Australian Government

Refugee Review Tribunal

Country Advice Belarus

Belarus – BLR37799 – Political overview – Opposition activists – March of Freedom – October Square Protests 2006 – Democracy activists – Spring organisation – Asylum seekers

30 November 2010

1. Please provide a brief overview of the political situation in Belarus.

The 2010 US Department of State, *Country Reports on Human Right Practices 2009 – Belarus*[1], provides an overview of the political situation in Belarus. The relevant excerpts are provided below:

> 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 in 1994 as president, Alyaksandr Lukashenka has consolidated his power over all institutions and undermined the rule of law through authoritarian means, manipulated elections, and arbitrary decrees. Subsequent presidential elections have not been free or fair, and the September 2008 parliamentary election failed to meet international standards. While civilian authorities generally maintained effective control of the security forces, their members continued to commit numerous human rights abuses.
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> 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. Flawed referenda in 1996 and 2004 amended the constitution to broaden his powers, extend his term in office, and remove presidential term limits. In March 2006 Lukashenka gained a third term through a fraudulent election.
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> The September 2008 parliamentary election fell significantly short of international standards for democratic elections, according to the final report by the OSCE Office for Democratic Institutions and Human Rights observation mission. Despite the president's stated intent to conduct a free and fair election, authorities impeded constitutionally guaranteed rights of expression, association, and assembly. All of the 110 candidates declared winners were supporters of Lukashenka's policies.
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> The government's human rights record remained very poor as government authorities continued to commit frequent serious abuses. The right of citizens to

[1] US Department of State 2010, *Country Reports on Human Right Practices 2009 – Belarus* 12 March – Attachment 1.

change their government was severely restricted. The government failed to account for past politically motivated disappearances. Prison conditions remained extremely poor, and reports of abuse of prisoners and detainees continued. Arbitrary arrests, detentions, and imprisonment of citizens for political reasons, criticizing officials, or for participating in demonstrations also continued. The judiciary lacked independence, trial outcomes usually were predetermined, and many trials were conducted behind closed doors. The government further restricted civil liberties, including freedoms of press, speech, assembly, association, and religion and continued to enforce politically motivated military conscriptions of opposition youth leaders. The government seized published materials from civil society activists and limited the distribution of a number of independent media outlets. State security services used unreasonable force to disperse peaceful protesters. Corruption continued to be a problem. Nongovernmental organizations (NGOs) and political parties were subjected to harassment, fines, and prosecution. Religious leaders were fined or deported for performing services, and churches continued to face persecution from authorities.

2. Please provide information on how the Lukashenko regime deals with opposition and criticism and whether there is evidence of arrests, torture, beatings, and other repercussions such as expulsion from university or criminal framing of opposition activists.

The Lukashenko regime deals harshly with any forms of opposition to the government and uses administrative tactics and the power of security authorities to threaten, intimidate, and harm activists. Political activists and protestors are regularly arrested and detained both before, during, and after scheduled demonstrations. The US Department of State (USDOS) reports that citizens are not free to openly criticise the government without risking the attention of authorities. Authorities use such intimidation tactics as videotaping political meetings, conducting frequent identity checks, and denying permits for meetings and marches to dissuade any active political movements.[2]

US DOS reports that while the constitution provides for freedom for peaceful assembly, in practice the government has implemented many restrictions on expressing political freedom. These include banning the wearing of masks, and unregistered flags, symbols, and posters. The government requires 15-day notice in advance of any political marches, protests, rallies, or meetings. Many applications are either refused, or approved provided the events are relocated to places away from city centres.[3]

Belarus authorities also regularly use intimidation, threats, and violence to thwart political activists and movements. Activists have been heavily fined and jailed for planning or participating in unregistered events. USDOS reports that 'Opposition youth were often targeted for rallying and posting political banners.' Plainclothes security personnel have abducted political activists, driven them outside city limits, beaten them and then released them in deserted areas. The USDOS has documented several such incidents in just the last year targeting opposition political leaders and democracy advocates. The USDOS has also

[2] US Department of State 2010, *Country Reports on Human Right Practices 2009 – Belarus* 12 March – Attachment 1.
[3] US Department of State 2010, *Country Reports on Human Right Practices 2009 – Belarus* 12 March – Attachment 1.

documented several instances in which police have forcefully broken up peaceful marches and beaten leaders, or arrested participants and administered beatings later.[4]

USDOS also reports that political activists have reported that while in police detention they have been humiliated, beaten, denied medical attention, and held for prolonged periods. In June 2008, the International Federation of Human Rights and a local human rights organisation, released a joint report documenting 'substantial evidence' of the use of torture and mistreatment of suspects during criminal and administrative investigations.[5]

USDOS reports that authorities have used ruses to also intimidate political activists, for example searching houses and seizing computers and other materials on the pretext of investigating burglaries. Another ruse reported was confiscating political materials in private homes under the pretext of conducting illicit drug searches. Other harassment tactics include forcibly conscripting activist leaders into the military, and denying telephone service access for political organisations.[6]

The USDOS reports that school students and university students have been threatened, intimidated, and harassed by authorities for engaging in opposition political activities. The USDOS reports a well-known activist was expelled from high school before his final exams for violating school prohibitions against participating in unregistered demonstrations. This tactic has been used to intimidate students as they will not be able to enter a university. High school and university students are also coerced into joining pro-government organisations. Membership in these organisations for high school students can be vital for admission to university, and membership for university students is sometimes the only way to sign up for courses and to obtain housing. Membership for graduates is also considered crucial to securing employment in professional organisations.[7]

All educational institutions must maintain a political ideology department promoting official state policies. Authorities have used this service to dismiss teachers on political grounds, such as supporting or participating in political or activist events. This department has also been used to expel students for unsanctioned political activities. The USDOS reports that several students were expelled in 2009 for arguably low-level political activities, such as painting graffiti, participating in a EU sponsored political program, and failing to obtain 'permission' for travel to European nations.[8]

The 2010 Amnesty International annual report corroborates the above assessment on the government's treatment of opposition political members and movements, stating:

> The authorities continued to violate the right to freedom of assembly by not permitting demonstrations and public actions in accordance with the very restrictive

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[4] US Department of State 2010, *Country Reports on Human Right Practices 2009 – Belarus* 12 March – Attachment 1.
[5] International Federation of Human Rights 2008, *International fact-finding mission Conditions of Detention in the Republic of Belarus*, June, p. 10, http://spring96.org/files/book/conditions_of_detention_2008_en.pdf - Accessed 30 November 2010 – Attarchment 2.
[6] US Department of State 2010, *Country Reports on Human Right Practices 2009 – Belarus*, 12 March – Attachment 1.
[7] US Department of State 2010, *Country Reports on Human Right Practices 2009 – Belarus*, 12 March – Attachment 1.
[8] US Department of State 2010, *Country Reports on Human Right Practices 2009 – Belarus*, 12 March – Attachment 1.

> Law on Public Events. There were allegations that excessive force was used to disperse non-violent demonstrations, and peaceful demonstrators were detained.[9]

Human Rights Watch reporting also supports the above conclusions. The 2010 HRW report documents the recent use of force against political demonstrators, stating: Authorities used force to disburse three demonstrations in September and October…During the September 9 demonstration police detained 20 demonstrators; 17 received fines. Police detained 22 demonstrators during the October 16 demonstration. They forcibly tried to prevent journalists from filming each of these demonstrations.'[10]

3. Please provide information on the March of Freedom 2, including the organisers, location, aim, reaction of authorities etc.

The March of Freedom is celebrated each year in Belarus to commemorate the day on which the Belarusian People's Republic was formed in 1918 and it is considered a forerunner of Belarus independence. The date is not an official holiday and the Lukashenko regime does not recognise the day, claiming it only represents a short-lived period of independence superficially created under German occupation. [11] Democracy activists and opponents Lukashenko's government mark the day each year with demonstrations and marches in downtown Minsk.

Detailed information about the demonstration in previous years could not be located. However, organisers for the 25 March 2010 demonstration gathered near the National Academy of Sciences building in Minsk. Radio Free Europe reported that opposition leader Alyaksey Yanukevich of the Belarusian People's Front stated that Minsk municipal authorities had granted permission for a gathering, but banned a planned march from the Academy of Sciences to Kupaloa Park in the city centre. The alternative route proposed by authorities was to lead to Bangalore Square, on the outskirts of Minsk. [12]

4. Please provide similar information on the October Square protests in 2006.

The October Square protests of 2006 took place surrounding the announcement of the winner of the national elections on 19 March. Between 10 to 19,000 Belarus citizens crowded into the square to hear the results and to protest against President Alexander Lukashenko, who had altered the constitution in 2004 in order to run for a third term. In advance of the election results, independent polls indicated that Lukashenko might win with just over 50% of the vote, but when election results, displayed on large screens announced his margin was over 80%, protestors grew angry.[13] Demonstrators chanted 'freedom' and 'down with dictatorship', and waved the outlawed red and white Belarussian flag.[14] Demonstrators continued to occupy

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[9] Amnesty International 2010, *Annual Report – Belarus*, 28 May – Attachment 3.
[10] Human Rights Watch 2010, *World Report 2010 - Belarus*, HRW website, January http://www.hrw.org/sites/default/files/related_material/wr2010.pdf - Accessed 21 January 2010 – Attachment 4.
[11] 'Freedom Day: The action of the opposition in Minsk' 2010, Demotix website, 25 March http://demotiximages.com/news/286030/freedom-day-action-opposition-minsk-belarus - Accessed 30 November 2010 – Attachment 5.
[12] 'Freedom Day: The action of the opposition in Minsk' 2010, Demotix website, 25 March http://demotiximages.com/news/286030/freedom-day-action-opposition-minsk-belarus - Accessed 30 November 2010 – Attachment 5 & US Department of State 2010, *Country Reports on Human Right Practices 2009 – Belarus*, 12 March – Attachment 1.
[13] US Department of State 2007, *Country Reports on Human Rights Practices – 2006 - Belarus*, March 6, www.state.gov/g/drl/rls/hrrpt/2006/78802.htm - Accessed 8 March 2007 – Attachment 6.
[14] 'Cries of fraud in Belarus, but no 'Orange Revolution' 2006, Christian Science Monitor, 20 March http://www.csmonitor.com/2006/0320/p25s02-woeu.html - Accessed 30 November 2010 – Attachment 7.

the square, protesting against the government for several days, with some erecting tents. On 24 March, riot police moved on the demonstrators and tried to shut the protests down. Sources report that riot police clubbed protestors and approximately 250 people were arrested and fined.[15] Up to 2000 demonstrators and opposition supporters continued to protest on the fringes of the square. Opposition candidates and protest leaders Alexander Milinkevich and Aledsandr Kozulin led an estimated 7,000 demonstrators to Yanka Kupala Park to continue protests. An attempt to march on Okrestina jail, where arrested protestors were held, was thwarted by riot police using stun grenades. A further 100 people were arrested, including opposition candidate Kozulin.

In the lead up to the mass protests on 19 to 24 March, the government closed 20 opposition newspapers, arrested opposition campaign officers and 'muzzled' human rights organisations.[16] After the mass arrests, both the US and EU condemned the government's actions, criticised the election results, and promised to impose sanctions on the government.[17]

5. Please provide evidence on an organisation called Spring.

Spring, known as 'Nasha Viasna', is a human rights organisation operating in Belarus. Nasha Viasna is the successor to Viasna, which has operated in Belarus since 1996, when it first promoted democratic ideals and criticised the government. It was first disbanded by the government for criticising election results of 2001. It is a well-known and well-regarded organisation, founded to develop civil society ideals and to promote political freedoms. The Belarus government, in a campaign to thwart its activities and harass members, has repeatedly refused to allow the organisation to properly register.[18] Repeated denials for permits by the government led the United Nations Human Rights Committee to protest to the Belarus government in 2007.[19]

Viasna (Spring) operates a professional website available to view here. In the About Us section, Viasna provides information about their background, composition, and goals. Excerpts are provided below[20]:

> Human Rights Center "Viasna" is a non-governmental human rights organization, created in 1996 during mass protest actions of the democratic opposition in Belarus. Viasna was initially a group created to help the arrested rally participants and their families. That's why originally Viasna had the name "Viasna-96". On 15 June 1999 the organization was registered as the Human Rights Center "Viasna". It is a national NGO with the central office in Minsk and regional organizations in the majority of Belarusian cities. Viasna has about 200 members all over the country. The organization is managed by the Council and chair of the Council, elected by the General Congress.

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[15] 'Belarussian police clash with protesters' 2006, *AP*, 25 March, MSNBC website http://www.msnbc.msn.com/id/12007813/ns/world_news-europe - Accessed 30 November 2010 – Attachment 8.
[16] 'Cries of fraud in Belarus, but no 'Orange Revolution' 2006, Christian Science Monitor, 20 March http://www.csmonitor.com/2006/0320/p25s02-woeu.html - Accessed 30 November 2010 – Attachment 7.
[17] 'Belarus protests spark clashes' 2006, *BBC*, 25 March http://news.bbc.co.uk/2/hi/europe/4843690.stm - Accessed 30 November 2010 – Attachment 9.
[18] Amnesty International 2010, *Annual Report – Belarus*, 28 May – Attachment 3.
[19] Human Rights Watch 2010, *World Report 2010 - Belarus*, HRW website, January http://www.hrw.org/sites/default/files/related_material/wr2010.pdf - Accessed 21 January 2010. Attachment 4.
[20] 'About Viasna' 2010, Viasna Human Rights Center website http://spring96.org/en/about - Accessed 27 November 2010 – Attachment 10

The main goal of Viasna is to contribute to development of the civic society in Belarus, based on respect to human rights, described in the Universal Declaration of Human Rights and the Constitution of the Republic of Belarus.

Objectives of the Human Rights Center "Viasna":

Practical assistance to civic initiatives in the sphere of legal defense of citizens;
Research into the state of the civic society and legal defense in the Republic of Belarus;
Civic and human rights education;
Promotion of democracy and human rights;
Support of civic initiatives in the sphere of human rights

Methods of our work:

• Collecting information about development of the civic society and the state of rights awareness in the Republic of Belarus;
• Organizing seminars, conferences, lectures, round-tables both for our members and different segments of population;
• Researching and monitoring the human rights situation in Belarus, assisting in implementation of international pacts in the sphere of human rights, ratified by the Republic of Belarus;
• Publishing and spreading informational and educational materials in the sphere of human rights;
• Keeping contact with all branches of power and with non-governmental, commercial, research and educational institutions;
• Rendering needed assistance to citizens

Viasna is a member of:

FIDH (International Federation of Human Rights)
ENEMO (European Network of Election Monitoring Organizations)
Working Group of CIS NGOs for Conflict Prevention and Resolution
Assembly of Democratic Non-governmental Organizations of Belarus

6. Could you confirm that the General Public Prosecutor is Grigory Alekseevich.

The General Prosecutor's Office of the Republic of Belarus government website lists VASILEVICH Grigory Alekseevich as the General Public Prosecutor. Extensive career information available on the website (available here) includes that he was appointed to this current position by presidential decree on 8 February 2008.[21]

7. Is there any information on returnee asylum seekers to Belarus?

Very little current information was located regarding the treatment of asylum returnees to Belarus. One source reported that on 2 September 2010 a French court ruled that two Belarusian asylum seekers and their families should not be returned. The asylum seekers claimed to be members of democratic opposition groups before fleeing to France in 2005.

[21] General Prosecutor's Office of the Republic of Belarus 2010, 'Prosecutor General of the Republic of Belarus' http://prokuratura.gov.by/en/main.aspx?guid=10001 - Accessed 27 November 2010 – Attachment 11.

They were initially denied protection, but the court overruled the decision on the grounds that the applicants could face 'persecution and possible imprisonment'.[22]

The only other recent reference was located on a blog site and it involved a Belarus female teenager on an exchange program in the US, in 2008. She initially refused to return to relatives in Belarus, allegedly because she did not want to be conscripted, but also because she did not want to leave her American boyfriend. The blog message relays that the Belarus government made public remarks about the incident, threatening to halt exchange programs. The teenager relented and returned to Belarus after speaking with her grandmother and a priest.[23]

Attachments

1. US Department of State 2010, *Country Reports on Human Right Practices 2009 – Belarus* 12 March.

2. International Federation of Human Rights 2008, *International fact-finding mission Conditions of Detention in the Republic of Belarus*, June, p. 10, http://spring96.org/files/book/conditions_of_detention_2008_en.pdf - Accessed 30 November 2010.

3. Amnesty International 2010, *Annual Report – Belarus*, 28 May.

4. Human Rights Watch 2010, *World Report 2010 - Belarus*, HRW website, January http://www.hrw.org/sites/default/files/related_material/wr2010.pdf - Accessed 21 January 2010.

5. Freedom Day: The action of the opposition in Minsk' 2010, Demotix website, 25 March http://demotiximages.com/news/286030/freedom-day-action-opposition-minsk-belarus - Accessed 30 November 2010.

6. US Department of State 2007, *Country Reports on Human Rights Practices – 2006 - Belarus*, March 6, www.state.gov/g/drl/rls/hrrpt/2006/78802.htm - Accessed 8 March 2007.

7. 'Cries of fraud in Belarus, but no 'Orange Revolution' 2006, Christian Science Monitor, 20 March http://www.csmonitor.com/2006/0320/p25s02-woeu.html - Accessed 30 November 2010.

8. 'Belarussian police clash with protesters' 2006, *AP*, 25 March, MSNBC website http://www.msnbc.msn.com/id/12007813/ns/world_news-europe - Accessed 30 November 2010.

9. 'Belarus protests spark clashes' 2006, *BBC*, 25 March http://news.bbc.co.uk/2/hi/europe/4843690.stm - Accessed 30 November 2010.

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[22] 'Bekirski v. Bulgaria and Y.P. and L.P. v. France' 2010, Association for the Prevention of Torture website, 2 September http://www.apt.ch/index.php?option=com_k2&view=item&id=1002%3Abekirski-v-bulgaria-and-yp-and-lp-v-france&Itemid=230&lang=en - Accessed 30 November 2010 – Attachment 12.

[23] 'Chernobyl Charity Teen Kazyra Returns to Belarus' 2008, Chernobyl and Eastern Europe website blog, 25 November http://www.chernobylee.com/blog/aid-organizations/ - Accessed 30 November 2010 – Attachment 13.

10. ‘About Viasna’ 2010, Viasna Human Rights Center website http://spring96.org/en/about - Accessed 27 November 2010.

11. General Prosecutor’s Office of the Republic of Belarus 2010, ‘Prosecutor General of the Republic of Belarus’ http://prokuratura.gov.by/en/main.aspx?guid=10001 - Accessed 27 November 2010.

12. ‘Bekirski v. Bulgaria and Y.P. and L.P. v. France’ 2010, Association for the Prevention of Torture website, 2 September http://www.apt.ch/index.php?option=com_k2&view=item&id=1002%3Abekirski-v-bulgaria-and-yp-and-lp-v-france&Itemid=230&lang=en - Accessed 30 November 2010.

13. ‘Chernobyl Charity Teen Kazyra Returns to Belarus’ 2008, Chernobyl and Eastern Europe website blog, 25 November http://www.chernobylee.com/blog/aid-organizations/ - Accessed 30 November 2010.