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**BELARUS:
Four Years On - Prisoner of Conscience
Andrey Klimov**

11 February 2002 marked the end of the fourth year of imprisonment of prisoner of conscience Andrey Klimov, a member of the dissolved Belarusian parliament. Police arrested him on 11 February 1998 for alleged fraudulent business practice. He spent over two years in pre-trial detention before being sentenced to six years' imprisonment at a hard labour colony with confiscation of property in March 2000. A representative from Amnesty International was present at the Leninsky District Court in Minsk on 17 March 2000 when, amid chaotic scenes, it passed final sentence on the then 34-year-old Andrey Klimov, who is married with several young children. Various international representatives, who were present at the court hearing and had observed the trial, cast considerable doubt on the fairness of the trial and the final court ruling. In recent years Amnesty International has repeatedly expressed concern about the imprisonment and subsequent convictions of several high profile political opponents of President Alyaksandr Lukashenka (see AI Index: EUR 49/14/00).

Figure 2 Supporters of Andrey Klimov protesting his continued imprisonment outside the UZ 15/1 labour colony, Minsk, 11 February 2002 (c) IREX/ProMedia.

Over the past four years there have been repeated expressions of domestic as well as international concern about Andrey Klimov's imprisonment. On 11 February 2002 approximately 50 supporters formed a human chain along the wall of the UZ 15/1 penal institution in Minsk, where Andrey Klimov is serving his sentence, to mark the fourth anniversary of his arrest and imprisonment. In mid-January 2002 the Inter-Parliamentary Union's (IPU) Committee on the Human Rights of Parliamentarians met in Geneva to consider once again Andrey Klimov's case among other human rights violations affecting members of parliament in 34 different countries.¹ During its 95th session the Committee stated

¹The stated aim of the Committee on the Human Rights of Parliamentarians is to put an end as quickly as possible to any arbitrary measure affecting members of parliament, to ensure their protection and, where appropriate, to secure compensation for them. The IPU has closely followed the arrest, subsequent trial and imprisonment of Andrey Klimov as a member of the dissolved Belarusian parliament, the 13th Supreme Soviet.

that it "... remains deeply concerned at the continuing imprisonment of Mr. Klimov, particularly in view of the serious misgivings it has expressed about respect for the right to fair trial, in particular the right Mr. Klimov had to effectively defend himself and present evidence to clear him from the charges, the harshness of the sentence handed down on him, which it considers grossly disproportionate to the alleged offence and the fact that he was denied the benefit of the July 2000 Amnesty Law by having appealed the verdict handed down on him". The Committee called on the Belarusian authorities to release him immediately.² The Parliamentary Assembly of the Council of Europe (PACE) twice visited Andrey Klimov during visits to Belarus in 2000 and 2001. During its last visit to Belarus from 31 July to 3 August 2001 a PACE delegation visited him at the UZ 15/1 labour colony, renewing its call for his immediate release.³

Amnesty International believes that Andrey Klimov, like other members of Belarus' opposition, was deliberately targeted by the Belarusian authorities to punish him for his opposition activities. He was elected to the Belarusian parliament, the 13th Supreme Soviet, in 1995 for a five-year term, which was unconstitutionally cut short after President Lukashenka's forced dissolution of parliament in November 1996. During the dissolution process Andrey Klimov was a vocal opponent of President Alyaksandr Lukashenka and took an active part in the attempted impeachment of the President. After the dissolution of parliament he continued his criticism of the President, accusing him of violating the law and the constitution. He played an active role in a parliamentary committee established in January 1997 to examine the violations of the constitution by President Lukashenka and contributed to a document highlighting the various violations committed by President Lukashenka during the dissolution of parliament. The document was reportedly written in consultation with the then Deputy Speaker of the 13th Supreme Soviet and opposition leader, Viktor Gonchar, who "disappeared" in September 1999 (see AI Index: EUR 49/005/2001).

In the course of Andrey Klimov's controversial eight-month trial held at Leninsky District Court in Minsk he was convicted under a number of articles of the Belarusian Criminal Code - all of which he has vociferously denied - most notably for allegedly embezzling public money by overestimating the number of bricks and costs envisaged in the construction of a block of flats, but also for building without the required permits and fraudulently obtaining a bank loan. His lawyer rejected the charges stating that the cost of the building project did not exceed the estimates. Furthermore, the lawyer condemned the investigator's audit of the building project as being flawed, calling for additional expert advice, and complained that key witnesses were not cross-examined. With regard to the lesser charges of building without the required permits and fraudulently obtaining a bank loan, the lawyer argued that Andrey Klimov's company had possessed all the necessary permits through the sub-contraction of work and, as the owner of the bank from which the loan was obtained, Andrey Klimov had lawfully borrowed the sum of money from himself, which he subsequently repaid.

Since his arrest in 1998 there have been repeated concerns about Andrey Klimov's state of health. During his pre-trial detention he was hospitalized on a number of occasions due to his failing health and he reportedly continues to require treatment for a heart condition - microcardial dystrophy. He is also said to suffer from incipient diabetes. During the first months of his pre-trial detention Andrey Klimov was reportedly forced to share a small cell with five other inmates, who had to take turns in sleeping due to the lack of sufficient

²Committee on the Human Rights of Parliamentarians of the Inter-Parliamentary Union, Case No. BLS/01 Andrei Klimov, decision adopted at its 96th session, Geneva, 14 - 17 January 2002.

³Council of Europe Parliamentary Assembly delegation visit to Belarus (31 July - 3 August 2001) - Final Statement, 3 August 2001.

sleeping berths. There was also very limited access to drinking water. At the UZ 15/1 labour colony, where he is currently imprisoned, he reportedly shares a dormitory-type cell with around 100 other prisoners. The prison diet is said to be particularly poor and his wife, Tatyana Klimova, supplements her husband's diet with occasional food parcels. Andrey Klimov informed Amnesty International in late January 2002 that his health remains delicate, restricting him from participating in certain activities. He also informed the organization that limited access to reading material has restricted opportunities for any meaningful mental stimulation.

Amnesty International considers Andrey Klimov to be a prisoner of conscience, imprisoned for exercising his right to freedom of expression, and, once again, is calling for his immediate and unconditional release.