



**Fédération Internationale des Ligues des Droits de l'Homme**

ORGANISATION INTERNATIONALE NON GOUVERNEMENTALE AYANT STATUT CONSULTATIF AUPRES DES NATIONS UNIES, DE L'UNESCO,  
ET DU CONSEIL DE L'EUROPE ET D'OBSERVATEUR AUPRES DE LA COMMISSION AFRICAINE DES DROITS DE L'HOMME ET DES PEUPLES

INTERNATIONAL FEDERATION  
OF HUMAN RIGHTS

FEDERACION INTERNACIONAL  
DE LOS DERECHOS HUMANOS

الفدرالية الدولية لحقوق الانسان

## Written Intervention

### **Written Intervention To The Human Dimension Implementation Meeting OSCE**

#### **Belarus: Restrictions on democratic freedoms**

**October 2004** - *The FIDH is extremely concerned about the continuous degradation of the Human Rights situation in Belarus. The Belarusian Human Rights Center "Viasna", a member organisation of the FIDH, and other reliable sources report continuous Human Rights violations, restrictions on political rights, including numerous procedural irregularities in the organisation of the election.*

The decision by the current Belarus President to organise a referendum concerning his right to run for the third consecutive presidential term is of a special concern. This action would inevitably lead to the modification of Belarus Constitution in favour of the current President.

Moreover, independent candidates to the parliamentary elections are put under pressure and prevented from registering their candidatures for the elections. Voters are continuously influenced to vote for the candidates and parties in accordance with current Belarus authorities that use different measures to intimidate the opposition. Unauthorised searches have been reported as well.

Liquidation of political parties and pressure on political activists go hand in hand with pressure on non-governmental organisations. A "NGO liquidation campaign" resulted in the banning of a wide majority of independent NGOs. Freedom of speech, association and peaceful demonstration is severely restricted. From May to September 2004, numerous cases of police violence against NGO members, activists and their relatives, have been noticed.

Freedom of expression is regularly violated, going up to the liquidation of independent newspapers. On September 7, 2004, the Minsk Tsentralny Borough Court sentenced Dimitry Dashkevich, a member of Belarusian Association of young democrats "Youth Front", to 10 days of jail for shouting an anti-Presidential slogan on the city's central square after President Alexander Lukashenko's address to the nation announcing a referendum on 17 October. Dashkevich was arrested after he started shouting "Shame on you!".

Besides this, other violations on human rights were reported. For example, in September, Belarus authorities denied a visa to Mr. Haraszti, an OSCE Representative on Freedom of Media alerted by the increasing pressure on the Belarus Media.

---

If you have not received the full document, please contact us at :

tel : (33) 1 43 55 25 18 / fax : (33) 1 43 55 18 80

17, passage de la main d'or, 75011 paris – france

e-mail : [fidh@fidh.org](mailto:fidh@fidh.org) - site internet : <http://www.fidh.org>

---

## Elections

The beginning of the pre-electoral campaign contributed to the general degradation of the human rights situation; the intimidation of political parties and public activists' organisations increased.

A liquidation process of the most influential opposition parties has begun. This process is realised in conformity with the scheme elaborated during the public associations' liquidation process. The authorities use Article 57 of the Civil Code that allows liquidating organisations without warning in case they commit "rude and systematic" law violations.

In June 2004, the Ministry of Justice filed to the Supreme Court a suit for liquidation of Belarusian Labour Party that is one of the members of "People's coalition 5+". The party had allegedly violated the provisions of the law on associations regarding the legal addresses for its structure in Vitebsk, Hrodna and other regions. The party was accused of "gross violations", and eventually liquidated on August 2, 2004 by the Supreme Court of the Republic of Belarus.

In August 2004, the Ministry of Justice threatened the opposition parties (Party of Communists of Belarus, Belarusian People's Front, United Civil Party and Belarusian Social Democratic Hramada), of liquidation if they would continue statements on behalf of "People's coalition 5+" which is an unregistered coalition. If continued, this action would be considered by the Ministry as gross law violation, which is sufficient to allow their liquidation.

On August 31, 2004 the first case of a person punished for his activities in the coalition was reported. The Zhlobin District Court fined the vice-head of Homel regional organisation of the United Civil Party, Vladimir Katsora, for a sum of about \$270. Mr. Katsora was found guilty of an activity on behalf on the above-mentioned unregistered coalition.

According to information received from the Human Rights Center "Viasna", the number of cases of pressure on members of initiative groups of independent candidates to the Parliamentary elections is increasing, going up to open provocations, in order to prevent such candidates to register. The FIDH fears that this action represents the beginning of a large-scale campaign, aiming at deterring the independent and democratic candidates from registering or at discrediting them.

According to information received, on September 18, 2004, President Lukashenko declared that he could ban several opposition parties "even today" for violations of the country's legislation. He added that he has refrained from doing so in order to avoid the "clamour" that he is clamping down on the opposition in the run-up to the 17 October parliamentary elections and presidential referendum. "As long as they continue getting together in their own shell and do not take people to the streets, we tolerate them," said the Belarus President. He added that he is well aware that the Belarus electoral campaign of the opposition is being illegally financed from five sources: individual oligarchs, Belarus emigrants, the United States, various European funds, and individual domestic businessmen.

The organisation by the Belarus President of a referendum on the prolongation of his mandate for a third term, created more political tension. If this proposal is accepted, the Constitution of the Republic of Belarus would then have to be modified, as article 82 of the Constitution states that "the President is elected for five years (...). One person can be President for not more than two terms". The FIDH recalls that Alexander Lukashenko has been already elected President of Belarus twice – in 1994 and 2001.

According to Gallup Organisation/Baltic Surveys conducted together with Belarus Sociological Laboratory "Novak" and Belarus independent Political Institute of Social, Economical and Political researches, the majority of Belarus citizens are against this referendum. They think that it will turn their country into an absolute monarchy in the center of Europe. The FIDH fears that the organisation of the referendum will not be free and fair.

On September 13, 2004, Belarus informational agency «Radio Svoboda», referring to the information delivered by Reuters agency, broadcasted the news that the EU could apply sanctions

towards representatives of Belarus authorities. As an example, if the referendum announced by President Lukashenko was to take place, delivery of visas and Belarus State's accounts could be frozen.

On September 16, 2004, the European Parliament adopted a resolution regarding the referendum announced by President Lukashenko. The resolution calls upon President Lukashenko not to organise the above-mentioned referendum.

The FIDH considers that the resolution attempts to obtain the prolongation of the Presidential mandates by referendum represents a confirmation of the authoritarian nature of Lukashenko's governance.

### Political prisoners

On May 7, 2004, people pretending being KGB agents, entered the private apartment of V. Lewanevski, head of the unregistered strike committee of Belarus businessmen, detained on May 1, 2004 and charged with distribution of fly-sheets containing a poem that allegedly insulted the President of the Republic of Belarus. The KGB agents tried to force his 17 years old daughter to testify against him and took her and her brother with them to the Hrodna Regional KGB Board. They were released on the same day. All computers were confiscated. The same day, the KGB agents searched the flat of A. Vasilyev, Mr. Lewanevski vice-head, and confiscated his computers as well. Mr. Vasilyev was charged with the same article as Lewanevski, but also for the organisation of an unauthorised meeting of May 1, 2004. However, A. Vasilyev kept "on parole" after that the suit against him opened on May 18, 2004. On September 7, 2004 both men were sentenced to 2 years of penal colony, Mr. Vasilyev being arrested in the Court just after the sentence was pronounced.

On April 26, 2004, Mikhail Marynich, former Minister of External Economic Relations and Special Belarus Ambassador, was arrested. On May 7, 2004 he was charged with illegal arms storage. This charge was brought against Mikhail Marynich after ten days of detention in KGB detention center. Later, he was suspected of safekeeping secret documents and selling false dollars. Actually, Mr. Marynich is detained on suspicion of violation of the part 2 of Article 295 of the Criminal Code of Belarus regarding "illegal actions connected with firearms, armaments and explosive". If found guilty, he will be sentenced to up to 2 years of corrective labour or up to 6 years of jail with possible property confiscation. Despite medical conclusion about the necessity of his hospitalisation and his attorneys efforts who claimed illegal the prolongation of the detention term at investigative ward, Minsk Tsentralny Borough Court refused to release Mikhail Marynich or to change the restraint measure. It has to be underlined that the UN Working Group on Arbitrary Detentions was demanded meeting with Mikhail Marynich.

### Problem of disappearances of political opponents in Belarus

Between 1999 and 2000, four political opponents disappeared - Yuri Zakharenko, former minister of the Interior, Victor Gonchar, former vice-president of the Parliament, Anatoly Krasovski, businessman and Dimitry Zavadski, journalist. This led to the establishment in 2002 by the Committee on Legal Affairs and Human Rights of the Parliamentary Assembly of the Council of Europe of a special subcommittee to clarify these cases as well as to the appointment of member of Parliament Christos Pourgourides as special rapporteur.

Dimitry Zavadski's mother Olga Zavadskaya, filed a suit to the Republican Prosecutor's Office as it refused her demand to reopen the case of enforced disappearance of Dimitry Zavadski, as new evidences appeared. Her demand was motivated by Lukashenko's declarations during the press-conference of July 20, 2004, who said that he detained information regarding Dimitry Zavadski that could transform "Zavadski's case" into an "anti-case". The suit is still pending.

While the Parliamentary Assembly of the Council of Europe (PACE) Resolution 1371 of 28 April 2004 requests from the executive authorities of Belarus to initiate criminal investigations with a view to clarifying the alleged involvement of a number of high ranking officials, the FIDH recalls that a fair and impartial investigation in those disappearances has not been carried out in Belarus.

Furthermore, Yury Sivakow, former Belarus Minister of Interior, denounced by the rapporteur of the Parliamentary Assembly of the Council of Europe, as one of the high ranking officials involved in crimes of enforced disappearances, was appointed as head of the Delegation to the XXVIIIth Olympic Games in Athens, Greece. He was denied entrance by Greek authorities.

Dimitry Pavlichenko, another alleged perpetrator of abduction and murder, was awarded with the order of the Russian Orthodox Church. According to Minsk diocesan board, the colonel Pavlichenko was rewarded for his active participation in the construction of a church on the territory of the military unit he commands.

#### Persecution of Public Organisations continues.

Persecution of Belarus Helsinki Committee (BHC), one of the very few NGOs still acting legally in Belarus, is going on. Despite the discharge of the organisation, regarding the case of non-payment of taxes on the grants received on TACIS program, by the Supreme Court, the Department of financial investigation of the State Control Committee decided to continue the investigations against BHC's head Tatiana Protska and the accountant Tatiana Rutkevich.

According to the information received from BHC, in total disregard of the court ruling, the Department of Financial Investigations under the State Inspection Committee has announced a new extensive inspection of the BHC activities. Reportedly, the inspection shall be conducted jointly by four ministries: the Ministry of Taxes and Dues, the Ministry of Economy, the Ministry of Foreign Affairs, and the Ministry of Justice.

According to BELTA information agency, on September 16, 2004, the Ministry of Justice filed a suit for liquidation of Belarus Helsinki Committee to the Supreme Court of the Republic of Belarus. This decision took place two days after the claim of BHC to the Supreme Court of Belarus. This claim aims at recognising President's actions regarding the declaration of the referendum as illicit and as violating citizens' rights as well as at pronouncing the invalidity of Presidential Decree on the referendum since its publication. The Supreme Court suspended the examination of the suit for lack of evidences. The Ministry of Justice has two weeks, beginning from September 20, 2004, to add valid evidences.

Since September 20, 2004, the Belarus Helsinki Committee, as well as several other Belarus NGOs, faces problems with the Internet connection and the access to their web-site. The FIDH fears that these problems might be linked to the activities of the Committee as well as to the pre-electoral period.

Since one year, Belarus courts liquidated 56 NGOs on the request of the Ministry of Justice and 78 organisations decided their liquidation because of the pressure put on them.

The harassment of Human Rights defenders is a special matter of concern. For example, on September 16, 2004, the fifth anniversary of the forced disappearance of Victor Gonchar and of Anatoly Krasovski, the police arrested the human rights defenders Tatiana Reviaka (Human Rights Center "Viasna") and Gary Pogoniaylo (Belarus Helsinki Committee) while they were distributing the PACE report on forced disappearances, and calling for an objective investigation of the circumstances of forced kidnapping.

The Committee on Legal Affairs and Human Rights of the Parliamentary Assembly of the Council of Europe and the PACE Secretary General Terry Davis sharply criticised the detention of the human rights activists Tatiana Reviaka and Gary Pogoniaylo.

#### Freedom of expression and peaceful assembly

Belarus authorities continue and increase the pressure on media. Several independent newspapers were sanctioned or liquidated.

On August 2, 2004 officers of Minsk Leninski Borough Court made an inventory of the property of the independent newspaper "Narodnaya Volia" editorial office and assessed it for the sum of 59 million roubles. The execution of two court verdicts on compensation of moral harm was demanded, following the suit of the entrepreneur Sergey Atroshchanka, head of the "Alliance-media", (15 million roubles) and the suit of the former head of National TV and Radio Company Egor Rybakow (50 million roubles). The newspaper had 10 days to pay the compensation to S. Atroshchanka. The court has not defined the term for payment to Egor Rybakow yet, as his

---

**If you have not received the full document, please contact us at :**

tel : (33) 1 43 55 25 18 / fax : (33) 1 43 55 18 80

17, passage de la main d'or, 75011 paris – france

e-mail : [fidh@fidh.org](mailto:fidh@fidh.org) - site internet : <http://www.fidh.org>

---

complaint is under investigation. The reasons for those suits were two articles published by the "Narodnaya Volia": "Bandit Treatment of Leonid Levin by Sergey Atroshchenko's "Obozrevatel" published in 2003 and the two years old article "Eleonora Ezerskaya: I guarantee five pounds of love".

On August 5, 2004 the editorial office of the newspaper "Narodnaya Volia" received a letter from the printing house "Chyrvonaya Zorka" stating that the printing house would not execute the agreement concerning printing of the newspaper till the court did not drop all the charges against the newspaper, and until "Narodnaya Volia" completely pays off the financial compensation for moral harm to S. Atroshchanko, and to E. Rybakow. It has to be mentioned, that at present, Mr. Rybakow is charged with abuse of power.

According to information received from "Viasna", the Minister of information, Vladimir Rusakevich, signed an order to suspend the independent editions "Novaya Gazeta Smorgoni" (on August 20, 2004) and "Navinki" (on August 20, 2004) for a period of three months. The editor of "Novaya Gazeta Smorgoni", Romuald Ulan, was charged with violation of articles 10 and 20 of the law "On press and other mass media". He received the information about the suspension of the newspaper on August 16, 2004. According to the editor, it is a purely political step, aimed to exclude the newspaper ahead of parliamentary elections. "Navinki" was charged with violation of several articles of the same law. Allegedly, the editorial staff of "Navinki" untimely informed the Ministry of Information about the change of its juridical address and didn't send to the Ministry newspaper numbers. It is not the first time the edition of this newspaper is suspended. Last time "Navinki" was suspended for three months, in May 22, 2003 by the previous Information Minister Mikhail Padhayny for distribution of information insulting the honour and dignity of President of the Republic of Belarus and for "attempt on morality, honour and dignity of citizens". After this suspension, the newspaper experienced problems with printing houses and funding.

On September 16, 2004 the chief editor of the independent newspaper "Birzha Informacii" Elena Rawbetskaya was summoned to Hrodna Leninski District Prosecutor's Office. The motive of the convocation was the publication on September 9, 2004 of an article concerning the upcoming referendum. She was informed about the initiation of a criminal case against her under part 10 of article 172 of the Administrative code, that concerns : "distribution of information that insults honour and dignity of the President of the Republic of Belarus". If found guilty by the Court, the journalist could be fined 50 to 100 basic values (i.e. salaries).

Several more newspapers were suspended before for a three-months term. The newspaper "Vremya" was suspended on August 24, 2004 and the newspaper "Predprinimatelskaya Gazeta" on August 20, 2004. On September 3, 2004 the Minister of Justice Victor Huretski explained these actions by his wish to "establish order among the press".

"Vremya" is charged with violation of articles 10 and 26 of the law "On press and other mass media". Pretensions of the ministry concern the juridical address of the editorial board of the newspaper which was allegedly incorrectly printed in the newspaper and was absent in the application for registration of the newspaper. The editorial board states it still hasn't received the official order of the suspension.

"Predprinimatelskaya Gazeta" who renewed its activity in spring after a long break, was charged with having changed its topics ("from productive and legal" to "mass and political") and its periodicity without informing the ministry. On June 19, 2003 the newspaper was suspended on charge of distribution of false information, when it provided its pages to journalists of "Belorusskaya Delovaya Gazeta" suspended at that time.

The newspapers "Lyuboy Kapriz" and "Kupliu, prodam, meniayu" were suspended on September 20, 2004 for the same violations as "Predprinimatelskaya Gazeta".

On September 14, 2004, the Criminal police of Minsk Tsentralny Borough Board of Internal Affairs searched the coordinators of the unregistered youth movement "Zubr" Alexei Liawkovich that had in their possession exemplars of the "Zubr" newspaper. Despite the fact they didn't distribute the newspapers, the police drew up reports for activity on behalf of unregistered organisation. Alexei Liawkovich was fined to 30 basic values.

On September 17, 2004 ten activists of the same youth movement were arrested for distribution of their newspaper during a concert, and subsequently released.

## Right to education

On August 23, 2004 the Supreme Court of Belarus turned down the suit of European Humanities University (EHU) in Minsk concerning the decision of the Ministry of Education to annul the license for educational activity. EHU direction intends to sue the Main Economic Board of Presidential Administration for the illegal break of the rent agreement, as a result of which EHU was deprived of the rented premises.

Jan Petersen, the Chairman of the Council of Europe's Committee of Ministers, declared that "the recent administrative harassment which has resulted in the withdrawal of the licence of the European Humanities University in Minsk is a clear breach of the principle of academic freedom and in conflict with accepted practice in European higher education. This action by the Belarus authorities is contributing to even greater uniformity in higher education and to suppressing freedom of thought and research. This is clearly in conflict with the basic principles promoted by the Council of Europe's European Cultural Convention, which Belarus has signed", added Jan Petersen.

The FIDH expresses its deep concern for a severe blow on a well structured academic institution which has developed significant cultural co-operation activities with EU countries and incarnates the principles of academic freedom and teaching autonomy in Belarus.

Recent steps against the EHU are part of a broader strategy aimed at harassing potential sources of dissent and non-aligned thinking.

The FIDH considers all the mentioned above decisions as politically motivated and part of a determined move to repress civil society and freedom of expression in the run-up to the parliamentary elections in October.

## **Recommendations**

**1** - The FIDH calls the OSCE to condemn firmly the announcement of the holding of the referendum of October 17, 2004 intended for the only purpose of Mister Lukashenko to run for a third Presidential term. That contravenes and violates the Belarus Constitution and the OSCE principles. The FIDH calls all OSCE member States not to recognise the legitimacy of the referendum.

**2** - The FIDH calls the OSCE to monitor closely the upcoming Parliamentary elections to assess whether the conditions necessary for fair and democratic elections are gathered and to condemn clearly the oppression of the opposition parties, non-governmental organisations and independent newspapers during the electoral campaign.

**3** - More generally, the FIDH calls the OSCE to use all political, diplomatic, and economic pressures on Belarusian authorities to ensure the respect of fundamental rights and freedoms in the Republic of Belarus.

**4** - The FIDH calls the OSCE to strengthen its ties with the Belarus civil society, to encourage and to support it particularly during this very critical period.