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# ANALYTICAL REPORT

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JANUARY – MARCH 2014

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This analytical report is a result of cooperation between Belarusian human rights organizations: 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 “Salidarnasc”. The main objective of this review is to define the medium-term tendencies in the field of human rights, social, political and economic situation in Belarus. The report covers period January through March 2014.

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## CHAPTER 1. MAIN FACTORS INFLUENCING THE HUMAN RIGHTS SITUATION

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The human rights situation in Belarus remains tight and has not changed significantly. Political prisoners remain imprisoned in the places of confinement as before. The president has spoken about the fate of some of them. When speaking at the meeting with the heads of main Belarusian mass media on January, 21th, Alexander Lukashenko instructed to verify the information voiced by the head of the informational company BelaPAN Ales Lipai, that the loss Ales Bialiatski had caused to the state according to the judgement, had been compensated by members of the public long ago. According to Alexander Lukashenko, if the information about the compensation is confirmed, Bialiatsky may be granted amnesty. At the same time he spoke on the subject of discharging of Mikalai Statkevich. He reminded about the established practice of granting a pardon: a prisoner has to write a clemency application that will be considered. Despite the rhetorics described above, it should be noted that the officials didn't take any steps to free political prisoners.

One of the factors that influenced the human rights situation in Belarus were the Ukrainian events (Euromaidan together with Russian activity that resulted in acquisition of the Crimea). Ukrainian events, primarily Russian military expansion in the Crimea, didn't left Belarusian society indifferent. They caused protest actions carried out by opposition activists. These actions were always suppressed by police officers; most of the participants were taken into custody for an administrative violation. Alexander Lukashenko's rating has grown in the context of the latest events.

The elections of deputies to local councils of deputies of the 27th convocation took place on March 26th. RHRPA "BHC" and HRC "Viasna" carried out the observation within the framework of the campaign "Human Rights Defenders for Free Elections". This observation resulted in a review. Human rights activists came to the conclusion that electoral process was held with grave violations of the principles of democratic and fair election, which were secured by the OSCE standards and Belarusian legislation. The atmosphere of political persecution and repressions of the opponents of the government which was the background of the election campaign, limitations put during the forming of electoral commissions and canvassing campaign affected the freedom of choice. Law enforcement agents impounded agitation printed matter of the opposition candidates, and also impeded canvassing pickets of the respective candidates. Arrests of the opposition parties' activists during their electoral campaign created a negative political background



for the elections. Lack of transparency of the poll and ascertained divergence of the turnout prevent from claiming that the election results express the popular will in Belarus.

The possibilities for organization of observation were slightly improved with the alterations the CEC made in the regulations concerning the procedure of sending observers. The CEC agreed with the suggestion made by the human rights activists, that political parties should be entitled to send observers to the meetings of all election commissions and polls.

Compulsory voting was practiced widely during the early voting. It was "encouraged" with management reserves.

District election committees were traditionally formed on the industrial principle (workers of the same enterprise were nominated to the same commission in several ways). Thus the DEC became dependent both on the local executive boards which had formed them, and administrations of the enterprises where the members of the DEC worked. With few exceptions DEC were formed with the same people who had joined them during the latest parliamentary elections in 2012.

On March 26th national hearings within the framework of the UPR took place. Representatives of state structures took part in the event organized by the UNDP and the Ministry of Foreign Affairs, namely the MFA, Ministry of Justice, General Prosecutor Office, Supreme Court, National Centre of Legislation and Legal Research of the Republic of Belarus, Ministry of Labor, Ministry of Health, Ministry of Economy, the Commissioner for Religious and Ethnic Affairs of the Republic of Belarus. Civil society was represented by members of more than 20 registered structures, namely RHRPA "BHC", BAJ, Office for the Rights of Persons with Disabilities, Legal Transformation Center. According to the information provided by a member of the MFA, unregistered structures could not be invited to the event because of the criminalization of their activity.

Representatives of state structures reported on the implementation of the recommendations received by Belarus during the first cycle of the UPR. Representatives of civil society had possibility to ask questions and make short remarks.

Despite the superficial consideration of many questions and the fact that serious topic threads were not provided for due to the format of the event,, it should be considered as a positive step on the road to the interaction between state structures and civil society organizations.



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## CHAPTER 2. OSERVANCE OF HUMAN RIGHTS IN BELARUS

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### FREEDOM OF SPEECH

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Main trends which had become apparent in the last half of 2013, continued in the first quarter of 2014.

- *inhibition of journalist activity by means of detentions of journalists, issuing warnings etc*
- *usage of legislation countering extremism for suppression of the freedom of speech*
- *restriction of internet freedom*

Relatively new form of suppression of the freedom of speech became widespread, namely disinformation of the population and mass media by means of sending false messages on behalf of media persons, or creating false accounts in social networks.

It should be noted as a positive moment that a few judgements were awarded in favor of mass media (all the actions had not been initiated by the officials).

#### Judgements awarded in favor of mass media

On January 21th Frunzensky District Court of Minsk refused to satisfy the claim of the owner of a big distribution network "Euroopt" for protection of his business reputation. The claimant personalized the statement of the chairman of the Minsk Capital Association of Entrepreneurs and Employers Uladzimir Karyahin concerning the problem of raider seizure of enterprises. The list of co-defendants included internet portal TUT.by, internet newspaper "Datebook", and journalists Dzmitry Zayats, Siarhei Satsuk who had prepared publications after the round table.

On January 27th the Chamber for Intellectual Property Disputes of the Supreme Court of the Republic of Belarus dismissed the action brought by the private company "BELSAT plus" against joint-stock company "Polish television" (SA "TVP"), which was the founder of the satellite channel "Belsat TV". The owner of "Belsat plus" Andrei Beliakou claimed that "Belsat TV" used the trademark illegally and required to stop broadcasting "Belsat TV" via the satellite "Astra".

#### Inhibition of the professional activity of journalists



PA "BAJ" recorded 14 detentions of journalists in period January through March 2014. Detentions and inhibition of activity of journalists happened in Miory (Vitebsk region), Babruisk (Mogilev region) and in different districts of Minsk. The highest number of journalists (at least 7 of them) was detained by the Russian embassy in Minsk on March 2nd, where they were going to cover the protest action against Russian activity in the Crimea.

The journalists were dismissed without being called to administrative responsibility on all occasions. However police officers initiated an administrative action against two Grodno journalists - Maryna Mauchanova and Aliaksandr Dzianisau. A record of interrogation was made in respect of Maryna Mauchanova (she was accused of participation in an unauthorized picket), and a report on charges of illegal manufacture and distribution of mass media production (p.2 artl. 22.9 of the Administrative Violations Code). This clause was applied to him for his contributions to "Belsat" channel, which had not been accredited by the Ministry of Foreign Affairs.

Regulations of the Belarusian mass media legislation which ban journalist activity of foreign media correspondents in Belarus if they do not obtain accreditation from the MFA (this ban applies to Belarusian citizens as well), contradict to the Constitution of the Republic of Belarus and international obligations of the state (specifically art.9 of the International Covenant on Civil and Political Rights). However these restrictive rules have been used repeatedly to prosecute Belarusian journalists who contribute to foreign media. During the period under review public prosecutor's offices of Lidsky district (Grodno region), Homel region and Brest region issued warnings to four freelance journalists that contribute to different media for this reason.

#### Restriction of Internet freedom

According to the report of the Internal Affairs Department of the Mogilev executive committee, Bobruisk public prosecutor office brought action against Aleh Zhalnou, who was charged with insult of the public officer (cl. 369 of the Penal Code) on February 7th. It is reported that insulting materials about a police officer have been published on the personal site "Aleh Zhaunou's blog" over a period of 2012-2013. Maximal punishment provided for in blogger's case is limitation of freedom up to 3 years. According to Aleh Zhaunou, who published audio and video recordings of the actions of police officers he thought to be illegal, they brought in 14 actions against him during last year. One of these actions was civil, nine actions were administrative and four actions were criminal. He was called to the police station for more than 40 times. 13 items of video and other digital equipment were confiscated.

On February 17th Babruisk regional court fined Aleh Zhaunou for 45 base values (more that 4.300 EUR) for the video recording of the reception of citizens by the head of



IAD A. Vasiliev, uploaded on Youtube.com. The court decided that the blogger had disobeyed a legal order or demand of the official (art.23.4 of the Administrative Violations Code). (A police officer on duty required to hand him all the sound and video recorders from all who had made an appointment. Aleh Zhaunou recorded this incident and uploaded the tape to Internet).

On February 18th the Central District Court of Minsk dismissed a complaint of the vice-chairman of the unregistered Human Rights Center "Viasna" Valiancin Stefanovich. The human rights activist filed a complaint against the decision of the General Prosecutor's Office to enter spring96.org on a restricted site list. The court declared Valiancin Stefanovich an improper applicant referring to the fact that he was not the site owner, and his personal rights were not infringed when the site entered a restricted site list. On these grounds the judge withdrawn the action in view of the fact that the action was out of the jurisdiction of the court.

On May 13th one of the biggest Belarusian opposition sites "Charter 97" informed about a hacker attack. The malefactors were trying to hack the site server for a few hours and then started a DDoS-attack. The editorial board of the site linked this attack to "the extensive coverage of Ukrainian events and Russian aggression against our southern neighbour by charter97.org" in their message. The office of charter97.org is located in Warsaw since 2012, their contributors being subjected to repressions after the presidential elections in 2010.

On march 25th the site of an independent newspaper "Nasha Niva" was inaccessible for a few hours. This attack concurred with the procession, timed to coincide with the Freedom Day observed by Belarusian democratic forces each year.

*Relatively new form of suppression of the freedom of speech became widespread, namely disinformation of the population and mass media by means of false messages sent on behalf of media persons, or false accounts in social networks.*

On March 5th a statement on behalf of the opposition party "Fair world" came to the editorial mail of the informational company BelaPAN. The statement denounced "unconstitutional coup d'etat in Ukraine". As the leader of the party Siarhei Kalyakin explained to "BelaPAN", the party had not issued any statement about the Ukrainian events. The letter was sent from an e-mail which differed from the party e-mail with just one character. Siarhei Kalyakin conceded that the intelligent service could be implicated in the incident.

In Babruisk threatening letters were sent on behalf of a journalist of the nongovernmental regional newspaper "Babruisky courier" M. Malchanava. These letters were addressed to two candidates to the deputies of Babruisk city council nominated by





the opposition campaign "Tell the truth". The journalist claimed that an unknown identity had registered a "false e-mail". She also suspects the intelligent service.

On March 14th two articles were published on an independent Mogilev site "Free Format". Both articles were marked as written by Ales Lianeuski, the owner of the domain. These articles discredited and abased opposition activists of the Mogilev region. At the same time all the articles added since September 9th 2013 were deleted from the site. The editorial board of formats.by claims that the libel materials had been added because the site had been hacked.

In March the editorial board of "Nasha Niva" reported that a fake Twitter account was registered on behalf of the newspaper. According to the board, unknown identities disperse information that bears no relation to the newspaper using its name, elements of its design and content.

#### Usage of legislation countering extremism for suppression of the freedom of speech

On February 11th a judge of the Ashmiany district court T. Yemelianovich rendered a decision to ban the import of the book by a human rights activist Ales Bialiatski "Enlightened by Belarusianness". Thereby the court dismissed a complaint on the actions of Ashmiany customs filed by a human right activist Taciana Reviaka. Customs officers had previously confiscated 40 copies of the book from her at the border. The court invalidated two expert examinations scheduled in order to find out if the book contained any extremist or terrorist calls, yet "according to its own conviction" banned import of the book "Enlightened by Belarusiannes" and bound Taciana Reviaka to take the edition out of the country.

On February 13th custom officers found a few copies of the annual report of the human rights organization "Platforma" in the car of its head Andrei Bandarenka, who was driving back into Belarus from Lithuania. Despite the fact that this report had been published on the organization site and had caused no complaints, Ashmiany customs decided to schedule an expert examination in order to find out if it contained any extremist or libelous materials.

On February 18th an activist of the United Civil Party Aliaksander Malochka, whose copy of a book "Alexander Lukashenko. A political portrait" had been confiscated at the border in September 2013, got to know that Ashmiany customs sent the book to the regional Ashmyany department of the Grodno region KGB direction in order to find out if it was included in the List of the prohibited imports or exports from the territory of the Customs union. The head of the Ahmiany customs I. Niviarkievich informed A. Malochka that the previous information that the experts had found no indications of extremism and he had been entitled to collect it should be considered invalid.



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## FREEDOM OF MEETINGS

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On the whole, the situation concerning freedom of meetings has not improved during first three months of 2014. 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.

In connection with the escalation of the situation in Ukraine law enforcement authorities had a tendency towards toughening of their actions, preventive and arbitrary detentions were reported. After the canvassing campaign of the candidates to the local councils started, number of detentions of the participants of canvassing pickets of the opposition candidates increased.

The most significant actions held January till March 2014 are:

-pickets in support of the candidates to Local councils

-sympathetic actions in support of the protest actions in Ukraine and against the Russian activity in the Crimea

-Freedom Day actions

Most of the applications for mass events and pickets handed in by the activists during the period under review were rejected by the officials. However individual activists and different social groups were trying to exercise their right to assembly.

On January 14th the chairman of the United Civil Party Anatoli Liabedzka was tried in the Soviet district court of Minsk. He was accused of organization or participation in an unregistered mass event (p.3 art.23.34 of the Administrative Violations Code). The judge K. Paluleh found A. Liabedzka guilty and fined him for 45 base values for the action held on January 5th. The politician together with the co-chairman of the company "For Free Elections" Viktor Karniayenka had gathered signatures for abolition of the auto duties in the center of Minsk during that action.

During the period under review activists of the initiative "Food Not Bombs" went on with dispensation of food to the homeless in three venues of Minsk: in Mikhailauski square, Simon Bolivar square and by the shopping center "Schastie". Police officers tried to impede these actions coming to the action venues "to give guidance". These "guidances" often end up with detentions as it happened on January 25th in Simon Bolivar square. Plain-clothes policemen detained 2 activists and 5 homeless men they tried to feed. All of the detained





citizens were taken into the Partizanski regional office of internal affairs where they had their finger prints lifted and personal data copied. "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. It would be recalled that "Food Not Bombs" held its first action in Minsk in summer of 2005.

Local councils election campaign which has preceded the polling day on March 23th 2014, gave the nominees an opportunity to inform the population by the way of holding pickets, including distribution of informational materials about them. A lot of nominees took advantage of the opportunity provided by the current legislation and exercised their right to canvass. However a certain number of counteractions to election pickets by the officials was recorded.

On March 16th the UCP activists carried out a legal picket to collect signatures for a nominee and spread information about him on the square by Kamarouski market. The participants of the picket were holding portraits of 10 Belarusian political prisoners and missing opposition politicians Yuri Zaharanka, Viktor Hanchar, Anatoliy Krasouski and Dzmitry Zavadski. About 10 participants of the picket were detained by police officers, including the chairman of the party Anatoli Liabedzka, a human rights activist Uladzimir Ramanouski, public activist Aliaksandr Arastovich, camera operator Ales Silich. Some of the detained (Volha Miorava, Hanna Kanapatskaya, Ales Silich, and Natalia Valakida) were released when a report was drawn on their participation in an illegal event (art.23.34 of the AVC). The rest were transferred to the Offenders Isolation Center at Akrestsin Street in Minsk where they remained till the trial. The participants of the picket were sentenced to administrative arrest (from 5 till 15 days) or heavy fines (up to 30 base values). This picket caused such a hard-line response from the officials because its organizers had tried to convert it from an election one to a human rights one, so it would draw attention of the public to the problem of political prisoners and missing opponents of the regime.

*Sympathetic actions in support of protest actions in Ukraine and against the Russian activity in the Crimea*

Ukrainian events, primarily Russian military expansion in the Crimea, did not left Belarusian society indifferent and caused protest actions.

On January 23d a few scores of people from the associations "Alternative" and "Solidarity Movement "Together" came to the Ukrainian embassy in Minsk holding candles and portraits of Mikhail Zhyzneuski, a Belarusian demonstrator killed in Kiev. The demonstrators sang the hymn "Mighty Lord". When people started to go away, police officers and riot police officers appeared and detained 12 participants of the action. They



were transferred to the Central district regional office of internal affairs and released without any reports being drawn up.

On January 31st it became known that two supporters of the football club BATE were sentenced to administrative arrest for 5 days for their actions in support of Euromaidan. They held their action of solidarity with Ukraine on January 27th, taking pictures with a white-red-white flag and banners "Hold on Ukraine, we are with you" and "Glory to the heroes". The pictures were posted on the Internet. The court found the supporters guilty of the breach of the established order of the rally, meetings, street processions, demonstrations, and pickets (art.23.4 of the AVC). Representatives of civil society and human rights activists failed to be present at the trial because its time and place were not disclosed. It was reported on the football supporter's forums in the public network "Vkontakte", that police officers showed interest in other persons who had voiced support for Euromaidan.

On March 1st Homel activists of the "Young Front" Stas Bula and Dzmitry Karashkou came to the Russian embassy in Minsk holding posters "Putin, hands off from Ukraine!" etc. In 2 minutes both activists were detained by police officers. Reports were drawn on disobedience of the activists to legal orders or demands of the state official in the discharge of his duties (art.23.4 of the AVC) in the Central regional office of internal affairs. On March 11th the Central district Court sentenced Stanislau Bula to 11 days of administrative arrest, and Dzmitry Karashkou to 15 days thereof respectively.

Activists of the "Young Front" led by its chairman Dzmitry Dashkevich continued to express an antiwar protest. On March 2nd they were going to hold a protest action against Russian actions in Ukraine by the Russian embassy in Minsk. They failed to hold it, because all the participants (about 25 men including journalists) had been detained before they reached the premises. When the identities of all participants were established they were released from the ROIA, except Dzmitry Dashkevich, Siarhei Finkevich, and Eugene Tsikhanau. Next day their administrative cases were tried by the Central district Court in Minsk. The Judge V. Shabunia sentenced Dzmitry Dashkevich and Siarhei Finkevich to 12 and 10 days of administrative arrest respectively for disobedience to legal orders or demands of the state official in discharge of his duties (art.23.4 of the AVC).

During the period under review separate antiwar actions were held. An individual picket held by Uladzimir Hundar in Baranavichy was among the most resonance ones. The activist was fined for 15 base values (Br1.95 million). On March 5th Maxim Viniarski picketed the Russian embassy in Minsk and was sentenced to 15 days of administrative arrest. On March 6th activists Galina Smirnova and Maryna Malchanava came down the Uritski Street in Babruisk holding a banner "We are against war!" Reports were drawn on



the breach of order of organization or holding a mass event or picket (art.23.34 of the AVC) by both activists to be taken to court. On March 13th Vitaly Huliak held an individual picket against the Russian interference in domestic affairs of Ukraine. He was detained by police officers for an illegal event.

### Freedom Day actions

Celebration of the Freedom Day became a traditional event in the sphere of exercising the right to assembly. Its organizers planned to carry out a procession along the main avenue of the capital, but this proposal was rejected by the city authorities. They accepted the repeated application, only. Participants were to gather by the cinema "Oktiabr" at 18.00 on March 25th. Then they were to walk along the pavement of the Surhanava Street to the Amity of Nations Park where a meeting was to be held. The action was held under the badge of solidarity with Ukraine and denunciation of Russian military aggression against it. The procession was organized by the Party Belarusian People's Front, Movement "For Freedom!", organizing committee of the public association "Young Christian Democrats", and Belarusian Social Democratic Party (Hramada). According to the BHC and "Viasna" observers, up to 2 thousand people took part in the Freedom Day celebration. 10 participants were detained after the action. 8 of them were released without any report being drawn up. Two reports were drawn on disorderly conduct (art.17.1 of the AVC) and disobedience to legal orders or demands by a state official in discharge of his functions (cl.23.4 by the AVC) by the participants - Maxim Viniarski and Alexandr Blizniuk. Next day the courts tried their cases, found the activists guilty, and sentenced them to 15 days of administrative arrest and 5 days of administrative arrest respectively.

Freedom Day picket applications were filed by activists in Biaroza (Brest region), Hlybokaye (Vitebsk region), Salihorsk, Baranavichy and other settlements. None of these applications was accepted by local authorities. It confirmed the tendency which became apparent in recent years, when mass events on the occasion of the Freedom Day were allowed in the capital, only.

Preventive detentions of the activists continued. On March 13th public activists Paval Vinahragau and Aliaksandr Artsybashau were detained preventively and faced administrative arrest for 25 and 15 days respectively in advance of the Freedom Day. This fact proves evidently that the authorities intended to prevent them from taking part in the stated events. Maskouski District Court of Minsk found the activists guilty of disorderly conduct (art.17.1 of the AVC) and disobedience to legal orders or demands by a state official in discharge of his functions (art.23.4 of the AVC), whereas the only grounds for these detentions had become the testimonies of the police officers who had detained the activists.



## FREEDOM OF ASSOCIATION AND THE STATE OF NON-GOVERNMENTAL ORGANIZATIONS IN BELARUS

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In February 2014 the Ministry of Justice promulgated information concerning the number of public associations, funds, and trade unions newly registered in 2013.

According to the information promulgated by the Ministry of Justice, law enforcement bodies registered 70 new public associations (2 international, 11 republican, and 10 local ones), 1 associations of the public associations, 11 funds (1 international and 10 local ones) in 2013. The number of public associations and funds registered during 2013 decreased in comparison with the number of such organizations registered in 2011 and 2012 and became the lowest one since 2005. The nature of activity of the half of the public associations registered in 2013 is a sportive one. According to the Center for Legal Transformations, the nature of activity of two nonprofit institutions registered in 2013 is connected with protection of human rights.

On January 1st 15 political parties and 1057 political organizational structures, 37 trade unions and 23193 trade-union organizations, 2521 public associations, including 231 international, 694 republican and 1596 local ones, were registered in all in Belarus. 38915 public association organizational structures were registered, 31 union (association) of the public associations, 145 funds (14 international, 5 republican and 126 local ones), 7 republican governmental-private associations.

The main event concerning freedom of association, that happened during the monitoring, was the entry into force of the alterations and additions to the law of the Republic of Belarus "On public associations" on February 20th, made by the law "On making alterations and additions to some of the laws of the Republic of Belarus concerning activity of political parties and other public associations" of November 4th 2013. Moderation of the criterion of regional representation for founders of a republican public association is among positive novels of the law. General requirement concerning the number of founders of republican public associations (50 men) remained intact. But while Minsk and 4 regions had to be previously presented by 10 founders each, now the number of regional founders is reduced to 1 person. The law reduces the list of documents required for applications, specifies certain questions concerning the registrations of international public associations and its departments, makes certain other technical improvements. At the same time an additional reason for liquidation of public associations was included, namely non-submission of the annual reports required according to the legislation to the registry for three years.



In February 2014 subordinate acts were passed, which were aimed at bringing of the association registration procedure in accord with the new version of the law of the Republic of Belarus "On public associations".

On February 3d the Ministry of Justice passed a resolution N32 "On making alterations and additions to the resolution N48 of the Ministry of Justice of the Republic of Belarus of August 30th 2005". This decree that establishes order of drawing up and considering documents concerning state registration of political parties, trade unions, and other public associations, was published on February 20th, only. The questions concerning registration and liquidation of organizational structures of political parties and public associations, including and striking them off the register, were excluded from the regulation sphere of this enactment. Two separate regulations were approved with the enactment of the government in respect of these categories of subjects on February 20th, namely "Regulations concerning the order of registration of organizational structures of political parties, trade unions, and other public associations" and "Regulations concerning the order of termination of activities of organizational structures of political parties, trade unions, and other public associations".

The law "On making alterations and additions to certain laws of the Republic of Belarus concerning the activity of political parties and other public associations" was added with the rule that provides possibility of creation of political parties by the way of transforming of public associations (art.10 of the new edition of the law of the Republic of Belarus "On political parties"). One public association claimed its decision to use the procedure to date, namely Public association "Belarusian Slavic Committee". During its VIII extraordinary congress a decision was made to transform the organization into a party of the same name.

The Ministry of Justice of Republic of Belarus passed an enactment <sup>1</sup>19 of January 21th 2014, which made alterations in the statement forms for state registration of the non-profit organizations and state registration of alterations and (or) additions made in the statutes of non-profit organizations. These alterations are topical for registered organizations and associations as well as for those undergoing the registration process.

According to the Decree of the President of the Republic of Belarus N55 of January 30th 2014, alterations were made in the Decree of the President of the Republic of Belarus N559 "On certain questions of state support of the public association "Belarusian Republican Youth Union" of December 17th 2012. According to these alterations, financing of the PA "BRYU" costs will be continued in 2014-2015. The articles of expenditure of the PA "BRYU" financed by the state are not disclosed. They are intended for administrative use, only.





On February 13th the Council of Ministers of the Republic of Belarus introduced the bill "On making alterations and additions to certain laws of the Republic of Belarus" to the House of Representatives of the National Assembly of Belarus. It stipulates alterations in the law of the Republic of Belarus "On political parties". These alterations concern the provision in respect of the financing of political parties, which has been amended for the fourth time since 2003. At the same time the organizers of the public hearings "Improvement of legal conditions for the activity of non-profit organizations" received an answer from the Commission of the House of Representatives to certain proposals made by non-profit organizations after aforementioned public hearings. This answer stated, that "taking into consideration the need to comply with principle of stability of the legal system (the law of the Republic of Belarus "On making alterations and additions to certain laws of the Republic of Belarus concerning the activity of political parties and other public associations" comes into force in February 2014), we do not find further adjustment of the legislation concerning this sphere judicious".

During the period under review refusals of registration of public associations were recorded. The Head Justice Department of Minsk city council refused the registration of Public Association "Chernobyl Veterans" in its decision N3 of February 28th 2014. On February 14th the same justice department refused the registration of the PA "Extreme Expeditions Support and Emergency Prevention Society "Pole". In January the Head Justice Department of Brest city council refused the registration of the Educational public association "Belarusian Christian Democrats". On February 21th the Ministry of Justice refused the registration of the PA "Modern View".

In certain cases the grounds for refusal of registration were claims against documents, applied by the newly created organizations to prove the presence of a legal address. Registries considered to be a breach the fact that documents that would confirm property in the premises were not submitted together with the letters of guarantee (no requirements concerning compulsory application of such documents is stipulated by the legislation).

In January Pinsk coordinator of the organizational committee of the party "Belarusian Christian Democracy" Siarhei Suhaverhy was issued a warning under Article 193-1 of the Penal Code for activities in the name of unregistered organization and was notified about possible criminal liability for such activities.

## ADMINISTRATION OF JUSTICE

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On January 1st provisions of the Decree of the President of the Republic of Belarus <sup>13</sup> of 11.29.2013 "On improvement of the judicial system of the Republic of Belarus" came into effect. These provisions concern creation of the united highest judicial civil, penal,





administrative and economical body - Supreme Court of the Republic of Belarus. Therefore Supreme Commercial Court ceased to exist.

Developing this decree Plenum of the Supreme Court elected the Highest Qualification Board of Judges on January 31th 2014. Its goal is to carry out qualifying review of judges and disciplinary proceedings. On March 5th its opening sitting was held, during which Regulations of the Highest Qualification Board of Judges of the Supreme Court of the Republic of Belarus were adopted. These Regulations outlined terms of reference of the board and assigned its order of business.

An outcome of adoption of the decree N11 "On ensuring the publicity of the administration of justice and dispersion of information about the courts' activity" of 20.12.2013 was observed. Thus press releases concerning the results of the most infamous trials by courts of different instances began to be published on the site of the Supreme Court.

On February 12th a press release "On effectiveness of the work of courts of the Republic of Belarus in 2013" was published on the site of the Supreme Court. This press release provided statistic information as well. According to the data provided by the Supreme Court 38479 men were convicted in Belarus in 2013 year. Thus the number of convictions decreased for 4,7% in comparison with 2012. At the same time the number of absolutions decreased as well: 172 people were found not guilty in 2013 (324 absolutions were awarded in 2012). Thus the number of absolutions remains to be within the limits of a statistical error. According to the press release, courts sentenced to communal services more actively; they also enforced fines more widely, including the cases where it was an additional punishment. The total number of convicts fined is 17,7% of all the convicts. It is also reported that the number of arrests and people convicted to limitation of freedom (either sent or not sent to open type institution) decreased.

Of interest is also the statistics of consideration of administrative cases. It should be noted that number of administrative cases sent to the court has increased. Their total number is 410 602 cases. It thrusts forward that courts dismissed 43065 administrative cases (10,5% of all cases taken to court). 14% of all who was made accountable faced arrest, 85% of them were fined.

This practice should be considered positive, because it makes court activity more open, and partially helps citizens to exercise their constitutional information right.

However in practice the Decree N11 of Plenum of the Supreme Court, that stipulates absence of any ban to record the trial on a dictaphone, is not always carried out by judges. Thus judges Aliaksandr Yakunchykhin and Viktoria Shabunia forbade journalists to make audio recordings of the consideration of Siarhei Finkevich and Yauhen Tsikhanau



administrative cases. Judge Yakunchykhin, for example, based his decision on the statement that only the parties to a case are entitled to record the trial without permission of the judge. When commenting upon this situation for BelaPAN, press secretary of the Supreme Court Yulia Liaskova claimed, that the Supreme Court Administration had asked the Central District Court to explain the situation. "The court told us that there had been no such ban, that cellular phones had been banned. The judge had requested to switch off mobile phones, because had impeded the trial", Liaskova said<sup>1</sup>.

Public considerations of cases concerning confiscation of vehicles from persons who had been arrested for alcohol-impaired driving for the second times during the same year, continued. Such trials were usually conducted as circuit courts in premises designed for large audience. An advice to conduct such trials as circuit courts appeared in the Decree N11 of Plenum of the Supreme Court. Its goal was defined as to promote instillation of respect for the law in citizens, and to avert delinquencies and crimes.

At the same time administration of justice did not undergo significant changes during the period under review. Courts still pass politically motivated judgements in respect of citizens who exercise their right of peaceful assembly. Favourable decision in the case of an activist of the independent radio electronic industry union Hryhori Stryk, passed by the Court of Baranavichy District and town of Baranavichy, is rather an exception to the rule. In most cases courts refused to recognize rejections of local executive agencies to permit mass events as illegal.

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<sup>1</sup> [http://naviny.by/rubrics/society/2014/03/03/ic\\_articles\\_116\\_184771/](http://naviny.by/rubrics/society/2014/03/03/ic_articles_116_184771/)