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## 2010 Human Rights Report: Belarus

BUREAU OF DEMOCRACY, HUMAN RIGHTS, AND LABOR

### 2010 Country Reports on Human Rights Practices

April 8, 2011

Belarus is a republic with a population of 9.5 million. The country has a directly elected president, who is chief of state, and a bicameral "parliament," the National Assembly, consisting of the Chamber of Representatives (lower house) and the Council of the Republic (upper house). A prime minister appointed by the president is the nominal head of government. In practice, however, power is concentrated in the presidency. Since his election as president in 1994, Alyaksandr Lukashenka has consolidated his power over all institutions and undermined the rule of law through authoritarian means, including manipulated elections and arbitrary decrees. Subsequent presidential elections, including the one held on December 19, were neither free nor fair, and fell well short of meeting international standards. The 2008 parliamentary elections also failed to meet international standards. Security forces reported to civilian authorities and to the president in particular.

During the year authorities continued to commit frequent, serious abuses in a system bereft of checks and balances, and dominated by the president. Authorities denied citizens the right to change their government, manipulating the December 19 presidential election to ensure that the president would not be seriously challenged. The election administration lacked independence and impartiality; opposition candidates faced an uneven playing field and a restrictive media environment, and the vote count was marked by a lack of transparency. The government failed to account for past politically motivated disappearances. Security forces beat detainees and protesters, used excessive force to disperse peaceful demonstrators, and reportedly used torture during investigations. A crackdown on a postelection demonstration led to the arrest of over 700 activists, including criminal charges against five presidential candidates and numerous activist and journalists. Reports of abuse of prisoners continued, and prison conditions remained extremely poor. Authorities arbitrarily arrested, detained, and imprisoned citizens for criticizing officials, participating in demonstrations, and other political reasons. Impunity remained a serious problem. The judiciary lacked independence, and suffered from inefficiency, and political interference; trial outcomes were often predetermined, and many trials were conducted behind closed doors. Authorities continued to infringe on citizens' privacy rights, and to target opposition youth leaders for military conscription. The government further restricted civil liberties, including freedom of speech, press, assembly, association, religion, and freedom of movement. The government seized printed materials from civil society activists and prevented independent

media from disseminating information and materials. The government continued to hinder or prevent the activities of religious groups other than the Belarusian Orthodox Church, at times fining or deporting their leaders for conducting services. Official corruption in all branches of government continued to be a problem. Authorities harassed, fined, and prosecuted nongovernmental organizations (NGOs) and political parties, refusing to register many and then threatening them with criminal prosecution for operating without registration. Violence and some discrimination against women were problems, as was violence against children. Trafficking in persons remained a significant problem, although some progress was made in combating it. There was discrimination against persons with disabilities, Roma, ethnic and sexual minorities, persons with HIV/AIDS, and those who sought to use the Belarusian language. Authorities harassed and at times dismissed members of independent unions, severely limiting the ability of 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 reports during the year that the government or its agents committed any arbitrary or unlawful killings; some human rights observers contended that authorities staged the apparent suicide of Aleh Byabenin, a prominent independent journalist and opponent of the government (see section 2.a.).

#### b. Disappearance

Following the postelection arrests and detentions of hundreds of protestors on the evening of December 19 (see section 1.d.), the whereabouts of some high-profile detainees remained unknown for days. For example, presidential candidate and Tell the Truth movement leader Uladzimir Nyaklyaeu, after being beaten by individuals believed to be members of the country's special forces, was abducted from the hospital by unknown individuals believed to be state security officials. Hospital officials subsequently reportedly stated that Nyaklyaeu had been discharged and "left on his own two feet." On December 20, Lukashenka announced at a press conference that Nyaklyaeu was being held at the Committee for State Security (KGB) detention facility.

In March police reportedly suspended an investigation into the abduction of opposition youth leader Zmitser Dashkevich on the grounds that they failed to identify any suspects. Activists reported that in December 2009 security forces abducted Dashkevich near his home in Minsk, drove him to a forest approximately 40 miles north of the city, forced him out of the car, and left him there.

The prosecutor general further extended his 10-year-long investigation into the 1999 disappearance of former interior minister and opposition leader Yury Zakharenka and in August, for the first time, he sent Zakharenka's mother an official reply to her numerous requests for details of the investigation. The letter stated that the prosecutors were studying various theories of the case, including those that related it to Zakharenka's political activities. There were no developments in the continuing investigations into the 2000 disappearance of journalist Zmitser Zavadski, and the 1999 disappearances of opposition activist Viktor Hanchar and businessman Anatol Krasouski. There was evidence of government involvement in these cases, but authorities continued to deny any connection with the disappearances.

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

The law prohibits such practices; however, the KGB, riot police, and other security forces continued to beat detainees and demonstrators routinely.

Police frequently beat individuals during arrests, as well as persons detained for organizing or participating in demonstrations and other opposition activities (see section 2.b.). For example, approximately 20 democratic activists complained that police bruised and scratched them on February 8 while they were detained for two hours for fingerprinting and identity checks after riot police forcibly broke up peaceful rallies in support of detained activists Mikalay Autukhovich and Uladzimir Asipenka from Vaukavysk. On February 14, police violently dispersed a St. Valentine's Day march staged by the Malady Front opposition youth organization and arrested 22 activists, four of them minors. The detainees reported that at least five of their number were beaten, and Tatsyana Shaputska, a Malady Front member previously expelled from the Belarus State University (BSU) for political activities, suffered a minor concussion.

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On February 16, security forces manhandled and arrested approximately 20 democratic activists demonstrating in downtown Minsk in remembrance of opposition leaders who disappeared in 1999 and 2000. Police seized a number of persons as they approached the venue and arrested others in the square a few minutes later. Officers in plainclothes used force against journalists, blocking their photograph and video cameras, and pushing them away from the demonstrators. Six activists from the European Belarus campaign, who were charged as a result of their participation in these events, claimed to prosecutors that they experienced brutal and inhumane treatment at the hands of police.

After forcibly dispersing demonstrators in Minsk on May 6, police reportedly beat participant and former political prisoner Alyksandr Kazulin and other democratic activists. The demonstration, involving more than 50 activists, took place outside the Supreme Court following the announcement of guilty verdicts in a criminal case against two Vaukavysk activists and two other persons.

On May 27, police in Minsk detained and severely beat opposition youths, including Franak Vyachorka and Zmitser Parmon, as they were preparing for an organized cycling event to pay tribute to a national poet. Parmon required immediate medical assistance and underwent surgery on his broken collarbone. On June 2, he informed prosecutors about the beating and urged them to open an investigation. In their reply the prosecutors' told Parmon that his injuries were due to his own "carelessness."

On July 9, unidentified men assaulted Artur Finkevich, one of the leaders of the Young Belarus opposition youth group, and his associate Alyksandr Lukshyn. They knocked the two down, beat them, and sprayed an unknown substance in their faces. Attackers took Finkevich's computer, flash drives, money, mobile phone, and personal documents, including his passport. Finkevich was reportedly taken to a hospital for treatment of burns in his face and eyes, and bruises. The theft of his passport prevented Finkevich from participating in a long-planned international visitor program sponsored by a foreign government.

On the night of December 19, in a violent confrontation with demonstrators following the presidential election, police used physical force to break up the crowd, beat peaceful demonstrators, and detain over 700 persons, including presidential candidates. According to press reports, scores of demonstrators and a number of police officers were injured (see section 2.b.). Many demonstrators remained in detention at year's end.

Human rights advocates continued to report the use of torture and other forms of physical and psychological abuse of suspects during criminal and administrative investigations. For example, the prosecution's evidence in the criminal case against anticorruption activists Autukhovich and Asipenka consisted largely of statements by persons who subsequently recanted their testimonies. Authorities dropped treason charges against them, but convicted them on other charges. The witnesses claimed that they were subjected to violence, blackmail, psychological pressure, and other forms of intimidation to get them to testify against the activists. The Belarusian Helsinki Committee (BHC) provided documentation of a police practice of charging individuals as accomplices in certain crimes in order to induce them to implicate others, then dropping the charges and forcing them to serve as prosecution witnesses. Numerous women detained in the December 19 protests

reported that they were threatened with rape while in custody. Many of those who were ultimately charged with criminal behavior were detained for the maximum ten days without charge, permitting authorities to put pressure on them by denying them visits, receipt of medicines, and food from their families.

The hazing of new army recruits, including beatings and other forms of physical and psychological abuse, continued; however, the situation improved somewhat as the government increased its prosecution of offenders. A military prosecutor claimed in June that the number of crimes committed by army personnel was declining, although in the first six months of the year the official crime rate remained at 2009 levels. The military prosecutor stated that no hazing deaths or assaults causing severe bodily harm were registered in the first six months of the year, but he acknowledged that hazing remained the most widespread offense reported among military personnel during that period.

#### Prison and Detention Center Conditions

Prison and detention center conditions remained poor and in many cases posed threats to life and health. There were shortages of food, medicine, warm clothing, bedding, and inadequate access to basic and emergency medical care and to clean drinking water. Ventilation in cells and overall sanitation was poor. As a result tuberculosis, pneumonia, and other communicable diseases were widespread. According to domestic human rights groups, the rate of tuberculosis infection was seven times the national average due to overcrowding and poor sanitary conditions. The death rate from tuberculosis among inmates was 1.3 times the national average. The United Nations Development Program reported in September 2009 that none of the country's prisons fully complied with the World Health Organization's tuberculosis infection control guidelines and expressed concern over sexual and other types of harassment and violence in prisons.

In May 2009 according to the government, authorities were holding 37,578 persons, including approximately 1,200 juveniles, in detention. Of the prisoners, 46 percent were serving sentences for economic crimes, including embezzlement, fraud, tax evasion, theft, money laundering, and illegal business activities. Prisoners who complained about abuse of their rights often faced humiliation, death threats, or other forms of punishment. Some stated that they were blackmailed. Sources claimed that the outcome of applications for parole frequently depended on bribes to prison personnel.

According to a 2008 BHC report, authorities continued their practice of isolating certain prisoners--particularly inmates with HIV/AIDS and foreign citizens. They restricted or denied a variety of prisoners' rights, including the right to appeal their sentences, express their political and civil beliefs, vote, and obtain information from their families. Prison administrators arbitrarily abused inmates and applied severe penalties for minor violations of the "internal regime."

Former prisoners reported that medical checkups were rare, were frequently provided by underqualified medical personnel, and that the results were often fabricated. Authorities failed to provide conditions necessary for maintaining proper personal hygiene. Prisoners often complained of malnutrition and low quality uniforms and bedding. Some former political prisoners reported that they experienced psychological abuse and often had to share a cell with violent criminals. They also reported that authorities neither explained nor protected their legal rights.

Malady Front activist Ivan Stasyuk complained to the prosecutor general's office about conditions at the detention center in Brest, where he was held from February 3 to 6, on suspicion of malicious hooliganism. Stasyuk reported a lack of bedding, inadequate lighting and ventilation, and cold cells.

In another case Cameroonian athlete Guy Francois Toukam was detained at the Minsk airport on June 1 upon his arrival to take part in a soccer tournament and was held for 44 days because of purportedly fake travel documents. After his release from a pretrial detention center in Minsk, Toukam stated that he was beaten, denied legal assistance, experienced racial discrimination, and denied adequate nutrition, with a resulting weight loss of more than 40 pounds. Authorities

permitted him to shower only once a week, never took him outdoors for exercise, required him to sleep on a wooden bench, and seized his personal belongings.

During his 15-month period of pretrial detention, which began in February 2009 Vaukavysk activist Autukhovich asserted that he lost most of his teeth due to poor quality drinking water and the denial of proper treatment and dentures.

Overcrowding in prisons and detention centers, and use of a form of internal exile known as "khimiya" were serious problems. Persons sentenced to khimiya lived in prison barracks and were forced to work under strict conditions.

The law permits family and friends to bring detainees food and hygiene products and to send them parcels by mail, but in many cases authorities did not adhere to the law.

Prisoners and detainees had limited access to visitors, and denial of meetings with families was a common punishment for disciplinary violations. Although the law provides for freedom of religion, and there were no specific reports of infringements, prisoners generally were prevented from holding religious services and performing rituals that did not comply with prison regulations. Former prisoners credibly reported that their complaints to higher authorities were often censored or not forwarded at all and that their requests for investigation of allegations of inhumane conditions were considered selectively by prison administrations and could result in severe disciplinary action against those who complained. They also complained of increased pressure from the prison administration in cases of claims of inhumane treatment.

The 2008 BHC report showed that authorities rarely investigated allegations of inhumane conditions or documented the results in a publicly accessible manner. It highlighted the lack of any independent appeals mechanism that would secure prompt, impartial, and transparent investigation of the numerous complaints of mistreatment, or would provide a means to hold offenders liable for such incidents.

While authorities claimed to conduct periodic investigations and monitoring of prison and detention center conditions, human rights groups asserted that such inspections--even if they did occur--lacked any credibility. There was no ombudsman who could serve on behalf of prisoners and detainees; human rights advocates who were not members of state-controlled bar associations had no access to prisoners and detainees and could not provide them with legal counsel. For example, on December 31, Andrey Pustashyla, a senior officer of the Prosecutor's General office, inspected the pretrial detention facilities of the KGB following numerous credible complaints from lawyers and family members of detainees in connection with the large-scale detentions in Minsk on and after December 19. Pustashyla claimed that all the detainees were healthy and did not voice any concerns regarding conditions at the facilities. He also reported that such inspections of the KGB facilities were completed every month.

Authorities did not permit independent monitoring of penal institutions. Despite numerous requests to the Ministries of Interior and Justice, government officials continued to refuse to meet with human rights advocates or approve requests to visit detention facilities. There were no reports during the year of independent monitoring of prison conditions by domestic or international human rights groups, independent media, or the International Committee of the Red Cross.

The government took some limited steps to improve prison and detention center conditions, primarily through the use of amnesties to relieve overcrowding. In May the president signed a law that established a standard of approximately nine square feet of cell space per prisoner and would permit inmates to play sports. Prisoners enrolled in distance learning courses were allowed to leave prisons to take exams, although they were obliged to register at a police precinct near their place of residence. The maximum term for which prisoners could be held in isolation as a punishment for disciplinary violations was reduced from 15 to 10 days. Authorities ceased to reduce food rations for prisoners being held in isolation, a practice human rights advocates described as torture. At a June 23 press conference, Prosecutor General Ryhor

Vasilevich acknowledged that problems existed in providing medical and other assistance in prisons and called on the interior ministry, which supervises prisons, to enforce prison standards and eliminate "physical or psychological violence" against prisoners.

#### d. Arbitrary Arrest or Detention

The law limits arbitrary detention; however, the government did not respect these limits in practice. Authorities continued to arrest individuals for political reasons and to use administrative measures to detain political activists before, during, and after protests.

#### Role of the Police and Security Apparatus

The Ministry of Interior exercised authority over the police, but the KGB and presidential security services also exercised police functions and the president has the authority to subordinate all security bodies to his personal command. Impunity among law enforcement personnel remained a serious problem. Individuals have the right to report police abuse to a prosecutor; however, the government often did not investigate reported abuses by the security forces or hold perpetrators accountable.

#### Arrest Procedures and Treatment While in Detention

Under the law police must request permission from a prosecutor to detain a person in excess of three hours; however, in practice these procedures were usually ignored, and police routinely detained and arrested individuals without warrants. Authorities may hold a person suspected of a crime for up to 10 days without filing a formal charge and for up to 18 months after filing charges. Under the law prosecutors, investigators, and security service agencies have authority to extend detention without consulting a judge. Detainees have the right to petition the legality of their detention, but in practice appeals by suspects for a court review of their detention frequently were suppressed or ignored.

Police often detained individuals for several hours, ostensibly to confirm their identity, and then released them without charges. They frequently used this tactic to detain members of the opposition and demonstrators, to prevent the distribution of leaflets and newspapers, or as a pretext to break up civil society meetings and events.

During the year authorities arbitrarily detained or arrested hundreds of individuals, including opposition figures and members of the independent media, for reasons that were widely considered to be politically motivated. For example, Conservative Christian Party activists Syarhey and Vital Kavalenka were subjected to repeated harassment during the year. On January 7, police arrested Syarhey Kavalenka for placing an unregistered white-red-white opposition flag on top of a Christmas tree in Vitsyebsk. On January 10, the prosecutor extended his detention for two months; however, on January 12, he was unexpectedly released but forbidden to leave the country. On May 14, he was convicted of severely disturbing public order and resisting police, and given a suspended three-year prison term with probation. The court also ordered him to pay more than 4.5 million rubles (\$1,500) in damages to police and city authorities. On April 21, Kavalenka and his brother, Vital, were sentenced to seven and six days in jail, respectively, for illegally demonstrating in front of a courthouse. Vital Kavalenka was also fined 70,000 rubles (\$23) on minor hooliganism charges. On June 8, Syarhey Kavalenka was fined 105,000 rubles (\$35) on charges that he used foul language on May 8. On July 8, he was again detained and jailed for 10 days on charges of violating probation requirements. On July 9, a Vitsyebsk district court sentenced Syarhey's brother Vital to five days in jail for allegedly using obscenities. The activists asserted that authorities isolated them during a large international music festival held in Vitsyebsk in mid-July and attended by the president. Moreover, on August 11, Syarhey Kavalenka was fined 770,000 rubles (\$257) for slandering police officers during his detention in July.

On January 15, a Vitsyebsk district court sentenced Young Belarus member Taras Surhan to seven days in jail for minor hooliganism. Surhan was detained on January 9 and released three days later, pending trial. On February 2, a court subjected Surhan to a year of police supervision following his conviction for opposition activities in 2009. On April 23, Surhan was arrested for nine days for participating in an unsanctioned demonstration on April 20.

On February 19, Aleh Surhan, another Vitsyebsk activist and a member of the Belarusian Christian Democracy Party, was jailed on allegations of violently resisting a police officer; Surhan claimed it was the police who had manhandled him. Surhan was ordered to pay 2.5 million rubles (\$833) in compensation to the officer.

On March 3, a Belarusian Christian Democracy Party activist in Zhodzina, Andrey Kasheuski, was given an administrative sentence of 15 days in prison for distributing independent newspapers. He went on a hunger strike while in jail to protest his sentence and his resulting inability to file papers that would have enabled him to run in the April 25 municipal elections. Police also briefly detained Kasheuski on April 5, but they released him later with no charge.

On March 24, a court in Minsk fined three human rights advocates 17,500 rubles (\$6) for holding an unsanctioned protest against death penalty executions in front of the presidential residence on March 23. They spent the night at detention facilities. Photojournalist Syarhey Sys, also apprehended at the site, was released without charge.

On April 27, police arrested opposition activists Andrey Kuzminsky, Mikhail Naskou, and Alyaksey Atroshchanka for carrying a white-red-white opposition flag and for organizing an unsanctioned protest against former Kyrgyz president Kurmanbek Bakiyev, who was staying in the country. They were fined 17,500 rubles (\$6) each the next day after a night in custody.

On May 7, police in Brest detained two human rights defenders for distributing leaflets on the 11th anniversary of Yury Zakhranka's disappearance. They were held for more than an hour, and all printed materials were seized from them. In Minsk seven activists, including United Civic Party Chair Anatol Lyabedzka, were apprehended for illegally demonstrating on the same occasion.

On May 18, a small business activist in Slonim, Viktor Marchyk, was summoned by police and interrogated about his political activities.

On June 2, authorities detained Young Belarus group members Ivan Zaytsau, Zmitser Skachkou, and Kiryl Kavalyou for more than an hour in Homyel while the three were collecting signatures to protest the enactment of Internet regulations. All were released without charge; police confiscated their printed materials.

On July 26, also in Homyel, police apprehended three opposition activists who were handing out greeting cards on the occasion of the 20th anniversary of the adoption of the country's declaration of independence. Independent journalist Larysa Shchyryakova also was briefly detained for covering the event.

Security forces tightened control over the dissemination of materials printed by the opposition in the months before the December 19 presidential elections. On August 7 in Dobrush, police officers arrested two activists of the For Freedom movement, Syarhey Stsepanets and Yauhen Suvorau, while they were distributing information kits about the movement's leader Alyaksandr Milinkevich. They were held at a precinct for an hour. On August 8, police in Hrodna detained Belarusian Christian Democracy Party member Mikalay Bausyuk at a bus station and confiscated "for further examination" copies of the party's bulletin, its presidential candidate's election platform, and other printed materials.

On August 15, authorities arrested human rights advocate Raman Kislyak in Brest for disseminating leaflets about the UN International Convention for the Protection of all Persons from Enforced Disappearance. Police searched his personal belongings and seized more than 20 copies of the leaflet. On August 28, authorities in Minsk detained two members of the

United Civic Party for distributing leaflets about their party's presidential nominee and interrogated them for three hours. On August 31 in Brest, police detained Young Belarus activists Yury Batsuk and Ihar Mishkou for disseminating booklets about the For Freedom movement's leader. The two were questioned and their materials seized. Another For Freedom supporter, Alyaksandr Pratsko, was briefly detained in Homyel on September 3 for distributing the same booklets.

On September 8, police detained Uladzimir Valodzin, a prominent antinuclear activist and a member of the Belarusian Party of the Greens, and Ihar Shchapiha, a Right Alliance group activist, without a warrant. They were reportedly charged in connection with arson attacks on April 30 against a bank office and the House of Trade Unions and against detention facilities on September 5. Police released Valodzin and Shchapiha without charge after nine days in detention.

On September 7, police detained at a soccer game 50 activists of the Tell the Truth movement for wearing T-shirts bearing the campaign's logo. On September 9, at least 15 activists were detained at a hockey game for the same reason. In both cases all were taken to a police precinct for an identity check, filmed, and fingerprinted. In the latter incident officers reportedly ordered the activists to take their shirts off, and when one female activist refused, they cut her T-shirt into pieces and threatened others with short-term arrests. All were ultimately released without charge five hours later.

On September 11, authorities detained over 20 civil society and opposition activists who were on their way to an open-air rock music festival near Orsha. Some of them were charged with violating traffic regulations and forced to miss the event due to lengthy identity checks.

On November 15, police in Minsk detained two opposition youth Mikhail Pashkevich and Raman Bahdanovich for putting up political stickers. They were held at a police station for an hour and released without charge. In a similar incident on November 24, authorities in Minsk fined Malady Front member Eduard Lobau 105,000 rubles (\$35) for pasting political stickers on residential buildings in Babruysk on October 9.

On December 8, Zmitser Dashkevich, leader of the Malady Front youth group, was pulled over by police in Minsk and detained for several hours over an allegedly falsified driver's license. Police released Dashkevich and presented him an official notification that he was cleared of suspicion of forgery after representatives of the office of the Organization for Security and Cooperation in Europe (OSCE) arrived at the police station to monitor detention procedures.

On the night of December 19, police in Minsk arrested and detained over 700 persons who were demonstrating against Lukashenka's long hold on power. Most of these individuals were sentenced under the administrative code to detention for 10 to 15 days, and remained incarcerated at year's end (see section 2.b.). A number of leading supporters of opposition parties--including seven presidential candidates--were detained; five candidates were subsequently charged with crimes. Authorities delayed pressing charges for the maximum legal period of ten days; detainees, unlike those charged with crimes, could legally be denied access to their families and food, and medical supplies from outside. A number were initially denied access to their lawyers on the pretext that "no rooms" were available for such consultations. Authorities also pressured and harassed family members of imprisoned activists.

#### Amnesty

On May 5, the president signed a new amnesty law. According to the interior ministry, the amnesty was initially expected to apply to approximately 30,000 convicts, of whom 4,500 could be released and others could have their sentences reduced. However, at year's end 3,300 convicts were released from prisons, more than 8,673 had their jail terms reduced by one year, and another 7,000 convicts serving noncustodial terms for various criminal offenses were amnestied. One thousand had their convictions commuted.

#### e. Denial of Fair Public Trial

The constitution provides for an independent judiciary; however, the government did not respect judicial independence in practice. Corruption, inefficiency, and political interference with judicial decisions were widespread.

There was evidence that prosecutors and courts convicted individuals on false and politically motivated charges, and that senior leaders and local authorities dictated the outcomes of trials.

A 2006 report by the UN special rapporteur on the country described the authority of prosecutors as "excessive and imbalanced" because they may extend detention without the permission of judges. The report also noted an imbalance of power between the prosecution and the defense. Defense lawyers were unable to examine investigation files, to be present during investigations, or to examine evidence against defendants until a prosecutor formally brought the case to court. Lawyers found it difficult to challenge some evidence because technical expertise was under the control of the prosecutor's office. According to many defense attorneys, these imbalances of power persisted throughout the year, especially in politically motivated criminal and administrative cases. There were very few cases during the year in which criminal defendants were exonerated.

By presidential decree bar associations are independent; however, in practice they remained subordinate to the Ministry of Justice. Lawyers must be licensed by the ministry, are required to work in regional bar associations, and must renew their licenses every five years. The law prohibits attorneys from engaging in private practice, although private legal companies are allowed to provide legal assistance and advice to private companies and represent their clients in economic courts.

A number of attorneys representing prominent opposition leaders, civil society activists, and independent journalists arrested on or after December 19 reported that their licenses could be revoked for activities related to the defense of their clients. In a notice posted on its Web site, the Justice Ministry charged that "certain lawyers" who were defending individuals facing criminal charges, including up to seven presidential candidates, were committing "gross violations" of the rules of professional etiquette for lawyers as well as of the country's laws. The ministry accused the lawyers of distorting information about the investigations of their clients, their state of health, and conditions of detention. The ministry said it was conducting an investigation and would take whatever measures the law required. Unlike in previous years, there were no reports that authorities actually revoked lawyers' licenses for defending NGOs or opposition political parties.

#### Trial Procedures

The law provides for the presumption of innocence; in practice the burden of proof was frequently on defendants. The law also provides for public trials; however, trials were occasionally closed and frequently held in judges' offices where attendance was severely limited. Judges adjudicate all trials; there is no system of trial by jury. For the most serious cases, two civilian advisors assist a judge. Government-controlled media frequently conducted propaganda campaigns declaring the guilt of suspects even before trial and revealed alleged materials from ongoing investigations designed to demonstrate further the "guilt" of persons awaiting trial.

The law provides defendants with the right to attend proceedings, to confront witnesses, and to present evidence on their own behalf; however, in practice these rights were not always respected. During the year numerous opposition politicians and NGO leaders were tried and convicted without being permitted to be present at their trials. On January 5, Ales Halavan, a Vitsyebk member of the Belarusian Christian Democracy Party, and his associate, Valer Ramanenka, were detained and spent three days in custody. Police seized four white-red-white opposition flags from them. On February 20, Halavan was notified that a court had sentenced him in absentia to seven days of administrative arrest.

On February 5, a court in Hrodna fined Anzhelika Borys, the former leader of the unregistered organization Union of Poles, 4.2 million rubles (\$1,400) in absentia. In addition Polonika, a Hrodna-based education, cultural, and tourism company

headed by Borys, was fined 71 million rubles (\$23,700) for its failure to report humanitarian assistance it received from a Polish NGO partner. In October authorities reportedly dropped financial claims against Polonika.

On June 16, Alyaksandr Kuznyatsou, leader of the Belarusian Popular Front youth wing in Vitsyebsk, was notified that authorities had fined him 35,000 rubles (\$12) in absentia for disseminating printed materials.

The law provides for access to legal counsel for detainees and requires that courts appoint a lawyer for those who cannot afford one; however, at times some detainees were denied access to a lawyer and at other times, to a Belarusian-language interpreter if they requested hearings in the that language. Most judges and prosecutors were not fluent in Belarusian and rejected motions for interpreters. The law provides for the right to choose legal representation freely; however, a presidential decree prohibits NGO members who are lawyers by training from representing individuals other than members of their organizations in court.

Courts often allowed information obtained by use of force during interrogations to be used against defendants.

Defendants have the right to appeal court decisions, and most defendants did so. However, appeals courts upheld the verdicts of the lower ones in the vast majority of cases.

#### Political Prisoners and Detainees

At year's end authorities had detained approximately 40 persons from the political opposition, human rights and civil society groups, and independent media organizations in connection with the large-scale demonstration in Minsk on the night of December 19. Most of these political prisoners had either been charged or were expected to be charged with the crimes of organizing or actively participating in "mass disturbances." Authorities refused to permit access to many of the prisoners by lawyers, family members, foreign embassies, or prison monitoring groups. Amnesty International described 16 of the prisoners as "prisoners of conscience" who were facing "trumped up charges."

Some of those in detention and facing politically motivated criminal charges at year's end included: Uladzimir Nyaklyaeu, presidential candidate and leader of the Tell the Truth campaign; Andrey Sannikau, presidential candidate and co-coordinator of the European Belarus coalition; Mikalay Statkevich, presidential candidate and leader of the Social Democratic party; Ales Mikhalevich, presidential candidate and leader of the NGO For Modernization; Alyaksandr Atroshchankau, Sannikau's campaign spokesman; Pavel Sevyarynets, leader of the Belarusian Christian Democratic party and aide to presidential candidate Vital Rymasheuski; Zmitser Bandarenka, leader of independent media organization Charter97 and co-coordinator of the European Belarus coalition; Iryna Khalip, independent journalist and Sannikau's wife; Natallya Radzina, Charter97 editor; Anatol Lyabedzka, chairman of the United Civic Party; Nasta Palazhanka, deputy chair of the Malady Front opposition youth organization; Alyaksandr Fyaduta, aide to Nyaklyaeu; Alyaksandr Klaskouski, a former police officer; Uladzimir Kobets, Sannikau's campaign chief; Syarhey Vaznyak, aide to Nyaklyaeu; Alyaksandr Arastovich, aide to Statkevich; Syarhey Martsaleu, aide to Statkevich; Mikita Likhavid, For Freedom movement activist; Dzmitry Novik, Belarusian Popular Front member; Pavel Vinahradau, Tell the Truth campaign activist; Illya Vasilevich, youth activist; and Vasil Parfyankou, Tell the Truth campaign activist.

Other protest participants or bystanders imprisoned at year's end and facing similar politically motivated charges included: Ivan Haponau and Artsyom Breus, both Russian citizens; Aleh Fedarkevich; Uladzimir Khamichenka; Dzmitry Myadzvedz; Uladzimir Loban; Alyaksandr Malchanau; and Alyaksandr Kvyatkevich. Authorities also held Malady Front leader Zmitser Dashkevich and Malady Front activist Eduard Lobau, two opposition youth activists detained on December 18 on charges of "severe hooliganism."

During the year authorities detained hundreds of persons for brief periods of time for what appeared to be political reasons. During the December 19 protests, police detained more than 700 persons for their participation in an "illegal"

demonstration, and sentenced them to heavy fines or between five and 15 days of administrative detention. Police subsequently released most of them after these periods of administrative detention ended (see section 1.d.).

During the year authorities prosecuted conscientious objectors. At the same time, authorities denied such individuals the opportunity to undertake alternatives to military service, in spite of a constitutional provision guaranteeing this right.

On February 1, a court in Minsk sentenced Ivan Mikhaylau, a member of the Messianic Jewish community New Covenant, to three months in jail on charges of avoiding the draft. Mikhaylau had been in detention since his December 2009 arrest for refusing to appear at a conscription office, based on his personal beliefs. Amnesty International recognized Mikhaylau as a prisoner of conscience. The Minsk regional court revoked Mikhaylau's three-month sentence on March 9, and he was released the next day. On May 4, a Minsk district court cleared him of draft evasion charges. The prosecutor's appeal against the acquittal was rejected on June 15.

On February 11, a court in Homyel fined Belarusian Christian Democracy Party activist Yauhen Yakavenka 175,000 rubles (\$58) for failing to comply with an enlistment office summons to appear on January 29. Yakavenka filed his third application for civilian service on February 2, asserting that he was not a draft dodger but only wanted to exercise his "constitutional rights" according to his "pacifist beliefs." Yakavenka also repeatedly requested that his military summons be written in the Belarusian language. On June 4, a court sentenced Yakavenka to one year of restricted freedom for draft evasion. The Homyel regional court granted him amnesty on July 23. Yakavenka reported that on September 15, he was again summoned to appear at a conscription office; he again requested that his summons be written in Belarusian.

In November 2009 a court in Homyel fined Zmitser Smyk, a member of Jehovah's Witnesses, 3.5 million rubles (\$1,170) for alleged draft evasion. Smyk sought to participate in alternate civilian service, citing his religious beliefs. On May 31, Smyk was acquitted of draft dodging charges after his multiple appeals. On July 16, the Homyel Regional Court rejected the appeal submitted by prosecutors against the acquittal of Smyk.

The last of 11 opposition youths convicted and sentenced or fined for participating in a 2008 demonstration by entrepreneurs in Minsk, Artsyom Dubski, was released during the year. Authorities continued to seek three additional persons whom courts convicted in the same case. The three, Alyaksey Bondar, Mikhail Kryvau, and Tatsyana Tsishkevich, escaped abroad and have not served the two years of "restricted freedom" to which they were sentenced in April 2008. They faced further criminal prosecution and additional charges upon return to the country.

On May 6, following a trial marked by an array of procedural violations, the Supreme Court convicted Autukhovich and Asipenka, two Vaukavysk anticorruption activists in the entrepreneurs movement and long-time opponents of the Lukashenka government, along with two others, of illegal weapons possession after they were held in pretrial detention for approximately 15 months. During that time Amnesty International recognized Autukhovich as a political prisoner. Authorities initially charged the pair with the arson of a police station. The Supreme Court sentenced Autukhovich to five years' and two months' imprisonment, Asipenka to three years, and the others to two to three years. Autukhovich and Asipenka had been detained on the charges of arson, illegal weapons possession, and terrorism since February 2009. Authorities ultimately dismissed the terrorism charges due to lack of evidence. Human rights observers noted that no material evidence was presented against the activists in court and that most of the evidence was provided by Autukhovich's former employee, Alyaksandr Laryn, who earlier had made self-incriminating statements to police without the presence of his lawyer allowed. Asipenka was released in November.

#### Civil Judicial Procedures and Remedies

The law provides that individuals can file lawsuits seeking damages for, or cessation of, a human rights violation; however, the civil judiciary was not independent and was rarely impartial in such matters.

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

The law prohibits such actions; however, the government did not respect these prohibitions in practice. Authorities applied wiretapping, video surveillance and a network of informers to deprive persons of privacy in which to express dissenting political views.

By law persons who obstruct law enforcement personnel in the performance of their duties can be penalized or charged with an administrative offense even if the "duties" may be perceived as illegal. "Obstruction" could include any effort to prevent KGB or law enforcement officers from entering the premises of a company, establishment, or organization; refusing to allow KGB audits; or denying or restricting KGB access to information systems and databases.

The law requires a warrant before, or immediately after, conducting a search; however, the KGB and riot police entered homes, conducted searches, and read mail without warrants. The KGB has the authority to enter any building at any time, as long as it applies for a warrant within 24 hours after the entry. There were credible reports that government agents covertly entered homes of opposition activists and offices of opposition groups and monitored the actions of individuals. In numerous instances authorities searched residences and offices for clearly political reasons.

On April 30, police searched offices of human rights advocate Zmitser Salauyeu in Navapolatsk. The prosecutor authorized the raid as part of a criminal investigation into vandalism and anti-Semitic graffiti. Police confiscated a computer, discs, printed materials, and opposition white-red-white flags. Prior to the raid, Salauyeu had made numerous complaints to local prosecutors regarding incidents of vandalism and other activities of local neo-Nazi groups. Police had also previously raided his office, and failed to return seized computer equipment from that prior search.

On May 18-19, coordinated searches were conducted in private residences and offices of activists of the Tell the Truth information campaign in more than 20 cities across the country. Dozens of persons were detained, and the equipment, documents, and financial resources of the NGO were confiscated. Most of the individuals were released without further explanation as soon as they had been questioned; however, police held the campaign's leader, Uladzimir Nyaklyaeu, activist Andrey Dzmitryeu, and the chief editor of the independent newspaper *Tavarysch*, Syarhey Vaznyak, for three days and accused them of knowingly disseminating false information. The three were released without charge. On November 17, police suspended the criminal investigation against them.

On June 28, police searched without a warrant the residence of young opposition activist Andrey Krechka, whom they claimed to suspect of hacking into a commercial company's Web site. A few days earlier unknown persons smashed a window of Krechka's car and stole a satellite-based navigation system.

Following the December 19 postelection protests, authorities raided the offices and homes of dozens of activists and civil society organizations. On December 20, law enforcement officers raided offices of the unregistered human rights organization Vyasna and briefly detained 10 activists who were subsequently released without charge. Police seized all computer equipment, as well as still and video cameras. The same day, authorities searched the offices of the Tell the Truth campaign and Charter97. Yuliya Rymasheuskaya, Tell the Truth leader Uladzimir Nyaklyaeu's spokesperson, was briefly detained along with other activists. Security forces also arrested Natalya Radzina, editor of the Charter97 Web site, on charges of organizing and participating in the December 19 demonstrations.

On December 23, four KGB officers searched the apartment of Alyaksandr Fyaduta, an aide to Nyaklyaeu, and confiscated a laptop, flash drives, and printed materials.

On December 25, KGB and police raided residences of at least 12 people, including Sannikau, Mikhalevich, Bandarenka, Atroshchankau, Radzina, and Arastovich, in connection with the criminal "mass disturbances" case. In Minsk, police also

searched apartments of human rights advocate Aleh Volchak, opposition activist Vyachaslau Siuchyuk, and the parents of detained journalist Khalip. Police also raided the residences of human rights defender Alyaksey Kaputski in Maladzyechna and of opposition activist Paval Batuyeu in Salihorsk. In most of these instances police seized electronic equipment and paper files. The United Civic Party reported that the KGB raided their offices for four hours on December 25 and confiscated electronic equipment, seven computers, and printed materials.

On December 27, security officers searched the apartment of Sannikau's campaign chief, Uladzimir Kobets; Sannikau's eldest son, Kanstantsin Sannikau; and Charter97 leader Dzmitry Bandarenka.

On December 28, four KGB officers and a police investigator searched the residence of Anatol Lyabedzka, chair of the United Civic Party, for three hours and seized a computer and printed materials. Lyabedzka had been arrested for alleged involvement in the "mass disturbances" case during a previous raid on his apartment on December 20.

On December 30, KGB officers searched the home of retired KGB lieutenant colonel Valery Kostka in Smalyavichy although Kostka had not participated in the December 19 demonstration. Police also searched the apartment of opposition youth activist Andrey Kim; the summer cottage of Nyaklyaeu's campaign chief, Andrey Dzmitryeu; and the residence of human rights advocate Alena Tankachova. Police also interrogated Tankachova and seized printed materials from her.

Security forces continued to target prominent opposition and civil society leaders with arbitrary searches and interrogations at border crossings and airports. For example, on June 2, Andrey Vardamatski, a sociologist and head of an opinion research company, was detained and searched for four hours upon his arrival in Minsk. On September 12, border guards at Minsk airport held a leader of the European Belarus civil campaign, Andrey Sannikau, for an hour to search his belongings upon his return from a conference in Riga. He was also thoroughly checked on his way to the conference on September 10.

On December 24, the country's border officers detained Vilnius-bound activist Katsyaryna Stsyapanava for two hours, transported her to a local KGB office, and interrogated her regarding her participation in the December 19 demonstration. She was subsequently released without charge.

The law prohibits authorities from intercepting telephone and other communications without a prosecutor's order. In practice authorities routinely monitored residences, telephones, and computers. Nearly all opposition political figures reported that authorities monitored their conversations and activities.

The law allows the KGB, the Internal Affairs Ministry, special security services, financial intelligence personnel, and certain border guard detachments to use wiretaps. Wiretaps require the permission of a prosecutor; however, the lack of prosecutorial independence rendered this requirement meaningless.

The Ministry of Communications has the authority to terminate the telephone service of persons who violate their telephone contracts, and such contracts prohibit the use of telephone services for purposes contrary to state interests and public order.

During the year authorities forcibly conscripted younger members of political opposition groups into the military. There were also reports of discrimination and harassment against them during their military service.

On January 26, a Brest district court rejected an appeal filed by Malady Front member Yauhen Skrabets challenging his conscription and the legality of the actions of the conscription officers. Skrabets continued to serve in the army at year's end.

On July 30, a Malady Front leader in Mahilyou, Stanislau Ramanovich, was drafted despite recent surgery on his arm. Ramanovich lost his deferment earlier when he was expelled from his university for what other activists described as political reasons.

In January 2009 authorities stopped Franak Vyachorka, former leader of the Belarusian Popular Front's youth wing, on a Minsk street and physically delivered him to the 8th Radar Brigade in Baranavichy. He took a military oath there in February 2009 and was later transferred to a radar unit in Mazyr. In mid-December 2009 Vyachorka was sent back from a hospital to the military unit despite medical grounds for an early discharge from the army. Vyachorka's medical record was subsequently revised to omit references to his medical condition as diagnosed in the hospital. Vyachorka was discharged on April 14.

The government continued to deny certain youths their right to alternate civilian military service as provided for in the constitution. On February 11, a court in Homyel fined Belarusian Christian Democracy Party activist Yauhen Yakavenka 175,000 rubles (\$58) for failing to comply with an enlistment office summons to appear on January 29. Yakavenka filed his third application for civilian service on February 2, asserting that he was not a draft dodger but only wanted to exercise his "constitutional rights" according to his "pacifist beliefs." Yakavenka also repeatedly requested that his military summons be written in the Belarusian language. On June 4, a court sentenced Yakavenka to one year of restricted freedom for draft evasion. The Homyel oblast court granted him amnesty on July 23. Yakavenka reported that on September 15, the occasion of another call-up to the conscription office, he again requested that his summons be written in Belarusian.

There were numerous reports that the government employed a number of means to coerce young persons, including university students and military conscripts, to join the pro-Lukashenka, state-funded Belarusian Republican Youth Union (BRYU). To this end the government employed a widespread system of BRYU informants organized into civilian patrol squads whose objective was to recruit youths and students for various projects around the country in the name of good citizenship.

High school students feared that they would not be allowed to enroll in universities without BRYU membership, and university students reported that proof of BRYU membership was often required to register for popular courses or to receive a dormitory room. Universities also offered patrol members discounts on tuition. In 2008 former education minister Alyaksandr Radzkou stated that membership in the BRYU would be considered in new mandatory recommendations for students who wished to train for professions in foreign affairs, state administration, and journalism.

During the year authorities continued to harass family members of NGO leaders and civil society activists. In March, for example, the father of Artur Finkevich, leader of the NGO Young Belarus, was summoned for an interrogation by the KGB. In late December following the arrest of presidential candidate Andrey Sannikau and his wife, independent journalist Iryna Khalip, authorities attempted to take custody of their three-year-old son, Danil Sannikau, from his maternal grandmother. Authorities claimed that they were only doing a routine investigation into whether the grandmother was healthy enough and had the financial means to care for the boy in his parents' absence.

Following the crackdown on demonstrators on December 19, authorities raided the offices of organizations and NGOs, seizing equipment and interrogating staff (see sections 2.a. and 5).

## Section 2 Respect for Civil Liberties, Including:

### a. Freedom of Speech and Press

The constitution provides for freedom of speech and of the press; however, the government did not respect these rights in practice and enforced numerous laws to control and censor the media. Individuals could not criticize the government

publicly without fear of reprisal. Authorities videotaped political meetings, conducted frequent identity checks, and used other forms of intimidation. Wearing masks, displaying unregistered flags and symbols, and displaying placards bearing messages deemed threatening to the government or public order are also prohibited.

The law also limits free speech by criminalizing actions such as giving information to a foreigner about the political, economic, social, military, or international situation of the country that authorities deem to be false or derogatory.

The government censored the media. Authorities warned, fined, or jailed members of the media who publicly criticized the government. Under the law the government may close a publication after two "warnings" in one year for violating a range of restrictions on speech and the press. In addition regulations give authorities arbitrary power to prohibit or censor reporting. The Information Ministry 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. Many publications were forced to exercise self-censorship.

A February 2009 media law further restricted press freedoms by subjecting online news sources to the same regulations as print and broadcast media. It also required that all existing media reregister before February 8, mandated that journalists be accredited, and prohibited domestic media from receiving more than 30 percent of their resources from foreign organizations. Although the majority of media outlets, including private ones, successfully reregistered, the Information Ministry continued to deny registration to independent media, i.e. media perceived to be publishing information independently of government control. The 2009 law also further complicated distribution of publications with a circulation of less than 300 copies, which did not require registration but had to carry imprint information and producers of such publications could be "warned" for failing to comply with the requirement. The new law was widely criticized by domestic and international NGOs and press advocates.

There were independent media, including newspapers, magazines and Internet news Web sites, all owned by individuals or groups other than the government, which sought to provide independent coverage of events. However, they operated under repressive media laws and most faced discriminatory publishing and distribution policies.

State-owned media dominated the information field and maintained the highest circulation and viewership. The state-owned postal system, Belposhta, and the state-owned kiosk system, Belsayuzdruk, continued to refuse to deliver and sell at least 10 independent newspapers that covered politics. In 2007 Belposhta removed three popular Russian newspapers (*Kommersant*, *Moskovskiy Komsomolets*, and *Nezavisimaya Gazeta*) from its subscription list. However, other Russian newspapers, including *Izvestiya*, were distributed. Media analysts asserted that the newspapers were removed because of reporting critical of Lukashenka's policies.

In February the Information Ministry turned down the third registration application from the regional independent newspaper *Khimik Dva goroda*. Officials claimed that the newspaper could not be registered because of issues related to hygiene in its office. Previous reasons for refusals included the allegedly insufficient educational qualifications of the chief editor and the fact that, while describing itself as covering general politics, the newspaper also included a "homes and gardens" section.

On March 23, the Supreme Economic Court dismissed an appeal of the Information Ministry's rejection of the registration application of the independent newspaper *Nash Dom*.

On April 1, the Information Ministry denied registration to the Homyel independent newspaper *Silnye Novosti Gomelya* on the grounds that its chief editor had "no appropriate qualifications or experience." Tatsyana Bublikava, an independent journalist previously "warned" for illegally working in the country for the Warsaw-based Belsat TV, applied for registration as the editor. There continued to be no independent newspapers that covered political issues in the Homyel Oblast.

On May 12, First Deputy Information Minister Liliya Ananich met with the editors of four regional independent newspapers that had been denied multiple registration applications. Ananich reportedly dismissed their arguments and told them that the ministry followed the law.

On June 14, Baranavichy authorities rejected the application of the local independent newspaper *Intex-press* to be distributed through state-run networks. Belposhta cited "inexpediency," and the Belsayuzdruk alleged that their "overburdened" network had no capacity to distribute the newspaper.

Although authorities continued to allow the independent newspapers *Narodnaya Volya*, *Nasha Niva*, and two regional newspapers, all banned for several years before 2008, to be distributed through state distribution systems, they remained subject to restrictions. On July 7, Belsayuzdruk did not release the print-run of *Nasha Niva* due to its front-page article reporting that an investigation by a Russian television channel implicated Lukashenka in the disappearances in 1999 and 2000 of opposition leaders and a journalist. The state-owned company denied that the copies of the newspaper were not available at kiosks. In September 2009 Belsayuzdruk denied a request from *Narodnaya Volya* to add a third day to its existing twice-a-week circulation, claiming that it was "not possible to distribute additional copies due to the massive output of other periodicals" on the specific day requested.

On August 11, the Brest office of Belsayuzdruk unilaterally reduced the circulation of the popular independent newspaper *Brestsky Kuryer* by two-thirds. An official stated that this was a way to "penalize" the owners for attempting to find additional outlets for selling the newspaper through retail stores.

Local authorities frequently warned independent editors and journalists to avoid reporting on certain topics and not to criticize the government. Authorities also warned businesses not to advertise in newspapers that criticized the government. According to the independent Belarusian Association of Journalists (BAJ), officials from the presidential administration met with leading bankers, including representatives of foreign-controlled banks, and "strongly recommended" that they advertise only with state media. The Babruysk-based independent newspaper *Bobruysky Kuryer* was forced to go out of business due to the advertisement ban.

On March 22, the Supreme Court upheld a January 13 Ministry of Justice requirement that the BAJ stop issuing press badges to its 1,000-plus members. These badges had been displayed by independent reporters, free lancers, and Web site and foreign correspondents covering public events, including opposition demonstrations, in order to gain access and report the news.

On March 11, the Information Ministry issued a warning to the popular daily *Komsomolskaya Pravda v Belorussiy* for publishing "false information."

On April 19, a court in Beshankovichy fined Heorhi Stankevich, a journalist and Belarusian Christian Democracy party activist, 700,000 rubles (\$235) for illegally distributing the newspaper *Kryvinka* with a circulation under 300 copies. Stankevich, the editor and publisher of the newspaper, was detained on April 8.

On April 26, a prosecutor in Hantsavichy warned the chief editor of the independent newspaper *Hantsavitski Chas*, Alyaksey Bely, and journalist Katsyaryna Kurlovich for an April 16 article purportedly carrying false information. On November 17, a prosecutor in Hantsavichy summoned a woman who was quoted in *Hantsavitski Chas* expressing criticism of media coverage related to the presidential election. Deputy chief editor Pyotr Huzayeuski stated that authorities exerted pressure on the newspaper by harassing its readers.

On June 14, the Information Ministry warned the independent newspaper *Novy Chas* for failing to list the editor's full name and a bar code in the imprint information. On June 18, the Ministry of Trade issued a warning to the same newspaper for

illegally advertising programs of Belsat TV. The chief editor noted in response that the information was published in the newspaper free of charge. On November 13, security officers detained executive director of the newspaper Yazep Palyubiatka, who was transporting copies of the newspaper. Police checked his passport information and released him without charge. *Novy Chas* remained out of circulation from state-run distribution centers at the end of the year.

On July 6, a prosecutor in Klyotsk issued a warning to Aleh Nikulin, the publisher of the Catholic bulletin *Apostalski Vetrax* with a circulation of under 300 copies, that Nikulin had violated laws and could be held liable for lacking official registration.

On September 14, the Information Ministry also warned the independent publication *Brestskaya Gazeta* for purportedly disseminating false information.

On September 15, the Supreme Economic Court rejected appeals by *Nasha Niva* of two warnings issued by the Information Ministry on July 22 and July 26 about articles allegedly containing false information and defaming the state-controlled BRYU.

On November 16, the Belposhta office in Baranavichy, citing "inexpediency," declined to include the independent newspaper *Intex-press* in its 2011 subscription catalogue.

Journalists reporting for international media that gave extensive coverage to the country, such as the Warsaw-based independent satellite channel Belsat TV and the Polish radio station Radio Racyja, continued to receive warnings from the prosecutor's office for working without accreditation. After enactment of the new media law, authorities sent warnings to at least 20 independent journalists.

On July 20, the Ministry of Foreign Affairs rejected the accreditation application of Radio Racyja journalist Viktor Parfyonenka.

On November 3, the foreign ministry refused to extend accreditation for Yauhen Ahurtsou, a member of BAJ and local correspondent of the Russian radio station Golos Rossii. The ministry alleged that Ahurtsou worked for the radio station without accreditation after its credentials had expired on September 1 and that it received a belated request to extend it on September 11. The ministry reportedly reviewed the request only on November 2 and alleged that Ahurtsou published articles on the station's Web site after September 1.

On November 19, the ministry denied the accreditation applications of Polish newspaper *Gazeta Wyborcza's* correspondent Andrzej Paczobut and a photojournalist citing their previous work for the publication without permission from the government. This was in spite of the fact that the photojournalist had maintained a valid accreditation at all times.

On December 9, the ministry turned down the accreditation and entry visa request of Swedish photojournalist Dean Cox without any explanation.

Independent domestic media outlets faced penalties for cooperating with foreign-based media. On February 4, a court in Minsk fined the publishers of *Narodnaya Volya* 700,000 rubles (\$235) for placing a notice regarding the programs of Belsat TV.

International media continued to operate in the country but not without interference and harassment. Euronews and the Russian channels First Channel, NTV, and RTR were generally available, although only through paid cable services in many parts of the country. Their news programs were at times blocked, censored, or replaced with local programming. For example, the Russian NTV channel's four documentaries implicating Lukashenka in the high-profile disappearances of political leaders and a journalist in 1999 and 2000 were subject to blackouts and censorship by the government during the year. Broadcasts from other countries, including Poland and Lithuania, could be received in parts of the country, usually

along the border. In April 2009 the government suspended the broadcast of five popular Russian channels, including TV Center International and Ren TV.

On November 18, the Ministry of Foreign Affairs renewed for one year the accreditation of nine journalists and technical personnel of European Radio for Belarus (ERB), including the bureau chief and editor. The ministry denied reaccreditation for an ERB Brest correspondent and also rejected a second registration application from external broadcaster Belsat TV.

In late December the ONT state television station announced that its talk show Vybar was being suspended until mid-January after a contentious election night interview with Lidziya Yarmoshyna, chairman of the Central Election Commission. Host Syarhey Darafeyeu asked Yarmoshyna to comment on a video clip showing a teacher at a state university urging her students to "vote early," leading Yarmoshyna to storm off the set. Early voting, strongly encouraged by the government, lasted five days, during which independent observers had no ability to monitor ballot boxes at night. At a news conference on December 20, Lukashenka referred to the 30-year-old Darafeyeu as a "boy journalist who must be put in his place."

The government continued to harass, assault, and arrest journalists. On January 13, police searched the private residence of independent journalist Syarhey Serabro in Vitsyebsk and confiscated computer equipment and a camera. Although officers returned his property on January 26, Serabro was questioned in relation to the criminal case against local opposition activist Syarhey Kavalenka on February 1. He was again summoned for interrogation on February 22.

On February 4, a court in Minsk sentenced independent journalist Ivan Shulha to 10 days in jail for allegedly inflicting bodily harm on a police officer during his detention. Also in early February police on two separate occasions attempted to conduct warrantless raids on the apartment of Belsat TV correspondent Mikhail Yanchuk.

On February 15, the chief editor of *Magazyn Polski na Uchodzstwie*, Ihar Bantsar, and *Gazeta Wyborczej* correspondent Andrzej Paczobut were each sentenced to five days in prison for participating in an unsanctioned meeting at the Polish House educational center in Hrodna on February 10. On April 1, police in Shchuchyn confiscated 450 copies of *Magazyn Polski na Uchodzstwie* from employees who were pulled over and searched on the road between Minsk and Hrodna.

Police interrogated and searched several independent journalists while investigating a defamation suit filed by Ivan Korzh, ex-chair of the KGB in the Homyel region, against police officers who had provided journalists with information Korzh contended was false. On February 17 and 26, police searched the workplace of *Narodnaya Volya* deputy editor Maryna Koktysh and the apartment of the newspaper's editor, Svyatlana Kalinkina. Iryna Khalip, a journalist for the Russian newspaper *Novaya Gazeta*, and her spouse, presidential candidate Andrey Sannikau, were questioned at a police precinct on March 3. During raids of the offices and private apartments of witnesses on March 16, police confiscated computer equipment and electronic storage media from Natallya Radzina, editor of the opposition Web site Charter97, Koktysh and Kalinkina of the *Narodnaya Volya*, and Khalip. A police officer hit Radzina in the face when attempting forcibly to enter the office of Charter97. On March 12, security officers arrested Koktysh and seized a vehicle that she was importing at the Lithuanian border, claiming that the car was stolen. Koktysh was released without charge the next day, and the car was returned to her a few days later. On March 26, Kalinkina, Koktysh, and Radzina were summoned for interrogation. Police again interrogated Kalinkina, Radzina, and Khalip on April 2. Radzina indicated that many of the questions related to Charter97's operations. They were again interrogated on April 28.

Authorities also informed Radzina that police had opened a separate defamation investigation into comments made by bloggers on the Charter97 Web site; the bloggers were reacting to an article about the imprisonment of Autukhovich that appeared in the state-owned newspaper *Sovetskaya Belorussiya*. On May 19, Radzina, Kalinkina, and Koktysh were summoned for further interrogation. Khalip was summoned again on May 26. On July 1, the Minsk city prosecutor's office questioned Radzina as a witness in the defamation case. On December 8, a prosecutor informed Charter97 of a third

criminal case opened against the group that required further examination of previously confiscated computer equipment. The prosecutor declined to disclose charges and suspects in the case. All cases were pending at year's end.

Security officers continually hampered efforts of independent journalists to cover Solidarity Day and other protests in Minsk. On February 16, *Nasha Niva* photographer Yuliya Darashkevich was detained and questioned for three hours. On February 23, authorities charged independent journalist Alyaksandr Dzianisau with conducting an unauthorized interview with the administrator of a local school, despite the administrator's agreement to participate in the interview. On March 15, a court in Hrodna fined Dzianisau 70,000 rubles (\$23).

On March 2, Interior Minister Anatol Kulyashou's deputy, Aleh Pyakarski, supported police measures during street protests and called for regulations to establish rules of conduct for reporters covering demonstrations.

On March 22, Interior Minister Kulyashou declined to meet with the BAJ to discuss possible measures against police officers for obstructing journalists during mass events in downtown Minsk. The Minister stated that all demonstrations were prohibited in downtown Minsk and that police never abused their powers. He also claimed that "no individuals who had identified themselves as journalists were detained" during these demonstrations. Kulyashou added that his ministry gave no "special" orders to impede journalists from performing their duties.

On April 16, police detained independent photojournalists Uladzimir Grydzin and Kseniya Avimava for three hours. They were photographing democratic youth activists delivering a petition to BRYU officials in Minsk.

On April 21, police briefly detained independent journalist Uladzimir Staraverau in Vitsyebsk and confiscated his video materials.

On May 18, security officers raided the private residences and offices of activists across the country associated with the Tell the Truth information campaign. Syarhey Vaznyak, chief editor of the independent newspaper *Tavarysch*, was detained for three days along with two other campaign leaders. Police detained and questioned independent journalists Yury Aleinik, Yury Varonezhstau, Larysa Nasanovich, Alyaksandr Ulitsyonak, and Alyaksandr Fyaduta.

On June 15, police detained and questioned independent journalists Nasta Krauchuk and Volha Zharnasek, who were covering Tell the Truth campaign activists as they disseminated printed materials to students in front of BSU. The journalists were taken to a police precinct, searched, questioned, and released a few hours later with no charge. However, Krauchuk reported that their camera was damaged during detention.

On November 17, prosecutors questioned Viktor Fedarovich, a journalist from independent media organization BelaPAN, regarding an article that purportedly contained information illegally disclosed from a preliminary criminal investigation against senior prosecutor Svyatlana Baikova.

On December 9, police briefly detained one BelaPAN and one *Nasha Niva* correspondent who were covering a sanctioned demonstration staged by Belarusian activists of the Russian National Bolshevik Party against Lukashenka's reelection bid. The two were released after an identification check without charge.

On December 10, independent journalist Dzmitry Rastaeu was forced to resign from his job at the independent *Vecherniy Bobruysk* newspaper after local ideology officer Mikhail Kavalevich pressured publishers to fire him for his criticism of the government.

During and after the government crackdown that followed the December 19 postelection demonstrations, authorities raided the offices of a number of independent media outlets.

On the night of December 19, police detained at least 15 journalists, members of BAJ, and over five foreign correspondents, according to the BAJ press services. One of the foreign journalists, Mariya Antonova, of Agence France Presse, was reportedly released and left the country on December 20. Twenty-two other journalists reported being the victims of physical violence during the police crackdown on demonstrations. These included Michael Schwirtz and James Hill of the *New York Times*, Anton Kharchenko and Victor Filyaev of television channel Russia Today, and Hanz Cezarek, a photojournalist for Austrian Internet-based news service news.at.

On December 25, according to press reports, authorities raided the Minsk offices of ERB, which was officially registered in the country but based in Poland, and Belsat TV, unregistered in the country and based in Poland. Over 50 pieces of office and studio equipment were seized from the ERB offices without the presence of its journalists, leaving little more than tables and chairs. In anticipation of the raid, Belsat staff had vacated their premises several days earlier. On December 31, KGB agents searched the apartment of Belsat reporter Katsyaryna Tkachenka, seizing her laptop and SIM cards.

On December 28, three KGB officers searched for three hours the residence of Andrey Skurko, chief editor of the independent *Nasha Niva*, and confiscated computer equipment. That same day security forces raided offices of the Belarusian PEN Center and *Nasha Niva* in downtown Minsk. Officers seized 12 computers and electronic storage media.

On December 31, KGB officers raided the residence of *Nasha Niva* photojournalist Yuliya Darashkevich in search of video and photos from the December 19 demonstration. They seized two laptops, flash drives, recording devices, cameras, and disks.

During the year several independent journalists, including Kalinkina, Radzina, and Khalip, as well as playwright Mikalay Khalezin, received threats of physical violence in anonymous letters by mail and in comments on their blogs. They linked the intimidation with their professional activities and believed security forces were behind the threats.

The government tightly controlled the content of domestic broadcast media. In 2007 the president stated that control of radio and television stations remained a high priority for the government and that private stations would not be allowed to operate in the country. He also stated that state publishing houses would never sign contracts with independent media publications that violated media laws. In April 2009 the president reiterated his earlier remarks and dismissed concerns about "the closure of the Russian channels." On December 20, Lukashenka pledged to "reform the Internet" which according to him, was used to "mock authorities and the people." He committed to "bringing it closer to Western standards" and threatened journalists that they would be held "fully responsible for every word."

Only the state-run radio and the state-run television networks were allowed to broadcast nationwide. The government continued to use its virtual monopoly of television and radio broadcasting to disseminate its version of events and minimize all opposing viewpoints. State television coordinated its propaganda documentaries with the country's security services.

Local independent television stations operated in some areas and reported local news; however, most were under government pressure to forgo reporting on national issues or risk being censored. Such stations frequently were pressured into sharing materials and cooperating with authorities to intimidate local opposition and human rights groups that met with foreign diplomats.

Libel is a criminal offense. There are large fines and prison sentences of up to four years for slandering and insulting the president. Penalties for defamation of character make no distinction between private and public persons. A public figure who is criticized for poor performance while in office may sue both the journalist and the media outlet that disseminated the critical report. For example, on January 11, a court in Barysau convicted the independent newspaper *Borisovskie*

*Novosti* and its journalist Anatol Mazgou of insulting a member of the local government in an article and obliged them to pay 2 million rubles (\$670) in moral damages.

On May 13, the Brest regional prosecutors warned small business activist Viktor Chaykouski that he could be held criminally liable for "discrediting the Republic of Belarus" in his "subjective" interviews with independent media. Chaykouski purportedly "cited unreliable information about the social and economic situation" in the country.

Human rights sources reported in July that prosecutors were investigating bloggers' comments on the independent news site *vialejka.org* for possible libel. Activist Mikalay Susla was summoned for questioning as a witness, and his computer was confiscated for further examination.

On July 15, regional prosecutors notified Syarhey Panamarou, an editor of the *Boyki Klyotsk* bulletin (circulation under 300 copies), that a criminal case against him for allegedly libeling local government officials in his publications was sent to court. Hearings were scheduled for August 23, but Panamarou fled the country to escape prosecution. He characterized the charges as politically motivated.

The government took numerous other actions during the year to limit the independent press, including limiting access to newsprint and printing presses. Several independent newspapers, including *Vitsyebtski Kuryer* (previously forced out of the country and registered in Russia) and *Tavarysch*, printed materials in Russia because domestic printing presses (mostly state-owned) refused to print them. The Information Ministry warned the *Tavarysch* newspaper in June that it could lose its registration due to the editorial's failure to publish the newspaper weekly according to its registration license. Both newspapers remained out of circulation at year's end. Other independent newspapers, such as *Salidarnasc*, *BDG*, and *Bobruyski Kuryer*, disseminated Internet-only versions due to printing and distribution restrictions.

At year's end journalists of the independent weekly *Gazeta Slonimskaya* continued to work from their homes, after having been forced to vacate the newspaper's rented premises in mid-2008. The newspaper's editor, Viktor Uladashchuk, stated that he could not lease a new office because rental agencies feared government reprisals.

During the year the government confiscated numerous independent and opposition newspapers and seized leaflets and other materials deemed to have been printed illegally.

On January 12, police briefly detained opposition activist Barys Khamayda for distributing independent newspapers in Vitsyebtsk. He was again apprehended and held for more than two hours on February 18 and an hour on June 27. On February 22, police detained Malady Front activist Ales Kirkevich on charges of illegally distributing the newspaper *Khristiankaya Oborona*. On March 25, a court in Hrodna fined him 1,225,000 rubles (\$410). In August, Kirkevich was fined 875,000 rubles (\$290) in absentia for the illegal distribution of printed materials on July 3.

Police detained private publisher Viktor Ramnyou at least four times during the year and confiscated numerous copies of his independent newspaper *Vitsyebtski Kuryer* (printed in Russia) and other material. He was heavily fined on charges of distributing illegally printed materials. For example, on March 17, police seized 50,000 copies of the independent newspaper *Nash Dom* from Ramnyou and his associate Volha Karach; on March 26, police fined Ramnyou 1,750,000 rubles (\$585). On March 25, police in the Vitsyebtsk region seized over 10,000 copies of the *Vitsyebtski Kuryer* from Ramnyou, and on the same day a court in Lyozna fined Ramnyou 1,225,000 rubles (\$410) for illegally transporting the publication. On April 8, police seized 10,000 copies of the *Vitsyebtski Kuryer* from Ramnyou in the Mahilyou region and searched his car. On May 6, Ramnyou was fined 1,050,000 rubles (\$350) for illegally carrying 53 copies of the newspaper. On October 8, more than 11,000 copies of the newspaper *Vitsyebtski Kuryer* were seized from him. On October 12, a court in Lyozna fined Ramnyou 1,225,000 (\$410) for illegal distribution. In a separate case involving *Vitsyebtski Kuryer*, the

Supreme Economic Court upheld a decision of the Vitsyebsk Oblast Economic court to deny publishers a license to distribute newspapers independently.

On March 24, police detained democratic activist Alyaksandr Pratsko for distributing the independent publication *Novy Chas* at a market in Homyel. Officers examined copies of the newspaper and released Pratsko an hour later without charge. On March 26, a court in Buda-Kashalyou fined journalist and human rights advocate Valer Shchukin 1,050,000 rubles (\$350) for transporting 24,000 copies of the *Nash Dom* newspaper.

On May 4, authorities confiscated more than 12,000 copies of the newspaper *Nash Dom* from democratic activist Khrystsina Shatsikava. On June 28, a judge in Mahilyou upheld the confiscation and the court fined Shatsikava 700,000 rubles (\$235) for disseminating illegally printed materials.

During a raid on April 1, authorities confiscated materials from For Freedom movement activist Alyaksandr Ramanovich. On June 16, a court in Pinsk fined Ramanovich 1,050,000 rubles (\$350) for distribution of illegally printed materials.

On June 7, a court in Vitsyebsk fined in absentia the editor of the *Vitsyebski Kuryer* newspaper, Aleh Barshcheuski, 700,000 rubles (\$235) for illegally disseminating printed media. Police searched Barshcheuski's car and confiscated copies of the newspaper.

On July 9, police in Krychau detained an independent distributor and confiscated 297 copies of the local independent publication *Volny Horad*. The prosecutors ordered a "linguistic examination" of the newspaper.

On October 1, a court in Mahilyou fined human rights advocate and journalist Valer Shchukin 1,050,000 rubles (\$350) for illegal distribution of printed materials. Police detained Shchukin on August 8 and confiscated 24,000 copies of the *Nash Dom* newspaper as well as 5,500 copies of a bulletin about women's rights.

On November 30, a court in Vitsyebsk fined activist Syarhey Kandakou 700,000 rubles (\$235) for distributing the newspaper *Vitsyebski Kuryer*. The publication remained out of circulation at year's end.

#### Internet Freedom

On July 1, the president issued an edict that requires registration of service providers and Internet Web sites, establishes restrictions on access to sites containing "extremist activity" (which many activists believed could be interpreted to include government opponents), and requires the collection of information on users at Internet cafes. It requires service providers to store data on the Internet use of individuals for a year and to hand that information over to law enforcement agencies upon their request. The edict restricts access to Web sites whose content includes "extremist activities;" materials related to illicit weapons, explosives, and drugs; trafficking in persons; pornography; and promotion of violence. It requires service providers to eliminate access to these subject areas from government offices, educational facilities, and cultural institutions if ordered to do so by the KGB, the prosecutor general, the Operation and Analytical Center under the presidential administration, and other state agencies. On October 27, the State Telecommunications Inspectorate under the Communications Ministry stated that the list of restricted Web sites, which is undisclosed, contained 20 sources that carried "extremist or pornographic" materials. Internet service providers are required to update the list on a daily basis. Decisions to restrict access to Internet sources may be appealed to the courts.

The government partially restricted access to the Internet, and monitored e-mail and Internet chat rooms. Individuals and groups were generally able to engage in the peaceful expression of views via the Internet, including by e-mail, but opposition activists faced the likelihood that their e-mails and other Web-based communications would be monitored.

The authorities freely monitored Internet traffic. By law the telecommunications monopoly, Beltelekam, and other organizations authorized by the government had the exclusive right to maintain Internet domains.

On October 25, operation and analytical center deputy Uladzimir Ryabavolau stated that the main purpose of regulating the "Belarus segment of the Internet" was to create "conditions for its accelerated development." Many activists and demonstration participants questioned after the December 19 demonstration reported that security officers told them that phone records had placed them in the vicinity of Independence Square during the demonstration. In late December international and local media reported that Swedish telecommunications firm Ericsson confirmed it had supplied surveillance equipment to authorities. Such equipment allowed the government to track use of the three major mobile communications networks during the protests. On March 3, Lukashenka signed an edict that required telecommunications companies to provide the KGB and other security officials with access to their customer databases. The companies were responsible for bearing the costs of purchase, installation, and maintenance of the relevant equipment.

Approximately one-third of the population had access to the Internet, and Internet use was highest in urban areas. Access was restricted by relatively high costs and lack of high-speed services in certain areas of the country, as well as at state companies and organizations where reportedly filters exist (and which cover workplaces of 80 percent of the country's workers). On occasion government providers blocked independent and opposition Web sites during major political events.

On June 24, authorities blocked the Web site of the unregistered Malady Front NGO. Additionally, the group had no control over or access to its Web site and was not able to update information on it due to "external interference" between June 8 and 20. In May the Malady Front was forced to close down its Salihorsk region Web site due to numerous viruses and continued script errors.

On July 8, the state-controlled Beltelekam claimed that it blocked the Web site of the independent *Vitsyebski Kuryer* in response to a request from the newspaper's owners to discontinue hosting services as of July 5. Volha Karach, one of the newspaper's founders, denied that the paper had made any such request. The Web site resumed its operations at a different domain hosted outside of the country on July 12.

On July 16, the opposition group Charter97 reported a cyber attack on its Web site after it posted a critical documentary about Lukashenka, implicating him in high-profile disappearances in 1999 and 2000. The Web site also was blocked on June 23, following extensive reports about a dispute over natural gas pricing between the governments of Belarus and Russia.

On September 7, authorities in Navapolatsk blocked the independent Internet resource *ximik.info* in compliance with the July 1 presidential edict. According to the Web site's editor, Andrey Alyksandrau, a number of local educational institutions had eliminated access to the Web site long before the edict's enforcement. In response to the government's interference and Internet restrictions, many opposition groups and independent newspapers switched to Internet domains operating outside the country. The few remaining independent media sites with domestic ".by" domains practiced heavy self-censorship.

On election day, December 19, both before and during the antigovernment demonstration, cyber attacks apparently blocked independent news portals and social networks. The Web sites of Charter97, Belarusian Partisan, Vyasna, Belarusian Christian Democracy, electroname.com, citizenby.org, *Salidarnasc*, Twitter, Facebook, and LiveJournal were all unavailable throughout the country. Access to certain news portals, including independent news agency BelaPAN and Radio Liberty, was intermittent.

The government continued to collect and obtain personally identifiable information on independent journalists and democratic activists. For example, investigators hacked personal passwords to access e-mails, Skype records, and other materials, to read decoded files, and to retrieve deleted information on the computers confiscated from independent journalists Kalinkina, Koktysh, Khalip, and Radzina during raids in February and March.

### Academic Freedom and Cultural Events

The government restricted academic freedom and cultural events. Educational institutions were required to teach an official state ideology that combined reverence for the achievements of the former Soviet Union and of Belarus under the leadership of Lukashenka. Use of the word "academic" was restricted; NGOs were prohibited from including the word "academy" in their titles. Opportunities to receive a higher education in the Belarusian language in the majority of fields of study were scarce. Administrations of higher educational institutions made no effort to accommodate students wishing to study in Belarusian-language classes.

In October 2009 Deputy Education Minister Tatsyana Kavalyova stated that ideology remained "the backbone" of education in the country and gave "special flavor to the educational environment." She also noted that every educational institution maintained an ideology department.

During the year authorities harassed, intimidated, and dismissed teachers on political grounds. For example, Minsk regional education official Taisa Danilevich warned six local schoolteachers that they would be dismissed if they did not disavow their membership in opposition parties.

In May authorities dismissed Belarusian language teacher Syarhey Salodkin from a school in the village of Koptsi. Salodkin published the bulletin *Poklich Voli*, circulation fewer than 300 copies, which the local education department considered "opposition." Salodkin also refused to join the state-run trade union.

On June 11, the Belarus State University of Culture and Arts dismissed prominent playwright Andrey Kureychyk for his public support of the Tell the Truth information campaign leaders who were detained and arrested in May. Following extensive criticism in the independent media, Kureychyk was offered his job back on July 18.

Government-mandated textbooks contained a heavily propagandized version of history and other subjects. All schools, including private institutions, were considered political bodies that must follow state orders and could not be led by opposition members. The education minister has the right to appoint and dismiss the heads of private educational institutions.

The BRYU continued its efforts to promote ideological purity among students. University students reportedly were pressured to join the BRYU to receive benefits and rooms in dormitories. Local authorities also pressured BRYU members to campaign on behalf of government candidates. In addition authorities at times pressured students to act as informants for the country's security services.

According to an education ministry directive, educational institutions may expel students who engage in antigovernment or unsanctioned political activity and are to maintain the proper ideological education of students. During the year at least six students were expelled for political reasons, compared with three or more in 2009, at least 10 in 2008, 20 in 2007, and more than 100 in 2006. Some school officials continued to cite poor academic performance or absence from classes as reasons for the expulsions.

In February the Belarus Science and Technologies University expelled first-year student Syarhey Kuryanovich for his participation in activities of the unregistered European Belarus coalition. Professors told Kuryanovich privately that they were forced to grade him low and expel him for his subsequent academic failures.

On March 5, the private Institute for Parliamentary Studies and Entrepreneurship expelled Marat Abramouski after he announced he would run in local elections.

In March a university in Mahilyou expelled Stanislau Ramanovich, a Malady Front local leader, for his political activities. Two KGB officers interrogated Ramanovich at the university in January and threatened him with expulsion.

On March 24, Iryna Hubsckaya, a second-year student and a democratic candidate in local elections, was expelled from a private university in Minsk, allegedly for missing classes.

During the year Franak Vyachorka, a prominent opposition youth leader who was expelled from BSU in 2008 and forcibly drafted in 2009, applied for enrollment to five universities. Four of them denied his application in September, one never responded, and Vyachorka complained to the Education Ministry that he was "denied the right to receive higher education in Belarus." BSU previously rejected eight application requests from Vyachorka and told him in September that he could be reinstated as a correspondence student of the philology department starting on February 1, 2011.

On November 3, the International Liberal Arts and Economics Institute expelled fifth-year student Uladzimir Kumets for participating in the nomination group of presidential candidate and Tell the Truth campaign leader Uladzimir Nyaklyaeu. During a meeting on November 10, the head of the institute reportedly promised Nyaklyaeu that Kumets would be reinstated in January 2011. Kumets left the country to avoid prosecution after the December 19 crackdown.

The Belarusian State University expelled Malady Front activist Tatsyana Shaputska following her return from the Eastern Partnership Civil Society Forum in Brussels in November 2009. Although the foreign minister claimed that she was expelled for poor attendance, Shaputska reportedly was told that the reason for her expulsion was that she failed to gain permission for the trip from the law faculty dean. On January 28, the Education Ministry turned down her reinstatement request, stating that there were no "legal grounds" for revoking expulsion orders. A Minsk district court dismissed Shaputska's appeal on March 26.

Human rights advocates announced in November that BSU expelled a fifth-year journalism student for being featured in an anti-Lukashenka video clip posted to YouTube prior to the election.

In December the Committee for the Protection of the Repressed Solidarity reported that opposition youth activist Mikhail Mikulich was expelled from the Belarusian State Pedagogical University for political reasons.

The government continued to ban teachers and democratic activists from promoting the wider use of the Belarusian language and the preservation of its culture. For example, on September 5, police in Khoyniki briefly detained Maryia Tulzhankova, a member of the young historians' society Talaka, while she was attending the 2010 Belarus Written Language Festival. Officers questioned her about photographing folk bands' performances and looked through her pictures. She was released without charge.

The government also restricted cultural events. During the year, the government continued to force opposition theater groups into such venues as bars and private apartments and to suppress unofficial commemorations of historical events. For example, on January 27, organizers of the public release of the compact disc *Belarusian Guitar Poet Hits* had to look for a different venue for the event at the last minute after Minsk city authorities warned the St. Simon and St. Helena Catholic Church against holding the affair. The compact disc was produced by the unregistered Belarusian Christian Democracy Party.

At year's end authorities claimed they were not planning to expel students who took part in the December 19 postelection demonstration in Minsk. BSU administration stated that they would review written explanations submitted by students who were arrested and served short-term sentences before taking further action. On December 28, Viktor Luchankau, spokesman for the Education Ministry, asserted that students were "not expelled from Belarusian universities for political reasons." According to information released by a state TV channel on December 26, 14 percent of those arrested during

the December 19 demonstration were students, and there were credible reports that at least 10 of these students were facing expulsion at the end of the year for their political activities related to the December 19 demonstration.

b. Freedom of Peaceful Assembly and Association

Freedom of Assembly

The constitution provides for freedom of peaceful assembly; however, the government severely restricted this right in practice. Only registered political parties, trade unions, and NGOs could request permission to hold a demonstration of more than 1,000 persons, and denials were common. Security forces frequently forcibly dispersed participants, often causing injuries (see section 1.c.).

The law criminalizes participation in the activities of unregistered NGOs, training of persons to demonstrate, financing of public demonstrations, or solicitation of foreign assistance "to the detriment" of the country. Violations are punishable by up to three years in prison.

During the year authorities employed a variety of means to discourage the holding of demonstrations, to break them up, to minimize their impact, and to punish the participants. Organizers must apply at least 15 days in advance for permission to conduct a public demonstration, rally, or meeting, and government officials are required to respond no later than five days prior to the scheduled event. However, authorities generally refused permits to opposition groups or granted permits only for demonstrations held well away from city centers. Authorities used intimidation and threats to discourage persons from participating in demonstrations, openly videotaped participants, and imposed heavy fines or jail sentences on participants in unsanctioned demonstrations. On dozens of occasions authorities fined opposition activists and members of NGOs for participating in unauthorized protests. On many occasions police and other security officials beat and detained demonstrators before, during, and after unsanctioned peaceful demonstrations (see section 1.c.).

On March 16, 14 opposition supporters who held a rally in front of the Supreme Court to show support for the Vaukavysk activists on trial were detained and charged with holding an unsanctioned event. European Belarus campaign activists Maksim Vinyarski, Palina Kuryanovich, and Palina Dzyakava were held in custody overnight and fined 700,000 rubles (\$235), 1,050,000 rubles (\$350), and 1,325,000 (\$440), respectively. On March 29, a court in Minsk fined youth activist Andrey Kuzminski 1,400,000 rubles (\$465). In April opposition youths Andrey Krechka and Aleh Ladutska were fined 700,000 rubles (\$235) each, and Artur Finkevich and Yauhen Afnahel were fined 17,000 rubles (\$6) each.

On March 23, police arrested three prominent human rights advocates, Ales Byalyatski, Valyantsin Stephanovich, and Iryna Toustik for protesting against two death penalty executions; police also arrested independent journalist Syarhey Sys. They charged all but Sys with violating mass events regulations. On March 24, a Minsk district court fined the three 17,500 rubles (\$6) each.

Authorities took various measures to deter efforts by prodemocracy activists to celebrate the March 25 anniversary of the country's declaration of independence in 1918, an event the government does not recognize. Authorities rejected democratic activists' applications to hold the annual March 25 Freedom Day demonstration and to march downtown, as well as one on April 26 commemorating the Chernobyl disaster in central Minsk. Instead they gave permission for the group to gather at the Academy of Sciences building and demonstrate in a secluded park outside central Minsk.

A few hours before the planned demonstration, security forces apprehended Yury Karetnikau, the leader of the NGO Right Alliance, at the Minsk railway station. Police detained a group of Right Alliance activists for an identification and vehicle check on the road from Lida to Minsk. Without a warrant they confiscated 20 unregistered white-red-white opposition flags and 500 Belarusian Popular Front emblems from opposition youth activist Andrey Krechka in Minsk. In Asipovichy, Belarusian Popular Front activist Ihar Simbirau's residence was searched, and police questioned four Belarusian Christian

Democracy members at a railroad station in Babruysk, thus preventing them from boarding a train on time. On March 25, in Homyel, security officers took the local For Freedom movement activist Pyotr Kuznyatou off the Minsk-bound train. Police also hampered the delivery of the sound amplifying equipment to the demonstration venue.

Young Belarus member Anton Rusin was detained prior to the March 25, demonstration, along with his associate Tsimafey Dranchuk, who was taken to the emergency room from the police precinct due to high blood pressure. On March 26, a court in Minsk fined Rusin 875,000 rubles (\$290) on minor hooliganism charges.

Despite the government's actions, on March 25, approximately 1,000 democracy activists demonstrated peacefully at the designated site; however, police in full riot gear blocked a group of 500 of the participants from marching toward downtown Minsk.

On April 26, authorities took heightened security measures at the site of the peaceful demonstration attended by approximately 1,500 persons by fencing off the premises in front of the Academy of Sciences building and installing metal detectors around the perimeter. Alyksandr Lastouski, the Minsk city police spokesperson, noted that similar measures would be taken during any street rallies in which participation was expected to exceed 500 persons, in order "to ensure the safety of Belarusian citizens."

Officials in Brest denied opposition political groups authorization to organize Labor Day marches on May 1, alleging that they could disrupt traffic.

In May, Minsk authorities refused a request from opposition politician Ales Mikhalevich and his associates to hold a rally in front of the National Museum of the History of the Great Patriotic War to protest plans for its demolition.

On May 7, police briefly detained seven opposition activists, including United Civic Party leader Anatol Lyabedzka, for demonstrating in Minsk to mark the 11th anniversary of the 1999 disappearance of Yury Zakharanka. On the same day a Minsk district court fined the seven from 350,000 (\$115) to 1,050,000 rubles (\$350). Also on May 7, in Brest two human rights activists were detained for distributing leaflets including information on the Zakharanka case.

On May 12, former political prisoner Alyksandr Kazulin was given a 700,000 ruble (\$235) fine, and fines of 525,000 rubles (\$175) each were given to Small Business Council leader Alyksandr Makayeu and to Malady Front activists Mikalay Dzemidzenka and Uladzimir Yaromenka, on charges that they used obscene language during a May 6 protest in front of the Supreme Court.

On June 21, Minsk authorities denied the unregistered Russian National Bolshevik Party representatives permission to protest in the city center against the presidential edict on Internet regulations. Earlier, on June 10, 50 activists peacefully gathered at a remote park for a sanctioned demonstration against the edict.

On June 23, riot police dispersed an unauthorized rally against Edict no. 60 by Russian National Bolshevik Party activists; police detained five activists, who remained in custody overnight. The next day Yauhen Kontush, the leader of the group, was fined 875,000 rubles (\$290), and the four others were fined 175,000 rubles (\$60) each.

On July 12, a Homyel district court turned down an appeal from democratic groups challenging a ban on rallies to mark June 1, International Children's Day. Authorities refused 34 applications for demonstrations related to the occasion.

On July 15, police arrested approximately 70 activists near the national library in Minsk. The young participants planned to stage a pillow fight to mark the 600th anniversary of the 1410 Grunewald battle. All except former political prisoner and youth leader Andrey Kim were released three hours later without charges. Kim was kept in custody overnight. The next day a court fined Kim 17,500 rubles (\$6) for holding an unsanctioned mass event.

On July 24, police in Mahilyou broke up a protest by Russian National Bolshevik Party representatives against the Internet edict. Party activist Valyantsin Labachou was detained for an hour and taken to a police station for an identification check.

On July 26, police in Homyel detained at least 10 activists, including human rights advocate Anatol Paplauny, who demonstrated to mark the 20th anniversary of the adoption of the Declaration of Belarus' Sovereignty. Police confiscated their printed materials. In separate incidents on the same day, officers briefly detained four other democracy activists.

On July 27, police in Minsk also dispersed opposition activists marking the 20th anniversary of the adoption of the Declaration of Belarus' Sovereignty and briefly detained several participants.

On August 16, eight opposition activists were arrested during an unsanctioned Solidarity Day rally in Minsk; they were released without charges three hours later.

On July 27, police in Salihorsk detained local Malady Front activists Andrey Tychyna and Ryhor Astapenya for attempting to hold a commemoration of the adoption of the Declaration of Belarus' Sovereignty. On August 24, a court fined them 700,000 (\$235) each for disobeying police orders.

In August authorities in Brest, Kamyanets, Malaryta, and Mahilyou denied the request of Tell the Truth campaign activists to demonstrate, to display placards, and to collect signatures in support of campaign leader Uladzimir Nyaklyaeu's nomination to the Fourth All-Belarusian People's Assembly.

On August 5, a district court in Minsk fined opposition activists Mikalay Dzemizdenka and Katsyaryna Davydzik 105,000 rubles (\$35) each, and Vyachaslau Siuchyuk and Andrey Kim 350,000 rubles (\$115) each for participating in an unauthorized demonstration on July 27, the occasion of the 20th anniversary of the adoption of the Declaration of Belarus' Sovereignty. All were detained overnight and released.

On August 12, the Minsk city government denied opposition forces permission to march and rally on August 16 to mark the monthly Solidarity Day and the high-profile disappearances of 1999 and 2000. Their application contained errors, according to officials.

On August 16, police arrested eight opposition activists during an unsanctioned demonstration on the Solidarity Day in northern Minsk. All were required to write written explanations of their activities at a police station and were released three hours later without charge.

On August 17, authorities in Mahilyou denied activists of the unregistered Party of Freedom and Progress permission to hold small demonstrations in the city to call for infrastructure improvements to roads and hospitals. Activists also planned to collect signatures for a petition favoring the construction of two outpatient clinics in remote neighborhoods and for road repairs. Mahilyou authorities designated a site in front of a deserted building in the city outskirts as a venue for demonstrations.

In Brest authorities turned down applications from democracy activists to hold a demonstration in the city center on August 30 to mark the International Day of the Disappeared. Instead, they were instructed to stage it at a remote stadium which remained the only authorized demonstration venue in Brest.

On September 9, more than 50 opposition youths were briefly detained for their attempt to stage another unsanctioned pillow fight in central Minsk. Police questioned them and released without charge.

In September members of the unregistered Belarusian Christian Democracy Party and other democracy activists staged a number of unauthorized protests against Minsk city authorities' plans to convert the former Catholic Bernardine monastery

into a hotel and entertainment center. Although most of the demonstrations proceeded peacefully, on September 16 security forces arrested at least 18 activists on their way to the protest, fingerprinted them at a police station, and released them without charges hours later. Opposition activist Vyachaslau Siuchyuk complained that his wife and son were beaten when they attempted to enter the precinct. On September 20, Belarusian Christian Democracy co-chair Paval Sevyarynets, three Malady Front leaders, and two more activists were detained, reportedly battered in a police bus, and harassed at a precinct. The next day on their way to a protest seven activists, including Belarusian Christian Democracy co-chair Vital Rymasheuski, were detained by police for more than two hours and then released without charge.

On September 24, Homyel opposition activists Vasil Palyakou and Valer Repnin were fined 1,050,000 rubles (\$350) each for illegally distributing greeting cards on the occasion of the 20th anniversary of the adoption of the Declaration of Belarus' Sovereignty on July 26.

On October 2, four Malady Front activists were detained for three hours for disseminating printed materials about demonstrations at the Bernardine monastery. Police threatened the youths with expulsion from their universities and dismissal from their jobs if they continued such political activities.

On October 29, police in Minsk prevented a group of democracy activists from holding an event inside a grocery store to raise awareness about domestic violence, despite an agreement between the activists and store management. Minsk authorities denied a number of activists' applications to stage a similar event in central Minsk.

On November 2, Minsk authorities denied opposition youths permission to organize a demonstration in favor of renaming the Lenin subway station, citing regulations prohibiting mass events within 200 meters of subway stations. On November 16, police blocked opposition activists from marching to the presidential administration building from the Kastychnitskaya Square in downtown Minsk. Although no one was arrested, plainclothes security officers recorded the demonstration and forced the demonstrators to disperse, threatening them with criminal charges for holding an unauthorized protest.

On November 22, police in Vitsyebesk detained civil society activist Yan Dzyarzhautsau and independent media distributor Barys Khamayda for holding an unauthorized picket urging a boycott of the presidential election. A court fined Dzyarzhautsau 350,000 rubles (\$115) and sentenced Khamayda to five days in jail on the same day for having numerous violated mass events regulations. However, a higher court dropped the charges and released Khamayda after he had served a day in jail.

In late November, Homyel city authorities refused an application from local human rights advocates Leanid Sudalenka and Anatol Paplauny to stage a rally to mark International Human Rights Day on December 10. Officials cited many reasons for the denial, including the applicants' failure to cover police and ambulance expenses. Authorities also claimed that demonstrations were not permitted in central Homyel and would only be authorized for locations on the outskirts of the city.

On the evening of election day, December 19, police forcibly dispersed a crowd estimated to number 20,000-30,000 which assembled on Kastychnitskaya Square and marched to the Independence square in Minsk to protest vote fraud in the presidential elections. Scores of persons were injured, including presidential candidates Uladzimir Nyaklyaeu, Andrey Sannikau, and Vital Rymasheuski. Over 700 persons were detained, according to independent human rights groups. Authorities appeared determined to disrupt the previously planned unauthorized demonstrations. Even before the polls closed, police stopped a group of protesters led by presidential candidate Nyaklyaeu and a van carrying a sound system for the demonstration. While the check was in progress, a group of unidentified men in black uniforms believed to be special forces jumped out of nearby vehicles and tossed stun grenades at the group. Nyaklyaeu was beaten in the attack and authorities seized the group's sound equipment. Supporters took Nyaklyaeu to a hospital for treatment, but unidentified men believed to be secret service officers later abducted him from his hospital bed and roughly handled his

wife in the process. After more than 24 hours of denial by police and security services that Nyaklyaeu had been detained, Lukashenka revealed at a press conference in response to a reporter's question that Nyaklyaeu was being detained in a KGB detention center.

At about 10:30 pm, after a small group of individuals, some alleged to be provocateurs, broke windows in one of the principal government buildings housing the parliament, the Central Election Commission, and the council of ministers, riot police charged the main group of demonstrators who had not been involved in any window breaking. As they cleared the square, police trampled upon or indiscriminately beat scores of protesters, journalists, and bystanders with batons and fists. In many cases police chased protesters for blocks in order to arrest them. Other participants were rounded up in the following days. While most of the demonstrators were released after serving administrative sentences of 10 to 15 days, authorities on or about December 29 charged at least 22 opposition leaders and activists, including five presidential candidates with "organizing and participating in mass disturbances," offenses that could carry penalties of up to 15 years' imprisonment, and investigations of a number of other opposition leaders were underway at year's end.

In the wake of December 19 demonstration, security officers continued to harass and jail activists who protested the police actions on that night. For example, on December 27 a Minsk court sentenced opposition youth activists Mikhail Pashkevich to 15 days in jail; Volha Damarad, Mikhail Matskevich, and Ales Kirkevich to 10 days in jail; and Dzmitry Shurkhay to five days in jail for demonstrating in front of the pretrial detention facility on December 21. Police detained three more opposition youth demonstrators on December 29 and held them at pretrial detention facilities overnight. On December 30, the three were jailed for protesting: Franak Vyachorka and Andrey Krechka were imprisoned for 12 days and Anton Koipish for 10 days.

Police also used preemptive arrests and detentions to prevent democratic activists' participation in protests. For example, on January 11, a court in Navahrudak convicted local Belarusian Christian Democracy member Yury Kazak of malicious hooliganism and fined him 8,750,000 rubles (\$2,915). Police detained Kazak and his associate Darya Bakhur on November 7, 2009, the 92nd anniversary of the October Russian Revolution, which was observed as a holiday, after a bust of Lenin in the city center was splashed with green paint. Bakhur was released without charge.

On December 9, a court in Krupki convicted prominent artist Ales Pushkin of using foul language and resisting police officers, and sentenced him to 13 days in jail. Police had arrested Pushkin at his home the previous day.

On December 17, police arrested Nyaklyaeu campaigner Kiryl Semyanchuk in Hrodna. The next day, Semyanchuk was sentenced to six days in jail. Aleh Kalyankou was sentenced to three days in jail on December 19. Both men were charged with participating in an unauthorized rally against early voting held in Hrodna in December.

On December 18, a court in Homyel jailed Rymasheuski's aide Yury Klimovich for 15 days for allegedly using obscenities in public.

#### Freedom of Association

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

The government enforced laws and registration regulations to restrict the operation of independent associations that might be critical of the government. All NGOs, political parties, and trade unions must register with the Ministry of Justice. A government commission reviews and approves all registration applications; in practice its decisions were based largely on political and ideological compatibility with the government's authoritarian philosophy.

Registration procedures required applicants to provide the number and names of founders, along with a physical address in a nonresidential building, an extraordinary burden. Individuals listed as members are vulnerable to retribution. The

government's refusal to rent office space to unregistered organizations and the expense of renting private space forced most organizations to violate the nonresidential address requirement. This allowed authorities to deregister existing organizations and deny their reregistration.

During the year the government denied registration to numerous NGOs and political parties on a variety of pretexts, including "technical" problems with applications. Authorities frequently harassed and intimidated individuals who identified themselves as founding members of organizations in an effort to induce them to abandon their membership and thus deprive groups of the number of petitioners necessary for registration. Many of the rejected groups had previously sought and been denied registration on multiple occasions. The government continued deregistering groups during the year.

On February 18, the Supreme Court turned down an appeal challenging the regional justice department's refusal to register the human rights NGO Berastseiskaya Vyasna in the Brest region. Authorities cited the organization's failure to submit a copy of the registration fee receipt as a reason for the refusal. On August 20, the department turned down the NGO's tenth registration request saying that one of the addresses on the form was inaccurate. On November 16, the Supreme Court dismissed Berastseiskaya Vyasna's appeal.

In July 2009 the Supreme Court upheld the Ministry of Justice's April denial of registration of the Belarusian Christian Democracy Party, citing technical flaws in the party's registration documents. The party again attempted to register in December 2009, and the Justice Ministry once again denied registration on the grounds that the party had allegedly provided false information about its founders. On February 18, the Supreme Court upheld the Justice Ministry's denial. The party's cochairs Pavel Sevarynets, Vital Rymasheuski, and Dzyanis Sadouski were banned from the courtroom when the judge announced the verdict, although foreign diplomats and journalists were allowed to observe. On October 25, the Justice Ministry denied the party's third registration attempt, claiming other technical problems with the application. Sevarynets called the refusal "politically motivated" and said authorities continued to exert pressure on members to disavow their affiliation with the party.

On May 5, the Supreme Court turned down an appeal from the Assembly of Democratic NGOs to challenge the ministry's third registration refusal. Despite the court's recognition of some of the Assembly's arguments as valid, the judge ruled against the appeal.

On May 26, the Supreme Court dismissed an appeal filed by the local office of the Kyiv-based International Helsinki Association for Human Rights to challenge a Justice Ministry's registration denial.

On May 28, the Supreme Court rejected a complaint from the Malady Front challenging its sixth registration denial. The justice ministry refused the application citing lack of a proper legal address and numerous administrative and criminal convictions of its members.

On October 15, the Minsk Economic Court terminated registration of the Right Alliance NGO based on authorities' allegations that the NGO was carrying out illegal political activities.

On November 10, authorities deregistered the Movement Forward NGO, which had supported the Tell the Truth campaign. The Minsk Economic Court ruled that the NGO's lease was invalid and that the NGO subsequently did not secure a legal address for official registration.

On November 18, a prosecutor in Hrodna issued a warning to Malady Front deputy chair Ales Kirkevich that he could be held criminally liable for acting on behalf of an unregistered organization.

In August 2009 the Supreme Court rejected a registration denial appeal by prominent human rights NGO Vyasna. This was the third denial since the government stripped Vyasna of its registration in 2003. The Justice Ministry stated that the

NGO failed to document the precise meaning behind its name and asserted that many of its founders had administrative or criminal records that made them inappropriate advocates for human rights work. During the year Vyasna remained active but did not attempt to register.

During the year the Ministry of Justice indicated that it continued to issue written warnings to NGOs, political parties, and trade unions. Harassment in the form of inspections by security officials and confiscation of political literature continued.

#### c. Freedom of Religion

For a complete description of religious freedom, see the *2010 International Religious Freedom Report* at [www.state.gov/g/drl/irf/rpt](http://www.state.gov/g/drl/irf/rpt).

#### d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons

The law provides for freedom of movement, including the right to emigrate. However, the government at times restricted the right of its citizens to foreign travel. The government cooperated with the Office of the UN High Commissioner for Refugees (UNHCR) and other humanitarian organizations in providing protection and assistance to internally displaced persons, refugees, returning refugees, asylum seekers, stateless persons, and persons of concern.

The government maintained a database of persons who were banned from traveling abroad. According to the Ministry of Internal Affairs, the list contained the names of at least 120,000 persons who were prohibited from foreign travel, including those who possessed state secrets, were facing criminal prosecution or civil suits, or had outstanding financial commitments. Opposition politicians and civil society activists criticized the database, saying it restricted freedom of travel. Some persons were informed by letter that their names were in the database; others were informed at border crossings. In some cases opposition activists were either turned away at the border or detained for lengthy searches. For example, on November 2 in Homyel, border guards conducted two separate searches of four Tell the Truth campaign activists from Mahilyou returning to the country on a train from Kyiv. On November 4, officers detained and searched for two hours Hrodna activists Uladzimir Khilmanovich and Viktor Sazonau after they arrived by train from Poland.

Under a presidential decree, any student who wishes to study abroad must obtain permission from the minister of education. The decree, ostensibly intended to counter trafficking in persons, also requires the Ministry of Interior to track citizens working abroad and obliges travel agencies to report individuals who do not return from abroad as scheduled.

The law also requires persons who travel to areas within 15 miles of the border to obtain an entrance pass.

The law does not allow forced exile, but sources assert that security forces threatened opposition leaders with bodily harm or prosecution if they did not leave the country. The law allows internal exile, known as *khimiya*, for persons convicted of crimes, and authorities employed it during the year.

Many university students who had been expelled or were under threat of expulsion for their political activities opted for self-imposed exile. Since 2006 more than 500 students left the country to continue their studies at foreign universities, and at least 44 students were still enrolled in programs in Poland at the end of the year.

Internal passports, a form of national identity card, were required for permanent housing, work, and hotel registration. Police continued to harass individuals who lived at a location other than the legal place of residence indicated in their internal passports.

#### Protection of Refugees

The law provides for the granting of asylum or refugee status, and the government has established a system for providing protection to refugees. In practice the government provided protection against expulsion or return of refugees to countries where their lives or freedom would be threatened on account of their race, religion, nationality, membership in a particular social group, or political opinion.

While all foreigners have the right to apply for asylum, no Russian nationals received either refugee status or complementary protection in the country. Immigration authorities and courts asserted that under the terms of treaties on the union between Belarus and Russia and as a result of the equal rights of citizens in each country, Russians can legally settle and obtain residence permits in the country based on their Russian citizenship and therefore do not need asylum. Nevertheless, immigration authorities did accept 14 asylum applications from Russian citizens during the year.

Asylum seekers have freedom of movement within the country but must reside in the region where they filed their applications for refugee status and in a place known to the authorities. Authorities reportedly often required asylum seekers to settle in rural areas. Change of residence was possible only with notification to authorities. Authorities issue registered asylum seekers certificates that serve as identification documents and protect them from expulsion. In accordance with the law, they must also register with local authorities to obtain internal passports.

#### Stateless Persons

The UNHCR listed 7,731 stateless persons at year's end, down from a total of 7,799 persons in January.

Citizenship is derived either by birth within the country's territory or from one's parents; if one parent is a citizen, the child is a citizen regardless of place of birth.

Arbitrary detention of, and violence against, stateless persons generally were not problems. However, stateless persons faced discrimination in employment because authorities often required them to settle in rural areas and prohibited them from seeking jobs outside of the regions where they lived. In practice stateless persons could not change their region of residence.

#### 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 denied citizens this right in practice.

Since his election in 1994 to a five-year term as the country's first president, Lukashenka steadily consolidated power in the executive branch to dominate all branches of government, effectively ending any separation of power among the branches of government. Flawed referenda in 1996 and 2004 amended the constitution to broaden his powers, extend his term in office, and remove presidential term limits. Subsequent presidential elections, including the one held on December 19, continued to deny citizens the right to express their will to choose between opposing candidates in an honest and transparent process with fair access to media and resources. The September 2008 parliamentary elections fell significantly short of international standards for democratic elections, according to the final report by the OSCE Office for Democratic Institutions and Human Rights (ODIHR) observation mission. Despite the president's stated intent to conduct a free and fair election, authorities impeded constitutional rights of expression, association, and assembly. All of the 110 candidates declared winners were supporters of Lukashenka's policies.

#### Elections and Political Participation

The December 19 presidential election was marred by numerous violations of procedures and an absence of transparency and accountability that led the OSCE/ODIHR mission observation to report that the country still had "a considerable way to

go in meeting its international commitments." OSCE/ODIHR observers assessed the vote count as "bad or very bad in almost half of all observed polling stations," with clear instances of ballot stuffing and tampering. Although opposition candidates enjoyed somewhat greater freedom to enter the race and promote their candidacies than in some earlier elections, preelection campaigning remained extremely limited, and government harassment of independent newspapers, opposition political parties, and independent NGOs throughout the year limited the opposition's ability to mount effective campaigns (see sections 1.f, 2.a, and 4). According to the OSCE/ODIHR mission, broadcasters nationwide devoted 90 percent of their political coverage to the incumbent president. What coverage there was of opposition candidates was overwhelmingly negative. Despite a nominal increase in opposition representation, authorities continued to exclude opposition representatives from election commissions at all levels. The Central Election Commission had four opposition members in advisory, nonvoting roles. Local polling places were administered almost exclusively by electoral commissions made up of Lukashenka supporters, sometimes masquerading as progovernment NGOs or pro-Lukashenka political parties, or employees of state-owned enterprises and public sector. The majority of observers at local polling place appeared to be similarly supportive of the regime, and many of them received instructions in advance to report that the proceedings were "in order."

However, the most serious violations took place after the polls closed, when, as the OSCE mission observed, the situation "deteriorated significantly." In many precincts ballots from early voting and those cast using mobile ballot boxes, which could not be monitored effectively by independent observers, were mixed together with those cast at the precinct on election day, a violation of the country's election law. In many instances international observers reported that counting was conducted silently and at a sufficient distance as to make evaluation of the count impossible. There were a number of reports that vote totals changed as the ballot boxes were transported between local precincts and the territorial election commission offices. No genuinely independent organizations were permitted to conduct exit polls, but in the opinion of the independent NGO For Fair Elections, which monitored 250 polling stations across the country, the president failed to gain the 50 percent of the vote necessary to avoid a runoff. The official results gave him 79.65 percent of the vote against nine other candidates. The head of the OSCE/ ODIHR mission observed the next day that "a positive assessment of this election isn't possible."

There were instances in which state-owned printing houses refused to produce opposition leaflets. Supporters of opposition candidates also reported harassment by authorities, including seizure of campaign materials. Government-controlled print media, including the newspapers *Respublika* and *Narodnaya Gazeta*, required some opposition candidates to censor their election platforms prior to publication to remove criticism of the incumbent and calls for demonstrations on the night of December 19. Political parties continued to receive formal "warnings" for minor offenses under a law that allows authorities to suspend parties for six months after one warning and close them after two. The law also prohibits political parties from receiving support from abroad and requires all political groups and coalitions to register with the Ministry of Justice.

Authorities continued to harass the unrecognized Union of Poles and its members (see section 6).

During the year there were multiple cases of youth members of political opposition groups forcibly conscripted into the military. There were also reports of discrimination and harassment against them while in military service (see section 1.f.).

There were 35 women in the 110-member Chamber of Representatives and 19 women in the 64-member Council of the Republic. A woman chaired one of the Chamber of Representative's 20 committees and there was one woman in the 40-member Council of Ministers.

No high level members of government or the National Assembly openly identified themselves as members of a minority, although several were ethnic Poles or members of other ethnic groups.

#### Section 4 Official Corruption and Government Transparency

The law provides criminal penalties for official corruption; however, reports indicated officials continued to engage in corrupt practices. The World Bank's worldwide governance indicators reflected that corruption was a serious problem in the country. According to Prosecutor General Ryhor Vasilevich, the majority of the corruption cases involved accepting and soliciting bribes, fraud, and abuse of power.

On June 2, Deputy Prosecutor General Viktor Konan asserted that public sector employees should tour prisons as a part of national anticorruption campaign. Soon after, representatives of various ministries reportedly visited a detention center in Minsk. Konan criticized the council of ministers and regional executive authorities for failing to tackle corruption effectively and stated that the ministries of economy and finance were responsible for one-third of all corruption crimes.

The lack of transparency between the president's personal funds and official government accounts and a heavy reliance on off-budget revenues suggested corruption within the executive branch.

Petty corruption among police was widespread. According to the interior ministry, 140 corruption-related criminal cases were opened against police officers during the year. Military Prosecutor Alyaksandr Dranitsa said on June 27 that the number of crimes committed by staff of the armed forces was on decline. Corruption offenses accounted for 15 percent of all crimes by military personnel, according to Dranitsa. He acknowledged that hazing remained the most widespread crime registered in the military.

A 2008 anticorruption law expanded the list of professions described as 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. In April 2009 the president signed a decree extending the authority to investigate corruption cases beyond prosecutors to include also the interior ministry and the KGB.

The prosecutor general reported that during the year authorities registered 3,637 corruption crimes, up 8.1 percent from the previous year. Bribery accounted for 36.4 percent of cases, fraud for 28.8 percent, and embezzlement through abuse of office for 23.7 percent. Vasilevich claimed that corruption offenses often stemmed from the government's failing to take proper measures to prevent and combat corruption.

There were numerous corruption prosecutions during the year; however, prosecutions remained selective and were in some cases politically motivated.

On February 10, a court in Baranavichy sentenced a former local financial police chief to five years in prison for facilitating illegal business activities and tax evasion.

On March 25, the Military Court convicted Yauhen Kamarnitski, a former deputy head of the State Border Committee, of accepting large bribes and sentenced him to five years of house arrest on account of his poor health. His accomplice in the case, Alyaksandr Aparovich, a former deputy chief of the Smarhon border unit, was sentenced to four years in prison.

On May 7, the Supreme Court sentenced former Minsk regional prosecutor Mikhail Snyahir to seven years in prison following closed-door court proceedings. Snyahir was charged with abuse of authority, accepting bribes, and illegal possession of arms.

On June 22, the Minsk regional court sentenced Mikhail Tsyhan, a former head of a Minsk district, to eight years in prison. He was convicted of bribery, abuse of authority, embezzlement, and illegal activities involving ammunition.

On August 12, a court sentenced Arkadz Karputs, a former chairperson of the Hrodna regional council and a member of the upper chamber of the parliament, to two years in jail on a bribery charge. Karputs reportedly pleaded guilty.

On October 25, prosecutors extended rigid house arrest for Svyatlana Baykova, a former senior investigator with the prosecutor general's office. The KGB arrested Baykova on February 25 and charged her with abuse of office and illegally dropping criminal charges against some suspects in a high-profile smuggling case which involved Hramovich. Baykova wrote a letter to the president seeking her release and pledging to assist him in combating corruption.

On November 3, the Military Court sentenced the chief of the district military recruitment office in Barysau, Dzmitry Pshanko, to four years in prison and property forfeiture for bribery, fraud, and power abuse. Pshanko was arrested in December 2009 when he was accepting a \$450 bribe from a young man for deferring his compulsory military service on medical grounds. The case featured at least four additional instances of bribery.

On November 9, the Hrodna regional prosecutor's office told the press that Henadz Khatsko, the former chief of the Hrodna regional police department, could avoid criminal charge if he reimbursed the government 11 million rubles (\$3,700). Khatsko, who had fled the country, returned and voluntarily appeared before the police on November 5. He was charged with abuse of office and bribery, and released on his own recognizance. The case was pending at year's end.

On December 24, the Defense Ministry announced that Commander-in-Chief of the Air and Air Defense Forces Ihar Azaronak was arrested and charged on December 30 with abuse of office and accepting large bribes. He remained in custody at year's end.

In January 2009 the prosecutor general announced the arrest of the former chief of the Financial Investigations Department of the State Control Committee, Anatol Hramovich, for abuse of power, bribery, and customs duty evasion. On May 21, the Belarus Military Court commenced hearings against Hramovich behind closed doors. There were no reports of further developments in his case before year's end.

In March 2009 the KGB opened a major corruption case against a number of senior-level interior ministry personnel in Homyel region. Authorities reportedly arrested and charged the officials with bribery and other corruption-related offenses. On February 17, the Supreme Court sentenced three police officials to between three and four years in jail. An additional defendant was convicted, but was found eligible for amnesty and released.

The law, government policies, and a presidential decree severely restricted public access to government information. Citizens had some access to certain categories of information on government databases and Web sites; however, much of the information was neither up-to-date nor complete.

#### Section 5 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

There were a number of active domestic human rights NGOs; however, authorities were often hostile to their efforts, did not cooperate with them, and were not responsive to their views. Three prominent human rights NGOs, the Belarusian Helsinki Committee, the Center for Human Rights, and the Center for Legal Transformations, remained registered. A variety of unregistered NGOs, including Vyasna, Charter97, the Committee for the Protection of the Repressed "Solidarity," the Human Rights Alliance, Legal Assistance to the Population, and For Religious Freedom, continued to operate in spite of systematic harassment from authorities.

Following the flawed December presidential election, authorities raided the offices of some NGOs, seizing computers and other equipment. The president announced that the Minsk office of the OSCE would be closed, and authorities refused to

extend the mandate of the OSCE Minsk Office past December 31 despite a clear desire by the OSCE to continue its work in the country.

Authorities harassed both registered and unregistered NGOs, subjected them to frequent inspections and threats of deregistration, and monitored their correspondence and telephone conversations. Authorities harassed family members of NGO leaders and civil society activists (see section 1.f.). The government ignored reports issued by human rights NGOs and rarely met with them. State-run media did not report on human rights NGOs and their actions; independent media that reported on human rights issues were subject to closure and harassment.

The government refused to register numerous NGOs and continued to harass them under articles 193 and 193.1 of the criminal code, which criminalizes organizing or participating in any activity by an unregistered organization. The law also prohibits persons from acting on behalf of unregistered NGOs. Between 2006 and 2009 courts convicted 17 persons of crimes under article 193.1. Several domestic and international human rights groups, including Amnesty International, continued to urge the government to abolish article 193.1 and to remove other legal obstacles that hindered the work of NGOs and allowed official harassment of civil society and youth activists.

Authorities can close an NGO after issuing only one warning that it violated the law. The most common pretexts that prompted a warning or closure were failure to obtain a legal address and technical discrepancies in application documents. The law allows authorities to close an NGO for accepting illegal forms of foreign assistance and permits the Ministry of Justice to participate in any NGO activity and to review all NGO documents. NGOs also must submit detailed reports annually to the ministry about their activities, office locations, officers, and total numbers of members.

In 2008 a presidential order took effect that increased rent tenfold for most NGOs. Prior to the order NGOs paid one euro (\$1.34) per square foot of office space, compared with 10 euro (\$13.40) charged to commercial groups. While some groups, including youth sports groups, charity organizations, and children's arts centers, continued to pay the one euro rate, other NGOs, such as the Belarusian Voluntary Society for Historic and Cultural Heritage Protection, were required to pay the higher rate. Many NGOs stated the higher rent would likely force them to close. On February 8, a senior state property committee member stated that to be eligible for discounted rent rates, an NGO should "actively support the government's policies."

During the year the BHC continued to experience problems with authorities. In 2008 the Supreme Court allowed the Ministry of Justice to withdraw a petition to suspend the BHC's activities. However, the NGO's bank accounts remained blocked, and alleged tax arrears were unresolved. The case originated in 2005, when authorities seized BHC office equipment as partial payment of 191.5 million rubles (approximately \$63,800) in alleged tax arrears and fines for back taxes on international donor funds dating from 2000-02. In October 2009 the financial intelligence services requested income statements and other information from BHC members. During the year BHC's accounts remained blocked.

The KGB continued to harass NGO and political party members and activists by planting defamatory articles or information about them in the media. For example, in late December all state television channels aired a documentary implicating opposition presidential candidates, European security services, and opposition forces in masterminding a coup d'etat. The 45-minute film featured wiretapped mobile phones conversations, KGB footage of searches and video of the December 19 demonstration dispersal. It also included alleged financial reports by the candidates to purported foreign sponsors of the opposition. In other printed and broadcast media reports and exposes during the year, state media

portrayed the opposition as weak and debilitated, downplayed their activities, and alleged that they operated through foreign grants and sponsorship in order to promote their personal interests.

Authorities were reluctant to engage on human rights problems with international NGOs, whose representatives often had difficulty gaining admission to the country. For example, in December authorities denied a visa to Martin Ugglå, the head of the Ostguppen Swedish Initiative for Democracy and Human Rights. Ugglå last traveled to the country in 2006 and has since been denied visas on four occasions.

Authorities routinely ignored NGOs' recommendations on how to improve the human rights situation in the country and their requests to stop harassing the NGO community.

On December 31, according to press reports, a foreign ministry spokesman announced that there were "no objective reasons" for extending the mandate of the OSCE office in Minsk. The office had been operating in the country since 2003 with a mandate to assist the country in the area of rule of law and with economic and environmental matters. (An earlier office with a broader, mandate was terminated in 2001.) The government claimed that the OSCE mandate "has been fulfilled" and pointed to the earlier closure of OSCE missions in neighboring countries.

#### Section 6 Discrimination, Societal Abuses, and Trafficking in Persons

The law prohibits discrimination based on race, gender, disability, language, or social status. In practice the government did not always enforce these prohibitions. Problems included violence against women and children; trafficking in persons; and discrimination against persons with disabilities, Roma, ethnic minorities, and members of the lesbian, gay, bisexual and transgender (LGBT) community.

##### Women

The law criminalizes rape in general but does not include separate provisions on marital rape. Rape was a problem. However, most women did not report it due to shame or fear that police would blame the victim. Although no statistics on rape were available, the interior ministry stated that the number of registered cases of rape decreased 35 percent during the year.

Domestic violence, including spousal abuse against women, was a significant problem. A 2006 Amnesty International report concluded that measures taken by authorities to protect women against domestic violence were insufficient. The criminal code does not contain a separate article dealing with domestic violence. According to a study released by BSU's Center for Sociological and Political Research on March 2, four out of five women between ages 18 and 60 claimed that they were subjected to psychological violence in their families. One in four women suffered from physical violence, and 13 percent of women reported that their partners sexually abused them. Women remained reluctant to report domestic violence due to fear of reprisal and social stigma. According to the study, only 6 percent of male and 46 percent of female victims of domestic violence sought professional assistance. NGOs operated crisis shelters, primarily in Minsk, but they were poorly funded and received only limited support from the government.

The prosecutor general announced that the number of domestic crimes increased by 4.4 percent to 3,111 during the year.

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

Couples and individuals had the right to decide the number, spacing, and timing of children, and had the information and means to do so free from discrimination. Access to information on contraception and skilled attendance at delivery and in postpartum care were widely available. Women and men had equal access to diagnostic services and treatment for sexually transmitted infections. According to data published jointly by the World Health Organization, the UN Children's

Fund, the UN Population Fund, and the World Bank, the country's maternal mortality ratio was 15 maternal deaths per 100,000 live births in 2008.

The law provides for equal treatment of women with regard to property ownership and inheritance, family law, and the judicial system, and it was generally respected in practice. The law also requires equal wages for equal work, although this provision was not always enforced. On December 2, Deputy Minister of Labor and Social Security Ihar Staravoytau said that women's wages were 20 percent less than those of men's despite higher education levels. Employment of women in the private sector remained limited. Staravoytau also noted that it took one month on average for men to find new employment and more than two months for women. Women also accounted for two-thirds of all officially unemployed persons seeking a job for more than a year. The Labor and Social Security Ministry is responsible for ensuring gender equality, although it cannot issue binding instructions to other government agencies. There were very few women in the upper ranks of management or government, and most women were concentrated in the lower-paid public sector. Women's groups also voiced concerns about the feminization of poverty, particularly among women with more than two children, female-headed households, women taking care of family members with disabilities or older family members, and rural and older women.

The National Statistics Committee reported that as of June 1, 52 percent of the unemployed were women compared to 55.1 percent in June 2009. The law grants women the right to three years of maternity leave with assurance of job availability upon return. However, employers often circumvented employment protections by using short-term contracts, then refusing to renew a woman's contract when she became pregnant. During an inspection of 29 enterprises in the Vitsyebsk region in 2009, the local prosecutor's office found that employed women who were taking care of minor children were at times forced to travel on business and to work overnight and overtime without their prior consent and in violation of laws. A number of women worked in extreme and hazardous conditions.

#### Children

Citizenship is derived either by birth within the country's territory or from one's parents. A child of a citizen is a citizen regardless of place of birth, even if one of the parents is not a citizen.

In contrast with previous years, there were fewer reports that Romani children were subject to harassment from non-Romani children and teachers. The majority of Romani youth did not finish secondary school and failed to enroll university programs. There were no special school programs for Roma, although there were such programs for Jews, ethnic Lithuanians, and Poles.

The juvenile affairs commission reported that between January and October, 32 children were raped, 34 were victims of other forms of sexual abuse, and 15 were subjected to molestation. Seven underage girls were involved in prostitution-related crimes, four other girls were engaged in prostitution, and nine children were involved in distribution of pornography. During the same period a total of 8,590 crimes were committed against children, up from 6,128 during 2009. Of this total, 6,244 children were parties in cases against their parents for refusing to compensate the government for maintenance of their children removed from their households and placed in institutional care. Between January and October, 70 children were reportedly killed and 80 were injured. Mothers killed six newborn babies, and six children committed suicide in the same period.

According to data from the interior ministry, 26 minors became victims of trafficking for sexual exploitation. Ten minors were engaged in child pornography as of year's end. The law provides penalties of up to 13 years in jail for production or distribution of pornographic materials depicting a minor. Child prostitution was a problem, and children, along with men and women, were forced into begging and forced labor (see section 7.c.). There were also reports of child trafficking.

Rape or sexual assault of a person known to be a minor is punishable by up to 15 years in jail. Sexual acts between a person older than 18 years of age and a person known to be younger than age 16 carry penalties of up to five years in jail.

There were some reports of child marriage within the Romani community, where girls as young as age 14 and boys as young as age 16 frequently were married with parental consent.

The country was not a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction.

#### Anti-Semitism

Jewish groups estimated that between 30,000 and 40,000 persons identified themselves as Jews. Most were not active religiously.

During the year anti-Semitic incidents continued but were on decline, and authorities sporadically investigated reports of such acts. Religious sites were vandalized. The government did not promote antibias and tolerance education.

On May 9, during Victory Day celebrations, vandals set fire to wreaths and flowers laid at the memorial to Holocaust victims in Brest. The memorial had been vandalized on numerous occasions since it was erected in 1992, including in each year since 2008. Previous investigations failed to uncover the perpetrators.

On October 8, independent media reported that neo-Nazi graffiti appeared on industrial buildings in Pinsk and local authorities took no steps either to remove the slogans or to identify the vandals.

On December 22, Jewish community leader Yakau Basin submitted an appeal to prosecutors seeking to open an investigation into vandalism and the promotion of Nazism. Basin reported that swastikas and neo-Nazi graffiti appeared near the door to his apartment and said that the act of vandalism was "a direct threat" to him.

Jewish community and civil society activists continued to express concern over the concept of a "greater Slavic union" that was popular among nationalist organizations, including the neo-Nazi group RNU, which remained active despite its official dissolution in 2000. Neo-Nazis were widely believed to be behind these and numerous other incidents across the country. Anti-Semitic and Russian ultranationalist newspapers and literature, DVDs, and videotapes imported from Russia continued to be sold.

#### Trafficking in Persons

For information on trafficking in persons, please see the Department of State's annual *Trafficking in Persons Report* at [www.state.gov/g/tip](http://www.state.gov/g/tip).

#### Persons with Disabilities

The law does not specifically prohibit discrimination against persons with physical, sensory, intellectual, or mental disabilities in employment, education, access to health care, and other government services, and such discrimination was common in practice.

The Ministry of Labor and Social Security is the main government agency responsible for protecting the rights of persons with disabilities. The law mandates that transport, residences, and businesses be accessible to persons with disabilities. However, in practice few public areas were wheelchair accessible. The National Association of Disabled Wheelchair Users estimated that more than 75 percent of persons with disabilities were unable to leave their own homes without assistance.

Authorities provided minimal, reportedly ineffectual, benefits for persons with disabilities. For example, persons with disabilities who lived alone were entitled to a 50-percent discount on rent and utilities. Since few residences were

accessible, persons with disabilities had to live with friends or family and thus 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. A government prohibition against workdays longer than seven hours for persons with disabilities reportedly made companies reluctant to hire them.

On March 24, a court in Hrodna upheld a suit filed by wheelchair user Syarhey Feshchanka against local traffic police seeking 7 million rubles (\$2,330) in damages. The court ordered police to pay Feshchanka 1.3 million rubles (\$430). In August 2009 Feshchanka fell down the stairs of the traffic police building and was injured. The building contained no ramp. Police reportedly took no steps to install a ramp and suggested wheelchair users either call officers from their homes or use a stationary phone on the first floor of the building to contact an officer. According to local authorities in Hrodna, no secondary schools and few grocery stores were accessible for wheelchair users.

#### National/Racial/Ethnic Minorities

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

During the year authorities continued to harass the independent and unregistered Union of Poles of Belarus (UPB) and its former head, Anzhelika Borys. The UPB split from the government-controlled Union of Belarusian Poles in 2005. As part of an effort to keep the UPB members from attending a January 21 meeting in Iryanets, police detained approximately 46 members for several hours. All were released with no charges after a Polish diplomat intervened on their behalf.

In late January in Iryanets, authorities engineered the replacement of the longtime head of the local Polish House, Teresa Sobal, with a progovernment candidate. In December 2009 police had initiated a criminal case against Sobal over alleged misappropriation of funds in 2004.

On February 5, a court in Hrodna fined Borys and her organization Polonika, the principal source of financial support for the UPB, 4.2 million and 72 million rubles (\$1,400 and \$24,000) for alleged tax law infringements. On October 11, the Hrodna Regional Economic court dropped financial claims against Polonika. The newly elected UPB chair, Anzhelika Orechwo, said she was unaware of the reasons behind the move but noted that authorities could resume prosecution at any moment.

In a separate incident on February 5, Borys' car was vandalized in Hrodna. Borys was fined 1,050,000 rubles (\$350) on February 15 for participating in an unsanctioned demonstration in Hrodna on February 10 in support of Sobal. Borys' three senior associates received five-day jail sentences for participating in the demonstration. On April 6, Hrodna court officers searched Borys' apartment to inventory her property so that it could be seized to cover her fines.

On February 8, police raided and seized the Polish House, citing "illegal property possession." Seizure of the Iryanets facility left only two of the original 16 UPB-run Polish Houses remaining in the country, one in Barysau and one in Baranavichy. On February 17, a court issued final eviction orders for the UPB to vacate the premises.

The Minsk regional court turned down an appeal on March 11 from Polonika asking for the return of the Polish House in Iryanets and reinstatement of its ousted manager, Sobal. Although the misappropriation case against Sobal was suspended in February, police searched her home on June 28. On August 3, police notified Sobal that the investigation against her was being reinstated, and that she was banned from traveling abroad. That investigation was ongoing at year's end.

Official and societal discrimination continued against the country's 10,000 to 20,000 Roma. The Romani community continued to experience high unemployment and low levels of education. In 2005 authorities estimated the unemployment

rate among Roma at 80 percent. Roma often were denied access to higher education in state-run universities. In December 2009, however, the office of the plenipotentiary representative for religious and nationality affairs stated that the country's Romani community had no problems that would require the government's attention.

The Russian and Belarusian languages have equal legal status; however, in practice Russian was the primary language used by the government. In 2007 the Constitutional Court's chief justice acknowledged that discrimination against the Belarusian language was "not rare" but maintained that such discrimination was usually corrected.

Because the government viewed proponents of the Belarusian language as political opponents of the regime, authorities continued to harass and intimidate academic and cultural groups seeking to promote use of the Belarusian language. Proposals to widen use of the language were routinely rejected.

#### Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity

Homosexuality is not illegal, but discrimination against members of the LGBT community was **widespread, and harassment occurred**.

**In early May authorities denied the LGBT community permission to hold a pride parade in downtown Minsk on May 15, the International Day against Homophobia and Transphobia. Authorities claimed that the parade would disrupt traffic. According parliament member Nina Mazay, the most effective way to ensure the safety of participants in this instance given "negative sentiments toward gays and lesbians" was to ban the assembly. The activists defied the ban, and riot police violently dispersed approximately 30 demonstrators on May 15. Seven activists, including Alyaksandr Fyodarau, Syarhey Yenin, Aleh Hruvich, and two Russian citizens, were detained, placed in pretrial detention, and each sentenced to 17,500 ruble (\$6) fines on May 17.**

On June 21, LGBT activists Syarhey Androsenka and Syarhey Pradzed filed individual communications to the UN Human Rights Committee complaining about earlier fines. In December 2009 a court in Minsk fined LGBT community activist Alyaksandr Haharyn 105,000 rubles (\$35), Androsenka 875,000 rubles (\$290), and Pradzed 350,000 rubles (\$115) for participating in an unsanctioned protest in front of the Iranian embassy. The activists demonstrated to protest the use of capital punishment of LGBT persons in Iran. The Minsk City Court and the Supreme Court subsequently upheld these fines.

On October 11, police in Minsk arrested Pradzed for staging a one-man protest to mark International Coming-Out Day. He was held in custody overnight and fined 700,000 rubles (\$235) the next day.

In September 2009 the KGB in Homyel informed local gay rights activist Svyataslau Semyantsou that it had opened a criminal case against him for participating in activities of an unregistered group. The KGB also threatened Semyantsou with charges of providing defamatory and discrediting information to a foreign source. No further information on the status of this case was available during the year.

#### Other Societal Violence or Discrimination

Societal discrimination against persons with HIV/AIDS remained a problem, and the illness carried a heavy stigma. The UN AIDS office reported that there were numerous reports of HIV-infected individuals who faced discrimination, especially at workplaces and during job interviews. However, there were indications of greater awareness and increased tolerance towards persons infected with the virus. For example, maternity wards no longer segregated HIV-positive mothers into separate facilities. As of December 1, the government reported that 11,661 persons in the country were infected with HIV. Between January and November, 971 new HIV cases were registered. As of December 1, 174 children had tested HIV-

positive, and eight died. The chairman of the local Red Cross asserted in September that registered cases reflected only 25 percent of the total number of persons with HIV/AIDS in the country.

There were also frequent reports of family discrimination against HIV-positive members of households. This included preventing HIV-positive parents from seeing their children, or requiring HIV-positive family members to use separate dishware. According to an independent study released by the Belarusian Community of People Living with HIV/AIDS in September, at least 10 percent of HIV-positive women reported suicidal thoughts.

## Section 7 Worker Rights

### a. The Right of Association

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

According to Belarusian Congress of Democratic Trade Unions (BCDTU) leader Alyaksandr Yarashuk, no independent unions have been established since President Lukashenka's 1999 decree requiring trade unions to register with the government.

The government-controlled Federation of Trade Unions of Belarus (FTUB) was the largest union, claiming an estimated four million members; however, that number was likely inflated, since the country's total workforce was approximately four million. The BCDTU, with four constituent unions and approximately ten thousand members of independent trade unions, was the largest independent union umbrella organization.

In December 2009 FTUB chairman Leanid Kozik asserted that "provocations" and "demands" by trade unions not affiliated with the FTUB should be ignored.

Local authorities continued to deny multiple registration applications to the Vitsyebsk, Mahilyou, and Homyel chapters of the Belarusian Union of Electronic Industry Workers (REP). According to the REP, authorities refused to reregister the chapter in Mahilyou because the REP office proprietor had not agreed to register the office as its legal address due to harassment from officials. In April 2009 a court in Mahilyou upheld the registration denial. Further attempts to reregister in Mahilyou were also denied.

In May authorities in Hrodna refused an application from local REP activists seeking to organize rallies on International Children's Day on June 1.

On October 21, citing inaccuracies in paperwork and violations of laws, Salihorsk town authorities refused a third registration application from the Belarusian Independent Trade Union at JV Delta-Style. Belarusian Independent Trade Union vice chair Mikalay Novik called authorities' claims "farfetched and groundless," and noted that they would appeal to court. On August 27, the leader of the independent trade union in Salihorsk, Natalya Mikhnyukevich, was fined 17,500 rubles (\$6) for allegedly illegally meeting with the Delta-Style workers on August 4; she was briefly detained by police at that time. In August, Salihorsk authorities denied the independent trade union's application to stage a protest against registration refusals.

In Babruysk on November 17, armed employees of the State Wildlife Inspectorate broke into the home of Mikhail Ustsinovich, the leader of the grassroots independent trade union of the Belshyna tire company, and beat him. Officials broke doors and windows at the house, reportedly looking for illegal fishing equipment. The Inspectorate subsequently charged Ustsinovich with illegal fishing, possession of unregistered arms, and resisting state officials. After Ustsinovich appealed to the prosecutor general, the Inspectorate additionally charged Ustsinovich with assaulting an Inspectorate official.

During the December 19 postelection crackdown, at least nine REP members were arrested and served short-term jail sentences. Belarusian Free Trade Union leader Mikhail Kavalkou was arrested and sentenced to 10 days in jail. Courts convicted Free Trade Union member Alyaksey Koutun, REP member Alyksandr Tysevich, and Free Metalworkers' Union member Uladzimir Syarheyev of participating in an unsanctioned demonstration and sentenced them to jail terms ranging from 10 to 15 days.

In January the Ministry of Justice denied registration to Razam, a trade union of small- and medium-sized businesses, based on insufficient documentation and a failure to demonstrate that the union had the 500 members required for registration. Razam's leader, Iryna Yaskevich, stated that the registration process was "excessively complicated" and insisted that the group had filed correct applications with the ministry. On March 25, the Supreme Court upheld registration denial and the ministry's claims.

The government continued to target union leaders and activists. For example, the oil refinery Naftan in Navapolatsk pressured Alyksandr Nasedkin to withdraw his membership from the independent trade union a month after he joined it.

In February four members of the independent trade union at the Hrodna Azot nitrogen fertilizer factory unsuccessfully complained to prosecutors of discrimination against them based on their membership in the union. They were threatened with dismissals and cuts in bonus payments, and pressured to withdraw from the union.

In February the Minsk Regional Court denied an appeal from REP member Yury Loban challenging his earlier dismissal from the BelAZ mining trucks producer in Zhodzina.

In May management of the Babruysk tractor parts and components factory did not extend the employment contract of Leanid Haishun, a member of the Free Trade Union.

On May 18 in Brest, police illegally searched the offices of REP and homes of some members, and briefly detained eight activists. They confiscated personal belongings, printed materials, documents, and computer equipment.

Workers who were deemed "natural leaders" or who involved themselves in NGOs or opposition political activities were routinely fired for these activities. For example, in March, Mikalay Rasyuk was dismissed from his job at a construction company for his political and civic activism. KGB officers questioned Rasyuk at work on February 2 and warned him against holding unsanctioned rallies in Mahilyou. Uladzimir Shyla, a prominent opposition activist in Salihorsk, was fired on May 6, just three days after he began his job. Shyla's employer was reportedly summoned to the KGB and ordered to dismiss him. In June Mazyr-based human rights advocate Uladzimir Tselyapun was dismissed from his job for his political activities and participation in municipal electoral campaign. In July a travel agency dismissed opposition youth activist Yaraslau Hryshchenya for allegedly violating labor regulations.

In November the State TV and Radio Broadcasting Company fired engineer Yauhen Shapchyts for producing an anti-Lukashenka video clip that was posted on YouTube. Pavel Bandzich, one of the actors in the video, was dismissed from the International Ecological University, where he led a theater studio.

On December 1, a private company fired human rights advocate Ales Kaputski in Maladzechna. The activist was engaged in monitoring presidential elections. He was also dismissed from a job in 2008 for observing the parliamentary elections. In December Alyksandr Baran in Kirausk was fired for his participation in the election campaign of Uladzimir Nyaklyaeu. Baran organized meetings with voters, collected signatures, and monitored the voting.

Pursuant to a December 2009 court order, the management of a hydropower station in Lukoml was forced to reinstate Alyaksey Habryel, the leader of a local independent trade union. Habryel's labor contract was not extended in October 2009, and it was widely believed that he was dismissed for his union activities. After the management successfully appealed Habryel's reinstatement, he was dismissed on May 21.

The law provides for the right to strike; however, tight government control over public demonstrations made it difficult for unions to do so. Management and local authorities also blocked worker attempts to organize strikes on many occasions by declaring them illegal. On June 15 and 16, carpenters at the Lyos factory in Baran went on strike to protest management's refusal to abide by an earlier agreement to increase pay. On June 17, workers ended the strike after the director promised to raise pay. At year's end this promise remained unfulfilled.

#### 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 July 2009 the FTUB recommended that employers sign collective bargaining agreements only with the trade union with the largest number of members, irrespective of whether there were members of other trade unions among the personnel. BCDTU leader Yarashuk argued that such a measure violated the rights of trade unions. On September 15, Leanid Kozik, head of the FTUB, said that every employer should conclude a collective bargaining agreement with the staff irrespective of whether the company has a trade union organization. Over 17,500 employers had collective bargaining agreements with their employees, Kozik asserted. He further claimed that only the FTUB was able to ensure employers' compliance with collective bargaining agreements as it had "several thousand members" at most companies compared to "ten or twenty" members of independent trade unions. He encouraged "small trade unions" to join the FTUB because FTUB local leaders were better able to advocate for their rights.

Since 2000 the government has required state employees, who constitute approximately 80 percent of the workforce, to sign short-term work contracts. Although such contracts may have terms of up to five years, most expired after one year, which gave the government the possibility of firing employees by simply declining to renew their contracts. Many members of independent unions, political parties, and civil society groups lost their jobs because of this practice. On March 31, the president signed an edict providing the possibility for employers to sign open-ended work contracts after five years of good conduct. The edict limited the rights of employers to approve open-ended contracts earlier than five years after the service computation date and made no major changes to the contracting system. The provision did not apply to state employees and other categories of workers who remained subject to mandatory contracts.

During the year the Polatsk chapter of the BFTU continued to negotiate without success with the Polatsk Shklovalakno fiberglass manufacturer over the company's unwillingness to grant the BFTU the same privileges granted to its rival, the progovernment FTUB. In April, Polatsk Shklovalakno management announced a fourfold increase in rent for meeting space for the 30-member Belarusian Free Trade Union, while allowing the progovernment FTUB to meet rent-free. In October management refused to commence talks with the free trade union on pay increases and working conditions,

claiming that the organization had no rights to represent interests of workers. According to the collective agreement, management claimed that the trade union of chemical industry workers, part of the FTUB, was the sole representative.

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

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

The law prohibits forced or compulsory labor; however, there were reports that women, men, and children were trafficked for commercial sexual exploitation and forced labor. Also see the Department of State's annual *Trafficking in Persons Report* at [www.state.gov/g/tip](http://www.state.gov/g/tip).

During the year the government approved "subbotniks," which required employees of the government, state enterprises, and many private businesses to work on Saturday and to donate their earnings to finance government social projects. Workers who refused to take part were subjected to fines and intimidation by employers and authorities.

There were reports that authorities forced men serving mandatory military service to undertake work that was unrelated to their military service.

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

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

The minimum age for employment is 16; however, a child as young as age 14 may conclude a labor contract with the written consent of one parent or a legal guardian. The prosecutor general's office reportedly enforced the law effectively. Minors under age 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 minors' health or hinder their education.

#### e. Acceptable Conditions of Work

In November the national minimum monthly wage was 400,000 rubles (approximately \$132), which did not provide a decent standard of living for a worker and family. In December the average monthly wage was 1,595,870 rubles (\$530).

The law establishes a standard workweek of 40 hours and provides for at least one 24-hour rest period per week. Although the situation improved during the reporting period, 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 lack of demand for the factories' products. The law provides for mandatory overtime and holiday pay, and restricts overtime to four hours every two days, with a maximum of 120 hours of overtime each year. According to sources the government was believed to enforce these standards effectively.

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 minimal safety gear. There is a state labor inspectorate, but it lacked authority to enforce employer compliance and often ignored violations.

The Ministry of Labor reported 232 workplace fatalities during the year. The ministry reported that workplace accidents were caused by carelessness, poor conditions, malfunctioning equipment, and poor training and instruction. Worker intoxication was involved in 12 percent of workplace deaths and injuries. The law does not provide workers the right to remove themselves from dangerous and unhealthy work environments without risking loss of employment.

On November 1, the BCDTU expressed serious concerns about occupational safety requirements and their implementation in the manufacturing industry following a deadly blast at the Pinskdreu woodworking plant on October 25.

Fourteen workers died and dozens were injured in the explosion that reportedly occurred due to human error. The BCDTU noted that the government failed to investigate the case or examine whether outdated equipment at Pinskdreu and other plants played a role in the explosion.

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