got just 40, though he knew that many people wrote letters to him.

On 24 July, political prisoner Yauhen Vaskovich was placed for 10 days in solitary confinement in Mahiliou prison No. 4 where he is serving his sentence. This was announced by the executive secretary of the organizing committee of the Belarusian Christian Democracy Party Dzianis Sadouski, who noted that the reasons were unknown to him. Starting from May 2010, when Ya. Vaskovich was directed to serve his sentence, he spent almost 200 days in a punishment cell. According to Dzianis Sadouski, the prison administration continued pressurizing Mr. Vaskovich, telling him to write a clemency petition, but he flatly refused to do it.

On 28 July, political prisoner Artsiom Prakapenka turned 23 years old. The day before he was allowed a short two-hour meeting with his family. His mother Viyaleta Prakapenka told that he was working during night shifts and turned very thin. His relatives sent him his education certificate, as he was going to acquire the qualification of a mason. His mother asked Artsiom Prakapenka to write a clemency petition, but he refused to talk about it.

### **The death penalty**

On 4 July, a Homel resident Aliaksandr Hrunou, sentenced to death, filed an appeal to the Supreme Court against the verdict of the Homel Regional Court. Before this, human rights defender Leanid Sudalenka met with Aliaksandr Hrunou's mother to discuss the issue of the exhaustion of all domestic remedies for filing an individual complaint to the UN Human Rights Committee.

On 8 July, the Belarusian Helsinki Committee passed to the Supreme Court the conclusion of the public examination on the procedure «amicus curiae» in the case of the death convict Ryhor Yuzepchuk. In the international legal practice, such activities («amicus curiae», from Lat. — “Friend of the Court”) are used as a tool to improve the legal system. Such investigations of human rights organizations are not held for the benefit of the procedural side, but as an opportunity to present a neutral view of the authors, with deep respect and recognition of the high authority and independence of the court. The subject of this study was to find the reasons for commuting R. Yuzepchuk's death penalty to an alternative punishment — life imprisonment.

As it became known on 18 July, the death sentence to Ryhor Yuzepchuk was upheld. The Supreme Court informed the BHC that R. Yuzepchuk's appeal was rejected. What is interesting in this case is that the murder was

committed by R. Yuzepchuk when all three inmates of the Mahiliou prison were under a total control of the prison administration. On request of the BHC, the Department of Corrections of the Internal Affairs Ministry reported that an internal examination was conducted on this incident, an appropriate reaction to which was enforced as a result.

On 19 July, Liubou Kavaliouva and Tatsiana Kaziar, the mother and the sister of the death convict Uladzislau Kavaliou (found guilty of the terrorist attack on the subway in Minsk and executed on March 15, 2012), went to the Kastychnitski District Court of Minsk to complain about the illegal actions of the Department of Corrections of the Ministry of Internal Affairs and the State Security Committee (KGB). Kavaliou's relatives stated that the refusal to provide information on the burial site of Uladzislau Kavaliou violated international standards, and also paid attention to the violation of the Law "On Applications of Citizens". They challenged the refusal of the Department of Corrections to provide details on the place of his burial in the Ministry of the Interior. From there, the complaint was passed to the Department, whose actions they appealed. The other violation is that in their refusal to disclose the burial place the state institutions referred to Part 5, Art. 175 of the Criminal Executive Code, which does not meet the requirements of Art. 7 of the International Covenant on Civil and Political Rights, which prohibits torture and ill-treatment. The practice not to inform the relatives about the place of burial of death convicts falls under the provisions of this article. Kavaliou's mother and sister hope to get information about the place of Uladzislau's burial through court.

### **Torture and other kinds of cruel and inhuman treatment**

On 24 July, after a year of fruitless appeals to various authorities about her son's death on May 26, 2012 in the detention center of the Svetlahorsk District Police Department as a result of unlawful actions of the police, Valiantsina Akulich applied to the Human Rights Center "Viasna". After consulting the lawyers, she filed to the Prosecutor of the Svetlahorsk district an appeal against the refusal of the Senior Investigator of the Svetlahorsk regional department of the Investigative Committee Viachaslau Petachenka to institute criminal proceedings on the death of her son, Aliaksandr Akulich. The son of V. Akulich died on the fourth of the five days of his detention. Valiantsina Akulich said, "My son was drinking hard, and we wanted to place him in an activity therapy center, so that he would quit drinking. On 22 May, I phoned a local police inspector and asked if he could be placed in the detention center in order to save him from drinking. He replied: "Call "102", they will come and take him." I phoned there and he was taken to the detention center for five days. On the fourth day he fell ill, but initially the officers of the detention center didn't call an

ambulance for him. Though his cellmates asked to call an ambulance, when he started running across the cell. They took him out, handcuffed him to the bars and started beating him. The surveillance cameras recorded only to the point where he was taken out of the cell, and then there happened a “failure”. 18 blows were inflicted. When he started having convulsions and stopped breathing, they put him on the floor and called an ambulance. When the ambulance came he was already dead. When Valiantsina Akulich came to the morgue, they refused to show her his body and told only to bring his clothes. She managed to inspect him only when he was taken home. “I saw that he was covered with bruises, all cut up, and his hands and feet and the face were all black. I called “102” and said: “You, killers, you killed my son, I don’t believe that he just died. Two police officers came to me, I asked them to videotape body, but they refused. The following day a friend of mine brought a photo camera, and we shot everything. The same evening I wrote an application to the police.” In her application, Valiantsina Akulich requested an examination on the death of her son due to the existence of numerous bodily injuries. The materials of the examination state: “The following injuries were found during the examination of the corpse: multiple bruises on the scalp, face, in the area of the right shoulder joint, the elbow, wrist joints in the area on the left leg, bleeding under the tunica mucosa of mouth (upper lip). Bruises on the back of the chest emerged from a blunt solid object like a baton stick. All injuries arose from the action of blunt solid objects shortly before death (during one day) and belong to light physical damage which cannot have cause-and-effect relationship with the onset of death. Appearance of these injuries from falling on the ground is ruled out, as many injuries were located in different anatomic areas and cavities of the body.” In his decision not to institute criminal proceedings, investigator U. Petachenka tells the mother of the dead prisoner that the need for the use of physical force and police gear against her son was caused by the fact that he “behaved aggressively, disobeyed the police and didn’t obey their legitimate demands”. “The actions of the police officers A. Stseshankou and A. Bachko, who were on duty, comply with the law of Belarus “On the Internal Affairs Bodies” and were committed within the limits of their powers. Therefore, there are no grounds for a criminal case,” ruled the investigator of the Investigation Committee. Valiantsina Akulich believes that the investigation into the death of her son wasn’t properly conducted and needs to be supplemented, and therefore the decision of Senior Investigator of the Svetlahorsk district department of the Investigative Committee Uladzimir Petachenka is premature and should be repealed. She stated it in her appeal to the Prosecutor of the Svetlahorsk district. In her appeal, Valiantsina Akulich insists on an additional forensic examination and adoption of a decision to prosecute those responsible for the death of her son.



## **Persecution of human rights defenders and organizations**

On 19 July, a search was held at the apartment of Valiantsina Kavalenka, an activist of the Civil Initiative against Lawlessness in Courts and Prosecutor's Office. According to V. Kavalenka, the police searched her home for drugs. The search, which lasted for about 40 minutes, was held by Senior Lieutenant Ladzeyeva with the help of three police officers: Barychonak, Kisialiou and Zaruba. The activist was told that a detainee in a case dated 2011 said that she had allegedly sold him some drugs. The police found nothing in V. Kavalenka's apartment. She is sure that the pressurization is due to the fact that she and her husband sought review of criminal proceedings against their son and write complaints and letters to various authorities.

## **Pressurization of civil society and political activists by security services**

On 10 July, the Leninski District Court of Mahiliou dismissed the appeal of an activist of the organizing committee of the party "Belarusian Christian Democracy" Aleh Aksionau against the warning issued to him by the KGB on 19 April for acting on behalf of an unregistered organization. Judge Valiantsina Lapatsina considered that the Mahiliou regional department of the KGB had rightly warned the activist. The reason for it was the Internet publications, in which he acted on behalf of the organizing committee of the Belarusian Christian Democracy. As a result, Aleh Aksionau was put on the preventive register of the KGB. On 22 July, Aleh Aksionau filed an appeal to the panel of judges on civil cases of the Mahiliou Regional Court with a request to reverse the decision of the Leninski District Court of Mahiliou concerning the warning issued to him by the Mahiliou KGB. In addition, the activist urged the court to make a private remark to the KGB Mahiliou Department concerning the gross violations of the law, and find illegal Art. 193.1 of the Criminal Code and Part 3 of Article 7 of the Law "On Political Parties", which prohibits activities on behalf of unregistered organizations.

## **Administrative prosecution of civil society and political activists, arbitrary detention**

On 2 July, in Minsk the police detained activists of the National Bolshevik movement Dzianis Haurykau, Aliaksandr Paliakou and Dzmitry Paliyenka. The police officers said they were suspected of robbery, but when the activists were taken to the Kastychnitski District Police Department, they were charged under Article 17.1 of the Administrative Code for allegedly using foul

language in a public place. A. Paliakou was then released as he is a minor. On 4 July, Dzianis Haurykau and Dzmitry Paliyenka were sentenced to 2 days of arrest they had already served while awaiting trial.

On 4 July, in Mahiliou an activist of the United Civil Party Mikalai Hladyshau held a one-man picket against the deployment of the Russian airbases in Belarus. On the fence of a former Consumer Services Center he placed a poster "No to Russian airbases in the Belarusian land". Half an hour later the activist was detained. The police took him to the nearest police station, where he received a subpoena and then released. On 7 July, Mikalai Hladyshau was summoned to the Leninski District Police Department of Minsk, where he was once again questioned and charged with an administrative violation. Mikalai Hladyshau was accused of violating Article 23.34 (a violation of the order of organizing and holding mass events). Police officer Zahorski stated that soon the activist would be called to court by a subpoena.

On 8 July, the Savetski District Court of Minsk fined an activist of the organizing committee of the party "Belarusian Christian Democracy" Pavel Prakapovich 2.5 million rubles for an event in memory of journalist Dzmitry Zavadski. On 7 July evening, the activist posted a portrait of Dzmitry Zavadski in Yakub Kolas Square, after which he was detained. The violation report was composed under Article 23.34 of the Administrative Code (organizing or participating in an unauthorized mass event). During the night before the trial, P. Prakapovich was held in the detention center.

On 16 July, the head of the movement "Young Belarus" Dzmitry Kaspiarovich was detained at the border on the way to Vilnius and was taken to the Savetski District Police Department of Minsk. The detainee was told that he was in the database of offenders and had not served a 12-day administrative detention, which he had received for allegedly using foul language at the Savetski District Court of Minsk on March 17, 2008. After the end of the trial, Mr. Kaspiarovich was placed in the detention center. There he complained that he felt bad and was taken to the 11<sup>th</sup> Minsk clinical hospital with a hypertensive crisis.

On 17 July, Lieutenant Dzianis Maisenia of the Baranavichy District Police Department drew up the third violation report against Chairman of the Baranavichy branch of the Belarusian Language Society and activist of the Movement "For Freedom" Viktor Syrytsa, charging him with planning and carrying out unauthorized activities — the Milavidy Festival in honor of the rebels of 1863. Earlier, the head of the Baranavichy City and District Court Mikalai Kmita twice sent the reports against V. Syrytsa back to the police department to correct the deficiencies. On 31 July, Judge Katsiaryna Hruda of the Baranavichy City and District Court found Mr. Syrytsa guilty of violating Article 23.34 of the Administrative Code of the Republic of Belarus and punished him with a fine of 2 million rubles.

On 22 July, two charges were brought against a Baranavichy entrepreneur and civil society activist Mikalai Charnavus. He was accused of violating Part 3 of Article 23.34 (organizing and carrying out unauthorized mass events) during the rallies of the Baranavichy entrepreneurs on 27 June and 1 July. The first rally was held at the Cooperative Market and the second — in front of the tax office. During the events, Mikalai Charnavus held the posters “We want to work” and “We do not need such a customs union”. Police Major familiarized Mr. Charnavus with the violation reports right at his working place.

On 25 July morning, in Minsk an activist of the civil campaign “Tell the Truth” Pavel Vinahradau was detained while heading for the trial of the head of “Tell the Truth!” Uladzimir Niakliayeu. He called a taxi, left the apartment and disappeared — the taxi service reported that he didn’t use the car he had ordered. As it became known later, Mr. Vinahradau was taken to the Maskouski District Police Department of Minsk and released at about 4 p.m. On the same day, another activist of the campaign “Tell the Truth!”, Vital Vasilkou, was detained. He left the organization’s office to smoke and was immediately detained by unidentified men in civilian clothes. On 26 July, the Maskouski District Court of Minsk sentenced him to ten days of administrative arrest under Article 23.4 of the Code of Administrative Offenses, insubordination to lawful demands of the police. The verdict was delivered by Judge Tatsiana Motyl.

On 27 July, the Babruisk member of the organizing committee of the BCD, businessman Viachaslau Sheleh stated that his 16-year-old daughter, Natalia, went missing in the morning. She was found only in the afternoon and was taken to hospital with a concussion. According to V. Sheleh, every morning at 6 a.m. she went for a 40-minute run. When she didn’t return on time and she didn’t answer her phone, her parents started to worry, because exactly one month ago she was met by some unidentified people in their house. They said the girl should tell her father to stop dealing with politics, and threatened her with rape. After Natallia saw these people at the entrance of the house again, she applied to the police. Natallia told her parents that while jogging in the morning, she was hit in the head, and when she came to her senses, she saw that she was in a forest. Her clothes were tattered, and her body and face were covered with black paint. When she went to the road to stop a car, the drivers were afraid to pick her up because of her look, but some of them agreed to give her a lift, after which she managed to phone his father. He called the police who arrived in two hours and held a questioning. After Natallia’s return, they took testimonies from her parents and promised to hold an examination. Viachaslau Sheleh suggested that the abduction of his daughter could be conducted by the security services in order to intimidate him for his civil and political activism.

On 29 July, the Partyzanski District Court of Minsk held trials over three activists of the civil campaign “Alternative”, Aleh Korban, Aleh Keral and Dz-

mitry Silchanka. On 26 July, the activists hanged out white-red-white flags on the bridge over the Partyzanski Avenue near “Belarus” department store to mark the 23<sup>rd</sup> anniversary of the Declaration of Sovereignty of Belarus. In a few minutes, they were detained by policemen in civilian clothes and pulled into two minibuses. Together with the activists, the police detained a photographer of “Nasha Niva” Siarhei Hudzilin, BelaPAN correspondents Andrei Korsak and Zakhar Shcharbakou, and a civil society activist Volha Burnevich. All of them were taken to the Partyzanski District Police Department of Minsk. The journalists and the girl were released after identification without getting any charges, whereas Aleh Korban, Aleh Keral and Dzmitry Silchanka were taken to the detention center before the trial. All of them were charged with disorderly conduct (Art. 17.1 of the Administrative Code). Aleh Korban was tried by Judge Volha Paulouskaya, Dzmitry Silchanka — by Judge Katsiaryna Chaiko. All the three activists were punished with 5 days of arrest.

### **Restrictions on freedom of speech and the right to impart information, persecution of journalists**

On 2 July, at a meeting of entrepreneurs at the “Slavianski” market in Rechytsa the police tried to find out on which basis an independent journalist, member of the Belarusian Association of Journalists Larysa Shchyryakova was videotaping the market. Police Captain Dzmitry Svirydzenka demanded that she showed him her journalist’s ID. She presented a membership card of the Belarusian Association of Journalists, and he copied all the data in a notebook. Later, the BAJ received a call from Rechytsa. The police asked whether Larysa Shchyryakova was really a member of the organization. Mr. Svirydzenka also checked the documents of Chairman of the Homel organization of the Belarusian Association of Journalists Anatol Hatouchyts.

On 9 July, a member of the Belarusian Association of Journalists Alena Stsiapanava was summoned to the Kastychnitski District Police Station of Vitsebsk, where a senior inspector of public order and prevention Siarhei Viaraksa familiarized her with a report of administrative violation under Article 22.9 Part 2 of the Administrative Code. The police officer claimed that Alena Stsiapanava “carried out professional activities of a journalist for the foreign media Radio “Liberty” without proper accreditation”. Meanwhile, the administrative article under which she was charged provided liability for “violation of the rules of sending out free copies of periodicals, distribution of erotic publications, publication of retractions in the media or illegal production and distribution of media”. On 12 July, Alena Stsiapanava was to have been tried at the Kastychnitski District Court of Vitsebsk, but Judge Ina Hrabouskaya filed the report back to the police for correction of deficiencies. The trial was postponed to an unknown date.

On 10 July, journalists of the newspaper “Nasha Niva” Iryna Arakhouskaya and Mikita Dubaleka were detained in the center of Minsk, allegedly for identification. Later, they were released without charges.

On 25 July, a correspondent of the internal policy department of the weekly “Belorusy i Rynok” Ihar Ilyash was detained by the police. The reporter was present at the trial of the ex-candidate for presidency Uladzimir Niakliayeu, held in the Leninski District Court of Minsk. After the end of the trial, Mr. Ilyash headed for the bus stop. He was approached by three officers of the Maskouski District Police Department of Minsk in civilian clothes, who asked him to go with them into the van. They argued that he allegedly “was shot with a hidden camera which registered some violations”. The journalist was taken to the department of public order and prevention of the Maskouski DPD, where he was told that he was detained for identification, as he “presented a journalist’s ID without passport”. After asking for the passport data I. Ilyash was interviewed on the subject of where he was in the night of 24 July, and who could confirm his words. After that, the policemen apologized and released the correspondent.

On 26 July, several journalists were detained while white-red-white flags were hanged out by activists of the campaign “Alternative”: a press photographer of “Nasha Niva” Siarhei Hudzilin and correspondents of the BelaPAN Andrei Korsak and Zakhar Shcharbakou. They were taken to the Partyzanski District Police Department of Minsk together with the detained activists, and released after identification.

On 28 July, an independent journalist Dzmitry Lupach was not allowed to attend the meeting of residents of the village of Dzerkaushchyna of the Hlybokaye district, where the prohibition on growing pigs in the 5-kilometer zone from the pig farm “Malinoushchyna” was discussed. Seeing the journalist, the head of the Hlybokaye District Executive Committee Aleh Morkhat asked Chairman of the Hlybokaye District Police Department Viktor Adamovich who let the journalist in. After this, the journalist was officially explained that he was prohibited to attend the meeting, as he wasn’t a resident of Dzerkaushchyna.

### **Restrictions on freedom of assembly**

On 12 July, the Baranavichy City and District Court started considering the appeal of an activist of the civil campaign “Tell the Truth”, Viachaslau Bolbat, against the actions of the Baranavichy District Executive Committee, which had twice banned the educational and cultural event “Milavidy Festival in memory of the insurgents of 1863”. The civil case of Viachaslau Bolbat was considered by Judge Vera Uhlik in presence of secretary Volha Kazlouskaya. Viachaslau Bolbat noted that the organizers of the cultural event had fulfilled

all requirements of the Law “On Mass Events in the Republic of Belarus”, and asked the court to invalidate the decision of the Baranavichy District Executive Committee. Head of the Legal Department of the Baranavichy DEC Volha Firyan and the deputy head of the Department of Ideology, Culture and Youth Affairs Dzmitry Varvashenia noted that the festival organizers were banned to conduct the event on 2 June as far as the Culture Department of the Executive Committee intended to hold its own event at the same time and in the same place. Representatives of the Executive Committee also noted that the applicants were prohibited to hold the festival on 9 June as far as they hadn’t entered into new service contracts with the police, medics and public utilities. However, the activists didn’t intend to hold a new event, they just asked the authorities to postpone the date of their festival from 2 to 9 June. On 15 June, Judge Vera Uhlik justified the actions of the Babruisk Executive Committee and dismissed the appeal of Mr. Bolbat against the ban on the event.

On 19 July, the panel of judges of the Minsk Regional Court upheld the verdict of the Salihorsk District Court banning the rally on Freedom Day organized by a local civil society activist Uladzimir Shyla. The Minsk Regional Court found that the applicant’s request for imposition of the duties to ensure public order and safety on the local authorities was a sufficient reason to prohibit the event. The references of Mr. Shyla to the state guarantees in the Constitution of Belarus and the international obligations under the International Covenant on Civil and Political Rights were ignored both by the Salihorsk District Court and the panel of judges of the Minsk Regional Court.

On 25 July, the Minsk City Executive Committee banned a picket of the Belarusian Popular Front against the deployment of a Russian military base in Belarus. According to Chairman of the Belarusian Popular Front Aliaksei Yanukevich, the city authorities justified the ban by saying that the application did not comply with the legislation on mass events and it was unclear what measures would be undertaken by the applicant to ensure the safety of picketers. Furthermore, in a written reply from the Executive Committee, it is noted that the picket could interfere with the pedestrian and automobile traffic. The BPF intended to hold its picket on 27 July near the Russian Embassy in Minsk.

Three pickets scheduled for 27 July in Vitsebsk were banned by the authorities. A social democrat, friend of political prisoner Mikalai Statkevich Aliaksei Haurutsikau and coordinator of the Movement “For Freedom” Khrystafar Zhaliapau wanted to hold a rally in the Chyhunachny district in order to celebrate the anniversary of the Declaration of Independence of Belarus and to demand the immediate release and rehabilitation of political prisoners. They weren’t allowed to do it. A negative reply was also received by a member of the Conservative Christian Party BPF Yan Dziarzhautsau who intended to

hold a rally in the Mazurin recreation park, located in the Kastychnitski district, against the deployment of the Russian military airbases. Chairman of the Regional Council of the Belarusian Popular Front Leanid Autukhou received a ban from the Chyhunachy District Executive Committee. The reasons for all the three bans are identical: the organizers did not provide service contracts with the police, medics and public utilities, required by ruling No. 881 of the Vitsebsk City Executive Committee of July 10, 2009. The activists have repeatedly tried to initiate changes in the decision, applied to the courts and the city authorities, but to no avail.

On 29 July, the Homel City Executive Committee banned a procession in support of the imprisoned human rights activist Ales Bialiatski and other political prisoners, scheduled for 4 August by Leanid Sudalenka, Anatol Paplauny and Yury Varonezhstau. The Executive Committee didn't even take a decision on this issue, as required by the law, but just sent the applicants a message "On consideration of the application for mass event". It says that "the event cannot be authorized, as far as the declared place of the street procession (pedestrian part of Savetskaya Street) does not comply with the law "On Mass Events". Deputy Chairperson of the Homel CEC Aksana Rudzianok explained in the letter that the procession route was located less than 50 meters from an underpass and buildings of executive bodies. The official added that the applicants had not met the requirement of the regulation of the Executive Committee "On Mass Events" and had not entered into service agreements with the police, ambulance and public utilities. However, as practice shows, it is virtually impossible to enter into such agreements, as far as the police and medics refuse to enter into service contracts before receiving official permissions for the mass event.

As it became known on 29 July, the picket of solidarity with Ales Bialiatski and other political prisoners, scheduled on 4 August near the main concert venue of the City Park of Culture and Rest in Zhodzina by the local human rights activists, was not allowed by the city authorities. The ban was received by one of the organizers, Aliaksei Lapitski. Deputy chief physician of the city hospital U. Tsiolta in response to the request of the human rights activists to enter into a service agreement according to demands of paragraph 5 of Regulation No. 1020 of the Zhodzina City Executive Committee, presented a detailed calculation for "additional medical services" during the picket (the maximal number of participants was ten persons), totaling 370,000 rubles. The public utilities, in their turn, referred to "incompetence of drafting contracts for cleaning the area after holding the mass event". In the response from the Zhodzina City Executive Committee, signed by the first deputy chairman for ideology Yu. Shary and dated July 25, 2013, it is stated that "the application for holding the mass event (picketing) in Zhodzina on August 4, 2013 at 6.00-7.30

p.m. cannot be considered...” The reason is that the submitted documents “do not meet the requirements of paragraph 5” of the aforementioned regulation, according to which the organizers of mass events must attach service contracts with the public utilities, police and medics to their bids for mass events.

On 31 July, human rights activist Siarhei Housha and civil society activist Viktor Syrytsa received letters signed by Deputy Chairman of the Baranavichy City Executive Committee Dz. Kastsiukevich, which reported that the Executive Committee did not give consent to holding an information picket in support of the imprisoned human rights defender Ales Bialiatski on 4 August. The official stated that the applicants had violated the regulation of the Baranavichy CEC No. 1497 of June 16, 2009 “On the order of events in Baranavichy”, according to which Lenin Street was not a place suitable for such events.

### **Restrictions on freedom of association**

On 9 July, Aliaksandr Kuzmin, an activist of the civil campaign “Tell the Truth” from Belaaziorsk, received a response to his appeal to the Brest Regional Prosecutor, signed by Deputy Prosecutor, Senior Advisor of Justice Aliaksandr Tochka. The response says that the police department did not find elements of a crime in Aliaksandr Kuzmin’s actions and refused to initiate criminal proceedings. Nevertheless, the Prosecutor’s Office left in force the warning that had been issued to Mr. Kuzmin by the Biaroza District Prosecutor’s Office for activities on behalf of an unregistered organization on the basis of the findings of the Biaroza District Police Department. The case against Mr. Kuzmin was opened after an appeal of Chairman of the Belaaziorsk DEC Viachaslau Dambrouski to the Biaroza DPD. The official asked to hold the activist responsible for acting on behalf of an unregistered organization.

On 31 July, Dzmitry Kurmaz, adjuster of automatic lines and modular machines of the 5<sup>th</sup> grade, was dismissed from the Babruisk plant of tractor parts and units. Mr. Kurmaz had worked at the plant since 2007 and had no disciplinary actions. The dismissed worker is sure that the plant administration decided to get rid of him due to his membership in the primary unit of the Free Trade Union of Belarus at the plant. The workers of the workshops which were served by the worker are outraged by this decision of the management of the plant and wrote a collective appeal to its director, Aliaksandr Ahranovich.





Chair left vacant for Ales Bialiatski at the Third Belarusian Human Rights Forum. Vilnius, October, 26-27, 2013.



Action of solidarity with political prisoners. Pictured: Anastasiya Dashkevich, Andrei Sannikau, Maryna Adamovich, Dzmitry Bandarenka, Natallia Radzina, Marek Migalski and others. Warsaw, March 8, 2013.



Political prisoner  
Vasil Parfiankou  
released  
after six months  
of arrest.  
*Baranavichy,*  
*February 9, 2013.*



Vadzim Mushynski,  
counsel for political prisoner  
Andrei Haidukou,  
outside the Vitsebsk Regional  
Court building.  
*Vitsebsk, July 1, 2013.*



Young Front activist  
Uladzimir Yaromenak  
sentenced  
to three months  
of arrest  
after standing trial  
on charges of violating  
police supervision  
restrictions.  
*Minsk,*  
*August 20, 2013.*



Valiantsina Alinevich, mother of political prisoner Ihar Alinevich, at a presentation of her son's book "Going to Magadan". *Minsk, April 19, 2013.*

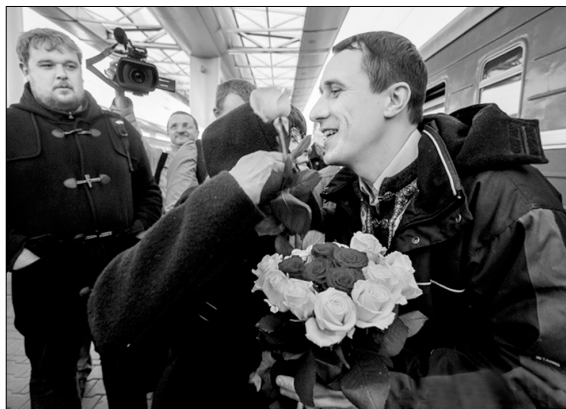


Relatives of political prisoners Ales Bialiatki, Eduard Lobau, Mikalai Statkevich — Natallia Pinchuk, Maryna Lobava, Maryna Adamovich — at the Third Belarusian Human Rights Forum. *Vilnius, October, 26-27, 2013.*



Political prisoner  
Aliaksandr Frantskevich  
released  
from the Vouchyia Nory  
penal colony  
in Ivatsevichy.  
*September 3, 2013.*

Political prisoner  
Dzmitry Dashkevich's wife  
Anastasiya Dashkevich  
meets her husband  
outside  
a prison in Hrodna.  
*August 28, 2013.*



Political prisoner  
Pavel Seviarynets  
at the central railway  
station in Minsk shortly  
after his release.  
*October 19, 2013.*



The Court of Hrodna's Leninski district lifts restrictions on journalist Anzrej Poczobut's freedom. *September 23, 2013.*



The Courts of Minsk's Partyzanski and Leninski districts lift restrictions on Iryna Khalip's and Uladzimir Niakliayeu's freedom. *July 25, 2013.*



Freedom Day. Protesters carrying portraits of disappeared politicians Yury Zakharanka, Viktor Hanchar, journalist Dzmitry Zavadski, businessman Anatol Krasouski and Henadz Karpenka, who died under unclear circumstances.  
*Minsk, March 24, 2013.*



Freedom Day. Protesters carrying portraits of Belarusian political prisoners.  
*March 24, 2013.*



Chernobyl Way march. Minsk, April 26, 2013.



Participant of the Chernobyl Way march, Maksim Viniarski, displaying a poster saying "Belarus has Two Evils. No to another Chernobyl. Bring Dictatorship to Court". Minsk, April 26, 2013.

Participants of the Chernobyl Way march carrying a banner saying "We are against the Belarusian NPP". Minsk, April 26, 2013.





For the first time since 2002, pro-democratic activists of Brest stage a May Day rally allowed by the authorities. *Brest, May 1, 2013.*



Activists of BPF and CCP-BPF commemorate soldiers of the Slutsk anti-Bolshhevik uprising of 1920. *Slutsk, November 25, 2013.*

The Milavidiy Festival in memory of the 1863 anti-Russian uprising. *Milavidiy, Baranavichy district, June 2, 2013.*



A resident of Homel, Yury Rubtsou, sentenced to three days of arrest over involvement in the Dziady memorial march for wearing a T-shirt saying "Likashenka, Resign!" Minsk, November 3, 2013.



An action in memory of Ihar Ptsichkin, who died under unclear circumstances in pre-trial prison No. 1, was stopped by the police and its participants were detained. Pictured: Ihar Ptsichkin's sister, Iryna Miranovich. Minsk, September 14, 2013.



Pavel Vinahradau, leader of the Zmena movement, met by friends and associates outside the detention center in Akrestsin Street after serving 12 days of arrest for displaying a portrait of Mikalai Statkevich. Minsk, May 4, 2013.



Journalist Henadz Barbarych sentenced to three days of arrest by the Savetski District Court of Minsk. *April 29, 2013.*



Journalist Aliaksandr Yarashevich sentenced to three days of arrest by the Savetski District Court of Minsk. *April 29, 2013.*



Journalist Aliaksandr Yarashevich and Dzmitry Halko taken to the Court of Minsk's Maskouski district. Aliaksandr Yarashevich was sentenced to 12 days arrest, Dzmitry Halko received 10 days. *Minsk, May 7, 2013.*



Press photographers Yulia Darashkevich, Aliaksandr Vasiukovich and Vadzim Zamirouski outside the Ashmiany District Court after it declared that the photo album "Belarus Press Photo 2011" was extremist. Ashmiany, *April 18, 2013*



Action of solidarity with Ales Bialiatki staged by FIDH activists during the 38<sup>th</sup> FIDH Congress. Istanbul, May 27, 2013.



The central office of the Human Rights Center "Viasna" resumes work after a five-month break. Minsk, April 1, 2013.



An action of solidarity with political prisoners staged on the International Human Rights Day. Brest, December 10, 2013.



Solidarity with political prisoner Mikalai Statkevich. Minsk.



Postcards for political prisoners. An action of solidarity in Hrodna.



Solidarity with political prisoners. Biaroza.

## Situation of Human Rights in Belarus in August 2013

In August, the situation in the sphere of human rights remained difficult. The release of political prisoner Dzmitry Dashkevich, though marked as a positive event, did not change the general trend and was not considered as a sign of improvement by Belarusian human rights activists. Dz. Dashkevich not only served his initial sentence in prison, but was also sentenced to another year in prison for “willful disobedience to the administration” (Article 411 of the Criminal Code). Thus, despite the insistence of the European Union not only on the release, but also on the rehabilitation of political prisoners, none of the charges against Dz. Dashkevich were dropped, and he was not rehabilitated. Moreover, preventive supervision was established over him for six months after his release, which gives the authorities the right to visit him at any time, to restrict and control his movements and activities and subject him to more severe restrictions or criminal prosecution in case of violations. This corresponded to the existing practice established for former political prisoners, which continued to expand in August. Thus, on 20 August, former political prisoner Uladzimir Yaromenak was sentenced to three months of arrest for breaking the rules of preventive supervision (Article 421 of the Criminal Code). In August, the investigation into the criminal case against another political prisoner, Vasil Parfiankou, on similar charges, continued as well.

Thus, the release of Dzmitry Dashkevich did not affect fundamentally the situation of political prisoners in the country, as his release took place due to the end of the prison term and was not a manifestation of the position of the Belarusian authorities to terminate this phenomenon or the desire to meet the condition for the release of political prisoners for the resumption of dialogue with the European Union. By the end of August, Belarus continued holding eleven political prisoners: Ihar Alinevich, Mikalai Autukhovich, Ales Bialiatski, Mikalai Dziadok, Aliaksandr Frantskevich, Andrei Haidukou, Eduard Lobau, Artsiom Prakapenka, Pavel Seviarynets, Mikalai Statkevich and Yauhen Vaskovich. The Belarusian authorities took no real steps for their release. The lack of positive developments in this area was reflected in the statement of Peter Stano, spokesperson for the European Commissioner Štefan Füle: “We have taken note of the release of Dzmitry Dashkevich... We insist that Belarus should immediately release all political prisoners and rehabilitate them regardless of the length of their imprisonment.”

However, keeping to its position on the issue of political prisoners, the European Union continued seeking and developing contacts with the Belarusian authorities. On 9 August, in Minsk the Ambassador of Estonia to Belarus

Jaak Lensment met with the Deputy Foreign Minister Alena Kupchyna; on 28 August, a meeting of Alena Kupchyna with the head of the mission of the European Union to Belarus, Maira Mora, as well as with the ambassadors of Great Britain and Lithuania Bruce Bucknell and Evaldas Ignatavičius took place. The press service of the Belarusian Foreign Ministry said that the meeting with Maira Mora “was focused on the development of relations between Belarus and the European Union, including the prospects for the implementation of joint projects and a number of planned activities”. The sides didn’t say whether the precondition of the release and rehabilitation of political prisoners remained for such cooperation. This caused concern on the part of the human rights community, as the foreign policy factor today remains virtually the only instrument of influence on the official Minsk and publicly declared withdrawal from the EU’s position on the issue of political prisoners could contribute to freezing the issue and its neglect in favor of economic and political expediency.

### **Political prisoners, criminal persecution of civil society and political activists**

On 3 August, the wife of the political prisoner Mikalai Statkevich, Maryna Adamovich, said that on 25 July the prison commission withdrew the status of “repeated offender” from the political prisoner, leaving the status of “not stepping on the way of improvement”. The cancellation of this status gave the political prisoner the right to increase the amount of purchases in the prison shop from 1 to 2 basic units (from 11 to 22 USD). On 12 August, Statkevich celebrated his third birthday in the Mahiliou prison. He turned 57 years old. M. Statkevich also wrote that on 5 August he was given another penalty and described a case when he was left without medical assistance: at first, he was almost forcibly taken to the medical unit where he was “diagnosed” with a high blood pressure, but after the “help” he got worse, and the next day, when he fell, nobody hurried to help him, though his neighbor constantly kept banging on the door. In the medical unit of the colony the political prisoner was given unknown drugs, from which his health deteriorated.

4 August marked the second anniversary of the arrest of Ales Bialiatski, Chairman of the Human Rights Center “Viasna”, Vice-President of the International Federation for Human Rights. This date coincided with the International Day of Solidarity with the Belarusian civil society. Solidarity actions on that day were held in several cities in Poland, Ukraine, Russia, Germany and also in Lithuania, Norway, Sweden, Switzerland, the Czech Republic, the UK, Italy, Kyrgyzstan, Kazakhstan, Azerbaijan, Armenia and the United States. More than 245,000 people called to release Ales Bialiatski through social networks.

In Belarus, solidarity actions were held in more than 20 cities despite the fact that all mass events to mark this day had been banned by local authorities. On the eve of the anniversary of Bialiatiski's arrest, the UN Special Rapporteur on the situation of human rights in Belarus Miklós Haraszti urged the Belarusian government to "immediately and unconditionally" release and rehabilitate human rights activist Ales Bialiatiski". "The conviction of Bialiatiski is a symbol of repression against human rights defenders," he said. On 7 August, the political prisoner received the first food parcel in 2013, as in March he had been deprived of the right to receive food parcels for six months. All in all, he was deprived of food parcels for almost eight months. On 14 August, the administration of Babruisk penitentiary No. 2 where Mr. Bialiatiski is serving his sentence, responded to the appeal for the mitigation of the regime, filed by the Belarusian Association of Journalists. The head of the penitentiary Aliaksandr Kakunin wrote that Ales Bialiatiski had repeatedly violated the established regime of punishment, that he hadn't appealed the imposed penalties and there were no reasons for cancellation of the penalties or their replacement with milder ones. On 17 August, the BAJ received a similar response from the Penal Department of Mahiliou region, whose acting head Yury Talkachou wrote that the penalties against Ales Bialiatiski were imposed for violation of the internal regulations of Babruisk penitentiary No. 2 and there were no reasons to abolish them. On 21 August, Ales Bialiatiski had a short meeting with his wife Natalia Pinchuk and his sister Volha. This was the first two-hour meeting of the human rights activist with his relatives since December 2012. Mr. Bialiatiski said he was still working in the clothing industry, read a lot of newspapers and knew about the main events. In 2013, if nothing changes, Ales Bialiatiski will have two more meetings with his relatives: one long meeting and one short meeting.

On 13 August, a trial was held in the Hrodna prison, which determined that a six-month preventive supervision would be established over political prisoner Dzmitry Dashkevich after his release: he will have to stay at home between 8 p.m. and 6 a.m., to register at the police three times a month and will be able to travel to other cities only on permission of the police. At 6:30 a.m. 28 August, Dashkevich was released from the Hrodna prison, after serving a full term sentence on charges of "hooliganism" and "forceful resistance to demands of the prison authorities". Dozens of people waited for him at the prison gate, including his wife Nasta, journalists and activists. Dz. Dashkevich said that the prison guards woke him up earlier than usual, at 5.30 a.m. He had his last breakfast in jail, packed his things and left the building. What concerns the attitude to him in prison, he said that the authorities of the prisons he was kept in tried to set prisoners against him, but in most cases he received support everywhere. The leader of the "Young Front" stressed that he didn't see his

release as a favor. He thanked everyone for their support and said he would continue to engage in politics, but would leave the “Young Front” as he was 32 years old. On 29 August, at a press conference in Minsk, Dzmitry Dashkevich said that he was officially offered to write a clemency petition for the President only once, in the penitentiary in Horki (Mahiliou region), when there was a wave of releases of political prisoners and about ten people were released. At that time, he was invited to the office of the head of the penitentiary and offered to write a petition for being released, but refused to do it. As Dashkevich said, he also received many unofficial proposals to write such a petition.

As it became known on 13 August, the mother of political prisoner Andrei Haidukou, Volha Haidukova, had a short meeting with her son who was kept in the Vitsebsk remand prison before the entry into force of the sentence. The meeting was held through the glass, the mother and the son talked over the telephone for about two hours. This was the second meeting during the time of his imprisonment: the first one took place immediately after the eight months of investigation and the trial. Volha Haidukova added that she regularly received letters for her son, once a week. On 27 August, the Supreme Court considered the appeal by Andrei Haidukou and upheld the judgment, 1.5 years in prison. On 29 August, Volha Haidukova received permission of the Supreme Court to meet with her son, and such a meeting was held in Vitsebsk remand prison No. 2. On 31 August, Andrei Haidukou was transferred to Mahiliou penitentiary No. 19 to serve his term.

On 14 August, Valiantsina Alinevich, the mother of political prisoner Ihar Alinevich, said that her son did receive all the letters she had sent him, and the ones he received were coming with long delays. She also spoke about the reaction of her son on her dismissal from work: at first, he was worried, but at some point felt a strange sense of relief, adding it was no use worrying about it and thinking about it too much, as the authorities only need people to torture themselves by remorse.

On 20 August, Judge Leanid Yarmolenka of the Pershamaiski District Court of Minsk found former political prisoner Uladzimir Yaromenak guilty of violating the rules of preventive supervision (Article 421 of the Criminal Code of the Republic of Belarus) and sentenced him to three months of arrest (Prosecutor Charapkovich offered to punish him with 6 months of arrest). The lawyer said in court that during the investigation there were numerous violations. In particular, the ruling of the Investigative Committee to open the criminal case was dated 24 May, while the case materials were received by this institution only on 27 May, and the two reports, which served as evidence of violation of the rules of preventive supervision, weren't registered anywhere at all. The lawyer also pointed that the prosecution didn't try to find the reasons why U. Yaromenak was absent from home during the check-ups. The Human Rights



Center “Viasna” stated that the verdict to Uladzimir Yaromenak was politically motivated and aimed at sanctioning his further political activity and exerting pressure in connection with such activities. The verdict to U. Yaromenak is a direct consequence of his conviction for 3 years for taking part in protests after the presidential election of December 19, 2010.

On 22 August, Anatol Prakapenka, the father of political prisoner Artsiom Prakapenka, stated that the administration of Mahiliou penal colony No. 15 lifted the ban on food parcels for his son. His mother managed to pass to Artsiom Prakapenka 35 kilograms of foodstuffs including 5 kilos of fruits. Anatol Prakapenka said that the status of a “repeated violator of the prison regime” still wasn’t removed from his son.

On 23 August, political prisoner Mikalai Dziadok, who is serving his sentence in the Mahiliou prison, turned 25 years old. This was already third birthday he had to celebrate in prison.

On 30 August, a trial was held in the Ivatsevichy penal colony, which ruled that a six-month preventive supervision would be established over political prisoner Aliaksandr Frantskevich after his release from jail. This was stated by his mother Tatsiana Frantskevich who was present at the trial together with his counsel.

## **Punitive psychiatry**

On 16 August, Ihar Pastnou, who strongly criticized shortcomings in the Vitsebsk health care system while working as a psychiatrist in the regional psychiatric hospital, was placed in the closed department of this institution “with the consent of the Prosecutor” right during his working hours. This took place after the statement of the deputy chief physician on ideology that Pastnou’s behavior was “unethical”. Before this, Ihar Pastnou had received threats of psychiatric treatment — following his appearance on the TV channel “Bel-sat” with criticism of the head of the Executive Committee Aliaksandr Kosinets (who also used to be a medic before taking this position). However, at that time it was just threats: Pastnou was a certified specialist in this sphere and was sure that these threats would not be fulfilled. On 21 August, Tatsiana Dzehtsiarova, Judge of the Vitsebsk District Court, authorized the forced psychiatric treatment of Ihar Pastnou at a closed court session. Mr. Pastnou wasn’t brought to the trial, which is usually practiced only in complex clinical situations when a sick person can harm others. His lawyer wasn’t invited to the trial either and wasn’t allowed to visit his client at the psychiatric hospital on 22 August. On 30 August, the lawyer filed an appeal to the Vitsebsk District Court against the forced psychiatric treatment of Ihar Pastnou. The Human Rights Center “Viasna” and the Belarusian Helsinki Committee issued a joint

statement in which they called on the authorities to immediately release Ihar Pastnou from psychiatric hospital and to review the decision on his forced hospitalization in an open trial with observing the established procedures and principles of a fair trial. The statement said: "It is clear that the violation of the rights of Ihar Pastnou to a fair trial resulted in a violation of his right to personal security. Such actions are, among other things, a violation of the guarantee of freedom of opinion and freedom of expression". Amnesty International declared its readiness to recognize Ihar Pastnou a prisoner of conscience. "The detention of Ihar Pastnou could be groundless because of the lawful criticism of the health care system in the Vitsebsk region, expressed by him. If this is the case, Amnesty International will consider him a prisoner of conscience," says the statement of the international human rights organization.

### **The death penalty**

On 26 August, the Civil Division of the Minsk City Court dismissed the private appeal of Liubou Kavalioua and Tatsiana Kaziar, the relatives of death convict Uladzislau Kavaliou, found guilty of a terrorist attack in the Minsk metro. Judge Aksana Budouskaya agreed with the conclusions of the Kastychnitski District Court of Minsk that the consideration of the appeal was beyond the jurisdiction of the general courts of Belarus. Kavaliou's relatives appealed the refusal to open a civil case concerning the refusal of the state to inform them about the place of burial of their son. According to the lawyer of Kavalioua and Kaziar, Sergey Golubok, the constitutional right to judicial protection was violated in this case. The lawyer also stated that the Belarusian courts again confirmed their reluctance to implement the decision of the UN Human Rights Committee. The only positive moment at the trial was that the Russian lawyer Sergey Golubok was allowed to represent the interests of Kavaliou's relatives. As stated by the lawyer, a review appeal will be filed against the court ruling and measures will be taken at the international level in order to achieve the implementation of the decision of the Human Rights Committee, which found that the right of life was violated in respect of Uladzislau, as well as the right of Liubou Kavalioua and Tatsiana Kaziar to receive information about the place of his burial.

### **Torture and other cruel and inhuman treatment**

On 6 August, the human rights institution "Platform" spread information about the death of a 21-year-old Minsk resident Ihar Ptsichkin in remand prison No. 1 in Minsk. On May 15, 2013, Mr. Ptsichkin was sentenced to three months in jail for committing a crime under Article 417 of the Criminal Code

("non-implementation of the court decision on deprivation of the right to occupy certain positions or engage in certain activities"). At 5 p.m. on 30 July, Ihar came to the Zavodski District Police Department of Minsk to start serving his sentence. That was the last time they saw Ihar alive. The employee of prison No. 1 who told the mother the terrible truth also announced the cause of death — a heart attack. The head of the prison Vikentsi Varykash accused the deceased of using drugs, alcohol and smoking mixtures, which, in his opinion, resulted in the death of Ihar Ptsichkin. The head of the medical unit Pakhanovich announced yet another version of the death of Ihar Ptsichkin: sudden inappropriate behavior, as a result of which the prison guards had to restrain his movements, but the death was due to unknown reasons. Without the permission of the mother, the body of Ihar Ptsichkin was sent to the morgue and autopsy was done. Later, during identification, the relatives saw numerous bruises and wounds on the body of I. Ptsichkin. Broken ribs were visible to the naked eye, as well as traces of handcuffs and open wounds.

### **Persecution of human rights defenders and organizations**

On 4 August, a civil society activist Dyiana Burakova was detained during an action of solidarity with the imprisoned human rights defender Ales Bialiatski. She was kept at the police station for about an hour and was released after a report of administrative detention was drawn up.

On 5 August, human rights activists Tatsiana Reviaka and Uladzimir Labkovich were detained while handing out leaflets with information about the imprisoned human rights defender Ales Bialiatski. They were taken to the Savetski District Police Department of Minsk and received charges under Article 23.34 of the Administrative Code ("violation of the procedure for organizing and holding mass events"). The same day, the human rights activists were taken to the Savetski District Court of Minsk. The case of Uladzimir Labkovich was considered by Judge Dzmitry Pauliuchenka, and the case of Tatsiana Reviaka — by Judge Maryna Fiodarava. The violation reports against the human rights defenders were sent back to the Savetski DPD for correction. On 6 August, the judges found U. Labkovich and T. Reviaka guilty and fined each of them 3 million rubles. On 27 August, the Minsk City Court considered the appeal of Tatsiana Reviaka. Judge Aliaksei Bychko upheld the verdict of the Savetski District Court. On 30 August, Judge Valery Kamisarau of the Minsk City Court reversed the verdict of the Savetski District Court to fine Uladzimir Labkovich and sent the case to the District Court for reconsideration by another judge, noting that there were many inaccuracies and there was no "comprehensive, complete and objective examination and evaluation of the circumstances of the case".

On 12 August, unknown assailants broke into the mailbox of the Committee for the Protection of the Repressed “Solidarity”, plosca2006@yahoo.com, and sent mails on behalf of the chairperson of the organization, Inna Kulei, in which it was stated that she had allegedly lost her money and documents in Spain and asked to send her 2,900 Euros to a certain account. “Solidarity” disproved the distributed information and asked the receivers to verify the information received from the mail address plosca2006@yahoo.com from now on.

As it became known on 16 August, in July an officer of the Dziarzhynsk District Police Department Vital Klimasheuski filed a report for opening a criminal case under Articles 179 (illegal gathering or distribution of information about private life) and 188 (defamation) of the Criminal Code against the author of the article about the tortures at the Dziarzhynsk District Police Department, published at the website of the human rights institution “Platform”. Klimasheuski’s report was rejected after the preliminary study of the case on its merits, after which he applied for bringing the author responsible under Art. 9.2 (defamation) of the Code of Administrative Offenses. On 19 August, the Partyzanski District Court of Minsk was to hold a trial of Deputy Chairperson of the “Platform” Alena Krasouskaya-Kaspiarovich, but was postponed to an unknown time due to the absence of the case materials. The case concerned the beating of two youngsters, Viktor Hanchar and Siarhei Khachaturan, by the police officers Dzmitry Kastsevich and Vital Klimasheuski.

On 16 August, Deputy Chairman of the Human Rights Project “GayBelarus” Maksim Dzmitryieu was summoned as a witness to the Office for Drug Control and Combating Trafficking in Human Beings of the criminal police of the MIA. The case was not indicated in the summons. A representative of the Belarusian Helsinki Committee Natallia Mankouskaya came there with him. The “conversation” with the LGBT activist was held by a senior security officer Pavel Hramuzau, the deputy head of the Second Division of the Office for Drug Control and Combating Trafficking in Human Beings of the Ministry of Internal Affairs of Belarus, police Colonel Uladzimir Yemialyanau and a man in civilian clothes, who flatly refused to introduce himself, but whom P. Hramuzau called “Dzima”. As noted by the activists, it was a talk, not a questioning of a witness. No reports were drawn up. The talk concerned the project “GayBelarus”, its plans and current activities. Maksim Dzmitryieu refused to answer all these questions, referring to Article 27 of the Constitution of the Republic of Belarus. The police officer reminded that activities on behalf of unregistered organizations were punishable by the law. After this, they started asking questions about the head of the organization, Siarhei Androsenka. “Siarhei has gone away, and we advise you to do the same,” told the man in civilian clothes to the activists. They were also advised not to cover LGBT events and not to draw attention to them. The talk lasted for about an hour.

## **Pressurization of civil society and political activists by security services**

On 26 August, the Mahiliou Regional Court considered the appeal of an activist of the party “Belarusian Christian Democracy” Aleh Aksionau against the preventive surveillance, imposed on him by the KGB, as well as the anti-constitutional nature of Article 193.1 of the Criminal Code, “Activity on behalf of an unregistered organization”. The court turned down all his claims. Aleh Aksionau had been subjected to preventive surveillance for over a year. In Mahiliou, preventive surveillance was also established over another BCD activist, Tatsiana Shambalava, and the leader of the Mahiliou regional organization of the Belarusian Popular Front “Adradzhenne” Zmitser Salauyou.

## **Administrative prosecution of civil society and political activists, arbitrary detention**

On 1 August, Judge Katsiaryna Hruda of the Baranavichy City and District Court sentenced Chairman of the Baranavichy branch of the Belarusian Language Society, activist of the movement “For Freedom” Viktor Syrytsa to a fine of 2 million rubles. The activist was accused of violating Article 23.34 of the Code of Administrative Offenses by organizing and conducting an unauthorized event on 2 June to mark the 150<sup>th</sup> anniversary of the Milavidy Battle of Kalinouski’s rebels. Katsiaryna Hruda ignored the words of the witness, Major Kuliashou, that the event was canceled by the city authorities without notifying the press, which means that the people who wanted to take part in it weren’t informed about it. When the people came to the upcoming festival and waited 30 minutes for the event, neither the police nor the head of the ideology department of the Baranavichy City Executive Committee came to warn them about the cancellation of the festival.

On 2 August, the traffic police took explanations from a “Zmena” activist Pavel Vinhradau regarding the placement of a number of photos in the social networks showing a white-red-white flag attached to a train. On 27 July, Pavel Vinhradau posted the photos on Facebook and wrote, “Today activists of “Zmena” have decided to hold a rally in honor of the proclamation of independence. At the station near the Minsk Sea, they attached to a train a 4-meter white-red-white flag. The train successfully arrived in Minsk together with the attached flag.” The silhouettes of the activists were blurred with the use of Photoshop. The activist came to the traffic department with a large bag with the necessary things, being ready for arrest, but was only made to give explanations.

In the evening of 6 August, National-Bolsheviks held an action against the conscription slavery. They attached a banner with the inscription “Down with

the Army of Slaves!” to the fence of the Ministry of Defense and scattered leaflets explaining the negative aspects of the formation of the army on the basis of conscription and advantages of a voluntary army for the defense and the economy. In the morning of 8 August, the police detained the protesters, Ales Hulevich, Ales Paliakou, Yauhen Kontush and Dzmitry Paliyenka, and took them to the Tsentralny District Police Department of Minsk. Ales Paliakou was released later, being under aged. Other activists were charged under Article 23.34 of the Administrative Code (“violation of the procedure for organizing and holding mass events”). In the afternoon, the detainees were taken to the Tsentralny District Court of Minsk. Judge Aliaksandr Yakunchykhin sent the violation report against Dzmitry Paliyenka for revising and released him. Judge Viktoryia Shabunia sent the report against Yauhen Kontush back to the Tsentralny DPD, and fined Aliaksandr Hulevich 1 million rubles. On 22 August, Judge Yakunchykhin fined Dzmitry Paliyenka 1.2 million rubles, and Judge Shabunia fined Yauhen Kontush the same sum of money.

On 8 August, a Mahiliou member of the United Civil Party, Mikalai Hladyshau, who held a one-man picket on 4 July against the intention of the Russian Federation to place an airbase on the territory of Belarus, received a subpoena to appear in the Leninski District Court of Minsk as an offender on 15 August. According to the police report, Mr. Hladyshau was charged with violating the law on mass events. On 15 August, the Leninski District Court fined Mikalai Hladyshau 1 million rubles.

On 10 August, National-Bolsheviks were detained while holding a sports field training near the Voukavichy water reservoir in the Minsk district. Twelve youngsters were detained with the use of force and tear gas. No sooner had the activists spread out the tents as their camp was surrounded by six cars, from which appeared men in police uniform and in civilian clothes. They did not introduce themselves and put all those present on the ground face down using physical force. In doing so, they used tear gas against Dzianis Sakhar and minor Aliaksandr Paliakou. After this, the police searched the backpacks of the detainees. The police and KGB officers used only foul language, threats and intimidation. All detainees were taken to the Zhdanovichy District Police Department and charged with “drinking alcohol in public”, though the detention was conducted in the deep woods and the participants of the event didn’t drink alcohol, as it was a sports event. Deputy Chairman of the police department Piatkevich immediately issued rulings to fine the event participants 100,000–800,000 rubles. Dzianis Sakhar was accused of disobeying the legal demands of a duty official (Article 23.4 of the Code of Administrative Offenses) and taken to the remand prison of the Minsk district until the trial. On 12 August, Judge Andrei Bialila of the Minsk District Court started the consideration of the administrative case of Dzianis Sakhar. The activist filed a petition for

questioning witnesses in his favor, as well as the police. The judge granted the motion and the trial was postponed to 26 August. However, not all witnesses came to the court on that day, that's why the proceedings were postponed to 4 September.

On 13 August, pensioner Andrei Andreyeu was detained by the police for throwing leaflets with information about "People's Referendum" in the post-boxes of a multi-stored building. The detainee was taken to the Kastychnitski District Police Department of Vitsebsk and charged under Article 22.9 of the Code of Administrative Offences, "illegal distribution of printed matter". The leaflets were confiscated and the case was passed to the Kastychnitski District Court of Vitsebsk.

On 14 August, in Babruisk, the UCP leader and his comrade Viktor Buzinayeu were detained while distributing the bulletin "Holas Rozumu" at the entrance of the "Belshyna" plant. The detained activists received subpoenas to appear at the police on 20 August. The same day police Major Siarhei Rudzko told Chairman of the Babruisk UCP branch Buzinayeu that he would be charged with a violation of the legislation on mass media. However, Mr. Buzinayeu received no charges. Anatol Liabedzka refused to come for a meeting with Major Rudzko.

In the morning of 24 August, the police broke into the office of "Tell the Truth" in Minsk, where a training for its regional activists was held. The police initially blocked the door of the office, preventing anyone from going out, then about 30 people were put into police buses and taken to the Kastychnitski District Police Department of Minsk. The detainees were kept at the police station for more than three hours, and then released. In the office, the police seized printed materials related to the "People's Referendum".

On 26 August, the Baranavichy City and District Court considered an administrative case against civil society activist and entrepreneur Mikalai Charnavus, whom police Major Dzmitry Mizger charged under part 3 of Article 23.34 (organizing and carrying out unauthorized mass events) during the rallies of Baranavichy entrepreneurs on 27 June and July 1, 2013. The head of the department for ideology, culture and youth affairs of the Baranavichy City Executive Committee Tatsiana Chylik told the court that it was Mikalai Charnavus who had organized the unauthorized events of the entrepreneurs. The same thought was expressed by the head of the Baranavichy Cooperative Market Vital Rakhmedzhanau. Mikalai Charnavus pleaded not guilty arguing that these assemblies were spontaneous. The court did not find Mikalai Charnavus guilty of organizing the unauthorized protests of entrepreneurs, but found him an active participant and fined him 2.1 million rubles.

On 27 August, a Mahiliou activist of the United Civil Party Mikalai Hladyshau held a one-man picket against the placement of the Russian military

bases in Belarus. He unfolded the banner: "No to foreign military bases! Russian military, go home!" 15 minutes later he was detained by the police. The same day, the Tsentralny District Court of Minsk sentenced M. Hladyshau to ten days of administrative arrest on charges of violating the order of organizing and holding mass events (Article 23.34 of the Administrative Code). The verdict was delivered by Judge Viktoryia Shabunia.

On 28 August, Judge Siarhei Bandarenka of the Pershamaiski District Court of Minsk considered an administrative case against the former political prisoner Uladzimir Yaromenak concerning the violation of the rules of preventive supervision (part 2 of Article 24.12 of the Administrative Code). The judge found the activist guilty and fined him 1 million rubles.

On 29 August, in Minsk a former activist of the "Young Front" Mikalai Dzemidzenka was detained before the press conference of political prisoner Dzmitry Dashkevich following his release from prison. The Tsentralny District Court found him guilty under Article 23.4 of the Administrative Code (disobedience to lawful demands of the police) and sentenced him to 12 days in jail.

### **Restrictions on freedom of speech and the right to impart information, persecution of journalists**

On 2 August, Vitsebsk journalists Siarhei Serabro and Alena Stsiapanava received the same letter with the title "Know where your long tongue can bring". An anonymous author, who signed as Yauhen Mishakou, criticized the informational policy of Radio "Liberty" and "BelaPAN" and insulted the independent journalists. According to Alena Stsiapanava, the signature was most probably fictional and the e-mail address was registered just for one-time use. When the journalist asked Yauhen Mishakou whether he was mistaken, he didn't reply. The letter contained obvious threats that the journalists could be imprisoned for their "long tongues". In the last paragraph of the letter, the freelance journalists were also "reminded" of the existence of the Law "On the fundamentals of activities for crime prevention", as well as articles of the Criminal Code, "Discrediting the Republic of Belarus" and "calls to action to the detriment of the external security of the Republic of Belarus, its sovereignty, territorial integrity, national security and defense".

On 13 August, Ruslan Mirzoyeu, the author of the videos "Chronicles of the Plant" about the Minsk Automobile Plant, was sentenced to seven days in jail. Law enforcement agencies inquired whether the information in these videos, shot in the suburb of Kurasoushchyna, was real, to which he responded that it was all staged. As a result, the court found him guilty of using foul language, as it was used in the videos. The verdict was delivered by Judge Ala Bulash.



On 17 August, the police came to a Svetlahorsk blogger Henadz Zhuleha, searched his apartment and confiscated his computer. The actions of the police were connected to the publication of a video in the social networks about the house of the head of the Svetlahorsk District Executive Committee. The video was reposted by several news websites. H. Zhuleha repeatedly shot videos about the life in the city and the social issues in it. "I shot the house of the head of the Executive Committee on video, I don't deny it. The authorities answer all questions about the unsolved issues that there is no money. By this video I showed that they have the money, but it is spent on the construction of houses for the bosses, not the solution to the problems of citizens," said the blogger. The police officers explained the blogger that the wife of the head of the Executive Committee applied to them as by this defamatory video he insulted the honor and dignity of her family, that's why she asked to bring him to the legal account. The police told Henadz Zhuleha that his computer would be scanned, after which the question of bringing him to justice would be decided.

On 19 August, a press conference of the administration of "Belaruskali" was held, but not all journalists were allowed to attend it. On 16 August, when a correspondent of Radio "Liberty" tried to get accredited for the press conference, Deputy Director for Personnel and Ideology of "Belaruskali" Anatol Makhlai replied that he had to consult the Director General Valery Kiryienka and asked to call in the morning of 19 August. However, Director General refused to accredit the correspondent of Radio "Liberty", saying that the radio was not credible and therefore the presence of the journalist was undesirable.

On 20 August, a correspondent of "BelaPAN" Ales Asiptsou was detained near the entrance to the factory "Mahilioukhimvalakno" while holding a survey about the size of salaries at the enterprise. The factory guards disliked it and tried to detain him. The journalist was told that the area was owned by the enterprise and he needed the agreement of its administration to stay there. The security called the police, who took a written explanation from the journalist, after which he was released.

At about 4.30 p.m. the cameraman of the "BelaPAN" Vasil Siamashka was detained near the Kastychnitski District Police Department of Minsk while taking a video of the activists of "Tell the Truth!" who were coming out of the building. The journalist was kept at the police for about an hour. His video footage, including an interview with the deputy head of the civil campaign "Tell the Truth!" Andrei Dzmitryieu, were erased. According to V. Siamashka, the policemen explained the need to erase the video by the fact that it was shot against the background of the Kastychnitski DPD. No charges were given to the journalist.

On 28 August, an independent journalist Uladzimir Zhyhulou received a subpoena to appear at the Prosecutor's Office on 3 September. He phoned the telephone number indicated in the subpoena, but the officers of the Prosecutor's Office refused to explain the exact reason why he was summoned there, whereas in the subpoena it was written "for explanations on the issue of violation of the Law "On Mass Media". Uladzimir Zhyhulou was to come to the Prosecutor of the department of supervision over the implementation of the legislation and legality of legal acts P. Zaitsau.

### **Restrictions on freedom of assembly**

On 1 August, Mahiliou human rights defenders Barys Bukhel and Aliaksei Kolchyn were denied a picket calling for the release of Ales Bialiatki, which they intended to hold on 4 August in the city center. The response was signed by Chancellor of the Mahiliou Regional Executive Committee Ihar Auseyenka. The letter says that the city has a definite place for mass events, located on the outskirts, at the stadium "Khimik" near 64B Chelyuskinty Street, and mass events must be held there, not in the center of the city. On 19 August, B. Bukhel and A. Kolchyn filed an appeal to the Kastychnitski District Court of Mahiliou against the decision to ban the picket.

On 1 August, Brest representatives of the Human Rights Center "Viasna" were prohibited to hold a rally in support of political prisoner Ales Bialiatki. The application for the organization of the event was filed by Uladzimir Vialichkin. In their refusal, the officials refer to violations of the law "On Mass Events", drawing attention to the lack of service contracts with public services. Human rights activist Uladzimir Malei believes that the picket ban is legally void, as far as the constitutional right to freedom of expression and peaceful assembly is violated by it.

On 1 August, the applicants for a picket of solidarity with political prisoners expected to be held in Rechytsa, V. Putsitski and A. Shabetnik, received a denial signed by first deputy head of the Executive Committee V. Atamanchuk. The picket of solidarity was scheduled for 4 August near the House of Culture. The letter from the Executive Committee says that there is a definite place for mass events in the city, a pitch in the park of culture and rest "Peramoha".

On 2 August, Homel representatives of the Belarusian Party "Fair World" were prohibited to hold a picket scheduled for 6 August with the aim of promoting and presenting to the public the party's ideas. They intended to hold their event in the officially permitted place, a pitch near the Culture House of the Deaf "Vipra". The head of the regional branch of the party Uladzimir Siakerka entered into service agreements with community services and ambulance. However, Deputy Chairperson of the Executive Committee Aksana Rudzianok

answered the applicants that “according to the work plan for the organization of the festival “Sozhski Karahod” (“Sozh Roundelay”), a rehearsal of dance teams would take place at the ground at the time of the picket, that’s why it was impossible to authorize the picket.” The festival “Sozhski Karahod” was scheduled for 14-15 September.

On 2 August, the Babruisk applicants for a picket of solidarity with Ales Bialiatki and all political prisoners received an official response that the event was not permitted. The letter signed by Deputy Chairman of the Executive Committee Viktor Dziasiatnik indicated several reasons for the refusal. The official wrote that the applicants did not specify the type of mass event they intended to hold. “The notions used in Article 2 of the Law, don’t include the notion of “picket”, which does not allow to clearly define the type of public event you applied for,” says the letter. Mr. Dziasiatnik also noted that the applicants were asked to indicate the measures they intended to take to ensure their safety, health service and a clean-up of the territory in order to settle the order of payment for these services. The letter states that information about a mass event cannot be distributed before its authorization, whereas such information was published at the website “Babruiski Kuryer”. At the end of the letter, the applicants were traditionally warned about the responsibility in case of participation in an unsanctioned event.

On 3 August, Hrodna human rights defenders weren’t allowed to hold a picket on 4 August in support of the imprisoned head of the Human Rights Center “Viasna” Ales Bialiatki. A letter from the Hrodna City Executive Committee was mailed to human rights defender Uladzimir Khilmanovich. Thus, the applicants learned about the ban on their picket the day before its date. The decision of the Hrodna City Executive Committee is signed by the deputy head, Z. Kulesha, and is dated 1 August. Meanwhile, the law requires that the local authorities reported their decision about permitting or prohibiting mass events not later than 5 days prior to the planned date of the event. The refusal of the Executive Committee to prohibit the picket is explained by the fact that they did not submit “service contracts for securing the public order, health care and cleanup of the territory”. In the evening of 2 August, a police officer came to the apartment of Raman Yurhel and warned him about the administrative responsibility for holding an unauthorized event. It’s quite interesting that the policeman didn’t have the picket ban at his disposal. Human rights activist Viktor Sazonau received the picket ban by mail only on 6 August.

As it became known on 8 August, the Zhlobin District Executive Committee didn’t authorize two pickets which members of the “Fair World” intended to hold on 9 and 10 August. The bans signed by Chairman of the Zhlobin DEC Henadz Suzdaleu were received by the head of the Zhlobin district branch of “Fair World” Valery Rybchanka. Both pickets were planned in the park “Prydni-

aprouski". The first one was dedicated to the problem faced by the Free Trade Union of Metalworkers: the Ministry of Justice refused to return the union its seal and documents. Mr. Rybchanka and his supporters were going to draw the attention of the people of Zhlobin to this situation, but the Chairman of the Executive Committee stated that the applicants did not attach to their applications the service contracts with the police, ambulance and street cleaners, required by the legislation. Another picket, scheduled for 10 August, was aimed at reporting the party's ideas and vision on the challenges Zhlobin was facing. It was prohibited under the pretext that some festivities dedicated to the Day of the Builder would be held in the park at that time.

As it became known on 8 August, the Svetlahorsk District Executive Committee refused to authorize a picket of members of the party "Fair World" which they intended to hold in the recreation park on 10 August. The head of the Svetlahorsk district branch of "Fair World" Siarhei Daineka said that the picket was expected to attract attention of the residents of Svetlahorsk to the party's ideas and solve one of the major problems of the city — the state of the recreation park. As it is said in a letter signed by the deputy chairman of the Executive Committee Miarkulau, on this day and at this time, 11 a.m.-2 p.m., the cultural and sporting event "Youth. Health. Way of life" would be held in the recreation park.

As it became known on 8 August, the authorities banned a picket of the Free Trade Union of Metalworkers (FTUMW), which was scheduled for 9 August, in the place determined by the Executive Committee. Trade union activists intended to protest against the fact that the Ministry of Justice delayed the issue of the seal and Charter of the trade union to its leader, Aliaksandr Bukhvostau. The local authorities explained their refusal by saying that the police would be unable to protect law and order during the mass event.

On 11 August, the Brest City Executive Committee prohibited the local activists of the civil campaign "Tell the Truth!" to hold a picket aimed at drawing attention to the lack of roads in the neighborhood Paudniovy. As stated by Ihar Maslouski, the activists intended to protest against the disregard by the authorities of the requirements set out in a collective appeal (signed by 1,100 people). They intended to hold their picket on 12 August near the "Euraopt" shop close to the district. However, the authorities banned the event saying that holding such events was not provided for in such a place. According to Mr. Maslouski, "there is no sense in raising the issues of residents of the neighborhood Paudniovy in other places of the city, where the holding of such actions is permitted".

On 12 August, Chairman of the Mahiliou regional organization of the United Civil Party Uladzimir Shantsau received a response from the Mahiliou Regional Executive Committee, in which the authorities prohibited him to hold

a rally and a procession on 18 August in the authorized place, the stadium “Khimik”, to protest against the deployment of a Russian airbase on the territory of Belarus.

On 16 August, a civil society activist Uladzimir Shyla applied to the Constitutional Court. He considered it necessary to change the law-enforcement practice of the executive authorities and courts of general jurisdiction due to the constant prohibitions of mass events. Last year alone, the activist received 37 bans. As it is known, the citizens of Belarus do not have the power to apply to the Constitutional Court directly, but nothing prevents the court from expressing its opinion concerning the appeals of citizens, said Uladzimir Shyla. The activist also wrote in his appeal to the Constitutional Court that it could propose the courts of general jurisdiction to be guided by the priority of articles of the International Covenant on Civil and Political Rights and the constitutional right to peaceful assembly and to freedom of expression while considering the disputes concerning the bans on holding mass events. In order to address the issue more effectively, Uladzimir Shyla considered as a necessary step for the Constitutional Court to propose the National Assembly to amend the law “On Mass Events”.

On 17 August, Khrystafor Zhaliapau, the coordinator of the Movement “For Freedom” in the Vitsebsk region, received a response to a joint letter from Deputy Chairman of the Executive Committee A. Dziulin. More than 40 local residents asked the Executive Committee to reverse the decision about the procedure of organizing mass events. The officials of the Executive Committee refused to do it. Vitsebsk activists had been trying to get permission to hold public events for more than three years, but the District Executive Committees didn’t authorize them, referring to the regulation of the Vitsebsk Regional Executive Committee, which is impossible to implement in practice. In particular, according to a decision of the city authorities, the organizers must submit copies of contracts for serving their event together with the application for its authorization. However, the police, ambulance and street cleaners refuse to enter into such contracts for various reasons. A couple of times the applicants were told directly that the contracts wouldn’t be signed until the authorization of the events by the authorities. In A. Dziulin’s response, it is written that the activists received all earlier refusals for legal reasons and that the decision of the Executive Committee was also completely legitimate.

On 19 August, a civil society activist from the Klimavichy district Aliaksandr Balobin received a response from the local Executive Committee to his bid for holding a picket of solidarity with the Belarusian political prisoners. As it is stated in the answer, signed by Deputy Chairman of the Executive Committee A. Lamanau, the Klimavichy District Executive Committee considered the application for holding a picket at the central market on August 23, 2013. “The

Central Market is in private ownership, that's why you need to receive written permission from the head of the private unitary "Klimavichy Central Market" A. Davydau to hold the mass event there".

As it became known on 26 August, the UN Human Rights Committee recognized a violation of the rights of the residents of Brest Iryna Laurouskaya, Dzianis Turchaniak, Valery Faminski and Raman Kisliak to freedom of expression and freedom of peaceful assembly. The reason for the appeal to the Human Rights Committee was that the local authorities had banned pickets on various issues related to the installation of the monument to the 1000<sup>th</sup> anniversary of Brest. The events were banned with the explanation that only one place was determined for picketing in Brest, the stadium "Locomotive", whereas the activists intended to hold their action on Gogol Street, near the place where the monument was to be erected. The attempts to appeal the actions of the Belarusian authorities in Brest courts gave no results, and at the end of 2009 a complaint was submitted to the UN Human Rights Committee.

### **Restrictions on freedom of association**

On 7 August, the Supreme Court rejected an appeal of the campaign "Tell the Truth!" against the refusal of the Ministry of Justice to register the public association. The decision was voiced by Judge Valiantsina Kulik. The Ministry of Justice explained the registration denial with two "irremediable" violations, one of which was the outdated guarantee letter to provide a legal address to the NGO. However, according to representatives of "Tell the Truth", at the time of the application to the Ministry (8 May), the letter was valid, as its validity period ended on 31 May, whereas the Ministry of Justice delayed its answer until this time, and then said that the NGO had no legal address. The other "violation" quoted by the Ministry was that the number of members of the organization council wasn't specified in the registration documents, whereas in reality this number was five persons, whose names were mentioned. The constituent assembly of "Tell the Truth!" was held in Minsk on 13 April and was attended by about 60 delegates from Minsk and the Belarusian regions. Uladzimir Niakliayeu was elected Chairman of the organization, and Andrei Dzmitryieu — his deputy. This was the third attempt of the civil campaign "Tell the Truth!" to obtain official registration.

On 21 August, the Supreme Court turned down the appeal against the refusal of the Ministry of Justice to register the youth NGO "Young Democrats". This decision was passed by Judge Ihar Milto. According to the Ministry of Justice, "numerous violations" were discovered in the course of verification of the submitted documents for registration of the association. In particular, the list of founders did not contain all information required by the law. In addition,

after checking the information about the persons in the list, the Ministry of Justice found that information about a number of the organization's founders was inaccurate, as a result of which the list was declared invalid. It is not the first attempt of the official registration of the "Young Democrats". The previous constituent assembly was held on January 29, 2011. That time, the Ministry of Justice also refused to register the organization, arguing that "the main provisions of the statute of the NGO "Young Democrats" do not meet the requirements of the law, and the very name of the organization is contrary to its statute".

On 21 August, the main department of justice of the Brest Regional Executive Committee refused to register the public association "Brest Christian Democrats". As it follows from the reply signed by the deputy head of the main department of justice of the Brest Regional Executive Committee Larysa Balandzina, the reason for the denial is that the organization's name in the Belarusian and the Russian languages was different: "Berastseiskiyya Khrystsiyanskiyya Demakraty" vs. "Brestskiyye Khristianskiyye Demokraty". She also wrote that the founders of the organization were to ask the consent of the registering authority to the use of the abbreviation PA "BCD". Moreover, the official of the Regional Executive Committee points that "the name of the association does not contain information about the nature of the association's activities", which allegedly violates Article 12 of the Republic of Belarus "On Public Associations". No other claims were voiced by the Department of Justice of the Brest Regional Executive Committee, but those were declared "irremediable", as a result of which the organization was denied registration.

## Situation of Human Rights in Belarus in September 2013

In September, there were no positive dynamics in the sphere of human rights, the situation remained stably poor, being accompanied by a further conservation of the negative trends that had evolved over the past months.

The release of political prisoner Aliaksandr Frantskevich was a positive development. However, it was not as a result of conceptual changes in the approach of the authorities to the issue of political prisoners, but was due to the end of his prison term, and therefore cannot be regarded as a positive sign in this respect. After the release from jail, a six-month preventive supervision was established over A. Frantskevich. The regulation was taken by the court back during his stay in the penitentiary, in line with the existing practice of control over political prisoners and their activity after serving their sentences. This form of control severely limits the rights of former political prisoners and creates the possibility of bringing them to justice, including criminal prosecution in case of violations of the supervision rules. The reality of this threat is witnessed by the arrest of the former political prisoners Vasil Parfiankou (6 months of prison in 2012-2013) and Uladzimir Yaromenak (sentenced to 3 months of arrest in August 2013). Apart from Frantskevich, in September, preventive supervision was used against three other former political prisoners — Uladzimir Yaromenak, Dzmitry Dashkevich and Pavel Vinahradau.

By the end of September, ten political prisoners were still kept in jail: Ihar Alinevich, Mikalai Autukhovich, Ales Bialiatski, Mikalai Dziadok, Andrei Haidukou, Eduard Lobau, Artsiom Prakapenka, Pavel Seviarynets, Mikalai Statkevich and Yauhen Vaskovich. The lack of political will of the Belarusian authorities to solve the problem of political prisoners left less optimism for their early release. The Belarusian authorities didn't take any real steps for it either on their own initiative or to implement the requirements of the European Union, which still set forth the release of political prisoners as a prerequisite for the resumption of a dialogue with the official Minsk.

It should be noted that in September, the trend of extending the scope of contacts with the Belarusian side on the part of the EU continued. In particular, in the middle of September, the Minister of Foreign Affairs Uladzimir Makei took part in a meeting of the heads of Foreign Ministries of the countries of the Eastern Partnership in Yerevan in the third round of an informal ministerial dialogue. Deputy Foreign Minister of Belarus Alena Kupchyna maintained active contacts with the ambassadors of European countries and



their Western colleagues. However, these active steps didn't bring any positive changes.

An understanding of the complexity of the human rights situation in the country was reflected in the report prepared by the European Parliament's rapporteur on Belarus Justas Paleckis to the European Commission, the EU High Representative for Foreign Affairs and Security Policy, the Council of the EU and EU member states, which was presented on 11 September in Strasbourg. J. Paleckis noted that the human rights situation in Belarus continued to be severe. The European Commissioner for Enlargement and Neighborhood Policy Štefan Füle, who spoke on behalf of the EU High Representative for Foreign Affairs and Security Policy, said that the report's recommendations "will help in deciding how to find a way out of the difficult situation in the neighboring country". He said that the EU was ready to fully cooperate with Minsk provided that "all political prisoners are released and rehabilitated, while Belarus will demonstrate progress in the field of human rights". Mr. Füle also said that after the appointment of Uladzimir Makei to the position of Minister of Foreign Affairs the Belarusian authorities made a number of attempts to normalize the relations with the EU.

The head of the Department for Russia, Eastern Partnership, Central Asia, Regional Cooperation and the OSCE of the European External Action Service, Gunnar Wiegand, stated about the "progressive establishment" of bilateral relations between Belarus and the EU as a result of his working visit to Belarus on 24-25 September. He called his visit a part of the European Union attempts to "get closer to Belarus within the framework of the Eastern Partnership", whose summit was appointed on the end of November in Vilnius: "We expect that Belarus will participate in the summit and will receive an invitation to it in the same format as other member states". G. Wiegand reiterated that "the release and rehabilitation of political prisoners still remained a "necessary and indispensable condition for the normalization of relations between Belarus and the European Union and the realization of their full potential".

An important step towards an unbiased assessment of the human rights situation in Belarus was the report of the Special Rapporteur, Miklós Haraszti, prepared for the 68<sup>th</sup> Session of the UN General Assembly and made public in mid-September. In the report, the Special Rapporteur focused on the issue of human rights in the context of the electoral process in Belarus. He examined specific types of violations of human rights of a deliberate and systemic nature, due to which Belarus is the only country in Europe, whose parliament hasn't had any elected opposition members over the past decade. The Special Rapporteur made recommendations to improve the situation of human rights in Belarus in accordance with its international obligations.

## **Political prisoners, criminal prosecution of civil society and political activists**

On 3 September, after serving a three-year term of imprisonment in the Ivatsevichy penitentiary, political prisoner Aliaksandr Frantskevich was released. He said that he constantly felt the pressure and spent the last five months of his term in a cell-type prison facility. A. Frantskevich noted that the prison food was rather poor — one could hardly survive without food parcels received from relatives, and the prisoners weren't given any fruit and vegetables except for carrots. Aliaksandr went to Navapolatsk, where he was put under a preventive supervision for six months, but did not rule out moving to Minsk, to be able to be employed in a computer company, where he had worked before his arrest.

On 3 September, the expert committee, which examined the compilation of literary essays by Ales Bialiatski "Enlightened by the Belarusian Issue" by demand of the Ashmiany Customs Office, came to the conclusion that the book "could damage the image of the Republic of Belarus". 40 copies of the book were confiscated from the human rights activist Tatsiana Reviaka on the Belarusian-Lithuanian border checkpoint "Kamenny Loh" on July 3, 2013. The examination was conducted by Assistant Professor of the History of Belarus of the Yanka Kupala Hrodna State University, Uladzimir Yahorychou, and the Head of the Department of Criminal Law and Criminology of the Faculty of Law at the same university, Vadzim Khiliuta. As it follows from the reference of the expert committee, the "experts" looked for "extremism" in Bialiatski's book. On September 25, 2013, the imprisoned head of the Human Rights Center "Viasna" Ales Bialiatski celebrated his 51<sup>st</sup> birthday. This is his third birthday in prison. On 30 September, the Parliamentary Assembly of the Council of Europe awarded Ales Bialiatski with the Vaclav Havel Human Rights Prize. PACE President Jean-Claude Mignon congratulated Bialiatski's wife Natallia Pinchuk, who attended the ceremony, on receiving this award.

On 4 September, it was announced that political prisoner Yauhen Vaskovich, sentenced to 7 years in prison for allegedly trying to set fire to the door of the KGB Babruisk office, was deprived of newspapers. His grandmother Tamara, who had not received any information from him for 1.5 months, learned about it from his letter.

On 5 September, Valiantsina Alinevich, the mother of political prisoner Ihar Alinevich, reported that she hadn't received any telephone calls or letters from her son for two weeks. At the same time, it was prohibited to send him parcels with books — only subscription to periodicals was allowed. These limitations were imposed by Chairman of Navapolatsk penitentiary No. 10 where the political prisoner is serving his sentence. On 24 September, Ihar Alinevich celebrat-

ed his 30<sup>th</sup> birthday. That day he was visited by his counsel. Immediately after the meeting with him, a duty officer came and said that Ihar was punished with solitary confinement for not coming to work that day. As a result, Ihar spent his birthday in the penal cell. The peculiarity of the situation is that Alinevich, as well as some other prisoners, was admitted to the Vocational School of Sewers, and the prisoners who study are freed from work. However, after he was released from the confinement cell, he was expelled from the school without any explanations. Moreover, after this he stopped receiving letters and newspapers.

On 9 September, Maryna Adamovich, the wife of Mikalai Statkevich, reported about the continuing pressure on political prisoners in order to make them write pardon petitions for Lukashenka. In his letter, M. Statkevich wrote that on 21 August, during the morning examination, the head of a department of Mahiliou prison told him that it was necessary for him to stop playing cops and robbers and make a decision, and M. Statkevich replied that he had made a decision long ago. In early September, M. Statkevich was called to the infirmary on the initiative of the prison administration. However, he expressed his distrust to the prison healthcare workers and refused to answer questions about his health, referring to a considerable deterioration of the state of his health after receiving medical assistance before that.

On 11 September, the Shchuchyn District Police Department ruled to dismiss the criminal case against believer-philanthropist Aliaksei Shchadrou, instigated under Article 193.1 of the Criminal Code (activity on behalf of an unregistered organization). Mr. Shchadrou received the ruling on 24 September. The criminal case was dismissed with reference to paragraph 11 of Part 1, Art. 29 of the Code for Criminal Procedures, according to which a case is subject to termination if there are grounds for excluding criminal responsibility under articles of the Special Part of the Criminal Code of the Republic of Belarus. A note to Article 193-1 of the Criminal Code states that a person who voluntarily stopped the actions provided for in this article and declared this to the authorities is exempt from criminal liability if his actions do not contain elements of another crime. During the recent months, Aliaksei managed to register a private social institution "Believe in Yourself" with the assistance of human rights organizations, and the decision to dismiss the case was taken with regard to the registration of this institution.

On 17 September, Maryna Lobava, the mother of political prisoner Eduard Lobau, said that her son was admitted to a vocational school of Ivatsevichy penitentiary No. 22, where he is serving his sentence. He is now studying for an electric welder and has classes every day except for weekends. E. Lobau will study ten months and then will receive a diploma, which will not indicate that it was received in the penitentiary. M. Lobava found about it from a telephone call of her son.

As it became known on 19 September, Mikalai Autukhovich, who is serving a prison sentence in prison No. 1 in Hrodna, inflicted himself an abdominal injury with a blade. The reason was the humiliating attitude of the administration to the convict. Mikalai Autukhovich had been receiving illegal disciplinary punishments just before the end of the term of action of the previous ones. This time, on 4 September, Mikalai Autukhovich was told that on 27 August a prison guard submitted a violation report against him for violation of the internal regulations of the correctional institution. The reason was that after the lights-out on 27 August he had allegedly been out of his bed, though the political prisoner observed all prison regulations. His prior punishments were to have expired in a month, but the prison administration is trying to keep Autukhovich in the status of a “violation of the detention regime”. It also became known that M. Autukhovich was put in a punishment cell for unknown reasons. On 26 September, M. Autukhovich was visited by his counsel, who reported that his health improved and he was transferred to a prison cell. The political prisoner appealed the penalty to the Hrodna Regional Prosecutor, but on 24 September the prison administration announced the response from the Prosecutor’s Office, according to which his complaint was forwarded to the Department of Corrections. After this, an additional complaint was filed to the Hrodna Regional Prosecutor.

On 23 September, the case of journalist Andrzej Poczobut, sentenced to three years of imprisonment with a suspended sentence of two years for “defamation of President”, was considered at the Leninski District Court of Hrodna. The court decided to release the journalist from punishment due to the fact that he had not violated the law. The procedure of dismissal of the criminal case was held by Judge Yury Kazakevich.

As it became known on 25 September, political prisoner Artsiom Prakapenka was deprived of a long visit with his parents scheduled for December. The reasons for it remain unknown. Artsiom told it to his mother, Viyaleta Prakapenka, during a phone conversation.

### **Punitive psychiatry**

On 12 September, the Vitsebsk Regional Court considered an appeal against the decision of the Vitsebsk District Court Judge Tatsiana Dzehtsiarova, who authorized the compulsory psychiatric treatment of a psychiatrist of the regional psychiatric hospital, Ihar Pastnou. In August, Ihar Pastnou who castigated shortcomings in the Vitsebsk health care system, was placed in a closed department of the same institution “with the consent of the Prosecutor” during his working hours. The appeal of Mr. Pastnou was considered in his absence in a closed trial: neither journalists, human rights activists nor Ihar Pastnou’s

trustee and counsel were admitted to it. The trial was appointed urgently: the day before the trial the officers of the Regional Court stated they didn't have the case at their disposal, and after 4 p.m. the trial was appointed for the following morning. The cassation instance left the verdict of the Vitsebsk District Court unchanged. On 20 September, Ihar Pastnou was transferred from the psychiatric hospital to a day patient department. He said that he was diagnosed with "paranoid personality disorder" and expressed concern that any independent action to protect his rights would be treated as an exacerbation of the disease. He signed a power of attorney for a human rights activist Piotr Ivanou, so that the latter could represent his interests and act on his behalf.

### **The death penalty**

On 17 September, the Supreme Court considered the appeal of the 23-year-old death convict Pavel Sialiu. In June, the death sentence to Mr. Sialiu was issued by the Hrodna Regional Court, which found him guilty under four articles of the Criminal Code of the Republic of Belarus: Art. 139, Part 2, paragraphs 1 and 6 (the murder of two persons, with particular cruelty), Art. 205, Part 1 (theft), Art. 347, Part 1 (desecration of corpses) and Art. 378 (theft of personal documents). The appeal was considered by the panel of judges of the Supreme Court under the chairmanship of Deputy Chairman of the Supreme Court Valery Kalinkovich. The panel of judges ruled that the verdict was to be left in force. On the eve of the consideration of the case, the convict's mother appealed to the Patriarchal Exarch of All Belarus Filaret with the request to apply to Aliaksandr Lukashenka so that her son was pardoned and the death verdict was abolished.

### **Torture and other cruel and inhuman treatment**

On 5 September, a resident of Svetlahorsk Valiantsina Akulich appealed the ruling of the Svetlahorsk District Department of the Investigative Committee about the refusal to open a criminal investigation into the death of her son, Aliaksandr Akulich, in the detention facility of the Svetlahorsk District Police Department in May 2012. The woman appealed the previous ruling and in July 2013 appealed the ruling at the District Prosecutor's Office and the district office of the Investigative Committee. In connection with this appeal, on 1 August, Chairman of the Svetlahorsk District Department of the Investigative Committee Aliaksandr Prykalotsin reversed the decision not to institute criminal proceedings, dated June 9, 2013, and resumed the investigative examination. An additional medical examination was also appointed at the request of Valiantsina Akulich. On 27 September, Valiantsina Akulich

received the results of additional forensic examination. However, the question of whether there was a direct causal link between the death of her son in the detention center and untimely provided health care remained unanswered. As far as the investigators unreasonably avoided the question of the timeliness of rendering medical aid by the police officers A. Bachko and R. Stseshankou to the detainee who was in a morbid state, the mother of the deceased could not accept the refusal to institute criminal proceedings and asked to put some concrete questions to the requested additional examination. However, she didn't manage to obtain concrete answers to them. In connection with the conclusion of these experts, the woman set out her demands to the Prosecutor: "So, I insist on a questioning of the experts in order to obtain clarification of their conclusion in view of my considerations. I am still interested in the question of when the treatment of my son was to have been started — when the symptoms of the illness manifested themselves, or after the officers of the detention center beat and "crucified" him on a lattice with handcuffs, by what means it was to have been rendered — beating with a rubber truncheon or medication, and how the timely medical aid could have changed the course of the disease, including a proper diagnosis and medication." The mother of the deceased also repeated to the Prosecutor what was stated in the previous appeal against the refusal to institute criminal proceedings.

On 17 September, Andrei Bandarenka, Chairman of the human rights institution "Platform Innovation", which deals with human rights issues in prisons, said that the death of Ihar Ptsichkin, who died on 4 August in prison No. 1 in Minsk, could occur as a result of beating by the so-called reserve — an attendant group to quell unrests. I. Ptsichkin felt bad and was calling for medical assistance for a long time, but received a refusal. He was supported by his cellmates, and a mini riot took place in the cell. A police group was called, took Ihar out of the cell, and continued beating him in the corridor. As it became known on 27 September, a criminal case under part 2 of Article 162 of the Criminal Code (improper performance of professional duties by medical personnel, which resulted in the death of a patient), was instigated against the medical assistant who was on duty in the night of Ihar Ptsichkin's death. The inquiry into the death of Ihar Ptsichkin is held by the district office of the Investigative Committee of the Maskouski District of Minsk, and the period of investigation was extended to 4 November.

### **Persecution of human rights defenders and organizations**

At 8.30 a.m. on 14 September, a member of the Belarusian Helsinki Committee, activist of the LGBT-movement Natallia Mankouskaya was taken off the train while returning home from the Ukraine. A personal examination was held.

A member of the Center for Legal Transformation, Mikhail Matskevich, got off the train together with Natallia in order to monitor the situation. After a three-hour procedure of search of her belongings and a personal examination, Natallia Mankouskaya was released. No things were confiscated from her. The activists weren't informed about the reasons for the search.

On 14 September, during an attempt of the friends and relatives of Ihar Ptsichkin to hold a rally in his memory, the police detained Andrei Bandarenka, the head of the human rights institution "Platform Innovation". He was taken to the Maskouski District Police Department of Minsk and released only late in the evening.

On 18 September, the second trial on the administrative case against the member of the Council of the Human Rights Center "Viasna" Uladzimir Labkovich, accused of committing an administrative offense under Art. 23.34 of the Administrative Code (violation of the order of holding mass events) for handing out postcards about the imprisoned human rights activist Ales Bialiatski on 5 August, was to have taken place. On 6 August, Judge Dz. Pauliuchenka found U. Labkovich guilty and sentenced him to a fine of 30 basic units. The verdict was overturned by the Minsk City Court and the case was returned to the Savetski District Court for reconsideration by another judge. The case was then considered by Deputy Chairman of the Court, Eduard Yakubouski. Police officer Sma-liak, who had detained the human rights defender, didn't come to the trial, as a result of which the hearings were postponed to 30 September. As the policeman didn't appear there on that day, either, the trial was postponed to 7 October.

On 27 September, offensive materials against well-known Vitsebsk civil society activists were posted in the social network "VKontakte" on behalf of human rights defender Pavel Levinau. Mr. Levinau says he had no relation to the account created on his behalf, and regarded it as a provocation. At this account, one can also see a video in which he allegedly holds a picket with the demand "Freedom for Parrots!" The video appeared soon after the second anniversary of imprisonment of human rights defender Ales Bialiatski, but the slogan "Freedom for Political Prisoners!" in Levinau's poster was replaced with "Freedom for Parrots!" Then there appeared an offensive article against the head of the campaign "Our House" Volha Karach, who had stated her intention to run in the presidential election short before this. The aforementioned materials were removed from the "VKontakte" account.

### **Pressurization of civil society and political activists by security services**

On 4 September, journalist Iryna Khalip, the wife of the leader of the civil campaign "European Belarus" Andrei Sannikau, was detained at the "Minsk-2"

airport together with their son. Airport security did not let her to board the plane, taking away her documents. The security officials told Iryna Khalip that her foreign trips had to be agreed with the State Security Committee (KGB), as she was on the restrictive lists of this state institution. Iryna and her son waited for the KGB agreement to her departure for half an hour, and then were allowed to the plane.

### **Administrative prosecution of civil society and political activists, arbitrary detention**

On 2 September, the Pershamaiski District Court of Minsk held a trial of entrepreneur Illia Dabratvor on charges of disorderly conduct (Article 17.1 of the Administrative Code). At about 8 p.m. on 30 August, he stood in a metro train with a white-red-white flag in honor of the release of the leader of the “Young Front” Dzmitry Dashkevich from jail. The police detained Mr. Dabratvor at the metro station “Uruchcha”. The same day he was taken to the detention facility. Judge Siarhei Bandarenka found the activist guilty and sentenced him to 5 days of arrest.

On 4 September, an activist of the National Bolshevik movement, Dzianis Sakhar, was found guilty of disobeying the lawful demands of an official (Article 23.4 of the Administrative Code) and fined 40 basic units. The case was considered in the Minsk District Court by Judge Andrei Bialila. The charges concerned the events of 10 August, when Dzianis Sakhar and his friends were detained by the police in the course of a NBP sports field training near the Voukavichy water reservoir in Minsk district. The case of Dzianis Sakhar was twice postponed due to the failure of the witnesses to appear in court.

On 9 September, the Kastyhniatski District Court of Vitsebsk fined a member of the party “Fair World”, Andrei Andreyeu, 20 basic units for distributing leaflets about the “People’s Referendum”. The verdict was issued by Judge Alena Protas under Article 22.9 of the Administrative Code (violation of the legislation on the media). In August, Andreyeu was detained while distributing leaflets in an apartment building.

On 14 September, the relatives and friends of Ihar Ptsichkin, who had died under mysterious circumstances in remand prison No. 1 in Minsk, were detained during an attempt to arrange a minute of silence at the walls of the prison. Thirteen protesters were arrested near the prison and taken to the Maskouski District Police Department. Five more were detained in Niamiha Street and taken to the Tsentralny District Police Department. The police also detained journalists of Radio “Liberty” and “Nasha Niva”. The journalists were released about three hours later. Officers of the Tsentralny DPD charged Aliaksandr Haurysh, Siarhei Yaumenau, Ihar Kavaliou, Viktor Katlianik and



Ihar Ptsichkin's pregnant sister, Iryna Miranovich, accusing them of holding an unauthorized mass event (Article 23.34 of the Administrative Code). All detainees, except for I. Miranovich, were taken to the detention facility. Similar charges were also brought against the 12 participants of the event who were taken to the Maskouski District Police Department of Minsk. However, they were released from jail without receiving subpoenas. Only one of them, Aliaksei Kruhlik, was taken to the detention facility as a hunting gun was found in his car. On 16 September, he was fined 5 basic units on charges in violating the order of holding mass events. The administrative charges concerning the storage of the hunting gun were considered separately. On 16 September, four participants of the action were tried at the Tsentralny District Court of Minsk. Judge Viktoryia Shabunia fined Ihar Kavaliou and Viktor Katlianik 5 basic units each, Judge Natallia Vaitsiakhovich fined Aliaksandr Haurysh 5 basic units and Siarhei Yaumenau — 6 basic units. Iryna Miranovich received a warning by Judge Leanid Yasinovich.

On 16 September, former political prisoners Uladzimir Yaromenak and Vasil Parfiankou were summoned to the Pershamaiski District Police Department of Minsk and informed that on 13 September Judge Yury Harbatouski of the Pershamaiski District Court of Minsk tried them in absentia and sentenced to five days of arrest for violating the conditions of preventive supervision (Art. 24.12 of the Administrative Code). Uladzimir Yaromenak and Vasil Parfiankou were taken to the DPD in order to serve the sentence at the Center for isolation of offenders. Both political prisoners are under criminal prosecution for similar offences. On 20 August, the Pershamaiski District Court of Minsk sentenced Uladzimir Yaromenak to three months of arrest, and Vasil Parfiankou was waiting for his case to be passed to the court. On 21 September, Vasil Parfiankou was taken from the Center for isolation of offenders to the Pershamaiski DPD and then — to activity therapy center No. 1 in Svetlahorsk for 12 months. The ruling about sending Mr. Parfiankou to the ATC was adopted by the Pershamaiski District Court of Minsk back on 4 September. The civil case was considered by Judge Siarhei Bandarenka. As far as the court verdict wasn't appealed to the Minsk City Court, it entered into force on 17 September. Human rights defenders consider the practice of forced isolation of citizens in ATCs outside the framework of criminal prosecution as a human rights violation.

On 17 September, a civil society activist Mikalai Charnavus was summoned to the Baranavichy District Prosecutor's Office and issued an official warning. As it was stated in a letter signed by the Baranavichy Interdistrict Prosecutor A. Bildzeika, M. Charnavus was declared an organizer of unauthorized rallies of the Baranavichy entrepreneurs on 27 June at the local cooperative market and in front of the Baranavichy City Executive Committee. The official warning

also indicates that M. Charnavus was the organizer of the mass event held on 1 July in front of the building of the Ministry of Taxes and Levies of Belarus. The Prosecutor's Office reminded Mikalai Charnavus about the need to abide by the provisions of the law "On Mass Events" and officially warned him about the inadmissibility of actions that violate them. The activist was also warned that he could be subject to statutory liability in the event of a further breach of the order of organizing and holding mass events.

On 22 September, a private minivan "Fiat" with eight delegates to the constituent assembly of the coalition "For honest and fair elections for a better life" was stopped by police Major Ihar Lapatsin and Captain Vasilchuk, who said that the vehicle was very similar to the one which was involved in an accident on 17 September, as a result of which a woman was injured. An examination of the minivan was held, as a result of which it was found out that a plate under the hood was fixed with different rivets. On the basis of these two reasons, the minivan with its driver and passengers was directed to the Rechytsa District Police Department. The driver was summoned to the DPD, whereas the passengers remained in the car. For some unknown reasons, the police demanded that the driver should be fingerprinted and videotaped. The fingerprints were then found in the police database, and the driver refused to be videotaped without specification of his status. The traffic policemen explained to the delegates that they were interested only in the driver, and they could go. Two hours later, the driver was released, and the traffic policemen said they would call him by a special subpoena in order to clarify the situation with the plate under the hood. After the release of the driver, all delegates went to Homel, as far as it was too late to go to the constituent assembly in Minsk. The same day, two delegates from Barysau, Leu Marholin and Aleh Lysko, were detained.

On 27 September, Pavel Vinahradau, the leader of the youth wing of the civil campaign "Tell the Truth!", "Zmena", was detained in Minsk while returning from a mass event held by "Zmena" activists in Yakub Kolas Square. They put pig heads on the benches with posters calling for the release of political prisoners, raising the wages of medical workers, against imposing an exit fee, etc. Vinahradau was initially taken to the Maskouski DPD (as he resides in the Maskouski district), and then — to the Savetski DPD, on the territory of which the event was held. The same day the Savetski District Court of Minsk sentenced Pavel Vinahradau to 15 days of arrest under Article 23.34 of the Administrative Code (violation of the order of organizing and holding mass events or picketing). The decision was passed by Judge Kiryl Palulekh.

On 28 September, four members of the race festival "Challenge Cup", held in Minsk on the initiative of the Belarusian athletes Alina Talai and Aliaksandra Herasimenia, were detained. The reason for the detention was the T-shirts, in

which the team of the web-project “Serabranka” intended to run — they featured portraits of the political prisoner Mikalai Statkevich and inscriptions — “Serabranka — For Sports, Belarus and Statkevich”. The detainees, Kiryl Zhyvalovich, Yauhen Naporka, Maksim Dubouski and Andrei Vislovich, were taken to the Tsentralny District Police Department and kept there for about five hours. They were charged under Part 1 of Art. 23.34 of the Administrative Code (violation of the order of holding mass events). All detainees, except for K. Zhyvalovich, were then taken to the Center for isolation of offenders before the trial. On 30 September, the Tsentralny District Court of Minsk considered the cases of journalists and technical staff of the Internet project. Judge Viktoryia Shabunia sentenced Kiryl Zhyvalovich to a fine of 20 basic units, the same sentences were given to Yauhen Naporka (Judge Natallia Vaitsiakhovich), Andrei Vislovich (Judge Aliaksandr Yakunchykhin) and Maksim Dubouski. The trials were actually closed to the public: no journalists and human rights defenders were let in.

### **Restrictions on freedom of speech and the right to impart information, persecution of journalists**

On 2 September, the Baranavichy City Police Department refused to provide the local newspaper “Intex-Press” with the statistics on offenses committed in the state of intoxication, the facts of illegal brewing and sale of alcohol, etc. A correspondent of the newspaper “Intex-Press” Tatsiana Nekrashevich was preparing an article on the limitation of sales of alcohol at night, which was initiated by the police. At first, the journalist applied to the information and public relations department of the Baranavichy City Police Department in order to obtain such information. Inspector Volha Sakuta promised to prepare the information, but during the following week she was giving just one answer: “The computer’s hanging, we cannot obtain the necessary data”. On 2 September, Volha Sakuta stated that the administration of the City Police Department prohibited giving information to “Intex-Press”. The same day the journalist had a conversation on this topic with the head of the department of law enforcement and crime prevention of the Baranavichy DPD, Eduard Sudnik. On 3 September, she came to the meeting at the appointed time, but was told that he couldn’t give any information as he was prohibited from providing information to the edition. Being asked who issued the prohibition, Eduard Sudnik said that it came from the administration of the City Police Department, who received it from the Baranavichy City Executive Committee.

On 3 September, an independent journalist Uladzimir Zhyhulou received an official warning, signed by the Deputy Prosecutor of the Vitsebsk region Heorhi Karanko, about the inadmissibility of work without accreditation for

the foreign newspaper “Vitebskiy Kuryer”, registered in the Russian city of Smolensk. Prosecutor Pavel Zaitsau, to whom the independent journalist was summonsed, referred to the incident at the regional psychiatric hospital, to which Mr. Zhyhulou came at the invitation of the head physician, Alena Martynava, who agreed to give an interview about the work of the institution and the state of Ihar Pastnou, placed there for compulsory psychiatric treatment. However, A. Martynava refused to talk with the journalist referring to her busy schedule, and her deputy Ihar Svirkunou didn’t talk to the journalist at all. He stated that the newspaper “Vitebskiy Kuryer”, where the story of Ihar Pastnou was described in detail, had no official registration in Belarus. The Prosecutor’s Office argued that the fact of the meeting of Uladzimir Zhyhulou with Ihar Svirkunou was sufficient to conclude that the journalist cooperated with “Vitebskiy Kuryer” and issue him a warning.

On 4 September, in Babruisk the well-known local blogger Aleh Zhalnou and his son videotaped a violation of the traffic rules — wrong parking of cars belonging to employees of the department of drug control, located in the same building. The blogger filed an oral inquiry on this occasion to the traffic police inspector Aliaksandr Butouski, who also drove on the pavement at that time. The inspector said that his working hours were over, and called other police officers by his cell phone. The traffic policemen who came to the site, Aliaksandr Aliaksandrau, Vital Paduta and Yauhen Serashtan, tried to stop the filming, and then detained both Zhalnous, charging them with violating of point 35 of the traffic rules (an unjustified interference with the movement of the vehicle). They were dragged into the building with the use of force and knocked to the floor, handcuffed. Then they were taken to the police, where a personal search was held and some things were seized, including telephones, a video camera, smartphones, bank cards, a work pass and passports. The detainees were released three hours later, after giving explanations to the investigator. The things were returned to them the following evening, except for the video footage and the memory card of the smartphone with the recordings of the events which had taken place in front of the traffic police office. At the traffic police office, the blogger was threatened with imprisonment for alleged insubordination and wounding a police officer.

On 5 September, the investigator of the Investigative Committee in Minsk, Andrei Yeulash, gave the procedural status of a witness in a criminal case to a TUT.BY journalist Katsiaryna Siniuk and warned her of possible liability for disclosure of information concerning her article about the former head of the International Charity Association “In Support of Orphans” Viachaslau Davydovich, detained on 29 August on suspicion of illegal business activities. After Davydovich’s detention, Katsiaryna Siniuk officially applied to the law enforcement agencies of Belarus to receive the necessary information. After she pub-

lished her article, she started receiving demands not to tell anything about the fate of Viachaslau Davydovich. The same demand was set by the investigator Andrei Yeulash. He announced to the journalist his decision to give her the status of a witness in the criminal case and warned that she could be fined or imprisoned for up to six months in case of disclosure of the materials of the criminal case. Katsiaryna Siniuk believes that such action is an attempt to make her refuse from writing about the arrest of Viachaslau Davydovich.

On 6 September, on the eve of the International Day of Solidarity of Journalists, Chairperson of the NGO “Belarusian Association of Journalists” Zhan-na Litvina and her deputy Andrei Bastunets voiced the results of a research, according to which Belarus is the most problematic country in respect of freedom of the media among all countries of the Eastern Partnership. The most favorable conditions for the media now exist in Georgia, then come Moldova, Armenia, Ukraine and Azerbaijan. The consolidated Index was prepared by the international public organization “Internews-Ukraine” supported by the European Union in the framework of the project “Monitoring of freedom of speech in the East Region of the European Neighborhood Policy”, which was initiated by the Civil Society Forum of the Eastern Partnership.

On 8 September, an exhibition of photo amateurs and professionals, “Sushka” (“Drying”) was held at the city park of culture and rest in Babruisk. The exhibitors could attach their photographs with linen clothespins to a rope stretched between two trees, and exchange their photos to the works which they liked most. As it became known on the eve of the exhibition, local ideologists ordered the organizers to ban from the exhibition any photographs of the opposition nature, as well as those promoting fascism, Nazism, racism, ethnic hatred and violence. The notion “opposition” in the eyes of the local authorities means anything that doesn’t fit into the official ideological doctrine — for example, photos of the homeless, poor roads or the posh car of the city mayor. “Drying” is an international exhibition project of photo sharing, which unites more than 90 cities and 40,000 participants in different countries.

On 9 September, the NGO “Belarusian Association of Journalists” published the results of a survey on the issue of access to information in the journalists’ work with government agencies. The “closeness rating” is topped by the Ministry of Health Care — more than 46 % of journalists reported problems in accessing the information in the Ministry. The second place belongs to the Ministry of Agriculture (40 %) and the third — to the State Security Committee (KGB, 33 %).

On 18 and 19 September, the Krychau District Court continued the consideration of another lawsuit of Cherykau PMK-280 against the newspaper “Volny Horad”. Judge Antanina Kachanova tried to find out whether the journalists of “Volny Horad” really discredited the administration of Cherykau PMK-280

and undermined its business reputation. This article was published in issue No. 25 of the newspaper “Volny Horad” on June 29, 2013. Judge Antanina Kachanova showed a responsible approach to the case. She demanded that the administration of Cherykau PMK-280 presented to the court the collective agreements of the workers, their working records, as well as the book of registration of orders in the enterprise. She appointed the next hearing on 21 October, so that the administration of PMK-280 could prepare all necessary documents.

### **Restrictions on freedom of assembly**

On 2 September, Hrodna human rights defenders Viktor Sazonau, Uladzimir Khilmanovich and Raman Yurhel filed an appeal to the Leninski District Court of Hrodna against an answer of the Hrodna City Executive Committee dated 1 August, by which they were forbidden to hold an information picket in support of Ales Bialiatski. According to the applicants, the Executive Committee violated their constitutional right to disseminate information and the Law “On Mass Events in the Republic of Belarus”. Under the Law, the local authority is obliged to give an official response to the applicants no later than 5 days before the alleged event. Meanwhile, the Hrodna City Executive Committee adopted its decision only on 1 August and sent it on 2 August, which is witnessed by an appropriate seal on the envelope. As a result, two of the defenders received the answer by mail the day before the stated event, which was scheduled for 4 August, and Viktor Sazonau — as late as on 6 August. On 23 September, having considered the civil case, Judge Zhanna Krauchanka of the Leninski District Court turned down the appeal of the human rights defenders. Predictably enough, she took the side of the Hrodna City Executive Committee, ignoring the fact that the Executive Committee had missed the legal terms of answering. The Prosecutor also completely supported the authorities and didn’t draw the attention of the court to the violation of the law on the part of the Executive Committee. Zhanna Krauchanka also turned down several motions of the applicants — in particular, a request for putting down their speeches and testimonies in the minutes of the trial in the Belarusian language.

On 2 September, the Brest Regional Court Judge Natallia Surma didn’t grant the appeal of Viktor Syrytsa against the ruling of Judge Katsiaryna Hrudada of the Baranavichy City and District Court in the case of the Milavidy Festival. The activist was convicted of an offense under Part 2 of Art. 23.34 of the Administrative Code and sentenced to a fine of 20 basic units for preparing and organizing an unsanctioned rally in Milavidy on June 2, 2013. Viktor Syrytsa tried to prove to the court that there hadn’t been any unauthorized event

there and he had just organized travel of the people to the public holiday, announced by the state newspaper "Nash Krai". However, Judge Natallia Surma found no grounds for the cancellation of the penalties.

On 2 September, the Slonim District Executive Committee banned the pickets against the deployment of foreign military bases on the territory of Belarus, which the BPF members Ivan Sheha and Viktor Marchyk intended to hold on 8 September. The following reason was called in the refusal, signed by Chairman of the Slonim District Executive Committee Iosif Pauliukevich: "The Slonim District Executive Committee states that you are denied a picket in the city park in Opernaya Street on September 8, 2013 due to the fact that, according to the plan of the department of ideology, culture and youth affairs of the Slonim District Executive Committee, the "Colors of Autumn" holiday was appointed on the aforementioned date."

On 2 September, the Mahiliou City Executive Committee banned a rally and procession against the deployment on the territory of Belarus of a Russian air base, which was appointed on 8 September. The collective application to hold the event was signed by eight leaders of democratic organizations and parties. In their response, officials of the Executive Committee explained the reason for the refusal by saying that the application didn't meet the requirements of the Executive Committee. The authorities alleged that they were to first enter into service contracts with the police, medics and communal utilities and only then apply for the rally. Meanwhile, some of these agencies refused to conclude service agreements without authorization of the Executive Committee. This creates a vicious circle resulting in the prohibition of any mass event organized by the Mahiliou democrats.

On 3 September, Judge Andrei Yurchanka of the Leninski District Court of Mahiliou upheld the ban on the 4 August picket in front of the Mahiliou main post office on the occasion of the two years of the imprisonment of the human rights activist Ales Bialiatski. Human rights defender Barys Bukhel also appealed to court the regulation of the Mahiliou City Executive Committee about determining only one place for mass events in the city. As it was found during the trial, Judge Yurchanka was unaware of the mechanism of filing appeals with the UN Human Rights Committee, and of the cases related to Belarus. The human rights defenders had to "educate" him: after a break in the court hearing, they brought samples of such cases, in which the Committee recognizes the violations committed by the judicial system of Belarus in respect of certain civil society activists. The judge was impressed, but it had no influence on the outcome of the case.

As it became known on 4 September, the Baranavichy City Executive Committee didn't authorize a rally against the Russian air base, which a civil society activist Mikalai Charnavus intended to hold on 8 September. In re-

sponse, signed by the deputy chairman of the Executive Committee Dzmitry Kastsiukevich, it is stated that on November 19, 2012 Mikalai Charnavus was brought to administrative liability under Art. 23.34, Part 2 of the Administrative Code, “violation of the order of organizing and holding mass events”, for holding a charity dinner at the Baranavichy cooperative market. The ban on picketing was explained by this fact, with a reference to Art. 5 (paragraph 6) of the Law of the Republic of Belarus “On Mass Events” of December 30, 1997.

On 5 September, Valery Misnikau, legal inspector of the trade union of radio industry in the Vitsebsk region, received a ban on his rally dedicated to social problems of the workers. The one-man picket was planned for 8 September. The action was prohibited on the basis of a regulation of the Vitsebsk City Executive Committee No. 881 “On the organization and conduct of mass events”, which sets additional and practically impossible demands to the organizers of mass events held without the participation of the state.

On 5 September, the Bialynichy District Executive Committee prohibited local representatives of the Belarusian Popular Front Party to hold a picket against the deployment of foreign military bases on the territory of our country. The response, signed by the Chairman of the DEC, was received by a member of the BPF council from the Bialynichy district, Barys Vyrvich. The reason for refusal was the fact that a fair for the sale of agricultural products was allegedly to take place from 8 a.m. to 2 p.m. on 8 September on a plaza in front of the building of the district culture center.

On 5 September, a new regulation on mass events, adopted by the Homel City Executive Committee, came into force. The website of the Executive Committee reported that the purpose of the regulation was to “expand the list of places for public events in the city of Homel, organized by citizens, political parties, trade unions and other organizations, as well as improving interaction between the organizers of mass events and the local authorities”. Previously, the city had only one ground for pickets and rallies — in a residential area, near the Palace of Culture of the Society of the Deaf, “Vipra”. The new ruling determined two places for pickets and rallies. One of them was located in a remote district, Navabelitsa, near a children’s sports school, and the second one was on the other side of town, in an area of industrial buildings and factories, a pitch near a public garden at the intersection of Barykin and Vaiskovaya Streets. Interestingly, the site near “Vipra” is just a few kilometers away from the center of Homel, whereas the new ones are generally located in places that are difficult to find. The provisions about the necessity to enter into service contracts with the police, ambulance and community services were transferred from the old ruling to the new one.

On 7 September, Chairman of the Bykhau district branch of the BPF, writer and journalist Siarhei Antonau, received a notice from the Bykhau District Ex-



ecutive Committee about the prohibition of the picket against the deployment of foreign military bases in Belarus, which he intended to hold on 8 September in the 50 Hod Peramohi Park. The official reason for the prohibition of the picket was that from 3 to 10 September the “Bykhauraivodakanal” was holding repairs in the Park.

On 12 September, the Minsk City Executive Committee banned a procession against abortion, organized by the public charitable association “Center for Family and Motherhood “Matulia” (“Mommy”), the Brest youth cultural and educational association “In defense of life and family values” and the local charity fund “Open Hearts”. The march was blessed by the heads of the Orthodox and Catholic churches in the country — Metropolitans Filaret and Tadevush Kandrusевич. The purpose of the march was to draw attention to the protection of traditional family values and the lives of unborn children. The organizers of the march called the reasons for the ban “incomprehensible”.

On 12 September, the Constitutional Court of the Republic of Belarus dismissed an appeal of a Salihorsk civil society activist, Uladzimir Shyla, in which he stated the unconstitutionality of the practice of the law enforcement bodies of the executive power and the courts of general jurisdiction in the country and the undue restriction of the constitutional right to freedom of expression and the right to peaceful assembly. In its response, the Constitutional Court reminded U. Shyla that the instigation of proceedings and making conclusions about the constitutionality of laws and regulations should be carried out only on proposals of the President, the Parliament, the Supreme Court and the Council of Ministers. What concerns ordinary citizens, the Constitutional Court is unattainable in this respect.

On 14 September, the Baranavichy City Executive Committee banned a rally against the impoverishment of families who are raising children. This became known from a letter signed by Deputy Chairman of the Executive Committee Dz. Kastsiukevich received by an activist of the city office of the Trade Union of the Radio Electronic Industry, Ryhor Hryk. The official stated that the government didn’t authorize the rally, since, in accordance with a regulation of the Baranavichy CEC No. 1497 of June 16, 2009, “organizers of mass events must enter into service contracts, regardless of the number of proposed participants of the events”. The applicant said that he knew about this requirement, but it was simply impossible to enter into contracts with public utilities, the polyclinic and the police. Therefore, in his statement he said that the activists of the trade union would ensure public order during the rally, clean the area after its end, and would surely pay the expenses for the health care for the picket participants within a ten-day period after the mass event. However, it did not affect the decision of the Executive Committee.

On 19 September, the Biaroza District Court considered an appeal of human rights defenders Siarhei Rusetski and Tamara Shchapiotkina and a civil society activist Tatsiana Tarasevich, who asked the court to declare illegal the refusal of the Biaroza District Executive Committee to authorize a picket of solidarity with political prisoners on 4 August, as well as to recognize the violation of the terms of answering (instead of 30 July, as required by law, the reply was sent to the applicants on 2 August). Chairman of the Legal Department of the Executive Committee Yauhen Kashtelian argued that the delay in response was due to the fact that the Executive Committee waited patiently for the applicants to provide the service contracts, which they hadn't done. At the same time, the police stated they would enter into the service contract only after seeing permission for the event issued by the Biaroza DEC. The Biaroza public utilities entered into a service contract, and the Biaroza hospital refused to do it citing the fact that serving of a mass event was not on the list of services enumerated in a regulation of the Ministry of Health Care, and therefore there was no price list for it. Chairman of the Biaroza District Court Vadzim Mazol, who conducted the trial, as well as Assistant Prosecutor Aksana Hardzeyuk, found no law violations in the refusal and the actions of the Executive committee.

On 24 September, the head of the Slonim association of democratic forces Ivan Sheha received a ban on holding a picket he intended to hold on 28 September to protest against the practice of prohibitions of public events planned by the democratic forces in Slonim. The ban was signed by Chairman of the Slonim District Executive Committee, Iosif Pauliukevich, and explained in the following way: "According to the schedule of work of the Department of Education, Sports and Tourism of the Slonim District Executive Committee, we are unable to provide you with the space in Opernaya Street at the stated time, as far as the sportive event "Sport can help us multiply our forces" will start there at 12 a.m. on 28 September."

On 24, 25 and 26 September, activists of the Belarusian Party of the Left "Fair World" intended to hold pickets in Homel in order to promote the party's ideas to the public and hold a public discussion of the socio-economic situation of the country. Chairman of the Homel regional branch of the party Uladzimir Siakerka received refusals to all applications for it. Deputy Chairman of the Homel City Executive Committee Aksana Rudzinok prohibited "Fair World" to hold the pickets, because the applications weren't supplied with service contracts with the city polyclinic for the medical serving of the event. The Homel central city polyclinic explained its refusal to conclude the service agreement with Uladzimir Siakerka by stating that "the daily withdrawal of an ambulance brigade on 24, 25 and 26 September will result in delays of services on telephone calls and the non-implementation of the default standards

of work". The answer was signed by Chief Physician of the polyclinic Viachaslau Yaschanka.

On 25 September, a member of the organizing committee of the Belarusian Christian Democracy, Ales Masiuk, received a prohibition on holding a picket on 29 September in the city park in defense of the newspaper "Hazeta Slonimskaya" and the right of the citizens of Slonim to subscribe to the independent edition in the offices of "Belposhta" and buy it at the newsstands of "Belsayuzdruk". The ban, signed by Chairman of the Slonim District Executive Committee Iosif Pauliukevich, provided the following motivation: "According to the working schedule of the department of ideology, culture and youth affairs of the Slonim District Executive Committee, at 12 a.m. on 29 September, the NGO "Belarusian Republican Youth Union" will hold its traditional cross-quiz "Know your Land" in the city park in Opernaya Street".

### **Restrictions on freedom of association**

On 11 September, the Luninets District Court issued a verdict in the case of an activist of the independent trade union, Leanid Dubanosau, who considered as unlawful his dismissal from the state enterprise "Granite" in Mikashevichy. As it follows from the court ruling, Mr. Dubanosau was fired in violation of the law (for which a special ruling was issued), and he had the reasons to demand a compensation for moral damage. In addition, the administration of "Granite" was ordered pay the trade union activist a financial assistance in the amount of 1,000,000 rubles. However, Chairman of the District Court Mikhail Dzenisovich stated that the discovered violations could not serve as the basis for the reinstatement of Leanid Dubanosau at work. The judge also dismissed the part of the lawsuit related to the termination of adverse discrimination of members of the independent trade union's office by the administration of the "Granite", on which Mr. Dubanosau insisted. On 27 September, Leanid Dubanosau filed an appeal to the Brest Regional Court.

On 18 September, the first trial on the appeal of a Belaaziorsk activist of the civil campaign "Tell the Truth", Aliaksandr Kuzmin, was held. He asked to find unlawful the warning which was issued to him for activities on behalf of an unregistered organization by the Bioroza District Prosecutor's Office (signed by Danila Dziarabin) and upheld by the Brest Regional Prosecutor's Office. The activist still kept to the position which was first set out at the Bioroza District Police Department (addressed by former Chairman of the Belaaziorsk City Executive Committee Viachaslau Dambrouski, who asked to punish Mr. Kuzmin for activities on behalf of an unregistered organization), and then — at the Prosecutors' Office: that his actions did not violate the law because the campaign "Tell the Truth" was not a public organization, but a civil initiative.

The Biaroza DPD actually accepted the position of Aliaksandr Kuzmin, confirming the absence of *corpus delicti* in his actions, but the Prosecutor decided otherwise.

On 19 September, a civil society activist Mikalai Charnavus sued at the Baranavichy District and City Court against the actions of the head of the economy department of the Baranavichy City Executive Committee Raisa Ulasovich. M. Charnavus pointed that he had repeatedly appealed to the Baranavichy City Executive Committee and the Brest Regional Executive Committee in order to get a room for the public association of Ukrainians of Baranavichy "Kobzar". At first, the Executive Committee allocated premises in Savetskaya Street 60, but then rapidly recalled its promise. At the same time, the official website of the Baranavichy City Executive Committee said that there were many free rooms in the city. However, all requests of M. Charnavus to allocate space for the NGO "Kobzar", so that he could receive a legal address, are answered with a requirement for the activists to pay 2 million rubles to take part in the auction. Mikalai Charnavus asked the court to oblige the Baranavichy City Executive Committee to allocate one of the free spaces for the NGO "Kobzar".

## Situation of Human Rights in Belarus in October 2013

October was characterized by consolidation and preservation of negative trends in the field of human rights, which have evolved over the previous few months. A positive event, the release of political prisoner Pavel Seviarynets from an open penitentiary, did not change the overall situation and could not be regarded as a sign of positive momentum, since his release wasn't a consequence of any steps taken by the authorities or a change in the attitude to the problem of political prisoners, but took place after the expiration of the sentence.

Nine political prisoners were still held in jail: Ihar Alinevich, Mikalai Autkhovich, Ales Bialiatski, Mikalai Dziadok, Andrei Haidukou, Eduard Lobau, Mikalai Statkevich, Artsiom Prakapenka and Yauhen Vaskovich. The political prisoners were harassed and punished, the already difficult conditions of their detention were toughened, which included restrictions on means of subsistence, a decrease in the quality of food and medical care. Deprivation of family visits, limitation of mail correspondence and constant pressure aimed at obtaining clemency petitions complemented physical challenges to psychological ones, bringing the conditions of detention nearer to cruel and inhuman treatment.

In late October, the three-year term of personal restriction of Dzmitry Midzvedz, a person involved in the case of mass riots of December 19, 2010, came to an end, after which he was put on the preventive register. A variety of restrictive measures, including preventive surveillance (28 people) and preventive supervision (three people — Dzmitry Dashkevich, Aliaksandr Frantskevich and Pavel Vinahradau), were still used against political prisoners, allowing intelligence agencies to monitor their political activity. With regard to Vasil Parfiankou, preventive supervision was suspended during his stay in the activity therapy center, but a criminal case initiated for violation of the rules of supervision was not terminated. Despite the fact that on 1 October preventive supervision was lifted from Uladzimir Yaromenak, in October we learned about the appointment of the date of consideration of his appeal (12 November) in the a case concerning the punishment handed down in August — three months in jail for violating the rules of preventive supervision.

In October, the European Union increased emphasis on the requirement that the Belarusian authorities should release political prisoners as a prerequisite for restoring full cooperation and participation in EU programs. The increasing activity in this area was caused by the approach of the summit of the

Eastern Partnership and the need to determine the conditions of participation of the official delegation of Belarus in it. Polish Foreign Minister Radoslaw Sikorski and Swedish Foreign Minister Carl Bildt published in "Ukrainska Pravda" an article on the possible accession to the European community of new countries and the steps that the countries would have to take for it. With regard to Belarus, it was noted: "We continue to stand firmly on the requirements that Belarus should release its political prisoners, and we encourage our partners to stay away from the practice of selective justice. We are concerned about the retreat from democratic principles."

"In order to intensify the cooperation with the European Union in the framework of the Eastern Partnership Belarus must overcome a number of obstacles, the main of which is the existence of political prisoners in the country," commented the Director-General for Political Affairs of the Swedish Foreign Ministry Torbjörn Sohlström during his visit to Minsk. "It was important for us to visit the capitals of all the states of the Eastern Partnership before the summit in Vilnius. We have met with representatives of the Foreign Ministry and the Presidential Administration in Belarus. There is a fairly big obstacle to cooperation with Belarus within the framework of the Eastern Partnership — the presence of political prisoners. We told our interlocutors that it is time to remove this obstacle." The European Union continued the policy of critical engagement with Belarus, aimed at ensuring respect for human rights and democratic principles in the country, by extending on 29 October sanctions against Belarusian officials responsible for the implementation of repression and companies that finance regime. "In accordance with the annual review, the Council of the European Union extended the restrictive measures against Belarus until October 31, 2014. This was due to the fact that political prisoners were still not released, and improvements in respect for human rights, rule of law and democratic principles in Belarus were not observed," said the EU's official Journal. Besides, the EU lifted sanctions from five Belarusian companies and 13 officials, but added three officials: the head of Babruisk penal colony No. 2 Aliaksandr Kakunin and his deputy Yury Trutko, as well as Aliaksandr Lapatka, who was mentioned as Deputy Chairman of Mazyr penitentiary No. 9. Visa restrictions were imposed on them for the use of cruel and inhuman treatment of political prisoners and the pressure on them. At the same time, former political prisoner Dzmitry Dashkevich in an interview with "Nasha Niva" stated that Aliaksandr Lapatka should have been put on the list mechanically, though he was one of the most adequate officers working in the Horki penal colony.

An important event for the Belarusian human rights community, including from the point of view of the situation in the country, was the Third Belarusian Human Rights Forum on 26-27 October, which was attended by over 110

delegates from 25 organizations, Belarusian and foreign guests. The Forum Resolution, "On situation with human rights in Belarus", stated that "since the previous Forum held in the autumn of 2010, the situation with human rights in Belarus has deteriorated dramatically" and "in contrast to the resolutions of the previous Forum 2010, this time we cannot mention any positive changes or trends, demonstrating any potential for improvement of the human rights situation in Belarus". The statement "On efforts to return Belarus to the implementation of international human rights standards" noted that "for the past fifteen years, the Republic of Belarus has been gradually estranging itself from the international human rights standards enshrined in the international treaties and conventions on human rights". Forum participants strongly condemned "such a dismissive attitude of the Government of Belarus to the human rights values and standards" and urged it to "revert to the legal framework, outlined in the Constitution of the Republic of Belarus, international treaties on human rights signed by our country, and not to deviate from established norms of these standards". In their address to the summit of the Eastern Partnership, the Forum participants stressed: "view the Eastern Partnership program as a means of bringing the partner countries closer to the European standards in all spheres. However, the development of the trade and economies of the partner countries cannot be separated from the socio-political and humanitarian dimension of the European standards, including in the field of human rights (...).we urge the Summit to make efforts toward encouraging the Government of Belarus to remove the barriers, which impede the country's full-scale participation in the Eastern Partnership. We see the immediate and unconditional release of the political prisoners and their reinstatement as the first out of a series of such steps."

At the international level, systemic problems in the field of human rights in Belarus in the context of electoral processes were most clearly represented in the report of the UN Special Rapporteur, Miklós Haraszti, presented on 28 October at the UN General Assembly in New York. A representative of the Belarusian delegation stressed once again the position of non-recognition of the mandate of the Special Rapporteur, and, accordingly, that his country considered the establishment of the mandate as an attempt to exert pressure on the country, which conducted an independent policy. The representative of Belarus said that while passing the UPR Belarus implemented the majority of the recommendations assumed by it. The approach to assessing the human rights situation in UN member countries solely within the frames of the UPR was supported by a number of countries, which also have problems with human rights, such as Cuba, Venezuela, Laos, Russia, China, Iran, Turkmenistan, Kazakhstan, Azerbaijan, Uzbekistan, Zimbabwe, Nicaragua. Simultaneously, the EU, the U.S., Switzerland and Norway supported the report,

expressed concern about the situation of human rights in the country and once again called on the Belarusian authorities to cooperate with the special procedures and mechanisms of the United Nations, in particular to ensure access to the territory of the Special Rapporteur on Belarus.

### **Political prisoners, prosecution of civil society and political activists**

On 1 October, preventive supervision was lifted from former political prisoner Uladzimir Yaromenak by a decision of the Pershamaiski District Court in Minsk. The activist was informed about it by the penal inspection. In August, Mr. Yaromenak was sentenced to 3 months of arrest by the Pershamaiski District Court of Minsk for violation of the rules of preventive supervision. The activist appealed the verdict. As it became known on 25 October, the consideration of the appeal was scheduled for 12 November.

On 4 October, political prisoner Ihar Alinevich, who is serving an 8-year prison term in the Navapolatsk penal colony, was allowed a short visit with his mother.

On 5 October, Aliaksandr Dziadok, father of political prisoner Mikalai Dziadok, stated that his son was preparing a complaint on his case to the last supervisory body — Chairman of the Supreme Court. On 28 October, the wife of the political prisoner, Valeryia Khotsina, stated that Mr. Dziadok had been twice put in solitary confinement for the last two months, first time — for ten days in September, and then — for five days in October. According to Valeryia Khotsina, Mikalai's health was deteriorating.

On 6 October, Maryna Autukhovich, the wife of political prisoner Mikalai Statkevich, received an answer from the Mahiliou Penal Department to her complaint about censoring of letters for more than three days, which is prohibited by law. The Department responded that M. Statkevich was not detained, but convicted, and therefore the requirements of the law did not apply to him. On 9 October, it became known that Statkevich refused to continue to seek medical care in prison. The political prisoner said that his applications for medical assistance were used by the prison authorities as a signal for the organization of illegal pressure by illegally creating the conditions for exacerbation of the diseases which became known to them. In this situation, all applications for medical assistance give a contrary effect and become dangerous, forcing him to hide information about health problems.

On 9 October, after a long break, letters started coming from political prisoner Mikalai Autukhovich, serving his term in the Hrodna prison. What concerns his cutting his belly with a blade in protest against unfair penalties, the political prisoner wrote: "My health is really okay. Tell those who support me



not to worry.” On 16 October, human rights activist Aleh Volchak stated that Autukhovich wrote him not to believe the prison administration if it stated that he had a stroke or seizure. Mr. Volchak also reported receiving a response to an appeal to the Prosecutor General of Belarus, filed by him and Aliaksandr Kamarouski (both are co-chairmen of the Republican public association of veterans of the war in Afghanistan) on 25 September, in which they demanded to verify the legitimacy of two penalties imposed on Autukhovich. The response stated that the appeal was forwarded to the Hrodna Regional Prosecutor’s Office.

On 12 October, Maryna Lobava, the mother of political prisoner Eduard Lobau, reported that her son was allowed to meet with a priest, Reverend Dzmitry, who served in the Slutsk district. According to her, this wasn’t the first meeting with the priest. It was held in the presence of a representative of the administration, so this wasn’t an ordinary confession, but a talk about Eduard’s spiritual state, plans and current activities. On 24 October, Maryna Lobava received a right to a short visit to her son — a two-hour talk through the glass. The administration of the Ivatsevichy penal colony also allowed to pass him a parcel. Maryna Lobava reported that Eduard’s state was satisfactory and he continued to study the profession of electric welder at a vocational school in the penal colony.

On 19 October, political prisoner Pavel Seviarynets was released from open penitentiary No. 7 in the village of Kuplin in the Pruzhany district, Brest region, where he was serving a three-year sentence for participating in the protests against the rigged election of December 19, 2010. Friends, colleagues and journalists were planning to meet P. Seviarynets in the Pruzhany district, since it was assumed that he would be released at about 10 a.m. However, at approximately 6 a.m. it became known that Pavel was on his way to Minsk. He reported that at 3:30 he was taken out of the penitentiary and put on a train Brest-Moscow, which arrived in the capital at 8:42 a.m. According to the politician, his travel companions on the train recognized him, expressed their support and interest in the fate of other convicts on charges of rioting on December 19, 2010. During the meeting at the railway station in Minsk, police detained six journalists, politician Vital Rymasheuski, civil society activists Hanna Shaputska and Andrei Molchan (all were released after P. Seviarynets left the station). The former political prisoner stated his intention to continue social and political activities.

On 29 October, Executive Secretary of the Belarusian Christian Democracy Dzianis Sadouski stated that friends and relatives hadn’t been receiving letters from political prisoner Yauhen Vaskovich for more than a month. The administration of the Mahiliou prison also restricted the prisoner in getting newspapers.

On 30 October, the official journal of the European Union published a new version of the Belarusian “black list”, containing 232 persons and 25 companies, after a decision was adopted by the Council of the EU on 29 October. The names of two officers of Babruisk penitentiary No. 2, where political prisoner Ales Bialiatski is serving his term, were put on the list: Aliaksandr Kakunin, the head of the penitentiary, and his deputy, Yury Trutko. Human rights activist Andrei Bandarenka, who lobbied for their inclusion in the list of restricted access to the EU, stated: “We are still receiving information about the pressure on Ales Bialiatski, who was “not recommended” to talk with other prisoners. Any prisoner who dares talk with Ales is severely punished by the administration of the penitentiary, up to placement in solitary confinement.”

30 October marked the end of the three-year term of personal restraint without sending to an open penitentiary for a participant of the post-election protest rally of December 19, 2010, Dzmitry Miadzvedz. Mr. Miadzvedz doesn't belong to any political parties and movements, he is an electrical engineer, who worked in construction and had his own business. He got to the Nezalezhnasts Square on occasion — he arranged to meet with his son, but they lost each other in the crowd. As a result, he and his son were arrested on the night of 19-20 December, and sentenced to 10 days in jail. After serving his term of administrative arrest, Dz. Miadzvedz was arrested again and placed in the remand prison in Valadarski Street — this time on “rioting” charges. After the expiration of the term of the penalty, Dz. Miadzvedz was put on the preventive register of the police at the place of his residence. He will have the status of previously convicted for five years.

On 31 October, Volha Haidukova, the mother of political prisoner Andrei Haidukou, reported that she and her daughter Maryia had a long meeting with him in penal colony No. 19 in Mahiliou. According to her, parole could be applied to Andrei as early as 8 August, but his attestation wasn't conducted as he had just been transferred to the penitentiary at the time.

### **The death penalty**

On 8 October, the results of a research on crime and punishment in Belarus, conducted by the sociological company “Satio”, were presented. The study revealed an ambiguous attitude to the death penalty among its supporters and opponents. More than a half of respondents (63.8 %) answered to the direct question about the abolition of the death penalty that they supported its use. However, being asked about the attitude to alternative measures of punishment (life imprisonment, a moratorium on the death penalty), the respondents also demonstrated an extensive support for them. The main argument of the strongest advocates of the death penalty is giving an adequate retribution for

the crime committed. Another important argument is the sense of security of the citizens in the state where the death penalty is used. The main argument of strong opponents of the death penalty is the value of human life. 73.5 % of respondents fear miscarriages of justice and are convinced that "it is worse to convict an innocent than to let a guilty one go unpunished".

33 % of the respondents were unaware of the use of the death penalty and 5.5 % were convinced that there was a moratorium on its use in the country. Only 6 % of the respondents said they had read about the death penalty in the media. The results of the research are based on personal interviews with 1,100 residents of Belarus aged 18 to 75 years, and the results of the six thematic focus groups conducted in 2013. The study was commissioned by Penal Reform International.

On 9 October, the UN Special Rapporteur on the human rights situation in Belarus, Miklós Haraszti, urged the Belarusian authorities to immediately introduce a moratorium on the death penalty until a reform of legislation and judicial system, which would remove the death penalty from the Criminal Code.

On 10 October, the coordinator of the campaign "Human Rights Defenders against the Death Penalty in Belarus" Andrei Paluda, the trustee of death convict Pavel Sialiu, stated that the UN Human Rights Committee had registered an individual communication in his case on October 2, 2013 under No. 2289/2013. A. Paluda informed the Ministry of Foreign Affairs of the Republic of Belarus about it, reminding about the obligation to ensure the termination of the execution until considering the application: "In accordance with rule 92 of the rules of procedure of the Committee, the State shall not execute the death sentence before consideration of the appeal on the merits". In accordance with Regulation No. 978 of the Ministry of Foreign Affairs, approved by the Council of Ministers on July 31, 2006, the function of monitoring the implementation of international agreements belongs to the Ministry of Foreign Affairs, so the human rights defender further requests that the Ministry notify the Supreme Court, the Prosecutor General's Office and the Ministry of Internal Affairs of the registration Pavel Sialiu's communication by the UN Human Rights Committee, as well as monitor compliance with international treaties of the Republic of Belarus by these governmental authorities and provide them with the necessary assistance in this. On 24 October, Andrei Paluda received a response from the Ministry of Foreign Affairs of the Republic of Belarus. Deputy Minister Valiantsin Rybakou said that "the message has been sent to the Belarusian side for receiving written comments. Fulfilling its international obligations under the Optional Protocol (to the International Covenant on Civil and Political Rights), Belarus plans to send such comments to the Committee in the manner prescribed by Art. 4,

Part 2 of the Optional Protocol.” Thereby, the Ministry completely ignored the essence of his address — the request to suspend the execution and inform the appropriate authorities (in this case — the Interior Ministry and Prosecutor General’s Office) about consideration of Pavel Sialiu’s individual communication by the UN Human Rights Committee.

On 18 October, the Criminal Division of the Supreme Court considered the appeal of death convict Aliaksandr Hrunou against the verdict of the Homel Regional Court. Mr. Hrunou was sentenced to death on the basis of paragraph 6 Part 2 of Article 139 of the Criminal Code of the Republic of Belarus. The 25-year-old man committed the murder of his friend, student Natallia Yemialy-anchykava. During the hearing at the Supreme Court, the counsel of the accused, Siarhei Krasnou, stated that criminal law of Belarus provided for other penalties besides the capital punishment — imprisonment for a term of 8-25 years or life imprisonment. The human rights defender, referring to the rules of international law and related national legislation, presented to the Criminal Division a number of violations, which are reflected in the criminal case, but were ignored by the court of the first instance. In particular, the lawyer spoke about violation of the presumption of innocence in relation to his client (Article 26 of the Belarusian Constitution and paragraph 2 of Article 14 of the ICCPR), breach of the principle of equal protection and adversary proceedings (Article 22 of the Constitution of the Republic of Belarus and Art. 24 of the ICCPR), noted the contradictions associated with the examination of the psychological and psychiatric health of Mr. Hrunou. In addition, the defender pointed out to another violation, which, according to him, no one paid attention to: “Yet before the verdict of the Criminal Division of the Homel Regional Court entered into force, Mr. Hrunou was already kept in solitary confinement on death row in the remand prison of the Homel Regional Executive Committee, where he had to wear clothing with the abbreviation “ИМН” (in Russian - “исключительная мера наказания”, exceptional punishment), i.e. received such treatment, as if the outcome of his case was already predestined...” On 22 October, the Criminal Division of the Supreme Court overturned the death verdict to Aliaksandr Hrunou and returned the case for a new trial.

### **Torture and other cruel and inhuman treatment**

On 15 October, political prisoner Mikalai Autukhovich published in the newspaper “Narodnaya Volia” an article about the conditions in prison No. 1 in Hrodna, where he has been serving a sentence since the end of January 2012, and to which he was transferred from the Ivatsevichy penal colony after a court decision. Here are some excerpts from M. Autukhovich’s publication: “I did not complain when I was put in solitary confinement on my

arrival in prison and kept there for 255 days. In this damp and cold room with a concrete floor, without a table and benches (which is prohibited by law) I could be until the end of the term, if some newspaper article about it wasn't published. Due to the high humidity in the cell, even things inside my bag were covered with mold. The mattress was rotting. The prison officers mockingly said, "Rejoice that you were given a luxurious room!" However, after living in such "luxury", moist clumps started coming out of my lungs, though I am a non-smoker. I had to wear a cap there even in summer, and ice was on the inside of the window bars all winter long. My mother bought 30 kilos of expensive foodstuffs with her pension to pass them to me. She brought them to the prison, but was told that I wasn't allowed to accept them. Isn't it mockery? It's good that I prepared her to such version of events during our meeting and calmed her down. Otherwise, she could have got a heart attack. (...) Nor did I complain about the physicians who ignored my calls for help. I applied to them about 40 times, and they responded only 6 times. All their visits ended with one question: "What can we give you, if we don't have anything?" The medics of penal colony No. 5 sincerely told me: "It is easier for us to register your death than to cure you". I have a lot of serious diseases, but the prison doctors have never taken any samples for tests. And this applies not only to me — I've heard similar complaints from many convicts. I couldn't get an appointment with the chief of the medical unit for more than two months, although I duly wrote applications for it. When I finally got an appointment, he answered the question why I had to wait for it for so much time by saying he hadn't received any applications from me... Yes, it's true that written applications of convicts often get lost. Once I was denied a meeting with my counsel due to the alleged absence of my application for it. I didn't write a new one, as literally several days before the arrival of my counsel I handed the application for the meeting directly to the head of the prison. This should not happen, but it happens. I did not react to many other dirty tricks and provocations, until a visit of the Hrodna Regional Prosecutor, thanks to which I learned that I was a "repeated violator" of the prison regulations. As it turned out, back in October 2012, they charged me with allegedly paying no reaction to the comments of a controller. Although in reality, there were no such comments or warnings. In October 2012, I was reprimanded, which I accidentally discovered in January 2013. (...) And then a month before the end of the previous penalties, I was reprimanded again under the same scenario. What kind of prison is this, in which ordinary controllers fabricate identical violations, whereas the administration pretends to have no relation to it? (...) It cannot be a coincidence that in 2012 and 2013 I received penalties just before the expiry of the previous ones. Thus, I had to show protest and cut my belly with a blade. The guilt of all of these measures lies on the

prison staff. There is no other way to draw attention to this problem. The administration pays no reaction to protest hunger-strikes. I protest, because tomorrow this controller can confirm that Autukhovich hung himself in the cell or died of heart failure (...) I got nail fungus in jail. I had a long argument with the prison administration, saying that it is improper for 500 people to use one pair of scissors which isn't disinfected and just hangs on a hook in the bathroom. I convinced them and they allowed using personal means of hygiene. My wife three times brought me nail clippers and took them back home. Some of them say it is allowed to use them, whereas others say it is prohibited. Convicts are not allowed to have personal needles for sewing. Their presence is a gross violation for which one can get a penalty. Thus, in defiance of common sense, the administration makes the prisoners use one needle per 10-15 cells, though in some of them there are HIV and hepatitis B carriers (...) Why are fruits and vegetables absent in the prison shop? For 20 months in the Hrodna prison I saw onions there just once. I tried many times to get the prison administration arrange the sale of apples there, but it turns out that apples are an exotic product for Belarus, even though the gardens are full of them and people are willing to give apples almost for free (as it was last fall). These are not trifles, this is what makes people disabled, though it is not said in any verdict that it is allowed to ruin the convicts' health.

On 31 October, a junior detective of the Criminal Investigation Agency of Krychau District Police Department was convicted by the Babruisk Interpost Court under Part 3 of Art. 426 of the Criminal Code (abuse of power or authority) and paragraph 9, Part 2 of Art. 147 of the Criminal Code (intentional infliction of serious bodily injury). For multiple offenses he was sentenced to 6 years in a maximum security penal colony, without confiscation of property, with the deprivation of the special title of "senior police sergeant", with deprivation of the right to hold certain positions for a period of five years. In December 2012, Krychau police detained citizen L., who was a suspect in a theft at Krychau enterprise "Kamunalnik". The police officers used physical force against a suspect, as a result of which he received serious injuries. After his release from the police station, the citizen appealed to the KGB Krychau Inter-district Department. Though many police officers took part in his beating in the building of the Krychau DPD, only one of them was punished for it.

### **Persecution of human rights defenders and organizations**

On 8 October, the Savetski District Court of Minsk took the fourth attempt to review an administrative case against a member of the Board of the HRC "Via-sna", Uladzimir Labkovich. On 4 September, the Minsk City Court reversed the verdict on bringing him to administrative responsibility under Part 1 of Art.

23.34 of the Administrative Code (“violation of the procedure for organizing and holding mass events”), issued by Dzmitry Pauliuchenka, Judge of the Savetski District Court in Minsk on 6 August, and ruled that the case was to be returned to the court for review by another judge. However, Judge Eduard Yakubouski also found Mr. Labkovich guilty and fined him the same 30 basic units. On 18 October, Uladzimir Labkovich filed to the Minsk City Court an appeal against the verdict of the Savetski District Court. This time he stated to the Minsk City Court that he could not see the reasons why the court found him guilty before passing his appeal: “During the trial, Judge Eduard Yakubouski, who presided at the hearing, familiarized me with only the resulting part of the decision, saying the full text of the verdict couldn’t be printed due to the absence of electricity in the court building”. It means that Judge Yakubouski deprived Mr. Labkovich of the right for protection under appeal. “In fact, I can only guess what the essence of my guilt was,” commented the human rights activist. In his appeal, Uladzimir Labkovich asked the court to overturn the ruling of the Savetski District Court of 8 October (by which he was sentenced to pay a fine) and drop the administrative proceedings against him. Mr. Labkovich also insisted on bringing to justice Judge Eduard Yakubouski for his failure to issue him with a copy of the verdict, which deprived him of the possibility to appeal against it.

On 10 October, the Minsk City Court considered an appeal of human rights activist Tamara Siarhei against the verdict of the Tsentralny District Court, which upheld and justified the official warning issued by the General Prosecutor’s Office on criminal responsibility for organizing the activities of an unregistered public association — an initiative “Against lawlessness in Courts and Prosecutor’s Offices”. On return from the decision room, the panel of judges of the Minsk City Court, comprised of Volha Rymasheuskaya (chairperson), Alena Prudnikava and Katsiaryna Yakutovich, postponed the hearing to 24 October instead of announcing a verdict. The court motivated its decision by a reference to the necessity to request from the Prosecutor’s Office the materials on the basis of which the warning was issued. On 24 October, Tamara Siarhei’s appeal was dismissed.

On 25 October, the Homel member of the Human Rights Center “Viasna” Anatol Paplauny was warned that his labor contract would not be extended. Mr. Paplauny had worked as a toolmaker at the private enterprise “Vipra” for five years, and hadn’t received any penalties during that time. This was noted in the report for his dismissal. “Thank you for your diligent work!” wrote the head of “Vipra” Ihar Shchyhelski. The human rights defender had been repeatedly brought to administrative responsibility for his activity. He served a 15-day arrest term during the silent protest actions in the summer of 2011. He actively participated in election observation.

On 25 October, one hour prior to the departure of the evening train for Vilnius, the platform was filled with men in civilian clothes with radios. Those who came to the platform were videoed. No obstacles were created for them, and the train departed on schedule. The following day, on 26 October, the Third Belarusian Human Rights Forum was held in Vilnius, which was attended by more than 150 delegates and guests from Belarus, most of whom went to Vilnius on the evening train from Minsk.

### **Pressurization of civil society and political activists by security services**

On 25 October, KGB officers demanded that the boss of the Mahiliou blogger Dzmitry Yarmolenka provided a reference about the activist. The reason for the attention of the KGB to the blogger was his publications at the website “Free Format” (formats.by). That summer, Dzmitry had a conversation with some KGB officers who tried to recruit him, but as soon as the young man refused to work for them, they started pressurizing him with various means. KGB officers also came to Dzmitry’s work and talked with his boss, who, in his turn, held a preventive talk with him concerning the publications on the Internet and allegedly spoiled the image of the country and the current government. Earlier, Dzmitry Yarmolenka was expelled from the Faculty of Law of the Kuliashou Mahiliou State University.

### **Administrative prosecution of civil society and political activists, arbitrary detention**

On 4 October, Judge A. Bychko of the Minsk City Court quashed the verdict of the Tsentralny District Court of Minsk of 22 August, by which an activist of the National Bolshevik movement Dzmitry Paliyenka was fined 12 basic units on charges of violation the procedure for conduct or organization of mass events (Article 23.34 of the Administrative Code). The charges were brought against the activist for holding a protest action against the “conscription slavery” on 8 August in Minsk. The case was returned to the Tsentralny District Court for review by another judge.

On 4 October, an activist of the Belarusian Social Democratic Party (Hramada) Ales Serdziukou was forcibly taken out of the car details market near the Homel highway in Mahiliou, where he was handing out a newsletter dedicated to the campaign “For reduction of customs clearance of cars imported to Belarus from Europe and the U.S.”. The activist managed to distribute about 50 copies of the newsletter, after which he was approached by three police officers, who wanted to find out what he was distributing. The name of the



policeman who talked to Mr. Serdziukou was Uladzimir Dantsou. As a result, the activist had to leave the market.

On 7 October, a Vitsebsk distributor of independent press, Barys Khamaida, was detained by police and taken to the Chyhunachny District Police Department for allegedly unauthorized picketing. Later Mr. Khamaida was released from the police department without any charges. According to the activist, he, as usual, distributed the independent press in the center of Vitsebsk, and there were no signs of picketing in his actions.

On 12 October, the 15-day administrative arrest of the leader of “Zmena” Pavel Vinahradau came to an end. However, the staff of the detention center in Akrestsin Street didn’t release him in time, but took him to the settlement of Sokal, approximately 30 kilometers away from Minsk, where he was met by his friends.

On 17 October, members of the United Civil Party, Dzmitry Kavalhin and Anton Zhylo, were detained at the entrance of the Minsk Automobile Plant (MAZ) while handing out the newsletter of the UCP “Holas Rozumu” (“Voice of Reason”). The activists were taken to the Zavodski District Police Department and released three hours later, having written explanatory notes. The police warned the activists they could be summoned to the police after an expert examination of the confiscated newsletter.

On 23 October, on the eve of the meeting of the Council of CIS Foreign Ministers scheduled in Minsk for 24 October, a number of arbitrary preventive detentions of activists of various organizations and movements that had previously been involved in organizing the protests took place. The leader of the Belarusian National Bolsheviks Yauhen Kontush was arrested near his apartment. The same day he was taken to the Maskouski District Court of Minsk and sentenced to five days of arrest for alleged disorderly conduct. The case was considered by Judge Yury Sezin. Another activist of this movement, Dzmitry Paliyenka, was arrested after the end of his working hours at the entrance of his enterprise and taken to the Zavodski District Police Department, where he was charged with disorderly conduct. The same day Judge Tatsiana Motyl punished him with six days of arrest. On 23 October, the police detained a National Bolshevik Artsiom Karpuchok. The same day he was sentenced to five days of arrest by the Kastychnitski District Court. The police also tried to detain another activist of the movement, Aliaksandr Paliakou, but he managed to avoid it. An activist of the “European Belarus”, Andrei Molchan, was detained in the workplace at 2 p.m. and taken to the police station. Judge Tatsiana Motyl of the Maskouski District Court sentenced him to five days of arrest under Art. 23.4 of the Administrative Code (disobeying an official). A “Zmena” activist, Vital Vasilkou, was detained in the evening and managed to inform Aliaksandr Artsybashau about the detention by phone. The following

day Judge Natallia Drachova found him guilty of violating Article 23.34 of the Administrative Code and sentenced him to five days of arrest.

On 29 October, the Day of remembrance of the victims of totalitarian repression, Minsk police detained 23 members of the mourning marathon and journalists. Among the detainees there were such public figures as Aliaksei Shein, Uladzimir Ramanouski, Hanna Shaputska, Ales Makayeu, Siarhei Khanzhankou, Katsiaryna Sadouskaya, Nina Bahinskaya, Illia Dabratvor, his minor son Yausei Dabratvor, and five journalists — Natallia Kastsiukevich (Benitsevich), Aliaksandr Korsakau, Siarhei Krauchuk, Dzianis Nosau and Natallia Valakida. The detainees were taken to the Frunzenski District Police Department. One of the participants of the memorial action, Halina Siuchyuk, refused to come to the DPD, as it was difficult for her to climb the stairs. The police wanted to help her, but she refused, and was left alone, but later detained as well. Three hours later, all the detainees were released without any charges.

On 29 October, Judge Alena Volkava of the Leninski District Court fined Chairman of the Mahiliou regional coalition of democratic forces Yury Novikau 45 basic units for distributing leaflets and collecting signatures against the deployment of the Russian airbase. Seven leaflets and signature sheets seized from Mr. Novikau during the detention, which took place near 29 Leninskaya Street in the evening of 8 September, were used as evidence at the trial. Three people, who put their signatures against the deployment of the Russian military bases in Belarus, were questioned at the trial. One of them said that such people as Yury Novikau should be given medals, not arrest terms. Human rights activist Barys Bukhel noted that the court verdict created a precedent when people are fined for handing out leaflets and collecting signatures as for distributing media.

On 29 October, the Minsk police detained an activist of the campaign against infill construction in the Pershamaiski district of Minsk, Viktor Talmachou. The activist was handing out leaflets about the preparation of a referendum against the construction of new houses. The leaflets contained information about the initiative group, established by local residents with the support of activists of the “Europerspective” in order to initiate a referendum by collecting signatures, and preparation for its registration with the state. The activist was taken to the Pershamaiski District Police Department and released after a questioning and confiscation of the leaflets.

### **Restrictions on freedom of speech and the right to impart information, persecution of journalists**

On 3 October, the international human rights organization Freedom House presented its report on Internet freedom. According to the study, Belarus is

among the group of countries where Internet use is unfree. The report states that Belarus uses a system of monitoring and control over the Internet, SORM, as well as Russia. The same system is also used by the authorities of Uzbekistan, Kyrgyzstan, Kazakhstan and Ukraine. The report says that of the 60 countries that were studied in this year, 29 blocked or filtered content of the political and social nature. The index of Internet freedom in Belarus in 2013 is 67, close to the United Arab Emirates and Pakistan. Uzbekistan is the only former Soviet republic having a rating lower than Belarus, 78. Iceland, Estonia, Germany, USA and Australia were found to be the countries with the freest Internet in 2013.

On 5 October, at the Fifth Civil Society Forum of the Eastern Partnership in Chia inău, Deputy Chairman of the Belarusian Association of Journalists Andrei Bastunets voiced information that the publishing house “Lohvinau” was being deprived of its license. Individual entrepreneur Ihar Lohvinau received a note informing him about the termination of the license for publishing on 23 September. The document was signed by First Deputy Minister of Information, Liliya Ananich. The license was revoked “due to gross violations of the licensing legislation” by publishing of the album “Belarus Press Photo 2011”, which was found extremist by the Ashmiany District Court on April 18, 2013. The staff of the publishing house believe that the termination of the license was illegal and was conducted with numerous violations. Therefore, they sent a letter to Minister of Information, Aleh Praliaskouski. On 23 October, the publishing house “Lohvinau” applied to the Supreme Economic Court to invalidate the order of the Ministry of information on the termination of the license for publishing.

On 15 October, the Krychau District Court started considering a civil lawsuit filed by workers of the Cherykau PMK-280 against the journalists of the newspaper “Volny Horad”. Plasterer Baihol and carpenter Koneu demanded that the journalists paid 16 million rubles as a compensation for moral damages allegedly done by the article “We’ll wait a bit before publishing a refutation” (“Volny Horad”, No. 25 of June 29, 2013). According to the plaintiffs, the information that the labor contracts with them weren’t signed properly brought them moral suffering. The case was considered by Judge Antanina Kachanova, who questioned the plaintiffs and the journalists. The plaintiffs could not answer what the essence of their moral suffering was, and how the newspaper article caused moral damage to them. The editor of the newspaper Siarhei Niarouny is sure that ordinary workers aren’t the real initiators of this lawsuit, aimed at silencing “Volny Horad”. The next hearing was scheduled for 24 October. On this day, the Krychau District Court dropped the case. Judge Antanina Kachanova issued a verdict after the workers of the Cherykau PMK-280 had waived their claims to the journalists of “Volny Horad”.

On 22 October, the Krychau District Court granted the lawsuit of the Cherykau-based PMK-280 against the newspaper “Volny Horad”. Judge Antanina Kachanova concluded that by their article “We’ll wait a bit before publishing a refutation” the journalists discredited the administration of the enterprise and undermined its business reputation. The newspaper was obliged to publish a refutation of the information published in the article. The refutation was being prepared by the administration of the Cherykau PMK-280. The journalists were also sentenced to compensate the expenses of the enterprise for the lawyer’s services, 850,000 rubles, and the court expenses — 300,000 rubles.

On 15 October, the Babruisk City Court held the second hearing on the case of blogger Aleh Zhalnou and his son, whom the traffic police accused of resisting and using physical force (Art. 23.4 of the Administrative Code). The case was considered by Judge Natallia Charapukha. The Zhalnouns insisted that they didn’t resist the police and themselves became victims of abuse of power by the traffic police. Natallia Charapukha asked the defendants whether somebody allowed them to shoot a video near the building of the traffic police. The traffic policemen focused on this as well. The judge announced a break till 23 October in order to request the necessary documents. However, on that day the trial didn’t continue, as some defects were found in the violation report, drawn by police Major Siarhei Rudzko, who didn’t witness the events, but drew up the document on the basis of the reports of the traffic policemen. In the evening of 1 November, Judge Natallia Charapukha finished the trial, found Aleh Zhalnou guilty and fined him 20 basic units.

At about 7.10 a.m. on 24 October, Aleh Zhalnou’s apartment was visited by police Majors Dzianis Rakouski and Siarhei Rudzko, a man who didn’t introduce himself, and some people who acted as witnesses. The visitors entered the apartment when Zhalnou’s wife was going out. They had a warrant for inspecting the apartment, signed by the Babruisk Prosecutor Karapetsian. The inspection was also authorized by two deputy chairmen of the Babruisk District Police Department, Aliaksandr Siarheyau and Vital Kharlapau. The reason for the inspection was the appeal of Yauhen Serashtanau, Major of the traffic police of the Babruisk City Executive Committee, concerning the publication of audio and video recordings on the Internet in 2012-2013 which allegedly insulted his honor and dignity and undermined his business reputation. The Major was convinced that these materials were published by Aleh Zhalnou and therefore asked to instigate criminal proceedings against him. The search lasted for seven hours and ended with the confiscation of computer equipment and appliances, and means of communication: hard disks, a modem, a smartphone and a cellular phone.

On 19 October morning, the press-secretary of the Belarusian Association of Journalists and a journalist of the magazine “Abazhur” Barys Haretski, jour-

nalists of the European Radio for Belarus Ales Piletski and Vital Ruhain, photographer Aliaksandr Vasiukovich, “Nasha Niva” photo correspondent Siarhei Hudzilin, journalist Nadzeya Hatsak, BelaPAN correspondents Andrei Korsak and Zakhar Shcharbakou and Radio “Liberty” journalist Yahor Mayorchyk were detained by the police at the platform of the Minsk railway station. The journalists were going to cover the return of former political prisoner Pavel Seviarynets to Minsk. The police purposefully detained the journalists, since it was evident that they came there to cover the event, many of them brought professional equipment and had their journalist IDs with them. Despite this, the police alleged that the journalists “looked suspicious”. The detention was supervised by Chairman of the Main Police Department of the Minsk City Executive Committee, Aliaksandr Barsukou. He checked the journalists’ IDs and then ordered his subordinates to release them, without giving any explanations.

On 29 October, independent journalists Aliaksandr Barazenska and Maryia Artsybashava were detained near the metro station “Pershamaiskaya” and taken to the Leninski District Police Department of Minsk, but were released afterwards.

### **Restrictions on freedom of assembly**

On 2 October, members of the Brest branch of the United Civil Party stated that Brest City Executive Committee didn’t allow them to conduct four pickets against the introduction of an exit fee. The Executive Committee referred to the fact that the applicants intended to hold their pickets in the places which were unsuitable for mass events, or didn’t enter into contracts with the municipal services, police and health care institutions.

On 3 October, an activist of the Baranavichy city branch of the Independent Trade Union of Radio Electronic Industry Ryhor Hryk stated that the Baranavichy City Executive Committee banned a picket on the occasion of the World Day for Decent Work, which he intended to hold on 7 October. The ban was signed by Deputy Chairman of the Executive Committee Dz. Kastsiukevich, who explained it by the non-implementation of the Committee’s regulation “On the procedure for holding mass events in Baranavichy”, which urged him to enter into service contracts with the police, municipal services and the hospital. In fact, it is impossible to implement this regulation in practice, since the aforementioned agencies often refuse to enter into service contracts without receiving official permission for holding the mass event in question.

On 3 October, activists of the ITUREI stated that they weren’t allowed a picket of protest against the actions of a lawyer Natallia Zakharchanka and the verdict of the Leninski District Court judge Halina Tarasava, who ruled in favor of their eviction from the dormitory of Building Trust No. 12 without providing

other accommodation. The picket was to have taken place on 2 October 100 meters away from the courts and Prosecutor's Offices, located in Dobrolyubov Street, in the way of pedestrians going to the buildings from the nearest public transport stop. The official reason for the ban was that the activists had chosen the wrong place for their action. According to the official answer of the Executive Committee, it is allowed to hold mass events in the city only at a site near the "Khimik" stadium in Chelyuskinty Street on the city outskirts. The administration of Building Trust No. 12 simply threw the women with their 4-year and 16-year-old children out on the street. During the trial, the women signed a settlement agreement with the trust. Judge Tarasava and lawyer Zakharchanka told them that it wouldn't have any negative consequences. However, as a result, the women were evicted from the dormitory.

On 6 October, the Hrodna City Executive Committee did not allow human rights defenders Uladzimir Khilmanovich, Raman Yurhel and Viktar Sazonau to hold an information picket on 10 October, the World Day against the Death Penalty. In the official letter, signed by Deputy Chairperson of the Hrodna CEC, Alena Ahei, it was stated, "... in your application you must specify where the mass event will be conducted with the use of fireworks and open fire..." Another reason for the ban was that, judging by the answers received from the Leninski District Police Department, the municipal services and the ambulance station of Hrodna, the Executive Committee came to the conclusion that the applicants were unable to fulfill the requirements of the legislation. However, the authorities provided no juridical grounding for this statement.

On 8 October, human rights defender Aliaksei Lapitski received a letter from the Zhodzina City Executive Committee, signed by Deputy Chairman, Yuri Sharaha. The letter came by registered mail to the main post office of Zhodzina, and contained a ban on holding a picket on the World Day against the Death Penalty, 10 October. As it follows from the document, the Executive Committee didn't consider Lapitski's application for the picket on its merits, as the applicant didn't attach service contracts with the police, medics and municipal services. However, the impossibility to enter into service contracts with these institutions is proved by their answers to the preliminary application for holding another mass event on 4 August. It turned out that these institutions simply did not have the practice of signing contracts with citizens, and therefore refused to do it.

On 10 October, Biaroza human rights defenders and social activists reported receiving a ban on the picket against the death penalty, signed by Deputy Chairman of the Biaroza City Executive Committee Viktar Mikhniuk. The ban was explained by the absence of service agreements with the police, hospital and municipal services. Meanwhile, on 25 September the human rights defenders filed applications to the Biaroza District Police Department, the hospital and the municipal services. The police answered that, according

to the regulation of the Council of Ministers No. 207 of 2012, the Executive Committee should send them a copy of the registered application for picket (which the Committee didn't do), after which the actions of the police during the picket could be discussed with the Committee.

On 10 October, the Peshamaiski District Court of Vitsebsk considered the appeal of the regional coordinator of the Movement "For Freedom" Khrystafor Zhaliapau and a representative of the organizing committee of "Narodnaya Hramada" Aliaksei Haurutsikau against the ban on the picket they intended to hold on 8 November in protest against the deployment of the Russian military bases on their territory. The applicants asked the court to oblige the district authorities to give permission for a mass event on this issue at another time. The District Executive Committee, in its turn, asked the court to consider the appeal in the absence of its representatives at the trial. Judge Volha Ivanova found no reasons to make the authorities give permission for the next picket. Representatives of the Vitsebsk Regional Police Department didn't come to the trial, either. According to a regulation of the Vitsebsk City Executive Committee, the organizers were to have entered into a service agreement with this institution. The department waited for the organizers to receive the picket ban from the authorities, and then answered that it was no use entering into a service agreement as the action had been banned. The trial was attended only by representatives of the city's central polyclinic, who didn't enter into a service contract, either. At the trial, they stated that the ambulance was too busy at the week-end. The judge denied the activists' request to oblige the responsible agencies to conclude the service contracts and found no reasons to issue a private opinion that the verdict of the Executive Committee was impossible to implement, as the rational sequence of receiving permission for holding mass events was violated. As a result, the court dismissed the lawsuit.

On 11 October, a Hrodna activist, Aleh Kalinkou, received a negative reply to his application for the authorization of the street procession he intended to hold on 20 October to express protest against rigged elections and campaign for fair elections, signed by Deputy Chairperson of the Hrodna City Executive Committee Alena Ahei. The specified number of the action participants was just one person. The Executive Committee explained its decision by the fact that the applicant wanted to hold the procession in the center of the city, crossing Savetskaya Square, whereas holding mass events in this place was not permitted by the regulation of the state institutions. It was also stated that the applicant failed to meet the legal requirements, having not presented all necessary information. However, it didn't explain what Aleh Kalinkou failed to specify in his application.

On 15 October, Vitsebsk human rights defenders received two picket bans from the Chyhunachny District Executive Committee of Vitsebsk. One of them

was dedicated to the use of the death penalty in Belarus and was scheduled for 19 October, the other intended to mark the 25<sup>th</sup> anniversary of the establishment of the Belarusian Popular Front and was to have been held by the Vitsebsk activists of the Conservative-Christian Party BPF Yan Dziarzhautsau and Yan Talpyha. The reason for both bans was the absence of the service contracts with the police, medics and municipal services, required by the regulation of the Vitsebsk City Executive Committee No. 881 "On Mass Events in Vitsebsk". The activists believe that this document is contrary to the applicable law, and have repeatedly asked for its amendment, as far as the aforementioned agencies refuse to cooperate with them before receiving permission from the authorities.

On 22 October, the Leninski District Court of Mahiliou, chaired by Judge Valiantsina Lapatsina, considered the appeal of human rights defenders Barys Bukhel and Aliaksei Kolchyn against the regulation of the Mahiliou City Executive Committee "On Mass Events in Mahiliou". By this document, the city authorities determined just one place in the entire city as a venue for events organized by political parties, public organizations, trade unions and citizens, the stadium in Chelyuskintsy Street, 64B. The stadium is located far from the main streets of the city in a sparsely populated place and, obviously, is not convenient for mass actions. In their appeal, the human rights defenders asked the judge to reverse the regulation of the Executive Committee as contrary to the Law "On Mass Events", the Constitution and the International Covenant on Civil and Political Rights (ICCPR). The court ignored the arguments of the plaintiffs and dismissed their lawsuit.

On 28 October, Aliaksei Haurutsikau and Khrystafor Zhaliapau received a negative reply from the Pershamaiski District Executive Committee of Vitsebsk to their request to authorize a picket of solidarity with political prisoners which they intended to hold on 29 October. The picket was appointed on a weekday, as the previous time the activists didn't manage to enter into a service contract with the city medics, after the central city polyclinic stated that the ambulance was too busy at the week-end and therefore it was impossible to send a car for serving the picket. However, this time the polyclinic refused to enter into a service contract without providing any reasons. The police didn't answer at all. A positive answer was received only from the municipal services. The requirement to enter into service agreements before the mass event is authorized is contained in the regulation of the Executive Committee, and the failure to enter into such agreements becomes a reason for banning the events.

### **Restrictions on freedom of association**

On 13 October, a member of the Belarusian Independent Trade Union Leanid Dubanosau reported being unable to obtain reinstatement in the com-



pany “Granite”. He had worked there for almost 20 years and was ready to continue his work, as he had a number of specialties which are in demand at the enterprise. During the hearing on his reinstatement at “Granite”, the lawyer of the enterprise stated that the refusal to extend the labor contract for Mr. Dubanosau had nothing to do with his membership in the independent trade union. After this, Leanid Dubanosau went to see the Director General, Eduard Haurylkovich. The activist reminded that, apart from working as an excavator operator, he could also do other work. However, the head of the administration of “Granite” blankly refused to employ him. Mr. Dubanosau stated that the shortage of skilled workers was quite perceivable at the enterprise, and therefore he considered the denial of employment as discrimination in connection with his participation in the independent trade union movement.

On 14 October, two leaders of the Belarusian Independent Trade Union of the Mazyr refinery began a hunger strike in the workplace. The hunger strike was started by the head of the trade union, Yury Shvets, who was later joined by his deputy, Vasil Alkhouski. The workers declared a three-day hunger strike after the unfair dismissal of five activists of the Belarusian Independent Trade Union, whose labor contracts weren’t extended. The alternative trade union has been facing incessant pressurization since 2008.

On 16 October, the Baranavichy District and City Court held a preliminary examination of the application of a local civil society activist Mikalai Charnavus against the actions of the head of the Economic Department of the Baranavichy City Executive Committee, Raisa Ulasovich. The court session was chaired by Judge Mikalai Selmanovich. The case concerned the repeated failure to provide space for the public association of the Baranavichy Ukrainians “Kobzar” despite the information about vacant premises posted at the official website of the Baranavichy CEC. In his lawsuit, Mr. Charnavus asked the court to oblige the Baranavichy City Executive Committee to provide the organization with one of the vacant offices. As far as the defendant Raisa Ulasovich didn’t come, the hearing was postponed to 24 October. On that day, the interests of the Executive Committee were represented by the head of the legal service of the Executive Committee Aleh Yauseyeu. He said that the NGO “Kobzar” was not included in the list of organizations that were eligible for free property. The judge rejected Mr. Charnavus’ appeal and acknowledged that the Executive Committee acted in accordance with the law.

On 23 October, the Brest Regional Court dismissed the appeal of a Be-laaziorsk civil society activist Aliaksandr Kuzmin against the actions of the prosecutors of the Biaroza district and the Brest region. Judge Alena Kav-alchuk upheld the warning, issued to him by the prosecutors for activity on behalf of the unregistered organization “Tell the Truth”.

## Situation of Human Rights in Belarus in November 2013

In November, the Belarusian authorities demonstrated the reluctance to soften their position in the sphere of human rights in the country, first of all — to change the attitude to the problem of political prisoners, including on the basis of the foreign policy factor. The expectations of some experts that on the eve of the summit of the Eastern Partnership the Belarusian authorities will make concessions to the requirements of the European Union, which had consistently reminded about the necessity of the release of political prisoners as a basic precondition for cooperation with Belarus, didn't come true.

The official Minsk, in turn, stuck to a pragmatic attitude and showed no desire to debate on values. In particular, on the eve of the summit, on 21 November, Foreign Minister of Belarus Uladzimir Makei noted in an interview with the Polish newspaper "Gazeta Prawna" that the country's authorities were considering cooperation in the framework of the EU Eastern Partnership primarily in economic terms. "Within the frames of this initiative, some projects were considered that will bring tangible benefits. We are looking forward to working together to improve the business climate," said Uladzimir Makei. With regard to political prisoners, Mr. Makei said that most of the convicts had already been released, and some of them left for the West. "I have no right to answer the question when the remaining ones will be released from prison, as it is the competence of the courts, not of the Foreign Ministry". During the summit, U. Makei tried to deny the existence of political prisoners in Belarus. "We have no political prisoners," he said while talking to reporters. "Those prisoners who are in prison were punished for specific criminal offenses. In other countries they would have probably received even longer terms". Then, contradicting himself, he answered the question whether the Belarusian authorities were ready to release political prisoners in response to the lifting of sanctions, in the following way: "What concerns the release of political prisoners — this question should be asked not to the Ministry of Foreign Affairs, but to the agencies which have taken a decision. Our courts are independent, so contact them. However, I'm sure that if these prisoners write petitions for clemency, the petitions will be considered, and perhaps a positive decision will be taken". In fact, he confirmed the previously voiced position of the head of state on political prisoners: they can be released only after writing pardon applications.

The EU's position remained unchanged. European Commissioner for Enlargement and Neighborhood Policy Štefan Füle said during the summit that the prospects for relations between the EU and Belarus were large, but they depended only on the decision of the Belarusian authorities in the issue of po-

litical prisoners: “Here the EU policy is clear from the outset. In case of release and rehabilitation of all political prisoners, the EU is ready not only to build a solid foundation for bilateral relations between the EU and Belarus, but also to talk about the reform of the program and supported modernization of Belarus meeting the ambitions of the Belarusian people”.

Swedish Foreign Minister Carl Bildt, within the Eastern Partnership Summit in Vilnius confirmed, “Our demands remain the same — to release political prisoners and take steps towards democratization”. According to Mr. Bildt, during the summit the topic of political prisoners in Belarus “was mentioned by several leaders in their speeches”, while Foreign Minister of Belarus Uladzimir Makei did not address this topic. “However, Makei knows what must be done. I think that he has the opportunity to influence the resolution of these issues.”

Due to the lack of positive dynamics at the high political level, the fate of political prisoners remained unchanged. Nine political prisoners were still kept in jail: Ihar Alinevich, Mikalai Autukhovich, Ales Bialiatiski, Mikalai Dziadok, Andrei Haidukou, Eduard Lobau, Artsiom Prakapenka, Mikalai Statkevich and Yauhen Vaskovich. The negative trend of trying former political prisoners on charges of violating the rules of preventive supervision was perpetuated. On 12 November, the Minsk City Court upheld the verdict of the Pershamaiski District Court of Minsk, sentencing Uladzimir Yaromenak to three months of arrest on these charges. The verdict came into force. On 28 November, an analogical criminal case was considered by the Pershamaiski District Court against Vasil Parfiankou, who had already served a six-month arrest term for violating the rules of preventive supervision after his release on parole in 2011. Preventive supervision as a means of controlling political activism was still used against three more former political prisoners: Dzmitry Dashkevich, Aliaksandr Frantskevich and Pavel Vinahradau. Preventive surveillance in connection with prior convictions was used against 28 former political prisoners.

Thus, in November the European Union continued demanding the release of political prisoners as a prerequisite to restoring full-scale relations with the official Minsk, whereas the latter made no steps to meet these demands and showed no positive intentions. Political prisoners still remained hostages of the Belarusian authorities in this stalemate.

### **Political prisoners, prosecution of civil society and political activists**

4 November marked the half of the prison term for the head of the Human Rights Center “Viasna” Ales Bialiatiski, sentenced to 4.5 years of imprisonment. On 9 November, Natallia Pinchuk, wife of Ales Bialiatiski, reported that the imprisoned human rights defender earned about 20,000 rubles (USD 2)

a month working as a packer at the garment industry six days a week. On 12 November, Deputy Chairman of the State Customs Committee Siarhei Barysiuk stated in his response to complaints of violations by duty officials of the Ashmiany customs during the appointment of an examination of the confiscated book "Enlightened by the Belarusian Issue" by Ales Bialiatski, and violations on the part of the expert commission, that "taking into consideration your disagreement with the expert opinion and the lack of specific conclusions of the experts on the questions put by the Ashmiany customs in the regulation on the appointment of the customs examination, the SCC of the Republic of Belarus, being guided by Article 143 of the Customs Code of the Customs Union, urged the Ashmiany customs to organize a re-examination as soon as possible..." According to the conclusions of the preliminary examination, the literary book by Ales Bialiatski "can damage the image of the Republic of Belarus".

On 5 November, Maryna Adamovich, the wife of political prisoner Mikalai Statkevich, said the administration of Mahiliou prison No. 4 tortured him by sleep deprivation: "The prison guards kept knocking on his door and shouting each 10-15 minutes a few nights in a row, interrupting his night sleep. This forces the political prisoner to rest in the daytime, for which he can be punished with solitary confinement. On 6 November, Dzmitry Dashkevich filed an appeal to the Mahiliou Regional Department of Corrections asking to hold an examination in prison No. 4 in Mahiliou to find out why he received no letters from Mr. Statkevich. Maryna Adamovich told him that she had received a letter from her husband on 21 October, in which he sent greetings to Dzmitry Dashkevich and wrote that he had sent him three letters recently. However, Mr. Dashkevich received from him only one postcard two months before. On 9 November, Maryna Adamovich reported quoting her husband that the night knocking on the door had stopped, and he received his medical parcel. On 23 November, M. Statkevich's pen pal Leanid Haravy filed a complaint to the Mahiliou Regional Department of Corrections against the actions of the personnel of Mahiliou prison No. 4, who limited Statkevich's right to correspondence. He filed the complaint after receiving a letter from Mr. Statkevich in which it was written that his letter wasn't allowed by the censor. "I received an empty envelope from your letter, marked by the censor. So, your letter must have been very good. :) Thanks for your support. Good luck and success in your business!"

On 12 November, the Minsk City Court upheld the verdict of the Pershamaiski District Court for the arrest for three months of a former political prisoner, defendant in the criminal case of mass riots in Minsk on December 19, 2010, Uladzimir Yaromenak, for violating the rules of preventive supervision. During the sitting of the cassation instance, U. Yaromenak and his lawyer ar-

gued that the case materials were collected and the criminal case was opened illegally. In particular, the lawyer pointed out that the reports alleging violations of preventive supervision contained numerous violations. After the entry into force of the sentence, Uladzimir Yaromenak had to wait to be summoned to the criminal executive inspection of the Pershamaiski District Police Department to serve the three-month arrest term.

As it became known on 14 November, after the publication of the article “Letter from Hell” by political prisoner Mikalai Autukhovich in an October issue of “Narodnaya Volia”, onions and other vegetables appeared in the shop of the Hrodna prison and the prisoner was given bedding. Mr. Autukhovich was also visited by doctors, who confirmed the existence of problems with teeth that influenced his ability to chew food, and recommended a detailed health survey. On 16 November, Autukhovich’s mother Lidziya came to visit her son, but was told that the meeting was prohibited, the reasons for the prohibition weren’t told. The prison officers also refused to accept a 30-kilo food parcel for the prisoner.

On 26 November, political prisoner Yauhen Vaskovich phoned home after a long break. He talked with his mother Rushaniya for 20 minutes, much longer than he was allowed to talk before. He hadn’t been able to phone from the Mahiliou prison for more than two months as the prison phone was broken. The political prisoner told that the heating had been turned on in the cells.

28 November marked exactly 3 years since the arrest of political prisoner Ihar Alinevich, who is serving an 8-year sentence in penal colony No. 10 in Navapolatsk.

On 28 November, the Pershamaiski District Court started a trial of former political prisoner Vasil Parfiankou on charges of violating the rules of preventive supervision (Article 421 of the Criminal Code). Mr. Parfiankou was taken to court under guard, as he had been kept in activity therapy center (LTP) No. 1 in Svetlahorsk (the Homel region) since 21 September. Judge Leanid Yarmolenkau postponed the trial to 5 December due to the fact that V. Parfiankou wasn’t duly informed about the appointment of the hearing. The political prisoner was to have been notified about it at least five days before the trial. However, he was informed about the date of the hearing only on 27 November. The defense asked the judge to postpone the trial in order to have enough time to prepare for participation in the trial.

On 30 November, political prisoner Mikalai Dziadok was transferred from the Mahiliou prison to the republican prison hospital in Zhodzina. His transfer lasted 13 hours. The political prisoner’s wife Valeryia Khotsina reported that on 1 December M. Dziadok was placed in a ward and got two diagnoses associated with gastric ulcer. The medics started giving him medicines and take

him for medical procedures. All this was done in handcuffs, as the reference of M. Dziadok says that he is inclined to escape.

### **The death penalty**

As it became known on 13 November, the UN Human Rights Committee considered the individual appeal of Andrei Zhuk, a death convict executed in March 2010, and found that his rights were violated by the Belarusian state. The Human Rights Committee satisfied all points of the complaint, recognizing a violation of Art. 6 of the International Covenant on Civil and Political Rights — the right to life, Art. 7, which prohibits torture and inhuman treatment, Art. 9 — the right to liberty and security, Art. 14 — the right to a fair trial and the presumption of innocence. Andrei Zhuk was sentenced to capital punishment in July 2009. His mother Sviatlana Zhuk filed an individual communication to the Committee, asking to register it urgently. The Committee accepted the appeal for consideration, and the Republic of Belarus received a note of the High Commissioner for Human Rights on registration of the complaint. The HRC procedure introduces a requirement not to carry out the death sentence while the case is pending. However, the death sentence was carried out in March 2010 — before the completion of the complaint procedure by the Committee. The case of Andrei Zhuk is the second case in the practice of the Human Rights Defenders against the Death Penalty campaign considered by the Human Rights Committee. The first was the case of Uladzislau Kavaliou (executed by shooting together with Dzmitry Kanavalau in 2012). Four more appeals are pending at the Human Rights Committee — the communication on behalf of Vasil Yuzepchuk (shot in 2010), Andrei Burdyka and Aleh Hryshkautsou (shot in 2011) and Pavel Sialiu, whose death sentence was upheld by the Supreme Court in September 2013.

On 18 November, the mother of death convict Pavel Sialiu addressed Aliaksandr Lukashenka, asking to pardon her son: “My son is still alive. I would like to appeal to you, Aliaksandr Ryhoravich, because now the fate of my son depends on you. What has happened cannot be changed, and the shooting of my son won’t resurrect the victims.” Mother asks to pardon her son and, if possible, to meet him in person and take a decision only after the meeting: “Please take your time not to make a hasty decision. Now the fate of my son is only in your hands.”

On 26 November, a new trial of the criminal case of the murder of student Natallia Yemialyanchykava by Aliaksandr Hrunou started at the Homel Regional Court. The trial was chaired by Deputy Chairman of the Homel Regional Court Anatol Tozik. In October, the Supreme Court reversed the death verdict to A. Hrunou, after which Aliaksandr Lukashenka stated: “If

you are a scoundrel and a bastard, and it is not the first time you kill someone, then what right do you have to live on this earth? I am not bloodthirsty, but retribution and punishment should be appropriate. Otherwise, we would never put things in order and never lower the temperature in this society. Grave crimes must be punished with maximal severity.” A. Hrunou refused to testify at the trial and partially admitted his guilt of the brutal murder: he said that he had committed the murder, but did not admit that he had made it out of hooliganism. During his speech, the mother of the killed student, Iryna Yemialyanchykava, referred to the statement of Aliaksandr Lukashenka and asked to sentence the murderer to death. The continuation of the trial was scheduled for 8 December.

### **Torture and other cruel and inhuman treatment**

On 5 November, the Svetlahorsk District Prosecutor Uladzimir Tarasenka quashed the decision not to institute criminal proceedings in connection with the death of Aliaksandr Akulich in the detention center of the Svetlahorsk District Police Department. This was reported by mother of the deceased, Valiantsina Akulich. Numerous complaints to Prosecutors and the Investigative Committee prepared by her with the assistance of the HRC “Viasna” constantly raise the question of holding policemen A. Bachkou and R. Stseshankou criminally liable. Such a requirement is due to the fact that they were on duty in the detention center in the night of May 26, 2012, when Aliaksandr Akulich died there. They didn’t call an ambulance brigade in the due time. On the contrary, they beat the detainee, who was in a morbid state. Valiantsina Akulich repeatedly received the same response to her complaints: “It was decided not to institute criminal proceedings on the basis of paragraph 2, Part 1 of Art. 29 of the CCP” (for lack of actions that constitute a crime). Thus investigators, as well as the forensic commission constantly avoided the main question — whether there was a direct causal link between the death of Mr. Akulich and untimely medical assistance.

On 27 November, a Minsk resident, Liudmila Kuchura, whose husband is serving his sentence in penal colony No. 15 in Mahiliou, told the Human Rights Center “Viasna” that the pressure techniques which were used towards the convict, presented a serious threat to his health. Psychological pressure on Piotr Kuchura began after the publication of information about extortion in penitentiary No. 15 on the website of the human rights organization “Platform” in June 2013. The administration of the penitentiary decided that the information was published on the initiative of Kuchura’s wife, who is an activist of the initiative against lawlessness in courts and prosecutor’s offices. They started imposing penalties on Mr. Kuchura, then put him in solitary confinement, and

then — to cell-type prison. The glaring fact for which Liudmila demands punishment for administration and staff of penal colony No. 15 took place in the punishment cell. On 19 September, while being kept there, Piotr Kuchura saw that a bucket of bleach had been poured into the washbasin and the toilet bowl. He wasn't told that there were problems with the sewage, so when he turned on the water, chlorine dissolved and entered into a reaction. Mr. Kuchura received a strong irritation of the mucous of his eyes and mouth. He could neither see nor breathe, and started knocking on the door. The controller who came to the cell said that a plumber couldn't be sent to the cell, as all of them were busy. It's worth mentioning that there is virtually no ventilation in the punishment cells. The plumbers were called only when the prisoner felt bad. After the sewage was repaired the prisoner was given a cloth the size of a handkerchief to clean all that was spilled in the cell. He washed the cell, but it was still impossible to breathe. He was transferred to another cell only when his health deteriorated significantly. All this is described in detail in a complaint about unlawful actions of the administration and staff of penal colony No. 15, submitted by Liudmila Kuchura to the head of the Investigative Committee of the Mahiliou region on 5 November. She requested an examination to establish the fact of chlorine poisoning and initiate criminal proceedings against those responsible for causing harm to the health of her husband. However, Chairman of the Investigative Committee A. Rakusau refused to address the case and redirected the complaint to the Mahiliou Regional Department of Corrections, though this department is not authorized to consider applications and crime reports. Indeed, in accordance with the Code for Criminal Procedure, decisions on applications or reports of crimes committed by officials of the Ministry of Interior in connection with their official or professional activities are within the exclusive competence of the preliminary investigation. That's why the next complaint, prepared with the assistance of members of the HRC "Viasna", was submitted to Deputy Chairman of the Investigative Committee of the Republic of Belarus.

### **Persecution of human rights defenders and organizations**

On 11 November, Deputy Chairman of the Human Rights Center "Viasna" Valiantsin Stefanovich stated that despite the correspondence with various government agencies he still hadn't received a response which authorized state body had taken the decision to put the website spring96.org on the list of limited access. First Deputy Head of Operational and Analytical Center under the President of the Republic of Belarus U. Rabavolau responded to his appeal that "the OAC has no information" and advised to "appeal to the State Supervisory Department for Telecommunications of the Republic of Belarus



(SSDTRB) for the question to be considered in essence". Valiantsin Stefanovich did not get an intelligible answer from the SSDTRB, either. Instead of an essential answer, promised by the OAC, the SSDTRB responded: "Regulatory enactments do not regulate SSDTRB's credentials in disseminating information on the identifiers of the websites on the limited access list". SSDTRB's head Bahdanau suggested Valiantsin Stefanovich sent requests to all these competent agencies and then appealed against their actions in court. The human rights activist stated he considered such a suggestion as an open mockery and would further address the Ministry of Information, since the response that he got from the State Supervisory Department for Telecommunications is not an answer to his question. The list of the "banned" Internet information sources emerged according to the resolution by the OAC as of June 29, 2010. Among others, there are the web-sites of the Human Rights Center "Viasna", "Charter'97" and "Belarusian Partisan". According to Uladzimir Rabavolau, as of February 2013, 119 information sources were included in the list, which mainly contain pornographic and extremist materials or those who violate copyrights. The access to them is blocked at the facilities of state agencies, educational and cultural institutions.

On 13 November, the Maskouski District Court of Minsk began the trial of the director of a private cultural and educational institution "Platform Innovation" Andrei Bandarenka, charged with violating Part 1 of Art. 23.34 of the Code of Administrative Offenses ("organization and conduct of an unauthorized mass event"). The human rights activist was charged with involvement in an unauthorized picket near remand prison No. 1 in Valadarski Street in Minsk, where a 21-year-old prisoner, Ihar Ptsichkin, had died under obscure circumstances on August 4, 2013. The young man was beaten and died after just a few days in detention. Andrei Bandarenka solicited for being provided with a counsel. Judge Yauhen Khatkevich granted the motion and postponed the hearing to the following day. On 14 November, the judge returned the violation report for revising, as it hadn't been drawn up by the person who had detained Mr. Bandarenka. A new report was drawn up by the police right in the courthouse, but Andrei Bandarenka refused to sign it without a lawyer. He was told that he was detained for 72 hours. The working hours were over, but another judge, Tatsiana Motyl, agreed to conduct the trial. Testimonies were given by police officers Ivan Kazak, Kuimau and Lieutenant-Colonel Lahunou. The judge denied the counsel's request to attach photos and videos to Bandarenka's case. At 9.50 p.m., the judge found the human rights activist guilty and sentenced him to five days of arrest. On 19 November, Andrei Bandarenka was released upon the expiration of his arrest. While serving the arrest term, he filed an appeal to the Minsk City Court.

On 23 November, a member of the Board of the HRC “Viasna”, Uladzimir Labkovich, received a letter from the Minsk City Court informing him about the appointment of consideration of his appeal on 19 November. As he was informed about it too late, he was unable to attend the hearing. The appeal was filed against the decision of the Savetski District Court in Minsk for 8 October, according to which the human rights activist was punished with a fine of 30 basic units for distributing postcards on the occasion of the second anniversary of the arrest of Chairman of the Human Rights Center “Viasna” Ales Bialiatski. Back on 6 August, the activist was punished with a fine of 30 basic units by the Savetski District Court for violating the order of organizing and holding mass events. As a result of his appeal to the Minsk City Court, the ruling was reversed, and the case was sent to the Savetski District Court for review by another judge. On 8 October, Judge Eduard Yakubouski issued essentially the same verdict, and the human rights activist was again sentenced to a fine of 30 basic units. On 29 November, it became known that the Minsk City Court judge Aliaksei Bychko found no grounds for revocation of the judgment and dismissed Mr. Labkovich’s appeal.

### **Administrative prosecution of civil society and political activists, arbitrary detention**

On 3 November, a resident of Homel, opposition activist Yury Rubtsou was detained in Minsk after the “Dziady” rally for wearing a vest with the inscription “Lukashenka, resign!” At the beginning of the action the police told him to take off the vest to prevent any conflicts. He was detained at the end of the event, in Kurapaty, not far from the bus depot “Karbyshava” without explaining the reasons. Wringing his hands, the police pushed him into a van. The detainee was taken to the police station. On 4 November, the Savetski District Court of Minsk sentenced Yury Rubtsou to a three-day administrative arrest. Judge Dzmitry Pauliuchenka found the activist guilty of “disobedience” to police officers (Article 23.4 of the Administrative Code). The police witnesses who had detained Yu. Rubtsou explained that he refused to get into their car, which they regarded as “disobedience to legal claims”. On 8 November, Yury Rubtsou appealed the arrest to the Minsk City Court. The activist also appealed to the head of the Maskouski District Police Department, requiring an official investigation into the arbitrary seizure “of the garment containing an inscription of a political nature”.

On 6 November, the police detained the people who came to the detention center in Akrestsin Street to meet Yury Rubtsou who was to be released after serving the arrest term: Leanid Kulakou, Volha Nikalaichyk, “Novy Chas” journalist Viachaslau Piashko, freelance journalist Nastassia Reznikava, Yuliya

Sakalova, Aksana Stsiapanava, Maryna Tsitova and Pavel Vinahradau. Mr. Rubtsou was detained as well. All the detainees were taken to the Maskouski DPD. Police put down their passport data and released them in three hours.

On 6 November, the leader of the “Young Front” Dzmitry Dashkevich was detained near the central department store (HUM) in Minsk while collecting signatures for returning to Lenin Street its historic name, “Frantsyskanskaya”. “Young Front” activists were collecting signatures for the third day within the framework of the decommunization campaign launched by the organization. The same day, Tsentralny District Court Judge Valery Esman tried Mr. Dashkevich for disobeying lawful demands of the police and sentenced him to 3 days of arrest.

On 6 November, an activist of the “Young Front” Raman Pratasevich was detained during the trial of Dzmitry Dashkevich and taken to the detention center in Akrestsin Street, where he spent two days before the trial. On 8 November, the Tsentralny District Court of Minsk sentenced Mr. Pratasevich to 2 days of arrest for unauthorized picketing and released him from the courtroom, as the activist had already served the arrest term.

On 7 November, the Homel police detained Yury Rubtsou. At about 9.30 a.m., he appeared in the main square of Homel wearing a vest with the slogan “For Belarus without contracts”. He was taken to a police bus, where the police put down his passport information and asked him to leave the square. After the talk, Mr. Rubtsou was released.

On 8 November, UCP Deputy Chairman Vasil Paliakou was summoned to the office of the head of the public order division of the Navabelitski District Police Department of Homel, Lieutenant Colonel Henadz Khilkevich, for 10 a.m. He was charged with violating the rules of organizing and holding mass events (Article 23.34 of the Administrative Code) for taking part in a rally in the memory of the victims of Stalinist repression, held in Homel on 3 November. During the rally, Paliakou and other activists lit candles and laid flowers and wreaths to the memorial crosses installed in the places of mass killings of people carried out in the years of Stalinist repression. On 13 November, Siarhei Novikau, Judge of the Navabelitski District Court of Homel, sentenced Mr. Paliakou to a fine of 35 basic units.

On 10 November, a mournful procession was held in the Loshytsa Ravine in Minsk. The action, which was organized by the CCP BPF, involved about 70 people. During the event, police detained a resident of the Stoubtsy district Leanid Smouzh, who came there in a vest “For Belarus without dictatorship”. On 11 November, the Leninski District Court Judge Nadzeya Navitskaya found him guilty of disobeying police officers (Art. 23.4 Administrative Code) and sentenced him to five days of arrest. Mr. Smouzh pleaded not guilty, noting that he protested against injustice, being unable to find a job for several years already.

At 4.30 p.m. on 10 November, five activists of the Polatsk coalition of democratic forces, Yury Belski, Aleh Kraiko, Anatol Prakapenka, Yauhen Vilski and Anton Yasinovich, were detained in the office of the civil campaign "Tell the Truth". The detention was carried out by three policemen in uniform in presence of several representatives of the housing utilities who acted as witnesses. It was stated that the meeting was held after the working hours and supposedly disturbed the dwellers of the house. All the detainees were taken to the Polatsk District Police Department. They were kept there for two hours and were released after giving explanations.

On 11 November, the coordinator of the civil campaign "Stop Drinking — Start Living" Dzmitry Karashkou was detained for holding an anti-alcoholic picket in front of the Executive Committee, where he unfurled a huge inscription "Stop the sale of alcohol near schools". At the Tsentralny District Police Department, he was charged under Article 23.34 of the Administrative Code (violation of the rules of holding mass events). The banner was confiscated, the young man was questioned and then released. The police warned him that soon he would be tried.

On 12 November, a Hrodna activist Vadzim Tsiarletski was detained at the railway station in Minsk. He came from Hrodna to Minsk to solve some issues related to the political prisoner Mikalai Autukhovich, and intended to return to Hrodna the same day. V. Tsiarletski was charged under Article 17.1 (disorderly conduct) and Art. 23.4 of the Administrative Code (disobedience to the police). He spent the night before the trial in the detention center in Akrestsin Street. On 13 November, Vadzim Tsiarletski was taken to the Kastrychnitski District Court. Judge Maksim Lapko admitted to the trial only Tsiarletski's counsel, thus formally making the hearing closed. V. Tsiarletski was convicted of disorderly conduct and sentenced to three days of arrest. The charges of disobeying the police were dismissed by the judge.

On 13 November, Zhanna Ptsichkina, whose son Ihar Ptsichkin had died in remand prison No. 1, was taken to the Maskouski District Court of Minsk. She was detained at home by unidentified police officers and men in plainclothes and charged with failure to appear in court on the administrative case concerning the 14 September picket (on that day the police detained 18 people and relatives of Mr. Ptsichkin, who don't believe in the official version of his death and tried to commemorate him by laying flowers to the prison walls). Human rights defender Andrei Bandarenka was tried together with Ms. Ptsichkina on the same charges. Zhanna Ptsichkina and Andrei Bandarenka solicited for being provided with lawyers. Judge Yauhen Khatkevich granted the motions and postponed the hearing to the following day. On 14 November, the judge found Zh. Ptsichkina guilty and issued her with a warning, whereas Andrei Bandarenka was sentenced to five days of arrest by Judge Tatsiana

Motyl. The same day, the Maskouski District Court sentenced to five days of arrest another participant of the picket, Aliaksandr Danilau.

On 16 November evening, co-Chairman of the “Young Front” Andrei Tsianiuta and his associate Stanislau Bula were detained by the police in the Savetski district of Homel while pasting leaflets against the alcoholization of the population. The detainees were taken to the police station, where they stayed for about 1.5 hours. Mr. Tsianiuta refused to give explanations. Stanislau Bula wrote that he had pasted the leaflets on bulletin boards, which was allowed by the law. The leaflets called on the authorities not to sell alcohol near schools. On 27 November, A. Tsianiuta received a copy of the violation report by mail.

On 23 November evening, police broke into the Culture Palace of the village of Kazlovichy where a screening of a film about the Slutsk anti-Bolshevik uprising was held. Policeman Dzmitry Shkliareuski stated that the event organizer, Zinaida Tsimoshak, had “no permit for the meeting”. The police interviewed the participants of the event for more than two hours, sitting in groups of three people in four or five rooms of the culture palace. Some of them also guarded the entrance of the hall so that no one could escape. The police asked the present people whether the meeting had any political aspect. By the way, Minsk historian Nina Stuzhynskaya was invited to the event to show the film “40 Days of Peasant Republic”, which had been aired on the state TV channel ONT. Z. Tsimoshak was charged under Art. 23.34 of the Administrative Code (violation of the rules of holding mass events) and told that the case would be passed to court.

### **Restrictions on freedom of speech and the right to impart information, persecution of journalists**

On 31 October, the administrator of the printing center “Karandash” (“Pencil”) Alena Rybak refused to accept the order for printing maps of the Eastern cemetery of Minsk, prepared by staff of the Belarusian service of Radio “Liberty”. She referred to a written policy, according to which “DataPrynt” didn’t engage in printing pornographic, extremist, Nazi, anti-state materials, as well as materials containing elements of campaigning, referendum campaigning and those that can be used during socio-political actions and campaigns. On 5 November, the Belarusian Association of Journalists sent to the private enterprise “DataPrynt” a formal inquiry concerning the refusal to print the map of the Eastern cemetery on the order of Radio “Liberty”. A postcard “Journalists Aren’t Extremists”, issued by the European Federation of Journalists within the campaign “Let’s Stand for Journalism”, was attached to the letter. Another postcard was sent to pavilion No. 2, personally for Alena Rybak.

On 5 November, the TV channel “Belsat” received a subpoena to appear at the Supreme Court on 11 November. The owner of the trademark “Belsat” — a company that sells equipment for receiving satellite and cable television and radio, Andrei Beliakou, argued that the TV channel “Belsat” was illegally using his trademark. Beliakou’s company was established in 2003 under the leadership of Siarhei Lysiankou and was then called “Hitech-market”. In May 2006 the creation of the TV channel “Belsat TV” was announced. A month later the owner of the company “Hitech-market” Siarhei Lysiankou passed the trademark to Andrei Beliakou, who changed the name of the firm to the Unitary Enterprise “BELSATplus”. In 2011, the words “cable TV” appeared in its specification. The TV channel “Belsat” is registered in Poland, as well as the domain of its website. The domain name is not registered in Belarus and not administered on the territory of Belarus, the TV channel is not broadcast from the territory of Belarus, that’s why the trademark is not within the jurisdiction of the Belarusian law. Besides “Belsat” is registered as “Belsat TV”, whereas the trade unitary enterprise is registered as “BELSATplus” (registration certificate No. 190 991 566). 11 November is the Independence Day in Poland, a state holiday, that’s why “Belsat” appealed to the court to postpone the hearing. The firm which sued the “Belsat TV” did not demand any monetary compensation. Its only requirement was that the satellite “Astra” suspended the transmission of the TV channel “Belsat” (“Belsat” is transmitted by the satellite “Astra 4A”, earlier called “Sirius 4”). On 11 November, the Supreme Court postponed the hearing to 9 December. A representative of the TV channel Mikhail Yanchuk explained that the channel received the subpoena only two working days before the hearing, whereas the legal term is five days before the trial, that’s why “Belsat” was entitled to a reprieve.

On 12 November, Deputy Chairman of the Belarusian Association of Journalists Andrei Bastunets stated that Belarus had the worst rating place on Freedom of the Media of all Eastern Partnership countries. This is evidenced by the quarterly index of freedom of speech, presented in Minsk. To date, Moldova and Georgia are the absolute leaders in the rating. Experts noted that since the situation in the media field remained unchanged, this might be due to the fact that no electoral campaigns were being carried out in Belarus at the time. It’s already the second time in a row when all the experts put the minimum number of points (zero) while assessing the situation with defamation laws. Their position is quite clear, as the Criminal Code of Belarus contains six articles criminalizing defamation. The index of freedom of speech is defined in six countries of the Eastern Partnership on the basis of the events and trends in the media over the last three months. The most negative event in Belarus in July–October was the closing of the private independent publishing house “Lohvinau”.

On 18 November, the Supreme Economic Court began hearings on the application to the Ministry of Information of Belarus to cancel the order for revocation of the license of the publishing house “Lohvinau”. The license was revoked by the Ministry “due to gross violations of the licensing legislation” — the release of the album “Belarus Press Photo 2011”, which was declared extremist by the Ashmiany District Court on April 18, 2013. The case was considered by Judge Tatsiana Pratashchyk. The court granted the petition for hearing the witnesses, Uladzimir Arlou, Ihar Babkou and Yuliya Darashkevich. The latter reported that the album was composed of the photographs that had appeared in the media, including state-owned ones — “Sovetskaya Belorussiya” and BelTA. Uladzimir Arlou stated that “Lohvinau” issued about 700 books during the 14 years of its existence, making a significant contribution to the development of the Belarusian culture. Witness Ihar Babkou pointed that “Lohvinau” was not a barricade or a political project, but a core project for the Belarusian culture, and its liquidation would do a great harm to Belarusian writers and readers. Andrei Bastunets, who represented “Lohvinau” at the trial, raised the question of the legitimacy of the sitting of the collegiate commission of the Ministry of Information, where the decision to revoke the license had been taken. The document contains only the signature of Minister Praliaskouski, while the names of other members of the board aren’t mentioned in it. The judge stated that the legitimacy of the document was confirmed by the signature of the Minister. The representative of the Ministry of Information ignored the criticism raised by Mr. Bastunets, who stated that the decision of the state agency didn’t comply with the Constitution and the International Covenant on Civil and Political Rights. The judge dismissed the appeal of the individual entrepreneur Lohvinau and refused to invalidate the decision of the Ministry of Information. The verdict can be appealed at the cassation instance.

At 12 a.m. on 26 November, independent journalists Viachaslau Piashko and Nasta Reznikava were detained outside Hlybokaye. The journalists were driving there to prepare a video report for the newspaper “Novy Chas”. The car, which was driven by Mr. Piashko, was stopped at the entrance to the city by traffic police. Having examined the journalists’ documents, the police first said they were alarmed by the number of the car body. Having examined the trunk, they asked the people to follow them to the police department, as the car and the passengers allegedly fitted the description of the swindlers who were wanted. At the request of the journalists to show the description of the criminals on the basis of which they were detained the police presented an unconvincing document on a computer with a general description of the man “of European appearance”. The policemen refused to print the document. The journalists were released in about 30 minutes, after the police put down their passport details and phone numbers. The talk with them was held by senior officer Mikalai Kvatera.

## Restrictions on freedom of assembly

On 1 November, the Zhodzina City Court started hearing a case on the prohibition of a picket in support of the imprisoned human rights defender Ales Bialiatski and other political prisoners on 4 August. The trial was chaired by Judge Ivan Hrynkevich. The Executive Committee was represented by the head of the legal department Volha Verhel. The peculiarity of this case was that the picket organizers, human rights defenders Aliaksei and Sviatlana Lapitskis, challenged the ban imposed under the new regulation of July 27, 2012 No. 1020 "On the procedure of holding mass events in Zhodzina". According to this document, the organizers must attach copies of contracts with police, ambulance and public utilities to their application for the mass event, whereas these agencies refuse to enter into such contracts before seeing the official permit for the mass event. Having listened to the both sides, the court granted several motions and ruled that representatives of the police, ambulance and public utilities be summoned to the 8 November hearing. All in all, the case was considered in four hearings. On 22 November, the judge dismissed the appeal of the human rights defenders and upheld the decision of the Executive Committee.

On 5 November, the Hrodna Regional Court considered the appeal of human rights defenders Uladzimir Khilmanovich, Viktor Sazonau and Raman Yurhel against the verdict of the Leninski District Court of Hrodna, which upheld the ban on their picket on 4 August in support of the imprisoned human rights defender Ales Bialiatski, imposed by the Leninski District Executive Committee of Hrodna. On 23 September, the Leninski District Court Judge Zhanna Krauchanka confirmed the legality of the decision of the Executive Committee. The panel of judges of the Hrodna Regional Court headed by Judge Liudmila Maliuchok left the verdict of the District Court unchanged.

As it became known on 6 November, the residents of Hlybokaye were actually deprived of the right to peaceful assemblies. The District Executive Committee decided to amend its regulation concerning the organization of mass events by changing the authorized place for their conduct. It was found out that when local activists decided to hold a picket in solidarity with political prisoners. According to the received refusal, signed by Chairman of the Hlybokaye District Executive Committee, Aleh Morkhat, the previous regulation of the Executive Committee on mass events was amended on 8 October, and the new edition was examined by the regional justice board, after which it would be entered in the register of state acts. Only then, if there were no need for amendments or clarifications, the amended regulation would be published in the district newspaper and would enter into force. Until then, holding any mass events was impossible. The activists intended to hold the picket on 23



November. On 18 November, the picket organizer Dzmitry Lupach appealed the picket ban to the Hlybokaye District Court. At the 25 November hearing, a representative of the legal department of the Executive Committee voiced another reason for the ban, the absence of service contracts with the police, ambulance and public utilities. The court took the side of the Executive Committee and confirmed the legality of the ban, referring to the cause voiced at the trial. During the trial, Mr. Lupach learned that the new regulation of the Executive Committee had been adopted and had entered into legal force on 1 November. Meanwhile, the district newspaper “Vesnik Hlybochchyny” wrote nothing about it, and the section “Normative legal acts” at its website did not work at all.

On 6 November, the Slonim District Court considered the appeal of a Slonim activist Ales Masiuk in which he asked to invalidate the decision of the Slonim District Executive Committee to ban the 29 September rally in support of readers and subscribers of “Hazeta Slonimskaya”. The reason for the ban was that according to the schedule of the department of ideological work, culture and youth affairs of the Slonim District Executive Committee and the district committee of the Belarusian Republican Youth Union, the cross-quiz “Know your land” was to be held on that day in the city park, and it was prohibited by law to hold several mass events in one place at once. However, when the representatives of the Executive Committee presented the schedule of the ideological department, it was found out that the cross-quiz was initially scheduled for 29 September, and moved to 28 September later. Nevertheless, the court dismissed the appeal, arguing that the Executive Committee hadn’t violated the law.

On 10 November, opposition activists intended to hold a picket of solidarity with political prisoners at the central stadium of the town of Bioroza. However, Deputy Chairman of the Bioroza District Executive Committee Yauhen Tara-siuk banned the action referring to the failure of the organizers to enter into service contracts with the police, ambulance and public utilities. The Executive Committee was notified that according to the requirements of a regulation of the Council of Ministers No. 207 of 2012, the Executive Committee was to contact the police for serving the picket. The picket organizers also submitted to the Executive Committee the answer received from the district hospital, in which it was stated that the hospital didn’t have an appropriate regulation for serving mass events, as well as the price-list for it.

As it became known on 12 November, the UN Human Rights Committee recognized a violation by the Belarusian authorities of the rights of Chairman of the Homel regional branch of the Belarusian Left Party “Fair World” Uladzimir Siakerka to peaceful assembly by banning a rally to protest against the abolition of social benefits, scheduled for December 2007. The local of-

ficials demanded that the democratic activists paid for the services of police, ambulance and public utilities. The Human Rights Committee states that if the government imposes a restriction on the freedom of peaceful assembly, then it should support the implementation of the law and not seek unnecessary or inappropriate constraints. Based on the decision of the UN, the government should provide the victims of the violations with an effective remedy, including a full recovery of the expenditures and an adequate compensation and is required to prevent similar violations in the future. Moreover, the Belarusian authorities must change the national law on mass events and the practice of its application to ensure everyone's right to freedom of peaceful assembly.

On 13 November, activists of the Movement "For Freedom" and the United Civil Party Aliaksandr Protzka and Andrei Tolchyn received a message from the UN Human Rights Committee, recognizing a violation by the Belarusian authorities of their right to freedom of expression (Article 19 of the Covenant on Civil and Political Rights). The UN Committee recommends the Belarusian government to pay a compensation for moral damage to Aliaksandr Protzka and Andrei Tolchyn, to restore their rights and to bring the national legislation, particularly the law on mass events, in compliance with international standards. The case concerns the events of 2008, when the activists handed out in Brahın and Naroulia invitations to meet with opposition leaders who were going to visit Chernobyl areas on the eve of the anniversary of the Chernobyl accident. Aliaksandr Protzka and Andrei Tolchyn were detained by police and fined and arrested respectively.

On 14 November, Deputy Chairman of the Baranavichy City Executive Committee banned a picket under the slogans "They must be stopped" and "Let's put actions of the authorities under public control", the application for which was filed by an activist of the Baranavichy branch of the Trade Union of Radio Electronic Industry, Ryhor Hryk. The official stated that the slogans of the claimed mass action violated the requirements of Art. 10 of the Law "On Mass Events in the Republic of Belarus".

On 14 November, the panel of judges of the Vitsebsk Regional Court considered the appeal of Aliaksei Haurutsikau and Khrystafor Zhaliapau against the verdict of Judge Volha Ivanova of the Pershamaıski District Court of Vitsebsk, which upheld the ban on the picket against the deployment of the Russian military bases on the territory of Belarus they intended to hold on 8 September. The official reason for the ban was the absence of service contracts with the police and ambulance. According to regulation No. 881 of the Vitsebsk City Executive Committee, such contracts must be attached to the applications for mass events. However, the regional police department and the central city polyclinic refused to enter into such contracts. The panel of judges of the Vitsebsk Regional Executive Committee upheld the earlier ver-

dict of the Pershamaiski District Court of Vitsebsk and confirmed the legality of the ban, but sent the case for review in the part which concerned the refusal of the police and the polyclinic to cooperate with the activists.

On 17 November, a Slonim activist Ales Masiuk intended to hold a picket in the city park for protecting the right of residents of the Slonim district to subscribe to the newspaper “Hazeta Slonimskaya” through the republican unitary enterprise “Belposhta” and to buy it at the newsstands of “Belsay-uzdruk”. Four days before the date of the picket, the organizer received a ban signed by Acting First Deputy Chairman Uladzislau Hershgoryn. According to the document, the state mass event “Younger generation — on your marks!”, dedicated to the International Students’ Day, will be held in the same place at the same time.

On 19 November, the Biaroza District Court considered the appeals of the human rights defenders Siarhei Rusetski and Tamara Shchapiotkina and civil society activist Tatsiana Tarasevich against the decision of the Executive Committee to ban the picket against the death penalty, which they intended to hold on 10 October. The applicants asked the court to declare the picket ban unlawful, as the regulation of the Biaroza District Executive Committee of February 9, 2010 “On the procedure for organizing and holding mass events in the Biaroza district” is impossible to fulfill. According to the regulation of the Executive Committee, service contracts with the police, ambulance and public utilities must be attached to bids for holding mass events. However, according to regulation No. 207 of the Council of Ministers of 2012, the Executive Committee must send to the police a copy of the registered application for the mass event (which the Executive Committee didn’t do while taking the decision to ban the picket), after which the actions of the police during the picket could be discussed with the Executive Committee. Biaroza hospital didn’t enter into a service contract, referring to the absence of the appropriate norms in the documents of the Health Care Ministry, as well as a price-list for such services. The public utilities also refused to enter into a service contract for the 10 October rally — they suddenly remembered that stadiums were the property of the District Executive Committee and advised the activists to apply there. The Executive Committee refused to change its decision according to the later regulation of the Council of Ministers. At the trial, the lawyer of the Executive Committee Yauhen Kashtalian argued he hadn’t received such orders from any officials of the Council of Ministers. Judge Natallia Minchanka took the side of the Executive Committee and dismissed the appeal of the human rights defenders and the civil society activist. On 29 November, the human rights activists filed an appeal against the verdict to the Regional Court.

On 21 November, Chairman of the Bykhau district branch of the Belarusian Popular Front Siarhei Antonau filed a written request to Chairman of the

Bykhau District Executive Committee Dzmitry Kaleyau to determine the place for holding pickets in Bykhau. The reason for the appeal was that his bids to host mass events (pickets) had been rejected twice in the past months. The reason for the first ban was that the site where he intended to hold the event, Krasouski Street, was located near the district radio station. The other ban was imposed on a picket against the deployment of foreign military bases and military facilities on the territory of Belarus due to the fact that the local housing enterprise “Zhylkamhas” conducted repairs in the 50-hoddzie Peramohi Park at the time. “I hope Dzmitry Kaleyau will finally give me a concrete answer where pickets can be held in Bykhau,” said Siarhei Antonau. “Then I will again file a bid for a picket, in the place specified by the authorities, so that they wouldn’t have any grounds for banning the event”.

On 25 November, the Mahiliou Regional Court considered two appeals filed by the human rights activists Barys Bukhel and Aliaksei Kolchyn. In the first case, the court presided by Judge Sviatlana Stalmakhova dismissed the case on the complaint of the human rights defenders against the decision of the Mahiliou City Executive Committee determining a single location in the city for mass events, organized by political parties, civil society organizations, trade unions and private individuals. In the second case, the Mahiliou Regional Court dismissed the appeal and upheld the verdict of the Leninski District Court confirming the legality of the ban by the Mahiliou authorities of a picket organized by the human rights defenders with the aim to demand the release of Ales Biallatski and other political prisoners.

### **Restrictions on freedom of association**

On 11 November, a member of the Free Trade Union of Belarus Leanid Dubanosau tried to challenge the decision of the Luninets District Court, which refused to reinstate him at work and didn’t recognize the adverse discrimination at the enterprise due to his membership in the trade union. In his appeal to the Brest Regional Court, Mr. Dubanosau noted that the dismissal took place because of his participation in the independent trade union movement, as he had no penalties for almost 20 years of his work at “Granite”, whereas recently he had received two penalties at once, as a result of which his labor contract wasn’t extended. The Brest Regional Court dismissed the appeal.

## Situation of Human Rights in Belarus in December 2013

The last month of 2013 did not bring any changes in the overall human rights situation — it remained consistently bad. The negative trends that had been formed and retained throughout the year, persisted, including lack of political will of the Belarusian authorities in solving the problem of political prisoners, severe restrictions on freedom of expression, freedom of assembly and other civil and political rights, ignoring calls for the abolition or a moratorium on the death penalty. The authorities admitted having secretly issued another death sentence in November.

In December, the Belarusian authorities demonstrated they were not going to give up repressive measures against dissidents and opponents. Within a month, the names of Vasil Parfiankou and Uladzimir Yaromenak were again added to the list of political prisoners, which already includes Ihar Alinevich, Mikalai Autukhovich, Ales Bialiatski, Mikalai Dziadok, Andrei Haidukou, Eduard Lobau, Artsiom Prakapenka, Mikalai Statkevich and Yauhen Vaskovich. As a result, the total number of political hostages reached 11 people. Vasil Parfiankou and Uladzimir Yaromenak were convicted on charges of violating the rules of preventive supervision, which was set over them by the courts for an active social life after their release by a Presidential decree in 2011, while they were serving prison terms for taking part in essentially peaceful protests in December 2010. These two cases give reason to believe that the Belarusian authorities tend to follow certain stability in the issue of political prisoners: the trend to keep the same amount of political prisoners was observed throughout the year. In particular, the release of three prisoners between August and October was “compensated” by the repeated imprisonment of two activists in December. In addition, the new criminal cases witness the fact that the authorities are not going to weaken the control of former political prisoners, using the restrictive tools associated with prior conviction as a means of limiting their activity and intimidating them (preventive supervision was set over three former political prisoners — Dzmitry Dashkevich, Aliaksandr Frantskevich and Pavel Vinahradau — whereas a milder control measure, preventive surveillance, was used against another 28 former political prisoners).

December was characterized by a decrease of international attention to the human rights situation in Belarus, in particular, to the problem of political prisoners. There was a virtual absence of public statements by the EU and the U.S. on this issue as a condition for establishing a full-fledged political dialogue and cooperation with the official Minsk. There was also no information about the availability of this issue on the agenda during the meeting of Foreign

Minister of Belarus Uladzimir Makei with the heads of diplomatic agencies of the EU, the U.S. and the Vatican, held on 17 December. All that is known is that during the meeting they discussed “a wide range of issues concerning the state and prospects of development of relations between the Republic of Belarus with these countries in bilateral and multilateral formats”. It was a worrying sign as the foreign policy factor in the current situation is the most effective and virtually the only instrument of influence on the official Minsk and avoiding discussion of the problem of political prisoners could foster the freezing of the issue.

In December, domestic and international human rights defenders made a notable emphasis on social and economic rights in Belarus. A joint report by FIDH and the Human Rights Center “Viasna” stated a deep crisis in the socio-economic sphere and portrayed everyday violations of human rights in Belarus. On 29 November, the United Nations Committee on Economic, Social and Cultural Rights in its concluding observations raised the issue of forced labor and labor rights violations stated in the report by FIDH and the Human Rights Center “Viasna”. In particular, the Committee explicitly demanded from Belarus to revise the system of short-term labor contracts, abolish forced labor of those with drug and alcohol addiction and “obligated persons”, who were held in the so-called “activity therapy centers” against their will, to revise relevant legislation, ensure the free exercise of trade unions’ rights and to take some positive steps to ensure the effective and efficient social protection of rights of the population.

### **Political prisoners, prosecution of civil society and political activists**

On 1 December, political prisoner Eduard Lobau turned 25 years old. On 6-9 December, his mother and brother had a three-day meeting with him in penal colony No. 22 “Vouchyia Nory” in the Ivatsevichy district. Maryna Lobava reported that her son felt good. During the last four months, he was learning the profession of electric welder. The prisoner intends to enter the Faculty of History and receive a higher education after his release from jail. Mr. Lobau said that before the meeting he had been very busy: he had to sew on tags to winter clothes and arrange his things and papers as searches were usually conducted before New Year’s Day. The probable cause of the searches is to find alcohol, as before New Year’s Day there are many visits and someone can bring it to the colony (it happens every year). It takes much time to put everything in its place after the searches.

On 2 December, Maryna Adamovich, the wife of political prisoner Mikalai Statkevich, received two letters from her husband after a long break. From

these letters she learned that a very long night search (more than 30 minutes) was held in her husband's cell, attended by senior officers of the Mahiliou prison, where he is serving his term. On 3 December, it was announced that on 18 November an individual communication on behalf of Mikalai Statkevich was lodged with the UN Human Rights Committee. Statkevich's interests are represented at the Committee by his wife. This is the second appeal to UN agencies by representatives of Mr. Statkevich. In February 2011, his daughter Katsiaryna Statkevich filed an appeal to the UN Working Group on Arbitrary Detention. On June 19, 2011, the Working Group found that Belarus had violated the rights of Mr. Statkevich and ruled that his deprivation of liberty was arbitrary and constituted a violation of Art. 9 of the Universal Declaration of Human Rights and Article 9 of the International Covenant on Civil and Political Rights. The Working Group urged the Belarusian government to take the necessary steps to remedy the situation, which had to include immediate release of Mr. Statkevich and adequate compensation. The present appeal proves a number of violations by Belarus of the internationally recognized standards in the investigation and prosecution of a criminal case in which M. Statkevich was convicted. On 12 December, Maryna Adamovich said that with the onset of cold the radiators in the prisoner's cell allegedly broke, and there was no light in the cell where he was kept, as well as in two neighboring cells. Mr. Statkevich received an extra blanket, but was allowed to use it only at night. In the daytime, the prison guards vigilantly watch him, and the prison administration even tried to impose on him a penalty for improper dress code. On 16 December, a Haradok activist Leanid Haravy received from the chief of the Mahiliou prison A. Dzimitrau a response to his complaint concerning restrictions on the right to correspondence imposed on M. Statkevich. He demanded an explanation why his letter did not reach the political prisoner. The response stated only the following: "No violations by officers of prison No. 4 connected to seizure of the letter sent by you were discovered." There was no information about any measures taken for a complete, objective, comprehensive and timely examination of the complaint in the answer. On 26 December, Maryna Adamovich had a short meeting with Mikalai Statkevich, during which it became clear that the letter of the political prisoner, in which he reported the disappearance of white bread from prisoners' diet, did not pass the prison censorship and was not sent.

On 5 December, Judge Leanid Yarmolenka of the Pershamaiski District Court of Minsk sentenced civil society activist Vasil Parfiankou to 1 year of imprisonment in a maximum security penal colony for violating the rules of preventive supervision with the use of coercive measures of treatment of persons suffering from chronic alcoholism according to Art. 107 of the Criminal Code. Mr. Parfiankou was taken into custody in the courtroom and

sent to remand prison. Until February 2014, he will be kept in prison No. 7 in Zhodzina. In February 2011, Vasil Parfiankou was sentenced to four years' imprisonment under Part 2 of Art. 293 of the Criminal Code ("participation in mass disorders") for participation in protest against electoral fraud during the 2010 presidential election. In August 2011, he was pardoned under a Presidential decree. Preventive supervision over V. Parfiankou was established on January 5, 2012 for a period of one year, shortly after he served a 15-day administrative arrest for participating in a peaceful assembly on 19 December, the anniversary of the events of 2010. On May 29, 2012, the Pershamaiski District Court of Minsk sentenced him to six months of arrest under Article 421 of the Criminal Code for violations of conditions of supervision, which Mr. Parfiankou served in colony No. 6 in Baranavichy. After his release from prison on February 9, 2013, preventive supervision was extended by another six months. On 12 July, Vasil Parfiankou was again charged under Article 421 of the Criminal Code. However, the case wasn't passed to court, as on 21 September the Pershamaiski District Court of Minsk ruled that Vasil Parfiankou was to be sent to an activity therapy center for compulsory treatment for alcoholism, as a result of which he was sent to the activity therapy center in Svetlahorsk. During the consideration of the case of violation of the rules of preventive supervision on 5 December, V. Parfiankou refused to testify in court and pleaded not guilty. He explained that close attention to him on the part of law-enforcement agencies was nothing but another attempt to isolate him for his public activities. Vasil Parfiankou expressed his intention to appeal the verdict of the Pershamaiski District Court to the Minsk City Court. The Human Rights Center "Viasna" and the Belarusian Helsinki Committee regarded the imprisonment of Vasil Parfiankou as politically motivated persecution.

On 6 December, veterans of the Soviet-Afghan war lodged a complaint with the Prosecutor General, demanding to voice information about the status of political prisoner Mikalai Autukhovich. The text of the complaint was sent by the head of the "Legal Assistance to Population", co-Chairman of the organizing committee of the Republican public association of veterans of the war in Afghanistan "Defenders of the Fatherland" Aleh Volchak. The human rights activist said that in September 2013 information was received that prisoner Autukhovich had to cut his stomach in protest against the illegal actions of the administration of the Hrodna prison in order to stop the unjustified actions of prison staff. Based on this information, a complaint was filed to the Prosecutor General. The applicants hoped that prosecutors would strictly follow the Law "On Prosecutor's Office" and would hold a prosecutorial examination. However, in violation of the law, the appeal was sent to the authority whose actions were appealed, namely to police Colonel Talochak.



The applicants emphasized that no examination was carried out, which made them file a repeated appeal. On 20 December, Aleh Volchak said that the Prosecutor General's Office forwarded the appeal to the Prosecutor of the Hrodna region. The human rights activist also said that Mr. Autukhovich was in pre-diabetic state, having an increased blood sugar level, 8 mmol/l, whereas the normal level for an adult is 3.89-5.83 mmol/l in the blood taken from finger; the norm for blood from a vein is 6.1 and those ill with diabetes have a level above 7.0).

On 9 December, a "Young Front" activist Uladzimir Yaromenak was told that on 11 December he was to appear at the Pershamaiski District Police Department, from which he would be taken to the remand prison of the Minsk City Executive Committee in Valadarski Street. On 20 August, the activist was sentenced to three months of arrest for violating the rules of preventive supervision. On 12 November, the Minsk City Court upheld the verdict. Uladzimir Yaromenak was involved in the criminal case of mass riots in Minsk on December 19, 2010. He was sentenced to three years in a high security prison, but in August 2011 was released on the basis of a Presidential decree of pardon. Preventive supervision was set over him. Human rights defenders regard the actions of the authorities against U. Yaromenak as politically motivated persecution. On 17 January, Uladzimir Yaromenak's wife Valiantsina was informed by the MIA Department of Corrections that her husband would be transferred to the detention house in Baranavichy to serve his term there. Valiantsina Yaromenak reported that the prisoner was not allowed to use a lawyer, as he hadn't written an application for it.

On 10 December, Mayor of Paris Bertrand Delanoë passed a symbolic award for Vice-President of the International Federation for Human Rights and Chairman of the Human Rights Center "Viasna" Ales Bialiatski, the title of Honorary Citizen of the City of Paris, to his son, Adam Bialiatski. This title was awarded to the human rights activist in October 2012 at the suggestion of the Mayor of Paris, and at the initiative of the Council of the 11<sup>th</sup> district of the French capital. At the moment Mr. Delanoë's mandate ends, and due to the impossibility to give the honorary citizenship to A. Bialiatski in person, he decided to present this award to the son of the prisoner of conscience on 10 December. Bertrand Delanoë is personally acquainted with Ales Bialiatski and closely watches his fate. On 10 December, the Belarusian PEN-Center and Radio "Liberty" announced the winners of the Frantsishak Aliakhnovich award for the best work written in prison. Among the winners there is the book "Enlightened by the Belarusian Issue", written by Ales Bialiatski.

On 10 December, the author of the book "Going to Magadan", political prisoner Ihar Alinevich, won the first Frantsishak Aliakhnovich award. This award, established by the Belarusian PEN-Center and Radio "Liberty", is awarded for

works written in prison. The award was received by Ihar's mother, Valiantsina Alinevich. She reported receiving letters from residents of different countries of the world who read the book on the Internet. According to her, three copies of "Going to Magadan" were passed to the famous Russian prison "Butyrka", where they are read by the people convicted in the case of unrests in Bolotnaya Square in Moscow.

On 30 December, political prisoner Mikalai Dziadok had a meeting with his wife Valeryia Khotsina in the Mahiliou prison. It was the first and only meeting allowed to Mikalai during the year. The meeting lasted two hours, during which the spouses talked over the phone, staring at each other through a thick glass. As reported by Valeryia, Mikalai is pale, as far as he has been kept in prison without fresh air and sunlight for a year already. At the same time, he is not emaciated. He confirmed the information of Mikalai Statkevich, kept in the same prison, that prisoners stopped receiving white bread.

### **The death penalty**

On 12 December, Tamara Sialiun, the mother of death convict Pavel Sialiun, received from the head of the Belarusian Orthodox Church, Metropolitan Filaret, a response to her appeal. The Metropolitan said that the BOC opposes the death penalty in Belarus: "The Belarusian Orthodox Church is making efforts to stop the use of the death penalty in our country, which fully complies with the provisions set out in the "Fundamentals of the Social Concept of the Russian Orthodox Church". Christian moral upbringing instilled in people's minds a negative attitude towards the death penalty. Abolition of the death penalty would give more opportunities for pastoral work with those who stumbled, and for their own repentance". The response also states that the letter of Tamara Sialiun and the response of Metropolitan Filaret were sent to the Commission on Pardons at the Presidential Administration. Head of the main bureau of the Presidential Administration Dzianis Kolas said that the documents were attached to the case file and would be taken into account when considering Sialiun's application for pardon.

On 17 December, the Human Rights Center "Viasna" learned that on 26 November another death sentence was issued in Belarus. The Minsk Regional Court sentenced to death a 53-year-old Eduard Lykau, who had been under investigation since 2011. Mr. Lykau had no permanent residence, but maintained contact with his mother, who lives in Baranavichy. His son lives in Russia, his daughter — in Germany, but the convict has no relations with his children. E. Lykau was born in Russia, but is a citizen of the Republic of Belarus. Concealment of the death sentence to E. Lykau by the authorities showed that the state could hide from the public death penalty sentences

and executions. On 20 December, the Investigative Committee told the largest state-owned newspaper, "Sovetskaya Belorussia", details in the case of E. Lykau. He was charged with five murders, the first two of which he committed back in 2002 — after a feast conflict erupted, in which he killed his former cellmate and his mother. An innocent man, brother and son of the victims, served 7 years in prison for this murder. According to the investigators, the third murder was committed by E. Lykau in 2004 — he killed the lover of his concubine, the alleged motive is jealousy. In 2011, according to the investigators, Mr. Lykau killed the concubine who wanted to kick him out of the house. Eduard Lykau was arrested in September 2011, soon after killing a 74-year-old resident of the settlement of Zhdanovichy near Minsk. According to the materials of the case, a quarrel occurred between the accused and the killed, a fight broke out, during which Eduard Lykau inflicted several blows to his friend with a pipe. Thus, nine years passed between the first murder and detention of Eduard Lykau. A psychiatric examination showed that Mr. Lykau had an increased level of aggression, but was sane and able to control his actions.

On 20 December, Deputy Chairman of the Supreme Court Valery Kalinkovich held a press conference. When asked whether there will be any changes in the near future in the way journalists are informed about the imposition and execution of death sentences, he said that this issue would be addressed at the plenum of the Supreme Court. "We can think of approaches to disseminate information on the activities of the courts. It will just be one of the subjects on the agenda of the Plenum of the Supreme Court." V. Kalinkovich added that at present "the bearer of this information is the body that is responsible for the execution of sentences", i.e. the Ministry of Internal Affairs. The press conference was held before the plenum of the Supreme Court "On ensuring transparency in the administration of justice and the dissemination of information about the activities of the courts".

On 24 December, the Homel Regional Court again sentenced Aliaksandr Hrunou to death for murder of his acquaintance Natallia Yemialyanchykava, committed at midnight on September 20, 2012. At the trial, he explained that some time before the meeting she had insulted him in the company of familiar people and did not apologize. This was the cause of aggression. As a result, he stabbed the victim 102 times. On June 14, 2013, the Homel Regional Court sentenced Aliaksandr Hrunou to death. The accused pleaded guilty and apologized to the girl's mother. On 18 October, his appeal against the sentence was considered by the Criminal Division of the Supreme Court. The verdict was quashed and the case was sent for a new trial. As a result of re-examination of the criminal case, the court again pronounced a death verdict. Aliaksandr has an opportunity to again appeal the verdict to the Supreme Court.

## **Torture and other cruel and inhuman treatment**

On 4 December, the exhumation of the corpse of a 21-year-old inmate of the remand prison in Valadarski Street Ihar Ptsichkin was carried out with participation of experts of the State Committee of forensic examinations. Within a month, the results of the new autopsy will become known. Mr. Ptsichkin's relatives sought exhumation for nearly four months after the funeral. Ihar Ptsichkin was to have served three months of arrest in the prison in Valadarski Street for driving after being deprived of the driver's license. However, he suddenly died on 4 August. The prison chief reported that on 3 August Ihar developed "psychomotor agitation" and was taken to the medical unit, "where he had to be fixed with straps". Numerous bruises could be seen on the photographs of his corpse. An employee of the medical department of remand prison No. 1 of the Penitentiary Department of the Ministry of Internal Affairs of Belarus in Minsk and the Minsk region, who kept duty on the night of the death, is accused of the inmate's death. Criminal proceedings were brought on charges of professional misconduct resulting in the patient's death by negligence. Ptsichkin's relatives believe that he was beaten before his death. On 13 December, it became known that the investigation into the death of I. Ptsichkin was run by the Main Investigation Department, and before that it had been investigated by the Investigative Committee of Minsk.

On 10 December, a Minsk resident Liudmila Kuchura, whose husband was tortured with sodium chlorine in penal colony No. 15 in Mahiliou, received a reply from the Investigative Committee of the Republic of Belarus to the complaint, in which she requested to initiate a criminal case on this fact. Head of the Central Procedural Control Department of the IC Mikhail Alioshkin informed Liudmila Kuchura that "no grounds were found for an inspection on your application in line with criminal procedural legislation". The IC did not conduct any inspection despite the fact that the applicant had asked for it, and referred to the ruling of the Mahiliou Regional Prosecutor's Office for December 13, 2013, attached to the appeal, in which it was stated that "an examination of the regime of penalty for P.K. Kuchura was held in connection with your complaint. No violations, including any crimes committed by the staff of the correctional institution in respect of P.K. Kuchura, were revealed". In this case, a shift of the emphasis by the investigating authorities can be observed, as an earlier Prosecutor's check, was not really aimed at determining whether the poisoning of Piotr Kuchura with chlorine had really taken place and what the consequences of this poisoning were. In addition, the applicant's arguments that the MIA Corrections Department (to which the Mahiliou Regional Department of the Investigative Committee

forwarded her previous application) is not authorized to consider reports of crimes committed by officials of the Interior in connection with their official duties, were ignored by the representative of the Investigative Committee Mikhail Alioshkin.

On 13 December, the Svetlahorsk District Prosecutor Uladzimir Tarasenska issued a response to a complaint filed by Valiantsina Akulich, mother of Aliaksandr Akulich, who had died in the Svetlahorsk detention center. In his response, the official noted that the District Investigative Committee refused to open a criminal investigation into the death of her son legitimately: "A full-scale inspection was conducted. There are no grounds for cancellation of the decision." In the next paragraph it is stated: "On November 25, 2013, the case on inquiry into the death of A.A. Akulich was sent to the Prosecutor's Office of the Homel region for review and verification of the legality of the decision. The case is still there." This response by Uladzimir Tarasenska is dated December 13, 2013, whereas Valiantsina Akulich's complaint was received by the Prosecutor's Office on December 12, 2013. It turns out that the Prosecutor responded to the complaint without studying the results of the examination. Valiantsina Akulich has been seeking a criminal punishment for the employees of the Svetlahorsk District Police Department A. Bachko and R. Stseshankou for eighteen months already. She insists that they were to blame for her son's death in the detention center. The Investigative Committee repeatedly rejected Valiantsina Akulich's demands to open a criminal investigation into the death of her son, and she repeatedly appealed those denials. A Svetlahorsk resident Aliaksandr Akulich died in the detention center of the Svetlahorsk District Police Department in May 2012. Valiantsina Akulich is sure that policemen Bachko and Stseshankou, who kept duty in the detention center that night, beat the detainee, who was in a morbid state, instead of providing him with the necessary medical assistance.

On 18 December, ex-presidential candidate in the 2010 election Aliaksei Mikhalevich said that he had received an answer from the Prosecutor General's Office to his statement about the possibility of familiarization with the results of the examination concerning the use of ill-treatment and torture in the KGB remand prison, which was conducted on his appeal after his release from the detention facility in March 2011. As it was stated in the response of the Office of the Prosecutor General, the results of the inspection carried out at the request of A. Mikhalevich were a state secret. That's why his lawyer won't be acquainted with them, and even won't be given a copy of the refusal to institute criminal proceedings. "While in the remand prison, I have already been told that the presence of men in black who mocked at us and tortured us was a "secret of the investigation". Now they are promoted to the "secret protected by law," commented the politician.

## **Persecution of human rights defenders and organizations**

On 10 December, the General Prosecutor's Office responded to the inquiry of Deputy Chairman of the Human Rights Center "Viasna" Valiantsin Stefanovich concerning the inclusion of the website of the Human Rights Center "Viasna" [www.spring96.org](http://www.spring96.org) in the list of restricted access. According to the response, the organization's website was listed as restricted by the General Prosecutor's Office in August 2011 due to the fact that "actions on behalf of the Human Rights Center "Viasna", which was not registered with the state in the prescribed manner, were contrary to the law of the Republic of Belarus". The Prosecutor General's Office also reminds that organizing or participating in the activities of organizations that have not been registered with the state are penalized by Art. 193.1 of the Criminal Code. Due to the fact that information that promotes acts prohibited by law has been published on the Internet resource [www.spring96.org](http://www.spring96.org) for a long time, in August 2011 the Prosecutor General's Office issued a decision on the inclusion of an identifier for this on-line resource to the list of restricted access, which was passed for execution by the State Supervisory Department for Telecommunications of the Republic of Belarus (SSDTRB). The answer was signed by the head of the Department of Supervision of the rights and freedoms of citizens M. Papova. On 23 December, Valiantsin Stefanovich lodged a complaint with the Tsentralny District Court of Minsk, in which he noted that he was both author and reader of the materials posted on the website [spring96.org](http://spring96.org) and considers the decision of the Office of the Prosecutor General to restrict access to the Internet resource as a manifestation of censorship. V. Stefanovich asked the court to declare the decision illegal and urge the law enforcement agency to remedy the committed violation of the law. The human rights activist noted that the reasons for limiting the rights to freedom of expression, free search and dissemination of information, referred to in the answer of the Prosecutor General's Office, are not related to permissible restrictions (for respect of the rights or reputations of others to protect public safety, order, health or morals) specified in the relevant articles of the Constitution and the International Covenant on Civil and Political Rights.

On 14 December, a Homel human rights defender Anatol Paplauny who worked as a mechanic at the unitary enterprise "Vipra" was not allowed to work. The administration of the enterprise demanded that he left the workplace. On 12 December, an announcement was posted that the working day of 31 December was postponed to 12 December. A. Paplauny came to work and took over his duties, but the head of the tool workshop came and demanded that he left the workplace, saying that there was no need for Mr. Paplauny to work, as his labor contract would expire on 27 December. At the

same time, a trial on a civil suit of the human rights defender against the enterprise was to be held in several days. Anatol Paplauny is sure that if he had not come to work on 14 December, he would have been immediately fired from work for absenteeism. The enterprise administration was looking for flaws in the work of the human rights defender in order to win the case in court. Anatol Paplauny had worked as a mechanic at the enterprise “Vipra” for five years and had received no penalties during that time. However, he was warned that his contract would not be renewed. The human rights activist has appealed to court to get dismissed, but not on mutual agreement, as the manager of the enterprise wants, as in this case he will get no reimbursement for the dismissal. A. Paplauny had been repeatedly punished for his socio-political activities. In particular, he served a 15-day administrative arrest term during the silent protest actions held in the summer of 2011. He has always taken an active part in monitoring the elections.

### **Administrative prosecution of civil society and political activists, arbitrary detention**

At 9 p.m. on 6 December, a bus for Kyiv was stopped near Maryina Horka an hour after departure from Minsk. 53 Belarusians were going to the Euro-Maidan to support Kyiv protesters. The bus was stopped in an open field with the participation of KGB, transport police and traffic police. The documents for the bus, as well as the documents of all passengers, were examined. The passengers refused to go to the district police department and got off the bus, whereas the representatives of the law enforcement agencies drove away, taking the bus with them. In about two hours the activists got to Minsk by hitchhiking. After this, some of them stayed home, while others continued their journey and reached Kyiv.

In the morning of 7 December, a co-chair of the “Young Front” Andrei Tsianiuta was detained at the central railway station of Homel. He was meeting his friends from Minsk who were going to the concert of “Liapis Trubetskoy” in Kyiv. The activist and his friends were approached by the police, who checked their documents, put down their passport data and let them go. They also detained Mr. Tsianiuta and kept him at the police station at the railway station. They tried to find out what he was doing at the station and who the people he was meeting were. No charges were brought against the activist.

On 9 December, a co-chair of the “Young Front”, participant of the campaign “Stop Drinking — Start Living” Andrei Tsianiuta was fined 25 basic units for posting anti-alcohol demotivators in public places. The fine was imposed by the administrative commission of the Savetski district of Homel in accord-

ance with Article 21.14 of the Administrative Code (violation of the rules of maintenance of settlements). The charges were brought against the activist on 21 November. On that day, Andrei Tsianiuta and Stanislau Bula were detained. The trial of Mr. Bula's case was postponed, as the defendant didn't bring his passport with him.

On 9 December, an activist of the solidarity movement "Together" Illia Dabratvor was visited by officers of the Tsentralny District Police Department of Minsk. They warned the activist of the need to come to the DPD on 10 December to be charged over a picket near the Ukrainian Embassy staged on 30 November. On 10 December, Illia Dabratvor was charged, detained and taken to the detention center in Akrestsin Street to await trial. On 11 December, Judge Viktoryia Shabunia of the Tsentralny District Court of Minsk sent the violation report accusing him of an administrative offense under Article 23.34 of the Administrative Code for revision to the Tsentralny DPD and released Mr. Dabratvor from custody. A mismatch between the testimonies and the violation report was discovered during the trial: Mr. Dabratvor was holding a Ukrainian flag, whereas in the report it was written that he was holding a EU flag. On 12 December, the judge punished the defendant with a fine of eight basic units.

On 10 December, the Navabelitski District Court of Homel convicted a civil society activist Uladzimir Shytsikau of organizing an unsanctioned march on Dziady Remembrance Day. On 3 November, a group of activists laid a wreath to the cross on the site of the shooting of victims of Stalinist repression. A procession with white-red-white flags marched on the outskirts of the city for about two minutes. For this, Judge Tatsiana Shauchenka fined Mr. Shytsikau 20 basic units. The peculiarity of the case of Uladzimir Shytsikau is that he did not even know he had been charged for it. He wasn't summoned to the police, and a copy of the violation report was sent to him by mail.

On 15 December, an activist of the Belarusian Christian Democracy, Ales Charkashyn, staged a performance at the entrance of the Brest Regional Executive Committee: he was dressed as a prophet, smeared his hands with red paint and called on the authorities to repent for their sins against the people. A. Charkashyn was arrested by officers of the Leninski District Police Department of Brest 10 minutes after the end of the performance. He was taken to the police station, where he was charged with organizing an unsanctioned rally. However, then he was taken to Brest regional neuropsychiatric clinic for a psychiatric examination. It was assumed that the procedure could take up to three days. However, Mr. Charkashyn was returned to the police station the same night. On 17 December, the Leninski District Court of Brest refused to consider administrative proceedings against Mr. Charkashyn due to inaccuracies in the violation report.



On 19 December evening, an activist of the “European Belarus”, Maksim Viniarski, was detained together with a civil society activist Natallia Harachka in Nezalezhnasts Square in Minsk while she was lighting a candle near the Red Church on the occasion of the third anniversary of the events of 2010, and Maksim was taking photos. The detainees were taken to the Maskouski District Police Department of Minsk. Natallia was released soon afterwards, whereas Maksim was taken to the Tsentralny DPD and faced charges for an unauthorized picket near the Ukrainian Embassy on 30 November. On 20 December, Judge Viktoryia Shabunia of the Tsentralny District Court of Minsk sentenced Maksim Viniarski to 15 days of arrest. The court convicted the activist of a violation of Art. 23.34 of the Administrative Code (violation of order or organization of mass events). The activist asked the court to postpone the execution of the punishment for a month due to the illness of his mother, but this request was refused. Maksim Viniarski went on a hunger strike in protest against the decision of Judge Viktoryia Shabunia.

On 20 December, in Nezalezhnasts Avenue in Minsk employees of the Tsentralny DPD took away the car of a participant of the action “Stop Tax” Dzmitry Pryharau. No documents were drawn up, no explanations offered. Mr. Pryharau was driving towards the House of the Government from the side of Peramoha Square, and was stopped by a traffic police patrol near the Palace of the Republic. Dz. Pryharau was immediately fined for illegal honking. However, he wasn’t explained how the police managed to make out his honking among all other cars. The traffic policemen didn’t introduce themselves. After issuing the fine they asked Dz. Pryharau to open the hood of the car, after which he was told that his car was to be sent to the parking lot of the Tsentralny DPD. At the DPD, the car was sealed, but the activist wasn’t issued a copy of the detention order or examination report. He was just told to come on 23 December. When Mr. Pryharau came there, an officer of the Tsentralny District Police Department told him that his car would remain at the DPD for a month, adding that he should have thought over his actions in advance and he wouldn’t have any problems if he had stayed at home. On 24 December, Dz. Pryharau filed a complaint against the actions of the police officer to Chairman of the Department of Internal Affairs of the Tsentralny District Executive Committee of Minsk.

At 5 p.m. on 20 December, in Biaroza policemen in plain clothes detained the head of the Biaroza district branch of the United Civil Party Aliaksandr Kabanau and his brother Yauhen. The brothers were handing out leaflets to support the campaign “Stop Tax”. The leaflets were seized, the detainees were charged and then released.

On 23 December, the Tsentralny District Court of Minsk considered the administrative cases of Aliaksandr Frantskevich, Anastasiya Kukhta and Anas-

tasiya Shaternik, detained during the action “Stop Tax” on 20 December. The detention took place at about 6.30 p.m. near Peramoha Square, not far from the house-museum of the RSDLP. Aliaksandr Frantskevich was approached by unknown persons in civilian clothes without identification badges while he was taking photos of the police with his phone. Anastasiya Kukhta and Anastasiya Shaternik tried to defend A. Frantskevich, as a result all three were detained. At the Tsentralny DPD, they were charged under Art. 23.4 of the Administrative Code (disobedience to the police). From Friday till Monday, they were kept at the detention center in Akrestsin Street, awaiting trial. Judge Aliaksandr Yakunchykhin ruled to fine Anastasiya Kukhta 5 basic units and Anastasiya Shaternik was fined 10 basic units. Aliaksandr Frantskevich was sentenced to 12 days of arrest by Judge Viktoryia Shabunia.

The same day the Leninski District Court of Minsk considered the administrative cases of the detained participants of the “Stop Tax” protest, motorists Kanstantsin Hlushko and Andrei Samokhin, who were charged under Article 23.4 of the Administrative Code (disobedience to the police). They were detained on Friday, 20 December, and kept in the detention center in Akrestsin Street over the weekend before the trial. Judge Andrei Kamushkin sentenced Kanstantsin Hlushko to 5 days of arrest. The proceedings against Andrei Samokhin, who was Hlushko’s passengers, were terminated.

On 23 December, Judge Sviatlana Pastukhova of the Slutsk District Court punished local activist Zinaida Tsimoshak with a fine of 20 basic units under Article 23.34 of the Administrative Code (organization of or participation in an unauthorized mass event). She regarded as an unauthorized mass event Tsimoshak’s attempt to arrange the screening of the documentary film “40 Days of Peasant Republic”, dedicated to the anniversary of the Slutsk anti-Bolshevik uprising, in the Culture House in the village of Kazlovichy on 23 November. The screening was timed to the anniversary of the Slutsk uprising. However, it was disrupted by the local police, who detained and interrogated its participants and brought administrative charges against Zinaida Tsimoshak. The head of the Culture House Aliaksandr Tumilovich resigned in protest.

On 23 December, the Maskouski District Court sentenced a civil society activist Aliaksandr Makayeu to five days of arrest under Art. 23.34 of the Administrative Code (violation of the order of organizing and holding mass events). A. Makayeu was detained in the village of Hrozava in the Kapyl district on 24 November for raising a white-red-white flag during festivities on the occasion of the anniversary of the Slutsk anti-Bolshevik uprising.

On 26 December, a 23-year-old activist of the United Civil Party, member of the group “Stop Tax” in the social network “VKontakte”, Anton Kastsou was sentenced to 3 days of arrest by the Kastrychnitski District Court of Mahiliou.

On 24 December, he was charged under Part 1 of Article 23.34 of the Administrative Code (violation of the order of organizing and holding mass events). His laptop was seized. On 26 December, Mr. Kastsou was to have come to the Kastrychnitski DPD of Mahiliou, where the police intended to study his correspondence on the Internet. Back on 24 December, they demanded that he deleted the “Stop-Fear” community, from which the group “Stop-Tax” had emerged, from the social network. Anton Kastsou managed to remove only his records, because, as stated by him, he was just a member of the group, but didn’t create or administer it. The same day, the community was deleted by its creator, resident of another city. The group “Stop-Tax” discussed the possibility of holding another action of protest of motorists against the imposition of a tax for admission of cars to participation in the traffic.

On 26 December, Minsk police detained an activist of the National Bolshevik Party Dzmitry Paliyenka. The detention took place at about 4 p.m. near the entrance of the plant MAZ, where he works. The activist was taken to the Zavodski District Police Department and charged under Article 17.1 of the Administrative Code, “disorderly conduct”. On 27 December, Judge Anastasiya Osipchyk of the Zavodski District Court punished Mr. Paliyenka with 15 days of administrative arrest, having dismissed his petition for viewing the video recording from the plant entrance, which could prove that he hadn’t done anything illegal. Dzmitry Paliyenka says the actions of law enforcement officers are illegal, regarding them as a preventive persecution connected to the protest action “Stop-Tax”, scheduled for 27 December by the group “Stop-Tax” in the “VKontakte” social network, administered by him.

On 27 December, an activist of the Young Christian Democrats, Mikalai Verameyenka, was detained during the action “Stop-Tax 2” in Hrodna. At first, he was stopped and charged with “driving in the same place three times”. When the activist asked to be explained the grounds for the detention, he was told that his car was wanted and he needed to drive to the Hrodna Traffic Police Department. The car was detained by police inspector Hrytskevich, the violation report was drawn up by inspector Dziadziushka. Mr. Verameyenka was detained for three hours. Before his release, he demanded that the police specified in the report that his car hadn’t taken part in any accident and wasn’t wanted.

On 30 December, Judge Zinaida Bartsevich of the Hrodna Kastrychnitski District Court sentenced Aliaksandr Ivanou to a fine of 22 basic units for posting information on the Internet about the campaign “Stop-Tax”. On 26 December, Aliaksandr Ivanou wrote at “Hrodnenski Forum” that motorists, concerned with the new tax on cars, would gather at 6 p.m. on 27 December. As a result, Mr. Ivanou received a telephone call from the police and was told that he was charged with organizing an unauthorized mass event.

On 31 December, it became known from a report of Major Zaitsau, sent to first Deputy Chairman of the Police Department of the Mahiliou Regional Executive Committee Kavalchuk, that the police were looking for one of the organizers of the “Stop Tax” protest in Mahiliou, Aliaksandr Simanovich. A copy of the report was received by Mahiliou human rights defenders. As it follows from the document, apart from the UCP activist Anton Kastsou (sentenced to 3 days of arrest for violating the order of organizing and holding mass events), the group “Stop Tax” was coordinated by a Mahiliou resident Aliaksandr Simanovich. The group “Stop-Fear” in the social network “VKontakte” was created by him to coordinate the actions of the unauthorized event “Stop Fear”.

### **Restrictions on freedom of speech and the right to impart information, persecution of journalists**

On 3 December, a Hrodna journalist Ales Dzianisau was officially warned by the Hrodna Regional Prosecutor’s Office against working for a foreign media without formal accreditation. Ales Dzanisau was summoned to the Prosecutor’s Office for shooting a video in Svislach and Yakushouka on 27 October, during the traditional remembrance day in honor of the participants of the anti-Russian insurgency of 1863. Last year A. Dzianisau also received a warning for coming to the Svislach festival with a video camera.

On 4 December, the Hrodna Regional Prosecutor’s Office issued an official warning to a member of the Belarusian Association of Journalists, Ales Kirkevich. Deputy Chairman of the Prosecutor’s Office Valery Paviadaika informed him that he had contravened Part 2 of Art. 22.9 of the Administrative Code, namely: “the illegal production and distribution of media products”. Ales Kirkevich refused to give any explanations on this matter, as well as to sign any papers.

On 4 December, the Civil Division of the Mahiliou Regional Court considered the appeal of the publisher of the newspaper “Volny Horad” Uladzimir Kudrautsau against the verdict of the Krychau District Court Judge Antanina Kachanova of October 22, 2013 on the lawsuit of the Cherykau PMK-280 for the protection of business reputation. The Court ruled that the verdict of Antanina Kachanova was to be set aside due to lack of jurisdiction and the case was to be dismissed. Disputes between a legal entity and an individual, which are associated with the protection of business reputation in the field of entrepreneurial and other economic activities, should be considered only by the economic court.

On 9 December, the Supreme Court held the second hearing on the lawsuit of the private company “Belsat Plus” to the JSC “Polish Television” (SA

«TVP»), the founder of the TV channel “Belsat TV”. The hearing was attended by the plaintiff, director of “Belsat Plus” Andrei Beliakou. The defendant was represented by a lawyer of the Minsk Bar Association Ihar Dziachkou and a representative of “Belsat” in Belarus Mikhail Yanchuk. Mr. Dziachkou asked for some time to study the case. He explained that he had received the power of attorney to represent the interests of the defendant only on 6 December, and received the documents after translation and notarization only in the morning of 6 December. The judge granted the petition and appointed the next hearing on 20 January.

On 16 December, the results of the inspection conducted by the Investigative Committee of Belarus into the detention of journalists at the railway station in Minsk on October 19, 2013 were officially published. During the inspection, the investigators questioned the police officers who had detained the journalists. In particular, policeman of the company of public safety of Minsk SWAT police P. Silvanovich stated he had been ordered to detain suspicious people during the arrival of opposition politician Pavel Seviarynets in Minsk. Together with his partner A. Nabarouski they arrived at the railway platform, where the train “Brest-Moscow” was supposed to arrive. According to Mr. Silvanovich, groups of journalists were standing on the platform in small groups. The policemen identified them by video equipment. Then, according to materials of the inspection, the officers approached the identified journalists and detained them “to prevent riots”. As a result of the inspection, the Investigative Committee of Belarus concluded that there was no evidence of obstructing the lawful professional activities of journalists by the police. On 19 October, ten journalists were detained on the platform of the Minsk railway station.

On 17 December, Salihorsk members of the Belarusian Helsinki Committee received information about the “voluntary-compulsory” subscription to the state-run newspapers at enterprises and organizations of the city — the structural units of “Belaruskai” educational institutions, JSC “Building Trust No. 3”, JSC “Salihorsk DSC”, etc. The list of the newspapers which are “recommended” for subscription remains almost unchanged and largely depends on the affiliation of the organizations and institutions with the state bodies. For example, schools are not only required to subscribe to “SB. Belarus Segodnya” and the district newspaper “Shakhtsior”, their teachers are also “advised” to subscribe to “Nastaunitskaya Hazeta” and pupils — to “Yunyi Spasatel”. Workers of “Building Trust No. 3” are traditionally required to subscribe to “Budaunik Salihorska” (“Salihorsk Builder”).

On 17 December, a member of the Belarusian Association of Journalists, Andrei Mialeshka, was summoned to the Hrodna Regional Prosecutor’s Office, where he had a conversation with Deputy Chair of the Prosecutor’s Of-

rice Valery Paviadaika concerning a report about the Remembrance Day of the 1863 rebels published at the website of the Belarusian Radio “Racyja” under the nickname Ihar Mikalayeu. The report concerned the festivities held in Svislach and Yakushouka on October 27, 2013. Though the authorship of Andrei Mialeshka wasn’t officially proved, he received a formal warning for working for the foreign media without accreditation. This was already third warning issued to Hrodna journalists for covering the events in Svislach and Yakushouka. Interestingly enough, the Prosecutor’s Office keeps issuing warnings, but doesn’t issue any appropriate documents to the journalists.

As it became known on 18 December, the company “Partner-Slonim” Ltd., which owns the premises rented by the editorial office of “Hazeta Slonimskaya”, demanded that the editorial office vacated the premises by January 1, 2014 citing the ban on the use of the second floor of the building, issued by the fire inspection. The editorial office has been located there since 2008. The offices of some private enterprises are also located on the second floor, including the administration of “Partner-Slonim”. All of them are evicted, except for “Partner-Slonim”. Nevertheless, Chief Editor of “Hazeta Slonimskaya” Viktor Valadashchuk doubts the independence of this decision and is sure the action is directed specifically against the newspaper.

On 26 December, employees of the Palesse State Radiation and Ecological Reserve reported that they were forced to subscribe to the official press. Each department received an order, signed by the ideologist and certified by the director. Heads of departments are responsible for the subscription and must report back to the administration about the work done to provide the subscription to the newspapers. The labor contracts with those who do not subscribe to the official press may not be renewed after their expiry. The people are afraid of the prospective to lose their jobs. They are outraged, but still subscribe to the state-owned press.

### **Restrictions on freedom of assembly**

Five pickets scheduled from 3 to 7 December were banned in Slonim. The pickets were organized by a civil society activist Ales Masiuk, who seeks opportunities to publicly speak out for the rights of residents of the Slonim district to subscribe to regional newspaper “Hazeta Slonimskaya” in “Belposhta” (“Belarusian Post”, state monopolist on the press subscription) and buy it at the newsstands of “Belsayuzdruk”. This time Slonim officials argued that the applicant inaccurately determined the place of the pickets.

On 3 December, the Brest Regional Court dismissed the appeal of Biaroza human rights defenders, who asked to find illegal a ban on the picket of 4 August and reverse the decision of the Biaroza District Court, which

upheld the decision of the Executive Committee. The reason for the ban was the absence of contracts with the police and the hospital. The District and the Regional Court did not pay attention to the arguments of the human rights defenders about the impossibility to enter into such contracts. Police referred to regulation of the Council of Ministers No. 207 of 2012, whose paragraph 5 states that within one day after receiving an application for a mass event the Executive Committee must send a copy of the application to the police for coordination (which wasn't done by the Executive Committee). The hospital did not enter into a service contract, as it was not provided for in the documents of the Health Care Ministry and there was no price list for such services.

On 3 December, a Bykhau writer and journalist Siarhei Antonau received a reply from the local Executive Committee to his request to its chairman, Dzmitry Kaleyau, to determine the place for pickets in Bykhau. In response, signed by Deputy Chairperson of the Executive Committee N. Shunkina it is stated that "your letter of November 21, 2013 was not considered due to the fact that its design did not meet the requirements of Article 12 of the Law of the Republic of Belarus of July 18, 2011 "On Applications of Citizens and Legal Entities". Please also note that the district organization of the party BPF "Adradzhenne", since you signed the application as its head, is not registered on the territory of the Bykhau district. Siarhei Antonau believes that officials of the Executive Committee found a purely formal excuse not to give him a definite answer, noting that the appeal was filed in accordance with the law. To still get such a specific answer, on 4 December, he filed another appeal to the Executive Committee, but signed it as a private person. On 14 December, Mr. Antonau received an answer from the Bykhau District Executive Committee, signed by Deputy Chairman N. Shunkina and reporting that "the draft regulation of the Bykhau District Executive Committee "On Mass Events", which determines the location and order of holding rallies, marches, demonstrations, pickets and other events organized by the political parties, public associations, labor organizations and citizens in the Bykhau district, has been worked out and is being approved. You will be notified about its entry into force." Siarhei Antonau noted that it follows from the answer that the places for mass events and the order of their holding haven't been defined at all.

On 4 December, the Leninski District Court of Hrodna considered the appeal of the human rights defenders Uladzimir Khilmanovich, Viktor Sazonau and Raman Yurhel against the ban on the picket they intended to hold on 10 October, World Day against the Death Penalty. The civil case was considered by Judge Volha Shumanskaya in the presence of Prosecutor Seuryana. The defendant, the Hrodna City Executive Committee, was represented by Chief

Specialist of its Legal Department, Siarhei Tabulevich. The Hrodna City Executive Committee said in its official response that the applicants were required to report in writing whether fireworks and open fires would be used during the mass event. The officials also considered that the applicants could not “adequately comply with the necessary requirements of the current legislation of the Republic of Belarus to ensure safe conditions for carrying out the claimed mass event and cleaning the territory after its completion”. The reasons for such a statement became clear during the trial. According to the calculations of the Executive Committee, allegedly conducted after applications to the Leninski DPD, the Hrodna city ambulance station and Hrodna housing and communal service, the applicants were to pay as much as 23,324,200 rubles for such services. However, the authorities didn’t inform the human rights activists about such an absurd sum before the trial. As it was stated at the trial, the picket was to be guarded by 31 policemen for five hours (!), though the time of the picket was just 2 hours and the potential number of participants was just ten people. Predictably enough, the judge sided with the authorities and dismissed the appeal.

On 4 December, a civil society activist Viachaslau Bolbat received a letter signed by Deputy Chairman of the Baranavichy City Executive Committee Dz. Kastsiukevich, which reported that the Executive Committee didn’t permit him to hold a rally on 10 December. The official considers that the applicant violated paragraph 4 of regulation of the Executive Committee No. 1497 of June 16, 2009 “On the order of events in Baranavichy”. As usual, the letter doesn’t specify what was violated by the applicant. In his appeal to the Executive Committee, the applicant undertook to secure the public safety, render the necessary medical assistance to participants of the picket and clean the territory after the end of the action himself, as the event was to be attended by just five people. The Executive Committee regarded it as a violation of its regulation concerning the organization of events, which requires the conclusion of service agreements with the housing and public utilities, polyclinic and police.

On 4 December, a civil society activist Mikalai Ulasevich wasn’t allowed to hold a picket near the consumer services combine in Astravets on 7 December under the slogan “Let’s Bring the Corrupt to Justice”. The activist intended to draw the attention of the local residents and law enforcement agencies to prevarication and corruption among senior officials of the district. The refusal was signed by First Deputy Chairman of the Astravets District Executive Committee Andrei Yancheuski. The official stated that Mr. Ulasevich violated the requirement of Article 5 of the Law “On Mass Events” to ensure public order and security during mass events, provide the necessary medical assistance and state the sources of funding for the mass event.



On 5 December, chief ideologist of the Salihorsk District Executive Committee Mikalai Maskevich forbade local civil society activists hold a rally on the occasion of the Human Rights Day. According to the official, the contents of the application for holding a mass event on 10 December in the central square did not meet the requirements of Article 5 of the Law “On Mass Events”. The ideologist didn’t explain which part of the article was violated by the organizers of the picket. The applicants asked the authorities to provide alternative variants for their event in case there were any obstacles. This request was simply ignored by the authorities.

On 6 December, Bioroza human rights defenders received a response from the Executive Committee to their request to explain how it was possible to conclude the contracts with the hospital, public utilities and the police for serving a mass event, as these institutions refused to enter into such contracts. In particular, the hospital responded to the request to enter into a contract for serving the picket that it did not even have the price list for such services. According to Deputy Chair of the Executive Committee Yauhen Tarasiuk, who signed the response of the Executive Committee, the price list had been worked out. The public utilities will enter into service agreements irrespective of the ownership of the territory. The need for such a clarification arose from the previous answer to the human rights defenders, when the public utilities refused to enter into contracts for serving the pickets on 10 October and 10 November, answering that the applicants were to conclude such agreements with the Executive Committee, who owned the stadium at which they intended to hold the events. According to Mr. Tarasiuk’s answer, the police were first to enter into a service contract with the applicants, after which the Executive Committee and the police would discuss the details of securing the public order during the event, as it is provided for by the Regulation of the Council of Ministers No. 207.

On 6 December, Aliaksei Haurutsikau and Khrystafor Zhaliapau tried to challenge the verdict of the Kastrychnitski District Court of Vitsebsk at the Vitsebsk Regional Court. The Kastrychnitski District Court supported the ban on the procession and rally of solidarity with Ihar Pastnou they intended to hold on 28 September. The Regional Court sided with the District Court and dismissed the appeal. The Vitsebsk City Executive Committee, which issued the ban, and both courts justified their position by referring to the regulation of the Vitsebsk City Executive Committee on mass events. As it was stated in the ban, the applicants failed to attach the contracts for serving their event, which is required by the regulation of the Executive Committee. However, the regulation mentions only pickets and rallies, not processions. Accordingly, the organizers had the chance to obtain a permit irrespective of this regulation. Aliaksei Haurutsikau stressed that a regulation of the Vitsebsk City Executive

Committee No. 881 “On Mass Events in Vitsebsk” was impracticable, because neither the police nor the central city hospital agreed to cooperate until the event was officially permitted by the authorities, whereas the authorities demanded to be presented such contracts first.

On 8 December, two pickets dated to the Human Rights Day were banned in Vitsebsk due to the lack of the contracts for serving the events. The Kastychnitski District Executive Committee of Vitsebsk sent the ban to head of the Vitsebsk city organization of the Belarusian Popular Front Aliaksandr Kuzniatsou, who intended to hold a picket against political repression in the country in order to express solidarity with political prisoners and demand their immediate release and full rehabilitation. Coordinator of the Movement “For Freedom” in the Vitsebsk region Khrystafor Zhaliapau and an activist of the organizing committee of the Social Democratic Party “Narodnaya Hramada” Aliaksei Haurutsikau filed a bid for an event dedicated to the anniversary of the Universal Declaration of Human Rights to the Pershamaiski District Executive Committee. They applied to the appropriate institutions for obtaining the required service contracts two months before the date of the planned event. The public utilities agreed to enter into a service contract, whereas the police and medics refused to do it. The central city polyclinic responded that it was impossible to conclude such an agreement, as in winter all medical services had to work hard due to mass illnesses. After the Pershamaiski district administration banned the event, the police responded that they saw no sense in entering into a service agreement, as far as the event had been banned already.

On 8 December, the Orsha District Executive Committee banned the rally on 12 December for protection of the park in the neighborhood Charomushki where trees were being cut down to build another high-rise building. The picket was organized by the civil society activists Yury Nahorny and Ales Shutau. The reason for the ban was the absence of contracts for securing the public order, medical assistance and cleaning the territory after the end of the event. According to Mr. Shutau, the Executive Committee urged the applicants to enter into service contracts in advance, whereas the appropriate state institutions agree to conclude such agreements only after the consent of the Executive Committee to holding the mass event.

On 8 December, a Vitsebsk human rights activist Pavel Levinau received a ban on the pickets on Human Rights Day. He filed the bids for one-minute pickets to the Kastychnitski, Pershamaiski and Chyhunachny District Executive Committees. However, the executive committees didn't authorize even these pickets, referring to the lack of the service contracts with the public utilities, medics and police, required by regulation No. 881 “On the organization of mass actions in Vitsebsk”. However, in this case the requirement

seems absurd. A ban on purely symbolic short pickets once again confirms the fact that the local authorities decided not to allow any public events at any cost.

On 10 December, a human rights defender Uladzimir Vialichkin applied to Deputy Chair of the Brest City Executive Committee H. Barysiuk with a request to eliminate the contradictions contained in the legal acts regulating the procedure for the organization of public events. The application concerned the circumstances of organization of a picket dedicated to the 65<sup>th</sup> anniversary of the Universal Declaration of Human Rights, during the preparation of which it was found that the execution of paragraph 5.1 of regulation No. 1210 of the Brest City Executive Committee of June 30, 2011, namely “contracting with the Departments of the Interior of the district administrations of Brest in the place of the mass event for securing the public order during the mass event” is impossible. It contradicts paragraphs 5-8 of Regulation of the Council of Ministers No. 207 for March 5, 2012, which states: “Local executive and administrative bodies within one day from the date the registration of an application for holding mass events, shall send a copy to the appropriate police department for consideration of issues connected to securing the public order and making appropriate proposals”. Uladzimir Vialichkin asked Deputy Chairman of the Brest City Executive Committee to propose its Chairman to remove from paragraph 5 of the corresponding regulation of the Executive Committee sub-paragraph 5.1, as being contrary to the provisions of the Council of Ministers. On 23 December, the human rights activist received answer No. 35-1/321L, signed by the manager of the Executive Committee V. Charnou: “The Brest City Executive Committee prepared a draft regulation “On Amendments to the regulation of the Brest City Executive Committee of June 30, 2011, No. 1210”, which provides for the removal of paragraph 5.1 from paragraph 5”.

On 11 December, the panel of judges of the Hrodna Regional Court turned down the appeal of a Slonim activist Ales Masiuk against the verdict of the Slonim District Court which upheld the ban on the 29 September rally for the rights of residents of the Slonim district to subscribe to “Hazeta Slonimskaya” in “Belposhta” and buy it at the newsstands of “Belsayuzdruk”. The Hrodna Regional Court found the District Court’s verdict legitimate.

On 18 December, Brest city authorities banned a procession in support of the Ukrainian Euro-Maidan, organized by the local representatives of the United Civil Party, who thus were going to express their solidarity with the Ukrainian people in their desire to live in the EU. As it was said in the response of the Executive Committee, “mass events are not allowed at the distance of less than 50 meters from the buildings of state administration bodies, local representative, executive and administrative bodies, diplomat-

ic missions and consular offices, courts, prosecutor's offices, territories of organizations providing defense, state security and daily life of the population, less than 100 meters from the buildings of health care organizations". Chairman of the Brest regional UCP Uladzimir Vuyek considers this reason for refusal as groundless, since during the 1 May festivities Brest representatives of democratic forces were allowed to hold a procession on the same route.

On 18 December, a civil society activist Mikalai Ulasevich received a ban on an informational picket in Astravets in support of the Ukrainian people, appointed on 21 December. The official answer, signed by Deputy Chairman of the Astravets District Executive Committee Viktor Svila, states that the event is banned due to the fact that the theatric performance "Invite a fairy tale in the house" will be held at the stated site of the event. However, the date of the performance is not indicated in the answer. The official also stated that the applicant failed to implement the requirement for entering into service contracts with the police, ambulance and public utilities.

On 18 December, Chairman of the Babruisk UCP branch Viktor Buzina-yeu received a letter from the Babruisk City Executive Committee, signed by Deputy Chairman Aliaksandr Markachou. The letter informed the UCP branch about the ban on the procession and pickets they intended to hold on 21 December to express solidarity with the Ukrainian protesters. The official explained the ban by the fact that the Executive Committee had determined a certain place for mass events (the stadium of the "Slavianka" factory, located quite far from the city center), whereas the applicants intended to hold their events in the city center. The official also stated that the application was composed with violations: for instance, it was not indicated whether its participants were going to use fireworks. Besides, Mr. Markachou added that the contracts for guarding the public order, medical serving of the events and cleaning their territory after their end were to have been attached to the application, and the organizers had no right to give publicity to information about the mass events until receiving an official permission, whereas such information was published in the local media.

On 20 December, an action of protest against the introduction of a tax on motor cars took place in Minsk. Instead of securing the public order, officers of law enforcement agencies carried out supervisory and repressive functions, such as displacement of people in underground pedestrian crossing between the entrance to the supermarket "Tsentralny" and Kastychnitskaya Square, detaining people and evacuation of vehicles. These measures, as well as the presence of a great number of police officers in mufti created obstacles to the realization of the right to freedom of peaceful assembly. Of particular concern was the impossibility to identify officers of law enforcement agencies as such

due to the absence of uniform and the lack of identification cards on the ones who were dressed in the uniform.

On 27 December, the second action of protest against the imposition of duties on cars from January 1, 2014 was held in Minsk. Calls for this action were disseminated through social networks, no bids for the rally were lodged with the appropriate state institutions. There were registered threats of the road police to impose fines and evacuate the vehicles of the action participants, as well as criminal liability for blocking the traffic. Law enforcement agencies made every effort to prevent the action: participants of the previous ones were punished with huge fines and arrest terms, the administrator of the protest community in the "VKontakte" social network was detained preventively on the day of the action, the traffic on a part of Nezalezhnasts Avenue was restricted. These methods can be viewed as inadequate and disproportionate actions aimed at intimidation and pressure with the aim to restrict the right to freedom of assembly. Instead of securing the public order and safety during the event, officers of law enforcement agencies continued carrying out repressive actions in separate incidents. The road police stopped the cars of the potential participants and the drivers who honked. At least five cars were stopped. Their drivers were charged with unreasonable use of the alarm signals and creating an emergency situation on the road. One of the detainees honked when a policeman was crossing the road in an improper place in front of his car. The driver was charged with creating an emergency situation for it. Later, he found that one of his tires was flat for unknown reasons.



On 28 December, a civil society activist Anzhalika Kambalava received a letter signed by Deputy Chairman of the Baranavichy City Executive Committee Dz. Kastsiukevich, notifying her about the ban on the picket she intended to hold on 30 December to protest against the deployment of the Russian airbase in Baranavichy. The official wrote that the applicant had violated paragraph 4 of regulation of the Baranavichy CEC No. 1497 of June 16, 2009 "On the order of events in Baranavichy" by having not entered into service contracts with the police, polyclinic and the public utilities. A. Kambalava wrote in her application that she undertook to secure the public order, provide the medical assistance and clean up the territory after the end of the event, as far as there was just one participant in the picket. She also said she would bring a first aid kit for rendering medical assistance.

On 30 December, the Salihorsk District Executive Committee banned the rally against the imposition of a tax on cars at the local stadium "Budaunik". The ideologists of the Executive Committee, who prepared the answer to the application, argued that the organizers of the mass event designated insufficient measures to protect public order, provide medical care during the rally

and clean-up after its completion. The organizers of the rally called the answer of the officials incompetent and unlawful. First of all, the ideologists wrote about a ban on a picket, though the bid was filed for a rally with the participation of 200 people. Secondly, the request for assignment of responsibilities for policing, health services and clean-up on the local authorities can't be regarded as insufficient, since it is a common international practice and a direct duty of the state.

## Resolution of the UN Human Rights Council “Protecting human rights defenders”.

March 15, 2013.

	<p>United Nations</p> <hr/> <p><b>General Assembly</b></p>	<p>A/HRC/22/L.13</p> <p>Distr.: Limited 15 March 2013</p> <p>Original: English</p>
<hr/> <p><b>Human Rights Council</b>  <b>Twenty-second session</b>          Agenda item 3  <b>Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development</b></p>		
<p>Argentina, Armenia*, Austria, Bosnia and Herzegovina*, Chile, Costa Rica, Côte d'Ivoire, Czech Republic, Estonia, France*, Georgia*, Germany, Honduras*, Hungary*, Iceland*, Ireland, Mexico*, Montenegro, Norway*, Paraguay*, Peru, Poland, Portugal*, Slovakia*, Spain, Sweden*, Switzerland, the former Yugoslav Republic of Macedonia*, Timor-Leste*, Turkey*, Uruguay*: draft resolution</p>		
<p><b>22/... Protecting human rights defenders</b></p>		
<p><i>The Human Rights Council,</i></p> <p><i>Guided by the Universal Declaration of Human Rights,</i></p> <p><i>Recalling</i> General Assembly resolution 53/144 of 9 December 1998, by which the Assembly adopted by consensus the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms annexed to that resolution, and reiterating the importance of the Declaration and its promotion and implementation,</p> <p><i>Recalling also</i> the continued validity and application of all the provisions of the above-mentioned Declaration,</p> <p><i>Recalling further</i> all previous resolutions on this subject, in particular Human Rights Council resolutions 13/13 of 25 March 2010 and 16/5 of 24 March 2011, and General Assembly resolution 66/164 of 19 December 2011,</p> <p><i>Recalling</i> the Vienna Declaration and Programme of Action,</p> <p><i>Reaffirming</i> that States are under the obligation to protect all human rights and fundamental freedoms of all persons,</p> <p><i>Acknowledging</i> that human rights defenders play an important role at the local, national, regional and international levels in the promotion and protection of human rights,</p>		
<hr style="width: 20%; margin-left: 0;"/> <p>* Non-Member State of the Human Rights Council.</p>		
<p>GE.13-12026</p>	<p>Please recycle </p>	

A/HRC/22/L.13

*Stressing* that respect and support for the activities of human rights defenders, including women human rights defenders, is essential to the overall enjoyment of human rights,

*Mindful* that domestic law and administrative provisions and their application should facilitate the work of human rights defenders, including by avoiding any criminalization, stigmatization, impediments, obstructions or restrictions thereof contrary to international human rights law,

*Reiterating* the grave concerns expressed by the General Assembly in its resolution 66/164 regarding the serious nature of risks faced by human rights defenders due to threats, attacks and acts of intimidation against them,

*Gravely concerned* that, in some instances, national security and counter-terrorism legislation and other measures, such as laws regulating civil society organizations, have been misused to target human rights defenders or have hindered their work and endangered their safety in a manner contrary to international law,

*Recognizing* in this regard that new forms of communication, including the dissemination of information online and offline, can serve as important tools for human rights defenders to promote and strive for the protection of human rights,

*Recognizing also* the urgent need to address, and to take concrete steps to prevent and stop, the use of legislation to hinder or limit unduly the ability of human rights defenders to exercise their work, including by reviewing and, where necessary, amending relevant legislation and its implementation in order to ensure compliance with international human rights law,

*Welcoming* the steps taken by some States towards adopting policies or legislation for the protection of individuals, groups and organs of society engaged in promoting and defending human rights, including the decriminalization of defamation, that serve to protect human rights defenders from being prosecuted for peaceful activities, and against threats, harassment, intimidation, duress, arbitrary detention or arrest, violence and attacks by State and non-State actors;

1. *Welcomes* the work of the Special Rapporteur on the situation of human rights defenders, including her two latest reports submitted pursuant to General Assembly resolution 66/164 and Human Rights Council resolution 16/5, on the use of legislation affecting the activities of human rights defenders,<sup>1</sup> and national human rights institutions,<sup>2</sup> respectively;

2. *Urges* States to create a safe and enabling environment in which human rights defenders can operate free from hindrance and insecurity, in the whole country and in all sectors of society, including by extending support to local human rights defenders;

3. *Stresses* that legislation affecting the activities of human rights defenders and its application must be consistent with international human rights law, including the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights, and guided by the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms, and, in this regard, condemns the imposition of any limitations on the work and activities of human rights defenders enforced in contravention of international human rights law;

<sup>1</sup> A/67/292.

<sup>2</sup> A/HRC/22/47.



4. *Calls upon* States to ensure that legislation designed to guarantee public safety and public order contains clearly defined provisions consistent with international human rights law, including the principle of non-discrimination, and that such legislation is not used to impede or restrict the exercise of any human right, including freedom of expression, association and peaceful assembly, which are essential for the promotion and protection of other rights;

5. *Urges* States to acknowledge publicly the important and legitimate role of human rights defenders in the promotion of human rights, democracy and the rule of law as an essential component of ensuring their protection, including by respecting the independence of their organizations and by avoiding the stigmatization of their work;

6. *Calls upon* States to ensure that human rights defenders can perform their important role in the context of peaceful protests, in accordance with national legislation consistent with the Charter of the United Nations and international human rights law and, in this regard, to ensure that no one is subject to excessive or indiscriminate use of force, arbitrary arrest or detention, torture or other cruel, inhuman or degrading treatment or punishment, enforced disappearance, abuse of criminal and civil proceedings or threats of such acts;

7. *Underlines* that the access to and use of information technologies and the media of one's choice, including radio, television and the Internet, should be promoted and facilitated at the national level, between States and at the international level as an integral part of the enjoyment of the fundamental rights to freedom of opinion and expression, and also encourages international cooperation aimed at the development of media and information and communications technologies in all countries;

8. *Calls upon* States to respect, protect and ensure the right to freedom of association of human rights defenders and, in this regard, to ensure, where procedures governing the registration of civil society organizations exist, that these are transparent, accessible, non-discriminatory, expeditious and inexpensive, allow for the possibility to appeal and avoid requiring re-registration, in accordance with national legislation, and are in conformity with international human rights law;

9. *Also calls upon* States to ensure that reporting requirements placed on individuals, groups and organs of society do not inhibit functional autonomy, and that restrictions are not discriminatorily imposed on potential sources of funding aimed at supporting the work of human rights defenders other than those ordinarily laid down for any other activity unrelated to human rights within the country to ensure transparency and accountability, and that no law should criminalize or delegitimize activities in defence of human rights on account of the geographic origin of funding thereto;

10. *Calls upon* States to ensure that measures to combat terrorism and preserve national security:

(a) Are in compliance with their obligations under international law, in particular under international human rights law, and do not hinder the work and safety of individuals, groups and organs of society engaged in promoting and defending human rights;

(b) Clearly identify which offences qualify as terrorist acts by defining transparent and foreseeable criteria, including, *inter alia*, considering without prejudice those formulated by the Special Rapporteur on the promotion and protection of human rights while countering terrorism;

(c) Prohibit and do not provide for, or have the effect of, subjecting persons to arbitrary detention, such as detention without due process guarantees, the deprivation of liberty that amounts to placing a detained person outside the protection of the law, or the illegal deprivation of liberty and transfer of individuals suspected of terrorist activities, nor

A/HRC/22/L.13

the unlawful deprivation of the right to life or the trial of suspects without fundamental judicial guarantees;

(d) Allow appropriate access for relevant international bodies, non-governmental organizations and national human rights institutions, where such exist, to persons detained under anti-terrorism and other legislation relating to national security, and to ensure that human rights defenders are not harassed or prosecuted for providing legal assistance to persons detained and charged under legislation relating to national security;

11. *Further calls upon* States to ensure that all legal provisions and their application affecting human rights defenders are clearly defined, determinable and non-retroactive in order to avoid potential abuse to the detriment of fundamental freedoms and human rights, and specifically to ensure that:

(a) The promotion and the protection of human rights are not criminalized, and that human rights defenders are not prevented from enjoying universal human rights owing to their work, whether they operate individually or in association with others, while emphasizing that everyone shall respect the human rights of others;

(b) The judiciary is independent, impartial and competent to review effectively legislation and its application affecting the work and activities of human rights defenders;

(c) Procedural safeguards, including in criminal cases against human rights defenders, are in place in accordance with international human rights law in order to avoid the use of unreliable evidence, unwarranted investigations and procedural delays, thereby effectively contributing to the expeditious closing of all unsubstantiated cases, with individuals being afforded the opportunity to lodge complaints directly with the appropriate authority;

(d) Any provision or decision that may interfere with the enjoyment of human rights must respect fundamental principles enshrined in international law so that they are lawful, proportionate, non-discriminatory and necessary in a democratic society;

(e) Information held by public authorities is proactively disclosed, and that transparent and clear laws and policies provide for a general right to request and receive such information, for which public access should be granted, except for narrow and clearly defined limitations;

(f) Restrictions are not invoked on access to information regarding grave violations of human rights;

(g) That provisions do not prevent public officials from being held accountable, and that penalties for defamation are limited in order to ensure proportionality and reparation commensurate to the harm done;

(h) Legislation aimed at preserving public morals is compatible with international human rights law;

(i) Legislation does not target activities of individuals and associations defending the rights of persons belonging to minorities or espousing minority beliefs;

(j) Dissenting views may be expressed peacefully;

12. *Expresses particular concern* about systemic and structural discrimination and violence faced by women human rights defenders, and calls upon States to integrate a gender perspective in their efforts to create a safe and enabling environment for the defence of human rights;

13. *Reaffirms* the right of everyone, individually and in association with others, to unhindered access to and communication with international bodies, in particular the United Nations, its representatives and mechanisms in the field of human rights, including the Human Rights Council, its special procedures, the universal periodic review mechanism and the treaty bodies, as well as regional human rights mechanisms;

14. *Strongly calls upon* all States:

(a) To refrain from, and ensure adequate protection from, any act of intimidation or reprisals against those who cooperate, have cooperated or seek to cooperate with international institutions, including their family members and associates;

(b) To fulfil the duty to end impunity for any such acts of intimidation or reprisals by bringing the perpetrators to justice and by providing an effective remedy for their victims;

(c) To avoid legislation that has the effect of undermining the right reaffirmed in paragraph 13 above;

15. *Reaffirms* the necessity for inclusive and open dialogue between civil society actors, particularly human rights defenders, and the United Nations in the field of human rights and, in this context, underlines that participation by civil society should be facilitated in a transparent, impartial and non-discriminatory manner;

16. *Underlines* the value of national human rights institutions, established and operating in accordance with the Paris Principles, in the continued monitoring of existing legislation and consistently informing the State about its impact on the activities of human rights defenders, including by making relevant and concrete recommendations;

17. *Stressing in particular* the valuable contribution of national human rights institutions, civil society and other stakeholders in providing input to States on the potential implications of draft legislation when such legislation is being developed or reviewed to ensure that it is in compliance with international human rights law;

18. *Invites* leaders in all sectors of society and respective communities, including political, social and religious leaders, and leaders in business and media, to express public support for the important role of human rights defenders and the legitimacy of their work;

19. *Encourages* States to include in their reports for the universal periodic review and to treaty bodies information on the steps taken to create a safe and enabling environment for human rights defenders, including by bringing legislation and its application affecting the activities of human rights defenders into line with international human rights law;

20. *Encourages* national human rights institutions, civil society and other stakeholders to provide information, including to States, in the context of the universal periodic review and the work of treaty bodies, on the enabling environment for human rights defenders, including legislation and its application affecting the activities of human rights defenders;

21. *Encourages* the Office of the United Nations High Commissioner for Human Rights, the Special Rapporteur, relevant regional mechanisms and national human rights institutions to offer their assistance for the consideration of States in bringing their legislation and its application into line with international human rights law;

22. *Invites* States to seek assistance, including that which may be provided by the above-mentioned actors, in the process of reviewing, amending or developing legislation that affects or would affect, directly or indirectly, the work of human rights defenders;

A/HRC/22/L.13

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23. *Invites* the Special Rapporteur on the situation of human rights defenders to continue to execute the activities under her mandate, including in the follow-up to the present resolution, by monitoring progress and by providing guidance, assistance and follow-up with States, as needed;

24. *Decides* to remain seized of the matter.

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## Resolution of the UN Human Rights Council “Situation of human rights in Belarus”.

July 7, 2013.

	<p>United Nations</p> <p><b>General Assembly</b></p>	<p>A/HRC/23/L.18</p> <p>Distr.: Limited 7 June 2013</p> <p>Original: English</p>
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**Human Rights Council**  
 Twenty-third session  
 Agenda item 4  
**Human rights situations that require the Council's attention**

**Albania<sup>\*</sup>, Austria, Belgium<sup>\*</sup>, Bulgaria<sup>\*</sup>, Croatia<sup>\*</sup>, Cyprus<sup>\*</sup>, Czech Republic, Denmark<sup>\*</sup>, Estonia, Finland<sup>\*</sup>, France<sup>\*</sup>, Germany, Greece<sup>\*</sup>, Hungary<sup>\*</sup>, Iceland<sup>\*</sup>, Ireland, Italy, Japan, Latvia<sup>\*</sup>, Liechtenstein<sup>\*</sup>, Lithuania<sup>\*</sup>, Luxembourg<sup>\*</sup>, Malta<sup>\*</sup>, Monaco<sup>\*</sup>, Montenegro, Netherlands<sup>\*</sup>, Norway<sup>\*</sup>, Poland, Portugal<sup>\*</sup>, Republic of Korea, Romania, Slovakia<sup>\*</sup>, Slovenia<sup>\*</sup>, Spain, Sweden<sup>\*</sup>, Switzerland, the former Yugoslav Republic of Macedonia<sup>\*</sup>, United Kingdom of Great Britain and Northern Ireland<sup>\*</sup>, United States of America: draft resolution**

**23/... Situation of human rights in Belarus**

*The Human Rights Council,*


*Guided by the purposes and principles of the Charter of the United Nations, the provisions of the Universal Declaration of Human Rights, the International Covenants on Human Rights and other applicable human rights instruments,*

*Recalling* all resolutions adopted by the Commission on Human Rights, the General Assembly and the Human Rights Council on the situation of human rights in Belarus, including Council resolutions 17/24 of 17 June 2011 and 20/13 of 5 July 2012, and deploring the inadequate response by the Government of Belarus to the requests of the Council made in those resolutions, including the denial of access to the Special Rapporteur on the situation of human rights in Belarus and other special procedures mandate holders to the country,

*Recalling* Human Rights Council resolutions 5/1 and 5/2 of 18 June 2007,

1. *Welcomes* the report of the Special Rapporteur on the situation of human rights in Belarus;<sup>1</sup>
2. *Expresses deep concern* at continuing violations of human rights in Belarus, which are of a structural and endemic nature, and also at the systemic and systematic restrictions on human rights, especially in the case of the freedoms of association, of assembly, and of opinion and expression, as well as the guarantees of due process and fair trial, and expresses particular concern at the use of torture and ill-treatment in custody, the

\* Non-member State of the Human Rights Council.  
<sup>1</sup> A/HRC/23/52.

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lack of response by the Government to cases of enforced disappearance of political opponents, violations of labour rights amounting to forced labour, significant gaps in anti-discrimination legislation, the impunity of perpetrators of human rights violations and abuses, the harassment of civil society organizations, human rights defenders, journalists and political opponents, pressure on defence lawyers, the lack of participation of opposition political parties in Parliament, and the fact that most international observers regarded the polling in Parliamentary elections on 23 September 2012 as inconsistent with basic standards for competitive, free and fair elections;

3. *Calls upon* the Government of Belarus to carry out a comprehensive review of relevant legislation, policies, strategies and practices to ensure that the provisions are clearly defined, consistent with international human rights law and their human rights commitments, and not used to impede or unduly restrict the exercise of any human right, including the freedoms of expression, association and peaceful assembly, or freedom of the media;

4. *Notes* the attention paid by the Special Rapporteur to the issue of the death penalty in Belarus, and takes note of the re-establishment of the parliamentary working group on the death penalty, and encourages it to expedite its work;

5. *Calls upon* the Government of Belarus to carry out a comprehensive reform of the justice sector and bar associations in order to guarantee the independence and impartiality of the judiciary, the presumption of innocence, fair trial, the right to an effective review of sentences and convictions by a higher tribunal established by law and to freely chosen legal representation throughout all proceedings, as well as the availability of information on the implementation of all sentences;

6. *Strongly urges* the Government of Belarus to immediately and unconditionally release and rehabilitate all political prisoners, and to rehabilitate those who have already been released, to address, through comprehensive, transparent and credible investigations, reports of torture and ill-treatment by law-enforcement officials, and to put an immediate end to the arbitrary detention of human rights defenders and political opponents, arbitrary travel bans and other policies aimed at intimidating representatives of the political opposition and the media, as well as human rights defenders and civil society;

7. *Encourages* the Government of Belarus to consider expediting its initiative to establish a national human rights institution in accordance with the Paris Principles, and to enhance the progress made towards reaching the Millennium Development Goals;

8. *Decides* to extend the mandate of the Special Rapporteur on the situation of human rights in Belarus for a period of one year, and requests the Special Rapporteur to submit a report on the situation of human rights in Belarus to the Human Rights Council at its twenty-sixth session and to the General Assembly at its sixty-ninth session;

9. *Urges* the Government of Belarus to cooperate fully with the Special Rapporteur, including by providing him access to visit the country, as well as the information necessary to facilitate the fulfilment of the mandate;

10. *Requests* the Office of the United Nations High Commissioner for Human Rights to provide the Special Rapporteur with the assistance and resources necessary to allow the fulfilment of the mandate.

ANNEX 3.**Speech of the delegation of the Republic of Belarus at the 22<sup>nd</sup> Session of the UN Human Rights Council concerning the activities of the Working Group on Arbitrary Detention.**

*March 5, 2013.*

The delegation of Belarus would like to make a statement concerning the report and in connection with the activity of the Working Group on Arbitrary Detention.

The Working Group has voiced its considerations on the case of the so-called human rights defender Bialiatski, who, as a result of investigation, was sentenced to imprisonment for the failure to pay a large sum of taxes.

The Working Group had no reasons to consider the case of Bialiatski, as it is connected to commitment of a grave crime and has no relation to arbitrary detention. The guilt of Bialiatski is also confirmed by the information about his unlawful financial activity obtained from other states. Nevertheless, in violation of its mandate, the Working Group considered this case and concluded that Bialiatski was subjected to arbitrary detention. The reason for such a conclusion was the conclusion of the Working Group that (attention!) NGOs positioning themselves as human rights organizations have an exclusive right not to pay taxes and receive illegal financing from foreign states. Thereby, the Working Group ignored the information of the State on this case and, for reasons unknown, didn't even include it in its report to the Council.

We consider the conclusion of the Working Group on Bialiatski's case as an attempt to justify a perpetrator by ranking him among human rights activists, and as interference in the internal affairs of a sovereign country. During the consideration of this case, the Working Group demonstrated a negligent and irresponsible attitude to implementation of its mandate, significantly exceeded its powers, ignored the rules of conduct of mandatories of special procedures.

Such actions of the Working Group and its Chairman in person should be assessed by the Council, the Coordination Committee of Special Procedures and the UN High Commissioner for Human Rights.

Belarus has always shown a constructive attitude to interaction with the thematic special procedures of the Council and provided them with all requested information. However, in such conditions, taking into account the extreme political engagement of the Working Group, the absence of professional ethics in its activities, Belarus sees no sense in further interaction with the Group in its present composition.

**Speech of the delegation of the Republic of Belarus  
at the 22<sup>nd</sup> Session of the UN Human Rights Council concerning  
the position on the HRC country mandates.**

*March 11, 2013.*

The position of our country concerning the country mandates of the HRC remains unchanged. We regard such mandates as arbitrary, politicized and non-objective. Country mandates are unable to facilitate a dialogue with the governments of the countries in question and improvement of the situation of human rights.

The mandate on the Democratic People's Republic of Korea (DPRK) is not an exception. It has existed for more than eight years already, but failed to establish a dialogue with the Government of the DPRK, which again confirms its helplessness and uselessness. The Council was to have relied on a dialogue with the DPRK Government from the very beginning. It is not too late to improve the situation. In this context, we consider as inexpedient the extension of the mandate of the Special Rapporteur on human rights in the Democratic People's Republic of Korea. The Belarusian delegation also believes that the recommendation of the Special Rapporteur to establish a commission on investigation is groundless and can further aggravate the situation. We don't support this proposal.

The Council and the human rights mechanisms should continue the efforts on establishing a real dialogue with the Government of the DPRK and propose it technical help and assistance in conformity with the national needs and priorities of the country.

In this respect, a good basis for the development of constructive cooperation in the sphere of human rights is provided by the procedure of the Universal Periodic Review. We welcome the participation of the DPRK in the procedure of the UPR and its aspiration to implement the adopted recommendations.



ANNEX 5.**Resolution of the 3rd Belarusian Human Rights Forum  
on situation with human rights in Belarus**

*October 27, 2013, Vilnius*

We, the participants of the 3rd Belarusian Human Rights Forum, representing the Belarusian human rights community within the country and abroad, with a deep concern STATE THAT, since the previous Forum held in the autumn of 2010 the situation with human rights in Belarus has deteriorated dramatically:

A wave of large-scale repressions after the presidential election in 2010 affected a wide range of civil society organizations, thousands of regular citizens and members of opposition political parties.

Dozens of politicians and members of the opposition groups were hurled into prison for political reasons, including several presidential candidates, one of whom, Mikalai Statkevich, still remains in prison.

Our friend and fellow human rights defender Ales Bialiatski, Head of the Human Rights Center Viasna and Vice-President of the International Federation for Human Rights (FIDH), who was sentenced to 4.5 years in prison for his human rights activities, has been behind bars for more than two years already.

According to our estimates, nine political prisoners remain behind bars at the moment: Ihar Alinevich, Mikalai Autukhovich, Ales Bialiatski, Mikalai Dziadok, Andrei Haidukou, Eduard Lobau, Artsiom Prakapenka, Mikalai Statkevich, and Yauhen Vaskovich.

In late 2011, the Criminal Code and other legislation were amended so that to allow initiating prosecution for further and larger-scale violations of human rights, including violation of the right to freedom of association.

The Belarusian authorities have made no significant steps that would indicate their intention to improve the situation and solve the existing painful problems in the field of human rights: the death penalty has not been abolished, death sentences are still delivered and enforced; odious Article 193-1 of the Criminal Code, which provides for imprisonment for activities of unregistered associations, has not been terminated, as well as other articles of the Criminal Code that can be used to restrict freedom of speech; no investigation into the politically motivated disappearances of the government opponents and no punishment of the perpetrators of these crimes have been effected; the National Human Rights Institution (Ombudsman) has not been established; the fundamental linguistic rights of Belarusian citizens are violated in various fields.

The Belarusian authorities have been taking discriminatory measures against a broad circle of groups. We state that the authorities demonstrate indifference towards the manifestations of discrimination.

In contrast to the resolutions of the previous Forum in 2010, this time we cannot mention any positive changes or trends, demonstrating any potential for improvement of the human rights situation in Belarus.

In this light, we note with disappointment that human rights are not a priority for the type of government existing in Belarus at present.

We, the participants of the 3<sup>rd</sup> Belarusian Human Rights Forum, are convinced that human rights must remain the supreme value in our country.

Realizing that the human rights community must address the challenges to human rights, and always adhere to and be guided by the international human rights principles and standards, we call on the country's authorities to:

Immediately and unconditionally release all the political prisoners, and reinstate them in their rights, including the reinvestigation of their criminal cases conducted with violations of the fair trial principles and international standards.

Stop the pressure on Mikalai Statkevich, Mikalai Autukhovich and all political prisoners in the penitentiary institutions, as well as the ungrounded prosecution of youth activists Uladzimir Yaromenka, Pavel Vinahradau and others.

Exclude Article 193-1 of the Criminal Code from the legislation, and lift the ban on the activities of NGOs that have not been registered by the state.

Complete a full and comprehensive investigation of the disappearances of the former Minister of Internal Affairs, Yury Zakharanka, the former Deputy Speaker of the Supreme Soviet, Viktor Hanchar, businessman Anatol Kra-souski and journalist Dzmitry Zavadski by May 2014 (i.e. by the time when the statute of limitations for these crimes will be deemed expired), and, taking into account the public significance of these cases, hold open trials of the perpetrators of the abductions and, presumably, murders of these government opponents.

Declare a moratorium on executions, followed by the abolition of the death penalty.

Implement measures to put into practice the recommendations of the UN Human Rights Committee regarding the cases of violations of the International Covenant on Civil and Political Rights by the Republic of Belarus, as well as other decisions of the UN treaty bodies.

Create the national institutions for the protection of human rights at the national level, including through the establishment of the position of the Ombudsman, creation of a special public advisory body on human rights within the public authorities that would include representatives of the Belarusian human rights movement; create mechanisms for public control over the activities

of the law enforcement agencies, as well as a mechanism to take into account the public opinion (including the opinion of the human rights defenders) in the law-making process.

Restore the court and prosecution system independence from the executive authorities, the independence of the Bar; start approaching the European standards in the prison system, including through the elimination of all practices that may be qualified as torture or cruel or degrading treatment, and go back to the practical implementation of the principles of the 1992 Concept of the Judiciary Reform.

Take complex measures to fight all possible forms of discrimination\*, including through the adoption of a comprehensive antidiscrimination law.

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\* On the basis of the race, skin color, ethnic origin, gender, pregnancy, motherhood, marital or family status, language, religion or faith, political or other views, birth, national or social origin, citizenship, economic status, association with an ethnic minority, sexual orientation, gender identity, age, disability, HIV status, health, genetic or other predisposition to diseases or other circumstances.

**Statement of the 3<sup>rd</sup> Belarusian Human Rights Forum on efforts to return Belarus to the implementation of international human rights standards**

*October 27, 2013, Vilnius*

For the past fifteen years, the Republic of Belarus has been gradually estranging itself from the international human rights standards enshrined in the international treaties and conventions on human rights.

This trend has manifested itself in the following behavior of the Government of Belarus:

The failure to submit periodic reports in a timely manner under the International Covenant on Civil and Political Rights for several consecutive periods.

Ignoring the views of the UN Human Rights Committee regarding individual communications of the citizens of Belarus, which have found evidence of the human rights violations committed by the Government of Belarus, as well as open statements about the non-binding nature of the Committee's decisions, manifested in the lack of mechanisms for the implementation of the international human rights standards in the national legal framework.

The failure to sign the Second Optional Protocol to the International Covenant on Civil and Political Rights on the abolition of the death penalty, as well as the death sentences and executions.

The failure to sign the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights, Convention on the Rights of Persons with Disabilities, and other important documents of the international human rights protection system.

The lack of the actual steps for the Republic of Belarus to accede to the effective regional system of human rights protection in the framework of the Council of Europe, including the lack of political will to sign the European Convention on Human Rights, despite the formally submitted application to join the Council of Europe.

The lack of cooperation with the overwhelming majority of the UN human rights bodies, including the demonstrative disregard of the re-established mandate of the Special Rapporteur on the situation of human rights in Belarus in 2012.

Ignoring the standards and recommendations of the Organization for Security and Co-operation in Europe (OSCE) on the human dimension and human

rights, including the non-implementation or inadequate and ineffective implementation of the recommendations of the ODIHR/OSCE Presidential and Parliamentary Elections Observation Mission, as well as the recommendations of the OSCE Representative on Freedom of the Media; and the closure of the OSCE office in Minsk.

The use of offensive propaganda by the senior government officials in order to discredit the human rights values, and to defame both the international human rights movement and the international human rights institutions, as well as the human rights defenders in Belarus.

We strongly condemn such a dismissive attitude of the Government of Belarus to the human rights values and standards and urge them to take the following steps:

revert to the legal framework outlined in the Constitution of the Republic of Belarus, international treaties on human rights signed by our country,

refrain from deviations from the standards established by these treaties,

join all the other UN documents, the European Convention on Human Rights and other human rights instruments of the Council of Europe,

create effective tools within the national legal framework for the implementation of the international obligations in the field of human rights, including the system of implementation of the decisions and recommendations by the UN Special Procedures, and conclusions of the treaty bodies (UN Human Rights Committee and Committee on the Elimination of All Forms of Discrimination against Women) made upon individual applications,

implement all the recommendations of the first cycle of the UN Universal Periodic Review of Belarus, and start a wide public discussion as part of preparation for the second cycle of the UN Universal Periodic Review, including the preliminary and public discussion of the country's national report as part of the second cycle of this UN procedure for Belarus,

invite all the UN Special Rapporteurs to Belarus, and, first of all, immediately invite the UN Special Rapporteur on the situation of human rights in Belarus.

At the same time, we appeal to the UN High Commissioner for Human Rights and other UN bodies and institutions to initiate the opening of the Special Office of the High Commissioner for Human Rights in Belarus. The UN Office in Belarus plays a crucial role in this matter: in our view, this body should play the principal role to ensure communication between the human rights community and the UN in Belarus.

We suggest that the OSCE should increase activity encouraging the Government of Belarus to respect human rights. We call on the OSCE Parliamentary Assembly to keep the working group on Belarus within their structure,

and we call on all the OSCE structures, including the ODIHR, to enhance the cooperation with the civil society in Belarus. We welcome the process started by the OSCE ODIHR to develop the Key Guiding Principles of Freedom of Association, and support the broadest possible representation of the civil society experts in this process.

ANNEX 7.**3<sup>rd</sup> Belarusian Human Rights Forum  
Appeal to Eastern Partnership Summit**

*October 27, 2013, Vilnius*

We, the representatives of the Belarusian human rights community, the participants of the 3<sup>rd</sup> Belarusian Human Rights Forum, view the Eastern Partnership program as a means of bringing the partner countries closer to the European standards in all spheres. However, the development of the trade and economies of the partner countries cannot be separated from the socio-political and humanitarian dimension of the European standards, including in the field of human rights.

With this in mind, we state that at the moment, the Eastern Partnership program is far enough from realizing its potential to the full extent to improve the human rights situation in Eastern Europe. We are concerned that during the program implementation, we have observed the division of countries into those where the European human rights standards take root, and those where there is a regression in the field of human rights.

Unfortunately, Belarus falls within the latter group. Our optimism at the start of the program has for the most part not come true. The potential of the Eastern Partnership was particularly undermined by the events that followed the presidential election in Belarus in 2010, when a wave of repressions and human rights violations blocked, in fact, any possible dialogue between Europe and the official Minsk. As a result, Belarus is involved in the Eastern Partnership only nominally, with no action and political will shown on the part of the Government.

We place the blame for the failure to maintain the dialogue and realize the potential of the Eastern Partnership for Belarus on the political leadership of the country. The existence of political prisoners in the country, along with the other gross violations of human rights, makes Belarus' actual and productive participation in the Eastern Partnership impossible.

We welcome the deepening of the EU integration with the partner countries, including the conclusion of the Agreements on Association and on Deep and Comprehensive Free Trade Area. We are particularly pleased with and inspired by the positive experience of our neighbor, Ukraine, showing the reality of the European choice for a nation closely related to Belarusians.

However, we believe that human rights cannot be used as a bargaining chip. The sustainable development and modernization of our country is impossible without democratization and respect for human rights on the part of the Government.

In this regard, we urge the Summit to make efforts toward encouraging the Government of Belarus to remove the barriers, which impede the country's full-scale participation in the Eastern Partnership.

We see the immediate and unconditional release of the political prisoners and their reinstatement as the first out of a series of such steps. We believe that progression of Belarus toward reforms and European standards in all the areas is possible via the mutually beneficial implementation of the European Dialogue on Modernization with Belarus, on the basis of full-scale and equal participation of the country's Government and civil society in collaboration with the European Union. We see this program as an additional means to compensate for our country's lagging behind in the partnership, including in terms of the political and legislative reforms.

We call upon the partner countries not to withdraw the humanitarian dimension of the cooperation from the agenda and to consider the human rights issues when determining the future path for the Eastern Partnership development.



STATEMENTS, APPEALS**Statement of the Human Rights Center “Viasna”  
and the Belarusian Helsinki Committee demanding publicity  
in the case of Andrei Haidukou**

*Minsk, February 19, 2013*

Belarusian human rights organizations demand transparency and compliance with all procedural guarantees in the case of Andrei Haidukou facing charges of spying.

It was reported by the relatives of Andrei Haidukou, who is held in the KGB jail on charges of committing crimes under Part 1 of Art. 356 of the Criminal Code (high treason in the form of intelligence activities), that in the investigation of the criminal case the investigators committed gross violations of his rights. In particular, he has been repeatedly denied access to his lawyer and his relatives have been restricted in obtaining information on the place of detention of the accused.

It should be noted that the right of unimpeded confidential meetings with the lawyer, with no restrictions on their frequency and duration in time, is guaranteed to the citizens by the Constitution of the Republic of Belarus, as well as relevant provisions of applicable national law – the Criminal Procedure Code of the Republic of Belarus.

In 2011, in its concluding observations on the 4<sup>th</sup> Periodic Report of the Republic of Belarus, the UN Committee against Torture expressed grave concern over the extensive information that the detainees are often denied basic rights, including access to a lawyer and the right to contact with the family (CAT/C/SR.1053). The Committee against Torture recommended that the State both in law and in practice ensured that all detainees enjoyed free access to basic legal safeguards, including immediate access to a lawyer.

We are also very concerned about the recently widespread, and applied in practice to Andrei Haidukou, practice of impact on lawyers by demanding guarantees of non-disclosure of the investigation materials, which has been treated inappropriately broad. As a result, the lawyer loses the opportunity to provide the public with information about the nature of charges brought against his or her client, possible procedural violations involving the defendants' rights, his or her health condition and other similar information. In our opinion, this approach limits the rights of persons in custody to legal protection, and deprives the public from the right to obtain information that affects public interests.

Given the nature of the charges brought against Andrei Haidukou, we call upon the competent organs of the Republic of Belarus during the criminal prosecution of Andrei Haidukou to provide adequate protection and realization of his rights in accordance with the legislation of the Republic of Belarus and the international obligations assumed by the country to its citizens and the international community. The persons responsible for such violations should be subjected to appropriate measures of responsibility.

We also call to publish information about the progress of the investigation and ensure the necessary publicity of the upcoming trial in the case.

## **FIDH and Viasna demand that charges dropped against those convicted after Chernobyl Way March**

*Paris-Minsk, April 30, 2013*

FIDH and the Human Rights Center “Viasna” demand that charges against six people, including two journalists, one human rights defender and one activist, be dropped in relation to their engagement in this year’s annual commemoration of the Chernobyl nuclear accident.

“Human rights organizations who observed the demonstration on the day stated that it had been conducted peacefully, without incidents and in full compliance with the authorization issued by Minsk city executive authorities. I therefore believe that the detention and further administrative arrests of participants in this approved peaceful rally are wholly unlawful and an outrage against citizens’ constitutional rights. The arrest of journalists in the performance of their professional duties is clearly indicative of the regime’s repressive treatment of freedom of speech in the country,” stated Valiantsin Stefanovich, HRC “Viasna” Vice-President.

“These charges and detentions are obviously an attempt to maintain a climate of fear among the Belarusian people who were demonstrating peacefully and with the required legal authorizations,” said Souhayr Belhassen, FIDH President.

On April 29, 2013, two Radio Racyja journalists, Henadz Barbarych and Aliaksandr Yarashevich, were sentenced to three days of detention each for “disobeying police orders” while covering the mass event. Human rights defender Viachaslau Dashkevich, who was observing the march, was sentenced to five days of administrative detention on the same charges. Activist Ihar Trukhanovich was sentenced to ten days of detention on charges of participating in an illegal mass gathering and disobeying police orders. Two more participants of the rally – Dzmitry Charniak and Aliaksandr Tarnahurski – were sentenced to ten days of arrest each on similar charges. Several other instances of detention before, during and after the rally were also recorded.

### **Background information:**

A mass event commemorating the catastrophe at Chernobyl nuclear station takes place every year on 26 April. This year the demonstration was authorized by the authorities and passed peacefully, but for the interference of law enforcement agents.

At 6:30 p.m., people gathered near the Kastrыchnik cinema house in Minsk. They were holding banners stating “Our Lives – The Nuclear Plant’s Price”, “We Are Against Nuclear Plant Construction”, “Hot Summer 1986 – For Whom?”. Young people in tissue masks distributed leaflets entitled “Budget

Spent on Nuclear Plant Leaves Nothing for Salaries". The flags belonging to the civil society groups, European Belarus, Tell the Truth movement, the Belarusian Christian Democracy and the Belarusian People's Front could be seen in the crowd. Those at the head of the demonstration were carrying the icon of the God Mother of Chernobyl. The procession chanted "Long Live Belarus", "No to the Nuclear Power Plant in Belarus", "Astravets is the Second Chernobyl". The demonstrators demanded the release of all political prisoners, referring to such prisoners by name.

The meeting venue, Bangalore Square, was surrounded by a metal fence and yellow tape. The special riot police units (OMON) searched each participant of the demonstration carefully; loud speakers were not permitted for use on the stage despite the fact that the organizers of the rally had received advance authorization for their use from the authorities.

During the meeting, a resolution was adopted that included demands to stop the construction of the Astravets Nuclear Power Plant and to release all political prisoners. It was also announced that the Ivan Nikitchanka national ecological committee named was to be founded.

The two journalists from Radio Racyja were detained after the demonstration ended, at around 10.00 p.m. The journalists had their press cards on them but were taken to the Savetski district police department; the duty police officer at this department nevertheless denied that any detainees had been brought there. At midnight the journalists' colleagues saw them being taken to the detention center in Akrestsin Street. According to the duty officer in the detention center, the journalists were accused of disobedience of police's demands (Art. 23.4 of the Code of Administrative Violations). However, the guards refused to take a parcel to the detainees this morning, saying that all items can be transferred only after their trial, which is to take place on Monday.

In another incident, two journalists from Nasha Niva were detained, but later set free. Aksana Rudovich and Iryna Arakhouskaya had tried to photograph the detention of an anarchist, Ihar Trukhanovich, following which they were followed and detained in a trolleybus. The journalists were taken to a blue mini-van by people who did not introduce themselves. They were taken to the same police department; the police looked through the recordings, checked the women's IDs and set them free.

On April 26, independent journalists Aliaksandr Barazhenka and Nasta Yau-men were also briefly detained in Astravets, where they came to report about a trip of opposition activists to the construction site of the nuclear station.

Before the rally, many activists from the ecological movement opposed to the construction of the nuclear plant were detained. For example, chairperson of the Council of Ekodom Iryna Sukhiy, and activists Vasil Siniukhin, Kanstantsin Kirylenka and Volha Kaskevich were arrested outside their apart-

ments. They were held in Pershamaiski police department and released as soon as the Chernobyl Way was over. Other ecologists, blocked in their apartments, were thereby prevented from joining the demonstration. The ecologists had intended to protest against the construction of the nuclear power plant in Belarus during the Chernobyl Way rally 2013.

Earlier that day in the town of Astravets of the Hrodna region, where the nuclear power plant is being built, leader of the United Civil Party, Anatol Liabedzka, and several accompanying journalists were detained twice.

A human rights activist, Viachaslau Dashkevich, was arrested near Savetski police department, where some of the detained were taken. After the rally, an activist from the anarchist movement, Ihar Trukhanovich, was beaten up by four special services officers dressed as civilians.

Even the journalists filming the assault on Ihar Trukhanovich were detained, as well as other demonstrators in Bangalore Square.

For more information on human rights violations during the rally, see (in Russian) the report on the results of monitoring of the Chernobyl Way rally 2013, prepared by Belarusian human rights defenders.

**“Viasna” urges the authorities to stop the practice of pressurizing civic activists and take measures for the abolishment of Article 193.1 of the Criminal Code**

*Minsk, May 2, 2013*

The Human Rights Center “Viasna” urges the Belarusian authorities to stop the practice of intimidation and pressurization of civic activists and immediately decriminalize the activity of unregistered organizations.

During the last two months, the Human Rights Center “Viasna” has registered an increase in the number of official warnings about the inadmissibility of activities on behalf of unregistered organizations issued by the Prosecutor’s Office and the KGB to civic activists and human rights defenders.

On April 18, 2013, the Biaroza District Prosecutor’s Office issued a warning for actions on behalf of an unregistered organization to an activist of the civil campaign ‘Tell the Truth’ Aliaksandr Kuzmin.

On April 24, 2013, the General Prosecutor’s Office of the Republic of Belarus issued a warning about the inadmissibility of activities on behalf of an unregistered organization to human rights defender Tamara Siarhei.

On April 29, 2013, an activist of the Belarusian Christian Democracy Party Aleh Aksionau, put on a preventive register of the KGB in October 2012 for such activities, was summoned for a preventive talk by the KGB.

All aforementioned people were warned about their possible punishment under Article 193.1 of the Criminal Code of the Republic of Belarus, which provides for up to two years of imprisonment.

The Human Rights Center “Viasna” considers it necessary to remind that freedom of association is guaranteed to citizens of Belarus by Article 36 of the Constitution. According to Article 23 of the Constitution, rights and freedoms of individuals can be restricted only in the cases provided for by the law – for the interests of the national security, public order, protection of public morals, health, rights and freedoms of other individuals. Article 5 of the Constitution also contains an exhaustive enumeration of the admissible restrictions on the right to association: banned is the creation and activity of the political parties and other civic associations seeking to violently change the state order or propagating war, social, national, religious or racial enmity. From the viewpoint of the constitutional guarantees and the admissible restrictions, it is evident that the existence of criminal punishment for the very fact of acting on behalf of an unregistered organization is a violation of freedom of associations, guaranteed by the Constitution.

On October 15, 2011, the European Commission for Democracy through Law by mandate of the Council of Europe (Venice Commission) prepared

a conclusion, declaring Article 193.1 of the Criminal Code of the Republic of Belarus incompatible with the provisions of the International Covenant on Civil and Political Rights and other international undertakings of the Republic of Belarus.

It's worth reminding that during 2008-2010 the competent officials of the Ministry of Justice and the Presidential Administration of the Republic of Belarus repeatedly stated the possibility of the abolishment of this article of the Criminal Code.

In the view of the aforesaid, the Human Rights Center "Viasna" once again calls on the Belarusian authorities to stop the practice of the pressurization of civic activists and to take measures for the abolishment of Article 193.1 and decriminalization of activities of unregistered organizations.

**Background:**

Article 193.1 of the Criminal Code of the Republic of Belarus (illegal organization or participation in the activities of a civic association, religious organization or foundation) is punished with a fine, up to six months of arrest or up to two years of jail.

18 cases of punishment of people under this article have been registered since 2006.

In February 2011, the Prosecutor General's Office of the Republic of Belarus issued a written warning about the inadmissibility of activities on behalf of an unregistered organization to the head of the Human Rights Center "Viasna" Ales Bialiatski.

## **Belarus: Refusal to cooperate triggers renewal of the mandate by the UN Human Rights Council**

### **International Federation for Human Rights (FIDH) Human Rights Center “Viasna”**

*June 13, 2013*

On June 13, 2013, the United Nations Human Rights Council (HRC) adopted a resolution renewing the mandate of the Special Rapporteur on the situation of human rights in Belarus and expressing deep concern at continuing violations of human rights in the country.

In strong language, the resolution “urges the Government of Belarus to immediately and unconditionally release and rehabilitate all political prisoners, (...) and to put an immediate end to the arbitrary detention of human rights defenders, arbitrary travel bans (...) aimed at intimidating representatives of the political opposition and the media, as well as human rights defenders and civil society”.

“The Council sent the clear message to Belarus that its systematic refusal to cooperate with the UN only demonstrates its total lack of will to improve its human rights record. My colleague Ales Bialiatski, who was sentenced to four and a half years of imprisonment at a high security prison camp, is still waiting for Belarus to fulfill its international obligations which state that he should be immediately released,” said Viasna Vice-President Valiantsin Stefanovich.

The resolution, presented by the European Union, was adopted by a majority of 26 member states, against 3, with 18 abstentions. The support for this resolution has proven broader than that for the last resolution on Belarus. Countries from all regions, including Burkina Faso, Costa Rica, Guatemala, Mauritania and Peru added their votes to the European and other Western states, giving strong cross-regional support to the resolution.

The Council nevertheless failed to address in strong terms the issue of death penalty in Belarus and settled for a minimalistic approach to this matter, “noting the attention paid by the Special Rapporteur to the issue of death penalty” and not condemning the use of capital punishment, and death sentences in Belarus, while another death sentence was pronounced yesterday.



**Statement by the Human Rights Center “Viasna”  
and the Belarusian Helsinki Committee on sentencing  
of Andrei Haidukou**

*Minsk, July 1, 2013*

On July 1, 2013, Andrei Haidukou was convicted under paragraph 1, Article 14 and Article 356-1 of the Criminal Code (attempt to establish cooperation with the special service, security or intelligence services of a foreign state) and sentenced to 1.5 years in prison.

Criminal charges were brought against Andrei Haidukou in early November 2012, when he was detained by the State Security Committee (KGB) agents and placed in the KGB detention center. On November 13, 2012, the State Security Committee disseminated information on the suppression of unlawful activity of a citizen of the Republic of Belarus, who was engaged by a foreign intelligence in the collection and transmission of information of political and economic nature. As a result, the detainee faced criminal charges under Part 1, Art. 356 of the Criminal Code of Belarus (high treason in the form of intelligence activities). However, during the trial the charges were reclassified to Part 1, Art. 14 and Art. 356-1 of the Criminal Code of the Republic of Belarus.

The Human Rights Center “Viasna” and the Belarusian Helsinki Committee arrived at a conclusion that the preliminary investigation and the trial were completely closed and non-transparent, despite the increased interest in the case among the public and the media. Moreover, the authorities failed to provide any justification for the consideration of the case in a closed court session. Given the fact that Haidukou was initially charged with committing a grave crime (Article 356 of the Criminal Code, “high treason”), and later his actions were reclassified to a less serious crime, it can be assumed that the need for consideration of the case in a closed trial was motivated by a desire to conceal from the public the unlawful methods of the investigation and the provocation of the accused in the commission of a crime. This qualification of the offense by the court shows that the KGB misled the public, while the KGB did not establish the fact of entering by the national of the Republic of Belarus into illegal cooperation with the security agencies of a foreign state. Having established the circumstances, the KGB continued to induce Haidukou to commit a graver crime, thus committing a provocation.

Haidukou’s right to legal protection was violated during the investigation; the investigators arbitrarily limited his meetings with the lawyer. Haidukou’s contacts with his family were limited to occasional correspondence subjected to surveillance and censorship. As a measure of affecting Haidukou’s lawyer,

the investigation warned him of criminal liability for disclosure of information of the investigation. This measure, too broadly applied in practice, severely limits the ability of the lawyer to defend the interests of his client.

Andrei Haidukou was convicted of an offense under Article 356-1 of the Criminal Code, which criminalizes the establishment of cooperation on a confidential basis with the special service, security or intelligence agency of a foreign country with no elements of high treason. This act was first criminalized in November 2011.

Back in 2011, Belarusian human rights defenders stressed the inadmissibility of the use of non-specific definitions in the criminal law, including allowing for their arbitrary and expanded interpretation.

A statement of the Chairman of the State Security Committee V. Vakulchik issued at the end of May 2013 said that the criminal case against A. Haidukou had reached court and was expected to be considered in a closed court hearing. Meanwhile, the indictment was not changed. This excessive activity of the KGB head, not the prosecution, who is supposed to be defending the charges in court, in disclosing details and prospects of the trial was evidence of the possible impact of the State Security Committee on the findings and the procedural decisions of the court.

Taking into account the social significance of the case, the nature of the charges leaves no doubt that the consideration of it in court was to be held in compliance with the principle of transparency, as there were no prerequisites for its restriction as provided by law.

It should be noted that the act for which Haidukou was convicted belongs to the category of crimes that do not pose a danger to society. A person accused of committing it cannot be subjected to the measure of restraint in the form of custody. According to Part 1 of the Resolution of the Plenum of the Supreme Court of the Republic of Belarus "On the appointment by courts of penalties on the deprivation of liberty", imprisonment as a punishment may be imposed only in cases prescribed by law for the crimes that represent a significant danger to the society, when the court, with regard to the nature of the crime and the personality of the convict, arrives at a conclusion that his or her isolation will protect society against crime and will contribute to the objectives of criminal responsibility. Analysis of the available data does not allow to conclude that the judicial sentence of imprisonment is grounded. In our view, the fact that the court found Haidukou guilty of attempting to commit a crime that belongs to a category that does not pose a great danger to society, while not being previously convicted, did not allow the court to apply imprisonment to the convict. Thus, his detention and conviction to imprisonment are arbitrary.

Assessing the circumstances in their complexity, as well as the nature of the charges, the procedural violations made during the investigation, and the

closed mode of the trial, based on the information available to the human rights defenders on the actions of Haidukou, which served as the formal basis for his detention, the Human Rights Center “Viasna” and the Belarusian Helsinki Committee arrive at the following conclusions:

The sentencing of Andrei Haidukou is groundless and politically motivated, as it is largely aimed at increasing the role and significance of the KGB in the state using methods that are unacceptable in a democratic society, while deprivation of liberty was used in violation of the right to a fair trial, and other rights and freedoms guaranteed by the International Covenant on Civil and Political Rights, and the duration of detention is clearly disproportionate (inadequate) to the offense of which the person has been convicted;

The Belarusian Helsinki Committee and the Human Rights Center “Viasna” demand to immediately release Andrei Haidukou, to overturn the illegal sentence imposed by the court and to guarantee its revision, subject to the right to a fair trial.

**Statement by the Human Rights Center “Viasna”  
on the prosecution of Vasil Parfiankou  
and Uladzimir Yaromenak**

*July 16, 2013*

On July 12, Minsk Pershamaiski District Department of the Investigative Committee notified former political prisoner Vasil Parfiankou that criminal proceedings against him had been instituted for violating preventive supervision conditions set by the Pershamaiski Court of Minsk. The same day, the activist was charged under Article 421 of the Criminal Code. The charge for this article was the second in a row after Vasil Parfiankou was released under the President's decree of pardon in August 2011 after being sentenced to four years' imprisonment under Par. 2, Art. 293 of the Criminal Code for taking part in a protest against electoral fraud during the last presidential election. In the first case, the activist was convicted on May 29, 2012 under Article 421 of the Criminal Code by the Pershamaiski Court of Minsk and sentenced to six months of prison arrest.

On May 16, a criminal case with a similar accusation of violating the terms of preventive supervision was opened against another former political prisoner and a defendant in the “rioting” criminal case, an activist of the Young Front Uladzimir Yaromenak. For participating in a protest following the presidential election, on May 14, 2011 he was sentenced by the Partyzanski District Court of Minsk to three years of imprisonment under Par. 2, Art. 293 of the Criminal Code, and in August of the same year he was pardoned by the President's decree.

The Human Rights Center “Viasna” considers the prosecution of Vasil Parfiankou and Uladzimir Yaromenak as politically motivated, solely associated with the desire of the authorities to put an end to their activities, as well as an intention to intimidate other political and civil society activists.

Vasil Parfiankou and Uladzimir Yaromenak face up to one year in prison each. If found guilty and sentenced to prison terms, they will be recognized as political prisoners.

The Human Rights Center “Viasna” demands:

- an immediate and unconditional release of all political prisoners held in prison facilities;
- termination of criminal proceedings against Vasil Parfiankou and Uladzimir Yaromenak;
- lifting (removal from criminal records) of convictions from all persons illegally imprisoned for political reasons, that will be seen as a step towards their rehabilitation and will allow to resume their political activities.

**Statement: “Viasna” demands immediate and unconditional release of Ales Bialiatski and all political prisoners**

*Minsk, August 4, 2013*

The Human Rights Center “Viasna” demands the immediate and unconditional release of Ales Bialiatski and all political prisoners in Belarus.

4 August marks two years since the arrest of our friend and colleague, the chairman of the Human Rights Center “Viasna”, vice-president of the International Federation for Human Rights, who was sentenced to four and a half years in prison.

The imprisonment of one of the most famous and respected human rights defenders in Belarus was the result of many years of repressive policy of the Belarusian authorities against civil society in the country, and is punishment for the principled long-term human rights advocacy pursued by Ales Bialiatski.

The activities of Ales Bialiatski and the Human Rights Center “Viasna”, established by him in 1996, including financing of the regular activities of the human rights organization, are wholly legitimate and comply with the principles laid down in the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms (UN Declaration on Human Rights Defenders), and the International Covenant on Civil and Political Rights.

This position has been repeatedly confirmed by the Human Rights Council, which unanimously called on all States to ensure that the promotion and protection of human rights is not considered a crime, and that human rights defenders aren't deprived of the opportunity to enjoy the universal human rights relating to their work, both individually and in association with others. This position was reflected in the views of the Working Group on Arbitrary Detention of the Human Rights Council in the case of Ales Bialiatski.

Over the past two years since the date of arrest of Ales Bialiatski, the human rights situation in the country hasn't improved and remains stably bad: at present, 12 political prisoners are kept in jail, the practice of criminal and administrative prosecution of citizens for political reasons continues, while the fundamental civil and political rights are extremely limited.

Imprisonment and the use of other methods of repression for beliefs, social and political activities is a sign of the authorities' inability to build a democratic and pluralistic society, the desire for the destruction of any kind of dissent and a deep crisis of the legal system of the country. In this situation, the persecution of human rights defenders, who provide assistance to victims of human

rights violations and criticize the government for such violations, is clear evidence that the authorities are willing to use the most stringent measures to intimidate opponents and society as a whole in order to preserve the existing regime in the country.

The Human Rights Center “Viasna” strongly opposes politically motivated persecution of citizens and calls on the authorities to immediately and unconditionally release all political prisoners and restore them in all civil and political rights.

The Human Rights Center “Viasna” states that it will continue its legitimate activities for the protection and encouragement of human rights in Belarus.

## **Open appeal concerning the arrest of priest Uladzislau Lazar The Human Rights Center “Viasna”**

*August 14, 2013*

The Human Rights Center “Viasna” urges the State Security Committee (KGB) to disclose information about the grounds for the detention of priest Uladzislau Lazar, as well as the essence of the charges he is facing.

Citizens of the Republic of Belarus shall be guaranteed the right to receive, store and disseminate complete, reliable and timely information on the activities of state bodies and public associations, on political, economic, cultural and international life, and on the state of the environment (Article 34 of the Constitution).

The International Covenant on Civil and Political Rights enshrines that “everyone shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information.”

The exercise of the rights provided by the Covenant “carries with it special duties and responsibilities. It may therefore be subject to certain restrictions, but these shall only be such as are provided by law and are necessary: for respect of the rights or reputations of others; for the protection of national security or of public order, or of public health or morals.”

We believe that information about the arrest, detention, the essence of suspicion and accusations, procedural status, place of detention, and other aspects, which are unrelated to the details of the criminal prosecution, cannot violate the secrecy of the investigation protected by law and do not pose a threat to the interests of national security and public order.

The Human Rights Center “Viasna” regularly receives information about restriction or infringement of the rights of certain individuals on the part of the government. Such cases require an adequate response from the institutions of civil society. Meanwhile, human rights defenders, understanding their responsibility for the impartiality and objectivity of their judgments, often have to report complete absence of official information, even in instances when a particular case is of wide public response.

Therefore, the Human Rights Center “Viasna” calls upon the authorities, the Prosecutor’s Office, the Ministry of Internal Affairs, the KGB and the Investigative Committee, to report through the media and with their own websites on each high-profile or strategic case dealing with restrictions on the rights of citizens.

The Human Rights Center “Viasna” reminds that, regardless of the severity of the offense charged, detainees have all rights except those that are limited by the very fact of custody; torture and cruel, inhuman and degrading treatment are prohibited.

**Statement by the Human Rights Center “Viasna”  
on the sentencing of Uladzimir Yaromenak**

*August 20, 2013*

On August 20, the Court of Minsk Pershamaiski district sentenced Uladzimir Yaromenak, activist of the youth organization “Young Front”, to three months of arrest, founding him guilty of violating the rules of preventive supervision (Article 421 of the Criminal Code).

The Human Rights Center “Viasna” considers the sentencing of Uladzimir Yaromenak as politically motivated, as it is aimed at hindering or ceasing his further political activities, as well as exerting pressure in connection with such activities. Today’s verdict to Uladzimir Yaromenak is a direct result of his conviction for three years of prison for involvement in the post-election protest of December 19, 2010.

The Human Rights Center “Viasna” notes that preventive supervision was established by a court after Uladzimir Yaromenak was pardoned and resulted from repeated administrative convictions for the peaceful exercise of his rights guaranteed by the Constitution and the International Covenant on Civil and Political Rights. A number of administrative cases were clearly rigged for the purpose of short-term isolation of the activist.

The sentencing of Uladzimir Yaromenak is an obvious factor that indicates a worsening of the human rights situation in the country and highlights the ongoing negative trend of recent months in this area.

The Human Rights Center “Viasna” urges the Belarusian authorities to:

- put an end to the criminal prosecution of Uladzimir Yaromenak;
- put an end to the practice of politically motivated persecution of political activists, human rights defenders, journalists and political opponents of the current regime;
- immediately and unconditionally release all political prisoners and lift all restrictions on their rights imposed in connection with their sentencing.



## **Belarus: Zmitser Dashkevich released, while 11 other political prisoners remain detained**

*Paris-Minsk, August 30, 2013*

FIDH and its member organization in Belarus, the Human Rights Center “Viasna”, welcome the 28 August release of Zmitser Dashkevich, leader of the civil and political organization Young Front, after his having completed his full prison term for charges of “malicious hooliganism” and “repeated failure to obey prison authorities”.

FIDH and Viasna note that in the recent months the already serious human rights situation in Belarus has only deteriorated and Dashkevich’s release should by no means be considered to be a sign of improvement. Our organizations would like to bring attention to the fact that not only had Dashkevich completed his full prison term, but none of the charges against him were dropped. He is now to be placed under police supervision, which gives police officials the right to visit him anytime. Moreover, if brought in on administrative charges three times in the coming year, he faces preventative supervision, which carries more serious restrictions.

“The international community must not be misled. The release of Zmitser Dashkevich does not reflect any improvement of the human rights situation in the country,” declared FIDH President Karim Lahidji. “Eleven political prisoners, including the President of the Human Rights Center “Viasna” and Vice-President of FIDH Ales Bialiatski, remain detained under very harsh conditions in Belarusian prisons and penal colonies. Human rights defenders, journalists, and activists are continuously harassed by the regime. In this context, the recent EU suspension of the visa ban on the Belarusian Foreign Minister Vladimir Makei can just find no justification,” he added.

“As other activists before him, such as Uladzimir Yaromenak and Vasil Parfiankou, Dashkevich is likely to face criminal prosecution again. Police supervision is often used as a means to control political activists and human rights defenders after their release from prison,” added Viasna Vice-Chairman Valiantsin Stefanovich.

Dashkevich was initially sentenced on March 24, 2011 to two years’ imprisonment on charges of “malicious hooliganism” allegedly committed during the lead up to the last presidential election in December 2010. Since his arrest and detention, he was transferred six times to various detention facilities and penal colonies. During his imprisonment, he was repeatedly subjected to physical and psychological pressure. In addition, on August 28, 2012, he was given a one year prison sentence for “repeated failure to obey prison authorities”.

FIDH and Viasna urge the Belarusian authorities to drop all the charges against Dashkevich and reinstate his civil and political rights. Our organizations further call on Belarusian authorities to immediately and unconditionally release all political prisoners.

“We further call on the EU to take such decisions of Aliaksandr Lukashenka for what they actually are and not to be further deceived by the siren song of the regime,” added Karim Lahidji.

## **Joint statement by the Belarusian Helsinki Committee and the Human Rights Center “Viasna” concerning the forced hospitalization of Ihar Pastnou**

*Minsk, September 2, 2013*

The Belarusian Helsinki Committee and the Human Rights Center “Viasna” are concerned about the forced hospitalization of Ihar Pastnou.

On August 21, 2013, the Vitsebsk Region and District Court in a closed session granted the solicitation of the Vitsebsk regional clinical center of psychiatry and narcology about the forced hospitalization and medical treatment of Ihar Pastnou.

However, the case was considered in his absence. The court verdict doesn't contain sufficient grounding of the impossibility of his participation in the trial, there is only a formal reason, provided by Article 391, Part 3 of the Code of Civil Procedures, which gives the opportunity to consider a case in the absence of a citizen – the state of his health.

That's why it is necessary to point that the participation of a citizen in the court consideration of a case concerning the limitation of one's rights and liberties, when he can provide to the court arguments in his defense, is the most important guarantee of a fair trial. It is especially important in the cases when the court considers the issue of the restriction of the citizen's freedom.

Our concern is caused by the fact that forced hospitalization and medical treatment were used towards Ihar Pastnou after he voiced criticism about the state of health care in the Vitsebsk region and pointed at violations of the law by the heads of the medical institutions. Moreover, the petition for the involuntary hospitalization was filed by the chief physician of the Vitsebsk regional clinical center of psychiatry and narcology, whose actions were also criticized by Ihar Pastnou.

According to Part 1, Article 392 of the Code of Civil Procedures, the court's decision on involuntary hospitalization must be justified, since it is a limitation of basic rights and freedoms. However, the judgment does not contain any convincing arguments as to the need for involuntary hospitalization. According to Part 2, Article 36 of the Law “On Psychiatric Care”, the court can issue a ruling for involuntary hospitalization and medical treatment if a person suffers from a psychical illness, but evades medical treatment, in the state which predetermines:

- immediate danger for him/herself or other people;
- helplessness;
- the possibility of inflicting considerable harm to his or her health due to the deterioration of the state of psychical health, if such person is left without psychiatric support.

An important condition for issuing a ruling on involuntary hospitalization is the evasion of medical treatment by the person. This fact must be checked by the court by summoning and interrogating the persons who can confirm the fact of a citizen's evasion of medical treatment. As it can be seen from the court's ruling, it wasn't done.

The decision does not specify exactly what the immediate danger of Mr. Pastnou poses to himself and why leaving him without medical assistance can cause a considerable harm to his health.

The solution of these issues is an important safeguard for the rights and freedoms of citizens during the procedure of involuntary hospitalization.

Holding the trial behind closed doors without sufficient justification is contrary to the principle of transparency in the administration of justice and of itself is a violation of the right to a fair trial.

It is clear that the violation of the rights of Ihar Pastnou to a fair trial has caused the violation of his right to personal integrity.

Moreover, these actions violate the guarantee of freedom of opinion and freedom of expression.

We call on the authorities to immediately release Ihar Pastnou from the psychiatric hospital and review the decision on his involuntary hospitalization in an open trial in compliance with established procedures and principles of a fair trial.

## **Statement by the Human Rights Center “Viasna” regarding the arrest of human rights defender Andrei Bandarenka**

*Minsk, November 15, 2013*

On November 14, the Court of Minsk’s Maskouski district considered the administrative case opened against the director of the private cultural and educational institution “Platform Innovation” Andrei Bandarenka, as a result of which the human rights activist was found guilty of violating Article 23.34 of the Administrative Code (violation of the order of organizing and holding mass events) and sentenced to five days in prison.

The Human Rights Center “Viasna” states that, in accordance with the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms,\*

- everyone has the right, individually and in association with others, to promote and strive for the protection and realization of human rights and fundamental freedoms at the national and international levels;

- everyone has the right, individually and in association with others:

(a) To know, seek, obtain, receive and hold information about all human rights and fundamental freedoms, including having access to information as to how those rights and freedoms are given effect in domestic legislative, judicial or administrative systems;

(b) As provided for in human rights and other applicable international instruments, freely to publish, impart or disseminate to others views, information and knowledge on all human rights and fundamental freedoms;

(c) To study, discuss, form and hold opinions on the observance, both in law and in practice, of all human rights and fundamental freedoms and, through these and other appropriate means, to draw public attention to those matters.

- everyone has the right, individually and in association with others, to participate in peaceful activities against violations of human rights and fundamental freedoms;

- The State shall take all necessary measures to ensure the protection by the competent authorities of everyone, individually and in association with others, against any violence, threats, retaliation, de facto or de jure adverse discrimination, pressure or any other arbitrary action as a consequence of his or her legitimate exercise of the rights referred to in the present Declaration.

- in this connection, everyone is entitled, individually and in association with others, to be protected effectively under national law in reacting against or opposing, through peaceful means, activities and acts, including those by

omission, attributable to States that result in violations of human rights and fundamental freedoms, as well as acts of violence perpetrated by groups or individuals that affect the enjoyment of human rights and fundamental freedoms.”

The Human Rights Center “Viasna” regards the detention and administrative harassment of the human rights defender, director of the private cultural and educational institution “Platform Innovation” Andrei Bandarenka a groundless and extremely motivated decision, which grossly violates the State’s international obligations in the field of human rights protection.

The Human Rights Center “Viasna” demands to:

- put an end to the practice of harassment and pressure on human rights defenders, restrictions on their right to freedom of peaceful activities against violations of human rights and fundamental freedoms;
- close the administrative proceedings against Andrei Bandarenka and release him.

\* Adopted by Resolution 53/144 of the UN General Assembly on December 9, 1998

## **Statement of the Human Rights Center “Viasna” and the Belarusian Helsinki Committee on the sentence to Vasil Parfiankou**

*Minsk, December 6, 2013*

The Human Rights Center “Viasna” and the republican NGO “Belarusian Helsinki Committee” regard the sentencing of the public activist Vasil Parfiankou to imprisonment for violation of preventive supervision as politically motivated persecution.

In February 2011, Vasil Parfiankou was sentenced to four years’ imprisonment under Part 2, Art. 293 of the Criminal Code (“participation in mass riots”) for participation in a protest against electoral fraud during the presidential election, and in August of the same year was pardoned under a presidential decree.

After his release, Vasil Parfiankou continued public activities and was repeatedly detained for participation in protests in support of political prisoners who remain behind bars.

After participating in a peaceful assembly dedicated to solidarity with political prisoners on December 19, 2011 he was arrested for 12 days, after which on January 5, 2012 the Pershamaiski District Court of Minsk established preventive supervision over him for one year. Thus, preventive supervision was established in order to prevent his further social activities, including participation in peaceful assemblies on the socio-political issues in the country.

On May 29, 2012, the Pershamaiski District Court of Minsk sentenced Vasil Parfiankou to six months of arrest under Art. 421 of the Criminal Code (for breach of preventive supervision set by the court). This verdict was condemned by the Human Rights Center “Viasna” as politically motivated persecution, and Vasil Parfiankou was declared a political prisoner.

On December 6, 2013, the Pershamaiski District Court of Minsk repeatedly tried Vasil Parfiankou for breach of Art. 421 of the Criminal Code and sentenced him to one year’s imprisonment in a maximum security penal colony.

The Human Rights Center “Viasna” and the republican NGO “Belarusian Helsinki Committee” condemn politically motivated persecution, aimed at stopping or impeding the socio-political activity of Vasil Parfiankou and note that proceedings in the case did not meet fair trial standards, and the penalty imposed is clearly not proportional to the violations Vasil Parfiankou is accused of.

It should be noted that according to FIDH and the Human Rights Center “Viasna”, all kinds of restrictions – from preventive register to preventive supervision – were imposed on 32 people who had been previously convicted

for participation in the events of December 19, 2010 and released from prison without cancellation of prior convictions. Preventive supervision was also established against the recently released political prisoners Z. Dashkevich and A. Frantskevich.

These circumstances suggest that these restrictions are part of the government's control over social and political activists. Prosecution for violations of the previously installed preventive supervision towards V. Parfiankou, U. Yaromenak and the establishment of preventive supervision against P. Vinahradau are eloquent examples of such control.

In this regard, the Human Rights Center "Viasna" and the Belarusian Helsinki Committee demand:

1. to discontinue the practice of prosecuting political and social activists, including the cessation of the prosecution of Vasil Parfiankou and his release;
2. to remove (cancel) the convictions of previously released political prisoners, either pardoned or released due to the end of their prison terms, thus providing them with the opportunity to participate fully in the political life of the country, including the ability to participate in future election campaigns.



## **Board of the Human Rights Center “Viasna” once again stresses the legitimacy of the organization’s activities in Belarus**

*Minsk, December 16, 2013*

Deputy Chairman of the Human Rights Center “Viasna” Valiantsin Stefanovich received a reply to his appeal to the Prosecutor General’s Office of Belarus, which concerned the introduction of the website [spring96.org](http://spring96.org) in the list of resources with restricted access.

The reply argues that Viasna’s website was blacklisted by a decision of the Prosecutor General’s Office in August 2011 on the grounds that “actions on behalf of the human rights organization “Viasna” that has not passed the established procedures of state registration are contrary to the legislation of the Republic of Belarus.” The Prosecutor General’s Office also stresses that organizing or participating in the activities of organizations that have not passed in the prescribed manner the state registration procedure is punishable by criminal liability under Article 193.1 of the Criminal Code.

In this regard, the Board of the Human Rights Center “Viasna” notes the following:

Article 5 of the Constitution provides for a comprehensive list of restrictions on the activities of public associations in the Republic of Belarus, which prohibits the establishment and operation of public associations aimed at changing the constitutional order or advocating war, social, national, religious and racial hatred.

According to Article 22 of the International Covenant on Civil and Political Rights, “everyone shall have the right to freedom of association with others, including the right to form and join trade unions for the protection of his interests. No restrictions may be placed on the exercise of this right other than those which are prescribed by law and which are necessary in a democratic society in the interests of national security or public safety, public order (ordre public), the protection of public health or morals or the protection of the rights and freedoms of others.”

According to Article 1 of the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms (Declaration on Human Rights Defenders), adopted by the UN General Assembly on December 9, 1998, “everyone has the right, individually and in association with others, to promote and to strive for the protection and realization of human rights and fundamental freedoms at the national and international levels.”

In its activities, the Human Rights Center “Viasna” has been always guided by the provisions of the Constitution of the Republic of Belarus, as well as

the above-mentioned international standards of human rights ratified by the Republic of Belarus.

It should be noted that the UN Human Rights Committee's Communication No. 1296/2004 of August 7, 2007 recognized the decision of the Supreme Court of the Republic of Belarus to dissolve the Human Rights Center "Viasna" in November 2003 a violation of the right to freedom of association, which Belarus should ensure in accordance with its obligations under the ICCPR. The government was recommended to provide the founding members of the organization with appropriate remedy, including the re-registration of the HRC "Viasna" and compensation.

By ratifying the ICCPR and the First Optional Protocol thereto, Belarus committed to not only not to interfere or impede the lawful activities of human rights defenders, but also to positive obligations to create appropriate conditions for such activities. This was also noted in the decision of the Working Group on Arbitrary Detention of the UN Human Rights Council adopted at its sixty-fourth session on August 27-31, 2012.

Contrary to its commitments, the government not only failed to comply with UN Human Rights Committee's decision, but three times refused to register the newly created NGOs. As a result, facing the apparent reluctance of the legitimization of the organization, members of the Human Rights Center "Viasna", including its chairman Ales Bialiatski, announced the continuation of its activity without state registration.

Regarding criminal responsibility for the fact of the organization's activities without state registration provided by Art. 193.1 of the Criminal Code, both international and Belarusian human rights organizations have repeatedly stressed the unconstitutional nature of this article, and the lack of conformity with international standards of human rights. A similar assessment of Art. 193.1 of the Criminal Code was also given by an expert legal opinion of the European Commission for Democracy through Law (Venice Commission of the Council of Europe).

In this regard, the Board of the Human Rights Center "Viasna" once again declares that:

The organization's activities in Belarus are completely legitimate and pursue legitimate objectives aimed at the protection of human rights and freedoms;

Activity of the state bodies of the Republic of Belarus aimed at creating obstacles, exerting pressure or persecution for the implementation of human rights activities constitute a violation of the Constitution and the State's international obligations in the field of human rights;

Reminds about the demands of international and Belarusian human rights communities to immediately and unconditionally release Chairman of the Human Rights Center "Viasna" Ales Bialiatski.

## **FIDH and the Human Rights Center “Viasna” Demand the Immediate and Unconditional Release of Mikalai Statkevich and Other Political Prisoners**

*Paris-Minsk, December 19, 2013*

The heavy-handed crackdown on a protest meeting that took place three years ago today in Minsk’s Independence Square was followed by a wave of arrests, detentions, and subsequent prosecutions of opposition members, activists, citizens, and even several presidential candidates participating in peaceful demonstrations throughout Minsk. The opposition politician and presidential candidate Mikalai Statkevich was also arrested on December 19, 2010, and he remains in prison to this day.

On May 26, 2011, the Leninski District Court sentenced Mr. Statkevich to six years of deprivation of freedom with service of sentence at a medium security penal colony under Article 293 (2) of the Belarusian Criminal Code. Mr. Statkevich has currently served half of his sentence.

Representatives of Belarusian human rights organizations monitoring the trial concluded that Mr. Statkevich was not proven guilty of committing the incriminating actions he was accused of – namely, organizing mass unrest or directly supervising or participating in it – and they stated that the trial did not meet the standards of an independent and impartial trial. The human rights organizations also voiced their objection to the government’s classification of the events of December 19, 2010 as mass unrest, while the excessive use of force applied by Belarusian law enforcement agencies and the subsequent repressions drew words of sharp and unequivocal condemnation from the international community.

It is true that as a presidential candidate officially registered with the Central Election Commission of Belarus, Mr. Statkevich did on numerous occasions call on citizens to take part in the peaceful protest demonstration, and to express themselves regarding the Belarusian presidential election and the participation of Aliaksandr Lukashenka, who has been in power since 1994, in this election.

FIDH and the Human Rights Center “Viasna” note that the right to peaceful assembly is guaranteed by both the Constitution of Belarus and international law in the sphere of human rights.

On June 19, 2011, the Working Group on Arbitrary Detention of the UN Human Rights Council issued a decision that Mr. Statkevich’s imprisonment is arbitrary and contravenes Article 9 of the Universal Declaration of Human Rights and Article 9 of the International Covenant on Civil and Political Rights, which was ratified by Belarus. The UN Working Group called on the gov-

ernment of Belarus to take the necessary measures to correct this situation, including the immediate release of Mr. Statkevich and payment of adequate compensation.

During his prison term at the penal colony in Shklow, Mr. Statkevich has been repeatedly subjected to various forms of disciplinary measures, including placement in a punishment cell and cell-type room for “malicious violation of regulations.” At a closed meeting on January 12, 2012, the Shklow District Court changed Mr. Statkevich’s punishment regime to a stricter one consisting of three years imprisonment. During the course of his imprisonment, Mr. Statkevich has been pressured with demands to sign a petition for pardon. In an attempt to achieve this goal, the prison administration organized various provocations, including when selecting his cellmates.

FIDH and the Human Rights Center “Viasna” believe that Mr. Statkevich was prosecuted solely due to his political activities, including the peaceful exercising of his rights to freedom of assembly and freedom of expression, and that his prosecution had the sole purpose of putting an end to his political activities.

FIDH and the Human Rights Center “Viasna” therefore demand from the government of Belarus the immediate and unconditional release of Mikalai Statkevich and other political prisoners and their full rehabilitation with compensation for damages.

# CONTENTS

<b>FOREWORD</b> .....	3
Politically motivated persecution: main trends of the year .....	3
The death penalty .....	6
Torture .....	7
Freedom of speech .....	8
Changes in the Electoral Code ahead of local elections.....	9
Human rights defenders.....	10
International context.....	11
<b>Situation of Human Rights in Belarus in January 2013</b> .....	13
Political prisoners, criminal prosecution of civil society activists.....	14
The death penalty .....	15
Enforced disappearances .....	16
Torture and other cruel and inhuman treatment.....	16
Persecution of human rights defenders and organizations.....	17
Politically motivated restrictions on freedom of movement.....	18
Pressurization of civil society and political activists by security services.....	18
Administrative prosecution of civil society and political activists, arbitrary detention .....	18
Restrictions on freedom of speech and the right to impart information, persecution of journalists .....	19
Restrictions on freedom of assembly.....	21
Restrictions on freedom of association .....	22
<b>Situation of Human Rights in Belarus in February 2013</b> .....	23
Political prisoners, criminal prosecution of civil society activists.....	25
The death penalty .....	28
Enforced disappearances .....	29
Persecution of human rights defenders and organizations.....	29

Pressurization of civil society and political activists by security services.....	30
Administrative prosecution of civil society and political activists, arbitrary detention .....	30
Restrictions on freedom of speech and the right to impart information, persecution of journalists .....	33
Restrictions on freedom of assembly.....	35
Restrictions on freedom of association .....	36
<b>Situation of Human Rights in Belarus in March 2013 .....</b>	<b>38</b>
Political prisoners, criminal prosecution of civil society and political activists .....	40
The death penalty .....	43
Enforced disappearances .....	44
Persecution of human rights defenders and organizations.....	44
Torture and other cruel and inhuman treatment.....	46
Pressurization of civil society and political activists by security services.....	47
Administrative prosecution of civil society and political activists, arbitrary detention .....	47
Restrictions on freedom of speech and the right to distribute information, persecution of journalists.....	51
Restrictions on freedom of peaceful assembly .....	52
Restrictions on freedom of association .....	55
<b>Situation of Human Rights in Belarus in April 2013.....</b>	<b>56</b>
Political prisoners, criminal prosecution of civil society and political activists .....	58
The death penalty .....	59
Enforced disappearances .....	60
Persecution of human rights defenders and organizations.....	60
Pressurization of civil society and political activists by security services.....	62

Administrative prosecution of political activists, arbitrary detention .....	63
Restrictions on freedom of speech and the right to impart information, persecution of journalists .....	68
Restrictions on freedom of assembly .....	71
Restrictions on freedom of association .....	73
<b>Situation of Human Rights in Belarus in May 2013</b> .....	<b>75</b>
Political prisoners, criminal prosecution of civil society and political activists .....	77
The death penalty .....	79
Enforced disappearances .....	80
Pressurization of civil society and political activists by security services .....	81
Use of torture and other cruel and inhuman treatment .....	82
Administrative prosecution of civil society and political activists, arbitrary detention .....	82
Restrictions on freedom of speech and the right to impart information, persecution of journalists .....	85
Restrictions on freedom of assembly .....	88
Restrictions on freedom of association .....	89
<b>Situation of Human Rights in Belarus in June 2013</b> .....	<b>92</b>
Political prisoners, criminal prosecution of civil society and political activists .....	94
The death penalty .....	97
Pressurization of civil society and political activists by security services .....	100
Torture and other cruel and inhuman treatment .....	101
Administrative prosecution of civil society and political activists, arbitrary detention .....	101
Restrictions on freedom of speech and the right to impart information, persecution of journalists .....	103
Restrictions on freedom of assembly .....	105
Restrictions on freedom of association .....	107

<b>Situation of Human Rights in Belarus in July 2013</b> .....	109
Political prisoners, criminal prosecution of civil society and political activists .....	111
The death penalty .....	114
Torture and other kinds of cruel and inhuman treatment .....	115
Persecution of human rights defenders and organizations.....	117
Pressurization of civil society and political activists by security services.....	117
Administrative prosecution of civil society and political activists, arbitrary detention .....	117
Restrictions on freedom of speech and the right to impart information, persecution of journalists .....	120
Restrictions on freedom of assembly.....	121
Restrictions on freedom of association .....	124
 <b>Situation of Human Rights in Belarus in August 2013</b> .....	 137
Political prisoners, criminal persecution of civil society and political activists .....	138
Punitive psychiatry.....	141
The death penalty .....	142
Torture and other cruel and inhuman treatment.....	142
Persecution of human rights defenders and organizations.....	143
Pressurization of civil society and political activists by security services.....	145
Administrative prosecution of civil society and political activists, arbitrary detention .....	145
Restrictions on freedom of speech and the right to impart information, persecution of journalists .....	148
Restrictions on freedom of assembly.....	150
Restrictions on freedom of association .....	154
 <b>Situation of Human Rights in Belarus in September 2013</b> .....	 156
Political prisoners, criminal prosecution of civil society and political activists .....	158



Punitive psychiatry .....	160
The death penalty .....	161
Torture and other cruel and inhuman treatment.....	161
Persecution of human rights defenders and organizations.....	162
Pressurization of civil society and political activists by security services.....	163
Administrative prosecution of civil society and political activists, arbitrary detention .....	164
Restrictions on freedom of speech and the right to impart information, persecution of journalists .....	167
Restrictions on freedom of assembly.....	170
Restrictions on freedom of association .....	175
<b>Situation of Human Rights in Belarus in October 2013 .....</b>	<b>177</b>
Political prisoners, prosecution of civil society and political activists .....	180
The death penalty .....	182
Torture and other cruel and inhuman treatment.....	184
Persecution of human rights defenders and organizations.....	186
Pressurization of civil society and political activists by security services.....	188
Administrative prosecution of civil society and political activists, arbitrary detention .....	188
Restrictions on freedom of speech and the right to impart information, persecution of journalists .....	190
Restrictions on freedom of assembly.....	193
Restrictions on freedom of association .....	196
<b>Situation of Human Rights in Belarus in November 2013 .....</b>	<b>198</b>
Political prisoners, prosecution of civil society and political activists .....	199
The death penalty .....	202
Torture and other cruel and inhuman treatment.....	203

Persecution of human rights defenders and organizations.....	204
Administrative prosecution of civil society and political activists, arbitrary detention.....	206
Restrictions on freedom of speech and the right to impart information, persecution of journalists .....	209
Restrictions on freedom of assembly.....	212
Restrictions on freedom of association.....	216
<b>Situation of Human Rights in Belarus in December 2013 .....</b>	<b>217</b>
Political prisoners, prosecution of civil society and political activists .....	218
The death penalty .....	222
Torture and other cruel and inhuman treatment.....	224
Persecution of human rights defenders and organizations.....	226
Administrative prosecution of civil society and political activists, arbitrary detention.....	227
Restrictions on freedom of speech and the right to impart information, persecution of journalists .....	232
Restrictions on freedom of assembly.....	234
<b>ANNEXES .....</b>	<b>243</b>
Annex 1. Resolution of the UN Human Rights Council “Protecting human rights defenders”. March 15, 2013. ....	243
Annex 2. Resolution of the UN Human Rights Council “Situation of human rights in Belarus”. July 7, 2013. ....	249
Annex 3. Speech of the delegation of the Republic of Belarus at the 22 <sup>nd</sup> Session of the UN Human Rights Council concerning the activities of the Working Group on Arbitrary Detention. March 5, 2013. ....	251
Annex 4. Speech of the delegation of the Republic of Belarus at the 22 <sup>nd</sup> Session of the UN Human Rights Council concerning the position on the HRC country mandates. March 11, 2013. ....	252
Annex 5. Resolution of the 3 <sup>rd</sup> Belarusian Human Rights Forum on situation with human rights in Belarus. October 27, 2013, Vilnius ...	253

Annex 6. Statement of the 3 <sup>rd</sup> Belarusian Human Rights Forum on efforts to return Belarus to the implementation of international human rights standards. October 27, 2013, Vilnius .....	256
Annex 7. 3 <sup>rd</sup> Belarusian Human Rights Forum Appeal to Eastern Partnership Summit. October 27, 2013, Vilnius.....	259

**STATEMENTS, APPEALS .....** 261

Statement of the Human Rights Center “Viasna” and the Belarusian Helsinki Committee demanding publicity in the case of Andrei Haidukou. Minsk, February 19, 2013 .....	261
FIDH and Viasna demand that charges dropped against those convicted after Chernobyl Way March. Paris-Minsk, April 30, 2013 .....	263
“Viasna” urges the authorities to stop the practice of pressurizing civic activists and take measures for the abolishment of Article 193.1 of the Criminal Code. Minsk, May 2, 2013 .....	266
Belarus: Refusal to cooperate triggers renewal of the mandate by the UN Human Rights Council. June 13, 2013 .....	268
Statement by the Human Rights Center “Viasna” and the Belarusian Helsinki Committee on sentencing of Andrei Haidukou. Minsk, July 1, 2013.....	269
Statement by the Human Rights Center “Viasna” on the prosecution of Vasil Parfiankou and Uladzimir Yaromenak. July 16, 2013.....	272
Statement: “Viasna” demands immediate and unconditional release of Ales Bialiatski and all political prisoners. Minsk, August 4, 2013.....	273
Open appeal concerning the arrest of priest Uladzislau Lazar The Human Rights Center “Viasna”. August 14, 2013.....	275
Statement by the Human Rights Center “Viasna” on the sentencing of Uladzimir Yaromenak. August 20, 2013.....	276
Belarus: Zmitser Dashkevich released, while 11 other political prisoners remain detained. Paris-Minsk, August 30, 2013.....	277
Joint statement by the Belarusian Helsinki Committee and the Human Rights Center “Viasna” concerning the forced hospitalization of Ihar Pastnou. Minsk, September 2, 2013.....	279

Statement by the Human Rights Center “Viasna” regarding the arrest of human rights defender Andrei Bandarenka. Minsk, November 15, 2013 .....	281
Statement of the Human Rights Center “Viasna” and the Belarusian Helsinki Committee on the sentence to Vasil Parfiankou. Minsk, December 6, 2013 .....	283
Board of the Human Rights Center “Viasna” once again stresses the legitimacy of the organization’s activities in Belarus. Minsk, December 16, 2013 .....	285
FIDH and the Human Rights Center “Viasna” Demand the Immediate and Unconditional Release of Mikalai Statkevich and Other Political Prisoners. Paris-Minsk, December 19, 2013 .....	287