

# amnesty international

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## **BELARUS: POSSIBLE PRISONERS OF CONSCIENCE**

### **Amnesty International's concerns**

Throughout 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 and a significant part of the international community have argued that the referendum violated the constitution and therefore President Lukashenka's presidency expired in July 1999.

In the aftermath of the various peaceful protests a number of prominent members of the opposition have been charged with offences under the Belarusian Criminal Code. Amnesty International believes that these charges have been brought against leading opposition figures in an attempt to intimidate and punish them for their oppositional activities. No one has yet been convicted of any specific charge and most of the individuals featured in this document still have to be tried. Amnesty International is concerned that, if convicted, they may face several years in prison for exercising their right to peaceful assembly or their right to freedom of speech. It is for this reason that Amnesty International will consider them prisoners of conscience if they are convicted.

### **Oleg Volchek**

Amnesty International condemned the arrests of members of the Belarusian opposition for peacefully exercising their right to freedom of assembly during a march through Minsk on 21 July. The march was organized by Belarus' opposition to mark the last day of the official presidency of President Alyaksandr Lukashenka. It was reported that at least 50 people were arrested by police officers during the protest in which several thousand demonstrators took part. Among the people arrested was a leading member of the opposition, Oleg Volchek, who has been detained on a number of occasions in the past for his oppositional activities.

Oleg Volchek is both head of a legal advice centre and head of the commission which has demanded an independent inquiry into the sudden "disappearance" of the former Minister of the Interior and prominent opposition figure, Yury Zakharenko (see AI Index: EUR 01/02/99). He is currently being

charged under Article 201 (2) of the Belarusian Criminal Code for '*malicious hooliganism*'. He has informed Amnesty International that the charges relate to his part in the peaceful protests organized by the opposition on 21 July. As a prominent member of the opposition he had taken part in the demonstration and delivered a speech to the other participants. A number of other leading opposition figures also delivered speeches, including the recently "disappeared" Viktor Gonchar (see AI Index: EUR 49/22/99). After the meeting dispersed Oleg Volchek and his companions were arrested on Moskovskaya Street in Minsk and taken to the Moskovsky District Department of Internal Affairs, where Oleg Volchek was charged under Article 201 (2) of the Belarusian Criminal Code. If convicted he could face from three to seven years' imprisonment. Amnesty International is concerned that he has been deliberately targeted by the Belarusian authorities to punish him for his oppositional activities and to silence a vocal member of the opposition. If he is convicted Amnesty International will consider Oleg Volchek a prisoner of conscience.

Amnesty International has also expressed concern about the alleged ill-treatment of Oleg Volchek by three police officers at the Moskovsky District Department of Internal Affairs. He alleges that he was repeatedly punched and kicked about the body and head. He has also stated that the police officers laughed while they punched and kicked him and afterwards they reportedly refused him access to a doctor. Oleg Volchek and his companions were not released until the next day. Although he has made a number of complaints to the authorities about his alleged ill-treatment the authorities have apparently failed to investigate his allegations. Under Article 13 of the United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, to which Belarus is a state party, the Belarusian authorities have an obligation to investigate allegations of ill-treatment. By failing to conduct an immediate and impartial investigation into Oleg Volchek's allegations of ill-treatment Amnesty International believes that the Belarusian authorities have failed to fulfil their international obligations.

### **Irina Halip**

During the protests on 21 July Irina Halip, the editor of the independent newspaper "*Imya*", was also arrested for taking part in the demonstration. She was detained after police officers caught her and her companions in possession of a number of megaphones. She was later released only to be rearrested on 22 July. Police officers arrested her on the evening of 22 July at the Belarusian headquarters of the Russian television station, ORT, where she had been scheduled to give an interview. She was arrested on the charge that "*Imya*" had slandered the Belarusian Prosecutor General, Oleg Bozhelko, in a previous article. Under Article 128 of the Belarusian Criminal Code the defamation of a public official is a charge which carries up to five years' imprisonment. In the past, Article 128 has been used by the Belarusian authorities to harass and silence outspoken members of the opposition and most notably the human rights defender, Vera Stremkovskaya (see below).

Irina Halip also had her travel documents confiscated by the authorities after her arrest. She was due to fly to the United States to attend meetings with fellow journalists two days later. In a press release on 23 July Amnesty International expressed the concern that the confiscation of her travel documents was part of the government's crack-down on peaceful dissent and to prevent her from talking about the political situation in the country (see AI Index: EUR 49/18/99). Amnesty International learned several days later that the Belarusian authorities had eventually allowed her to visit the United States as she had originally planned. Amnesty International has been informed that on 17 September Irina Halip was interviewed again by a representative of the State Prosecutors's Office about the charge that she defamed the Belarusian Prosecutor General, Oleg Bozhelko. During the interview she was also reportedly asked where she had found the money to fly to the United States. Although Irina Halip has still to be formally charged with any specific offence under the Belarusian Criminal Code Amnesty International is concerned that the charge of defamation could be used retrospectively by the Belarusian authorities at any time to intimidate her.

### **Nikolai Statkevich**

Belarus' Day of Independence was marked by more peaceful protests against President Alyaksandr

Lukashenka. Several thousand demonstrators marched through Minsk on the evening of 27 July. Amnesty International received reports that around 40 people were detained, of whom 19 spent the night in detention. Among those detained was one of the main organizers of the demonstration and leader of the Belarusian Social Democratic Party, Nikolai Statkevich. He was reportedly arrested shortly after the demonstration had dispersed and was sentenced to 10 days' administrative detention by a court in the Sovetsky district of Minsk. Under the Criminal Procedural Code of Belarus protestors can be kept in administrative detention for up to 10 days without formal charge. The Belarusian authorities have frequently employed these draconian laws to put pressure on members of the opposition. While he was in detention Amnesty International considered Nikolai Statkevich to be a prisoner of conscience. Since his release from prison Amnesty International has learned that the Belarusian authorities have been conducting an investigation into whether he violated a specific article of the Belarusian Criminal Code for organizing the demonstration on 27 July. Amnesty International is concerned that, if charged under the relevant articles of the Belarusian Criminal Code, he could face up to several years in prison. Amnesty International has also learned that the Belarusian authorities have reportedly prohibited him from travelling abroad.

### **Yevgeny Osinsky**

A 20-year-old member of the Belarusian Popular Party's Youth Front, Yevgeny Osinsky, was also arrested during the peaceful demonstration organized by the opposition on Belarus' Day of Independence on 27 July. He has been charged under Article 201 (2) of the Belarusian Criminal Code for '*malicious hooliganism*' and, if convicted, he could face up to seven years' imprisonment. He was released from prison on bail on 6 September after spending around five weeks in detention. He has alleged that he was physically ill-treated by police officers after his arrest at a police station near the place of his arrest. He has alleged that police officers hit him in the stomach, kidneys and back. He has also stated that he was physically ill-treated during interrogation at the Sovetsky district department of Internal Affairs where he was also reportedly deprived of food and sleep. Yevgeny Osinsky is not the first member of the Belarusian Popular Party's Youth Front to be charged under Article 201 (2) of the Belarusian Criminal Code. In February 1998 Amnesty International adopted another Belarusian Popular Party's Youth Front member, Aleksey Shidlovsky, as a prisoner of conscience after he was sentenced to one-and-a-half year's imprisonment in a strict regime colony (see AI Index: EUR 49/12/99). Yevgeny Osinsky's trial will take place later in the Autumn and, if he is convicted, Amnesty International will consider him a prisoner of conscience.

### **Vera Stremkovskaya**

Amnesty International has learned that the Belarusian human rights lawyer, Vera Stremkovskaya, has come under increasing pressure to cease her human rights activities. She is a leading human rights lawyer in Belarus and has defended a number of high-profile cases such as that of Vasiliy Starovoitov, whom Amnesty International considers a prisoner of conscience (see AI Index: EUR 01/01/99). She is also currently the director of the Center for Human Rights, which is a non-governmental association of lawyers who are engaged in the defence of civil rights. For her work Vera Stremkovskaya has recently received a number of prestigious international human rights awards including the International Human Rights Award given by the American Bar Association and an award from the German Association of Judges (*Deutscher Richterbund*).

In the past year she has become an object of considerable state attention. Three different criminal cases have been brought against her since December 1998, of which two have been dropped. Amnesty International believes that these criminal cases have been deliberately initiated by the Belarusian authorities in order to silence Vera Stremkovskaya and punish her for her oppositional activities. All three cases have been formulated on the basis that she had defamed public officials. In her latest case Vera Stremkovskaya is being charged under Article 128 (2) of the Belarusian Criminal Code for slandering a public official during the court hearing of Vasiliy Starovoitov in May 1999. The head of the team investigating the criminal case against Vasiliy Starovoitov claims that Vera Stremkovskaya

defamed him by asking the court what had happened to a number of her client's personal belongings which were confiscated during the search of the Starovoitov family home. Among the items missing numbered a gold necklace, a large number of military medals and 40 bottles of cognac. Vera Stremkovskaya believes that her question was legitimate, since she was representing the interests of her client. If she is found guilty of defamation she could serve up to five years in prison. It is expected that a decision will soon be made with regard to whether she defamed the head of the investigating team and whether the criminal case against her should be pursued. If she is convicted and imprisoned, Amnesty International would consider Vera Stremkovskaya to be a prisoner of conscience.

### **Amnesty International's recommendations**

- 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 and freedom to peaceful assembly without the fear of being arrested or ill-treated by law enforcement agencies.
- Amnesty International will consider those imprisoned solely for exercising their right to freedom of expression and freedom to peaceful assembly as prisoners of conscience, including Oleg Volchek, Irina Halip, Nikolai Statkevich, Yevgeny Osinsky, and Vera Stremkovskaya.
- Amnesty International is calling for the immediate and unconditional release of all current prisoners of conscience, including Mikhail Chigir, Andrey Klimov, Vasilii Starovoitov and Vladimir Koudinov (see AI Index: EUR 49/12/99).
- Amnesty International is calling for prompt and impartial investigations into the allegations that Oleg Volchek and Yevgeny Osinsky were ill-treated by police officers after their arrests and for anyone responsible to be brought to justice.
- Amnesty International is also concerned that the whereabouts of several prominent figures in Belarus have become unknown in recent months and fears that they may have been deliberately abducted by the Belarusian authorities to silence them. The organization is calling for an independent investigation into the whereabouts of the former first deputy of the Belarusian parliament, Viktor Gonchar and his companion Anatoly Krasovsky, the former Minister of the Interior, Yury Zakharenko, and the former chairperson of the National Bank, Tamara Vinnikova.
- 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.