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BELARUS: TORTURE AND ILL-TREATMENT OF PEACEFUL DEMONSTRATORS BY THE POLICE, ARBITRARY ARRESTS AND PRISONERS OF CONSCIENCE

Amnesty International's concerns

Amnesty International is concerned about the pattern of ill-treatment and imprisonment of members of the opposition, including during peaceful strikes and demonstrations in Belarus. The organization has repeatedly raised its concerns with the Belarusian authorities. However, Amnesty International is not aware of any steps taken by the government or the President of Belarus, Alyaksandr Lukashenka, to stop the pattern of ill-treatment and imprisonment.

Events in 1998

According to information received by Amnesty International, prisoners of conscience were among hundreds of protestors arrested after peaceful protests in 1998. On 22 March, between 20 and 50 men, women and children were arrested and beaten by police following a 10,000-strong peaceful demonstration in the capital, Minsk. The demonstration was held to mark the 80th anniversary of the declaration of an independent state of Belorussia (as it was formerly known). Those detained included journalists and members of the opposition Belarusian Popular Front (BNF), including Boris Khamaida and Vladimir Pleshchenka. Both men have reportedly been arrested and fined on a number of occasions for their oppositional activities. It is not known whether the two men were held on this occasion. A 15-year-old boy, Pavel Rakhmanov, was also arrested during the demonstration. Amnesty International has no further information about him. Seven people were convicted of shouting censored slogans and insulting the President, but were not given custodial sentences. Five members of a local human rights group, the Belarusian Helsinki Committee, were among those detained. They were released after an hour.

On 2 April, the first anniversary of the union treaty between Russia and Belarus, a large anti-government demonstration was forcibly broken up by police who arrested more than 50 protestors. Vyacheslav Sivchyk, secretary of the BNF, was arrested and reportedly severely beaten by police. He

was subsequently hospitalized suffering from concussion. He stood trial on 3 April and was sentenced to 10 days' imprisonment under the Administrative Code of Belarus. Pavel Severinets, leader of the BNF's Youth Front, was arrested and faced up to five years' imprisonment on charges of "instigating mass disorder", "organization or participation in group actions violating the public order" and "hooliganism". He was released on 2 June pending trial, on condition that he would not leave Minsk. Criminal proceedings against Severinets were subsequently dropped on 4 December 1998. Both Vyacheslav Sivchyk and Pavel Severinets were prisoners of conscience. Pavel Severinets' lawyer, Gary Pogonyailo, was forbidden to participate in his defence, on the grounds that Gary Pogonyailo was not a member of the Collegium of Advocates of the Republic of Belarus. In June 1998 he was deprived of a license to practise as a lawyer by the Ministry of Justice. The lawyer Vera Stremkovskaya, who has defended a number of high-profile cases such as that of Vasilii Starovoitov, also came under increasing pressure in 1998 as well as 1999 to cease her activities. Amnesty International has learned that Vera Stremkovskaya is currently being charged under Article 128 (2) of the Belarusian Criminal Code for slandering a public official. The charges carry up to five years imprisonment. Amnesty International is calling on the authorities to reinstate all human rights lawyers, including Nadezhda Dudareva and Gary Pogonyailo, who were disbarred solely because of their human rights activities (see AI Index: EUR 49/13/98) and refrain from intimidating lawyers such as Vera Stremkovskaya, who choose to defend individuals opposed to the president.

Four other prisoners of conscience were arrested during the 2 April protest and charged with similar offences. Alyksandr Kashenya and Ivan Abadovsky reportedly received sentences of 10 and 15 days' imprisonment respectively. Leonid Vasyuchenko and Dmitriy Vaskovich were reportedly also held in detention after the demonstration. Dmitriy Vaskovich was allegedly beaten in custody to force him to make a statement implicating Pavel Severinets and other detainees in breaking the law. More than 50 other people, about one third of them reportedly minors, were detained for several hours and in some cases overnight. Some were tried on 3 April on charges relating to their participation in an unauthorized demonstration and received administrative penalties. They were released after the court ruled either to fine them or to issue them with a warning.

Another peaceful demonstration was held on 25 April to commemorate the 1986 Chernobyl nuclear disaster. Following the rally, police reportedly arrested up to 40 demonstrators and allegedly beat some of them in detention. Among those arrested was 14-year-old Anton Taras. Police officers allegedly forced him to put on a gas mask he had worn during the rally, and then stopped the air supply in the mask until he began to suffocate, a torture method known as "elephant". No investigations are known to have been carried out into any of the allegations of torture or ill-treatment.

Restrictions on freedom of expression led to trials of prisoners of conscience in 1998. In January Pavel Sheremet and Dmitry Zavadsky, Russian TV journalists, were sentenced to suspended prison terms of two and one-and-a-half years respectively (see *Amnesty International Report 1998*). They were convicted of conspiracy and violating the state border. Pavel Sheremet was also convicted of "exceeding his professional powers as a journalist resulting in a damage to the public interest".

Two prisoners of conscience, 19-year-old Aleksey Shidlovsky and 16-year-old Vadim Labkovich, both members of the youth branch of the opposition BNF, were sentenced in 1998, on charges of "malicious hooliganism" under Article 201(2) of the Belarusian Criminal Code and "abuse of state symbols" under Article 186. On 24 February the Minsk Regional Court sentenced Vadim Labkovich to one-and-a-half year suspended prison term and Aleksey Shidlovsky to one-and-a-half years' imprisonment in a strict regime colony. Previously Aleksey Shidlovsky had studied journalism at the Belarus State University. Vadim Labkovich's sentence was suspended due to the fact that he was underage at the time of his arrest.

On 25 August 1997 police in the Belarusian town of Stolptsy detained Aleksey Shidlovsky, and Vadim Labkovich two days later on 27 August, for allegedly participating in writing anti-presidential and anti-government graffiti on the walls of various public buildings and for allegedly replacing the national red-green flag of Belarus on top of the town administration building with the banned red-

white national flag, a symbol of the opposition and of the BNF. It was reported that during a search of Vadim Labkovich's home on 28 August 1997, police found and confiscated two white-red flags. Both of them were held in detention for almost six months until they stood trial in February 1998. There were reports that while in detention in the pre-trial detention centre (SIZO) in the town of Zhodino, Aleksey Shidlovsky was severely beaten by the prison guards and as a result he spent a month in the prison medical ward. He served his time in a hard labour colony during which he claims he was deprived of letters and parcels and was not always allowed to see his parents. He was released on 23 February 1999 just two days before the official end of his sentence.

Persecution of Members of the Opposition on Charges of Alleged Corruption

In 1998 Amnesty International learned of members of the opposition who were imprisoned on charges of bribery and other alleged irregularities in their businesses. Amnesty International adopted them as prisoners of conscience. Both men were former members of parliament from the 13 Supreme Soviet, dissolved by President Lukashenka in November 1996 and had opposed the president. The charges against the two men appear to be politically motivated in order to punish them for their peaceful opposition activities. Allegations also suggest that there have been significant procedural violations in the cases.

Andrey Klimov was arrested in February 1998 and since that time he has been in pre-trial detention. It is reported that he is being charged with offences relating to his business affairs. Members of the opposition claim that he has been imprisoned for his opposition to the president. In November 1996 Andrey Klimov took an active part in the impeachment of President Lukashenka. After the dissolution of parliament he continued his criticism of the president accusing him of violating the law and the constitution. Furthermore, he produced several documents to this effect. It is alleged that Andrey Klimov was arrested within days of distributing such a document to the procurator, police department and all heads of local government in the country. Since being in prison he has always insisted upon his innocence and has undertaken two hunger strikes. As a result of the second hunger strike he was admitted to a prison hospital in July 1998 where he was reportedly diagnosed as suffering from a heart condition. He has since been transferred back to the prison. Amnesty International learned that the indictment against Andrey Klimov was only submitted to the procurator on 14 June 1999, after which his case is expected to go to trial. Amnesty International is seriously concerned about the state of his health.

Charges of alleged bribery were also levelled at Vladimir Koudinov. In August 1998 he was sentenced to eight years' imprisonment on the charge of bribing a police officer. He, like Andrey Klimov, is a political opponent of President Lukashenka and as a deputy in the dissolved parliament he took an active role impeaching the president in November 1996. Amnesty International has expressed concern about Vladimir Koudinov and the grounds of his imprisonment. The organization is also concerned about the state of his health. It is reported that he is serving his sentence in the same hard labour colony where the student of journalism Aleksey Shidlovsky served a one-and-a-half year sentence. In September 1998 there were reports that Vladimir Koudinov had been ill-treated by the prison authorities for allegedly smuggling a document he had written out of the prison. He has reportedly been placed in punitive isolation on several occasions.

Events in 1999

Throughout the first five months of 1999 Amnesty International repeatedly expressed concern about the treatment of members of the opposition in Belarus. In this period opposition groups have staged a number of peaceful protests against President Lukashenka questioning the legitimacy of his tenure in office. In 1996 President Lukashenka held a referendum which led to the dissolution of parliament. In a further referendum in November 1996 he secured a mandate to stay in office until 2001, despite an election being scheduled for 1999. Opposition groups argue that the referendum violated the constitution and therefore President Lukashenka's presidency expires in July 1999. Opposition groups therefore set up an electoral commission to organize unofficial presidential elections for 16 May. In

both the run up to the election and during the election period itself Amnesty International repeatedly expressed concern about the treatment of both members of the electoral commission and would-be candidates in the election.

At the beginning of March 1999 Viktor Gonchar was sentenced by a Minsk court to 10 days' imprisonment for organizing an unsanctioned meeting in a café with other members of the electoral commission. While in prison he reportedly suffered a heart attack. Amnesty International adopted him as a prisoner of conscience and expressed serious concern about his health and the failure of the prison authorities to provide him with appropriate medical care. Viktor Gonchar was chairman of the electoral commission before President Lukashenka dissolved parliament after the controversial referendum of November 1996. In March he was officially charged under article 190 of the Criminal Code of the Republic of Belarus, "*Wilful self-conferment of an official title or authority*", which carries a maximum penalty of two years' imprisonment or correctional labour. At a press conference of the electoral commission on 19 May Viktor Gonchar confirmed that the charges against him still stood.

At the end of March the former prime minister of Belarus, Mikhail Chigir, was imprisoned for his active role in Belarus' opposition and for his intention to stand as a presidential candidate in the unofficial presidential elections. The other main presidential candidate, Zenon Poznyak, has been in exile in the United States and, more recently, in Poland after fleeing Belarus in April 1996. Mikhail Chigir was arrested on 30 March 1999 and charged with financial impropriety relating to a position he held as head of a bank, "Belagroprombank". The charge relates to the embezzlement of funds allocated for the construction of an office building in March 1994. Mikhail Chigir left the bank when he was appointed Prime Minister by President Lukashenka in July 1994. He has denied the charge and claims that the losses were made as a result of a change in the bank's fortunes after he left the company. Amnesty International believes that Mikhail Chigir like Viktor Gonchar appeared to have been targeted by the authorities solely because of his political beliefs and peaceful opposition activities, and considers him a prisoner of conscience. On Monday 24 May around one thousand supporters of Mikhail Chigir staged a peaceful demonstration in his support in Minsk. According to the information available to Amnesty International the demonstration occurred without incident. On 2 June a Minsk court rejected Julia Chigir's appeal that her husband be released from jail during the investigation into the charges against him.

Although opposition groups set 16 May as the actual date of the unofficial presidential elections 10 days of campaigns were organized beginning on 7 May. During the election period Amnesty International learned of a number of cases where police officers detained members of the opposition simply for campaigning during this period of protest. On 10 May Amnesty International expressed serious concern for the safety of opposition activist Yury Zakharenko, who failed to return home on the first day of the campaigns. The organization feared that he may have been held in incommunicado detention. Yury Zakharenko is a senior figure in the opposition movement and was believed to be a member of the unofficial electoral commission. His wife believes that he was arrested for his involvement in the unofficial presidential elections. A spokesperson for the Ministry of Internal Affairs is reported to have said that Yury Zakharenko was not being held in Minsk, and that his whereabouts were unknown. His whereabouts remain unknown. Amnesty International is unaware of an investigation being opened into his case by the authorities.

During the unofficial presidential elections Amnesty International learned about the arrest of Yevgeny Murashko. Yevgeny Murashko is both the chairperson of his local Belarusian Helsinki Committee and of the regional electoral commission. In February he reportedly arranged a meeting which Viktor Gonchar the chairperson of the central electoral commission attended. On 9 May Yevgeny Murashko was arrested by police officers while returning to his home town of Kalinkovichya in the Gomel Region of Belarus and was sentenced to 10 days' administrative detention. Yevgeny Murashko has reportedly been arrested on a number of previous occasions for his advocacy of human rights. Amnesty International has been informed that he spent 10 days in administrative detention in December 1998 and two more days in February 1999. In June 1999 he was charged under Article 196 of the Belarusian Criminal Code for the misappropriation of authority relating to his role in the

unofficial elections. On 21 June he was given a one-year suspended prison sentence.

On 11 May one member of the unofficial electoral commission was reportedly given an administrative sentence of 10 days for violating a law about public meetings and demonstrations. Under the Criminal Procedural Code of Belarus a citizen suspected of a crime can be held for a maximum of 10 days without formal charge. Piatro Zosich had been talking to members of the Hlusk Region electoral commission when he was arrested by police officers, who then confiscated ballot papers in his possession. His companion, Valery Hniadzko, was reportedly fined one million Belarusian roubles. On 12 May the vice chairperson of Mahileu Region electoral commission, Anatol Fiodaraw, was reportedly sentenced to three days' administrative arrest for failing to appear in court. He and a colleague were detained by police officers on 9 May in the town of Mahileu and told to appear in court on 12 May. The police officers confiscated materials relating to the election. Anatol Fiodaraw claims that illness prevented his appearance in court. Nevertheless, a court in Mahileu proceeded to sentence him.

On 16 May members of the electoral commission were taken into custody in Hrodna. Police officers detained Ales Barel and Kazimir Lopic at a voting station in the city. Two observers at the voting station, Valiantsin Luchko and Mikola Voran, were also detained and ballot boxes and ballot papers were confiscated by the police. Organizers of the unofficial presidential elections were also detained by police officers in a number of other Belarusian towns, including Slomin, Masty and Zelva, and voting materials were confiscated by the authorities. It was not known how long the police detained the individuals concerned or whether they were given administrative prison sentences.

Amnesty International's recommendations

- Amnesty International is calling for the immediate and unconditional release of all prisoners of conscience, including Mikhail Chigir, Andrey Klimov and Vladimir Koudinov and any demonstrators detained solely for peacefully exercising their right to freedom of assembly, for prompt and impartial investigations into allegations of torture or ill-treatment, and for anyone responsible to be brought to justice.
- Amnesty International is calling on the Belarusian authorities to investigate the whereabouts of Yuri Zakharenko.
- Amnesty International is calling on President Lukashenka to take steps to ensure that all people in Belarus are allowed to peacefully exercise their right to freedom of expression without the fear of being arrested or ill-treated by law enforcement agencies. The organization also urges the President and Government to recognise that torture and ill-treatment are prohibited in any circumstances under the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the International Covenant on Civil and Political Rights to which Belarus is a party.
- Amnesty International strongly supports the recommendations of the UN Human Rights Committee, which in 1997 recommended to the authorities of Belarus to take immediate steps to improve respect for human rights in the country (see *Concerns in Europe: July - December 1997*, AI Index: EUR 01/01/98). Amnesty International has repeatedly called on the Government and the President of Belarus to adopt a comprehensive action plan for the implementation of the Human Rights Committee's recommendations.