

amnesty

international

PUBLIC

AI Index:

EUR 49/27/99

Date:

18 October 1999

BELARUS

Possible Prisoner of Conscience - Professor Yury Bandazhevsky

Amnesty International is concerned that Professor Yury Bandazhevsky, who is currently detained awaiting trial, may have been deliberately targeted by the authorities for exercising his right to freedom of expression. He has openly criticized the way in which the Ministry of Health has conducted research into the adverse health effects of the Chernobyl nuclear reactor catastrophe of 1986 and the money it has spent on such research. Amnesty International believes that he may be being held solely for exercising his right to freedom of expression, and considers him a possible prisoner of conscience. Amnesty International is also concerned that he may not receive a fair trial.

Yury Bandazhevsky was arrested in Gomel in the middle of the night of 13 July 1999 by a police detachment. The legal basis for his arrest was the presidential decree "On Urgent Measures for the Combat of Terrorism and Other Especially Dangerous Violent Crimes", a measure usually only used for the arrest of violent suspects and terrorists. In violation of Article 9 (2) of the International Covenant on Civil and Political Rights (ICCPR), to which Belarus is a state party, which requires that: "Anyone who is arrested shall be informed, at the time of arrest, of the reasons for his arrest and shall be promptly informed of any charges brought against him", the authorities did not formally charge him until 5 August 1999. He was eventually informed that he was charged under Article 169 (3) of the Belarusian Criminal Code for allegedly taking bribes from students seeking admission to his research institute. If he is convicted, he faces between five and 15 years' imprisonment and confiscation of his property.

Amnesty International believes that Yury Bandazhevsky may have been imprisoned for his outspoken criticism of a state-funded research program into the effects of the explosion of the Chernobyl nuclear reactor on the population's health. In his capacity as both the rector of the Gomel Medical Institute and a respected academic, Yury Bandazhevsky has been active in this field of research for a number of years. As a member of a special research committee he had recently written a report about the research being conducted into the Chernobyl catastrophe by the Institute of Radiation Medicine, which is part of the Belarusian Ministry of Health, criticizing the manner in which the research had been carried out and the fact that money had been spent on research which had not produced any important scientific findings.

On the night of his arrest police officers reportedly searched his home and confiscated his computer, books and files. Amnesty International believes that his arrest may be due to his criticism of the Belarusian Ministry of Health's Institute of Radiation Medicine.

Amnesty International has learned that the allegations against Yury Bandazhevsky were made by a colleague, who reportedly later withdrew his statement. Yury Bandazhevsky has stated that he fears that officials in the research institute he criticized have also made unfounded allegations against him. The organization has received reports that the prosecuting authorities are investigating the charges against him, which could take up to two years, and fears that he may not be given a fair trial at the end of the investigation. In the past Amnesty International has criticized the Belarusian authorities for arresting people who have spoken out against the authorities, and holding them for long periods of time in the inhuman and degrading conditions of pre-trial detention.

The circumstances surrounding Yury Bandazhevsky's arrest have caused further concern, since he was not given access to a lawyer or allowed to see his family until three weeks after his arrest. The requirement that detainees should be given immediate access to a lawyer is a principle supported by international human rights standards, such as Principles 7 and 8 of the United Nations Basic Principles on the Role of Lawyers and Principle 17 of the United Nations Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment. Amnesty International is additionally concerned that his lawyer has not been given adequate access to his client, as is required by these same standards. After the lawyer obtained permission to visit his client in Gomel, Yury Bandazhevsky was transferred to a prison some 100 miles away in Mogilev without the lawyer's knowledge. The lawyer has reportedly complained that he could not gain access to his client at the prison in Mogilev because his client had been placed in a temporary isolation cell. Since then he has been transferred to a maximum security prison in Minsk, where he was being treated in the prison hospital after collapsing in his cell in Mogilev. Since being in prison, Yury Bandazhevsky's state of health has deteriorated drastically. He reportedly suffers from a stomach condition, which has been exacerbated by the inhuman and degrading conditions of his imprisonment. Amnesty International has learned that he was recently transferred to an isolation cell in the maximum security prison in Minsk but he is still reported to be suffering from ill-health.

Background Information

Amnesty International has repeatedly criticized the Belarusian authorities for their treatment of people who have spoken out against them. Most recently, the organization has raised concerns about the human rights defenders, Vera Stremkovskaya and Oleg Volchek, (see AI Index: EUR 24/49/99), who have come under increasing pressure from the authorities to cease their opposition activities. Amnesty International has also expressed concern about the journalist Irina Halip who has been targeted by the government for exercising her right to freedom of expression. There are also a number of people who Amnesty International considers to be prisoners of conscience in Belarus, such as the former Prime Minister, Mikhail Chigir, who was arrested in April 1999 solely because of his political beliefs and peaceful opposition activities (see AI Index: EUR 49/06/99). Like Yury Bandazhevsky he is also in pre-trial detention and Amnesty International has called for his immediate and unconditional release and expressed the concern that he will not be given a fair trial.

Amnesty International's recommendations:

- 7 Amnesty International is calling on the authorities to clarify the reasons for which Yury Bandazhevsky is detained and for his release in accordance with Article 9 (3) of INTERNATIONAL SECRETARIAT, 1 EASTON STREET, LONDON WC1X 0DW, UNITED KINGDOM

the ICCPR which requires that: "It shall not be the general rule that persons awaiting trial shall be detained in custody";

- ↯ Amnesty International is calling on the authorities to clarify reports that the person who initially accused Yury Bandazhevsky has reportedly withdrawn his testimony. If Yury Bandazhevsky is detained on recognizably criminal charges the organization calls for a prompt trial or release (ICCPR, Art. 9 (3)). If Yury Bandazhevsky is held solely for the expression of his non-violent beliefs Amnesty International would consider him a prisoner of conscience and demand his immediate and unconditional release;
- ↯ Amnesty International is calling on the authorities to make public all criminal charges against Yury Bandazhevsky and allow him to defend himself with the assistance of counsel of his own choice in the course of proceedings which meet international standards for fair trials;
- ↯ Amnesty International is urging the authorities to ensure that while in custody measures are taken to protect the health of Yury Bandazhevsky and provide him with adequate medical care and treatment as necessary;
- ↯ Amnesty International is urging the Belarusian government to abide by its obligation to ensure in accordance to Article 19 (1) of the International Covenant on Civil and Political Rights, that: "Everyone shall have the right to hold opinions without interference";
- ↯ Amnesty International is seeking assurances that no one in future will be subjected imprisonment solely on grounds of their non-violent beliefs;
- ↯ Amnesty International is urging the authorities to ensure that detainees are given immediate and frequent access to a legal representative of their choice as required by Principles 7 and 8 of the United Nations Basic Principles on the Role of Lawyers and Principle 17 of the United Nations Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment;
- ↯ Amnesty International is urging the authorities to respect their obligation under Article 9 (2) of the ICCPR; "Anyone who is arrested shall be informed, at the time of arrest, of the reasons for his arrest and shall be promptly informed of any charges against him".