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Belarus: Continuing Human Rights Concerns Submission to the 20th session of the United Nations Human Rights Council

Since Amnesty International last addressed the human rights situation in Belarus in the Human Rights Council, the situation there has not improved. In the last written statement to the Human Rights Council in September 2011, Amnesty International highlighted the significant worsening of the human rights situation in Belarus after the elections in December 2010.

Freedom of assembly

Further restrictions on all forms of public gatherings were imposed. On 29 July 2011, the authorities responded to a wave of “silent protests” that had been taking place throughout the country with a draconian new law that requires government permission for carrying out “action or inaction intended as a form of public expression of socio-political attitude or as a protest.” In October 2011 both houses of parliament approved an amendment to the Law on Mass Events. The law which already imposes unreasonable limits on freedom of assembly now requires organizers of any pre-planned public gathering to report “financial sources” used for the event; and they are not allowed to publicize the event until official permission is granted, which might not be until five days prior to the event. Law enforcement officers also have wider powers to make audio and video recordings, limit participants’ access to the event and carry out body searches.

Freedom of association

Registered and unregistered human rights groups continue to face prosecution and harassment. On 4 August 2011, the Chair of the NGO Viasna Human Rights Centre (Viasna), Ales Bialiatski, was arrested. He was charged on 12 August with “concealment of income on a large scale” (article 243.2 of the Belarusian Criminal Code), and on 24 November he was sentenced to four and a half years’ imprisonment. The charges related to the use of a personal bank account in Lithuania to support Viasna’s human rights work. Viasna was derecognized by the Belarusian authorities in 2003 and as such was barred from opening a bank account in Belarus. Amnesty International considers Ales Bialiatski to be a prisoner of conscience and demands his unconditional release.

The Law on Public Associations was changed on 3 October to prohibit Belarusian NGOs from holding funds or bank accounts abroad.

Prisoners of Conscience

At the end of April 2012 seven people remained in detention in connection with their participation in the mainly peaceful demonstration on 19 December 2010, four of them have been recognized by Amnesty International as prisoners of conscience. Pavel Sevryarnets was sentenced to three years on 16 May 2011. Mykalau Statkevich was sentenced to six years on 26 May 2011. On 24 March 2011, Zmitser Dashkevich and Eduard Lobau were sentenced to two and four years respectively for hooliganism.

In response to international pressure the Belarusian authorities have released a number of people who were imprisoned for their peaceful participation in the demonstration on 19

December 2010. On 14 April 2012, opposition presidential candidate, Andrei Sannikau, was released following a presidential pardon. He had served 1 year and four months of his five year sentence. Zmitser Bandarenka, a member of Sannikau's campaign team, was released on 15 April. Amnesty International is concerned that the releases of prisoners of conscience are not unconditional, as they are subject to constant surveillance by the authorities, and must report to the police about their whereabouts. Andrei Sannikau was only released after he had been pressurized into signing a request for a pardon, and has been told that his criminal record will remain for 8 years. Other released prisoners have reported being unable to find employment because of their criminal convictions.

Freedom of movement

Amnesty International has been receiving reports that prominent human rights activists, journalists and oppositional leaders have been prevented from leaving the country. Valiantsin Stefanovich, deputy chair of the Human Rights Center "Viasna", was turned back at the border on 11 March 2012, allegedly in connection with his failure to appear for military reserve duties. Alyaksandr Atroshchankau, press secretary of Andrei Sannikau during the election campaign in 2010 and coordinator of "European Belarus" was prevented from leaving the country on 11 April 2012. Oleg Volchek, a human rights lawyer, was informed in March 2012 that his name had been put on a list of those forbidden to leave the country.

Torture and other ill-treatment

Belarus has taken no action to bring its legislation into line with the UN Convention against Torture by introducing an article to criminalize torture. There is no independent monitoring system of places of detention, and Belarus has not signed the Optional Protocol to the UN Convention against Torture.

Both Andrei Sannikau and Alyaksei Mihalevich have alleged that they were tortured during detention. Starting in September 2011, Andrei Sannikau, and another prisoner of conscience, Zmitser Dashkevich, were subjected to periods of up to 10 days' transportation from one prison colony to another during which time they were threatened by cellmates. Amnesty International believes that frequent transfers and ill-treatment were intended to pressure Andrei Sannikau and Zmitser Dashkevich physically and psychologically in order to extract a request for clemency.

Zmitser Dashkevich, who is serving a two years' hard labour sentence for hooliganism was placed in solitary confinement eight times during 2011. Conditions in solitary confinement include being denied exercise, refused bedding and deprived of sleep. Amnesty International has also received reports that Zmitser Dashkevich has been deliberately exposed to ill-treatment at the hands of fellow prisoners.

Death penalty

Uladzslau Kavalyou and Dzmitry Kanavalau were executed in March 2012 in connection with a series of bomb attacks in Belarus, most recently in a metro station in Minsk on 11 April 2011. At first, the exact date of Uladzslau Kavalyou and Dzmitry Kanavalau's executions was not known, but on 17 March 2012, Uladzslau Kavalyou's mother Lubou received a letter from the Supreme Court dated from 16 March 2012, informing her that her son had been executed.

Belarus continues to carry out executions in conditions of utmost secrecy. Neither the prisoners, nor the relatives of prisoners condemned to death, are informed of the execution before it is carried out. The body is not returned to relatives and they are not informed of the burial site. They are often kept waiting weeks or even months before they receive the official death notice.

Amnesty International has serious concerns over the fairness of the trial. Uladzslau Kavalyou retracted his confession during the trial, claiming it was obtained under pressure. He claimed that the investigator threatened to shoot him, and that he could hear Dzmitry Kanavalau

screaming. The swiftness of Dzmitry Kanavalau and Uladzslau Kavalyou's arrest has also led to scepticism about the investigation. They were detained the day after the explosion, on 12 April. Violating their right to the presumption of innocence, the President declared that two men had confessed to the attack before they were even interrogated.

Official statements claimed they were detained on the basis of security camera footage, which the prosecution relied on heavily during the trial. However, the security footage was only seized days after their detention and the defence lawyer claimed it had been tampered with.

Recommendations

Amnesty International urges the government of Belarus to:

Freedom of assembly

- review the Law on Mass Events and bring it into line with the requirements of the International Covenant on Civil and Political Rights;
- immediately and unconditionally release all those sentenced for their peaceful participation in the demonstration on 19 December 2010, and to ensure that all those detained for their peaceful participation in that event under the provisions of the administrative code are offered appropriate redress;

Freedom of association

- ensure that civil society organizations are able to register and carry out their legitimate activities without fear or threat of reprisal or obstruction;
- abolish Article 193-1 of the Criminal Code, which criminalizes activities by non registered organizations;
- release Ales Bialiatski, the Chair of the Human Rights centre Viasna, immediately and unconditionally;

Freedom of movement

- ensure that Belarusian authorities comply with article 12 of the International Covenant on Civil and Political Rights and remove travel bans that are reportedly being implemented in order to prevent opposition leaders and human rights activists from leaving the country;

Torture and other ill-treatment

- introduce an article criminalizing torture to the criminal code in line with the definition in the Convention against Torture;
- ensure that all allegations of torture and other ill-treatment are promptly and effectively investigated and that complainants are protected from reprisals;

Death penalty

- promptly establish a moratorium on all executions with a view to abolishing the death penalty;
- change article 175 of the Criminal Executive Code in order to comply with the UN Human Rights Committee's 2003 ruling on the cases of Bondarenko v. Belarus and Lyashkevich v. Belarus and ensure that relatives of prisoners on death row are informed of the execution date and permitted to have the prisoner's body for burial;
- to inform families of those who have been executed of the burial sites;
- in line with recent UN Human Rights Council resolution 19/37 on the "Rights of the Child", adopted on 23 March 2012:
 - ensure that children and families of those on death row have access to their relatives throughout judicial proceedings and the period of detention, including regular and private meetings with the prisoners;
 - keep relatives informed of the place of imprisonment of those awaiting the death penalty as well as of the progress of petitions for pardons, reports presented to bodies such as clemency commissions, and the reasoning behind the recommendations of these bodies to support or reject petitions;

- ensure that children that families are provided, in advance, with adequate information about a pending executions, its date, time and location, to allow a last visit or communication with the convicted, the return of the body to the family for burial or to inform on where the body is located.

End/