



## U.S. DEPARTMENT of STATE

### Belarus

#### Country Reports on Human Rights Practices - [2006](#)

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Under its constitution, the Republic of Belarus, with a population of 9,724,000, has a directly elected president and a bicameral National Assembly. Since his election in 1994 as president, Alexander Lukashenko has systematically undermined the country's democratic institutions and concentrated power in the executive branch through authoritarian means, flawed referenda, manipulated elections, and arbitrary decrees that undermine the rule of law. Presidential elections on March 19 that declared Lukashenko president for a consecutive third term failed to meet international standards for democratic elections. The government continued to ignore recommendations by major international organizations to improve election processes and human rights. Civilian authorities generally maintained effective control of the security forces; however, members of the security forces committed numerous human rights abuses.

The government's human rights record remained very poor and worsened in some areas as the government continued to commit frequent serious abuses. In March the government denied citizens the right to democratically change their government by holding a fraudulent presidential election. Throughout the election campaign and in the months afterward, opposition and civil society activists, including four domestic election observers and a former presidential candidate, were beaten, harassed, fined or imprisoned. The government failed to account for past disappearances of opposition political figures and journalists. Prison conditions were extremely poor, and there were numerous reports of abuse of prisoners and detainees. Arbitrary arrests, detentions, and imprisonment of citizens for political reasons, criticizing officials, or participating in demonstrations were common. Court trials, whose outcomes usually were predetermined, frequently were conducted behind closed doors without the benefit of an independent judiciary or independent observers.

The government further restricted civil liberties, including freedoms of press, speech, assembly, association, and religion. The government seized at will published materials from civil society activists and closed or limited the distribution of several independent newspapers. The few remaining independent publications often were fined, usually for alleged slander or not following restrictive registration procedures. State security services used unreasonable and often brutal force to disperse peaceful protesters. Nongovernmental organizations (NGOs) and political parties were subjected to harassment, fines, prosecution, and closure. Religious leaders were fined or imprisoned for performing services and ceremonies, and churches were either closed, deregistered, or had their congregations evicted. Trafficking in persons remained a significant problem, although some progress was made to combat it. There was official discrimination against Roma, ethnic and sexual minorities, and the Belarusian language. Authorities harassed independent unions and their members, severely limiting the ability of the workers to form and join independent trade unions and to organize and bargain collectively.

#### RESPECT FOR HUMAN RIGHTS

##### Section 1 Respect for the Integrity of the Person, Including Freedom From:

###### a. Arbitrary or Unlawful Deprivation of Life

There were no confirmed reports that the government or its agents committed any politically motivated killings; however, one foreign diplomat died under unexplained circumstances. On March 22, Ryszard Badon-Lehr, a Polish diplomat assigned to Grodno, was found unconscious in his residence and appeared to have suffered a beating. He was transferred to a hospital in Poland, where he died on April 6. Authorities denied Badon-Lehr was beaten. They claimed he suffered a stroke and did not open an investigation into the case.

On March 14, authorities suspended their investigation of the 2004 killing of journalist Veronika Cherkasova, who was found dead in her Minsk apartment with multiple stab wounds. Her colleagues linked her death to her research into the government's alleged arms sales to Iraq. The government initially accused her teenage son of the death and detained him in late 2005 for three months on other charges. On October 17, the Minsk Prosecutor's office stated that Cherkasova was murdered, but had no suspects in the case (see section 1.d.).

In October 2005 independent journalist Vasiliy Grodnikov was found dead inside his locked apartment. Grodnikov's brother, who found the body, reported signs of a struggle and claimed that Grodnikov was killed by a blow to the head with a blunt object. In November 2005 police concluded that Grodnikov fell while intoxicated and closed the case. The prosecutor general's office reopened the case but in December 2005 announced no crime had been committed and that Grodnikov died as a result of "his careless actions" (see section 2.a.).

In late 2005 militia officer S. Magonov was found guilty of murder in the August 2005 beating death of Vasiliy Shevelenko and sentenced to eight years in prison following a criminal investigation by authorities. Shevelenko had been detained in August 2005 in a government drug and alcohol detoxification facility in Svetlogorsk, where he was severely beaten on the face, head, and neck.

###### b. Disappearance

There were no confirmed reports of politically motivated disappearances during the year, and there were no developments in the investigations of the 1999 and 2000 disappearances of opposition activists, a businessman, and a journalist. The government continued to deny any official involvement in the disappearances.

On March 31, the authorities suspended the investigation into the disappearance and presumed killing in 2000 of television journalist Dmitriy Zavadskiy one year after reopening the case. Credible evidence indicated that government agents killed Zavadskiy for his reporting that government officials may have aided Chechen separatists in Russia.

Investigations into the 1999 disappearances and presumed murders of opposition figures Yuriy Zakharenko and Viktor Gonchar and businessman Anatoliy Krasovskiy remained open, but no developments were reported. In August 2005 President Lukashenko granted the order "For Service to the Motherland" to Ministry of Interior special forces Colonel Dmitriy Pavlichenko, who was named in a Parliamentary Assembly of the Council of Europe (PACE) report as having played a key role in the disappearances.

On December 20, the UN General Assembly adopted a resolution that expressed deep concern over the human rights situation in the country and urged the government to hold free and fair elections and to cease politically motivated prosecution and harassment of political opponents. In April 2005 the UN Commission for Human Rights (UNCHR) approved a third resolution on the poor human rights situation in the country, urging the government to conduct an impartial investigation into the disappearances of Zavadskiy, Zakharenko, Gonchar, and Krasovskiy. The UNCHR passed similar resolutions in 2003 and 2004. The PACE report recommended suspending senior officials suspected of involvement in the disappearances. The UNCHR also extended the mandate of its special rapporteur to continue examining the country's human rights performance (see section 4).

### c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

The law prohibits such practices; however, Special Purpose Detachment (OMON) riot police and other special forces on occasion beat detainees and demonstrators.

The OMON also occasionally beat individuals during arrests and in detention for organizing or participating in demonstrations (see sections 1.d. and 2.b.). Credible sources reported that during demonstrations following the March 19 presidential elections, OMON riot police and other special forces, such as the antiterrorist unit ALMAZ, beat demonstrators in custody and threatened others with death or rape (see sections 1.d. and 3). According to one such report, teenage demonstrator Andrey Kuzmienkov was detained on March 25 and beaten, suffering a ruptured kidney.

Eyewitnesses reported that security services brutally kicked and clubbed demonstrators and organizers, including young women. On March 23, Viktor Korniyenko, the deputy chief of presidential candidate Aleksandr Milinkevich's campaign team, was beaten unconscious by two unidentified men in an attack linked to his political activities. On March 24, special forces forcefully removed hundreds of demonstrators from October Square (see sections 2.b. and 3). One of the demonstrators, Yuriy Chavusav, reported that he was repeatedly beaten and choked with his own scarf on a police detention bus.

On March 25, special forces and OMON riot police used truncheons and tear gas to break up a peaceful march to Okrestina prison to protest the detention of 250 demonstrators (see section 2.b.). Television footage showed two severely beaten protesters lying on the ground and dozens more covered in blood. According to eyewitness reports, security services searched for and beat demonstrators hiding in stores or backyards. Ministry of Interior Colonel Dmitriy Pavlichenko, who has been implicated in the disappearances and presumed deaths of opposition activists, personally beat presidential candidate Aleksandr Kozulin before the latter was tied up and transported by ALMAZ forces to a pretrial detention center (see sections 1.e., 2.b., and 3). Kozulin's beating by Pavlichenko and ALMAZ officers resulted in head and spine injuries. Neither Pavlichenko, ALMAZ officers, nor other special forces personally were punished for their actions. Kozulin was sentenced July 13 to five and one half years in prison for alleged hooliganism and organizing persons to disturb the public peace (see section 1.e.)

On March 14, a Grodno police lieutenant severely beat Nikolay Voron, a Kozulin activist, in a factory dormitory as he was passing out campaign flyers. According to a Kozulin spokesperson, the police officer repeatedly slammed Voron's head against a wall. He was rushed by ambulance to a hospital with serious head injuries.

Hazing of new army recruits by beatings and other forms of physical and psychological abuse continued, according to official sources; however, the number of reported cases declined.

### Prison and Detention Center Conditions

Prison conditions remained austere and were marked by occasional shortages of food and medicine and the spread of diseases such as tuberculosis and HIV/AIDS. Leila Zerrougui, chairperson of a UN working group on arbitrary detention who visited the country in 2004, reported that conditions in detention centers were worse than those in prisons because of poor sanitary and living conditions and restrictions on visitation, phone, and mail privileges. According to human rights monitors, conditions in prison hospitals also were poor.

Overcrowding in prisons, detention centers, and in work release prisons--*khimya*--was a serious problem. Persons sentenced to *khimya* live in prison barracks and are forced to work under conditions set by the government. According to a government estimate, the total number of confined persons in the country was approximately 35,000. Former political prisoners reported that they were treated worse than murderers and other criminals and often had to share a cell with such individuals. They also reported that their legal rights were neither explained nor protected. Prisoners who complained about abuse of their rights often were threatened with death, humiliation, or other forms of punishment.

Credible reports indicated that police and prison officials continued to mistreat and torture prisoners. Human rights groups reported that prisoners did not receive adequate food, medical attention, or warm clothing, and were often denied a bed, sheets, change of clothes, and restroom privileges. As a result, tuberculosis, pneumonia and other diseases were widespread.

Following mass arrests on March 24 after a special forces raid on a tent city erected by protestors and a March 25 march to the Okrestina jail, credible sources reported that many detainees were not fed during the first 24 hours of detainment (see sections 1.d., 2.b., and 3). The law permits family and friends to bring detainees food and hygiene products, but in many cases authorities did not respect this right.

Authorities frequently kept those arrested for political activities in the Okrestina jail or the Volodarskogo detention center in Minsk. Following the mass arrests after the March 24 and 25 demonstrations, cell occupancy doubled, forcing detainees to take turns sleeping because there was insufficient space and beds.

Besides overcrowding, cells were damp, cold, and poorly ventilated. Former detainees reported that they were denied blankets or pillows and given little medical assistance. On March 26, jailed demonstrator Dmitriy Shimanskiy was transferred to a hospital after being diagnosed with the flu. He attributed his illness to the poor conditions of his cell. Kozulin and NGO Partnership activist Timofey Dranchuk reportedly suffered vision loss due to poor detention center conditions.

Credible sources reported that Kozulin's health seriously deteriorated in prison (see sections 1.c., 1.e., 2.b., and 3). Although his living conditions were said to be decent, associates claimed that he did not receive adequate medical attention after he was severely beaten by police and still complained about residual pain. On October 20, Kozulin began a 53-day hunger strike in protest of his incarceration and the fraudulent March 19 election. In response, prison authorities denied Kozulin's wife and lawyer visitation rights. On December 5, authorities allowed Kozulin a 30-minute meeting with his wife, who reported that her husband had lost 88 pounds and suffered from very low blood pressure. He was on 24-hour surveillance by prison hospital staff. Kozulin ended his hunger strike on December 12.

On April 14, authorities released opposition activist Mikhail Marinich after he served 18 months in a maximum security prison. Upon release Marinich sought treatment abroad for poor health, which he attributed to prison conditions. Credible reports indicated that prison authorities in March 2005 prevented Marinich from receiving medical treatment for three days after he suffered a stroke.

On May 15, authorities released entrepreneurial union leader Valeriy Levonevskiy, who served two and one-half years in a maximum security prison for slandering the president. According to Levonevskiy most cells he saw were poorly ventilated and damp, contributing to the spread of diseases such as tuberculosis. Medical check-ups were infrequent, and doctors repeatedly fabricated examination dates and results to fulfill paperwork requirements. Levonevskiy also asserted that prison food contained insufficient nutrients and vitamins and was often prepared by prisoners in unsanitary conditions.

Authorities sometimes granted human rights observers access to prisons and political prisoners in the presence of officials; however, most requests to visit political prisoners were denied. In 2004 authorities allowed a delegation from the UN Working Group on Arbitrary Detention to visit prisons and detention centers, but denied the group access to a Committee for State Security (BKGB) detention center on the grounds it had not requested the visit in advance.

#### d. Arbitrary Arrest or Detention

The law limits arbitrary detention; however, the government did not abide by these limits. Authorities continued to arrest individuals for political reasons and use administrative measures to detain political activists before, during, and after protests (see sections 2.b. and 3).

#### Role of the Police and Security Apparatus

The Ministry of Interior has authority over the police, but the BKGB and presidential security forces also exercised police functions. The president has the right to subordinate all security bodies to his personal command. Petty corruption among police was widespread, although the government made attempts to limit official corruption (see section 3). Impunity remained a serious problem. While the law gives individuals the right to report police abuse to the prosecutor, the government often did not investigate abuses by the security forces or hold perpetrators accountable.

#### Arrest and Detention

Police frequently arrested and detained individuals without a warrant. However, police must obtain permission to detain persons for longer than three hours. Detained persons suspected of a crime may be held for up to 10 days without formal charge, and for up to 18 months after charges are filed. Under the law, prosecutors and investigators have the authority to extend detention periods without consulting a judge. Detainees have the right to petition the legality of their detention; however, in practice, appeals by suspects seeking court review of their detentions were frequently suppressed or ignored. The law provides for bail, but in practice bail was not granted.

Police often detained individuals for several hours ostensibly to confirm their identity. This tactic was frequently used to detain opposition members and demonstrators, to prevent the distribution of leaflets and newspapers or as a pretext to break up civil society meetings (see sections 2.a., 2.b., and 3).

For example, on February 17, police stopped and detained for three hours a vehicle carrying eight opposition candidate supporters on their way to Minsk for a candidate registration ceremony. On March 24, authorities detained three Polish citizens, including a former Polish ambassador to Belarus, who reported to the Polish Embassy that he was beaten by police.

On April 26, police arrested opposition Belarusian Party of Communists Chairman Sergey Kalyakin and Belarusian Popular Front Chairman Vintsuk Vyachorka for participating in an unauthorized demonstration. Kalyakin and Vyachorka served 14 and 15 days in jail, respectively. On April 28, police detained eight "flash-mob" activists demonstrating support for the independent Union of Belarusian Writers and released them after copying their identity information (see section 2.b.). On May 12, police detained, fingerprinted, and photographed ten opposition activists gathered near a local Interior Ministry building to express solidarity with jailed activists (see section 2.b.). Authorities released them without charge hours later after confiscating prodemocracy signs and national flags.

On July 26, authorities in Polotsk detained for one hour former opposition presidential candidate Aleksandr Milinkevich, his wife, press secretary, and an opposition party deputy head after discovering old campaign leaflets in their vehicle. They were on the way to visit a prominent political prisoner.

On September 2, border guards detained and questioned human rights attorney Oleg Volchek for over three hours. He was released without charge, but authorities confiscated reports in his possession that criticized the country's March 19 presidential elections. Authorities later accused Volchek of transporting illegal economic policy materials; however, the charge was dropped on December 7 for lack of evidence.

On October 16, authorities in Minsk detained 15 demonstrators who were holding images of Belarusian political prisoners and candles in memoriam of 54 people who died in a stampede at subway station in 1999. On that same day, police in Brest detained 14 activists who formed a line on a bridge so that letters on their chests would read "Freedom to Political Prisoners!" Authorities released all 29 demonstrators from local police stations without charge after recording identities.

On October 27, a Minsk court sentenced opposition activists and independent journalist Aleksandr Abramovich to 15 days in jail for attempting to demonstrate near a government building.

On October 30, a court in Grodno sentenced Milinkevich aide Andrey Kuselchuk to three days in jail for allegedly speaking obscenities in public. Police had originally arrested him on October 29 after finding opposition newsletters in his car.

On November 23, police in Vitebsk stopped a vehicle transporting presidential candidate Aleksandr Milinkevich and a local opposition leader three times while they were collecting signatures for local election campaigns. During one of the stops, police brought Milinkevich and the vehicle to a local police station for questioning about possible involvement in a fatal car accident. He was held for two hours and released.

During the year a number of other individuals also were detained or arrested for political reasons. On October 5, authorities detained opposition youth activist Pavel Krasovskiy for 10 days on suspicion of involvement in the September 2005 bombings that injured more than 50 people in the northern city of Vitebsk. Authorities accused Krasovskiy of attempted murder and seized computer equipment and printed material from his residence. They also charged him with killing and raping two women in 1999. In October 2005 President Lukashenko announced that two brothers, identified as Vitaliy and Yuriy Murashko, had admitted to the bombing. However, in April they were freed on their own recognizance; there were no further reports regarding the charges against them by year's end. On November 15, authorities dropped the 1999 murder-rape charges against Krasovskiy but said he remained a suspect in the 2005 bombing, despite clear evidence that he was out of the country at the time.

According to the authoritative local human rights NGO Vyasna, authorities detained or arrested approximately 1,000 persons throughout the country for political reasons leading up to and following the presidential election; 685 of the arrests occurred between March 19 and March 25. Many of those detained or arrested, including Milinkevich's two sons, were bringing food and warm clothing to prodemocracy demonstrators camping in Minsk's October Square to protest the fraudulent presidential election. Detainees also included opposition United Civic Party leader Anatoliy Lebedko and his deputy Aleksandr Dobrovolskiy. On March 24, authorities raided the "tent city" and arrested as many as 250 people. Most of the detainees were sentenced to 10-15 days detention in trials that lasted no longer than 10 minutes. There were no reports of acquittals (see sections 2.b. and 3).

The government arbitrarily detained representatives of the independent media (see section 2.a.).

On March 13, authorities released Anton Filimonov, the son of murdered journalist Veronika Cherkasova, after three months in detention (see section 1.a.) He was detained in December 2005 with four other persons for counterfeiting and on suspicion of murdering his mother. He was subjected to intense interrogation and authorities had attempted to confine him to a psychiatric ward. While in detention Filimonov reported that unidentified men had tried to persuade him to sign a confession to killing his mother. He was released for lack of evidence.

## Amnesty

Unlike in previous years, authorities did not grant general amnesty during the year.

### e. Denial of Fair Public Trial

The constitution provides for an independent judiciary; however the government did not respect judicial independence in practice. There was credible evidence that prosecutors and courts convicted individuals on false charges.

The president appoints six of the 12 members of the Constitutional Court, including the chairman, and the chairmen of the Supreme Court and the Supreme Economic Court. He also has authority to appoint and dismiss all district and military judges. Corruption and inefficiency in the judiciary were generally the result of political interference in the work of the court system (see section 3). In 2005 one judge was tried and convicted of corruption.

The criminal justice system has three tiers: district courts, regional courts, and the Supreme Court. The Constitutional Court is empowered to adjudicate constitutional issues and to examine the legality of laws; however, in practice it was wholly dependent on the executive branch, had no means of enforcing its decisions, and did not challenge presidential initiatives.

Prosecutors are organized into offices at the district, regional, and national levels. They answer to and serve at the pleasure of the prosecutor general, who is appointed by the president. Prosecutors are not independent and do not have authority to bring charges against the president or members of his executive staff.

On January 16, the UNCHR special rapporteur on Belarus released a report that confirmed the findings of an April 2005 report by the Office of the UN High Commissioner for Refugees on arbitrary detention (see section 2.d.). The report described the authority of prosecutors as "excessive and imbalanced" because prosecutors could extend periods of detention without the permission of judges. In addition, investigations are conducted by investigators and prosecutors without effective judicial oversight. The report stated there also was an imbalance of power between the prosecution and the defense. Defense lawyers did not have the benefit of examining investigation files, to be present during gathering of evidence, or to examine evidence against defendants until a prosecutor formally brought the case to the court. Lawyers found it difficult to call some evidence into question because technical expertise was under the control of the prosecutor's office. According to the special rapporteur's report, these imbalances of power had intensified at the beginning of the year. As a result, there were very few cases in which criminal defendants were found innocent. By presidential decree all lawyers are subordinate to the Ministry of Justice, which compromised their independence. Lawyers must be licensed by the ministry and are required to work for the state in regional collegiums. The law prohibits private attorneys from practicing, and lawyers must renew their licenses every five years. Unlike in previous years, there were no credible reports during the year of lawyers losing their licenses for defending NGOs or opposition political parties.

#### Trial Procedures

The law provides for public trials; however, the courts frequently held trials in judges' offices, which often prevented interested observers from attending. Several trials, particularly of political figures, were closed to the public. Judges adjudicate all trials; there is no system of trial by jury. However, in the case of grave crimes, judges adjudicate the trial with assistance of two civilian advisors. Judges depended on the Ministry of Justice for funding court infrastructure and on executive branch officials for personal housing. There were widespread and credible reports that executive and local authorities dictated the outcome of trials.

On February 21, authorities arrested four leaders of the independent election-monitoring NGO Partnership--Nikolay Astreyko, Timofey Dranchuk, Aleksandr Shalayko, and Enira Bronitskaya--on suspicion of plotting a terrorist coup. They were held in pretrial detention without visits by family members until their July 28 trial. Judge Leonid Yasinovich conducted the trial behind closed doors. Following closing arguments, Yasinovich altered the charges to fit the prosecution's case and sentenced Astreyko and Dranchuk to two years and one year imprisonment respectively, for operating an unregistered NGO. Shalayko and Bronitskaya were sentenced to six months in prison on the same charge. Authorities subsequently adjusted their sentences for time served in pretrial detention; Shalayko and Bronitskaya were released on August 21; Dranchuk on December 26. On November 17, a Minsk court resentenced Astreyko to corrective labor and house arrest (see sections 2.b., 2.d., 3, and 4).

On September 15, authorities arrested youth opposition leader Dmitry Dashkevich for operating an unregistered NGO and denied him family contact until November 1 when he was sentenced to 18 months in prison.

Defendants have the right to attend proceedings, confront witnesses, and present evidence on their own behalf; however, in practice these rights were not always respected.

The law provides for access to legal counsel for detainees and requires that courts appoint lawyers for those who cannot afford one; however, at times these rights were not respected, and some detainees were denied access to a lawyer. The law provides for the right to choose legal representation freely; however, a presidential decree prohibits members of NGOs from representing individuals other than members of their organizations in court (see section 4). In contrast with the previous year, there were no reports of the government using the decree as a pretext for closing NGOs.

The laws provide for the presumption of innocence; however, in practice defendants frequently had the burden of proving their innocence. Information obtained from interrogations was often used against defendants in court. Authorities seemed unwilling to challenge the veracity of prosecution witnesses. For example, in May a Gomel prosecutor refused to prosecute the deputy head of the local police department, whom opposition activists accused of perjury, on the grounds that in administrative cases the law "does not envisage warning citizens about accountability for false testimony."

Defendants have the right to appeal court decisions, and most criminal cases were appealed; however, in the vast majority of those cases lower court verdicts were upheld. In an appeal, neither defendants nor witnesses appear before the court; the court only reviews the protocol and other documents from a lower court trial. In 2004 the chairman of the Supreme Court stated that only 1.5 percent of court decisions were overturned on appeal.

#### Political Prisoners and Detainees

Despite some releases, the number of reported political prisoners increased during the year as authorities sentenced opposition leaders and activists to short- and long-term jail detention on the basis of highly questionable evidence.

On March 14, authorities arrested and sentenced opposition youth leader Nikita Sasim to three months in jail for participating in an unsanctioned demonstration. Three months later, a Baranovichi court sentenced Sasim to three additional months in jail for alleged draft

evasion. Sasim had a waiver from military service on account of head injuries caused by police during a peaceful protest in September 2005. Amnesty International (AI) declared Sasim a prisoner of conscience while he was in jail.

On May 4, opposition youth activists Andrey Ignatchik and Aleksey Kozulin, the nephew of an imprisoned former opposition presidential candidate, were sentenced to five days in jail for participating in an unsanctioned protest. On May 10, a Minsk court sentenced opposition youth activist Artur Finkevich to two years of khimya for allegedly painting antigovernment graffiti. The judge suspended the trial for a week because the prosecution could not document the \$16,000 (34,240,000 rubles) damage Finkevich allegedly caused.

On May 15, a Lida district judge sentenced opposition party leader Ivan Kruk to six months in jail on the basis of police testimony that he resisted arrest. On May 29, Sergey Lyashkevich, an opposition campaign coordinator, was sentenced to five months in jail for inciting mass disorder. During Lyashkevich's hearing, prosecution witnesses could not recall pertinent information and contradicted each other's testimonies.

On July 13, a Minsk court sentenced opposition presidential candidate Aleksandr Kozulin to 5 1/2 years in prison for alleged hooliganism and organizing persons to disturb public peace during and immediately after the March 19 elections (see sections 1.c., 1.e., 2.b., and 3). Other protest events related to the presidential election were also part of the criminal case against Kozulin. Authorities denied the Kozulin family visits from October 20, the day he began a 53-day hunger strike, until November 25. Prison authorities also refused Kozulin legal counsel in an apparent effort to coerce him to end his fast.

On July 17, a Minsk court sentenced Anatoliy Lebedko, an opposition party leader, and Anatoliy Askerko to 10 days in jail for allegedly using obscenities when they tried to participate in a demonstration to express solidarity with prodemocracy activists who disappeared under mysterious circumstances.

On August 4, a Minsk judge sentenced independent election monitors Nikolay Astreyko and Timofey Dranchuk to two years and one year in prison, respectively, for running an unregistered organization. In late November, authorities permitted Astreyko to serve the remainder of his sentence in corrective labor and house arrest. The judge also sentenced their colleagues Aleksandr Shalayko and Enira Bronitskaya to six months in prison, but counted time served and ordered their release on August 21.

Also in August authorities refused to approve the early release of opposition party leader Nikolay Statkevich and youth activist Pavel Severinets from khimya. They were sentenced in 2005 to three years of work release following a politically motivated trial for organizing unsanctioned protests after the fraudulent 2004 constitutional referendum to abolish term limits. Their sentences were reduced to two years as part of a general amnesty; at year's end they remained in khimya.

On September 18, a Minsk judge sentenced opposition politician Vyacheslav Sivchik to 10 days in jail for organizing an unsanctioned three-day demonstration in October Square to protest the fraudulent March 19 presidential election (see section 2.b.). Sivchik was severely beaten by armed individuals who lured him into a car disguised as a diplomatic vehicle. At year's end there were no developments into a government investigation on how the assailants acquired diplomatic vehicle number plates.

On October 23, a Minsk court sentenced 60-year-old human rights activist Yekaterina Sadovskaya to two years in prison for allegedly insulting President Lukashenko and levied a fine of \$1,860 (four million rubles) for allegedly insulting and threatening a judge. She was arrested in July, sent to a mental hospital for a psychiatric examination, and then transferred to a pretrial detention center until her trial. According to the human rights NGO Charter 97, Sadovskaya admitted to writing a letter recommending that Lukashenko undergo a mental examination; however, the letter was never distributed. Authorities found the letter during a search of her home.

On November 1, a Minsk judge sentenced youth opposition leader Dmitriy Dashkevich to 18 months in prison for operating an unregistered organization. AI subsequently declared Dashkevich a prisoner of conscience (see section 4). On December 22, authorities released Andrey Klimov, whom a Minsk court sentenced in June 2005 to 18 months of khimya in a politically motivated trial for organizing an unsanctioned protest in March 2005. He had previously spent four years in prison for alleged embezzlement.

In April authorities released former NGO leader and opposition activist Mikhail Marinich following the March 19 presidential election and an amnesty that reduced his prison sentence to two-and-one-half years. He was sentenced in 2004 for allegedly stealing property from his NGO. While in jail, AI declared Marinich a prisoner of conscience. Marinich, a former government minister and presidential candidate, was widely regarded as a leading political opponent of President Lukashenko (see section 1.c.).

In May authorities released opposition activist Valeriy Levonevskiy, who was sentenced in 2004 to two years in prison for writing a poem insulting President Lukashenko. While in prison, authorities prohibited Levonevskiy from corresponding with foreign embassies and denied him permission to attend his father's funeral (see section 1.c.).

In November authorities released former opposition Member of Parliament and outspoken critic of the government Sergey Skrebets, who was sentenced on February 14 to two years in prison for allegedly securing an illegal bank loan in 2001.

Unlike in 2005, there were no credible reports that authorities orchestrated alleged fights with cellmates as a pretext to prolong short-term imprisonments. In August 2005 a court sentenced Tadeusz Gavin to 15 days in prison for participating in an unsanctioned protest. In mid-August of the same year, the court added 15 days to his sentence for allegedly attacking a cellmate. In November 2005 the Supreme Court annulled the second sentence for lack of evidence of a crime, after Gavin had served the sentence.

Although individuals could file lawsuits seeking damages for, or cessation of, a human rights violation, the civil judiciary is not independent and rarely impartial in such matters.

In February, opposition political party leader Anatoliy Lebedko filed a \$467,000 (one billion rubles) libel suit against a state television network for a February 20 documentary featuring a fabricated dialogue between him and a Georgian politician in which Lebedko was portrayed as plotting a violent street demonstration. In April a Minsk court threw out Lebedko's suit, reportedly under pressure from the government.

In March state university authorities dismissed history instructor Yuriy Bacheshche for refusing to turn over his findings following his participation in independent election monitoring. In May during Bacheshche's civil hearing for reinstatement, authorities threatened Bacheshche with a criminal investigation for allegedly defaming President Lukashenko. In June the judge suspended Bacheshche's case (see section 2.a.).

#### f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The law prohibits such actions; however, the government did not respect these prohibitions in practice. In addition, the law provides penalties for those who obstruct BKGB officers in the performance of their duties, even though these actions may, in principle, be illegal. Any effort to prevent BKGB officers from entering the premises of a company, establishment, or organization is an administrative offense, as is any refusal to allow BKGB audits or to deny or restrict BKGB access to company information systems and databases.

The law requires a warrant for searches; however, the BKGB entered homes, conducted unauthorized searches, and read mail without warrants. In May 2005 a new law took effect giving the BKGB authority to enter any building at any time, so long as it applies for a warrant within 24 hours after the entry took place. There were credible reports that government agents covertly entered homes of opposition activists and offices of opposition groups and monitored the actions of individuals.

On July 31, state-controlled media broadcast hidden camera footage of a police raid on a Latvian diplomat's apartment (see section 5).

Authorities conducted searches of residences and offices for clearly political reasons (see section 3). For example, on February 11, Brest police raided a basement belonging to opposition regional campaign manager Vladimir Radivonchik, seizing posters and calendars featuring images of opposition presidential candidate Aleksandr Milinkevich. Police stated they conducted the search after receiving an anonymous telephone tip that Radivonchik was storing ammunition. Radivonchik was taken to a police station for questioning, where police played a recording of the phone call. The police found no ammunition and released Radivonchik.

On September 5, police in Vitebsk and Minsk searched three apartments belonging to youth activists, claiming the searches were connected to the politically based criminal cases of activists Kristina Shatikova, Denis Denisov, and Tatyana Yelovaya. Police seized cell phones, computers, and leaflets and brought one activist to a police station for questioning.

On October 31, police searched the office of the Dzedzich Foundation for Support of Youth Initiatives in Brest after allegedly receiving complaints about a domestic disturbance. Local Belarusian Popular Front (BPF) leader Dmitriy Shimanskiy reported that the authorities presented an unsigned inspection warrant before seizing 15 completed BPF applications, 500 blank applications, 800 copies of the UN Human Rights Committee's report on the country, and other printed material.

In March 2005 police raided the office of the Zhoda newspaper and confiscated decorations from office walls, including altered photographs of Lukashenko. Zhoda's editor Aleksey Karol and deputy editor Aleksandr Sdvizhkov were each fined \$1,200 (2,550,000 rubles) in September 2005 for "disseminating false information" through the altered photos.

Diplomats also were forced to submit to searches and detentions. On March 26, customs officials stopped Polish consul Janusz Dombrowski at a border crossing and demanded to search his vehicle. He refused. On March 27, Belarusian Television alleged that the border guards had stopped Dombrowski because they had information that he was trying to smuggle subversive literature into the country. After crossing the border, Dombrowski opened the trunk of his vehicle to show Polish reporters that he was only transporting food. Dombrowski claimed that he was detained at the border for 24 hours without food and water and treated like a common criminal. The diplomat was not allowed to bring his vehicle back into the country upon his return.

While the law prohibits authorities from intercepting telephone and other communications without a court order, in practice authorities continued to monitor residences, telephones, and computers. The BKGB, the interior ministry, and certain border guard detachments may use wiretaps but must first obtain a prosecutor's permission; the lack of independence of the prosecutor's office rendered the due process protections relating to wiretaps meaningless.

The government telecommunications company Beltelekom has a monopoly on Internet service, allowing authorities to monitor practically all e-mail. There were credible reports that the government monitored e-mail sent from Internet cafes and from university computer networks (see section 2.a.).

Nearly all opposition political figures reported that authorities monitored their activities and conversations. During the 2004 trial of former NGO leader and opposition activist Mikhail Marinich, the prosecutor introduced as evidence transcripts of Marinich's phone conversations that had been recorded by the BKGB (see sections 1.c. and 1.e). Representatives of certain NGOs also said that their conversations and correspondence were monitored routinely by the security services.

The government owned a majority share in all cellular telephone companies. Ministry of Communications contracts for telephone service

prohibited subscribers from using such services for purposes contrary to state interests and public order. The ministry has the authority to terminate telephone service to those who breach the law. There were several instances where prodemocracy activists had their cell phones disconnected as they attempted to spread information about peaceful demonstrations, particularly during the months leading up to and following the March 19 presidential election. In October 2005 the cellular telephone company Velcom disconnected the mobile telephones of opposition activists asking citizens to place lit candles in their windows to protest government excesses.

There were numerous reports that the government coerced young people to join the pro-Lukashenko state-funded NGO Belarusian Republican Youth Union (BRYU). There were credible reports that military conscripts were ordered to join the BRYU, and university students reported that proof of BRYU membership was often needed to register for popular courses or acquire a dormitory room.

The government employed and encouraged a widespread system of informants. On July 26, interior ministry official Andrey Solodovnikov stated that civilian patrols at the country's educational institutions were formed in recent years to encourage students to become law-abiding citizens. Solodovnikov said that almost 200 "voluntary" squads had been created, with 49 of them policing higher educational institutions, 77 operating at general educational schools, and 66 at vocational training schools. In 2005 the squads reported more than 600 alleged offenses. According to Solodovnikov, universities offer discounts on tuition to patrol members. According to independent media, at year's end there were approximately 43,000 members of 3,633 civilian patrol squads.

Unlike previous years, there were no reports that authorities threatened to punish family members for alleged violations by individuals. In March 2005 court officials visited the home of former NGO leader and opposition activist Mikhail Marinich's ex-wife and confiscated \$1,860 (four million rubles) worth of personal property towards payment of a fine less than \$4.00 (8,000 rubles) (see sections 1.c. and 1.e.).

## Section 2 Respect for Civil Liberties, Including:

### a. Freedom of Speech and Press

The law provides for freedom of speech and of the press; however, the government did not respect these rights in practice.

In November 2005 President Lukashenko told reporters that his government uses "serious pressure" to control the media and that he is in charge of this process. Individuals could not criticize the government publicly without fear of reprisal, and authorities impeded criticism of the government by videotaping political meetings, frequent identity checks, and other forms of intimidation (see sections 1.d. and 3). The law also limits freedom of expression by prohibiting the wearing of masks and use of unregistered flags, symbols, and placards bearing messages deemed threatening to the government or public order.

In December 2005 the National Assembly passed and the president signed a series of amendments that greatly inhibited the freedoms of speech and assembly and criminalized the following actions: giving "false" information about the political, economic, social, military, or international situation of the country to a foreigner; providing information on government agencies or the rights of citizens; participating in the activities of unregistered NGOs and in public demonstrations; training people to demonstrate publicly; financing public demonstrations; and soliciting foreign countries or international organizations to "act to the detriment" of the country (see sections 1.d., 1.e., 2.b., 3, and 4). Violations are punishable by up to three years in prison.

The government took steps to restrict independent media. On April 27, the Organization for Security and Cooperation in Europe (OSCE) chairman-in-office reported that freedom of the media had deteriorated in the country over the past few years, with fewer independent media outlets and greater use by the government of administrative pressures to limit free expression. The highest circulation newspapers and other publications were state-owned and printed only materials supportive of the government. There were some independent small-circulation newspapers and magazines, many of which criticized the government. However, local authorities frequently warned independent editors to avoid certain topics and not to criticize the government. Authorities also warned businesses not to advertise in newspapers that criticized the government.

During the year, the government did not grant permits to any new independent newspapers. Meanwhile, authorities closed at least two independent newspapers and threatened to close several others. On March 17, Supreme Economic Court Judge Oksana Mikhnyuk closed the independent newspaper Zhoda for violating the country's criminal code by publishing composite photographs of President Lukashenko and other prominent politicians and for reprinting satirical drawings of the Islamic Prophet Mohammad.

On April 10, authorities nullified the legal address of independent newspaper Nasha Niva because its editor, Andrey Dynko, had been arrested while reporting on opposition demonstrations following the fraudulent March 19 presidential election. Under the country's media laws, a newspaper must maintain a legal address in order to publish.

State-owned stores across the country also stopped selling all but eight independent newspapers. While independent newspapers could still be purchased from independent sellers, their circulation was seriously restricted by these measures.

In November and December 2005, authorities removed 17 independent newspapers from the state subscription list, making it impossible to receive them by mail. The state postal system, Belpochta, and the state kiosk network, Belsoyuzpechat, refused to distribute most of them. Starting on January 1, Belpochta and Belsoyuzpechat refused to distribute an additional 15 independent newspapers, including Brestskiy Kuryer, Vitebskiy Kuryer, Nasha Niva, Intex-Press, Lyakhavitskiy Chas, Tovarishch, Volaye Hlybokaye, Myastsoviy Chas, Khimik, Borisovskie Novosti, and Kuryer iz Borisova. On April 10, the Ministry of Information refused to grant the independent newspaper Nasha Niva, first published in 1906, a subscription license. Nasha Niva subsequently distributed information via the Internet. As of February 3, state-run post offices in Novopolotsk and Polotsk refused to deliver the independent newspaper Khimik.

The arbitrary use of presidential power, often exercised through presidential decrees, created additional obstacles to an independent press. On July 31, President Lukashenko signed an order empowering the State Security Council to control the distribution of radio frequencies. In July and August 2005 the president signed decrees restricting foreign and domestic sources from giving money to organizations for broadly defined political activities, including the distribution of information. These restrictions followed a 2003 presidential decree that was used to crackdown on independent media outlets and NGOs.

Only state-run radio and the state-run television networks ONT, Belarusian Television (BT), and Capital Television broadcast nationwide. The government continued to make use of its virtual monopoly on television and radio broadcasting to spread the official version of events and to minimize opposing points of view. State-owned broadcast media continued to marginalize the political opposition by depicting it negatively or ignoring it altogether (see section 3). Local independent television stations operated in some areas and reported local news relatively unhindered by the authorities; however, most were under government pressure to forego reporting on national issues or be subjected to censorship. Moreover, local independent stations were frequently pressured into sharing materials and cooperating with authorities to intimidate local opposition and human rights groups during meetings with foreign diplomats.

In general, international media, including Deutsche Welle, were permitted to operate, but not without some interference and harassment. Russian channels NTV and RTR were generally available, although in many parts of the country only through pay cable services. However, their news programs were at times blocked from broadcast or temporarily replaced with local programming. On March 16, cable television company Kosmos Television stopped transmitting Russia's RTVi channel to 57,000 subscribers, citing technical problems. RTVi Director Mikhail Borschhevskiy reported receiving an order from authorities to cut off transmission during the election. Broadcasts from other countries, including Poland and Lithuania, could be received in parts of the country, usually along the border.

The government harassed and arrested journalists, particularly before and after the March 19 presidential election (see sections 1.d. and 3). The Belarusian Association of Journalists identified 31 journalists who were detained, arrested, fined, or jailed between March 14 and 27. Among them were Vadim Aleksandrovich of the newspaper *Belarusi i Rynok*, Dmitriy Gurnevich of Radio Polonia, and Andrey Dynko, editor-in-chief of *Nasha Niva*, who were sentenced to 10 days in jail on March 20 and 21 in connection with their reporting of opposition demonstrations in Minsk's October Square. On March 27, authorities fined freelance journalist Tatyana Snitko \$435 (935,250 rubles) after detaining her for three days for allegedly participating in an unsanctioned demonstration.

At least 12 foreign journalists were detained or jailed during the same period. On March 27, a Minsk court sentenced Ukrainian journalist Pavlo Salyha to 10 days incarceration for allegedly participating in an unsanctioned demonstration. On March 24, authorities arrested Nino Georgobiani and Georgy Lagidze of Georgia's public television and Canadian freelance journalist Frederick Lavoie as they filmed near a Minsk detention center. Georgobiani and Lagidze served five days in jail; Lavoie served 15 days.

Authorities also assaulted, detained, or arrested numerous independent journalists during the year. According to Reporters Without Borders, on March 2 police assaulted nine independent reporters who were covering the arrest of former opposition presidential candidate Aleksandr Kozulin. On April 21, police in Bobruysk detained Vadim Dovnar, a correspondent with the Russian newspaper *Kommersant*, for allegedly speaking obscenities near a government building. On April 26, police detained independent journalists Nikita Bytsenko and Yuriy Svetlakov as they traveled to a rally commemorating the 20th anniversary of the Chernobyl nuclear disaster; they were released the day after the rally. On June 15, police in the Mogilev region detained reporters Syarhey and Mikalai Herdziy of the independent newspaper *Volny Gorad* for collecting information about construction in the village of Veraneykiy; they were released the same day with a warning.

Several foreign journalists were prevented from entering the country or were detained or arrested after their arrival (see sections 1.d. and 1.e.). In January border guards briefly detained and seized videotapes from a crew of Ukrainian television journalists who were covering the March presidential election. On February 19, authorities detained and expelled Polish journalist Waclaw Radzivinowicz as he tried to cover the trial of several activists from the Union of Belarusian Poles NGO. On March 15, border guards detained and denied entry to Ukraine Channel 5 correspondent Andrey Zhihulin and cameraman Vitaliy Doroshchonok. Both journalists had been arrested during a live broadcast of an opposition rally in Minsk on March 12 and later released.

On March 14, authorities suspended the investigation of the 2004 killing of Veronika Cherkasova, a journalist for the independent *Solidarnost* newspaper. In December 2005 the prosecutor general closed the investigation into the October 2005 unexplained death of independent journalist Vasiliy Grodnikov, stating that he had died because of his own "careless actions" (see section 1.a.).

The law specifies that the government may close a publication after two warnings in one year for violating a range of amendments adopted in 2005 that inhibit freedom of speech and of the press. Authorities continued to frequently issue warnings to pressure independent newspapers. In addition, regulatory provisions grant authorities power arbitrarily to prohibit or censor critical reporting. The State Committee on the Press can suspend periodicals or newspapers for three months without a court ruling. The law also prohibits the media from disseminating information on behalf of unregistered political parties, trade unions, and NGOs. On May 23, the Ministry of Information warned independent newspaper *Khimik* of possible legal actions after the local Novopolotsk ideology office complained that the paper had published an opinion poll conducted by an unlicensed pollster and an interview with an opposition presidential candidate.

The government tightly controlled the content of television broadcasts. On January 26, President Lukashenko declared that the country's radio and television industry "is an integral part of state policies and ideology, a powerful communication tool for subjects of society." In February the state-controlled television network BT ran a six-day documentary series disparaging the opposition. Throughout the election campaign, BT's news program "Panorama" devoted more than 40 percent of its reports, which were all positive, to President Lukashenko and less than 0.5 percent to opposition candidates. There were credible reports during the year that the BKGB and other government agencies censored national television news broadcasts. Although the Central Election Committee (CEC) allocated equal airtime on two occasions for half-hour speeches on state television to both Lukashenko and opposition presidential candidates prior to the March 19 elections, authorities censored several minutes of remarks by opposition candidates (see section 3).

State television covered the post-election opposition protests on March 21. However, broadcasts portrayed participants as drug users and selectively interviewed alleged bystanders who denounced the protests as pointless and disgraceful.

The government censored the media. Authorities frequently imposed heavy fines on journalists and editors for criticizing the president and his supporters, and many publications were forced to exercise self-censorship. Authorities fined, warned, or jailed members of the media who publicly criticized the government. The libel law makes no distinction between private and public persons in lawsuits concerning defamation of character. A public figure who was criticized for poor performance while in office may sue both the journalist and the media outlet that disseminated the critical report.

The government used harsh libel laws to suppress criticism of political leaders. The law provides for punishment of public insults or libel of the president and government officials by up to four years' imprisonment, two years' khimya, or a large fine. Authorities continued to use such laws to stifle press freedom and to imprison political opponents (see section 1.e.).

In June a court sentenced opposition activist Nikolay Razumov to three years in prison for slandering the president; he has been in jail since March 14. During the campaign of opposition presidential candidate Aleksander Milinkevich, Razumov said during an interview that Lukashenko was involved in the disappearance of opposition politicians Viktor Gonchar, Anatoliy Krasovskiy, and Yuriy Zakharenko (see section 1.b.). On June 18, authorities in Vitebsk fined independent journalist Serzhuk Serabro eight dollars (17,000 rubles) for watching activists raise a prohibited flag in the city center and confiscated his photographs.

In May police and the BKGB reported seizing 94 copies of a book by youth opposition leader Pavel Severinets to determine whether it complied with antidefamatory regulations. The book discussed national geography and history, including the short-lived Belarusian National Republic, World War II, and the Chernobyl nuclear accident. However, a few chapters reportedly mentioned an opposition political party and an unregistered youth organization.

On May 17, the Minsk city prosecutor threatened Irina Khalip, an independent journalist working for the Russian newspaper Novaya Gazeta, with a four-year prison term if she continued writing articles that defamed President Lukashenko. On February 6, Baranavichi Judge Zhana Kapachewskaya fined Uladzimir Hundar, editor of Baranavitskaya Gazeta, \$271 (58,000 rubles) for publishing an article on "Solidarity Day", an unofficial monthly commemoration of the mysterious disappearance of four political dissidents. The judge stated that Hundar was guilty of participating in the unsanctioned demonstration by virtue of publishing an article about it.

In January 2005 the private Pressbol sports newspaper was ordered to pay a \$14,000 (30 million rubles) fine and its editor, Vladimir Berezkhov, a \$4,600 (10 million rubles) fine for a 2004 article claiming that Andrey Imanali, deputy head of the Belarusian Gymnastics Federation, was involved in organized crime. In July 2005 Russian authorities charged Imanali with abduction and with alleged links to organized crime. He faces extradition to Russia.

In May 2005 Minsk authorities reopened a slander case against human rights activist Harry Pogonyailo for giving an interview to Swedish journalists about the disappearance of opposition figures. The interview never aired, and authorities confiscated the video tape. The slander case was dropped in November 2005.

In June 2005 Minsk judge Lyubov Valevich ordered independent newspaper Narodnaya Volya to pay \$46,000 (100 million rubles) to Sergey Gaidukevich, leader of a progovernment party, for claiming he was involved in violating the Iraqi oil-for-food program, even though a number of reputable international sources documented Gaidukevich's involvement.

The government took numerous other actions during the year to limit the independent press, including limiting access to newsprint and printing presses, restricting the import of media-related materials, and temporarily suspending independent and opposition periodicals.

During the run up to the March elections, the government discouraged and threatened printing companies from printing the legally authorized leaflets of opposition candidates and parties. In late 2005 State Control Committee inspectors conducted detailed audits of many printing houses to see if they had printed material for the opposition. Although there are no laws against owning printing presses, authorities seized at least one opposition press in July 2005 from the home of local opposition party leader Vladimir Kishkurna.

Several independent newspapers, including Belorusskaya Delovaya Gazeta, Den, and Solidarnost printed their materials in Russia because domestic printing presses (mostly state-owned) refused to print them. State printing houses refused to print four independent newspapers, including one of the country's two independent daily newspapers, Narodnaya Volya. The other three, Mestnaya Gazeta, Belaruskaya Delovaya Gazeta, and Solidarnost began disseminating Internet-only versions due to printing and distribution problems created by the government. On May 30, Narodnaya Volya discontinued free distribution of its print run and warned its readers that some affiliates of the state-owned Belarusbank would not permit them to transfer money to subscribe to the paper.

On September 21, the Belarusian language intellectual magazine Arche was suspended for three months because its September issue featured a cover photograph of the country's police officers violently dispersing antigovernment protesters in 1995. Authorities claimed that Arche violated the country's media laws by publishing a political article because the magazine's license application stated that it would focus exclusively on history.

In many cases the government confiscated at will independent and opposition newspapers. For example, on January 17, police in Grodno seized 50 copies of Polish Magazine in Exile from two activists with the NGO Union of Poles. On February 12, police in Lida seized 1,200 copies of Narodnaya Volya from opposition campaign activists. On March 3, Vitebsk police seized 250,000 copies of the independent newspaper Narodnaya Volya being transported from a Russian printing plant to Minsk because the issue contained quotations of an opposition presidential candidate; on March 14, the police confiscated the paper's entire replacement run of 300,000 copies. On March 17,

Minsk police seized 85,600 copies of the opposition newspaper *Tovarishch*; authorities offered to return the newspapers only after the country's March 19 elections. On July 26, authorities arrested Dzemjan Frankouski pursuant to a criminal case started in May for distributing issues of the independent newspaper *Narodnaya Volya* free of charge. Frankouski was released two days later.

Authorities also seized leaflets and other printed materials the government deemed to be illegally printed. On January 6, police in the Gomel region seized 10,800 calendars from the car of opposition party activist Valeriy Rybchenko; police claimed the calendars did not have the proper publication data. Two weeks earlier police from the same area seized 57,000 holiday cards signed by former presidential candidate Milinkevich. On March 6, authorities in Rogachev fined an opposition campaign worker \$145 (310,000 rubles) for passing out opposition campaign flyers. On March 7, police in Gomel confiscated 28,000 leaflets from an opposition presidential candidate's campaign. On March 15, Minsk police seized 92,000 leaflets from opposition activists. About 50,000 leaflets were taken from an opposition party leader, whom police arrested for petty hooliganism and illegal distribution of printed materials.

#### Internet Freedom

The government restricted access to the Internet. Credible reports indicated that the government monitored e-mail and Internet chatrooms. Many individuals and groups could not engage in peaceful expression of views via the Internet, including by electronic mail.

During the March 19 presidential election, there were numerous credible reports that the government blocked several opposition campaign and independent media Web sites. Many opposition groups and independent newspapers have switched to Internet domains operated outside the country because of the government's campaign against Internet freedom. There also were credible reports that authorities attempted to block Radio Liberty's Web site in the country during the March presidential elections. On November 7, the NGO Reporters Without Borders again included the country on its annual list of "enemies of the internet," countries that censor independent news sites and opposition publications and monitor the Internet to stifle dissident voices.

In February the Ministry of Communications announced new laws effectively giving the country's telephone monopoly, Beltelekom, and other organizations authorized by the government the exclusive right to maintain Internet domains. Meanwhile, there were credible reports that authorities in Vitebsk attempted to use the law to prohibit all wireless Internet access. The local government compromised only after several youth demonstrations, and invoked the prohibition to computers purchased after February.

In March 2005 Grodno authorities closed the Internet chat room forum.Grodno, declaring it "subversive." Beltelekom subsequently fired the chat room's administrator, Aleksey Rads. Some students claimed state university officials monitored Internet usage on university networks.

#### Academic Freedom and Cultural Events

The government restricted academic freedom, in part by requiring educational institutions to teach and students to study an official state ideology that combined reverence for the achievements of the Soviet Union and for the country under the leadership of President Lukashenko. Use of the word "academic" was restricted. On June 19, President Lukashenko signed a decree prohibiting any nongovernmental organization from including the word "academy" in its title.

During the year there were credible reports of authorities dismissing teachers on political grounds. In August authorities terminated longtime history teacher Ales Chigir, who was an opposition member of the Bobruysk City Council and headed an opposition presidential candidate's regional campaign. On October 20, a Bobruysk court dismissed Chigir's suit to be reinstated as a teacher.

In March state university authorities dismissed history instructor Yuriy Bacheshche for refusing to turn over his findings after independent monitoring of the March 19 presidential election (see section 1.e.). In December a Minsk civil court upheld the dismissal after the university alleged that Bacheshche distributed computer discs with cartoon images that defamed the country's president.

The dismissals were in keeping with a November 2005 directive by Education Minister Aleksandr Radkov that all schools, including private institutions, are political bodies, must follow state orders, and cannot be headed by opposition members. Radkov also asserted his right as minister to appoint and dismiss the heads of private educational institutions.

On January 24, the Supreme Court suspended the operations of the independent think tank association "Beloruskiye Fabriki Mysli" (Belarusian Thought Factories - BFM) for three months for lack of a legal address; BFM was liquidated on August 3 (see section 2.b.). Separately on January 23, BFM head Oleg Manayev, who also was the director of the Independent Center for Economic and Socio-political Research, received a warning from the prosecutor's office for conducting surveys and publishing results without first receiving official accreditation from the National Academy of Sciences.

On February 21, pursuant to a 2005 regulation requiring all opinion polling to be registered with NAS, the academy authorized 10 Belarusian and Russian polling services to conduct election-related polling. This list included the presidential administration's polling service, sociological agencies of the Gomel and Grodno regional governments, and the pro-Lukashenko Ekoom polling organization. No major independent polling services were on the list (see section 3).

The government tasked the state youth organization, BRYU, with ensuring ideological purity among youth. Students reportedly were pressured to join the BRYU to receive benefits and rooms in dormitories, and local authorities pressured BRYU members to campaign on behalf of government candidates (see section 1.f.).

Government mandated textbooks contained a heavily propagandized version of history and other subjects. On June 16, while dedicating the

country's national library, President Lukashenko rationalized government censorship of texts on the grounds that modern books about heads of state and historical personalities contain "80 percent lies," and those about Soviet-era leaders Vladimir Lenin and Joseph Stalin contain "100 percent lies."

Although the Ministry of Education promised that no student would be expelled for political activities, by July credible sources reported that authorities had expelled at least 100 university students for involvement in opposition activities, particularly in pre-election opposition campaigns and post-election demonstrations (see sections 2.b. and 2.d.). These sources noted that university authorities did not formally expel students, but cited poor academic performance or missed classes as reasons for not readmitting them. The expulsions followed a May 2005 directive from the ministry to all educational institutions calling for the expulsion of any student who engaged in antigovernment or unsanctioned political activity, and for the proper ideological education of all students. Student organizations credibly claimed that authorities expelled dozens of students for their political activities during the year. In August 2005 Minsk Mayor Mikhail Pavlov publicly ordered school administrators to keep their students from becoming politically active.

In January the Ministry of Education dismissed an appeal by Tatyana Khoma to reinstate her at the Belarusian State Economic University (BSEU). The fourth-year student was expelled in November 2005 for "violating an internal university order." Khoma had traveled to France, where she was elected to the executive committee of the National Union of Students in Europe. In defending the expulsion, BSEU rector Vladimir Shimov said Khoma had traveled without the university's permission. He also said Khoma was the 51st BSEU student expelled since September 2005 for traveling without permission.

In May 2005 Belarusian State University expelled journalism student Olga Klaskovskaya. She had worked for the independent newspaper *Narodnaya Volya* and filed a complaint with the prosecutor general about police mistreatment while covering a demonstration. The university claimed it expelled her for missing exams when she was caring for her sick child.

The expulsions were in keeping with other efforts by the defense and foreign affairs ministries to curb study abroad because authorities stated that such programs "threaten the country's security" and pose life-threatening dangers.

On October 27, while addressing the lower house of parliament, Education Minister Aleksandr Radkov denied that any university students had been expelled for political reasons. However, a year earlier, Radkov confirmed to the lower house that he had directed university authorities to undertake such expulsions.

The government also restricted cultural events. During the year the government continued to force antigovernment theater groups into underground venues such as bars and private apartments. This included Free Theater's production of "Techniques of Breathing in a Closed Space," which was based on the testimony of the wives of missing dissidents.

Authorities denied writer Vladimir Orlov and activists Valentina Svyatskaya and Aleksandr Zhuchkov permission to hold a rock concert July 27 to commemorate the anniversary of the country's 1990 declaration of independence.

In June the authorities banned a "Basowiszcza" concert at the Palace of Fine Arts in Minsk on the grounds that the roof was in a critical condition. However, daily government-sanctioned concerts and exhibitions took place in the palace immediately prior to the requested date. Basowiszcza is an annual rock festival held in northeastern Poland that showcases young Belarusian musicians and performers who have been denied opportunities to perform in public in the country.

## b. Freedom of Peaceful Assembly and Association

### Freedom of Assembly

The law provides for freedom of peaceful assembly; however, the government severely restricted this right in practice. Police and other security officials beat and detained demonstrators following unsanctioned but otherwise peaceful demonstrations.

By law organizers must apply at least 15 days in advance for permission to conduct a demonstration, rally, or meeting. Government officials must respond no later than five days prior to the scheduled event. However, authorities either did not grant permits to opposition groups or granted them only for demonstrations in out of the way locations. This happened regularly in the lead up to the March 19 presidential election (see section 3.). On March 7, authorities in Mogilev refused at the last minute to allow supporters of presidential opposition candidate Aleksandr Milinkevich to use a local university building to meet with voters. The event, attended by approximately 250 persons, was held outdoors. On March 8, Milinkevich held two campaign rallies in Minsk, the largest of which reportedly attracted 1,400 people. Milinkevich had applied for a permit to hold one of the events in the Berestyie Theater, but was denied access to the building that morning; the event was held outside. On September 28, local authorities denied local opposition BPF activists permission to hold a rally the following day for Milinkevich in the Vitebsk region on the grounds that written authorization from the BPF board was not attached to the application. That same day, authorities also denied BPF activists in the eastern city of Orsha permission to hold a September 30 rally for Milinkevich.

Demonstrators are required by law to pay for damages caused during demonstrations and for the presence of police and medical personnel. Only political parties, trade unions, or registered organizations may request permission for a demonstration of more than 1,000 individuals. The law also prohibits the wearing of masks and use of unregistered flags, symbols, and placards bearing messages deemed threatening to the state or public order (see section 2.a.).

During the year demonstrations in Minsk varied in size from a few participants to approximately 12,000 persons. However, the government kept demonstrations under strict surveillance, and police and plainclothes security officers openly videotaped participants. Authorities used intimidation and threats to discourage people from participating in demonstrations leading up to and following the March presidential election.

For example, BKGB head Stepan Sukharenko announced that the BKGB would treat any attempts to take to the streets as potential acts of terrorism that would be punished according to the Criminal Code. The BKGB added to the climate of intimidation three days before the March 19 elections by opening a criminal investigation against several opposition leaders and Georgian activists for allegedly planning a terrorist attack to overthrow President Lukashenko (see section 3).

During the evening on March 19, up to 12,000 persons gathered on and around October Square in downtown Minsk. A large number of special riot police and other Ministry of Interior special forces were stationed around the perimeter of the square, but mainly out of sight of the protesters. Prior to the rallies and protests that followed the March 19 election, authorities had cut electricity to the usually brightly-lit square, where protesters had created a tent city on the square and were keeping constant vigil. Just after 3:00 am on March 24, approximately 100 riot police entered the square accompanied by buses and trucks. They declared the demonstration illegal and ordered participants to leave. In the ensuing hours, security forces arrested approximately 250 persons and transported them to the Okrestina jail (see section 1.d.). Most received five to 15-day jail sentences for participating in the unauthorized demonstrations (see section 1.e.).

On March 25, approximately 7,000 persons attempted to gather in October Square to protest the March 24 police crackdown on the opposition tent camp and to celebrate the anniversary of Freedom Day commemorating the country's brief independence from Russia in 1918. However, significant numbers of OMON and special forces prevented demonstrators from entering the square. Several thousand demonstrators carrying flags and chanting "long live Belarus!" attempted to break through the riot police barrier but were repelled. A smaller group of approximately 2,000 persons who had gathered on the other side of the square also were blocked by riot police.

In response to the police blockade, opposition leaders Aleksandr Milinkevich and Aleksandr Kozulin led the estimated crowd of 7,000 to Yanka Kupala Park. At the park Kozulin urged the crowd to follow him on a three-kilometer march to the Okrestina jail, where protesters were being detained. Riot police used smoke and stun grenades to break up the march and arrested at least 100 people, including Kozulin, who was brutally beaten by police (see sections 1.c., 1.e., 2.b., and 3).

Following the police crackdown after the March elections, anti-Lukashenko activists increasingly used fast moving "flash mobs" as one of their principal methods of protest.

On November 28, 13 opposition activists staged a demonstration during the Commonwealth of Independent States' Summit in Minsk by displaying images of imprisoned NGO youth leaders Dmitriy Dashkevich and Artur Finkevich (see section 1.e.). Police quickly dispersed the demonstrators but made no arrests. On December 10, activists organized three separate demonstrations in Minsk to show solidarity with imprisoned opposition activist Aleksandr Kozulin and to commemorate World Human Rights Day. Authorities broke up the demonstrations and arrested approximately 25 people for hooliganism. Three of the activists were sentenced to 15 days in jail.

In response authorities intensified their already significant repression to deter flash mob activists by increasing surveillance of opposition buildings and Web sites and filing criminal prosecutions. On April 28, police arrested eight flash mob activists outside the Supreme Court in Minsk out of several dozen who had gathered to demonstrate support for the independent Union of Belarusian Writers. Police released all eight after copying their passport information (see section 1.e.). Between May 30 and June 1, approximately 50 youth activists participated in hourly shifts of sitting on the pavement at Lenin Square in Brest and reading the Bible to demonstrate solidarity with several imprisoned leaders of Malady Front, an opposition youth group. Police arrested five activists. Three were found guilty of holding an unauthorized religious event under Article 167 of the Administrative Code.

Police also used preemptive arrests to combat protests. On May 7, young activists planned a flash mob event near the old National Library in Minsk to mark the anniversary of the renaming of Frantsisk Skaryna Avenue. The group reportedly intended to tear pages out of history textbooks used by schools. As the group formed, riot police blocked access to the library and arrested 12 persons. They were released after police searched them and recorded their personal data. On May 9, the anniversary of victory against Nazi Germany, police pre-empted an attempted demonstration in support of veterans. On June 2, OMON riot police detained nine activists for attempting to show solidarity with youth activists who were on a hunger strike. Authorities detained the group for at least two hours but filed no charges. There were several reports that police beat demonstrators during protests (see section 1.c.).

Persons often received heavy fines or jail sentences for participating in demonstrations. After a March 7 rally, police arrested senior opposition activists Anatoliy Lebedko and Vladimir Shantsov, a Milinkevich regional campaign manager. That day Lebedko was fined \$721 (1.5 million rubles), and Shantsov was sentenced to 15 days in jail for organizing an unsanctioned rally. After a March 8 rally, Milinkevich's campaign deputy Vintsuk Vyachorka left an event in a minivan that contained a public address system. Police confiscated the vehicle with the equipment and arrested the six passengers. On March 9, all were sentenced to 15 days in jail for organizing unsanctioned rallies (see section 1.e.). On August 24, a Minsk district court sentenced opposition youth activist Yuliya Goryachko to four days in jail and fined five others between \$290 and \$420 (620,000 and 900,000 rubles) for participating in an unsanctioned demonstration under Article 167 of the Administrative Code.

The government took other measures to restrict the ability of prodemocracy and civil society groups to meet.

Local authorities prevented opposition parties from holding local conventions in a number of sites across the country (see section 3).

On December 24, police attempted to prevent a ceremony commemorating World War II nationalist Vintsent Gadlevskiy. Authorities stopped vehicles carrying people going to the ceremony, forcing them to continue on foot for several miles or causing several people to miss the ceremony altogether. Other attendees were ordered to report to the local police station for questioning.

Freedom of Association

The law provides for freedom of association; however, the authorities severely restricted it in practice.

The government employed an elaborate system of laws and strict registration regulations that restricted the ability of individuals to form associations that might be critical of the government or immune to official manipulation. All NGOs, political parties, and trade unions must register with authorities; it is illegal to act on behalf of an unregistered organization. The leaders of the domestic election observation NGO Partnership were sentenced to up to two years in prison in August for leading an unregistered organization (see sections 1.e., 2.d., and 4).

The government's registration procedures were costly and onerous, requiring the specific number and names of founders, along with a legal address for the organization in a nonresidential building. Individuals listed as members are vulnerable to retribution. The government's refusal to rent office space to unapproved organizations and the expense of renting private space forced most organizations to violate the nonresidential address requirement, a situation that allowed the authorities to deregister existing organizations and deny registration of new ones.

On January 27, authorities in Svetlogorsk refused to provide the local chapter of the Belarusian Language Society (BLS) office space, and it was evicted from another state-owned building. The head of the BLS, Telman Maslyukov, told independent online news source Belapan that authorities claimed to have no space available to rent to the BLS.

In October the justice ministry denied registration to Stareishiny, the association of prodemocratic NGOs, allegedly due to the group's violation of procedures related to the founding conference and members. The group appealed the denial to the Supreme Court, but the court refused to hear the suit on December 22, claiming that the group's legal counsel could not sign the complaint since the lawyer had not been appointed as the association's legal counsel at the founding conference. Stareishiny filed a new suit on December 28.

During the year authorities continued to close local political party offices (see section 3).

The Ministry of Justice reported that it continued to issue written warnings to NGOs, political parties, and trade unions during the year, and that the courts continued to deregister NGOs for "systematic or severe violations of the law." Harassment in the form of inspections by security officials and confiscation of political literature, usually without warrants, was widespread (see sections 1.d. and 3).

A government commission reviews and approves all registration applications. During the year it continued to base its decisions largely on the political and ideological compatibility of the applicant with the government's authoritarian philosophy (see section 2.a.). For example, one of two remaining nationally-registered human rights organizations, the Belarusian Helsinki Committee, was repeatedly threatened with closure for, among other things, allegedly failing to pay taxes on a foreign assistance grant (see section 4). On February 7, the Supreme Court liquidated the umbrella youth organization Rada for allegedly engaging in politics and for interfering in the affairs of government agencies. The court ruling followed a forum Rada held in December 2005 at which it proposed to create an alternative youth policy. On April 27, the government refused to renew the registration of the American Bar Association Office in Minsk. Authorities would not comment on the reason for the refusal. On August 3, the Supreme Court also liquidated the independent think tank "Belarusian Thought Factory" (BFM) for lack of a legal address. The closure follows a three-month suspension of the NGO in January and two warnings to BFM head Oleg Manayev for spreading false information about the 2006 presidential election after he released the results of an election related poll (see section 2.a.). In April 2005 the Supreme Court liquidated Manayev's Independent Institute of Socio-Economic and Political Studies for lack of a legal address. It was one of two organizations in the country that conducted independent opinion polling.

### c. Freedom of Religion

The law provides for freedom of religion; however, the government restricted this right in practice. While the constitution affirms the equality of religions and denominations, it also contains restrictive language, stipulating that cooperation between the state and religious organizations "is regulated with regard for their influence on the formation of spiritual, cultural, and country traditions of the Belarusian people."

The government used the restrictive provisions of the law on religion to hinder or prevent activities of groups other than the Belarusian Orthodox Church. In particular the law restricts the ability of religious organizations to provide religious education, requires all religious groups to receive governmental approval to distribute literature, and prohibits foreigners from leading religious organizations. A concordat and other arrangements with the government provide the Belarusian Orthodox Church, which is an exarchate of the Russian Orthodox Church, privileges not enjoyed by other religious groups. In March 2005 Vladimir Makarov, chief of the Defense Ministry's information directorate, called on clergy to fight the spread of "destructive sects" and to spread Orthodoxy.

The law requires that religious organizations register with the Committee of Religious and Nationalities Affairs of the Council of Ministers (CRNA) or with local and regional governments. During the year the CRNA continued to refuse to register some nontraditional religious groups. Religious groups that could not register frequently were forced to meet illegally or in the homes of individual members. According to the CRNA, 25 religious denominations with 2,944 religious communities were officially registered as of November.

The government required all religious organizations to reregister with the CRNA in 2004. While the CRNA registered 2,676 religious communities, 104 communities were dissolved due to lack of membership or denied reregistration. The CRNA denied registration to what it considered nontraditional faiths, mainly Protestant groups, such as the Light to the World, the New Life Church, and the Belarusian Evangelical Church. When the Light to the World's lease on a church was terminated in October 2005 and authorities prevented them from leasing new premises, most of the group's leaders left the country.

The CRNA also refused to register the Belarusian Autocephalous Orthodox Church (BAOC) without the approval of local Belarusian Orthodox Church bishops. Without the approval, the BAOB was effectively banned. In 2005 authorities confiscated a building in Semkov

Gorodok, which the local BAOC community had renovated for the church.

On December 4, the Minsk-based Hare Krishna community was forced out of their office, which was located in a vehicle service station, following an inspection by the sanitary and emergency management authorities. The inspectors, however, allowed all other tenants to remain. The Minsk and Bobruysk Hare Krishna communities have been searching for a legal address since they and other groups were denied registration in 2004. Following the denial, which the Hare Krishna unsuccessfully contested, the Minsk community worshipped in a residential building. However, they were repeatedly fined for operating there. In 2001 and 2002 the Hare Krishna communities attempted to register as an association to be allowed to invite foreign religious teachers into the country. The government denied the application, and the community appealed the decision to the UNCHR. In August 2005 the UNCHR recommended that the Hare Krishna be established as an association and that authorities restore the community's rights within 90 days. The government rejected the UNCCR recommendations and has taken no further action on the matter.

The government continued to limit the ability of a number of groups to own or use property for religious purposes. On July 24, for example, Minsk City Economic Court judge Aleksandr Karamyshev ordered the New Life Church to sell to the city a building it purchased as a place of worship at a price far below market value and to vacate the premises by October 8. The CRNA refused to reregister the New Life Church because it tried to use a former cow barn as its legal residence. Authorities would not allow the church to renovate the structure, change the registration status from a cow barn to a religious property, or hold meetings in the building. The pastor and other leaders were assessed large fines for conducting services in the barn. To protest the July 24 decision, the church began a hunger strike, which prompted the authorities to review its decision. On November 4, the Supreme Economic Court overturned all court decisions regarding the church and held a hearing on December 7 to adjudicate the case under original jurisdiction. The case remained under review at year's end.

The government permits the use of residential property for religious services only after it has been converted from residential use. This interpretation of the law effectively requires all religious organizations to reregister their properties as religious properties. However, authorities continued to reject requests for property registration from many Protestant churches, as well as from other nontraditional faiths. On June 27, the Minsk city court deregistered the Christ's Covenant Reformed Baptist Church for lack of legal addresses. In August 2005 and September 2005 the government closed the Belarusian Evangelical Reformed Church and the Belarusian Evangelist Church for failure to secure nonresidential legal addresses for worship.

According to the Full Gospel Evangelical Christian Church, authorities continued to deny it permission to construct a building for religious purposes in Minsk.

Meeting hall officials cancelled or refused to extend agreements with religious groups to use their facilities, citing a government decree specifying measures to ensure public order and safety during public gatherings. On March 31, the Minsk city administration reportedly refused to allow the local Hassidic Jewish community to celebrate Passover at the state-owned Palace for Children and Youth, according to the international religious freedom NGO Forum 18. City officials asserted that a religious event could not be held in a venue frequented by children. The community was forced to hold the celebration at its cafeteria, which could only accommodate approximately 10 percent of the invited guests.

The law allows persons to gather in private homes to pray; however, it requires that individuals obtain permission from local authorities to hold rituals, rites, or ceremonies in homes. Police interfered with religious meetings in residences several times during the year, sometimes resulting in fines for participants.

On March 3, a Minsk district judge sentenced the pastor of Christ's Covenant Reformed Baptist Church, Gregoriy Vyazorskiy, to 10 days in jail for conducting unsanctioned religious services. Authorities warned the pastor in November 2005 against conducting illegal services in a private Minsk residence and about failing to provide a "legal address." Pentecostal bishop Sergey Tsvor faced similar charges, but they were dropped because of technical errors made by the police.

On March 24, authorities sentenced human rights lawyer Sergey Shavtsov to 10 days in detention for conducting an unsanctioned interdenominational seminar in a private cafe. On the last day of the three-day seminar, police entered the cafe and detained him because the event was not sanctioned by the government.

In July and again in August, Union of Evangelical Christians Salvation Church pastor Sergey Poznyakovich was fined \$2,170 dollars (4.65 million rubles) and \$300 (640,000 rubles), respectively, for conducting an unauthorized religious service and performing a baptism ceremony in a nearby lake.

Baptists, Pentecostals, and other Protestants were warned or fined for illegally conducting and hosting religious services. According to the CRNA, convictions for such offenses were based on charges of either disturbing public order or illegally gathering without prior permission.

On April 6, authorities fined political opposition activist Boris Khamaida \$2,600 (5.6 million rubles) for carrying a sign with a gospel quotation, "the one who endures to the end will be saved." Police detained Khamaida on March 20 for three hours for displaying the sign and charged him with violating demonstration laws.

On June 1, Forum 18 reported that authorities warned three evangelical Christians in Brest for participating in a 24-hour silent vigil of Bible reading to express solidarity with victims of political repression in the country. According to the authorities, the three protesters needed prior permission to organize and conduct religious events outside designated worship areas.

On August 9, border guards took into custody and transported to Minsk 47 Baptist children and adults, who were on a religious retreat at a private homestead in the western Grodno region, for alleged violations of health and safety regulations. The previous day, local authorities

ordered the gathering to disperse and threatened to take the children to a police juvenile facility. After their release, a senior Minsk city religious affairs official conceded that the retreat was legal since private individuals had organized the event.

On October 13, independent media reported that authorities fined a 78-year-old Roman Catholic priest, Antoni Koczko, \$29 (62,000 rubles) for conducting an "unauthorized" religious service in Minsk. The priest, who is a Polish citizen, was born in the country and has been practicing in the city of Slutsk for the past 15 years.

The government only registered Orthodox communities that were not based in Moscow and only with the approval of the local Moscow Patriarchate bishop. In June 2005 authorities warned the priest of the unregistered Russian Orthodox Church Abroad (ROCA), Father Leonid Plyats, that he could be jailed and fined for conducting "illegal religious activities," including small gatherings in private homes. In November 2005 authorities denied registration to a different ROCA parish in Ruzhany. In this case, Brest religious affairs official Vasiliy Marchenko told ROCA members to worship at the Moscow Patriarchate Church instead. The ROCA parish refused and its members have been fined four times, totaling over \$2,000 (4 million rubles), for worshiping in private homes. The community again applied for registration; however in October there were credible reports that Moscow Patriarchate officials were pressuring parishioners to withdraw their signatures from registration applications.

In November 2005 former CRNA chairman Stanislav Buko announced that authorities would not register "destructive sects." He claimed no such sects were operating in the country but said that authorities closely monitored the activities of persons bearing the characteristics of such sects. University textbooks reportedly classified Baptists and Adventists as members of sects.

On May 19, Forum 18 reported that authorities pressured Pentecostal pastor Oksana Gavrilenko to resign from her job as a school teacher after she complained about a lecture to students by an Orthodox priest on the dangers of "sects," including Baptists and Pentecostals. According to the report, authorities did not reinstate Gavrilenko but did ask the priest to refrain from slandering Protestant churches.

In early December 2005, police in Vitebsk raided the homes of local Muslims on the pretext of looking for suspects connected to two September bombings, even though authorities had previously arrested two persons in the case with no known connection to Islam. Police detained several of the Muslims for questioning and seized religious literature.

The law provides that citizens may speak freely about their religious beliefs; however, authorities continued their efforts to prevent, interfere with, or punish persons who proselytized for any religious group other than the Belarusian Orthodox Church.

The government did not permit foreign missionaries to engage in religious activities outside of the institutions that invited them. The law requires one-year, multiple-entry "spiritual activities" visas for foreign missionaries. Observers expressed concern that lack of standardized government guidance on how to implement recent changes to visa laws may affect the ability of missionaries to live and work in the country. For example, according to Forum 18, authorities for 10 years have refused to renew the work permit of Stewart Vinograd, founder of the Minsk-based New Testament Church and pastor of its Messianic Jewish congregation. Forum 18 also reported that in July authorities denied permission for the Full Gospel Union to invite Nigerian pastor Anselm Madubuko to preach at three member churches. In October authorities refused to renew visas for 12 Polish Catholic nuns and priests from the Grodno region, who had been working in the country for 10 years, and ordered them to leave by the end of the year.

Missionaries of other religious groups with a long history in the country, particularly Protestants, continued to have difficulties obtaining visas; and there were credible reports that members of Protestant religious communities were harassed for teaching children religion at home.

The law does not provide for the return of property seized during the Soviet period or the Nazi occupation and restricts the return of property that is being used for cultural or educational purposes.

In February CRNA chairman Leonid Gulyako told members of a Catholic parish that their monastery and church, which was being used as a state scientific archive, would not be returned because the government did not have funds to build a new facility. The parish earlier requested that the government return the property. However, in October 2005 the CRNA Council of Ministers said the church and monastery building could be returned only after the government built a new building to house the archive.

#### Societal Abuses and Discrimination

There was a generally amicable relationship among religious groups and a widely held ethic of tolerance; however, hostile or intolerant attitudes in some parts of the press encouraged negative attitudes toward some minority religious groups. The Belarusian Orthodox Church took some steps to counter propaganda that discriminated against other religious groups.

There were new media reports of isolated instances of anti-Protestant vandalism during the year. On October 31, vandals painted "No to Totalitarian Sects!" and the Russian extremist National Bolshevik Party's symbol on the New Life Church's building. On November 20, unidentified vandals painted "Don't Believe Sects!" on a billboard in Baranovichy advertising the Salvation Church, an affiliate of the Union of Evangelical Faith Christians in the country. Police refused to institute criminal proceedings in connection with the vandalism.

According to government census figures, there were approximately 40,000 Jews in the country, but Jewish groups maintained that between 50,000 and 70,000 persons identified themselves as Jewish. The vast majority of the Jewish population was not religiously active. There were instances of anti-Semitism, but no government efforts to promote anti-bias and tolerance education. State-owned periodicals continued to attack nontraditional and Jewish religious groups. In January Mogilev newspapers published a series of anti-Semitic articles after a new type of kosher bread was produced in the city. The state-owned Mogilev Register claimed that the blood of sacrificed animals was used in kosher rituals and warned Orthodox believers to "keep away from kosher products in the same way they keep away from idol sacrifice."

Another newspaper, The Evening Mogilev, reported that the act of making something kosher is "sacrilegious and anti-Christian."

There were new reports of isolated instances of anti-Semitic vandalism during the year.

In early October vandals damaged property and gravestones at Jewish and Christian cemeteries in Orsha. At the Jewish cemetery, where 7,000 Holocaust victims were buried, 10 tombstones and the fence around the property were damaged. At the Christian cemetery, vandals damaged 17 gravestones. Police stated they would not file criminal proceedings for vandalism if the perpetrators were found.

On November 12, Minsk's Yama Holocaust Memorial, which has been vandalized on numerous occasions during the past few years, was again vandalized. Vandals drew a white swastika on the main obelisk and left behind leaflets calling for a war against supporters of democracy and Judaism and "others rushing to a new world order under the aegis of Talmudism and the USA." The incident occurred on the same weekend that the Israeli Cultural and Information Center was also vandalized with swastikas and anti-Semitic graffiti. Authorities initially refused to investigate the vandalism, saying the incident was a case of teenage hooliganism. However, on November 14, Deputy Foreign Minister Viktor Gaysenok pledged that police will do everything possible to find and punish those who damaged the memorial. The investigation was pending at year's end.

On November 30, vandals burned flowers and wreaths on the Brest Jewish memorial, which was dedicated in 1992 to the extermination of the Brest ghetto. The flames and smoke left the monument partially blackened. The incident marks the sixth time the memorial has been vandalized since it was built. At year's end police were investigating the incident.

On December 26, a fire destroyed the roof and interior walls of an orthodox church in Gomel. Satanic graffiti was sprayed on the exterior of the building. Police suspected arson and have opened a criminal case.

On April 17, authorities issued an official warning to preschool teacher Lyudmila Izakson-Bolotovskaya for the "intentional inculcation of religious doctrines in small children." Izakson-Bolotovskaya and her children's Jewish musical group were shown on local television celebrating a Jewish holiday. Authorities claimed that she violated the law by holding a religious celebration in a government building and illegally propagated Judaism via the television coverage of the event. Authorities forced Izakson-Bolotovskaya to remove Jewish symbols from the classroom and threatened her with prosecution if she continued these activities.

Anti-Semitic and Russian ultranationalist and xenophobic literature continued to be sold and distributed at Pravoslavnaya Kniga (Orthodox Bookstore), a store operated by Orthodox Initiative, a group that sells Orthodox literature and religious paraphernalia. The CRNA asserted that the publication of such literature in the country was illegal, but that nothing could be done regarding privately imported Russian and anti-Semitic literature.

For a more detailed discussion, see the [2006 International Religious Freedom Report](#).

#### d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

The law provides for freedom of movement; however, the government at times restricted its citizens' right to choose their place of residence and their foreign travel. Internal passports served as primary identity documents and were required for permanent housing, work, and hotel registration.

Police continued to harass individuals because they lived at a location other than the legal place of residence indicated in their internal passport.

The law provides for freedom of movement in and out of the country; however, the government at times restricted this right. Government regulations specify that citizens who wish to travel abroad must obtain an exit stamp valid for one to five years. The government could invalidate stamps that had been issued.

On January 11, the Visa and Passport Department denied Anatoliy Lebedko, leader of the United Civic Party, a foreign travel stamp under the pretext that the BKGB had not granted permission. However, he received the stamp six days later after lodging a public complaint. The stamp was valid for only two years instead of the three he requested.

On February 7, border guards denied Anzhelika Borys, chair of the unrecognized Union of Belarusian Poles (UBP), permission to leave the country to participate in a conference in Warsaw due to insufficient room in her passport for an exit stamp.

On October 20, authorities refused to place a travel stamp in the passport of UBP activist Wojciech Boradyn without explanation, thus denying him the opportunity to travel abroad.

In November 2005 authorities prohibited seven UBP members from travelling abroad. Despite the prohibition, one UBP member, Andrzej Poczobut, travelled to Poland. Upon his return, authorities stamped a notation in his passport that prohibited him from international travel (see section 5).

In several cases opposition activists wishing to travel abroad were detained at the border for lengthy searches while leaving or returning to the country. On May 12, border officials prevented human rights NGO Belarusian Helsinki Committee (BHC) chairwoman Tatyana Protko from traveling to a conference in Germany. Border guards had detained her until the flight left. Protko claimed she was detained to prevent

the BHC from providing information about the human rights situation in the country to the international community. Protko earlier had been restricted from traveling after the government had threatened to bring criminal charges against her for tax evasion (see section 4). On October 30, UBP chair Borys and two associates were detained for seven hours upon their return to the country when authorities claimed they found an unidentified powder in the car in which they were traveling. Authorities seized the car and subjected the group to a drug test. On December 6, authorities confiscated Borys' passport in connection with the investigation. On November 4, Brest police detained local United Civic Party chairman Stepan Novoselchanin for two hours, causing him to miss a train to Kyiv to attend a conference of Belarusian opposition activists. On November 5, police detained for three hours two local Belarusian Party of Communists activists traveling by car to the same conference and impounded their vehicle, forcing them to continue the journey by bus.

On November 29, Minsk airport authorities detained and charged opposition leader and former presidential candidate Aleksandr Milinkevich with using a forged document to cross a border after returning from the NATO summit meeting in Latvia. Milinkevich had mistakenly used his son's passport when he initially left the country. The charge, which remained pending at year's end, carries either a jail term of up to two months or a large fine.

In March 2005 a presidential decree, ostensibly intended to counter trafficking in persons, imposed new restrictions on foreign travel. Under the order, any student who wishes to study abroad must obtain permission from the minister of education. In signing the decree, President Lukashenko publicly stated his opposition to study abroad programs. The government used this requirement to prevent 59 high school students from participating in an educational exchange program. It also used the requirement to expel university students who were involved in political activity (see section 2.a.) The decree requires the Ministry of Interior to track all citizens working abroad and travel agencies to report individuals who do not return from abroad as scheduled.

The government denied reregistration to most travel agencies that arranged work abroad. On January 4, the Ministry of Sports and Tourism announced that it terminated the licenses of almost 200 tour operators in 2005 primarily for failing to meet mandatory inbound tourist requirements. In October authorities suspended the licenses of an additional 36 tour agencies and warned 67 others for failure to meet licensing requirements.

Statements by government officials during the year and in 2005, including an October 2005 presidential decree, reduced the number of children from Chernobyl-contaminated areas that could travel abroad for treatment, particularly those who wanted to travel during the school year. On November 24, Education Minister Aleksandr Radkov announced that all orphans would spend the winter holidays in the country. In February 2005 several hundred children were denied permission to go to Germany and Italy. According to the October 2005 decree students or chaperones who did not return to the country on time must be reported to the presidential administration. During the year President Lukashenko imposed further restrictions on recreational trips to Italy that require Italian host families to provide a certified guarantee that children will return home as scheduled and that they will not be adopted (see section 5).

The law requires persons who travel to areas within 15 miles (25 kilometers) of the border to obtain an entrance pass. In 2005 police arrested several prodemocracy activists for violating this law after holding meetings in towns near the border. On January 5, the Grodno border police fined two UBP activists, Poczobut and Andrey Pisalnik, the maximum \$135 (290,000 rubles) for allegedly entering a restricted border zone. They were stopped in December 2005 on their way to Sapotkin, where they intended to meet local UBP members.

The law does not provide for exile abroad; however, the government did expel long-term resident and independent political analyst Vladimir Suzdaltsev. On March 27, authorities ordered Suzdaltsev, a Russian citizen, to leave within 10 days and not return for five years. Suzdaltsev had lived in the country for the last 13 years with his Belarusian wife and children.

Many university students who had been expelled or were under threat of expulsion for their political activities opted for self-imposed exile. Approximately 400 students chose to continue their studies at foreign universities mostly in Europe during the academic year.

The law provides for internal exile or khimya (see section 1.d.). In May youth activist Artur Finkevich was sentenced to two years of khimya; in November Partnership NGO leader Nikolay Astreyko was transferred from prison to khimya (see section 1.e., 2.b., 3, and 4). Detention in internal exile was one possible penalty for defaming the president. Persons serving khimya lived in prison barracks and were forced to work under conditions set by the government. Political prisoners still serving khimya sentences included Nikolay Statkevich, Pavel Severinets, and Artur Finkevich.

The law provides for the right to emigrate, and the authorities generally respected this right; however, there were restrictions for individuals with access to sensitive government information or citizens involved in criminal investigations. Persons who have been refused permission to emigrate may appeal to the courts.

#### Protection of Refugees

The law provides for the granting of asylum or refugee status in accordance with the 1951 UN Convention relating to the Status of Refugees and its 1967 protocol, and the government has established a system for providing protection to refugees. Under the law, all persons who applied for or received asylum are protected against refoulement, the return of persons to a country where they feared persecution.

The law does not allow for temporary protection of persons who may not qualify as refugees; however, the government granted humanitarian protection to persons who may not have qualified for refugee status but had humanitarian grounds for remaining in the country. As of October, two Georgians were granted humanitarian protection. In 2005, 40 persons were granted humanitarian protection.

The authorities cooperated with the Office of the UN High Commissioner for Refugees (UNHCR) and other humanitarian organizations in assisting refugees. However, the government failed to conclude a 1995 cooperation agreement with UNHCR.

### Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

The law provides the right for citizens to change their government peacefully; however, the government effectively denied citizens this right. The constitution allows the president to issue decrees that carry the force of law in specific, urgent circumstances, a provision President Lukashenko has interpreted broadly. Since his election in 1994 to a five-year term as the country's first president, Lukashenko has consolidated power steadily in the executive branch and dominated all branches of government. Referenda in 1996 and 2004 amended the constitution to broaden his powers and extend his term in office. Lukashenko gained a third term in office through a fraudulent presidential election on March 19.

#### Elections and Political Participation

According to the OSCE's final election observer report, the March 19 presidential election fell significantly short of international standards for democratic elections and were characterized by arbitrary use of state power and widespread detentions. The government restricted freedom of assembly, association, expression, and appeared unwilling to tolerate political competition.

More than 500 international observers from 38 countries observed the voting and counting on behalf of the OSCE's Office for Democratic Institutions and Human Rights (ODIHR) and the OSCE Parliamentary Assembly. However, authorities either denied entry or visas to 27 accredited OSCE observers. On March 16, BKGB officials detained eight Georgian Supreme Council (parliament) members who were accredited election observers at the Minsk airport for questioning about an alleged terrorist plot to upset the election.

The OSCE final election observation report on June 7 detailed the substantial problems that precluded a free and fair election, including detention of campaign activists, searches of campaign offices, confiscation of campaign materials, and interruption of campaign meetings. Other problems included pressure from the BKGB on domestic election observers (see sections 1.d. and 1.e.); scant media coverage of the three candidates opposing Lukashenko (see section 2.a.); highly questionable early voting; and ballot counting that was problematic and lacked transparency.

On November 23, President Lukashenko stated during a press conference that the March presidential election results were falsified in favor of opposition candidates to appease Western leaders. Speaking to journalists, he said he actually won as much as 93.5 percent of the vote instead of the 83 percent announced by the CEC. He said the outcome was underreported in an attempt to have the results recognized by European and other western leaders. The following day a senior election committee official denied any vote rigging, saying the election was held in strict adherence to the country's laws.

Authorities virtually excluded opposition parties from the election process. During the presidential election, authorities selected only one out of 2,124 territorial commission members from the opposition BPF party. According to prodemocratic Belarusian Party of Communists' (BPC) head Sergey Kalyakin, the BPC reportedly nominated 70 persons to territorial commissions, and the opposition United Civic Party (UCP) nominated 38, but none were selected. A similar situation existed in the local council election process. On October 23, prodemocratic party leaders reported that the election authorities did not include one opposition party member on the 1,590 territorial commissions. On December 1, the CEC reported that only one prodemocratic political party member, a representative from the UCP, was given one of the 70,877 seats on the precinct election commissions.

Authorities frequently warned opposition candidates against early campaigning and harassed activists who attempted to collect signatures to nominate opposition candidates. On January 5, activists for presidential hopeful Zenon Poznyak claimed that they were chased out of underground passageways by police and barred from entering student dormitories. They said police cited a law banning collection of signatures in underground passageways, but could not cite the specific law that they were violating. BPC leader Kalyakin estimated that by mid-January approximately 60 percent of his party's signature collectors had either been questioned by authorities or threatened with expulsion if they continued to collect signatures.

On January 6, human rights NGO Charter 97 received letters from students at Belarusian State University (BSU) describing instances of university officials strongly encouraging students to sign nomination forms in support of President Lukashenko before they were allowed to take their exams. On January 9, the human rights NGO Vyasna reported that university officials interrupted an exam to announce that, if the students wanted to receive good marks, they had to sign nomination forms supporting Lukashenko. University students also were pressured to vote early and to leave the capital before the March 19 elections. Classes were canceled on March 17 to March 20, and students were encouraged to return to their homes outside of Minsk.

On January 18, the CEC warned opposition coalition candidate Aleksandr Milinkevich and presidential hopeful Zenon Poznyak for distributing campaign material while collecting signatures, which it said was a violation of the electoral law.

While opposition activists were warned or fined for early campaigning, the state-controlled television channel ONT broadcast a six week series of concerts featuring Russian pop stars, which culminated in a massive concert in Minsk four days before the start of early voting. The concert series was called *Za Belarus* (For Belarus), which was the campaign slogan Lukashenko used in the 2004 referendum that extended presidential term limits.

On February 11, the Minsk city government issued a list of specific venues and locations where presidential candidates could meet with voters and post campaign materials. Most of the venues were parks outside of Minsk's city center. In contrast, President Lukashenko had unlimited access to all government-owned venues in Minsk. Police routinely prevented candidates from holding rallies and posting campaign materials in unauthorized venues.

The CEC restricted campaigning by presidential candidates to state-controlled broadcast and print media. Each candidate was allotted two 30-minute segments on state radio and television. However, the candidate's speeches were prerecorded, and in one case the CEC edited Alexander Kozulin's remarks on the grounds that they slandered the president and the government. State broadcast media coverage was heavily biased in favor of Lukashenko and described the opposition in mainly negative terms (see section 2.a.).

Candidates were given access to seven state-run newspapers to publish their campaign platforms. On March 1, however, the newspapers announced they would not publish Milinkevich's platform because he had not provided the text on time. On March 2 and 3, four state newspapers published Lukashenko's platform on their front pages along with several of his photographs. In contrast, the major state newspapers published the platforms of presidential candidates Kozulin and Sergey Gaidukevich in much less visible sections of the papers.

Independent polling services were prohibited (see section 2.a.).

According to a 2005 regulation, all opinion polling must be registered with the government backed National Academy of Sciences; only government approved pollsters could conduct election related polling (see sections 2.a. and 2.b.).

There were credible reports that state employees were forced to collect signatures for Lukashenko's nomination out of fear of losing their jobs. State-owned department store employees in Minsk were required to gather signatures at the store's entrance. Other reports of coercion by Lukashenko's campaign operatives included forcing postal service workers, housing administrators, teachers, and hospital workers to collect signatures for the incumbent or risk losing their jobs.

Authorities either detained or arrested activists and often seized their private property or campaign materials. The leaders of the domestic election observers from the NGO Partnership were arrested in February on charges of planning a terrorist coup, but sentenced to up to two years in prison for leading an unregistered NGO (see sections 1.e., 2.b., 2.d., and 4). On January 6, police searched Milinkevich campaign team member Vladimir Hundar's apartment in Baranovichy and confiscated computer equipment (see section 2.a.). On February 14, Lida police detained opposition activists Anatoliy Khotko and Sergey Malchik and Grodno city council deputy Sergey Antusevich and seized 1,200 copies of the independent newspaper Narodnaya Volya. On February 21, the BKGB arrested Timofey Dranchuk, a Partnership NGO member, and confiscated numerous items from his apartment, including books, campaign leaflets, a computer, and personal documents (see sections 1.d. and 1.e.).

Police often invoked the law on combating terrorism to sanction their searches, detentions, and arrests (see section 2.b.). On March 3, police searched Milinkevich campaign team member Vasily Bezman's apartment for four hours looking for weapons and materials that could be connected to terrorist activities. They seized Bezman's computers and documents. Also on March 3, counterterrorist officers expelled three activists from Ukraine's Pora youth movement and several Ukrainian journalists who had arrived from Kyiv. Authorities claimed the journalists did not have proper press accreditation from the Ministry of Foreign Affairs. On March 16, BKGB chairman Stepan Sukharenko claimed that the agency had uncovered and foiled an opposition plot funded by two foreign governments to bomb four schools on election day as part of a coup against the president. Sukharenko accused the leaders of the domestic election observation group Partnership and opposition leader Anatoliy Lebedko of involvement in the alleged terrorist attack (see sections 1.e., 2.b., 2.d., and 4).

Authorities regularly interfered with peaceful election-related demonstrations (see section 2.b.). Activists that participated or led demonstrations were arrested and sentenced in large numbers following the March 19 elections (see section 1.e.). On July 13, a judge of the Moskovskiy District Court sentenced former presidential candidate Aleksander Kozulin to five and a one-half years in prison for hooliganism and disturbing the peace for organizing a protest march on March 25 (see section 1.c., 1.e., 2.b., and 3).

Political parties continued to receive warnings from authorities for minor offenses under a law that allowed the government to suspend political parties for six months for a violation and close a party after it received two warnings. The law also prohibited political parties from receiving support from abroad. In September 2005 the Ministry of Justice issued a separate ruling that required political blocs and coalitions to register with it. The closing in 2005 of approximately 80 percent of local political party offices around the country allowed the ministry to issue warnings to political parties that did not have the required number of local offices in the regions and in Minsk to operate (see section 2.b.).

On January 12, the Bobruysk chapter of Alexander Kozulin's Social Democratic Party "Hramada" (BSDP) lost its office after state authorities cancelled a rental lease due "to dangerous floor conditions." The authorities refused to rent BSDP another room to the party in the same building.

On January 30, the Ministry of Justice issued a second warning to the BPF for failing to have chapters in at least four regions and in Minsk. BPF deputy chairman Viktor Ivashkevich told reporters that landlords cancelled rental leases for BPF local chapters in Grodno and Gomel after being pressured by the authorities. As a result, authorities annulled the registrations of the two local chapters.

On August 15, the Ministry of Justice issued a warning to the Minsk chapter of the Belarusian Party of Communists (BPC) for alleged registration and other minor violations. The move was a culmination of a month-long effort by the pro-Lukashenko Communist Party of Belarus (CPB) to merge the two parties. When the BPC failed to comply with the warning, the justice ministry moved to suspend the BPC. On November 2, the justice ministry re-registered the BPC and annulled the merger with the CPB. On November 3, the Supreme Court canceled a hearing on the BPC's suspension until after the 2007 local elections. On November 28, the BPC appealed to authorities to end harassment of its members by the justice ministry. According to the BPC, the justice ministry ordered its local offices to verify membership of local chapters by compelling members to explain in writing why they belonged to the BPC. According to the BPC, 143 local party chapters were closed during the year.

There were 32 women in the 110-member lower house of the National Assembly, and 18 women in the 56-member upper house. Women chaired two of the National Assembly's 14 committees. There was one woman in the 38-member Council of Ministers, and the head of the Central Election Commission was a woman. With the exception of the judiciary, men held virtually all leadership positions.

No high level members of government or parliament openly identified themselves as members of a minority, although several were Polish or members of other ethnic groups.

#### Government Corruption and Transparency

Corruption in the executive branch of government was a significant problem, with a poor delineation between the president's personal and official funds, and a heavy reliance on off-budget revenues. The government itself profited from official corruption through high levels of goods confiscated at the border that were sold in state shops, and through renationalizing more of the economy.

Between January and October authorities uncovered approximately 3,000 corruption-related offenses. During the first six months of the year, the government prosecuted approximately 857 individuals for corruption and recovered more than \$1.87 million (four billion rubles) for the state.

On January 5, authorities arrested a senior official of the state-run truck production company "Belaz" for allegedly using his position to steal \$154,000 (330 million rubles) under the guise of research and development expenses.

On February 8, the chairman of the Supreme Court, Valentin Sukalo, confirmed that in April 2005 President Lukashenko had pardoned Galina Zhuravkova, who was convicted and sentenced in 2004 to four years in prison for embezzling over \$3 million from the state (6.4 billion rubles.) Zhuravkova allegedly repaid the money and did not spend any time in prison.

On October 3, the Supreme Court sentenced former director general of the Naftan oil refinery, Konstantin Chesnovitskiy, to four years in prison for illegal business activities and accepting large bribes. Also, a former official of the state-run airline, Belavia, was sentenced to 10 years in prison for accepting a \$66,000 bribe (142 million rubles).

On October 24, the former chief executive and personnel manager of the Evistor medical equipment plant were sentenced to 11 years in prison for accepting a \$50,000 bribe (106.7 million rubles) from a potential buyer of part of the company.

On November 21, two military courts convicted approximately 50 border guards and customs officials for accepting bribes to allow some 600 trucks enter the country between 2002 and 2004 without import duties. A former border control unit head, 13 border guards, five customs officers, and two civilians were sentenced to between five and 14 years in prison; 27 inspectors received sentences of up to seven years in prison.

On December 31, the Supreme Court sentenced a former police official to 10 years in prison for accepting bribes and abusing his power. The court confiscated his property and forbade him from holding a law enforcement job for five years. Five other men, including a KGB officer, received sentences ranging from six to eight years for bribery charges.

In July President Lukashenko signed an anticorruption bill to supplement existing anticorruption legislation. The new law expanded the list of professions vulnerable to corruption, designated the prosecutor general's office as the coordinator of anticorruption efforts, and prohibited government officials from having foreign bank accounts or engaging in nepotism. However, President Lukashenko's older son Viktor remained employed as his father's personal assistant.

The law and government policies severely restricted public access to government information. In practice citizens had some access to certain categories of information on government or database Web sites, but the information was often neither current nor complete. A 2004 presidential decree broadened significantly the amount of government material considered a state secret.

#### Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

Several domestic human rights groups were active in the country; however, authorities hindered their efforts to investigate alleged human rights violations. Authorities monitored NGO correspondence and telephone conversations and harassed NGOs by bureaucratic means such as frequent tax and other inspections and deregistration (see sections 1.f. and 2.b.). The government generally ignored reports issued by human rights NGOs and did not meet with these groups during the year. Official government media did not report on human right NGOs and their actions; independent media that reported on human rights' issues were subjected to closure and harassment (see section 2.a.).

The government has officially closed (de-registered) most major human rights NGOs and NGO resource centers, under a variety of pretexts which independent observers viewed as politically motivated. Many of the closures were based on a law signed by the president in July 2005 that allows authorities to close an NGO after just one warning from the government of a violation of the law. The violations most frequently cited were discrepancies between the seal that was presented when the organization registered and the seal used on subsequent occasions; inaccuracies in an organization's letterhead; the use of a mailing address at a residence rather than the registered office; alleged forgeries among the signatures required to obtain legal registration; and failure to follow the organization's own bylaws. The law allows authorities to close an NGO for illegally accepting foreign assistance and allows the Ministry of Justice to participate in any NGO activity, review any NGO document, and request any information from an NGO. It also requires NGOs to present detailed reports annually to the justice ministry about their activities, office locations, names of officers, and total number of members.

The law prohibits persons from acting on behalf of unregistered NGOs, and the government continued to prosecute persons for this offense during the year. In July four leaders of the domestic election NGO Partnership received from six months to two years in prison for action on behalf of an unregistered NGO (see sections, 1.e., 2.b., 2.d., and 3). On November 1, Malady Front leader Dmitriy Dashkevich was sentenced to 18 months in prison for leading an unregistered organization (see section 1.e. and 3).

A 2003 presidential decree restricting the right of organizations to receive funding from abroad provides that international assistance may be granted to, or accepted by, an organization whose project is registered by the government; however, lengthy delays in project registrations were common, particularly for human rights organizations. Another presidential decree prohibits foreign support for a broad range of activities, including the preparation, administration, and organization of elections and referenda; the organization of meetings, rallies, demonstrations, pickets, and strikes; the publication and distribution of promotional materials; and the organization of seminars and other types of promotional activities involving the population. The law also prohibits unregistered organizations from providing assistance to other NGOs. The government sometimes refused groups permission to accept foreign support even if they complied with government reporting requirements. In early 2006 the government denied permission for the (BHC) to accept \$1,000 (2.1 million rubles) from the International Helsinki Federation.

During the year authorities continued to harass the BHC, the country's most significant registered human rights NGO. On December 5, authorities seized BHC office equipment as partial payment of a \$75,000 (160 million rubles) fine for back taxes levied on international financial support it received. The BHC appealed the government fine, but the appeal was rejected by both the prosecutor general and the Supreme Economic Court, which cleared the way for the seizure. The seizure followed charges filed on May 26 by the justice ministry with the Supreme Court that BHC violated the law and its charter by including nonmembers as observers during the 2004 parliamentary elections, used a residence for its legal address, and did not pay taxes on time. The May 26 charges were suspended until the authorities could make a decision on the \$75,000 fine.

Authorities were increasingly reluctant to discuss human rights with international NGOs, whose representatives often had difficulty gaining admission to the country.

Government authorities continued to refuse to cooperate with the UN rapporteur on the human rights situation in the country. In 2005 the government refused to allow the human rights rapporteur entry into the country to assess the situation and stated that it would not cooperate with the UN official. However, on September 27, UN Special Rapporteur on Belarus Adrian Severin reported that the human rights situation in the country had deteriorated "to such an extent that the elements usually defining a dictatorship could be seen." According to Severin, civil and political rights were limited, cultural rights were ignored, and economic and other "rights" were conditional on obedience to the wishes of the authorities. On September 28, Ministry of Foreign Affairs spokesman Andrey Popov stated that the rapporteur was not necessary because there were "no grounds for such an institution" in the country.

On November 3, the International Helsinki Federation urged the government to abolish article 193.1 of the Criminal Code, which criminalizes directing and managing unregistered organizations. During the year leaders of two local groups, Partnership and Malady Front, were sentenced to prison under the article (see sections 1.e., 2.b., 2.d., and 3).

On December 20, the UN General Assembly adopted a resolution expressing deep concern over the human rights situation in the country; particularly the government's "persistent" harassment and prosecution of opposition activists and independent NGOs, and the government's failure to hold a free and fair presidential election (see sections 1.d., 1.e., and 3).

## Section 5 Discrimination, Societal Abuses, and Trafficking in Persons

The constitution provides that all citizens are equal before the law and have the right to equal protection of their rights and legitimate interests. The constitution and other laws also specifically prohibit discrimination based on factors such as race and language, or gender in certain instances. However, the government did not always protect these rights in practice. Violence against women and children, trafficking of persons, and discrimination against persons with disabilities, Roma, ethnic minorities, and homosexuals were problems.

### Women

Domestic violence, including spousal abuse against women, was a significant problem. In November, AI in a report stated that measures taken by the authorities to protect women against domestic violence were insufficient. The criminal code does not contain a separate article to prosecute cases of domestic violence. During the first eight months of the year the government reported that 2,993 criminal cases were opened under three criminal code articles prohibiting "household offenses" (intentional body damage, torture, and murder threats; severe body damage; destruction of property). During the same time, authorities secured 295 convictions for severe abuse of women and 33 for severe abuse of pregnant women, minors, and persons with disabilities. Women, however, remained reluctant to report domestic violence due to fear of reprisal and social stigma. NGOs operated crisis shelters primarily in Minsk, but they were poorly funded and provided limited support. NGOs complained of lack of funding and government support.

There is a law against rape, but spousal rape is not criminalized and is not generally viewed as a crime. Rape was a problem and most women did not report rape from shame or fear that police would blame the victim. The Ministry of Interior reported 353 rape cases during the year.

The law prohibits prostitution, but the penalties usually involved a warning or a small fine. Although authorities and local human rights observers reported that prostitution was not a significant problem, considerable anecdotal evidence indicated that it was growing, particularly in regions outside the main cities. Prostitution rings operated in government-owned hotels.

Trafficking in women and girls, particularly for sexual exploitation, was a serious problem (see section 5, Trafficking in Persons).

Sexual harassment was reportedly widespread, but no specific laws other than those against physical assault address the problem.

The law provides for equal treatment for women with regard to property ownership and inheritance, family law, and in the judicial system, and

the law was generally respected in practice. The law also requires equal wages for equal work; however, this provision was not always enforced. Women had significantly fewer opportunities for advancement to the upper ranks of management or government. A disproportionate number of unemployed persons were women. In March the Ministry of Statistics and Analysis reported that approximately 67 percent of unemployed persons in the country were women. Employers interviewing candidates for jobs often took into account whether a female applicant had children. The Ministry of Labor and Social Security is responsible for ensuring gender equality; however, it cannot issue binding instructions to any other government agency.

#### Children

The authorities were committed to children's welfare and health. In cities and urban areas the quality of education and other services for children exceeded minimum state standards, although it was lower outside of major cities.

Children begin school at age six and are required to complete nine years of education; most children completed compulsory schooling. The state provided 12 years of free education and in many cases paid for university education; students who received higher education at public expense were required to work for two years after graduation in government-directed jobs.

By law universal free government health care was available and provided to children, but health care at private clinics is generally of better quality. There were no differences in the health care available to girls and boys. Beginning in 2005 the government began to discourage medical rehabilitation trips abroad for children. During the past two years, the government introduced new regulations that restricted certain groups of children living in areas affected by the Chernobyl nuclear disaster from traveling abroad for rehabilitation (see section 2.d.). Many observers considered the restrictions part of a government effort to limit opportunities for children to experience living conditions outside of the country.

Child abuse appeared to occur infrequently. The country's criminal code does not contain a separate provision on child abuse. During the first eight months of the year the government reported that 59 minors were victims of rape; 31 suffered from intentional severe physical abuse, and 39 children ages nine through 12 suffered from a lesser form of physical abuse.

Child marriage was generally not a problem. However, within the Romani community, girls as young as 14 and boys as young as 16 could marry with parental consent, and frequently did so.

Trafficking of children was a problem (see section 5, Trafficking).

As of January 1, the National Adoption Center reported that there were approximately 32,600 orphans in the country. During the year there were reports of abuse and mistreatment in orphanages.

In September a foreign couple that served as seasonal foster parents for a 10-year-old female Belarusian orphan hid the girl for three weeks from authorities in Italy. They refused to release her, claiming they found marks on her body, including a suspected burn mark on the genital area. The Ministry of Education denied the allegations and the orphanage director stated that all "inmates have access to a pay phone and could call home at any moment" to report physical abuse in the school. The child was later returned to the orphanage (see section 2.d.).

As an alternative to orphanages, the law allows military units to adopt and train orphan boys between the ages of 14 and 16, an accepted practice that continues. While the children are not enlisted in the military, they must comply with military rules, wear a uniform, and obey orders. They have the option to join the unit upon reaching the draft age of 18.

#### Trafficking in Persons

The law prohibits trafficking in persons; however, there were reports that persons were trafficked from, through, and in a few instances within, the country.

Trafficking remained a serious problem. The Ministry of Interior reported 518 cases of trafficking in persons in the first 10 months of the year and registered about 463 victims of trafficking, including 55 minors. Victims were primarily women, who were trafficked for sexual exploitation, although traffickers have continued to target males of all ages for forced manual labor, primarily in Russia. According to International Organization for Migration (IOM), men trafficked for labor exploitation represented a larger percentage of the total number of trafficking victims this year as compared to 2005.

The country was both a country of origin and a country of transit for women and girls trafficked to the European Union (particularly Germany, Poland, the Czech Republic, Lithuania, and Cyprus), the Middle East (particularly Israel), Turkey, Russia, Ukraine, and Japan. The country's open border with Russia was a particular problem as it allowed easy trafficking of persons. Single, unemployed women under the age of 30 and girls were at particular risk of being trafficked due to their lack of awareness about trafficking and lack of economic opportunities, although victims over 30 increasingly became trafficking victims during the year due to an increase in the number of men over 30 who were trafficked for forced labor.

Ministry of Interior reports indicated that traffickers were members of loosely organized crime networks based within the country that maintained connections to larger international organized crime rings or direct contacts with brothels, clubs and bars in destination countries. Employment agencies, particularly travel and modeling agencies, were also responsible for trafficking.

Traffickers used force, fraud, and coercion to traffic persons, mostly from economically depressed areas, for sexual exploitation or for

physical or menial labor. Before the government began to give closer scrutiny to the activities of tourist bureaus and employment agencies, traffickers lured victims through print and Internet advertisements, offering jobs abroad as models and soliciting marriage partners. More recently traffickers have used informal recruitment networks and personal approaches to victims through friends and relatives to make false promises of lucrative financial opportunities abroad. Traffickers often withheld victims' documents and used physical and emotional abuse to control them.

The law criminalizes trafficking in persons for sexual or other kinds of exploitation. A March 2005 presidential decree led to amendments in the Criminal Code to allow the government to confiscate the property of convicted traffickers and increased their prison sentences. The penalty for trafficking is a minimum of five to seven years' imprisonment with property forfeiture, while the punishment for severe forms of trafficking is a minimum of 12 to 15 years' imprisonment with property forfeiture.

In the first 10 months of the year, authorities convicted 172 persons for trafficking-related offenses, as compared with 84 persons for the first six months in 2005, and 67 persons for the first six months in 2004. On September 18, a Moldovan citizen was sentenced to three and one-half years under Article 187 of the Criminal Code for trafficking men to Russia for labor exploitation. Authorities also cooperated with counterparts in the main EU destination countries, other member countries of the Commonwealth of Independent States, Israel, and Turkey to combat trafficking in persons. In March police helped Israeli authorities break up a sex trade ring that trafficked Belarusian women to Israel. However, poor implementation of existing legislation and unwillingness to formally recognize antitrafficking NGOs as equal partners in the battle against trafficking in persons continued to inhibit the government's antitrafficking efforts.

Antitrafficking efforts within the government were coordinated by the interior ministry's Department on Combating Trafficking in Human Beings. Many observers concluded that the government should clarify the role and power of the department for it to be effective. There was no formal mechanism to coordinate the government's activities with those of NGOs and international organizations. Antitrafficking NGOs and international organizations complained of a lack of financial and operational support from the government. While the government allowed NGOs and international organizations to conduct some antitrafficking programs, there were many reports of long delays to register or refusals to register antitrafficking projects, especially if funding came from outside the country.

Attention to trafficking at the border increased, but segments remained largely uncontrolled; an open border used to traffic victims both eastward and westward exists with Russia.

The Ministry of Labor continued to monitor and license activities of employment agencies offering labor contracts in foreign countries. In 2005 all agencies that facilitated travel, work, study, and marriage abroad were required to reregister with the government and provide full information to the government about foreign employment contracts (see section 2.d.). Out of 716 travel agencies, 198 were not reregistered. In October authorities suspended the licenses of an additional 36 tour agencies and warned 67 others for failure to meet licensing requirements (see section 1.d.). Most agencies dealing with work abroad, as well as most modeling agencies and marriage brokers, were not reregistered.

Reports continued that individual corrupt law enforcement and border officials facilitated trafficking by accepting bribes or by ignoring trafficking; however, there was no indication that the government systematically facilitated or condoned trafficking. The State Control Committee investigated allegations of official corruption through the Interagency Commission for Combating Crime, Corruption, and Drug Trafficking. In March 2005 a court sentenced former culture ministry official A. Semenov to eight years in prison for using his position to traffic 20 women to Italy.

Victims seldom reported trafficking crimes to police due to the social stigma attached to trafficking, aversion to dealing with authorities, and a shortage of social services and rehabilitation options. Some victims who were deported back to the country did not receive special status or assistance as trafficking victims due in part to recurring problems with victim identification. There were 156 government territorial social centers around the country, but none specialized in victim assistance. To supplement the government shelters, the UN Development Program, the IOM, and the antitrafficking NGO La Strada opened rehabilitation shelters for victims and their families. IOM assisted 413 victims as of December 1, compared with 455 in 2005.

Presidential decrees have eliminated criminal responsibility for illegal acts committed by a person being trafficked; defined the status of trafficking victims; and mandated measures to provide them with protection, medical care, and social rehabilitation, but only for victims who cooperate in an investigation and prosecution. However, the government did not allocate funds to pay for rehabilitation services. Lack of adequate funding for victim protection hampered the government's ability to deliver consistent assistance to victims. Instead, the government relied on international organizations and NGOs to provide the mandated rehabilitation assistance to victims of trafficking. In addition, under the law, traffickers are responsible for expenses incurred by the government to help victims, and agencies that assisted victims may seek reimbursement through the courts. Law enforcement authorities strongly encouraged victims to assist with investigations. Any trafficking victim who obstructs either the investigation or prosecution of a trafficking case is denied the benefits, including measures of protection, generally made available to victims.

The government did not conduct any formal trafficking awareness programs during the year, and there were no line items in the state budget for countering trafficking; however, the government-controlled media increased its reporting on the problem. There were antitrafficking billboards and television and radio public announcements during the year. The government continued to rely primarily on international organizations to implement antitrafficking legislation.

Government measures to deter trafficking included a requirement that all Internet dating services reregister with the government and provide information to the interior ministry about citizens leaving the country to date foreigners and about foreigners arriving in the country to date citizens. The authorities continued to enforce strong measures introduced in 2005 to discourage and control study abroad, which they justified in part as antitrafficking measures. However, some observers asserted that the authorities were seeking to restrict freedom of movement and possibilities for education abroad under the pretext of combating trafficking (see sections 2.a. and 2.d.).

### Persons with Disabilities

The law does not specifically prohibit discrimination against persons with disabilities in employment, education, access to health care, and other government services. According to the Republican Association of Disabled Wheelchair Users (RADWU), persons with certain diagnosed disabilities were not allowed to hold most government jobs. On May 5, RADWU organized a demonstration of approximately 30 wheelchair users in Minsk to demand equal rights and fair employment opportunities. According to the Internet news source Belapan, similar demonstrations took place in 11 other cities.

The law mandates that transport, residences, and businesses be accessible to persons with disabilities; however, facilities, including public transport and government office buildings, were generally not accessible to persons with disabilities. According to RADWU, the government's five year program launched in 2001 to make public buildings accessible to persons with disabilities achieved minor results. While ramps were installed on the exteriors of some buildings, the interiors remained inaccessible to people in wheelchairs. RADWU estimated that more than 75 percent of persons with disabilities were unable to leave their homes without assistance. Many sidewalks and stores had no ramps, and most buildings had only stairs or small elevators.

Authorities provided minimal benefits for persons with disabilities, and most of those benefits were ineffectual. For example, persons with disabilities were entitled to a 50 percent discount on rent and utilities, but only if they lived alone. Since few residences were accessible to persons with disabilities, most had to live with friends or family and were ineligible for the discount. Public transportation was free to persons with disabilities but neither the subway in Minsk nor the bus system was wheelchair accessible. The government prohibited employers from requiring persons with disabilities to work more than seven hours a day; however, this restriction had the unintentional consequence of discouraging companies from hiring persons with disabilities. The government provided support only to state-operated facilities, although those run by NGOs were often better equipped and more responsive to persons with disabilities.

The Ministry of Labor and Social Security is the main government agency responsible for protecting the rights of persons with disabilities.

### National/Racial/Ethnic Minorities

There was governmental and societal discrimination against the ethnic Polish population and Roma. There were also expressions of societal hostility toward proponents of Belarusian national culture.

During the year authorities repeatedly questioned the chairman of the unrecognized UBP, Anzhelika Borys, and her associates regarding their activities (see section 2.d.). On August 16, police summoned UBP activist and journalist Andrzej Poczobut for questioning, allegedly about a crime he witnessed. However, all of the questions focused on the sources of funding for his magazine and a previous fine. In August Poczobut was sentenced to 10 days in jail after a local television company complained that he obstructed the work of a cameraman trying to film a wreath laying. On September 25, police also summoned former UBP chairman Tadeusz Gavin for questioning.

On February 25, Minsk police detained Andrey Borys and two other UBP activists for three hours as they tried to attend a concert at the Sukno Palace of Culture. According to one UBP activist, police grabbed Borys, punched him in the face, put a pistol to his head, and dragged him from his vehicle. The police later claimed they had an anonymous tip that Borys was carrying weapons. No arms were found in the vehicle, but police confiscated 58 copies of the UBP publication *Glos znad Niomna* and charged all three activists with distributing printed material without required information about its origin.

On December 13, authorities sentenced "Magazyn Polski" Polish magazine layout editor Aleksey Saley to seven days in jail on charges of petty hooliganism and disobeying police officers after being arrested. Saley left his office on December 12 when several plainclothes police officers arrested him and forced him into a vehicle.

There was significant official and societal discrimination against the country's approximately 40,000 to 60,000 Roma.

Government media and officials portrayed Roma negatively. On January 14, the prosecutor rejected complaints by the Romani community about a documentary film shown on state television in 2005 that portrayed Roma as criminals who began selling drugs in childhood. Nikolay Kalinin, the head of the Roma community and a human rights activist, stated that the program, *Gypsies Go to Jail*, contained "exclusively negative information" that portrayed fellow Roma as criminals. The prosecutor, however, stated that the documentary did not contain any discrimination or insults directed at the Romani community.

On April 3, a group of six unidentified men assaulted and beat Kalinin in downtown Minsk. The assailants told Kalinin the beating was to defend the honor of a woman whom Kalinin had allegedly insulted. Kalinin claimed that he had never seen the woman and linked the attack to his human rights work and involvement in monitoring the March presidential election.

There was high unemployment and low levels of education within the Romani community. In November 2005 authorities estimated the unemployment rate among Roma at 93 percent. Romani children, who spoke mainly Roma and Belarusian, struggled in the school system where the primary language of instruction was Russian. Romani students reported that teachers and fellow students often considered them lazy or mentally incompetent due to language-related academic difficulties. During the year the Romani Lawyers Group continued to petition the government to permit establishment of a public school in Minsk for Roma, arguing that there were schools for Jews, Lithuanians, and Poles. The government has yet to respond to the petition, which was first submitted in September 2004. Roma were often denied access to free, higher education in state-run universities.

The Russian and Belarusian languages have equal legal status; however, in practice Russian was the primary language used by the government. Few official functions and publications were in Belarusian. As of September 1, the Ministry of Education ordered all course

instruction in grades 10 and 11 at Russian language schools to be in Russian. Previously both Russian and Belarusian language schools taught national history, geography, and Belarusian language and literature in Belarusian. The Belarusian Language Society protested the decision. The ministry later agreed to allow individual schools to decide on the language of instruction. However, both Russian and Belarusian schools received new textbooks about Belarusian history and geography for 10th and 11th grade in Russian.

On November 29, Viktoriya Dashkevich, head of a puppet theater in the northern city of Vitebsk, reported that the neo-Nazi, Russian National Unity group (RNU) sent her a letter demanding that the theater stop staging Belarusian-language plays and translate all plays into Russian because Belarus will soon become a part of Russia. Dashkevich filed a complaint with law-enforcement agencies over the letter, but the authorities refused to open a criminal investigation.

Ultrationalist skinhead groups made up of ethnic Russians harassed and vandalized property belonging to persons promoting Belarusian national culture. On April 3, unknown persons affixed fliers and signs with emblems of Russia's ultra-left National Bolshevik Party at the entrance to the Frantsisk Skaryna Belarusian Language Society headquarters. In June the leader of the Vitebsk chapter of the UCP received a threatening letter from the RNU telling her to abandon her opposition activities or face unspecified retribution from the RNU. On August 16, opposition BPF members discovered fake explosives planted near their office that were decorated with the RNU emblem, which resembles a swastika, and packed with RNU leaflets. The RNU denied planting the fake explosives. Also in August the independent newspaper Vitebskiy Kurier received a letter from RNU leaders with threats to drive the paper out of business.

#### Other Societal Abuses and Discrimination

Homosexuality is not illegal; however societal discrimination against homosexuals was a problem. Homophobia was widespread, and instances of harassment occurred in all spheres of society. According to the local TEMA gay rights group, government-controlled media tried to decrease participation in the protests following the March presidential election by saying they were part of a "gay revolution." In 2005 state media attempted to discredit the opposition by associating it with homosexuality. On July 31, state media BT broadcast on national television a police expose of a Latvian diplomat assigned to the country whom authorities accused of distributing pornography (see section 1.f.). The program targeted the diplomat because of his sexual orientation and included several minutes of hidden-camera footage of the diplomat watching pornography and engaging in homosexual activities. The police dropped the investigation in October.

On November 8, police raided an apartment where TEMA members gathered to organize an international Lesbian, Gay, Bisexual and Transsexual Conference scheduled for November 10. Police seized conference materials and detained members for questioning at a police station. Four TEMA activists were released; three remained in detention over night. TEMA leaders subsequently canceled the conference.

Societal discrimination against persons with HIV/AIDS remained a problem despite greater awareness of the disease and increasing tolerance towards people infected with HIV/AIDS. For example, maternity wards no longer separate HIV/AIDS-infected mothers from those not infected. However, the UNAIDS office reported that attitudes towards HIV/AIDS patients remained complicated, and there were still numerous reports of HIV-infected individuals who faced discrimination or were afraid to disclose their illness.

#### Incitement to Acts of Discrimination

In contrast with 2005, there were no reports that the government or government-controlled media promoted racial or ethnic hatred or incited violence against any race or ethnic group.

### Section 6 Worker Rights

#### a. The Right of Association

The law allows workers, except state security and military personnel, to form and join independent unions voluntarily; however, in practice the government did not respect this right. During the year the government continued efforts to suppress independent unions, stop their activities, and to bring all union activity under its control. The efforts included frequent refusals to extend employment contracts for members of independent unions, arrests of independent union members, confiscation of union materials, and refusals to register some unions.

The government-controlled Federation of Trade Unions of Belarus (FTUB) was the largest union in the country with an estimated four million members; however the number is likely inflated since the country's total workforce is approximately four million. The Belarusian Congress of Democratic Trade Unions (BCDTU) was the largest independent union organization, consisting of four constituent unions.

In September 2005 President Lukashenko expressed his intention to see all workers become FTUB members. The presidential administration subsequently enacted several measures to further this goal. Two presidential decrees in October 2005 granted the FTUB and its affiliated unions privileges that were not extended to independent trade unions. This included free office space in state-owned buildings and the exclusive right to inspect all business concerns for compliance with wage regulations, regardless of whether the firm employed FTUB members.

During the year the government continued efforts begun in 2005 to reinvigorate an "ideology program" at state enterprises, which was designed to propagate government policies and monitor workers' attitudes. New, more highly motivated "ideology workers" were named to replace tenured and relatively independent workers who previously occupied such positions. One independent union leader claimed that the ideology director at his factory said his job was to rid the factory of all nongovernmental unions.

On October 9, President Lukashenko signed a decree to eliminate registration requirements for trade unions; however, at year's end the

measure had not been implemented, and several independent trade unions remained unregistered. Trade unions must be registered to conduct union activities and to negotiate collective bargaining agreements. Unregistered union members faced administrative and criminal charges for what authorities could deem as "illegal" activity.

During the year city officials in Grodno, Borisov, and Mogilev continued to deny registration applications from local chapters of the independent Radio Electronic Workers Union (REP). On October 6, Borisov city officials for a fourth time denied registration to the REP chapter at the Borisov Factory of Auto Tractor Electric Equipment. In Grodno and Mogilev, officials denied REP registration in June and July, respectively, for a second consecutive year. At year's end the justice ministry had not decided if it would uphold a refusal by the Sovetskiy District administration to register a REP chapter at the Minsk Automobile Factory. The chapter first applied for registration three years ago.

Unlike in previous years, there were no reports that authorities tried to implement a 1999 presidential decree requiring independent trade unions to reregister to account for membership. Under the decree, unions had to enroll at least 10 percent of workers in an enterprise to register a local chapter, and have at least 500 members to form and register a national union. In November 2005 the justice ministry ordered the independent Free Trade Union of Metalworkers (FTUM) to reregister as a local chapter after it found that the union had 217 members. The union protested the order, claiming that it had 542 members because the ministry prevented four of the FTUM's nine local chapters to register. Also in 2005 the ministry found the Democratic Union of Transport Workers to have too few members and referred the case to the prosecutor general.

Unlike in previous years, there were no reports that the government dissolved unions without judicial process.

The government used a system of contracts with individual workers and administrative measures to discourage membership in independent unions and in regional, national, and international labor organizations.

Beginning in 2004 authorities required government employees and employees of state-owned businesses, which make up a majority of the workforce, to work under short-term contracts. While contracts could be signed for up to five years, most state employers issued work contracts for a six month or one year term. In August 2005 President Lukashenko signed a decree that set the minimum contract length for state employees at one year to satisfy complaints by critics. Any contract for less than one year must be agreed to in writing by a worker, and a worker's contract cannot be terminated without a two week notice. However, authorities continued to use the contract system to discourage state employees from participating in independent union and political party activities, which they deemed to be "anti-government" or "harmful" to society.

On November 21, the management of the Gomel Motor Park No. 1 refused to extend the work contract of REP chapter leader Andrey Baranov because his membership in the independent union precluded him from continuing work as a driver. The action followed a justice ministry decision that drivers at the Gomel Motor Park No. 1 could not join trade unions. In March police confiscated 70 REP applications from the motor park drivers and sometimes helped management pressure union applicants to resign their membership. As a result, 20 drivers signed requests to leave REP. Of that number, six who were forced to quit the union claimed that they were threatened with job loss.

The government continued to reject or ignore efforts by the international community to encourage trade union independence. On July 26, authorities refused to allow four members of the European Union's economic and social committee into the country even though they had entry visas. The EU officials wanted to determine whether the country was fulfilling International Labor Organization (ILO) recommendations to stem the erosion of independent trade union activity. The Ministry of Foreign Affairs stated that the delegation's visas were canceled because the visit was not prepared in close cooperation with the government.

During the year government-backed union officials continued to reject a key ILO recommendation by refusing to give a seat on the National Council of Labor and Social Issues (NCLSI) to an independent union. In August, the head of the government-controlled FTUB Leonid Kozik pledged to the leader of the independent BCDTU, Aleksandr Yaroshuk, a seat on the national council. However, the council neither provided written confirmation of the promise, nor voted to give the BCDTU a seat on the NCLSI. As a result, the BCDTU could only participate as an observer on the NCLSI.

Authorities and factory managers continued to discourage workers from maintaining membership in independent unions. For example, continued threats from managers at the Belshina tire factory in Orsha not to renew work contracts caused a drop in membership of the Belarusian Independent Trade Union (BITU) from 250 in 2005 to approximately 80 at year's end.

In January Anatoliy Yakobuk, director of the Mogilev Artificial Fiber Factory, refused to deduct union dues from worker salaries and to transfer the fund to the national office of the independent REP. On April 17, management renewed the fund transfers, but REP activists claimed Yakobuk complicated the process by requiring REP members to apply for the monthly funds transfer in writing.

On June 1, the chapter of the BITU that represents workers at the Grodno Azot chemical plant, one of the country's major chemical manufacturing industries, filed a complaint with the regional prosecutor's office claiming that Grodno Azot managers were forcing members to leave the union. According to union leader Sergey Antusevich, Grodno Azot's new director, Aleksandr Radevich, complained that he could not run an enterprise with two trade unions. During the year harassment of workers at the factory resulted in a decline in BITU membership from 800 to 300.

On June 2, the Belarusian Free Trade Union (BFTU) at the Bobruysk tractor factory reported that its membership decreased from 500 to 350 as a result of constant pressure from the factory administration. According to the BFTU, members were given an ultimatum: leave the union and receive contract extensions and better wages or face unemployment.

The government also directly targeted union leaders and activists. On March 18, the country's antiterrorist paramilitary group ALMAZ

unsuccessfully tried to force its way into REP's office under the pretext of a bomb threat. Grodno REP activist Ivan Roman was later arrested and detained for allegedly planting bombs. Roman reported that ALMAZ officers threatened his life. He was charged with using obscenities and released 36 hours later. In September 2005 a Grodno court fined Roman \$600 (1.3 million rubles) for acting on behalf of an unregistered organization while distributing union literature. Prior to his court appearance, unknown persons ransacked the REP's Grodno office, stealing documents and electronic files. In October 2005 Roman was detained for distributing an independent newspaper.

On April 26, the administration of the Gomel Motor Park No.1 dismissed employee and REP activist Aleksandr Evseychuk for absenteeism. According to Evseychuk, he was subpoenaed to appear in court, but allegedly returned to work too late to leave for a business trip. According to Evseychuk's lawyer, he was previously fined twice for his union work.

On May 4, the management of the Minsk Metro declined to renew the contract of Oleg Shcherbo, a locomotive driver for 23 years and BFTU member. In 2005 Shcherbo was demoted to a lower paying job as a mechanic. The BCDTU attributed Shcherbo's dismissal to his testimony about the government's mistreatment of independent unions to a 2004 ILO Commission of Inquiry.

#### b. The Right to Organize and Bargain Collectively

The law provides for the right to organize and bargain collectively; however, government authorities and managers of state-owned enterprises routinely interfered with union activities and hindered workers' efforts to bargain collectively, in some instances arbitrarily suspending collective bargaining agreements.

In September 2005 President Lukashenko called for all employers to sign collective bargaining agreements with trade union leaders at their respective companies. However, employers and progovernment trade unions refused to include many independent trade unions in the negotiations. Independent union leaders viewed the requirement for collective bargaining agreements as the beginning of a process that would strip unions of their negotiating power and independence; however, they also understood that failure to sign the collective agreements would prevent workers from receiving social benefits and protection.

During the year the administration at Grodno AZOT excluded the factory's BFTU from its collective bargaining agreement. As of August 18, the managers at the Belshina tire factory in Bobruysk continued to deny benefits required by its collective agreement to BITU members, asserting that the official union, Belkhimprofsoyuz, was against the move. According to the BCDTU, denying equal benefits to BITU members violated Article 365 of the Labor Code, which calls for extended agreements to cover all workers who give their consent. In September Belshina managers refused to pay BITU members bonuses offered to non-BITU members. To protest the move and to demand registration of the local BITU chapter, BITU leader Yelena Zakhzhaya went on a 43-day hunger strike. In November managers paid the bonuses but did not approve the chapter's registration.

The law provides for the right to strike; however, tight government control over public demonstrations made it difficult for unions to strike or hold public rallies. Management and local authorities also blocked worker attempts to organize strikes on many occasions by declaring them illegal.

During the year unions organized small strikes in various regions of the country. However, these authorized demonstrations were held away from city centers. On August 9, 70 activists of the Mogilev REP chapter held a picket on the outskirts of the city to demand that city authorities register its local chapter. The rally was originally scheduled for July 25 at the Palace of Culture at the Artificial Fiber Plant, but city officials denied permission one day earlier after discovering that REP had failed to pay for ground cleaning services. The independent union had already paid for police, outpatient clinic, and local housing maintenance services.

Similar demonstrations were to take place in Grodno and Gomel, but city officials either did not approve a requested city center location or delegated the decision to regional officials. On March 2, Polotsk city officials refused to allow the BFTU to picket near the entrance of the Polotsk Fiber Glass Company because the site was not intended for carrying out mass actions.

There are no special laws or exemptions from regular labor laws in the six special economic zones.

#### c. Prohibition of Forced or Compulsory Labor

The law prohibits forced or compulsory labor, including by children; however, persons were trafficked for sexual exploitation and forced labor (see section 5).

During the year the government approved several subbotniks, when workers "volunteered" to work on Saturday and donate earnings to finance government social projects. However, participation in the day-long labor was, in effect, mandatory. Workers who refused to work were subjected to fines and intimidation by employers and government authorities.

Unlike in 2005, there were no reports that authorities ordered graduating medical students who had paid their own tuition to work for three years in small towns.

With the concurrence of a doctor, an administrative court may sentence alcohol and drug abusers to up to two years of labor in government work treatment centers. Inmates receive minimal pay, almost all of which is taken to pay for room and board.

#### d. Prohibition of Child Labor and Minimum Age for Employment

The law protects children from exploitation in the workplace, including a prohibition on forced and compulsory labor, and specifies policies for acceptable working conditions, and in practice the government generally implemented these laws.

The minimum age for employment is 16; however, 14-year-olds may conclude a labor contract with the written consent of one parent or legal guardian. The prosecutor general's office reportedly enforced the law effectively. Minors under 18 were allowed to work in nonhazardous jobs, but were not allowed to work overtime, on weekends, or on government holidays. Work was not to be harmful to the minor's health or to hinder their education. With the exception of some trafficked minors child labor was generally not a problem (see section 5).

#### e. Acceptable Conditions of Work

The national minimum wage of \$70 (150,000 rubles) a month did not provide a decent standard of living for a worker and family. Officially, average real wages were approximately \$283 (608,450 rubles) a month at year's end, although many employees received additional wages under the table.

The law establishes a standard work week of 40 hours and provides for at least one 24-hour rest period per week. Because of the country's difficult economic situation, many workers worked considerably less than 40 hours per week, and factories often required workers to take unpaid furloughs due to raw material or energy shortages or lack of demand. The law provides for mandatory overtime and holiday pay and restricts overtime to 4 hours every two days, with a maximum of 120 hours of overtime allowed each year. The government was believed to have effectively enforced these standards.

The law establishes minimum conditions for workplace safety and worker health; however, employers often ignored these standards. Workers at many heavy machinery plants did not wear even minimal safety gear. There is a state labor inspectorate, but the agency lacked authority to enforce employer compliance and often ignored violations. During the first eight months of the year, 140 fatal accidents in the work place were reported, a 4.1 percent decrease from the same time in the previous year. There also were 453 accidents resulting in serious injury during the same time period, which marked a 7.6 percent decrease. The labor ministry reported that workplace accidents were caused by carelessness, poor conditions, malfunctioning equipment, and poor training and instruction. The law does not provide workers the right to remove themselves from dangerous and unhealthy work environments without risking loss of employment.