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Belarus: Action is needed to stop violations of the Right to Freedom of Expression and Association

Life is becoming increasingly difficult for those who speak out against the regime of President Lukashenka in Belarus. Since the elections and referendum in October which lifted restrictions on his term of office President Lukashenka appears to be asserting his control over civil society and clamping down on opposition with renewed confidence. While the human rights situation worsens in Belarus, however, the Third Committee of the United Nations General Assembly, prompted by Russia, resorted to a procedural device known as a "no-action motion" to prevent any discussion of the human rights situation in Belarus. Amnesty International is concerned about the curtailment of freedom of expression and association in Belarus and calls on the international community to put pressure on Belarus to end these abuses.

Freedom of Expression

It is becoming increasingly dangerous to criticize the regime in Belarus. Leading members of the opposition, human rights defenders and journalists who voice criticism risk criminal charges for slandering the President. On 30 November the deputy head of the Belarusian Helsinki Committee, Harry Pogonyaylo, was charged with slandering the President because of an interview he gave to Swedish television in August. If convicted he could receive a sentence of up to five years' imprisonment. In the interview, a recording of which was confiscated at the border by the Belarusian KGB, Harry Pogonyaylo reportedly referred to the responsibility of high ranking government officials for the "disappearances" in 1999-2000. On 8 December Anatoly Lebedko, leader of the United Civil Party, was also charged with slandering the president at a press conference on 14 October during which he outlined how the regime might attempt to falsify the elections. Both cases are a blatant violation of the right to freedom of expression and if imprisoned Amnesty International will consider both men to be prisoners of conscience.

Peaceful demonstrators are regularly subjected to ill-treatment at the hands of riot police and arbitrarily detained. Immediately after the elections on 19 October riot police used batons to stop a peaceful demonstration against the results of the elections and referendum. Anatoly Lebedko required hospital treatment for concussion, broken ribs and possible kidney damage; the Prosecutor General refused to open a criminal investigation into his ill-treatment. About 40 of the demonstrators subsequently faced trial for organizing or participating in an unsanctioned public demonstration and were detained for up to 15 days. Amnesty International considered them to be prisoners of conscience and demanded their immediate and unconditional release. Members of the opposition continue to receive administrative detentions and fines for distributing leaflets and other peaceful protests.

Journalists and independent newspapers are increasingly under threat as the state attempts to assert its control over mass media. In many cases newspapers are put under financial pressure by short term bans or their contracts with state run printing or distribution firms are cancelled. In November the independent weekly, *Birzha Informatsii*, was forced to close for three months. In September the editor of

this weekly, Elena Rovbetskaia, was forced to pay the equivalent of six months salary for insulting the honour and dignity of the president after printing an article critical of the referendum. Pavel Mazheika, head of the Grodno branch of the Belarusian Association of Journalists, was sentenced to seven days' detention in November for a picket that he organized to protest against the conviction of Elena Rovbetskaia. In November Iryna Khalip, editor of *Delovaia Gazeta*, which is now published in Russia, was summoned to the Prosecutor's office for questioning following an article she had written about the elections which she was told could lead to a conviction for "libellous fabrications".

Freedom of Association

Non-governmental organizations (NGOs) have been continuously subjected to rigorous controls and regulations. The Belarusian Helsinki Committee (BHC) is currently threatened with closure and a criminal investigation into alleged tax evasion is ongoing against the chair of BHC, Tatiana Protsko, and the head accountant, Tatiana Rutkevich. If convicted, they could face a sentence of up to seven years' imprisonment. In June 2004 the BHC was cleared by the Minsk Economic Court of all charges for tax evasion, a decision which was upheld by the Appellate Court at the end of July 2004. The court decision had confirmed that the organization's activities were lawful and complied with all procedures as required by the Belarusian authorities.

In October, trade union activist Sergei Antonchik was sentenced to 15 days' administrative detention for holding an organizational meeting on the premises of the Free Trade Union of Belarus. Despite the fact that the use of the premises was agreed with the Chair of the trade union, and there were only 30 participants Sergei Antonchik was sentenced under the Code on Administrative Infringements for organizing an unsanctioned meeting. The sentence referred to the law "On the organization of mass meeting" and sets a dangerous precedent allowing the authorities to enter any premises and prevent meetings of less than 100 people.

Background

In a referendum held to coincide with parliamentary elections on 17 October 2004 more than 77 per cent of eligible voters voted to remove a two-term limit on the office of president thereby supporting President Lukashenka, who has held power since 1994, to run for a third consecutive term. Independent observers including those of the Organization for Security and Cooperation in Europe (OSCE) have said that the elections and the referendum fell far short of democratic standards.

Belarus has come under increasing international criticism, but this criticism is met with defiance by the regime. In April the Parliamentary Assembly of the Council of Europe (PACE) issued a resolution on "disappearances" in Belarus calling for an impartial investigation into the disappearances in 1999-2000 and asking for prominent officials who were implicated to be suspended. In September Tatiana Reviaka of the human rights centre "Viasna" and Harry Pogonyaylo were briefly detained for distributing the PACE report. In November a flat where Zubr activists were storing the PACE report was raided by plain clothes policemen. The activists were briefly detained and the report was confiscated. Viktor Sheiman, former Prosecutor General and one of the officials named in the report, was appointed to head the presidential administration in December.