

Fact-finding mission to Belarus 30/1-7/2 2001

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1. Introduction

The Danish Immigration Service and the Norwegian Directorate of Immigration carried out a joint fact-finding mission to Belarus from 30 January to 7 February 2001 with the terms of reference set out below.

"After meeting relevant authorities, international and national organisations, lawyers and NGOs, etc., the delegation is to draw up a fact-finding report on the following:

The general state of the political opposition and:

- party structure (for legal and illegal parties) and registration requirements;
- opposition party activities, including demonstrations and distribution of political material, etc.;
- related penalties and sentencing, including for especially vulnerable groups such as prominent party members.

The press, including the party press.

The legal system and judicial practice, including:

- defendants' rights and the position of defence counsel;
- sentencing, including confinement in psychiatric institutions and use of the death penalty;
- opportunities to appeal and corruption.

Law enforcement, including:

- maltreatment during questioning, rape, extortion of confessions, demands to collaborate with the security service, confiscation of documents, disappearances, etc.

Specific social groups, including children in homes.

Homosexuals.

Minorities, including Jews.

Military service, including renewed conscription and penalties for evasion or desertion as well as the possibility of serving in joint Belarusian-Russian armed forces, including the risk of deployment in Chechnya.

Registration and document issue.

Entry and exit, including:

- any difficulties faced by rejected asylum seekers upon entering the country;
- any punishment inflicted for having sought asylum abroad.

The mission should also meet immigration authorities, criminal investigation police, international organisations and embassies in Lithuania, to investigate whether there are any special reasons for asylum being sought in Denmark and Norway by Baltic state citizens purporting to be Belarusian nationals."

After the delegation had set off, the Danish Ministry of Foreign Affairs and the Danish Refugee Council made further requests regarding its terms of reference:

the Ministry of Foreign Affairs sought information on the situation of domestic pro-democracy NGOs, and

the Danish Refugee Council sought information on the legal position of those held in custody and on the geographical picture as regards language use.

Attempts were made, as far as possible, to address those subjects on the basis of the existing terms of reference.

The delegation held meetings in the capital, Minsk (for a map of Belarus, see Annex 1), with authorities, two western embassies, international humanitarian organisations, domestic NGOs, parties, journalists and representatives of ethnic and sexual minorities. A list of organisations and individuals consulted can be found in section 15, where further details are given of some sources. The two western embassies and one international organisation wished to remain anonymous. None of the Belarusian domestic sources requested anonymity.

In Lithuania the delegation held meetings with the UNHCR, the Lithuanian immigration authorities and the Danish embassy.

The criteria followed in selecting sources included their representativeness, competence and knowledge of matters under investigation. Efforts were also made to draw on a fairly broad range of sources, involving not just authorities but independent international organisations and local bodies, etc. On legal issues, organisations with appropriate expertise were called upon. Background information on sources was also obtained from relevant organisations and cooperation partners at home and abroad, including in Denmark. The number of sources was decided in the light of the complexity of the subject and the time available to the delegation.

This report does not set out to standardise the spelling of names of people, organisations or places, which may vary according to the transliteration system followed and the source language, Russian or Belarusian.

2. Historical background

Belarus adjoins Latvia and Lithuania to the north-west, Poland to the west, Ukraine to the south and the Russian Federation to east and north-east. The country has a population of 10,36 million, 77,9% of whom are Belarusians, 13,2% Russians, 4,1% Poles, 2,9% Ukrainians and 1,9% a variety of minorities, including Jews. Some 80% of the population are Eastern Orthodox Christians, with the remainder being made up of Catholics, especially in the areas bordering on Poland and Lithuania. Protestants, Jews and Muslims. The official languages are Russian and

Belarusian. The country is divided into six regions and one municipality: the capital, Minsk.

Before its independence from the Soviet Union in 1991, Belarus had never been an independent state. From the 13th to the 16th century, the area came under Lithuania, after which it was incorporated into Poland. In the late 1800s it came to be ruled by the Russian czars. With the downfall of the czarist regime in 1917, Belarus declared itself an independent republic in December, but Minsk had already been occupied by the Red Army in November, so that independence never took effect before the country was incorporated into Bolshevik Soviet Russia. Shortly afterwards, however, as part of the Bolsheviks' bilateral peace with Germany, Belarus was ceded to Germany, under the Brest-Litovsk agreement. Following Germany's defeat, at the end of the First World War, the situation changed once more and in late 1918 Belarus was incorporated into the Union of Soviet Socialist Republics, being united with Lithuania in March 1919 in the Soviet Socialist Republic of Litbel. The Bolsheviks' unsuccessful attempted invasion of Poland to liberate the Polish proletariat in 1919 resulted in Polish troops occupying most of Belarus, which until 1921 fell under Russian and Polish military occupation in turn. Following the peace settlement and the Treaty of Riga, Soviet Russia ceded the western parts of Belarus to Poland, with which they remained until the Hitler-Stalin pact in August 1939. The territory of Belarus was then reunited and incorporated into the Soviet Union as an autonomous Soviet Republic until August 1991, when the country became an independent state.

During the Second World War, Belarus was occupied by German troops from 1941 to 1944. Just under 2,2 million people are estimated to have died as a result of the occupation, with 80% of homes and other buildings and the bulk of industry and infrastructure having been destroyed. The war also brought a change in the demographic picture, with the large Jewish minority being virtually wiped out and the large Polish minority emigrating to Poland.

Even though Belarus had never in its history been an independent nation, there has long been a separate Belarusian language and a distinct Belarusian culture, kept alive in particular among the rural population. Any awakenings of Belarusian nationalism have throughout history been clamped down on by the various occupying powers, including the Soviet Union. During the 1980s, however, calls for revival of the Belarusian language became increasingly clamorous. In 1989 a survey showed that only 80% of ethnic Belarusians spoke Belarusian as their mother tongue. The rest could only speak Russian. A mere 35% were taught in Belarusian, with education available only in Russian in the larger towns and cities. A nationalist party was founded in 1989, Partija Belaruskaja Narodnaja Frontu (the Belarusian Popular Front) "Adradžeńnie" (BNF), on a programme including a stronger role for the Belarusian language, with the result that in January 1990 the Supreme Soviet made Belarusian the official state language, in place of Russian, and Belarusian was introduced into education.

In elections to the Supreme Soviet in March 1990, the BNF managed to secure the election of 30 representatives by way of a joint list with the Belarusian democratic bloc. The bloc consisted of a number of opposition parties, which together won one third of the total of 310 seats. In that changed composition, in July 1990 the Belarusian Supreme Soviet passed a declaration of sovereignty. The declaration remained a token gesture, however, with a referendum in 1991 showing the majority of the population (83%) to be in favour of a new union with Russia. Only after the failed coup in Moscow in August 1991 did Belarus officially declare itself independent. Stanislau Šuškevič was installed as head of the Supreme Soviet and hence leader of Belarus.

In late 1991, together with Russia and Ukraine, Belarus signed the Minsk agreement establishing the Commonwealth of Independent States (CIS). In 1993 Belarus joined the CIS collective security agreement, as well as economic cooperation agreements. In April, Belarus and Russia formed a currency union; in March 1996 Belarus then entered into a customs union with Kazakhstan, Kyrgyzstan and Russia. In April 1996 the currency union between Belarus and Russia was built upon by an agreement to form a community of sovereign republics with the aim of closer political, military and economic integration, an agreement consolidated in April 1997 with the conclusion of a union agreement between the two countries. The aim was to establish a basis for unification of Belarus and Russia and for a common currency, infrastructure and defence. The union's highest authority was to be its Supreme Council, headed by the two countries' Presidents, with a membership including Heads of State or Government. An executive committee and a parliament were also set up. When the parliament first sat, in June 1997, it approved the use of the former Soviet national anthem as that of the new union. In 2000 a Russian businessman, Pavel Borodin, was appointed as the union's state secretary. In January 2001 he was arrested in the USA, at the

instigation of the Swiss authorities, which suspected him of corruption and money laundering in Switzerland. The case attracted a great deal of attention, discrediting the union, which had previously come under heavy criticism from the Belarusian opposition.

Internal power struggles, widespread conservatism and disinclination to mend its ways prevented the country from carrying through reforms. Elections to the Supreme Council and enactment of an electoral law were postponed, privatisation and economic reforms remained unimplemented, the mass media continued in state hands and a new constitution was not adopted until March 1994. The new constitution, based mainly on the old Soviet constitution, provided for a directly elected President. Presidential elections were held in June and July 1994, contested by four candidates: Vyacheslau Kebich (the Prime Minister), Stanislau Ššuškevič (who in January 1994 had been removed from office and replaced by a former police chief, Myacheslau Hryb (Gryb)), Zianon Paznyak (the BNF leader) and Alexandr Grigo'evič Lukašenko (the former head of the Supreme Council's anti-corruption committee). The elections were won by Lukašenko, with about 85% of the votes in the second round. His victory consolidated the conservative, pro-Russian line.

The Supreme Council elections in May 1995 coincided with a poll on strengthening the President's powers, closer integration with Russia and reintroduction of Russian as official state language. The proposals were passed. However, turnout in the Supreme Council elections was so low that only 18 candidates won a majority in the first round of voting, leaving 242 out of 260 seats unfilled. Another 101 candidates were elected in the second round, but it was not until further polling in November that the requisite number of representatives were elected for the body to have a constitutional quorum. As turnout had been low in BNF strongholds especially, the BNF lost all of its previous 30 members, leaving it now unrepresented in the Supreme Council. None of the parties won a majority, but the largest number of seats went to the Communist Party of Belarus and, of the parties represented, only the United Civil Party and the Social Democratic Party "Hramada" are to be regarded as pro-democracy.

The election result was put down to Belarusians' fear of economic recession, inflation, unemployment, due to market economics and privatisation, and rising crime, as seen in other former Soviet Republics

A weak parliament enabled Lukašenko to wield increasing power. The secret service, including the KGB, which had remained unchanged, was bought under the President's direct authority, while he also set up his own "service" (Control Service of the Office of the President) to deal with economic crime. The public mass media were likewise brought under the President's authority. A top-down style of Presidency was established as well, with the President himself appointing state officials. At the same time, attempts were made to illegalise all unregistered opposition groups or politically independent organisations, while the BNF leader, Paznyak, had to take refuge in the USA. Following parliamentary threats to initiate investigations into the lawfulness of presidential decrees and the human rights situation in Belarus, the President called a referendum on constitutional amendments to give himself greater powers and extend his term of office until 2001. Voters were also asked to approve a bicameral parliamentary system in place of the Supreme Council. The constitutional court ruled that the result of the poll could not be legally binding. Prime Minister Michail Chigir, appointed in 1994, was dismissed after criticising the President.

The referendum was held on 9 November 1996; according to official figures, 84% of the electorate voted, approving the President's proposals by 70,5%. In the run-up to it, independent radio stations had been closed down and the independent "Naša Niva" newspaper, printed in Lithuania, had its entire edition confiscated. The poll was strongly criticised by the Council of Europe and the OSCE, among others, with the OSCE refusing to send election observers, while parliamentary observers reported widespread electoral fraud.

Immediately after the poll, the Supreme Council was abolished, being replaced by a 110-member House of Representatives and a 64-member Council of the Republic. None of the former Supreme Council members was reappointed to the Council of the Republic. Instead, 50 of them established a kind of shadow cabinet: the Public Coalition Government-National Economic Council.

Repression of political opponents continued after the poll. New restrictions were imposed on the holding of demonstrations, a number of journalists working for the Russian ORT were arrested and imprisoned, foreign correspondents had to have their accreditation renewed and the Soros Foundation, assisting democratic and humanitarian organisations, was forced to close down. In January 1998 two boys from the BNF's youth wing were sentenced to up to two years' imprisonment for daubing anti-presidential graffiti, while new press legislation brought constant harassment of journalists. Belarusian was no longer used as an official language and instead became synonymous with opposition.

Local elections in April 1999 were boycotted by the opposition. The elections met with criticism from international observers, with doubt cast in particular on the turnout of 66,9%, as officially reported, which could call into question the validity of the elections.

According to the 1994 constitution, a presidential election should have been held in June/July 1999. The former Supreme Council's central electoral commission accordingly called for one to be held and the Council set 16 May 1999 as the date. Two candidates stood: the exiled BNF leader, Paznyak, and the former Prime Minister, Michail Chigir. However, Chigir was arrested in April on charges of abuse of public office (not being released until January 2000), while several members of the commission were also arrested. As it proved impossible to arrange

polling stations, activists instead went round from door to door, collecting ballot papers. Recognising that the election could not be properly conducted, however, the electoral commission declared the result invalid, whereupon its chairman, Syamon Sharetski, fled to Lithuania.

In 1999 a number of the President's critics disappeared under mysterious circumstances, among them the former Minister for Internal Affairs, Yuri Zakharenko, the head of the central bank, Tamara Vinnikova, and an independent publisher, Viktor Gonchar.

On 15 and 29 October 2000 parliamentary elections were held under the 1996 constitution. As that heavily criticised constitution has not been recognised by the international community, the elections were not recognised either and the OSCE therefore did not send any observers. The OSCE/ODIHR commented that the electoral process failed to match up to international standards. The elections were boycotted by the political opposition on the same grounds and in the desire not to lend legitimacy to the prospective parliament by participating. According to the Belarusian electoral commission's home page, only 16 of those elected represent any parties, namely the Agrarian Party, the Belarusian Social-Sports Party, the Communist Party of Belarus, the Republican Party of Labour and Justice and the Party of People's Accord (Partii Narodnogo Soglasija), the others being independents.

According to the 1996 constitution, presidential elections are to be held in 2001. No date has yet been set.

3. Human rights situation

On the general situation in Belarus, the OSCE considered that, since the introduction of the 1996 constitution, all political power has been concentrated in the hands of the President, who wields it in a top-down style encompassing everything and everyone. In the OSCE's view, however, the system is comparable not with the former Soviet system but with the East European communist systems, under which there were a number of parties, even though communist parties had a monopoly on power. Other parties could operate without any difficulty, provided they did not act as opposition parties. Without economic reform or moves for more extensive privatisation, all manufacturing industry and the majority of businesses continue to be state-owned. All of Belarus's people are therefore in one way or another dependent upon the system, for employment or economically. Belarusians, 70% of whom, according to the OSCE, are urban, well educated and middle class, thus do not own any property. As Belarus was the most economically developed republic in the Soviet era, with its inhabitants the most prosperous in the Soviet Union, Belarusians have largely accepted the regime, in the OSCE's view, on the grounds that they would rather have the system along with Russia's oil than independence to freeze in poverty.

A western embassy did not class Belarus as a free and just society, but thought that only the political opposition and human rights organisations run foul of the system, while ordinary people remain unaffected by its vindictiveness, although they do experience economic difficulties. The embassy concluded that Belarus thus cannot be said generally to be a problem country.

The situation is difficult, according to Charter 97, which found it hard to say in what area human rights violations are commonest. Pride of place, however, goes to political abuses in relation to

the opposition, followed by persecution of the independent press, private printing houses, NGOs and free trade unions, while anyone opposed to the prevailing political system may basically suffer persecution at the authorities' hands. Civil society finds itself under pressure, with all NGO activities being regarded as directed against the state. All state institutions and state-owned businesses have their resident political commissars, acting like their predecessors under communism in exercising ideological mind control. Foreign humanitarian organisations are also kept under surveillance, with a state office having been set up three years ago to supervise all external humanitarian aid. Charter 97 took the view that the situation would deteriorate in the run-up to the presidential election in the autumn of 2001.

The Belarusian Helsinki Committee regarded the situation in the country as differing from that in other post-communist states, with human rights violations not occurring in any of the others in the same way as in Belarus as regards both democracy and the legal system. The committee reported breaches of democratic rules. Irregularities were detected in the parliamentary elections in October 2000, but it did not prove possible to have any prosecutions brought for electoral fraud. The same occurred in the 1999 local elections. Constitutionally safeguarded human rights are not upheld, being infringed in all areas. According to the committee, for instance, demonstrations have to be held at specified locations away from urban areas. Demonstrations have their importance because the mass media are state-run and therefore do not report any views other than the system's. The Belarusian Helsinki Committee added that the old Soviet system with its brainwashing has been reintroduced in Belarus and every state business now employs a political secretary, drawn from the presidential administration and paid for by the firm's staff.

The opposition Party of Communists of Belarus did not regard Belarus as a state governed by the rule of law, but rather as a dictatorship in which people's rights are violated, civil liberties non-existent and democratic standards flouted. Electoral fraud was committed at the last parliamentary elections, with no candidate being successfully elected in 42 out of the 110 constituencies, because the turnout fell short of 50%, yet all constituencies were included among the results. The party added that the situation could be worse, though: Belarus did not have any concentration camps. Nor did the party believe anyone to be imprisoned for purely political reasons.

According to the political NGO Vesnia, Belarusian officialdom does not see any need for NGOs in order to protect human rights. Vesnia itself regarded such organisations as the backbone of Belarusian society, with abuses set to increase as a result of the President's unwillingness to abandon power. Vesnia also considered the situation to have deteriorated over the last few months on account of the approaching presidential election. As an NGO, Vesnia had recently been warned that its activities did not comply with the rules. It had involved the OSCE and other international organisations in the case and, for the time being, the authorities have not taken any further action against it. Vesnia's leaders frequently find themselves under arrest.

The parliamentary human rights committee, composed of its head and six specialists, two of its members being elected by parliament, reported that it deals with human rights matters in the fields of religion, politics, trade union and employment issues, minorities and mass media. In addition, the committee saw improving Belarus's human rights reputation abroad as its major task. It did not consider there to be any human rights problems in Belarus as regards the Universal Declaration of Human Rights and accordingly took the view that foreign accusations

of human rights violations in the country lack any hard substance, being levelled in general terms. It also considered legal proceedings involving political matters to be open to public view. There are nevertheless, in the committee's view, economic problems, with Belarus ranking only 60th in the world in standard of living, as well as problems over housing, education and health.

4. Political opposition

4.1. Party structure and registration requirements

In order to be able to operate within the law, all non-state organisations have to be registered, with re-registration periodically required. The parliamentary human rights committee reported over a thousand different associations and 25 political parties to have been registered.

The Belarusian Helsinki Committee stated that unregistered organisations, including parties and human rights groups, do not legally exist and any active members of such organisations risk arrest, confiscation of property and prosecution.

The Party of Communists of Belarus explained that, in order to be registered, a party must have 1 000 founding members and branches in at least four of the country's six regions as well as in the capital, Minsk. In addition, a party's rulebook may not contain anything contravening the constitution or the law of the land. The Belarusian Helsinki Committee reported that the registration requirements obliged opposition parties to standardise their rules, thereby blurring ideological differences. Parties have to submit lists of members, showing their 'phone numbers, and are also subject to financial scrutiny.

The Party of Communists of Belarus was refused registration in 1992 and subsequently brought proceedings before the supreme court. The party won its case but did not think this would be possible nowadays. A registered party does not have to re-register in order to contest elections.

In January 1999 all parties were required by presidential decree to re-register. Only 17 out of 36 parties managed to do so.

There are just five parties represented in the Council of the Republic and the House of Representatives: the Agrarian Party, the Belarusian Social-Sports Party, the Communist Party of Belarus, the Republican Party of Labour and Justice and the Party of People's Accord (Partii Narodnogo Soglasija), the remaining parties being in opposition, few of them politically active.

The latter parties include the Belarusian Popular Front (Belaruskaja Narodnaja Frontu (BNF)), led by Vincuk Viačorka, the United Civil Party, led by Anatol Liabedzka, the Belarusian Social Democratic Party "Hramada", led by Stanislau Šuškevič, the Belarusian Women's Party "Nadzeya", led by Valentina T. Polevikova, and the Party of Communists of Belarus, led by Sergey I. Kalyakin.

According to the OSCE, parties face harassment in having to re-register, being heavily taxed and incurring fines. The Belarusian Helsinki Committee reported that parties suffer inexplicable burglaries uninvestigated by the police and confiscation of items in searches of their premises

Parties are given warnings, the third of which may result in legal action and their closing down. The committee also said it had evidence of KGB infiltration of opposition parties.

The United Civil Party attempted to bring a lawsuit against the President for defamation. The case was dismissed by the court on the grounds that the comments formed part of political debate.

The Party of Communists of Belarus reported long being unable to hold the meetings required by its rules, as it was unable to hire a venue. Either landlords were unwilling to let one out to an opposition party or difficulties arose over, for instance, fire regulations.

Parliamentary candidates are selected and nominated by collective bodies, such as parties, trade unions or agricultural collectives. According to the Party of Communists of Belarus, a candidate nominated by a party requires 1 000 signatures in support of the candidacy, with only one candidate to stand for each constituency. However, should there prove to be mistakes in over 5% of signatures, all of the signatures are declared invalid. In the party's view, the authorities raise many formal obstacles in order to withhold registration, with just a misplaced comma being sufficient to require recommencement of the entire procedure. Signatories also risk repeated questioning by the authorities as to whether they really did give their endorsement, etc. In the 1999 local elections, however, the party experienced only minor difficulties in having its candidates registered, with 71 out of the 75 being allowed to stand. Four candidates were ruled out, allegedly on account of problems over their tax returns.

Presidential elections, however, are subject to different rules. A presidential candidate cannot be nominated by any party, only by "the people", being required to collect 100 000 signatures in order to stand.

4.2. Penalties for political and human rights activism

The **OSCE** reported that all members of the public involved in activities contrary to official policy, including their families, are subjected to pressure or threats of social reprisals. Demonstrators and political activists may be arrested, although arrest is considered less serious than the social consequences, which may entail dismissal or, for young people, being sent down from their place of education.

According to **Vesnia**, anyone engaging in opposition activities comes under pressure, applied by lawful or unlawful means, which in the latter case may involve staged traffic accidents, threatening 'phone calls or abductions.

Organisers of demonstrations may, according to the same source, be arrested and subsequently punished. For a first offence, the penalty is detention for from three to ten days or a fine of at least USD 540, equivalent to about 100 times the minimum monthly pay. This type of punishment is considered the most severe, since it involves a large sum of money by Belarusian standards. For a second offence, the penalty is detention for up to 50 days or a fine of up to USD 1 100. Many organisers have incurred this several times and therefore also experience difficulties with their families on account of the financial impact. If a demonstration has involved any clashes penalties may also be incurred under the criminal code in that event for public order

offences. (See the Law on demonstrations in Annex 3.)

Participants in demonstrations, according to Vesnia, are subject only to administrative measures, with it becoming increasingly common, for instance, for students to be sent down from their place of education. In some cases, Vesnia has been able to help individual students continue their studies abroad, e.g. in the Czech Republic, and it is currently preparing to send some 40 students abroad.

Charter 97 reported that young people attending demonstrations are arrested and maltreated in police custody and may subsequently risk being excluded from education.

The OSCE explained that demonstrators wear hoods in order to avoid being identified. This has the adverse effect of making them look like troublemakers in the eyes of public opinion.

The **Belarusian Helsinki Committee** reported that party leaders and rank-and-file members alike face administrative measures. Criminal prosecutions are also sometimes brought, however, and subsequently shown on criminal records. On being arrested, anyone can be detained for a limited period, although this may be extended. The committee has had to take action in a number of such situations, winning the cases. Fines average around USD 60, but may amount to as much as USD 1 500, which is an extremely large sum of money, representing more than a year's income. As people are usually unable to pay, property is confiscated in lieu of payment. Penalties apply "with administrative prejudice", meaning that anyone committing a second administrative offence may face criminal charges.

Charter 97 reported that the authorities can come up with all kinds of ways of harassing political activists, who may, for instance, risk dismissal or be pressured into resigning. Dismissal does not affect a dismissed employee's other social entitlements such as access to health care but, as many businesses have their own clinics, a dismissed employee will be unable to use them. Lumila Gryaznova, a member of Charter 97 and of the former Supreme Council, explained that she was dismissed from her post as a university lecturer, while all other members of the former Supreme Council also lost their jobs. She had taken part in the peace march in 2000, but was accused of being its organiser and fined such a large sum that she had no chance of being able to pay it. This meant that her home was confiscated and she thus ceased to be registered as resident in Minsk. She avoided arrest because, under Belarusian law, women with children below the age of 15 cannot be detained. Lumila Gryaznova explained that unemployment benefit stands at USD 2 a month, as compared with average monthly income of USD 40 and a pension rate of USD 15-20.

The **OSCE** reported that prominence does not provide any protection or involve any particular risk. Senior party members may disappear or die, or be allowed to operate while having life made difficult for them. They are subject to arbitrary use of authority, e.g. having administrative fines imposed, property administratively seized or judicial proceedings closed and then reopened, or fresh proceedings brought. Party leaders generally face greater administrative harassment than ordinary members, e.g. with more frequent checks on their income. At the same time, the OSCE considered that those who have disappeared, been imprisoned or had to seek asylum abroad are all people who, through their work or political positions, have been close to the President. This was confirmed by Charter 97 although it did not think this the sole reason for

their problems.

Charter 97 believed that human rights campaigners and political activists can find some kind of protection by becoming prominent and known among the international community. A former Supreme Council member, Vladimir Kudinov, was released from prison after his case attracted public attention. The source thus also thought it might help to hold a press conference if a political activist felt under threat .

An **international organisation** wishing to remain anonymous stated that, for opposition members previously close to Lukašenko who have disappeared, it may be a matter of life or death. More junior members of the opposition enjoy no rights and may be maltreated, arrested or fined.

The former Prime Minister and prospective presidential candidate **Michail Chigir** reported that he had been imprisoned without knowing why. When his case finally came to court, there turned out to be no evidence and it was therefore referred for further investigation, even though that is not allowed under the new criminal code. He is unconcerned about the investigation, which will not be able to uncover anything. In order to prevent him from standing for the Presidency, judgment would have to be handed down prior to the election, but he did not think the case would come up for trial before the election and anyway it would be possible to appeal. He now faces fresh charges, with the Belarusian tax authorities accusing him of not paying tax to the Russian Federation on income earned in Moscow. Chigir explained that he had, however, paid tax on that income to the Belarusian state, which he later learned he was exempt from, having lived in Moscow for over a year. He has now applied for a refund from the Belarusian state. Chigir considered political activists generally to be afraid. They are filmed at demonstrations and summoned for interviewing or otherwise intimidated.

The leader of the **Belarusian Social Democratic Party "Hramada"**, Stanislau Ššuškevič, told the delegation that he personally suffers administrative harassment, being paid only 75%, or 3 192 roubles a month in all (about USD 2,5), of the pension due to him. For his research work he used to receive a monthly payment of USD 10, but that has now also been withdrawn. In addition, he has experienced difficulty in renewing his passport, with constant delays in processing his application, which prevented him from going to Poland as a visiting professor. Only following the intervention of the German, Swiss and US ambassadors was the passport forthcoming.

The leader of the **United Civil Party**, Anatol Liabedzka, reported that the party's deputy leader, a businessman, was recently released after four years in prison. He was arrested in 1996 after putting his name to a call for the President to be impeached. Another businessman, Andrei Klimov, accused of unlawful business dealings, on the other hand, remains in prison. He can secure his release by paying USD 100 000, however, and his wife is therefore trying to raise that sum. There are a number of similar cases, with the case of a Belarusian cameraman, Dmitry Zavadsky, working for Russia's ORT television station, who disappeared without trace in July 2000, providing evidence, in Anatol Liabedzka's view, of the involvement of the presidential security service. The party leader also referred to hundreds of examples of people finding themselves in trouble with the authorities on account of their political activities, although the commonest penalty is a fine, e.g. USD 500 for picketing .

The leader of the **Belarusian Popular Front "Adradžeńnie"**, Vincuk Viačorka, detected a trend for political activists to be attacked and beaten up by unidentified assailants. That happened to a theatre manager who had been dismissed. In protest at the dismissal, the actors also left the theatre and the theatre manager was then attacked in retaliation. Equipment such as computers and photocopiers is stolen from NGOs, and thefts may occur up to ten times a month. The party believed this to be the work of hired criminals. Political leaders are arrested and have their homes burgled. The authorities keep watch on activists at all levels, even in the countryside.

The leader of the **Party of Communists of Belarus**, Sergey I. Kalyakin, explained that the authorities exert social pressure on members and their families dependent upon income from employment. The party, which has few full-time staff, has therefore sometimes had to take on people as employees in order to protect them from social reprisals. From 1996 to 1998 the party lost 5 000 members after they found themselves under social and/or administrative pressure. A deputy leader was warned not to continue with his political activities or else he would be dismissed from his everyday job. He is now unemployed and, although his skills (as an engineer) are in great demand, no employer would dare take him on, as he is a known political activist. Employers act in this way of their own accord, without any pressure being applied by the authorities. Organisational work is dealt with by ordinary party members, who sometimes get into trouble with the authorities. However, the party has contacts among individual officials, with whom it can deal if, say, a member is arrested, since not all officials are apparatchiks. The party leader once found himself in trouble over a demonstration, for instance, and was let off with a caution instead of being prosecuted.

Vesnia reported that political activists and NGOs have set up a kind of financial protection scheme whereby all fines are paid by Vesnia, although it would not say where its funds came from. Lumila Gryaznova, of Charter 97, who was dismissed from her job, confirmed that she and other political activists in a similar position receive financial support from various organisations and former colleagues.

An **international organisation** wishing to remain anonymous stated that life is bearable for political activists, in spite of the situation, as they have their networks and support groups and, regardless of the pressure brought to bear on them by the authorities, they continue to operate in response to the challenge of survival. It saw no reason for them to seek asylum abroad.

With its all-round monitoring of the political situation in Belarus, **Vesnia** claimed to be aware of everyone facing judicial or administrative measures on account of their political activities and thus also to be aware of those forced to leave the country and seek asylum. Such people are supplied by Vesnia with documentation in support of their asylum applications. There have not been many of them, according to Vesnia: just three so far. Vesnia would advise foreign asylum authorities to contact it if they want to check up on particulars of any asylum applicant.

4.3. Forthcoming presidential election

A presidential election has to be held by September 2001 at the latest, under the 1996 constitution, which also requires the current President to set an election date. That has not yet been done.

The presidential candidate Michail Chigir, the opposition Belarusian Popular Front (BNF), United Civil Party, Belarusian Social Democratic Party "Hramada", Belarusian Women's Party "Nadzeya" and Party of Communists of Belarus and the NGOs Vesnia and Charter 97 were all unsure if and when the election would be held and whether it would be conducted without electoral fraud. They could see a variety of scenarios: the President would proceed by way of a constitutional amendment to have himself elected by parliament; the election would be held but marred by electoral fraud; the election would be held during the summer holiday period; or the President would hold the election but lose it. In the last case, according to Vesnia, this could result in the armed forces being brought in, as Lukašenko would fear possible prosecution, as an ex-President, in the same way as Milosevic, Pinochet or most recently the state secretary of the union between Belarus and Russia, Pavel Borodin. Michail Chigir nevertheless took the view that, even if the President himself is at present unconcerned about his legitimacy, Russia is concerned in relation to the west and Lukašenko will therefore be forced to face an election and conduct it without electoral fraud, in order to secure the legitimacy he forfeited in the 1996 poll.

The combined Belarusian opposition has this time decided to contest the election and organised in a coordinating body to cooperate on strategy and tactics. Agreement has still not been reached, however, on how many candidates the opposition should put up or who they should be. The pros and cons of putting up one or three candidates are being aired with regard to organisational and security aspects. Each candidate requires 100 000 signatures and needs to be provided with bodyguards. Should only one candidate be nominated and then "meet with a mishap" or "disappear", there would not be sufficient time or organisational capacity to put up another candidate.

Michail Chigir has nonetheless announced that he will in any event be standing for the Presidency and accordingly begun putting together an administration and a campaign team. He remained unconcerned about his safety, believing that all manner of things might happen. The case involving abduction of the former deputy head of the Supreme Soviet, Victor Gonschar, in September 1999 was public knowledge, moreover, which might serve as a safeguard for Chigir.

5. Press

According to the parliamentary human rights committee, there are over 1 100 media publications in print in Belarus, 30% of them state-owned, 30% privately owned and the remainder owned by parties or organisations. Parliament has issued 110 media accreditations. The state newspaper "Sovjetskaja Belarus" enjoys a circulation of 500 000. (For an extract from the Law on the press and other mass media, see Annex 4.)

Electronic mass media available, in addition to Belarusian stations, include the Russian ORT, Russia and NTV stations as well as sports channels, etc. Two urban centres in western Belarus can tune in to Polish television programmes, but it is not possible to receive television from the Baltic states. A private television station in Minsk, Channel 8, broadcasting entertainment programmes, lost its licence and had to close down. Charter 97 believed the electronic media to be entirely under the authorities' control.

There are six or seven state radio stations. A private radio station, Radio 101,2 (named after its broadcasting frequency) was shut down according to the Minsk Bureau of Radio Free

Europe/Radio Liberty (RFE), allegedly because its broadcasting frequency interfered with a mobile 'phone frequency. Also according to RFE, foreign broadcasters are no longer jammed, as they used to be during the Soviet era.

RFE reported there to be few members of the public with access to the Internet, which is not only very expensive but also offers a poor-quality, slow service, taking several hours to establish a connection.

According to RFE, there are no foreign journalists permanently stationed in Belarus.

Journalists are trained at the Belarus state university's department of journalism. RFE considered the training provided to be of good quality, not just turning out propaganda hacks.

Founded in 1995, the Belarusian Association of Journalists (BAJ) has its head office in Minsk and regional branches in 19 towns and cities in Belarus. The BAJ belongs to a number of international press organisations as well as the Glasnost Defence Foundation in Moscow, which also funds some of its publications. The BAJ's membership includes journalists not just from the independent press but also from the state media. Its main aim is to uphold press freedom and journalists' rights. In 1997 the BAJ set up the Law Centre for Media Defence, to provide legal assistance for the independent press and for individual journalists. In cooperation with organisations such as the London-based Article 19, the BAJ keeps a close watch on the state of the press in Belarus and has brought out a number of detailed reports documenting encroachments on press freedom .

The BAJ explained that "Svobodnaja Novosti" (Free News) is Belarus's oldest independent newspaper, celebrating its tenth anniversary this year. The youngest independent newspaper is "Belaruskaja Maladzėznaja", founded in 1995. The Miensk Bureau of Radio Free Europe/Radio Liberty (RFE) reported "Narodnaja Volja" (Will of the People) to be the only independent newspaper out of eight dailies. According to the OSCE, it has a circulation of 50 000, with an annual subscription costing 500 000 roubles. Another daily, "Naša Svoboda" (Our Freedom), was reported by RFE as being on the point of closure on account of a court case. RFE thought newspaper circulation figures generally to be falling.

According to the OSCE, the opposition BNF and United Civil Party each publish a party journal in the same way as the independent press, although it regarded the circulation figures for both newspapers as insignificant. The Party of Communists of Belarus also publishes a party journal, "Tavariš" (Comrade), with a circulation of 10 000, which it claims is the only genuine party newspaper in Belarus.

The state-owned press publishes mainly in Russian, whereas the independent press publishes in both Russian and Belarusian. The BAJ explained that it was not in the past possible to publish in Belarusian and that increasing numbers are now learning the language, with some 37% speaking it at home.

In the provinces, according to RFE, the state of the press is more akin to that under the former Soviet Union, with one officially controlled newspaper in each district.

In order to publish a newspaper, it is necessary to have it licensed and registered. A licence has to be applied for to the state media committee, registration to the local authorities. According to RFE, registration has been refused in ten cases. The editor-in-chief of "Belaruskaja Maladzėžnaja" explained that, since first being published, the newspaper has undergone registration three times. New housing codes have recently been introduced, with the result that the newspaper has to register at a new office address and must therefore move, which it cannot afford to do.

The independent press is discriminated against, according to the OSCE, as regards printing and distribution. Distribution includes subscriptions, with checks on subscribers to the independent press being made at post offices. Both areas are subject to a state monopoly, which affects the financial situation of the independent press. The state claims to be opposed to media monopolies, according to the OSCE, while on the other hand fearing the emergence of glasnost in Belarus. The BAJ reported an independent newspaper to be preparing a lawsuit in connection with the distribution monopoly.

Minsk has six printing houses, according to RFE, four of them owned by the state and a fifth one by the President. The independent printing house Magic, formerly owned by the Soros Foundation and engaged mainly in printing independent newspapers, suffered confiscation on charges of financial fraud. Its closure severely affected the independent press. As an alternative, the independent press has the option of printing in Russia, which is not without its difficulties, as there are strict checks at the border. Two years ago it was also possible use printing works in Vilnius, in Lithuania, but customs checks were extensive and customs duties so high that this option has now been dropped.

The BAJ described operating conditions for the independent "Belaruskaja Maladzėžnaja", by way of illustration of the general situation faced by the independent press. The eight-page newspaper has a 5 000 print-run. It pays three and a half times as much for printing and five times as much for distribution as do state-owned newspapers. It also has to buy paper at market prices, unlike state-owned newspapers, which buy theirs at officially subsidised prices. The newspaper thus incurs costs of 142 roubles a copy, while receiving only 84 roubles. It cannot simply charge a price covering its costs, however, as that would require the price-control authorities' approval. Nor does the newspaper even earn any advertising revenue, as advertisers do not generally place adverts in the independent press. The newspaper therefore has to economise and keep its costs to a minimum, while journalists have to hold down a number of jobs in order to earn a living income.

The Party of Communists of Belarus reported that the cost of distributing its party journal is four times as high as for state newspapers and it has therefore lodged a complaint in the highest quarters. As an opposition party journal, it does not earn any advertising revenue either.

According to RFE, the independent press is subjected to threats and economic reprisals, e.g. with the tax authorities constantly scrutinising its accounts. If the authorities suspect any accounting irregularities, a newspaper may be given a warning. After two warnings, a case is referred to the highest court for economic matters and charges of financial fraud may be brought against the management, the publisher or the individual journalist.

The independent press is also harassed by means of a swathe of administrative regulations. If they are infringed, a warning is issued; after three warnings, a newspaper may be closed down. Other methods include denying journalists access to public meetings or press conferences. "Belaruskaja Maladzėžnaja" is thus not allowed into public press conferences, while in 2000 the RFE correspondent was not allowed to attend press conferences with the President. The correspondent lodged a complaint, which was upheld. The police frequently search the editorial offices of the independent press, often without a search warrant and not uncommonly with concomitant ill-treatment of journalists.

Journalists working for the independent press constantly attract the authorities' attention. In January 1998 the President issued a secret decree requiring journalists covering him to be kept under surveillance by the security forces. When this came to light, it sparked off a wave of public protest and a court case, since all presidential decrees are required, under Article 7 of the constitution, to be published.

According to the RFE correspondent, journalists risk administrative reprisals in the form of heavy fines, which may amount to the equivalent of a year's income. Journalists may also, however, be prosecuted, be summoned to the public prosecutor's office for questioning and threatened with criminal proceedings if they do not cooperate and inform on others or be arrested on charges of financial fraud or other offences. In one case a journalist disappeared without trace: a Belarusian cameraman, Dmitry Zavadsky, working for Russia's ORT television station. The BAJ believed about 50% of journalists to have been in trouble with the police. It regarded the constant economic pressure and threats of fines as worse than a brief spell in detention and also as an effective way of stifling the independent press.

There is new legislation on data security in the pipeline, which will inevitably, according to the BAJ, bring further restrictions on scope for the independent press to operate. One facet of the new legislation is that it views the independent press as acting for the West.

Journalists working for the state-owned media risk dismissal or black-listing if they fail to obey politically imposed guidelines. The state radio, for instance, dismissed 18 journalists unwilling to work for the President. The journalists then established Radio 101,2, which was later closed down, and are now working on various independent newspapers. A black-listed woman journalist found a job as a correspondent for Russian television, but the Belarusian authorities would not issue her with accreditation.

According to the RFE correspondent, there is no institutionalised censorship, as there was during the Soviet era. Journalists instead apply self-imposed censorship and follow rules requiring them only to write about facts. They may not, for instance, write about unregistered organisations, which do not officially exist, nor may they write about the former political structure. If these and other rules are not obeyed, newspapers ultimately risk being shut down. There have been a number of cases brought against newspapers accused of defaming the state, with one of them being fined USD 50 000 and forced to close down as a result. A journalist who wrote an article about human rights violations in Belarus was unable to have it published. Almost all independent newspapers have been involved in court cases, according to the BAJ.

RFE did not consider there to have been any change in conditions for the independent press in

recent years, but feared the situation might deteriorate in the run-up to the presidential election.

The parliamentary human rights committee did not think the state could be blamed for an alleged lack of press freedom. It also pointed out that different media sources might take differing views of press freedom.

6. Legal system

Belarus officially claims to be a democratic state governed by the rule of law, with constitutionally safeguarded independence of the judiciary.

The judicial system follows the old Soviet model, with some adjustments, and comprises district courts, regional courts and a supreme court. However, the constitution also allows the President to nominate six of the twelve judges on the supreme court, the others being nominated by the Council of the Republic, most of whose members are also nominated by the President.

The OSCE commented that the judicial system is not independent, since members of its highest bodies are personally nominated by the President and are thus political appointees.

The parliamentary human rights committee pointed out that a set of legal reforms was introduced in 2000, so that legislation does now come up to international standards.

Under the new criminal code, in force since July 1999, and the latest amendments, made in January 2000, to the 1960 procedural code, according to the parliamentary human rights committee, the maximum period for which anyone may be held in custody is set at twelve hours. Moreover, a suspect has access to defence counsel from the outset. There remain, however, according to the committee, problems of bureaucracy in the system's operation, prompting many complaints from the public. The committee therefore plans to prepare draft legislation for the introduction of an ombudsman, with guaranteed access to all areas, to be tabled in parliament in the spring of 2001. It hopes such an ombudsman will be able to improve relations between individuals and the state.

The Belarusian Helsinki Committee reported that constitutional rules have not been put into practice, do not form a legitimate basis for the political leadership and are supplanted by presidential decrees, which may directly conflict with the constitution, as in the case of Article 36 of it and Decree No 40. Moreover, the legal system does not allow the public to challenge decrees before the supreme court, which only parliament and the highest state bodies are able to do, although none of them has made use of that power, in spite of appeals to do so.

The Party of Communists of Belarus asserted that the country's political leadership, including the President, infringe the constitution and wield power in an arbitrary, top-down manner. It referred to numerous examples of unconstitutional presidential decrees, one such being Decree No 40 of 1999, under which an individual or legal entity may have assets confiscated if suspected of harming the state. The party dispossessed then has to go to court and prove the authorities wrong.

According to the Belarusian Helsinki Committee, the judiciary is not independent of the legislature with the system operating as it did under the Soviet Union. Extensive use is made of

"telephone law", meaning that judges in a court case can be 'phoned political instructions, on which the case may hinge. Such points were made, the committee said, in a report by a UN special rapporteur visiting Belarus in the summer of 2000. Difficulties arise in arranging for defence in the regions, in particular. There have been instances of defence lawyers refusing to take on cases which involved acting against the authorities' interests. Under those conditions, in the committee's view, people are unable to uphold their rights.

The political NGO Vesnia pointed out that, under the procedural code and the criminal code, a suspect is entitled to have access to a lawyer from the outset. In its view, there has been some progress here, with a kind of lawyers' duty rota introduced at all police stations, so that an arrested person can have immediate access to a defence lawyer. Vesnia also took the view that there have been improvements in the legal system in recent years, with political opponents being treated with greater respect by the police at intermediate level than used to be the case. This it put down to the presence, in spite of everything, of decent people in the middle ranks of authority.

The OSCE reported that, in order to practise, lawyers have to belong to the state bar council, membership of which is determined by the chief public prosecutor. Independent lawyers not belonging to the bar council can nevertheless act as defence counsel in a case, provided the court hearing it is prepared to recognise them as such. The OSCE added that defence counsel need not necessarily be legally qualified, defence being regarded as a social function.

An international organisation wishing to remain anonymous explained that there were independent lawyers and that it cooperated closely with a team of such lawyers.

The OSCE pointed out that it and local NGOs such as the Belarusian Helsinki Committee provide legal assistance and monitor court cases, via their law departments.

In 2000 the Belarusian Helsinki Committee produced a report on human rights, including investigation of law enforcement issues. According to its findings, police maltreatment of detainees is, under international conventions, tantamount to torture. Such maltreatment, moreover, applies to anyone held in police custody, regardless of whether engaged in political activities or common crime.

The OSCE reported that the police only uphold the interests of the system and maltreatment in custody is commonplace. It knew of only one case in which the police had been brought to book for maltreatment of a detainee.

Charter 97 thought the legal system open to the criticism, among others, that it does not enable dissidents or other political or human rights activists to be defended.

As regards the death penalty, still applicable in Belarus, the parliamentary human rights committee commented that it is imposed in an increasingly small number of cases. Whereas the previous criminal code contained 60 articles under which the death penalty was available, the new one has only 30, many of which relate to treason and military offences. In the other articles the death penalty has been replaced by life imprisonment. This could be seen, in the committee's view as a first step towards abolition of the death penalty although that would require a

referendum. A proposal for abolition was put forward in 1996, but 87% of the population at the time supported the death penalty and the proposal was defeated. Eventual abolition of the death penalty would depend on social trends generally, the committee said, but in the meantime the legislature would endeavour to curtail the number of articles under which it was available.

A western embassy reported that the death penalty was imposed on 18 occasions in 2000, fewer than in 1999, when it was imposed in 43 cases. In the embassy's view, only criminals incur the death penalty. According to the same source, the legal system does not operate as well as it should and the crime rate is similar to that in all other ex-Soviet republics.

When asked whether confinement in psychiatric hospitals on account of political activities is practised, as it was under the Soviet Union, Vesnia replied that this is not now the case.

As to whether individuals are coerced into collaborating with the security forces, Vesnia believed this to have been happening again within the last four years. It had four cases on record in which attempts were made, by persuasion or intimidation, to get young people from NGOs to collaborate with the security forces, including the KGB. Vesnia was not aware of any reprisals, apart from continued threats, if people refused to do so.

Corruption within the legal system is, in Vesnia's view, not rife but on the increase. One of the reasons lies in judges' low pay, in many cases obliging them to accept bribes. While not widespread, such corruption as may be found among the judiciary is conversely also used to curb judges and pressure them politically. According to Vesnia, however, corruption does not arise in political cases, in which neither police nor judges can be bribed.

The parliamentary human rights committee explained that Belarus was a founding member of the UN and, despite not being a member of the Council of Europe, has approved the 1955 European Convention, which only members are required to do.

7. Position of children in homes

An international source wishing to remain anonymous commented that, owing to the country's economic problems, there is a general shortage of resources for social work, including children's homes and pay for their staff. However, the situation in children's homes is nothing like Romania in the early 1990s. Generally speaking, the source regarded Belarusians as very kind, caring people who, despite a shortage of resources, do look after the weak, including children in homes.

A western embassy did not see any new reason for children from homes, specifically, to leave the country and seek asylum abroad. It thought children's homes in Minsk to be of a very high standard, while the situation might be different in the regions, especially in homes for the physically or mentally disabled, although many humanitarian organisations, including international ones, provide a great deal of assistance for that group. The embassy explained that, on reaching the age of 18, children from homes are left to look after themselves and may then get into a very difficult social situation as a result of an underdeveloped welfare system generally. For instance, they would have great difficulty in finding housing. The former socialist tenants' rights, whereby tenants living in state-owned flats were entitled to leave their flat to their next of kin have been abolished and flats now have to be bought instead. Obviously children from

homes cannot afford to buy such flats and have instead to live in youth hostels or, if still in education, in student rooms.

Charter 97 took the view that, if children from homes leave to go abroad, they are doing so for economic reasons, there being no other particular reason why they should leave the country.

8. Sexual minorities

Homosexuality was decriminalised in 1994, but homosexual activity with young men aged under 18 remains a punishable offence.

The Sexual Minorities Freedom League "Lambda" has been in existence since 1998, although a number of attempts to register it as an NGO have, according to its chairman, Edvard Tarletskij, run into undue bureaucratic obstacles and proved unsuccessful. There are now, however, a number of unofficial groups of homosexuals and lesbians in all towns and cities in Belarus but, as the groups are not registered, they cannot meet, campaign or engage in any other activities. The chairman put the homosexual proportion of the population at four or five percent.

The organisation publishes a magazine, "Forum Lambda", originally founded with assistance from the Open Society Foundation. Owing to a lack of resources, the magazine last appeared in October 2000. It is registered in the chairman's name, but its registration has expired and thus needs to be renewed. The organisation has met with great difficulty in having the magazine included in the state distribution network and has therefore considered bringing a court case.

The organisation's attempts to hire premises for a club have also proved unsuccessful, with landlords unwilling to let out premises on learning what they are to be used for.

A festival and gay parade due to be held in 1999, with funding from the Soros Foundation, came up against considerable difficulties in practice. The local radio station was threatened by the vice-president with closure if it did not stop advertising the festival, with other stations receiving similar threats. The gay parade was officially banned, but other activities could still go ahead after a fashion, although a discotheque in which some of them were in progress had its electricity supply cut off without explanation.

Homosexuality is frowned upon in Belarusian society, according to the chairman, and condemned by the church. An international source wishing to remain anonymous confirmed this, adding that Belarusian society is conservative in this respect, with homosexuals generally being socially stigmatised.

According to the chairman, a well-known television anchorman was dismissed from his post after it emerged that he was homosexual. Parents usually take a very unfavourable attitude towards homosexuality in their children and there have been cases of parents having to move house on account of harassment from neighbours. If there is a homosexual known to be living in a block of flats, any problems in the building are put down to the homosexual. If gays and lesbians show their faces in ordinary night clubs, etc., according to the chairman, gay men risk being attacked and lesbian women raped. Homosexuality continues to be regarded as an illness and until 1994 homosexuals were accordingly treated for a medical condition. This remains the

case in the armed forces, where it is common practice to send homosexuals to hospital. According to the chairman, Belarus has no confidentiality of personal medical records, so that information on homosexuality is passed on to employers and places of education, with very unfortunate consequences for the individual concerned. There are no university departments carrying out research into gender and sexuality. In the chairman's view, the situation is more critical for transsexuals than for homosexuals.

In a widely publicised murder case in Minsk in 2000, six homosexuals were killed and their bodies then cut up and secreted in plastic bags. Suspicion fell on two individuals, but the case has still not been solved. In the chairman's view, the police investigation into the case involved highly discriminatory aspects, with known homosexuals being questioned even though entirely unacquainted with the victims. The chairman believed there to have been killings of homosexuals in other places in Belarus as well, but could not give any further details, finding it more difficult to obtain information on the situation in the countryside. He was nevertheless sure that attacks occur and also knew of a few cases of homosexuals being blackmailed by the police.

9. Ethnic groups

9.1. Belarusians

The International Helsinki Federation's Belarusian Helsinki Committee explained that 80% of Belarus's population are ethnic Belarusians. It was concerned about that indigenous people's culture, which in its view is being suppressed, and particularly concerned about the standing of the Belarusian language. Although Belarusian is now, after being banned from 1995 until 1999, an official state language on a par with Russian, the latter receives more favourable treatment, with the result that only 35% of schools teach in Belarusian and higher education establishments teach only in Russian. In the capital, the main language spoken is Russian, with Belarusian nowadays being spoken only among the rural population and in remote villages. The state-run public media mostly use Russian, whereas the opposition press uses both Russian and Belarusian. In the source's view, suppression of Belarusian culture may serve to stir up nationalist aggression. (On this subject, see pages 8 and 11).

9.2. Jews

The Union of Jewish Communities was founded in 1991, according to its chairman, Leonid Levin, at a time when Jews had no organisations, newspapers, language teaching facilities or opportunity to give expression to their culture. Since its foundation, bringing Jews together, ethnic cultures have begun to flourish again. According to the chairman, Jews in Belarus are well organised, without any schisms, unlike their counterparts in Ukraine and Russia, and the country currently has 26 Jewish communities. The economic situation has caused greater difficulty for Jews in Belarus than for those in Russia, however, as the country has not had any powerful Jewish businessmen to provide financial assistance for Jewish communities. Belarus's Jews have thus had to support themselves without donations. Throughout the country, Jews have established or are establishing language schools, ordinary schools and Sunday schools, are publishing newspapers and are organising humanitarian aid work for the sick, the elderly and the low-paid. The aid organisation "Haset" thus provides humanitarian assistance for 20 000 people.

A population census is held every ten years. In the 1989 census, the number of Jews in Belarus stood at 100 000, in the 1999 census at 29 000. The chairman did not believe the latter figure, showing a dramatic fall in the number of Jews. He went on to explain that minorities are now counted by mother tongue and not as in the past by ethnic origin, as shown in the old internal passports. Many Jews have now been assimilated, in his view, and do not speak Hebrew or Yiddish. Together with the Israeli embassy, he has calculated there currently to be around 70 000 Jews living in Belarus. A new trend shows Jews seeking to rediscover their roots and changing their names back to Jewish names.

Another aspect of the demographic picture is Jewish emigration, which the chairman put at 2 500 to 4 000 people a year. Most Jews emigrate to Israel, but some also go to the USA, Germany, Canada and Australia. The economic situation is considered most favourable in Germany. Emigration to Israel in the early years was attributed by the chairman to religion, whereas subsequent emigration has come about for economic reasons and on account of anti-Semitism.

During the Second World War, 800 000 Jews were wiped out, over 100 000 being murdered in the Jewish ghetto in Minsk. In 1945 a monument bearing a Jewish text was erected at the ghetto and in 1992 work began on construction of the Yama memorial park, designed by the chairman, himself an architect, on the site of the former ghetto, with the park and monuments being inaugurated in July 2000.

The chairman denied that any anti-Semitism is shown by the state and that such discrimination applies not only to Jews but to all other minorities as well. Minorities are free to publish their own newspapers and organise festivals, etc. without let or hindrance. However, as Soviet bureaucrats remain in power, in the chairman's view, Jews are keeping a close watch on the situation.

The chairman reported the appearance of a number of anti-Semitic articles in the press, although chiefly in Russian publications such as "Slavanskaja Gazeta". The organisation managed to obtain a court order for that newspaper's closure, since dissemination of anti-Semitic propaganda is constitutionally prohibited. On the other hand, it lost another case, concerning a book - also produced in Russia, at Orthodox prompting, according to the chairman, but sold in Belarus - containing a number of articles on Nazism and Nazi documents from the Second World War, including some calling for the extermination of Jews. The organisation has further experienced problems with a monthly state radio programme, showing blatantly anti-Semitic features, which it has not managed to have taken off the air either. In addition, anti-Semitism has been seen in incidents involving desecration of Jewish cemeteries, with tombstones overturned.

Before the Second World War, Belarus had over 100 synagogues, all closed during the Soviet era. Today there are nine synagogues, with two in Minsk. Although there is no basis in law for restitution, there is legislation enabling confiscated sacred property to be returned. Jewish requests for the return of synagogues have in fact usually been met, leaving the organisation satisfied with the present number of synagogues, according to the chairman, as it does not have the resources to restore and maintain any more.

The chairman did not consider right-wing groups in Belarus to be particularly strong or widespread. In his view moreover the President would combat such groups which did not

receive any official support and were illegal. The chairman did not know who supported such groups, but believed there to be an individual behind them.

Belarus has no Jewish parties and no Jews occupy senior positions in government or in the machinery of state.

An international organisation wishing to remain anonymous confirmed that there is no official state anti-Semitism. Prominent Jews are generally respected, some being close to the President. Anti-Semitism does nevertheless show itself in jokes, as well as isolated incidents involving desecration of tombstones, although in the source's view these might also be staged by Jews themselves in order to provide them with grounds for seeking asylum abroad. There are some Russian right-wing fascist groups active in eastern Belarus but not, in the source's view, directing their operations specifically against Jews.

The OSCE reported that there are few Jews left in the country and they do not suffer any anti-Semitism at the hands of the state or the population. It added that Belarusians are traditionally tolerant people.

10. Religion

The parliamentary human rights committee reported there to be 26 different religious denominations registered in Belarus. 80% of the population are Orthodox Christians, with Catholics the next largest faith. A number of what the committee described as destructive sects have recently emerged. It added that, as a result of democratisation of Belarusian society, such sects now operate openly. Proposed new religious legislation is being drafted.

The Belarusian Helsinki Committee commented that non-Orthodox faiths, e.g. Protestants, experience difficulties with the authorities and harassment. In order to operate, they have to seek the local authorities' approval; they also meet with problems, for instance, in hiring premises, including cinemas, on account of alleged difficulties over fire regulations.

Charter 97 explained that the Orthodox Church is privileged, whereas the Protestant and Catholic Churches find themselves under pressure. It added that, as the leader of the Belarusian Orthodox Church does not champion the cause of Slav unity, he has received many threats and suffers political persecution.

An international organisation wishing to remain anonymous reported that individual religious leaders are not vulnerable, although there may be problems regarding their political influence. It added that the state may show some animosity towards Catholicism, perceived as having links with the West, NATO and Poland.

11. Military service

According to a NATO country's embassy in Minsk, Belarus devotes about 4,2% of its GDP to defence, a budget so low that it can barely keep the army together. Pay is low, troop training minimal, uniforms old and the level of all-round facilities highly deficient. Military training shows a poor standard on the whole with older soldiers in particular often being assigned to

menial tasks. Corruption is rife in the armed forces, with arms and equipment being stolen and a rising crime rate among officers. Harassment among soldiers is also widespread and on the increase, obliging the military command set up a hotline for soldiers to 'phone in complaints. Those responsible can thus be punished for bullying conscripts.

In 2001, according to the source, an overhaul is to be carried out, by presidential decision, in order to reduce the number of troops.

The armed forces generally enjoy a low public reputation. Resources go to the home forces, such as the police, security service and border guard, which earn better pay and receive a higher level of training.

On account of past experience, according to the source from a NATO country's embassy, the issue of military service beyond the country's borders has attracted considerable public attention. The Soviet invasion of Afghanistan was spearheaded by Belarusian troops, incurring very heavy casualties. This created a national trauma, which the country has still not recovered from, and the President has therefore given the public his personal assurance that Belarusian troops will never again be sent to war beyond the country's borders. The national trauma is exacerbated by the experience of the Second World War, in which over three million people were wiped out and the capital, Minsk, was bombed to smithereens.

The constitution thus does not, according to the source, allow Belarusian armed forces to participate in military operations beyond the country's borders. Belarus accordingly does not cooperate militarily with the Russian Federation, nor does it take part in CIS peacekeeping forces within the CIS, including in Central Asia and the Caucasus, or outside the CIS, including in Kosovo. There is thus no chance of Belarusian conscripts being called up to serve in Chechnya, although Belarusian nationals may be involved in the fighting in Chechnya, but in that event as mercenaries. The Belarusian and Russian armed forces cooperate only on training, with some 200 Belarusians attending a military college in Russia. This information was corroborated by an international organisation wishing to remain anonymous.

The source from a NATO country's embassy in Minsk explained that there is universal compulsory military service for two years. Twice a year, a total of 33 000 to 35 000 conscripts are called up, about 26 000 of them into the army and the remainder into the home forces. Reports of military service recently having been extended by 18 months, by decree, were rejected by the source as untrue.

There are officially very few draft evaders among each annual intake, with the official figure of 120 remaining unchanged for years, according to the source, which did not know of any other figure. A certain amount of corruption takes place in connection with conscription and evasion. One case involved 33 young men bribing their way into reserve officerships and thereby avoiding military service. Bribery can also be used to secure disqualification as unfit to serve; the source added that there are many "unfit" young men around in Minsk, in particular.

Nor are any figures available on the number of deserters, although in the source's view this would not be high. Desertion is punishable by from two or three to five years' service in a disciplinary unit not by imprisonment. The sentence depends on the circumstances of desertion

i.e. whether violence was used or any arms taken, with no great variation in sentencing.

A western embassy did not think the number of draft evaders and deserters very large, explaining that there was a national understanding of the need for and unavoidability of military service. There were also many let-outs, such as ill health, education or family commitments, conferring exemption from military service.

The constitution allows the option of an alternative form of service. The option has been available for four years, although draft implementing legislation will not be placed before parliament until this year. The representative of a NATO country's embassy believed that the proposed legislation would be passed this year. Young men refusing to bear arms have up to now, according to the source, been able to perform their national service in unarmed units such as railway troops. Those refusing to perform military service altogether, on religious or pacifist grounds, generally receive a prison sentence, said by the source to be three years. The number of such conscientious objectors is on the increase, from five or six individuals five years ago to 60 or 70 today. In the source's view, conscientious objectors can expect very little sympathy from society.

A western embassy thought that conscientious objectors on religious grounds could be supplied by the church with relevant documents to present at enlistment offices.

The International Helsinki Federation's Belarusian Helsinki Committee reported that conscientious objectors can be punished by imprisonment for up to three years. It provides conscientious objectors with legal assistance and has won one court case.

12. Registration and document issue

The Passport and Visa Department at the Ministry of Internal Affairs explained that, by way of identity papers, Belarusian citizens are issued a passport for both internal and external use. Passports do not show any expiry date, but they have to be exchanged for a new one when the holder reaches the ages of 16, 25 and 45. Details of marital status and children are entered in passports, whereas entry of ethnic origin is open to the holder as an option. Apart from driving licences, no other kinds of identity papers are issued. This information was corroborated by a western embassy wishing to remain anonymous.

If a passport is to be used for foreign travel, it needs to have a general-purpose exit stamp affixed, valid for five years. Should the holder have to exchange the passport for a new one, however, the exit permit is not granted for a further five years but only for the remaining period of validity of the last exit permit issued, so that passports may be shown as valid for foreign travel for various periods. The old Soviet passports remain valid until 31 December 2001 and bear a nationality stamp, authenticated by a signature. Should such a passport still contain valid visas, it will also remain valid for foreign travel, regardless of whether the holder has been issued a new passport, but will have had an expiry date stamped in.

If Belarusian nationals lose their passport abroad, Belarusian representations will be able to issue a readmission certificate, valid for ten days. Should there be no Belarusian representation in the country in question, the Russian Federation's representation can be applied to.

Where a Belarusian's identity is open to any doubt, an enquiry may be addressed to the local passport and visa office (OVIR) in Belarus, giving details of the last known address, parents or other relatives and any available photo, from which it will be possible for the person's identity to be established.

The leader of the **Belarusian Social Democratic Party "Hramada"**, Stanislau Šuškevič, reported problems in renewing his passport, with processing of his application repeatedly deferred, thus preventing him from going to Poland as a visiting professor. Only following the intervention of the German, Swiss and US ambassadors was the passport forthcoming.

As regards the registration requirement ("propiska"), the residence permit which used to be needed during the Soviet era is now being changed. A number of requirements have to be met instead, including specifications for housing, which must be of a certain size, depending on the number of people living or to live in it, and have sanitation, etc.

A western embassy wishing to remain anonymous commented that registration nowadays involves meeting official requirements, although the old Soviet permit mentality may still apply.

The Committee for Migration at the Belarusian Ministry of Labour explained that there are 2,2 million Belarusians permanently resident in CIS countries. Should those Belarusians return to Belarus, they will be able to obtain Belarusian nationality under a simplified procedure. Belarus does not allow dual nationality, although an exception is made for minors. Foreign nationals possessing specialist skills or wishing to be reunited with their families can apply for a residence permit on terms regulated by law.

13. Entry and exit

The Committee for Migration at the Ministry of Labour explained that entry and exit for Belarusian nationals are governed by the Law of the Republic of Belarus on the procedure for exit from and entry into the Republic of Belarus by citizens of the Republic of Belarus, adopted in June 1993 and since amended several times, most recently in May 2000 (attached as Annex 5). In the committee's view, that legislation is consistent with international law.

The committee added that all Belarusian nationals are free to leave the country.

A western embassy wishing to remain anonymous did not know of any cases of Belarusian nationals being unable to leave the country. It went on to report that all opposition leaders have the necessary travel documents and can leave the country and re-enter it without any difficulty.

The leader of the Party of Communists of Belarus held a passport with an exit stamp and had no difficulty in leaving and re-entering the country when attending meetings, e.g. at European level. He did have foreign exchange problems, on the other hand, with the Belarusian rouble being worthless abroad.

The Committee for Migration at the Belarusian Ministry of Labour reported the border with Poland to be well guarded, whereas there is no official border with Russia, owing to Belarus's union agreement with the Russian Federation. There are thus no border checks between the two

countries, with Russians and Belarusians free to travel back and forth across the border. Non-CIS nationals cannot, however, freely enter Belarus from Russia without a visa. The committee did not believe there to be many Belarusians leaving the country illegally, but put the number of foreign and illegal migrants crossing Belarus's borders at 10 000 a month.

The International Organisation for Migration (IOM) confirmed that there are no actual checks at the border between Belarus and Russia, while adding that this may change. Checks do take place at the border with Poland, however, and at some, but not all, crossing points on the borders with Latvia and Lithuania. In cooperation with the authorities, the IOM has improved border control in the south-eastern area adjoining Ukraine. The IOM added that Belarusian citizens require a visa in order to enter Poland or the Baltic states. Belarusians attempting to enter the Baltic states without papers risk having their vehicles confiscated.

According to the IOM, border checks are carried out properly, in accordance with the law. There have been few cases of corruption, which is not generally accepted.

None of the sources had any information on checks using databases or as regards updating of such databases.

The IOM thought rejected asylum seekers might meet with difficulties upon entry if coming from countries without any readmission agreement with Belarus. A western embassy wishing to remain anonymous did not agree that such asylum seekers faced any difficulty upon entry. It also denied reports of rejected asylum seekers risking confiscation of papers, harassment or questioning by the KGB upon entry. According to the source, on the contrary, reasonably fair treatment was shown. Vesnia likewise denied that rejected asylum seekers would have their papers confiscated upon entry.

According to the immigration authorities, moreover, rumours that Belarusian nationals who have sought asylum abroad might face charges of treason upon returning home are untrue, there being no basis in law for this. An international organisation wishing to remain anonymous had never heard of any such cases, while adding that illegal crossing of the border was a punishable offence. A western embassy wishing to remain anonymous had never heard of any such cases either. Vesnia denied that it was a punishable offence to seek asylum abroad, adding that articles in the old criminal code which dealt with high treason have been removed from the new criminal code.

14. Lithuania

The UNHCR was not aware of any young Lithuanians seeking asylum abroad, purporting to be Belarusians. It pointed out that the political situation in Belarus is common knowledge in Lithuania.

The UNHCR reported that, apart from a deterioration in the economy, there is nothing to be regarded as serious in the human rights situation generally in Lithuania and currently no reason for young Lithuanians to leave and seek asylum abroad.

The UNHCR explained that there is a small Belarusian minority living in the area along the

border with Belarus, just as there is a Lithuanian minority living on the other side of the border in Belarus itself, with many mixed marriages between Lithuanians and Belarusians. The border also sees brisk traffic across it.

Belarusians in Lithuania are not regarded by the UNHCR as a vulnerable group.

The UNHCR added that Lithuania has had very few Belarusian asylum applicants, mostly elderly Belarusians who arrived there during the Soviet era and now find themselves in difficulty with their papers.

As regards children from homes, the UNHCR explained that, on reaching the age of 16, they are transferred to youth hostels, where they can stay until the age of 18. After that, they are left to their own devices. They face a very difficult economic situation, often living on the streets and supporting themselves by begging or from crime.

The Nordic liaison officer, Detective Chief Superintendent Jørn Haugaard, commented that, apart from the economic situation, including unemployment, there was no reason why young Lithuanians should seek asylum abroad.

He added that there are many criminal gangs in Lithuania, including gangs of youths, organised on a local basis and in some cases operating throughout Scandinavia, especially in Sweden.

The Lithuanian immigration authorities were not aware of any young Lithuanians seeking asylum abroad, purporting to be Belarusians. Nor did they know of any illegal immigration by Belarusians or of Belarusians unlawfully employed in Lithuania.

15. Organisations and individuals consulted

15.1. Belarus

Belarusian Association of Journalists (BAJ), Aleksandr Tomkovich, Vice-President, Taccjana Ivanayna Mel'ničuk, Editor-in-Chief of "Belaruskaja Maladzėžnaja", and staff.

The Belarusian Association of Journalists (BAJ) was founded in 1995. It has its head office in Minsk and regional branches in 19 towns and cities in Belarus. The BAJ belongs to a number of international press organisations as well as the Glasnost Defence Foundation in Moscow, which also funds some of its publications. The BAJ's membership includes journalists not just from the independent press but also from the state media. Its main aim is to uphold press freedom and journalists' rights. In 1997 the BAJ set up the Law Centre for Media Defence, to provide legal assistance for the independent press and for individual journalists. In cooperation with organisations such as the London-based Article 19, the BAJ keeps a close watch on the state of the press in Belarus and has brought out a number of detailed reports documenting encroachments on press freedom.

Belarusian Popular Front "Adradžeńnie" (BNF), Vincuk Viačorka, Chairman.

Belarusian Social Democratic Party "Hramada", Stanislau Šuškevič, President of the Central Rada, MP.

Belarusian Women's Party "Nadzeya", Valentina T. Polevikova, President.

Charter 97, Andrei Sannikov, International Coordinator, and Ludmila Gryaznova, MP.

Charter 97 was established in 1997 at the instigation of the Belarusian Popular Front. It has no leaders, but consists of a group of political and human rights activists, journalists, artists, etc. It has set up a number of working bodies, including a human rights group and an international coordination group. It cooperates with various international organisations and also publishes a monthly report on the situation in Belarus. (The text of Charter 97 is attached as Annex 6.)

Committee for Migration, Ministry of Labour of the Republic of Belarus, Alexander Moskalenko, Deputy Head, and Vladimir I. Galteev, Deputy Chairman.

Embassy of a NATO country.

Human Rights Centre "Viasna", Ales Bjaljatskij, Chairman, and Boris Gunther, Lawyer.

Viasna was established in 1996. Its work includes providing legal and material assistance for victims of political persecution and their families. It reports having assisted around 1 000 people in 1999 alone. The centre monitors the human rights situation, holds press conferences and publishes periodic reports as well as the magazine "The Right to Freedom". The centre has 17 branches in all, in a number of Belarus's main towns and cities. It consists of some 200 volunteers, including lawyers, and cooperates with Amnesty International, Human Rights Watch, the International League of Human Rights, etc.

International Helsinki Federation, Belarusian Helsinki Committee, Tatsiana Pratsko, Chair.

The Belarusian Helsinki Committee is a non-political, independent, voluntary organisation for the purpose of protecting and monitoring human rights in Belarus. It has over 200 members, including lawyers. It is subdivided into 10 commissions, including one on civil and political rights and another on political repression. It belongs to the International Helsinki Federation and publishes a variety of reports, including election reports.

IOM (International Organisation for Migration), Alexander Kapiroviski, Head of Office.

Michail Chigir, former Prime Minister and presidential candidate.

Ministry of Foreign Affairs of the Republic of Belarus, Dmitry Belabrodski, Counsellor, Europe Department, and Valerij Antonovich Kozlovskij, Deputy Head.

Ministry of Internal Affairs of the Republic of Belarus OVIR (Otdel Viz i Registrasii [Passport

and Visa Department]), Viktor Adamavič Šych, Director, and Aleksei Begun, Chief Inspector.

National Assembly of the Republic of Belarus, House of Representatives, Standing Committee for Human Rights, National Relations and Mass Media, Valery F. Lipkin, Chairman, Jurij Anatoljevich Morozov, MP, and staff.

OSCE (Organisation for Security and Cooperation in Europe), Hans-Georg Wieck, Ambassador, Head of the AMG.

Party of Communists of Belarus, Central Committee, Sergey I. Kalyakin, First Secretary, and Elena Skrigan.

Radio Free Europe/Radio Liberty, Miensk Bureau, Yuri Svirko, Correspondent.

Sexual Minorities Freedom League "Lambda", Edvard Tarletskij, Chairman, and staff.

The Sexual Minorities Freedom League "Lambda" has been in existence since 1998. It publishes a periodical, "Forum Lambda", originally founded with assistance from the Open Society Foundation, and organises festivals, exhibitions and conferences. It cooperates with similar organisations in Sweden and other countries.

"Svobodnye Novosti", Aleksandr Leonidovič Ulitenok, Editor-in-Chief.

UNHCR (United Nations High Commissioner for Refugees) Liaison Office in the Republic of Belarus, Bohdan Nahajlo, Head.

Union of Jewish Communities, Leonid Levin, Chairman.

The Union of Jewish Communities was founded in 1991 and brings together 26 Jewish communities in the country, many of which run schools and Sunday schools, publish newspapers and arrange humanitarian assistance for Jews suffering from ill health, old age or poverty.

United Civil Party, Anatol Liabedzka, Chairman.

Western embassy

15.2. Lithuania

Republic of Lithuania, Ministry of Internal Affairs, Olegas Skinderskis, Director, International Relations and European Integration Department, and staff.

Royal Danish Embassy, Detective Chief Superintendent Jørn Haugaard, Nordic Liaison Officer.

UNHCR, United Nations Development Programme in Lithuania, Lyra Vusockienė, Legal Adviser.

16. Annexes

Annex 1 Map of Belarus

Annex 2 Map of Belarus by region

Annex 3 Law on demonstrations

Annex 4 Extract from the Law on the press and other mass media

Annex 5 Law on the procedure for exit from and entry into Belarus

Annex 6 Charter 97

Annex 1. Map of Belarus - *available on request*

Annex 2. Map of Belarus by region - *available on request*

Annex 3: Law on demonstrations

ON GATHERINGS, MEETINGS, STREET PROCESSIONS, DEMONSTRATIONS AND PICKETING

Law of the Republic of Belarus

N 114-3 of December 30, 1997

The present Law determines a procedure of organising and conducting gatherings, meetings, street processions, demonstrations and picketing.

Freedom of gatherings, meetings, street processions, demonstrations and picketing organised and conducted without violation of law and order, and with respect for individual rights and freedoms, is guaranteed by the state.

The Law is directed at creating conditions for realization of rights and freedoms of citizens, safeguarding of peace and security during gatherings, meetings, street processions, demonstrations and picketing staged in the streets, squares and other public places in the

Republic of Belarus.

Chapter 1. General Provisions

Article 1. Application of the Present Law

The present Law shall apply to the citizens of the Republic of Belarus, foreign citizens and persons without citizenship within the limits of their rights and freedoms provided by the legislation of the Republic of Belarus.

The procedure of organising and conducting gatherings, meetings, street processions, demonstrations and picketing, as stipulated by the present Law, shall not apply to meetings of work collectives, political parties, social action organisations, trade unions and other organisations, staged in closed premises in compliance with the legislation and regulations and by statutes of these organisations.

Article 2. Terms and Definitions

The main terms used in the present Law have the following meaning:

- gathering is a joint presence of a group of citizens gathered together to discuss in public and express their attitude towards actions of individuals and organisations, events of social and political life, and to solve problems which damage their interests;
- meeting is a mass gathering of citizens for public discussion of, and showing their attitude to actions of individuals and organisations, events of social and political life, and settlement of problems which damage their interests;
- street procession means an organised mass marching of citizens along any sidewalk, carriageway (road), boulevard, avenue or square, in order to attract attention to any problems, or publicly express their social, political or religious attitudes and positions, or protest;
- demonstration is an organised mass movement of citizens along any sidewalk, carriageway (road), boulevard, avenue or square, in order to attract attention to any problems, or publicly express their social, political or religious attitudes and positions, or protest using posters, transparency, pictures or other means;
- picketing means a public expression by a citizen or group of citizens of their social, political, group, personal or other interests or protest (without any marching), including hunger-strike, related to any problems, using or without using posters, transparencies or any other facilities.

Article 3. Legislation on Gatherings, Meetings, Street Processions, Demonstrations and Picketing

Legislation on gatherings, meetings, street processions, demonstrations and picketing is based on Constitution of the Republic of Belarus, the present Law and other laws of the Republic of Belarus.

(Part 2 is not given due to its non-coming into force)*

* Part two of Article 3 of the Law of the Republic of Belarus "On gatherings, meetings, street processions, demonstrations and picketing" did not come into force in accordance with Part 8 of Article 100 of Constitution of the Republic of Belarus.

Chapter 2. Procedure of Organising and Staging Gatherings, Meetings, Street Processions, Demonstrations and Picketing

Article 4. Applications for Staging Gatherings, Meetings, Street Processions, Demonstrations and Picketing

Application about intention to stage a gathering, meeting, street procession, demonstration or picketing shall be submitted by the organisers to the local executive and administrative body whose territory is intended to be used for staging the above events.

If a gathering, meeting, street procession, demonstration or picketing is intended to be held in the territory of several administrative districts, or if a number of participants exceeds 5000, the application shall be put in to a higher executive and administrative body.

In Minsk, applications shall be submitted to the Minsk City Executive Committee.

Article 5. Organisers of Meetings, Gatherings, Street Processions, Demonstrations and Picketing

Any citizen of the Republic of Belarus, living permanently in its territory, who has reached the age of 18 and has the right to vote, may become the initiator and organiser of any gathering, meeting, street procession, demonstration or picketing.

Any citizen indicated in the application as organiser of a gathering, meeting, street procession, demonstration or picketing, who committed himself (herself) in writing to make the above arrangements, or any person actually performing arrangement functions, shall be deemed to be the organiser.

Political parties, social action organisations, trade unions and other organisations initiating any gathering, meeting, procession, demonstration or picketing, shall designate organisers of the given event themselves.

Article 6. Form, Content and Term of Putting in the Application

The application shall be submitted in writing at least 15 days before the date set for holding or

conducting any gathering, meeting, street procession, demonstration or picketing.

The application shall contain:

- purpose, form and place of the event;
- time (beginning/end of the event);
- route of movement;
- approximate number of participants;
- names of organisers, their address and place of work (study);
- arrangements for ensuring public order and security during the event;
- date of filing the application.

Date of filing the application shall be the date of its registration in a local executive and administrative body.

Applications for staging gatherings, meetings, street processions, demonstrations and picketing shall not be rejected, provided they are made in conformity with part 2 of the present Article and submitted in time specified by part 1 of the present Article.

Article 7. Consideration and Approval of Applications

Head or deputy head of the local executive and administrative body shall examine the application and inform the organiser in writing about the final decision not later than 5 days before the date of the event.

The decision shall indicate either permission, or prohibition to stage a gathering, meeting, street procession, demonstration or picketing, as well as motivation of the prohibition.

In examining the application, the head of the local executive and administrative body has a right to change the time and place of the event in order to secure the rights and freedoms of citizens, ensure public order, normal traffic and functioning of transport, enterprises, institutions and organisations.

Article 8. Appeal Against the Decision

Appeal against the decision of the head of the local executive and administrative body to prohibit a gathering, meeting, street procession, demonstration or picketing may be filed to the court.

Article 9. Preparation of a Gathering, Meeting, Street Procession, Demonstration and Picketing

Organisers or their authorized representatives shall make arrangement of a gathering, meeting, street procession, demonstration or picketing.

Until they obtain a permit, organisers or any other persons have no right to announce in mass media the time and place of a gathering, meeting, street procession, demonstration or picketing, prepare and distribute for this purpose leaflets, posters or any other materials.

Article 10. Place and Time for a Gathering, Meeting, Street Procession, Demonstration and Picketing

Gatherings, meetings, street processions, demonstrations and picketing may be staged at any places suitable for these purposes, excluding places prohibited by decisions of local executive and administrative organs made in accordance with the present Law.

Gatherings, meetings, street processions, demonstrations and picketing may be held at a distance not less than 200 m from the buildings of the residence of the President of the Republic of Belarus, National Assembly of the Republic of Belarus, Council of Ministers of the Republic of Belarus and TV & Radio Center, and at least 50 m from the premises of republican government bodies, local executive and administrative bodies, diplomatic representatives and consulates, courts and bodies of the Procurator's office.

Gatherings, meetings, street processions, demonstrations and picketing shall not be held at the premises of the underground, railway, water and air transport, or at a distance less than 50 m from the premises of enterprises, institutions and organisations which ensure defence, state security and life-support for the population (public transport, supply of water, power, heat and other energy carriers, hospitals, kindergartens, schools and polyclinics).

Gatherings, meetings, street processions, demonstrations and picketing may be held from 8 a.m. to 10 p.m.

Local executive and administrative bodies may designate permanent places for gatherings, meetings, street processions, demonstrations and picketing, as well as places where such events are prohibited.

Article 11. Procedure of Organising and Staging Gatherings, Meetings, Street Processions, Demonstrations and Picketing

Gatherings, meetings, street procession, demonstrations and picketing, as well as appearance in public shall be organised at a certain time and place in accordance with the purposes indicated in the application.

Gatherings, meetings, street processions, demonstrations and picketing for the purpose of forcible change of the constitutional system, as well as propaganda of war or social, national, religious and racial animosity are prohibited.

Laws and enactments of the President of the Republic of Belarus may impose other restrictions on gatherings, meetings, street processions, demonstrations and picketing and on participation in

these events.

Organisers of gatherings, meetings, street processions, demonstrations and picketing are obliged to:

- be present at all events staged;
 - ensure observance of the terms and procedure of events, keep order and provide security of citizens and safety of buildings, constructions, transportation facilities and other properties, including green zones;
 - fulfill all legal requirements of officers of bodies of internal affairs or public representatives in charge of maintaining public order, and assist them in keeping public order;
- inform all participants about the decision to stop the event;
 - wear a badge or any other symbol indicating him (her) as organiser of the event;
 - by invitation of a head (deputy head) of the local executive and administrative body, or internal affairs department, appear for a more precise definition of issues related to the event.

Local executive and administrative bodies may adopt additional regulations on the procedure of staging gatherings, meetings, street processions, demonstrations and picketing subject to local conditions and requirements of the present Law.

Article 12. Maintenance of Public Order during Gatherings, Meetings, Street Processions, Demonstrations or Picketing

During gatherings, meetings, street processions, demonstrations or picketing, the participants are obliged to keep public order and fulfill all legal requirements of organisers of the event and officers bodies of internal affairs.

During gatherings, meetings, street processions, demonstrations and picketing, the organisers and participants are not allowed to:

- block traffic or obstruct movement of vehicles and pedestrians;
- hinder the uninterrupted functioning of enterprises, institutions and organisations;
- erect tents and other temporary constructions;
- take any actions against militia officers or public representatives in charge of peace in order to prevent them from performing their duties;

- bear any cold steel, fire-arms, gas or any other weapons, explosives and ammunition, their imitations and plaster casts, as well as specially made or adapted articles which may be harmful to people or cause material damage to citizens, enterprises, institutions and organisations;

- use posters, transparency or other means containing any slogans which call to a forcible change of the constitutional system, or spread propaganda of war, social, national, religious or racial animosity, or humiliate personal honor and dignity;

- use unregistered banners, flags or pennants, as well as emblems, symbols and posters, which call to the change of constitutional system or disturb public order, rights and legal interests of citizens.

Article 13. Close of Gatherings, Meetings, Street Processions, Demonstrations and Picketing

Gatherings, meetings, street processions, demonstrations and picketing, including arrangement of these events, shall be stopped by demand of the head (deputy head) of the local executive and administrative body, by officer of body of internal affairs or by organiser of the event, if no application has been submitted, no permit has been issued, procedure of staging the event in accordance with the Article 12 of the present Law has not been followed, a danger to personal life or health, or breach of public order has taken place.

If participants of the event refuse to meet the above requirements, bodies of the Internal Affairs shall take the necessary legal measures to stop the gathering, meeting, street procession, demonstration or picketing.

Article 14. Non-interference of State or Other Bodies, as well as Citizens, in Gatherings, Meetings, Street Processions, Demonstrations and Picketing

State bodies, political parties, social action organisations, trade unions and citizens have no right to interfere or put obstacles in the way of any gatherings, meetings, street processions, demonstration or picketing held in compliance with the present Law.

Chapter 3. Responsibility for Violation of Legislation of the Republic of Belarus. Compensation for Damages

Article 15. Responsibility for Violation of Established Order of Organising and Holding Gatherings, Meetings, Street Processions, Demonstrations and Picketing

Any person, who has violated the procedure of organising and staging gatherings, meetings, street processions, demonstrations and picketing as stipulated by the present Law, shall bear responsibility in compliance with the legislation in force.

Article 16. Compensation for Material Damage

Guilty persons in compliance with the legislation shall compensate any material damage inflicted on citizens, enterprises, institutions and organisations during gatherings, meetings, street processions, demonstrations or picketing.

Chapter 4. Final Provisions

1. The present Law shall come into force as of the day of its publishing. With the present Law coming into effect, Decree of the President of the Republic of Belarus N 5 of March 5, 1997 shall be deemed invalid.

2. Council of Ministers of the Republic of Belarus shall, within 3 months:

- work out and submit to the Chamber of Representatives of the National Assembly of the Republic of Belarus proposals on bringing legislative acts of the Republic of Belarus, into line with the present Law;
- bring the decisions of the Government and other executive bodies into line with the present Law.

Annex 4: Extract from the Law on the press and other mass media

ON THE PRESS AND OTHER MASS MEDIA

Law of the Republic of Belarus

N 3515-XII of January 13, 1995

The present Law ensures realization of the constitutional right of citizens of the Republic of Belarus for freedom of speech, press and information, regulates public relations arising during establishment and operation of the press and other mass media, dissemination of their produce, as well as determines rights and liabilities of subjects of mass media.

.Article 5. Inadmissibility of Abuse of Freedom of Popular Information

It shall not be allowed to use mass media for the following purposes:

- commitment of actions punishable in the criminal form;
- disclosure of data comprising state or any other secrets specifically guarded by the law;
- appeals to seizure of power, forced change of constitutional order, breaking of the territorial integrity of the Republic;

- stirring up national, social, racial, religious enmity or discord;
- propaganda of war and aggression;
- dissemination of pornographic products;
- infringement of morality, honor and dignity of citizens;
 - dissemination of information defaming honor and dignity of the President of the Republic of Belarus, heads of state bodies whose status is established by the Constitution of the Republic of Belarus;
 - dissemination of information on behalf of political parties, trade unions or other social action organisations which failed to pass state registration (reregistration) in the established order.

Shall not be subject to publication or promulgation any unfinished materials of interrogation, preliminary investigation and court cases without a written permit of the person who is fulfilling the interrogation, of the investigator or the judge, respectively, as well as materials obtained as the result of operating and searching activities.

Article 6. Language of Mass Media

Periodic printed editions and other mass media of the Republic of Belarus shall execute their activities in the state languages, as well as in other languages in accordance with the Constitution of the Republic of Belarus and the legislation in force.

Distortion of generally accepted norms of the language used shall not be allowed.

Article 7. Legislation on the Press and Other Mass Media

The legislation on the press and other mass media comprises the Constitution of the Republic of Belarus, the present Law and other acts of legislation of the Republic of Belarus.

Chapter 2. Establishment and Organisation of Activities of Mass Media

Article 8. Right to Establish Mass Media

A founder (co-founder) of a mass medium may be a citizen, a group of citizens, a political party and any other social action organisation, enterprise, institution, organisation, governmental body.

The following shall not be a founder:

- a citizen under eighteen years of age, or who is serving a court sentence or recognized incapable by the court;
- a political party a social action organisation whose activities have been

banned by the law;

- a citizen of another country, or a person without citizenship who has no permanent residence in the Republic of Belarus;

- an individual or a legal entity who acted as a founder of a mass media earlier, and the activities thereof have been banned, - during two years after the enactment date of the court judgement on termination of the activities of that mass medium.

The co-founders are acting jointly as a founder.

Article 9. Registration of Mass Media

An editorial board of a mass medium shall start their activities after registration of the mass medium by the body of state administration determined by the Council of Ministers of the Republic of Belarus.

A decision on registration shall be taken within one month after the date of receipt of the respective application and of the necessary documents. Within the established period, the governmental body authorized to do so shall take one of the following decisions:

- 1) to provide state registration;
- 2) to refuse state registration;
- 3) to extend the consideration period of the application for registration.

Extension for one month at most of the consideration period shall be made in case a need has arisen in the registration body to request some additional information in order to make the documents submitted for registration more precise.

A mass medium shall be considered registered starting from the date of issuance of a registration certificate.

The founder shall preserve the right to start the issuance of the mass medium within one year after the date when he/she/it has received the registration certificate. In case of missing this period the registration certificate of the mass medium shall be considered invalidated.

Article 10. An Application for Registration

The following data shall be present in the application for registration of a mass medium:

- 1) founder (co-founders);
- 2) title (name) and type of the mass medium;

- 3) language;
- 4) address of the editorial board;
- 5) form of periodic dissemination;
- 6) intended territory of dissemination;
- 7) approximate topics and (or) specialization;
- 8) sources of financing;
- 9) information on whether the applicant is a founder, editor-in-chief, publisher or disseminator of any other mass media;
- 10) periodicity.

The application shall be accompanied by the statute (charter) of the editorial board, the decision on its establishment, the documents to prove payment of the registration fee, and certifying approval of location of the mass medium by the respective local executive and administrative bodies.

It is forbidden to present any other requirements when registering a mass medium.

Article 11. Reregistration of Mass Media

A mass media shall be subject to reregistration if it has not been published for more than one year, as well as in case of liquidation or reorganisation of the founder - a legal entity, change of the founder (attachment of new founders), of the title and type of the periodic edition.

Reregistration of a mass media shall be obligatory in case a decision was taken to suspend its activities twice during one year.

Reregistration of a mass media is made in the same order as registration.

In case any changes are made in the staff of co-founders, except the cases envisaged by part one of the present Article, or in the location of the editorial board, or in the language, periodicity, territory of dissemination, or in the topics of the periodic edition, the founder shall inform about the fact in writing within one month the governmental body that has registered this mass medium for the latter to enter alterations into the registration certificate.

Article 12. Cases of Liberation from Registration

No registration is required:

- of mass media specifically established by the bodies of legislative

executive and judicial authorities for the purpose of publication of their official materials, normative and other acts;

- of radio and TV programs disseminated through cable networks limited by the rooms and territory of one institution, enterprise or organisation, or of those which have at most ten subscribers;

- of audio and video programs disseminated as recordings in the number of at most ten copies.

Article 13. Refusal to Register

Refusal to register a mass medium shall be possible only for the following reasons:

- 1) an application has been submitted on behalf of a citizen, a group of citizens, a political party or any other social action organisation who has no right to establish a mass media in accordance with part two of the Article 8 of the present Law;
- 2) the data presented in the application do not correspond to reality;
- 3) the title, the approximate topics or specialization of the mass media are in contradiction with requirements of the Article 5 of the present Law;
- 4) the state body has earlier registered the mass medium under the same title;
- 5) the application has been submitted prior to expire of two years after the date of enactment of the judgement terminating the activities of the mass medium;
- 6) the application has been submitted while breaching parts one and two of the Article 10 of the present Law.

A notice about refusal to register a mass medium shall be directed to the applicant in writing within ten days after the date of taking the decision with indication of the grounds for the refusal envisaged by the present Law.

Article 14. Registration Fee

The registration fee, in the order and in the sum determined by the Council of Ministers of the Republic of Belarus, shall be charged for issuance of the registration certificate of a mass medium.

For the mass media specializing in reports and information of advertising or erotic character the increased registration fee, and for those specializing in reports and materials for children and adults, for invalids, as well as for those specializing in education, culture and enlightening, - the reduced registration fee shall be established.

Article 15. Recognition of a Registration Certificate Invalid

A registration certificate of a mass medium may be announced invalid by the court or by the body of state administration in cases if:

- the registration certificate has been received through breaching of the legislation;
- a repeated registration of the same mass medium took place.

The decision to recognize a registration certificate invalid taken by the registration body may be appealed against at the court within a month after it has been taken.

Article 16. Suspension and Termination of Activities

In case a mass medium breaches the legislation, the founder, the registration body or the prosecutor may make a respective written warning.

The activities of a mass medium may be suspended by a decision of the founder, of the registration body or of the court for the period of up to three months in case the editorial board of the mass medium has violated the requirements of the present Law.

The activities of a mass medium may be terminated only by decision of the founder or of the court in the order of civil proceedings upon a suit of the registration body or of the prosecutor.

The founder shall have the right to suspend or terminate the activities of the mass medium exclusively in cases envisaged by the statute of the editorial board or by the contract between the founder and the editorial board (editor-in-chief).

A basis to terminate by the court the activities of a mass medium shall be multiple during one year violations by the editorial board of requirements of the Article 5 of the present Law, on which occasion written warnings have been made, as well as non-fulfilment of a court judgement about suspension of activities of the mass medium.

A decision to suspend or terminate the activities of a mass medium may be taken not later than three months after the date the grounds for that arose as envisaged by the present Article.

The termination of the activities of a mass medium invalidates its registration certificate and the statute of the editorial board.

Article 17. Procedure of Appealing against Refusal to Register a Mass Medium, as well as Against Decision to Suspend its Activities

Refusal to register a mass medium, violation by the registration body of the period established for registration, as well as decision to apply the measures envisaged by the Article 16 of the present Law to the editorial board may be appealed against at the court within one month by the

founder or by the editorial board of the mass medium.

Annex 5. Law on the procedure for exit from and entry into Belarus - *available on request*

Annex 6: Charter 97

We, the citizens of the Republic of Belarus declare that the actions of today's authorities are aimed at elimination of inalienable human rights and freedoms. The Constitution -the basic law of the country - has been violated. The Belarusian people is denied the right to elect its representatives to offices. There are systematic attacks against freedom of speech, against the right of citizens to know the real state of affairs in the country. National culture and school are being destroyed, the Belarusian language is being ousted. Hundreds of thousands of families are on the brink of survival due to the daily rise in prices and miserable salaries. On the eve of the 21st century a dictatorship has been established in the centre of Europe. 10 million people have found themselves in the grip of despotism.

We believe that our homeland is worthy of freedom and prosperity. We are convinced that these goals can be achieved through our joint efforts. We are inspired by the example of free peoples that have chosen this way before us. We remember the group of courageous Czech and Slovak human rights activists that signed "Charter 77" declaring the struggle against totalitarianism in their country. Several years later Eastern Europe got rid of the red dictatorship. The peoples of these countries gained the possibility to develop freely and to work for their well-being.

We cannot reconcile ourselves to despotism, violation of laws, crimes against the people and individuals. We will be in solidarity with everyone who fights for one's rights, seeks freedom and well-being for oneself and one's family.

We are of different political views and faiths but we are united by the love of freedom and our homeland. The basis of our readiness for joint actions to liberate the Belarusian people will be respect to the views and faiths of each other. Our solidarity will overcome violence and shameless lies. All who have chosen to fight for human dignity and rights shall be confident in common support.

We count on the understanding of the international community and the solidarity of all forces that are aware of the danger of the emergence of a new brown empire in the post-Soviet space. The thorn of totalitarianism must be removed from the body of Europe.

We, the citizens of Belarus, declare today our responsibility for the destiny of the country, for the future of our children. We will make Belarus a free, sovereign and prosperous European country, where human rights are protected, where there are no political prisoners and everyone can live in dignity.

We call upon all citizens of Belarus to join our Charter in order to fight together for our rights and freedoms, to restore democracy and rule of law in our country.

LONG LIVE FREE BELARUS!

Adamovich Slavomir	Grushevoy Guennady	Korotkevich Olga
Andreev Victor	Gryaznova Ludmila	Kostka Valery
Belyatsky Ales	Gusak Stanislav	Lavrovskaya Irina
Bobkov Igor	Daneiko Pavel	Lebedko Anatoly
Bogdankevich Stanislav	Dashuk Victor	Litvina Zhanna
Bondarenko Dmitry	Dobrovolsky Alexander	Marinich Mikhail
Borodach Vladimir	Domash Semyon	Markevich Nikolai
Borodulin Rygor	Drebezova Galina	Marochkin Ales
Borshchevsky Lyavon	Dudareva Nadezhda	Martselev Serguei
Bukchin Semyon	Yelfimov Victor	Matskevich Vladimir
Buravkin Guennady	Zhelyapov Christofor	Milinkevich Alexander
Bukhvostov Alexander	Zhuk Pavel	Mindlin Leonid
Bykov Vasil	Zhurakovsky Valery	Mitskevich Maria
Bykov Guennady	Zakharenko Yuri	Nistyuk Vladimir
Vasilkov Vitaly	Znavets Pavel	Ogurtsov Yevgueny
Vashkevich Alexander	Ivashkevich Victor	Ostrovsky Ales
Vilman Victor	Ipatova Olga	Pastukhov Mikhail
Volkov Vladimir	Kamotskaya Kasya	Pogonyailo Garry
Volsky Lyavon	Karavaichik Ivan	Potupa Alexander
Vyachorka Vintsuk	Karnazytsky Pavel	Protko Tatyana
Gavin Tadeush	Karpenko Guennady	Rovdo Vladimir
Guilevich Nil	Katsora Vladimir	Saverchenko Ivan
Golubev Valentin	Kobasa Miroslav	Sannikov Andrei
Gonchar Victor	Kozlovsky Pavel	Severinets Pavel
Grib Mechislav	Korneenko Victor	Sivukha Valery
Gritskevich Anatoly	Korol Alexei	Sivchik Vyacheslav
Skochko Yevgueny	Fridland Mikhail	Shaternik Alexander
Sosnov Alexander	Khalezin Nikolai	Sheremet Pavel
Statkevich Nikolai	Khalip Vladimir	Sherman Carlos
Taras Valentin	Khashchevatsky Yuri	Shlyndikov Vassily
Tikhinya Valery	Khodyko Yuri	Shushkevich Stanislav
Tregubovich Valentina	Chernov Victor	Shchukin Valery
Trusov Oleg	Chigir Mikhail	Yurina Galina
Tychina Mikhas	Shalkevich Victor	Yakovlevsky Roman
Fadeev Valery	Sharetsky Semyon	