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Belarus: Six months after the Presidential elections clampdown on dissenting voices continues unabated

Six months on from the Presidential elections in Belarus and the arrest and detention of hundreds of demonstrators following a post-election protest, Amnesty International continues its calls for the release of all prisoners of conscience who have been detained and sentenced for the peaceful exercise of their rights to freedom of assembly and expression.

The organization reiterates its calls for the Belarusian authorities to respect the rights of all detainees and to conduct immediate, thorough and impartial investigations into allegations of human rights violations that have taken place, including torture and ill-treatment in detention and fair trial violations.

The last six months have seen an unprecedented deterioration in the human rights situation in Belarus. Key opposition figures have been detained, ill-treated and convicted in unfair trials. Critical NGOs, civil society activists and journalists have faced harassment.

To date, Amnesty International has identified 12 prisoners of conscience in Belarus, in connection with the post-election demonstration, although the organization anticipates that others will be identified as research into each case continues. The prisoners of conscience include former Presidential candidates, prominent opposition leaders, activists and independent journalists. Amnesty International is calling for their immediate and unconditional release.

Torture or other ill-treatment

Serious and credible allegations have been made that detainees caught up in the post-election clampdown are being ill-treated while in detention. Former Presidential candidate, Alyaksei Mihalevich, who was released on bail in February, held a press conference on 28 February, where he spoke out about the torture and other ill-treatment that had been inflicted on him. He said that detainees were taken out of the cells five or six times a day for body searches. They would be made to stand with their legs so far apart that it was difficult to walk afterwards because of the pain. They would be made to stand naked for about 40 minutes in a room where the temperature did not exceed 10C. He also said that during the searches detainees would be made to perform physical exercises. .

Alyaksei Mihalevich has since secured refugee status abroad. His stories were corroborated by another former Presidential candidate and prisoner of conscience, Andrei Sannikau, who was sentenced on 14 May to 5 years' imprisonment. His wife, journalist Iryna Khalip, who had been under house arrest, was given a two-year suspended sentence on 16 May.

During his trial, Andrei Sannikau made a statement, saying that the evidence being used against him was obtained under torture. He said that when first detained on 19 December, he was beaten and denied access to the toilet for hours. He said that every day he was made to carry all his personal belongings to a cold cellar where he was forced to stand naked by the wall, with arms and legs outstretched for long periods and made to squat. Despite complaining of a painful leg, which was injured during his detention, he was not allowed to change position.

People in masks, who were also in the room, hit the walls with batons, shouted and kicked him. He added that he has been kept in handcuffs constantly in detention and made to walk in stress-positions.

Andrei Sannikau also stated that when he refused to confess, during a conversation with the head of the KGB, he was told 'in this case we will apply more brutal measures to your wife and child.' Both men claimed that other detainees were also being ill-treated.

Another prisoner of conscience, 21-year old Mikita Likhavid, who was sentenced to three years and six months imprisonment on 29 March, is reportedly being subjected to ill-treatment in prison. On 17 June, Mikita Likhavid was placed in solitary confinement for the fourth time in forty days. The harsh conditions in solitary confinement reportedly include prisoners being denied any time to walk outside, refused sleeping materials and being deprived of sleep. They are allegedly prevented from lying or sitting down on the benches which are folded back during the day and they are not allowed to lie on the floor. Despite the frequently low temperatures in the cells, they are not allowed warm clothes.

Solitary confinement can be cruel, unnecessary and damaging to the physical and mental health of a prisoner; the Council of Europe's Committee for the Prevention of Torture has stated that, "Solitary confinement can ... amount to inhuman and degrading treatment ..."¹

As a state party to the International Convention on Civil and Political Rights, Belarus is obliged to prevent torture and other ill-treatment of all detainees and to ensure that any allegations are promptly, independently and effectively investigated.

Right to health

Several detainees have been denied necessary medical care whether for prior medical conditions or for injuries sustained following their ill-treatment in custody.

Prisoner of conscience, Zmitser Bandarenka, a member of Andrei Sannikau's campaign team, was sentenced to 2 years' hard labour on 26 March. He suffers from a spinal disc hernia, which has been exacerbated by the beatings that he reportedly received when he was detained in December. He is currently in pain, has difficulty moving one leg. He saw a neurologist in the remand prison on 9 May, but he has received no specialist treatment for his condition. Amnesty International is asking for him to be given the medical treatment he needs and reminds the Belarusian authorities of their obligations to provide adequate medical care to anyone in custody.

Fair Trial Violations

Fair trial violations have plagued the trials that have taken place so far. Local human rights defenders, who have been monitoring trials, claim that in many cases defendants have been convicted on the basis of insufficient evidence and that judges have dismissed essential defence motions and ignored allegations of ill-treatment in detention and requests for medical assistance. Additionally, there are reports that detainees have been deprived of adequate food and water during trials for extensive periods of time.

Amnesty International reminds the Belarusian authorities that the right to a fair trial is a basic human right and serves as a fundamental safeguard to ensure that individuals are not unjustly punished. The fair trial violations taking place in Belarus serve to repeatedly and consistently deny innocent individuals access to justice and expose the Belarusian authorities' failure, to fulfil their human rights obligations.

Silencing dissent

The authorities are engaged in a persistent campaign of harassment and intimidation of human rights defenders and opposition and civil society activists across the country. There are daily

¹ The European Committee for the Prevention of Torture, 2nd General Report, para 56

reports of activists being detained, arrested or charged, of lawyers being disbarred for defending detainees, of journalists being harassed and of media outlets and human rights organizations being intimidated and obstructed from going about their legitimate work.

On 2 June, the Minsk municipal authorities introduced further restrictions on public gatherings in most of Minsk's central squares and streets. On 15 June, hundreds of peaceful demonstrators were detained across the country as several thousands took to the streets in response to calls to protest issued on social network sites. There are reports that excessive force was used by law enforcement officials when dispersing protestors.

In early June, a leading Belarusian human rights organization, Belarus Helsinki Committee, was issued with a back-dated tax bill, relating to funds received from the European Commission in 2002; funding which was originally understood to be tax-exempt. The tax-bill was accompanied by a second warning from the Ministry of Justice for breaching NGO regulations. A prior warning was issued in January this year following the organization's public approach to the UN Special Rapporteur on the independence of judges and lawyers, regarding the harassment of lawyers representing participants of the 19 December post-election rally.

International response

The international pressure on Belarus to reverse this deteriorating situation and to respect its human rights obligations is mounting. European Union (EU) institutions have repeatedly condemned the sentencing of innocent individuals in trials which do not meet international fair trial standards, the harassment of media and civil society and reports of torture and other ill-treatment. The EU has reintroduced economic sanctions against a considerable number of leading Belarusian officials, linked to the current widespread violations.

On 17 June, the United Nations Human Rights Council adopted a resolution expressing the Council's concerns at the overall human rights situation in Belarus; condemning the human rights violations around the December 2010 elections; and urging the government to allow international monitors and cease the detention and expulsion of international monitors from the country and to cooperate fully with UN human rights mechanisms. Significantly, the resolution secures two focused discussions on the situation in Belarus at the Council; the first will follow an oral presentation to the Council by the United Nations High Commissioner for Human Rights in September 2011, and the second will follow a written report by the High Commissioner in June 2012, when the Council will consider further steps to be taken.

On 16 June, the OSCE Moscow Mechanism rapporteur presented a report to the OSCE Permanent Council on the human rights situation in Belarus since the December elections and Belarus' implementation of OSCE commitments. Its recommendations include a call on Belarus to respect its international commitments in the framework of the OSCE and the UN, and to accept a full and permanent monitoring of human rights by independent organs and bodies.

Individual cases

To date, Amnesty International recognises the following 12 individuals as prisoners of conscience who must be released immediately and unconditionally:

Presidential candidates:

Andrei Sannikau	Sentenced on 14 May to 5 years' imprisonment
Mykalau Statkevich	Sentenced on 26 May to 6 years' imprisonment
Dzmitry Uss	Sentenced on 26 May to 5.5 years' imprisonment

Opposition activists:

Alyaksandr Atroshchankau	Sentenced on 2 March to 4 years' imprisonment
Zmitser Bandarenka	Sentenced 26 March to 2 years' imprisonment
Zmitser Dashkevich	Sentenced 24 March to 2 years' imprisonment
Eduard Lobau	Sentenced 24 March to 4 years' imprisonment

Ales Kirkevich	Sentenced to 4 years' imprisonment
Pavel Sevryarnets	Sentenced on 16 May to 3 years' imprisonment

Others

Dmitry Bulanov (nurse)	Sentenced on 26 May to 3 years' imprisonment
Mikita Likhavid (student)	Sentenced on 29 March to 3.5 years' imprisonment
Fiodar Mirzayanau (student)	Sentenced on 14 May to 3 years' imprisonment

The following three people have been given suspended sentences. Amnesty International is calling for their convictions to be overturned.

Iryna Khalip (journalist)	Sentenced on 16 May to 2 years' suspended sentence
Syargei Martseleu (opposition activist)	Sentenced on 16 May to 2 years' suspended sentence
Uladzimir Nyaklyayeu (Presidential candidate)	Sentenced on 20 May to 2 years' suspended sentence

The following seven people have been given criminal charges in connection with the 19 December protest and released on bail. Amnesty International is calling for all criminal charges against them to be dropped.

Alyaksandr Fyaduta (political activist and commentator)	Released on bail on 8 April
Uladzimir Kobets (opposition activist)	Released on bail on 26 January
Anatol Lyabedka (opposition activist)	Released on bail on 6 April
Ales Mikhalevich (Presidential candidate)	Released on bail on 19 February
Anastasia Palazhanka (opposition activist)	Released on bail on 17 February
Natalia Radzina (opposition journalist)	Released on bail on 28 December
Sergei Vaznyak (opposition journalist and activist)	Released on bail on 29 January