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DETAINED MEDICAL PROFESSIONAL

**Professor Yury Bandazhevsky
BELARUS**

Amnesty International is concerned that Professor Yury Bandazhevsky, who is currently in detention in the Maximum Security Prison (Koloniya Strogogo Regima), Minsk, 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 Belarus Ministry of Health has conducted research into the adverse health effects of the Chernobyl nuclear reactor disaster of 1986 and the money it has spent on such research. Professor Bandazhevsky, who is a physician, was arrested on 13 July 1999 under a presidential decree usually invoked only in cases of violent suspects and terrorists. He was accused of taking bribes from students seeking admission to his research institute.

Amnesty International considers Professor Bandazhevsky a possible prisoner of conscience and is also concerned that he may not receive a fair trial. Amnesty International is additionally concerned about his state of health as he is reportedly suffering from a stomach condition which might be exacerbated by the conditions of his imprisonment. Amnesty International is seeking details of his current state of health.

Case details

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'. The authorities did not formally charge him until 5 August 1999. This breached 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". 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 disaster by the Institute of Radiation Medicine (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 Institute officials he criticized have also made unfounded allegations against him. Amnesty International 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 for holding them for long periods of pre-trial detention in inhuman and degrading conditions.

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. Amnesty International is additionally concerned that his lawyer has not been given adequate access to his client. After the lawyer obtained permission to visit his client in Gomel, Yury Bandazhevsky was transferred to a prison some 100 miles (160 km) away in Mogilev without the lawyer's knowledge. The lawyer has reportedly complained that he could not gain access to Dr. Bandazhevsky at the prison in Mogilev because he 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, according to reports. He reportedly suffers from a stomach condition, which has been exacerbated by the harsh 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.

Recommendations

Amnesty International is calling on the authorities to clarify the reasons for which Yury Bandazhevsky is detained, to make public all criminal charges against him and to provide him with a prompt and fair trial. 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 additionally concerned about the state of his health and is therefore seeking information on whatever diagnosis or treatment he is receiving.