



ANALYTICAL REPORT

APRIL – JUNE 2014

This analytical report is a result of cooperation between Belarusian human rights organizations: Republican Human Rights Public Association “Belarusian Helsinki Committee” (RHRPA “BHC”), Belarusian Association of Journalists (BAJ), Assembly of Pro-Democratic NGOs of Belarus, Legal Transformation Centre (LTC), Human Rights Centre “Viasna”, and Committee “Solidarnasc”.

The main purpose of this report is to reflect the human rights situation in Belarus, and socio-political and economic factors that influence its development.

The report covers the period April through June 2014.

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CHAPTER 1. MAIN FACTORS INFLUENCING THE HUMAN RIGHTS SITUATION

Owing to the ice hockey world championship that was held in Minsk on May 9-25, a tendency towards toughening of actions of law-enforcement authorities was exhibited; preventive and arbitrary detentions of activists were carried out. According to information collected by the HRC "Viasna", on the whole it is known about 37 people put under administrative arrest for 5 to 25 days. Analysis of administrative cases makes it possible to consider these actions of the authorities as arbitrary detentions. Such repressive acts of the authorities against the opposition activists created a very negative social background.

Moreover asocial elements (the homeless, prostitutes, alcohol addicts) were put under arrest and into activity therapy centres. The number of such people being isolated remains unknown, but, according to the information that was collected from the activists, the Offenders Isolation Centre in Minsk where they were pit into was overcrowded. Some of the arrested were taken to the Offenders Isolation Center in Zhodzina because of that.

The release of Ales Bialiatsky, the head of HRC "Viasna", should also be regarded as a positive change. Ales Bialiatsky was released on June 21st, when the law "On amnesty because of the 70th anniversary of liberation of Belarus from the Nazi invaders" came into legal force. He was taken into custody on August 4th, 2011. The Court of Peshamaiski district of Minsk found Ales Bialiatsky guilty of concealment of profits on an especially large scale and sentenced him to 4 years and 6 months of imprisonment in a reinforced regime colony and forfeiture of property. Besides that Bialiatsky had to indemnify Br721 million to the state. The release of the human right activist was evidently politically motivated as he was formally considered to be a persistent violator of the established order of the service of sentence, and no information leaked that he had been deprived of this status.

Political character of Ales Bialiatsky's release is also proved by the statement made by the minister of foreign affairs of Belarus Uladzimir Makei during the show "Glavnyi Efir" ("Main Broadcast") on the TV channel Belarus-1. The meaning of his statement was that it was not worth waiting for significant changes in the relations between Belarus and Western states because of the release of a political prisoner. "Even if we released those who are called "political prisoners" (in Western countries - BelaPAN), new claims would be presented to Belarus the next day. For example, why gay marriages are not registered in Belarus. We would be presented a claim why children call their parents "mom" and "dad" instead of "parent #1" and "parent #2" as it is needed there" - stated Uladzimir Makei.¹

The law "On constitutional proceedings" came into force on April 17th. This law

¹ <http://news.tut.by/politics/405086.html>



defined main principles of constitutional proceedings, streamlined the procedure of conduction of proceedings in certain categories of cases, that fall within the competence of the Supreme Court, specified the provisions concerning the authorized composition of the court during judicial session, rights of litigators and other parties of the trial, writs, procedural periods, court charges, and court decisions.

Special interest is provoked by the new competence of the Supreme Court which enables it to initiate proceedings to eliminate flaws, collisions and legal uncertainties in regulatory enactments. For the first time parties that were not mentioned in part 4 clause 116 of the Constitution of the Republic of Belarus were entitled to file to the Constitutional court to initiate proceedings. The new law vested state structures, other organizations, as well as citizens (their public associations) and individual entrepreneurs with this right.

CHAPTER 2. OBSERVANCE OF HUMAN RIGHTS IN BELARUS

FREEDOM OF SPEECH

The situation concerning the freedom of expression has been stagnating since late 2012, but negative tendencies manifested itself in the end of the second quarter of 2014. The list of the latter includes:

- *a suit initiated against Katsiaryna Sadouskaya for the insult of the President of the Republic of Belarus*
- *reconsideration of the TV channel “Belsat” case*
- *creation of precedents, when the clause 22.9 of the Administrative Violations Code (“Violation of the media legislation”) is used against journalists for contribution to foreign media without accreditation.*

At the same time the number of journalists detained because of their professional activity decreased in the second quarter of 2014. According to the BAJ three journalists were detained, and all of them were released after the intervention of the Minsk city police administration. 17 journalists were detained because of their professional activity in Belarus since the beginning of the year (50 journalists were detained for this reason in 2013).

The influence of the ice hockey world championship, held in Minsk on May 9-25, on the freedom of the media turned out to be insignificant.

In June a new minister of information of the Republic of Belarus was appointed. Aleh Praliaskouski was succeeded by Lidziya Ananich. Most of the experts do not expect this change in personnel to contribute to the democratization of the relations in the sphere of



media, or to influence the situation significantly.

The influence of the ice hockey world championship on the situation of media in Belarus

According to the statement made by the Belarusian authorities before the start of the championship, the journalists who would obtain accreditation of the International Ice Hockey Federation (IIHF) would not have to obtain a Belarusian visa and an accreditation of the Ministry of Foreign Affairs. It was stated also that no restrictions would be imposed on the journalists who would write articles not relating the hockey.

In the beginning of the tournament it became known that the journalists of Radio Freedom, BBC and some other foreign media, including those who had Belarusian accreditation, failed to obtain accreditation of the IIHF. Belarusian organizers of the tournament affirm that they had nothing to do with the decision of the IIHF. Most of the journalists who obtained accreditation, did not encounter any obstacles during their activity. Nevertheless a few incidents were recorded in Minsk, where the fixtures were held. On the May 8th police officers hindered the work of the crew of the Finnish TV channel Yleisradio, forbidding them to conduct an inquiry concerning the situation in the country. On May 9th journalists of Radio Liberty Belarus, who had obtained Belarusian accreditation, were detained when trying to conduct a street survey. They were released in two hours after the intervention of the administration of the Chief Administration of Internal Affairs of Minsk City Executive Committee. On May 12th the Ministry of Information of the Republic of Belarus issued a warning to the editorial board of the newspaper "SNplus. Free news plus" for an article about the ice hockey world championship. According to the Ministry of Information this article formed a negative attitude toward the tournament. (According to the Belarusian media legislation a medium of communication can be closed down for two warnings during a year).

New criminal case for the insult of the President

On June 19th a new criminal case was initiated against 68-year-old KatsiarynaSadouskaya for the insult of the President of the Republic of Belarus (p.2 of the clause 368 of the Criminal Code). The case was initiated because of a note she made in the book of notes and comments of the Soviet district court in Minsk. In that note Ekaterina Sadouskaya expressed her outrage at the detentions of political activists before the ice hockey world championship, "with the help of offensive words, word combinations, and phrases that contained humiliating and improper appraisal of the President of the Republic of Belarus".

The part #2 of the clause 368 of the Criminal Code ("Public insult of the President of the Republic of Belarus made by a person who had been previously convicted for an insult or a slander, or connected with an imputation of a grave or the gravest crime") provides for



the punishment of fine or correctional work for up to two years or limitation of liberty for up to three years, or imprisonment for the same period. In October 2006 Ekaterina Sadouskaya was found guilty of the crime provided in this clause. She was sentenced to two years of imprisonment; she was then released on parole in May 2007.

Reconsideration of the TV channel "Belsat" case

On June 24th the Presidium of the Supreme Court of the Republic of Belarus overturned the verdict of the Chamber for Intellectual Property Disputes of the Supreme Court of the Republic of Belarus, which was issued in favor of the satellite channel "Belsat TV". The action brought by the private company "BELSAT plus" owned by Andrei Beliakou, was remitted for fresh investigation because of insufficient examination of evidence.

The action for the protection of rights for the trademark was brought by Andrei Beliakou in May 2013. It was dismissed by the Chamber for Intellectual Property Disputes of the Supreme Court of the Republic of Belarus on January 27th, 2014. A protest was filed by the deputy chairman of the Supreme Court Aliaksandr Fedartsou almost in five months after the case had been settled and in three days after Belarusian-Polish consultation had been carried out on the level of the Ministries of Internal Affairs.

The TV channel "Belsat" broadcasts from Poland since 2007. Its journalists are constantly persecuted by the Belarusian authorities on the ground that the Belarusian legislation prohibits journalists of foreign media (including Belarusian citizens) from working in Belarus without accreditation. A few attempts of the TV channel to receive a permit to open an office in Belarus turned out to be unsuccessful.

Fines for working without an accreditation

Courts of Grodno and Grodno district made journalists administratively responsible for contributing to foreign media without accreditation for three times April through June.

On April 4th Leninsky district court of Grodno found an independent journalist Aliaksandr Dzianisau guilty of illegal production of media production (p.2 cl. 22.9 of the Administrative Violations Code). On June, 16th another Grodno journalist Andrei Mialeshka was fined. On May 27th Karelitchy district court (Grodno region) made Ales Zaleuski, a "Belsat" contributor and a host, administratively responsible for the violation of part.2 cl.22.9 of the Administrative Violations Code. Each of the journalists was fined for 30 base values (approximately €330). The court considered the contributions to foreign media made by the journalists lacking an accreditation issued by the Ministry of Internal Affairs to be a violation of the procedure of fabrication of the media production. No claims were filed against the type and content of the information spread by the journalists.

This was the first case when the clause 22.9 of the Administrative Violation Code was used against the journalists that contribute to foreign media without an accreditation.



The work without an accreditation has been previously leading to the issue of warnings to the journalists by the prosecutor's office. This practice still continues. In June Vitebsk region prosecutor's office issued a written warning to the local journalist Sviatlana Stsiapanava; Brest region prosecutor's office issued a written warning to an independent journalist Maksim Khliabets. According to the BAJ, at least six warnings have been issued to the independent journalist for contribution to foreign media since the beginning of the year. At least nine journalists were issued warnings by the public prosecutor's offices last year.

Repressions of the limited edition editors

Part 2 cl. 22.9 "Violation of the media legislation" was also used to make publishers and distributors of the limited editions responsible.

According to the law "On the media" editions with the circulation less than 300 copies do not need state registration, but police officers and courts often make publishers and distributors of such media responsible for production and distribution them without formation of a legal entity.

On April, 2nd Beshankovichy people's court fined the local teacher and poet Georgi Stankevich for production and distribution of a newspaper "Kryvinka" at his own expense. The court has chosen the maximum penalty provided for by the p.2 clause 22.9 of the Administrative Violations Code, fining him for 50 base values (approximately €550). It was the third time during last few years when Georgi Stankevich was made administratively responsible for the violation of this clause. His complaint on the court decision that was passed in 2010, is waiting for being examined by the United Nations Human Rights Committee.

On April 17th Smarhon district court (Grodno region) fined Uladzimir Shulzhytski for 20 base values (approximately €216). The latter is a public distributor of limited human rights newsletter "Smarhonsky Grak" ("Smarhon Rook").

FREEDOM OF ASSEMBLY

The most significant actions carried out in April through June 2014 are:

- *pickets carried out for the anniversary of Chernobyl disaster*
- *procession and meeting held in Minsk on April, 26th - "Chernobyl Way"*
- *charity action "Food Not Bombs"*
- *antiwar actions of solidarity with the Ukrainian people*

The situation concerning the implementation of the freedom of assembly did not improved in Belarus in the second quarter of 2014. Human rights activists recorded



numerous case of violation of the freedom of peaceful assembly. The practice of application of the legislation regulating the mass events procedure also remained intact: meetings were disallowed, and peaceful meetings which were held without official sanction ended up with detentions and arrests of their participants. Activists and human rights defenders continued their attempts to change this situation by means of references to the courts and the United Nations Human Rights Committee.

Most of the applications for the actions filed by the activists were refused by the authorities. However, attempts to exercise their right to freedom of assembly were made regularly by single activists and various social groups.

Activists of the Conservative Christian Party of Belarusian Popular Front planned pickets in Navapolatsk and Vitebsk for another anniversary of Chernobyl disaster on April 26th. They filed an application to the local public authorities. The pickets were thought to be ecological and political; their slogans were to be "Freedom! Truth! Justice!" However the local public authorities refused the applications, as they were filed "inappropriately". The same refuses from the local authorities were received by Grodno activists of the local Rada (Council) of the BPF party, who had filed two applications for pickets to be held on April, 26th.

Minsk organizers of traditional action "Chernobyl Way" were granted permission. However restriction of the right to freedom of assembly was recorded, as Ilya Dabratvor, one of the organizers, was refused to carry out the mass event because he had been previously made responsible for the violation of the cl.23.34 of the Administrative Violations Code during the same year. Besides that the time and route of the event were changed arbitrarily, and excessive security measures were taken. The city authorities radically changed the format of the event, approving a "time-proved" scenario. It provided for that the participants should assemble by the "Oktiabr" cinema, move along the pavements to Druzhby Narodau Park, and hold a meeting there. Activists of the human rights organizations, that were monitoring the course of the event, noted its peaceful character and conformity with the goals claimed by the organizers (BPF Party and the BCD's Youth Wing). About 500 people took part in the procession, and at least 30 people took part in the meeting. The slogans of the action were "For independent Belarus!" and "Chernobyl is our pain. We remember!" At least 8 participants were detained after the event, including Dzianis Karnou, Mikalai Kolas, Leanid Smouzh, Uladzimir Novikau, Aliaksandr Kurbaskin, Valery Tamin, Aliaksandr Stukin, and Yury Rubtsou. The latter took part in the action wearing a t-shirt with an inscription "Arrest me. Why? I'm against Lukashenko" on its back and "Lukashenko, go away" on its front, and refused to take it off on demand of the police officers. All the detained people were taken to the Offenders Isolation Centre at Akrestsin Street in Minsk, whence they were taken to the Soviet district, where their cases were to be considered in court on April, 28th. Identification of the law enforcement officers was impossible because most of them wore no badges and uniform.



The detentions of the participants of the "Chernobyl Way" were illegal and were aimed at their intimidation. It was the continuation of political repressions in respect of the political opposition and public activists.

Before the "Chernobyl way" police detained preventively and put under administrative arrest the following activists: Maksim Vinyarski (detained on April 22nd – 12 days of arrest), Ilya Dabratvor (April 22nd – 10 days of arrest), Aliaksandr Stsepanenka (April 22nd – 5 days of arrest), Uladzislau Siarheeu (April 22nd – 5 days of arrest), Zmitser Dashkevich (April 24th – 25 days of arrest), Aliaksandr Frantskevich (April 25th – 25 days of arrest). Football fans Anatoli Mirashnichenka and Uladzislau Zapasau were also detained preventively. Activists were detained and taken under administrative arrest on fabricated charges of disorderly conduct or other groundless reasons. Therefore these detentions and administrative arrests are considered to be arbitrary by the human rights activist. Thereby the authorities did everything to prevent activists from being present at "Chernobyl Way" and during the visit of the president of the Russian Federation Vladimir Putin in Minsk on April 29th.

The initiative "Food Not Bombs" went on in Minsk; its activists dispensed food among the homeless in three places in Minsk: Mikhailauski public garden, Simon Bolivar square and by the metro station "Uschod". Police officers traditionally tried to impede these actions coming to the action venues "to give guidance".

Another act of charity was held by Mikhailauski public garden in Minsk on May 17th. When it was over all of its organizers (Ales Kurets, Aliaksandr and Yauhen Zubrutski, UladzimirLuhin, and Alena Niamtsova) were detained by the police and taken to the department of the State Traffic Police of the Partyzanski Regional Office of Internal Affairs, where their photos and fingerprints were taken. All of the detained, except Ales Kurts, were released in 3 hours².

Ukrainian events, in particular, Russian military and information support of the separatists in the eastern part of the country, continued to trouble the public opinion in Belarus. During the period under review activists made numerous attempts to organize protest actions against the Kremlin activity.

An BCD activist Natallia Bordar was detained for an anti-war action in Minsk on May, 9th. She carried out an individual picket holding a poster "No to Putin's war with Ukraine!" She was found guilty of carrying out an unauthorized meeting.

²"Food Not Bombs" is an international movement, which consists of unrelated independent groups protesting against militarism and poverty with a free food dispensation (usually vegetarian one) to those who live below the poverty line. "Food Not Bombs" held its first action in Minsk in summer of 2000



On May 28th BPF Party planned to carry out a meeting of solidarity with the Ukrainian people by the monument of Taras Shevchenko in Minsk. The application was refused. The letter was signed by the deputy chairman of Minsk city executive committee Ihar Karpenka. He noted that it was impossible to carry out the meeting in support of the territorial integrity of Ukraine because "another event was planned to be carried out by Taras Shevchenko monument in Stsiapanauski public garden on the crossing of Kisialiou and Staravilenskaya streets" (no mention was made what this "another event" was).

On June 5th Vitebsk activists of the Conservative Christian Party of Belarusian Popular Front planned to carry out pickets against Russian military meddling into Ukrainian affairs. Three applications were filed to district administrations of the city. None of them was approved.

On June 27th youth activists were protesting in Minsk center against Russian aggression in Ukraine. They distributed leaflets holding a banner "Death to the authorities! Peace to the nations!" This action was aimed at the expression of solidarity with common people of Russia and Ukraine that die for interests of oligarchs and ambitions of politicians. "Freedom to the nations - death to the empires", claimed the protesters.

On June, 28th the action was held against the participation of Russian military men and equipment in the forthcoming Independence Day Parade because of the involvement of Russia in Ukrainian conflict. The action was organized by the Belarusian Committee of Solidarity with Ukraine. Its participants, including Ihar Rynkevich, Ilya Dabratvor, and Hanna Shaputska, assembled by the Central Post Office and walked to the Red church where the action was held. According to the participants, unknown men in civilian clothes watched the action from its very beginning; supposedly they were plain-clothes officers of police or secret service.

Protest anti-war actions in support of Ukraine were organized by the representatives of different Belarusian parties and public associations.

Attempts to carry out mass events in connection with other reasons were also made. On May, 29th an activist of a youth organization "Alternative" Olga Zhurauliova carried out an individual picket on the Kastychnitskaya square in Minsk. She protested against the signature of the treaty in Astana that would establish the Eurasian Economic Union. She was holding a poster "Death to the Kremlin occupants!"; she took her juvenile son with her. Volha Burnevich and Siarhei Kachur, two other activists of the "Alternative", watched the picket from the side. The action lasted for a few minutes; all its participants, including the child, were detained by the police officers and taken to the Central Regional Office of Internal Affairs of Minsk. The court of the Central District of Minsk fined Volha Zhurauliova for Br750 thousands on June 2nd.

Activists of the Brest district of Belarusian Social Democratic Party (Hramada)



organized an information campaign before May, 1st, distributing party bulletins and congratulating city dwellers, and attracting heightened interest of the law enforcement officials. Brest social democrats had previously planned to carry out a May Day demonstration in the city, but they had failed to get the permission from the authorities.

Viktoria Fogel, a Soligorsk activist of the campaign "Without visa!", was issued an official warning about inadmissibility of unlawful acts. This warning was issued because of her application for a picket in support of the campaign "Without visa!" This event was meant to be held by the sports complex "Chy Zhouka Arena" in Minsk on May 11th. Minsk authorities refused her application for the picket.

Yearning to prohibit any attempt of citizens to exercise their right to freedom of expression and assembly, Belarusian authorities sometimes run into absurdity. Minsk executive committee refused an application for a Kupala Night procession in national costumes that was to be held in Minsk on June 28th. The answer sent to the organizers of the event (Valery Mazynski, Mikola Kupava, and Ulad Kashkurna) ran that such activity "did not correspond to the constitutional provisions" without further specification which constitutional provisions could be violated in this case. The procession should have passed from the monument to Maksim Bahdanovich along the Yanka Kupala street to the Yanka Kupala park, where the event should have been held.

On May 21st it became known that the United Nations Human Rights Committee admitted the fact that Belarusian authorities had violated the right to a peaceful assembly of a member of the Zhlobin district department of Belarusian left party "Fair World" Uladzimir Kirsanau. In 2008 he was refused to hold a picket for the purpose of bringing attention to the problem of liquidation of political parties and public associations in Belarus. On the ground of the decision made by the United Nations Human Rights Committee Belarusian government should provide for "the victim of the violation with an effective legal remedies, including full reimbursement of expenses and an appropriate compensation" and "should prevent such violations hereafter". Unfortunately the 77-year old applicant had died before the decision was made. His interests were represented by a human rights activist Leanid Sudalenka.

On May 8th an activist of the Movement "For Freedom!" Dzmitry Riabtsevich addressed an appeal to the Council of Ministers asking to bring a motion to the Parliament to exclude individual pickets from the purview of the law "On mass events in the Republic of Belarus". Dzmitry Riabtsevich notes in his motion that an abnormal situation has emerged in which this law regulates individual pickets. The activist thinks his changes into the law will help individuals to exercise their right to express their opinion. This offer has been supported by a human right activist Raman Kislyak who thinks that the restrictions stipulated by this law are irrelevant for individual pickets.



FREEDOM OF ASSOCIATIONS AND SITUATION OF THE NON-GOVERNMENTAL ORGANIZATIONS IN BELARUS

The main factor that could influence the situation of the non-governmental organizations was the amendments made in the regulations concerning the registration of public associations. Despite some formal easing of conditions and criteria required for the registration (according to the amendments made in the legislation that came into force in the first quarter of this year), the possibility of registration of new associations has not increased.

The part of the law "On making amendments and supplements to some of the laws of the Republic of Belarus concerning activity of political parties and other public associations" that regulates the activity of political parties was supplemented with the regulation that provides for the possibility to create political parties by means of transformation of public associations (clause 10 of the amended law of the Republic of Belarus "On political parties"). One public association announced intention to use the procedure of creation of a political party by means of transformation of a public association that had been implemented into the legislation. On March 15th during the VIII extraordinary congress a decision was made to transform the Public association "Belarusian Slavic Committee" into a party of the same name. In April 2014 initiators of the creation of the party said that the pressure was exerted on the potential members of the party at the places of their employment during the verification of the list of founders, for the purpose of making them renounce their initiative. Thus the creation of parties by the means of transformation of public associations keeps the possibilities for restrictive practices of the registries. It will not probably differ qualitatively from the old procedure of political parties. Since 2000, when the Conservative Christian Party Belarusian Popular Front was registered, none of the 15 attempts to register a political party was crowned with success.

Centralization of publication of notices about registration of new public associations in the supplement to the magazine "Yustitsia Belarusi" ("Justice of Belarus"), that was provided for by the amendments made to the legislation, did not create difficulties for new organizations. A separate section was created on the website of the magazine where all the information about the procedure of publication of announcements in the title was given along with exemplary forms of applications and details required for payment. In this case the new procedure of publications looks more orderly and accurate than the former procedure of publication of announcements in the newspaper "Respublika" ("Republic") and regional titles.

On April 16th the Supreme Court dismissed the complaint on the refusal to register a Public association "Modern View". Such decision was made because of complaints of the Ministry of Justice on the way the list of founders of the organization was made up. The founders announced the possibility to eliminate the defects easily and promptly, but the Supreme Court considered these technical defects to be irremovable and rendered the



decision of the Ministry of Justice to refuse the registration lawful.

The initiators of the foundation of the Public association "Free Region" said that state structures exerted pressure on them. On April 4th one of the initiators – Yahen Parchynski - was asked to visit a police department "for a conversation" without any prior notice.

According to the Ministry of Justice the following republican and international public associations (associations of public associations) were registered during the period under review: Belarusian Golf Association, Republican public association "Ski Races and Biathlon Club "Victoria", Public Association "Federation "Street Workout", Sportive public association "Belarusian Pancratium and Martial Arts Federation", Republican public association "Belarusian Beach Tennis Federation", International association "Social rehabilitation of disabled people from the CIS and EAEU member states through dances, work, and contacts with nature", Public association "Belarusian Republican X-ray Endovascular Surgeons Society". Public association of disabled people "Special World" changed its status from local to republican. Thus the tendency to register sportive associations mostly has become stronger in the practice of public associations again.

About 15 public associations were registered in all in April through the beginning of June (namely 7 sportive ones, 1 charity one, 1 cat lovers one, 1 patient one, 1 folk ethnographic one, 1 professional one, 1 historical patriotic one, 1 ethnic minority one), as well as 3 funds and 4 private institutions.

ADMINISTRATION OF JUSTICE

The practice of information of the public about the verdicts issued in the most resonant cases that were considered in the courts of different instances continued. These were mostly corruption cases, cases initiated against the drivers that caused a fatal road traffic accident being in a state of alcoholic intoxication, capital punishments, criminal cases concerning the illegal turnover of drugs and psychotropic substances, cases concerning the confiscation of cars from drunken drivers etc. This practice is related to the adoption of the decree #11 "On ensuring the publicity of the administration of justice and dispersion of information about the courts' activity" in December 2013.

In the sphere of independence of judges regard must be paid to the Decree #297 "On the assignment and dismissal of judges of the courts of the Republic of Belarus and matters of activity of the judicial system". This decree dismissed and assigned the judges of the Supreme Court, regional and district courts, including those from among the military judges of military courts that are to be liquidated on July 1st. It should be noticed that almost 100 judges were assigned, but only 5 of them were assigned indefinitely, while the others were assigned for 5 years.

5-year assignment does not improve their independence, but makes them dependent



on the executive bodies, which play a big part in selection and assignment of judges in Belarus.

This practice has been repeatedly criticized both in Belarus and outside the country. It was noted in the report of the special rapporteur for the independence of judiciary and lawyers of the UN Commission for human rights Mr. Parama Kumaraswami that was prepared summarizing the results of his visit to Belarus in 2000. The special rapporteur noted that the term of tenure played a major part in protecting judges from any inappropriate influence. According to the rapporteur, too short tenure makes judges vulnerable to the pressure exerted on them because of the reassignment.

The administration of justice did not go undergo any changes during the period under review. Courts still award politically motivated judicial decisions; it especially concerns administrative cases against people exercising their right to peaceful assembly.

The decree #11 "On ensuring the publicity of the administration of justice and dispersion of information about the courts' activity" of December 20th, 2013 was noted as a positive change of the judicial system in previous reviews. As analysis of the practice in the application of this decree has shown, its provisions are sometimes ignored by judges. Thus the judge on duty of the Leninsky District court of Grodno Natallia Kozel considered the administrative case in the building of department of internal affairs despite the motion of the participants of the trial to consider the case in the building of court.

The Supreme Court denied disciplinary proceeding against the judge Aliaksandr Yakunchyhin, who had prohibited journalists to make sound recordings of the consideration of the administrative case against public activists Siarhei Finkevich and Yauhen Tsikhanau, despite of the provisions of the decree of the Plenum of the Supreme Court #11 that guaranteed such a right. According to the answer of the deputy chairman of the Supreme Court Valery Kalinkovich, no complaints were made against the actions of the judge Yakunchyhin during the administrative process on March 3rd.

Thus inconsistent practice of realization of the decree #11 of the Plenum of the Supreme Court can be registered. On one hand the Supreme Court develops the practice of information of the public about the results of consideration of worthwhile cases; on the other hand some judges ignore the provisions of this decree.