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**QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL
FREEDOMS IN ANY PART OF THE WORLD**

**Written statement* submitted by the International Federation for Human Rights (FIDH),
a non-governmental organization with special consultative status**

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[10 February 2005]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

BELARUS

FIDH and Viasna Human Rights Center deplore the significant deterioration of human rights in Belarus in 2004. Repression against political opponents increased, new discriminatory laws were adopted, freedom of expression was curtailed and violations of freedom of association and peaceful assembly continued. The 2004 elections failed to comply with democratic standards.

Political persecution

Due to lack of independence of the judiciary system, Belarusian authorities use criminal and administrative prosecution extensively in combating their political opponents. The criminal cases against Mr. Marynich, Mr. Levanewski and Mr. Vasilyew illustrate this trend.

Mr. Marynich is a well-known activist, former minister of external economic relations, former Ambassador of Belarus, and head of the association "Business Initiative". In April 2004, Mr. Marynich was charged with illegal appropriation of property by taking advantage of his official position (article #210 of the Criminal Code) and accused of stealing the organization's equipment. On 30 December the Minsk District Court sentenced him to six years in jail, confiscation of property, and prohibition to occupy any official position for five years.

Levanewski and Vasilyew are two well-known activists in the Belarusian entrepreneurs' movement which organized several mass actions and strikes of entrepreneurs. On September 7, 2004 they were sentenced for public insult of president Lukashenko and organizing mass riots to two years in jail.

Violations of freedom of association and assembly

Human rights activists are still under severe pressure. In 2004 several criminal cases were brought against the Belarusian Helsinki Committee's head, Tatsiana Protska, and accountant, Tatsiana Rusakevich, for alleged non-payment of taxes on foreign financial aid that was given by the European Union, thus violating the norms of Belarusian legislation.

Such pressure is often connected to the distribution of information. Human rights activists Tatsiana Reviaka and Hary Pahaniaylo, for instance, were arrested on October 16, 2004 and sentenced for distribution of the Council of Europe's resolution on missing persons in Belarus.

Further, Professor Yury Bandazhewski, declared by the International Community a prisoner of conscience, is still in prison.

Arrests and physical force are still actively used against participants of peaceful demonstrations. During the peaceful demonstrations which followed falsification of the results of the election and referendum that were held in the end of October 2004, the law machinery was especially ruthless against demonstrators and detainees.

During 2004, FIDH and OMCT, acting through the joint programme “the Observatory for the protection of human rights defenders”, observed a deterioration of the freedom of association through legislative and other measures.

Beginning of 2004, 21 public associations were liquidated. As a result of the charges filed by judicial bodies, in 2004, the courts liquidated, among others, the following organizations: “Young Hramada”, “Belorussian Association of Young Politicians”, “New Group”, the human rights organizations “Independent Society of Legal Research”, the Center for Constitutionalism and Comparative Legal Studies, scientific research organizations, the “International Institute for Political Studies, the “Belorussian Engineer Technological Academy”, the women’s organization “Initiative”. Furthermore, 51 organisations that were arbitrarily liquidated in 2003 are still closed.

According to official information, in 2003, out of 1,464 applications for the creation of public associations, authorization was granted for only 94 applications. In 2004, the proportion is similar.

In 2004, 20 persons were fined or imprisoned for activities carried out by unregistered public associations. Among them there were representatives of the People’s Coalition “5+”, the civil initiative “Partnership”, “Zubr” movement, Charter-97, the public association “For A Worthy Life”.

Presidential decree #24 of 2003 increased the control on foreign financing of NGOs. Since then, permission from the Board of Presidential Affairs has to be obtained in order to be allowed to use foreign grants. The responsibility for violation of the order on “use of grants” applies to both Belarusian and foreign citizens who give financial support to NGOs: the latter can be deported for violating the order, e.g. in 2004 several German and British citizens were deported.

NGOs face numerous investigations by judicial bodies as well as searches. During the campaign for the referendum and Parliamentary election of Summer and Autumn 2004, offices of a number of organizations were illegally sought.

Religious communities continuously suffer from discriminatory legislation. Following State campaign on the re-registration of religious organizations that was held on 16 November 2004, dozens of religious organizations and communities were closed.

Violations of Freedom of Expression

In 2004, local authorities refused to provide legal addresses to the editorial boards of the independent newspapers “Afisha” and “Novaya Gazeta Smorgoni” from Smarhon, “Sobstvennyi Kommentariy” and “Volny Horad” from Krychaw.

In January 2004, as a result of censorship, the newspapers “Volnaye Hlybokaye” and “Vitsebski Kuryer” were published with blank spaces.

Editors of “Mestnaya Gazeta” from Vawkavysk faced censorship in the printing house. The speeches of opposition candidates on radio and TV and the texts of their pre-electoral fly-

sheets were constantly censored.

According to information received from the Belarusian Association of Journalists, in 2004 20 newspapers and monthly magazines suspended their activity because of repressive economical policies and the application of less favourable conditions to independent mass media compared to state mass media. Before October elections, 11 additional newspapers were closed, thus influencing information wielded during the election, especially in the regions.

In 2004, the distribution of printed editions by subscription was declared to be a licensed activity. As a result, it is totally controlled by “Beposhta”, a state monopoly.

Warnings on the publication of critical articles are used as a means to blackmail editors, who have to change their editorial policy to avoid liquidation. When “ARCHE” magazine issued a paper devoted to the tenth anniversary of Lukashenko’s ruling in Belarus (#4 of 2004), Minsk state shops refused to sell it, and the founders of the magazine received two official warnings.

One of the ways to limit access to information is accreditation refusal or withdrawal. This is a practice applied to both Belarusian and foreign mass media. The representatives of the French TV channel “TF1” were deported for attempting to elucidate the activities of youth opposition in Minsk on November 5, 2004.

In 2004, journalists continued to be physically attacked. On October, 17 2004, the head of the special projects of ORT Russian channel Pavel Sheremet was brought to hospital, suspecting that he suffered from cranial trauma.

Several independent information websites were liquidated.

July 2004, Mr. Haraszti, the OSCE media expert, informed both Belarusian authorities and OSCE representative in Belarus of his plans to visit Belarus and discussed the details of the visit with officials in charge. Mr. Haraszti kept waiting for a response from Belarusian officials but in vain.

Limitation of educational liberties and working rights

In August 2004, the European Humanities University was closed.

The International Humanities Institute was also closed in 2004. This institute had the only department of Judaic studies in the Country, Representatives of Jewish organizations believe that the liquidation of the institute which trained specialists in Jewish culture, translators, and synagogue staff, is a serious attack on Jewish education in Belarus.

Yakub Kolas National Humanitarian Lyceum was liquidated in June 2004, meanwhile continuing its activity underground. Education there was provide in Belarusian, at a level that conformed to European standards.

In 2004 working conditions have continued to deteriorate. The most significant violation of citizen's working rights was the forced and massive transfer of workers from state to

private contract form of employment. During the election and referendum of 2004, democratic activists were threatened of layoff. The control of working relations became an important means for the state to repress freedom of speech and control public life.

Considering that no progress has been made towards a better protection of human rights in Belarus, FIDH and VIASNA Human Rights Center call upon the Commission on Human Rights to adopt a Resolution on the situation of Human Rights in Belarus which will renew the mandate of the Special Rapporteur on Belarus in view of reporting to the 62nd session of the Commission, and ask the authorities to inter alia:

- **cooperate with the Special mechanisms of the Commission on Human Rights,**
- **guarantee the independence of the judiciary and implement the recommendations of the UN Working Group on Arbitrary Detentions,**
- **take the necessary steps to ensure that those responsible for enforced disappearance of political opponents and businessmen are brought to justice before an independent and impartial tribunal,**
- **guarantee freedom of expression, association and peaceful assembly in accordance with international and regional human rights instruments,**
- **cease harassment and intimidation of people whose views differ from the authorities,**
- **reopen liquidated NGOs and educational establishments, and recognize the role of human rights defenders in the field of democracy and the necessity to protect them in accordance with the Declaration on Human Rights Defenders,**
- **render its laws on the freedom of association consistent with international human rights law,**
- **refrain from adding new restrictions to the activities of religious organisations, in order to respect freedom of conscience,**
- **abolish death penalty,**
- **comply with its international and national human rights obligations.**

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