

## **Maintaining the Democratic Ghetto:**

### **The Persecution of Civil Society in Belarus**

“Civil society is allowed to exist in Belarus, as long as it keeps to itself. But if we disturb the equilibrium by reaching out to the public, we are immediately punished by the authorities. We are tolerated only as long we stay within the boundaries of the “democratic ghetto”.”

Aleksandr Milinkievich, leader of the Regional Center for Civil Society “Ratusha”, Grodno

#### **Background**

The Norwegian Helsinki Committee (NHC) has monitored and reported on the human rights situation in Belarus since 1994. In 2001 the NHC stepped up its involvement and visited the country several times in order to assist in independent election monitoring activities, to survey the situation of Belarusian civil society (especially independent institutions dealing with human rights related issues) and establish closer, long-term cooperation with central and regional organizations and institutions active in human rights issues.

Since 1995, there has been a regressive development in Belarus towards the totalitarian practices of the Soviet past and human rights are in jeopardy. The mysterious disappearance of four well-known individuals in 1999 and 2000 has come to symbolize the brutalization of Belarusian politics and the forced contraction of public space. The Belarusian human rights crisis is closely linked to the autocratic rule of the President of the Republic, Aleksandr Lukashenko. Lukashenko won a new term in office (in effect, his third) in the Presidential elections of September 2001, elections that were widely held to be flawed.

This report seeks to assess the consequences of Lukashenko's re-election for non-governmental organizations and independent media. The term civil society is mainly used to signify NGOs and independent media in this report. It is very hard to single out the different elements of civil society in Belarus as the sector is small and extremely interconnected: there are no clear borders between NGOs, opposition parties, media and independent trade unions.

The report is based on facts collected during several visits in 2001 and a mission to the Belarusian regions in May 2002 where interviews were conducted with a number of relevant individuals and institutions in Minsk, Grodno, Brest, Gomel, Mogilyov and Vitebsk. The regional aspect is important in the report, as the human rights situation becomes increasingly difficult the further one progresses from the population centers in Belarus. The report focusses on the developments of the last nine months, but includes information from the pre-election period when relevant. We would like to thank the Norwegian Ministry of Foreign Affairs for funding the mission, and all our cooperation partners in Belarus for their patience and assistance.

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Bjørn Engesland  
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## **Civil Society in Belarus**

While Belarusian society as a whole has been stagnant – the country has been characterized as a "non-starter" in the transition process that has swept over most of the post-communist societies of Europe and caused fundamental changes – the so-called third sector of society (comprising various non-governmental organizations, associations and initiatives) has seen major developments over the last years. The business sector remains closed to anyone outside the state enterprises, and the political space is very limited, hence civil society has been one of few areas to offer opportunities for people interested in working independently of the state. Today there are civil groupings and initiatives across Belarus, often connected to regional centers for civil society that facilitate their work. The various groups and organizations have a wide range of interests and activities ranging from culture to ecology, gender issues, Belarusian history and language, various social issues, civic education, law and human rights.

The development of civil society in the regions of Belarus has come under way in recent years, but faces difficult circumstances because local authorities are often even less tolerant of non-state actors than what is the case in the population centers. The growth of civil society in Belarus has been nurtured and sustained by foreign donors, who, faced with the isolationist and autocratic government of Lukashenko, have sought cooperation with independent and opposition forces. Especially young people and students have been attracted to civil society, a factor which enabled the civic organizations to muster and coordinate around 14 000 observers in the independent domestic election observation of the Presidential elections in September 2001.

Cohesiveness is a striking feature of Belarusian civil society. There are close connections between independent organizations and independent media, and they, in turn, are often close to the political opposition. In general, the non-state sector has become relatively homogenous as a result of the extraordinary political conditions in Belarus. This is especially striking in the regions where an editor of an independent publication may well head at least one independent organization and also be the local representative of a political party. Politics in Belarus are completely dominated by the towering figure of the President. The political forces in the country, and public space in general, are shaped by the "presidential divide", i.e. by whether political parties, groups or persons support or oppose Lukashenko. The autocratic President thus has a homogenizing effect on the Belarusian public by welding the various opposition forces together – Lukashenko is the main factor behind the close connections between media, organizations, unions and parties, which is a striking feature of civil society in Belarus. Although Belarusian civil society often have strong links to the political opposition, this does not necessarily mean that the non-governmental civil organizations are stooges for the political parties. It is rather a consequence of the homogenization of society caused by the all-pervading "presidential divide".

The rise of civil society has been accompanied by an increase in repressive measures -- some legislative, some administrative and some extra-legal, but most in stark violation of international human rights standards -- by the Belarusian authorities. The conflict between the authorities and civil society reached a peak in the period prior to the Presidential elections last year, but Lukashenko's re-election has not

really resulted in an easing of tensions and more agreeable conditions for civil society. The legal and administrative regime continues to be extremely strict, and in violation of both the international human rights standards to which Belarus is a party and often the country's own Constitution and other legislation. Moreover, the government's response to pickets and demonstrations has been swift and brutal, as witnessed for instance by reactions to a protest march in Minsk on 19 April 2002 in which about a hundred people were detained, many were beaten by the police and a number of the participants received fines or shorter prison sentences. Many of the demonstrators, specifically those who requested a lawyer, spent several days in administrative detention without a court ruling.

As the economic crisis in the country deteriorates, salaries and pensions are paid with delays of up to one month, many social services are left without resources and medical services are now only available for pay. In this situation, NGOs will sometimes try to provide the services the authorities can no longer afford, but this will often bring them into conflict with the police. Moreover, it seems that the economic crisis makes the authorities increasingly hostile to public actions and appearances by the opposition forces and civil society.

### **Legal Constraints on Civil Society**

Public associations, the arrangement of meetings and assemblies, and information activities in Belarus are regulated by various registration, permit and license regimes. Legislation in Belarus often appears in the form of Presidential decrees, of which there has been almost a hundred since 1999. Although the decrees in principle are temporary measures, they are in practice permanent. The decrees often contravene the Constitution, but there is no body to control this, as the Constitutional Court does not review Presidential decrees and edicts. Legislation passed in Parliament, on the other hand, are basically amendments.

### **Registration**

The registration of organizations, which is stipulated by the law on public organizations, is a cumbersome process in which a number of administrative hurdles must be cleared before legal status is granted. Applicants must present a legal address, which is difficult. Private residences cannot be used and most other office space is government owned or controlled. Few independent real estate owners want to be associated with an independent organization as this may entail unwanted attention from the police. Applicants must pay a registration fee of around 150 US dollars, which is expensive in Belarus where the average monthly salary is below 100 dollars. There are a number of conditions to be fulfilled for any applicant, and registration may be refused on several grounds. When the Belarusian Association of Regional Centers wanted to register a coordination office in Minsk, registration was denied on the grounds that the organization would "duplicate" work done by others.

Registration may also be revoked if an organization receives two or more warnings from the Department of Justice within the span of a year, as seen in the example of the regional center for civil society in Brest, Vezha. The difficulties related to the registration process, as well as the state control of foreign grants imposed by the infamous decree no. 8 and the persistent harassment of independent legal entities, contribute to a powerful incentive for establishing informal and unregistered groups. In November 2001, an expert on the Belarusian civil society estimated that around 55

per cent of Belarusian NGOs were registered, 31 per cent were unregistered and 14 per cent had filed registration applications, but had not yet been granted legal status. However, from December 1999, any activity on behalf of an unregistered organization is illegal and punishable by fines.

### **Presidential Decree No. 8, 2001**

Decree no. 8 came into force 16 April 2001, during the election campaign, and prohibited foreign donations to a number of “political”, or election-related activities of Belarusian legal entities and individuals. The decree requires the registration of foreign grants with the authorities (specifically the Department for Humanitarian Activities under the President of the Republic) and the keeping of the funds in banks designated by the authorities. Violations of the decree may result in fines, confiscations and liquidation of the legal entity (organization). Ostentatiously, the decree was meant to hinder foreign influence on political activities in Belarus, but primarily it has been used against the organizations that participated in the election process with monitoring activities, civic education and voter awareness campaigns. The wording of the decree is vague, and leaves it to the discretion of the administration to judge what actions or projects can be considered in violation of decree no. 8.

The decree was not only tailored to curtailing civil society during the pre-election period. It is still used to control and harass representatives of civil society. On 13 August 2001, the KGB came with a warrant from the prosecutor and confiscated six computers, a printer and a copying machine situated in the regional center “Civic Initiatives” in Gomel. The KGB-action effectively stopped the activities of the center one month prior to the elections. The KGB had launched a criminal investigation against “Civic Initiatives” for slandering the President of the Republic of Belarus, but the case was later dropped. Instead “Civic Initiatives” was prosecuted under Decree no. 8 on charges, based on an audit by the local State Tax Committee, that the center had received money for a project from a Dutch organization, part of which was connected to election-related activities and therefore banned by Decree no. 8. This became the new basis for denying the plea for a return of the confiscated equipment. “Civic Initiatives” has disputed the allegations of the prosecutor, claiming that the grants to the elections-related activities had been returned to the donor and that some of the confiscated computers belonged to foreign organizations. The authorities, on the other hand, alleged that they had found files with election-related material on the confiscated computers, which proved that they were used in the political campaigning of “Civic Initiatives”. Viktor Korneyenko, the director of “Civic Initiatives”, claims the case is based on fabricated evidence. According to him, the KGB took material from diskettes with files from previous elections (in 2000 and 1999). The center received an administrative fine of six million roubles (about 3700 US dollars) on 27 November 2001, but the case is still being reviewed in the economic court as of early June 2002. Korneyenko, the director of the center, who by law is personally liable, was fined one million roubles on 25 January 2002 by the district court for violations of Decree no. 8.

The decree does not sufficiently limit the powers of the state institutions involved in the system of financial control established for the Belarusian civil society. Moreover, the administrative practice has created new difficulties for the legal entities. It seems that the decree is used partly in order to tax the foreign grants, partly to impede the

activities of the targeted organizations and partly to provide an incentive for keeping secret bank-accounts abroad, thereby pushing NGOs and non-state media away from the relative protection of the law and into the grey and black legal zones. The Belarusian Helsinki Committee placed its funds in the state bank designated by the decree no. 8 last year, and applied to the Department for Humanitarian Activities in order to make a withdrawal from their account. The application, which was submitted in mid-January 2002, received a (positive) answer in late April, i.e. more than three months later. Various special taxes and fees reduce the deposits in the designated banks with about 30 per cent, according to the organizations interviewed by us, and there is no interest on deposits.

### **Amending the Law on Press and Other Mass Media**

The legislative stranglehold on civil society is becoming harder. The amendments to the Law on Press and Other Mass Media reviewed in Parliament in June 2002, would, if adopted, further worsen the dismal situation for the independent media. The amendments constitute an attempt at regulating the media in line with the control regime on NGOs imposed by Decree no. 8. The draft amendments propose a tightening of the control regime in some key areas. The amendments 1) restrict the financing of the independent media, by banning foreign funding, equipment, loans and advertisers from cooperating with independent Belarusian media, 2) open up for the extrajudicial revoking of registration by the Ministry of Information, and 3) provide an open-ended list of information to which access is limited or restricted, which would open up for arbitrary interpretation of the cases of alleged violations. If all or some of these amendments are passed, they would provide the authorities with a new set of tools with which to stifle dissent, and strengthen Belarus's position as the staunchest enemy of free speech in Europe.

### **Audits, Inspections and Burglary**

Tax audits and other forms of inspection are integral parts of most well-functioning societies based on the rule of law. In Belarus, however, audits and inspections appear to be used as a means by which the authorities prosecute their war on civil society. The audits may be time-consuming affairs that last for many weeks or even months, draining the work resources of the legal entities under inspection. Nearly all the organizations we interviewed reported that audits and inspections were a common feature of life as a registered legal entity.

The Belarusian Helsinki Committee in Minsk received notification from the fire department that, according to the local fire regulations, they needed to move a wall in their office or move to another apartment in a less central location. The BHC is currently negotiating with the building administrator, but still may have to find new offices if the authorities decide to press the matter, according to its president.

The "Civic Initiatives" regional center in Gomel reported that they had been inspected/audited six times in 2001 and 2002, by institutions like the tax police, the KGB and the MVD. On some occasions, the visits of the state institutions resembled armed attacks on foreign invaders. On 8 August, police armed with automatic weapons and truncheons entered the front yard of the house where the center is located by scaling the brick walls surrounding the property. There was a stand-off as the people inside the building refused to let the police enter before they produced a search warrant. The police had no such document and eventually left after a few

hours occupation of the front yard and garden during which they threatened the people inside and banged on the window shutters.

A consistent problem for the organizations is the threat of burglary and accidents. Normally, burglary would not be included in a list over repressive state measures, but in Belarus there is a strikingly high level of crime, ranging from theft to arson, directed against critics of the regime by unidentified perpetrators. Oftentimes, crime seems to occur in conjunction with repressive state measures, and it is thus difficult not to list crime among the means by which civil society is persecuted. On 27 January 2001, the regional center Vezha in Brest was robbed of several computers and other office equipment. The perpetrators are still unknown. On or around 30 January the regional center Ratusha in Grodno suffered a minor fire after a powerful electric impulse short-circuited several computers. It was claimed to be the result of an accident in a nearby power station.

### **The Liquidation of Vezha**

The liquidation of Vezha is perhaps the most illuminating example of the attitude of the authorities toward civil society after the presidential elections of 9 September. There has been a general cooling of tension, and the level of persecution has fallen, but the organizations that received warnings or fines in the pre-election period are still closely monitored and if any of these organizations defy the authorities too openly by establishing contacts with the public, they are immediately punished. According to Ina Kulej, the Director of Vezha, the regional centres proved to be strongholds for the independent election observation and other efforts resented by the government during the election campaign in 2001. They are therefore priority targets of repressive measures by the authorities.

On 13 September 2001, Vezha received a warning from the Department of Justice of the Brest Regional Executive Committee for “engaging in activities that are not listed in the statutes of the organization”. The transgression was connected to a poll conducted by an unregistered youth organization, Dzedzich, in Vezha’s name. According to the warning, Vezha could not “lend” its name to another, unregistered grouping. Moreover, the youth organization had rendered the name of “Vezha” as “Center Vezha” and not the full name; “Brest regional Center of Support for Civil Initiatives ‘Vezha’”. “Vezha” complained about the warning, and received notification that the warning would be withdrawn if there were no complaints about the center for a month. On October 5 2001, however, “Vezha” received its second warning for using Belarusian words (like “Bierasteisky”) in its letterhead in stead of the Russian equivalent (which would be “Brestsky”). Since the original registration papers had the name of the organization in the Russian language, the Department of Justice warned “Vezha” for “the use of an unregistered name and address”. Perhaps inadvertently, the absurdity of the charge was brought out by the address written on the envelope which contained the official warning: the Department of Justice employee had written the name of the recipient as “Center Vezha”.

On 27 January 2002, a representative of the regional Department of Justice contacted Vezha and complained about an issue of the unregistered (but not illegal, as it is printed in the 299 copies that are permitted for an unregistered publication by the information law) journal Kaliva, which is printed by the publishing division of Vezha and distributed to schools in Brest. The Department of Justice was especially

concerned about information in Kaliva regarding the activities of Dzedzich and the existence of a free legal clinic in Vezha. According to the Justice Department official, the publication of information about unregistered organizations is prohibited by a Presidential Decree regulating the activities of political parties, trade unions and non-governmental organizations. Moreover, the free legal clinic that operated in Vezha violated regulations concerning the activities of NGOs by offering free legal aid to all citizens, instead of restricting their activities to the members of Vezha. These complaints formed the basis for the letter of liquidation that Vezha received from the regional Department of Justice on 14 February. The case against the regional center was considered by the regional court in Brest between 4 and 20 March 2002 and concluded by confirming the liquidation of Vezha. The center complained to the supreme court, pointing out, among other things, that Kaliva was an unregistered publication and as such exempt for the regulations of the Presidential Decree. The Supreme Court, however, upheld the decision of Brest regional court in a ruling on 29 April 2002. Presently there is some confusion about what the court decision entails in practical terms as there is a lack of detailed regulations concerning the liquidation process.

The persecution of Vezha was connected to its programs of informing the public, i.e. schools, and providing a free legal service for the citizens. Vezha ventured out of the "democratic ghetto" and was promptly punished. The inevitable, but unfortunate consequence is that other regional centers have changed their activities as a result of the liquidation of Vezha, and closed down or suspended their legal aid clinics. At present, the Belarusian Helsinki Committee is the only organization entitled to provide free legal assistance to the public, after they won a case in the supreme court three years ago. This service may soon disappear altogether as there are plans to implement a new registration regime for local and regional branches of national political parties and organizations. The new regime would require all the local branches to re-register with their local Department of Justice offices, and provide a new means of curbing the growth of civil society in the regions.

### **The Media Crackdown Continued**

The element of Belarusian civil society which faces the most persistent persecution by the authorities, is the independent media. Due to state pressure, there are no independent electronic media left in Belarus except Radio Raciya, which is registered in and broadcasts from Poland. There are local radio and TV-stations that are partly privately owned, but they are closely monitored and controlled, and cannot be regarded as independent media. Although the authorities so far have been unable to shut down or discipline all non-state, critical newspapers, the circulation of the independent press is small. The Belarusian Association of Journalists estimates the overall circulation of the independent press to be at about 300 000 copies a day, while one of the main state papers, Sovjetskaya Belorussiya, alone has a circulation of about 500 000. The proposed amendments to the Law on Press and Other Mass Media is an example of the continued efforts at suppressing the independent media in order to silence dissent and criticism, but the legislative developments are complemented by the continued administrative and judicial crackdown on independent media. It is not only the large and established media that face persecution. The example of Kaliva, the unregistered journal affiliated with Vezha mentioned above, shows that all non-state publications (even collections of fairy

tales, as can be seen in the section called Vitebsk of this report) are potential targets of repressive and punitive measures.

After the Presidential elections in September, the authorities have moved against the non-state media in a manner that seems to be the implementation of Lukashenko's threat on the eve of the elections to "deal with the independent press after the vote." The current crackdown on non-state media in Belarus has, inter alia, resulted in the criminal suit filed against Viktor Ivashkevich, editor of the Rabochy newspaper, for three counts of libel against the President of the Republic, and the related civil suit against the newspaper Narodnaya Volya. Rabochy is the newspaper of the Independent Trade Union of Belarus, and was connected to the presidential election campaign of the opposition candidate Vladimir Goncharik, a former Independent Trade Union leader. In a pre-election issue Rabochy printed allegations from Polish and American sources of government involvement in smuggling and illegal arms trade, and this is the background for the case filed against Ivashkevich on 20 June 2002. On 18 June 2002, the district court of Zhdanov ordered the freezing of the bank accounts of Narodnaya Volya, after two local judges had filed a defamation suit against the newspaper, demanding 265 million roubles in damages for an article published in January 2001 which analyzed the mental condition of President Aleksandr Lukashenko.

### **The Closure of Pagonya**

The case against the weekly newspaper Pagonya in Grodno, and the criminal charges brought against its editor and a journalist for slandering the President of the Republic, has become a rallying point for defenders of freedom of expression in Belarus. While the main instruments of the authorities in their quest to limit the independent Belarusian media sector, have been financial (charging high prices for paper, printing and distribution, discouraging advertisements in independent media and imposing high fines for transgressions), there remain several examples of persecution through the combined force of legislation, judiciary, law enforcement and the secret services. The persecution of Pagonya has entailed the violation of the international standards binding for Belarus concerning freedom of speech and the right to a fair trial, as well as numerous violations of domestic legal procedures.

On 5 September 2001 the prosecutor filed a civil case against Pagonya for printing three articles which allegedly contained slanderous and false information about the President of the Republic, based on an order of the regional KGB from the day before. The articles reiterated allegations published in other media that the authorities were involved in the political disappearances in Belarus in 1999 and 2000. The case was filed at 8 PM after only about 10 000 copies of the issue no. 36 of the paper (out of 88 000) had been printed. The printing was stopped and the printed copies were confiscated, although according to the law these actions must be based on a court decision. At the time, the court had not made a ruling. Moreover, since the issue was never distributed, a central condition for considering Pagonya's issue no. 36 a mass media was not fulfilled. The Law on Press and Other Mass Media stipulates that a newspaper only becomes a mass media when it reaches the public.

Law enforcement officials also confiscated computer hard discs and financial records from the Pagonya offices – suggesting that their interest in Pagonya was not limited to printing slanderous information about the President of the Republic. The bank



accounts of Pagonya were frozen and the delivery of 3.1 tons of paper which had already been purchased was blocked by the authorities. All in all the paper incurred losses of about 5000 USD. The KGB order forming the basis for the action of the prosecutor's office, was filed a day before the newspaper was printed. The master copy of the newspaper had been delivered to the printing house on 2 September. However, the printing house claimed that the newsprint provided by Pagonya was not in accordance with the standards, and that they could not print the issue. The printing process was thus delayed, giving the KGB time to plan the concerted action against Pagonya on 5 September. The printing house seems to be the likely location where the KGB-agents detected and read the articles. The whole process reads in practice as a recipe for censorship.

On 12 September, the local prosecutor's office confiscated issue no. 37 of Pagonya. On 21 September Pagonya received a warning from the local prosecutor for violation of Art. 5 of the Law on Press and Other Mass Media for spreading false allegations about the President of the Republic. Pagonya had also received a warning in November 2000, and based on the two warnings, the Supreme Economic Court ordered the closure of Pagonya on 12 November 2001. The State Committee for the Press was one of the institutions that originally brought the case against Pagonya, but it later withdrew citing a lack of legal basis for closing the paper. There were public protests against the ruling in Grodno on 19 November and the journalists Andrey Pisalnik and Pavel Mazheiko were detained after the "unauthorized demonstration". They received an official warning on 26 November 2001, whereas the editor Mikola Markevich received a fine of 50 minimal wages (which comes to a total of about 220 USD) from the administrative regional court on 13 December 2001. Mikola Markevich has tried to register a new newspaper, but was denied registration on 20 February 2002 and again on 22 March 2002. The grounds for the decision of the local authority on 22 March was that the suggested title of Markevich's paper, Muzhitskaya Pravda, was an "unethical" adaption of a name used by a nationalist publication in the nineteenth century. A more likely explanation is that there is an unofficial order at work, prohibiting Markevich from continuing his career as a newspaper editor.

There was a further twist to the case on 14 February 2002 when the prosecutor filed a criminal case against Markevich and Mazheiko for slandering the President of the Republic, based on art. 367(2) of the Criminal Code, a charge which carries a sentence of up to five years in prison. They had to sign a pledge not to flee from justice. The trial against the two journalists was supposed to start on 9 April, and in the preceding week, the police broke up two "unauthorized" demonstrations in Grodno. All along, the authorities have responded fiercely to any attempts aimed to organize public demonstrations of support for the paper and the two indicted journalists. On 1 April six people were detained by the police, and on 5 April 13 journalists were detained. However, on 9 April the judge fell ill and the trial was postponed. It was again postponed on 16 May. The trial finally commenced on 4 June, but in inadequate premises unable to accommodate the large audience. The court denied access to representatives of several public associations, and turned down a petition to hold the trial in a more spacious court room, thereby minimizing public access to the procedures. On 24 June judge Tatiana Klimova of Leninsky District Court in Grodno found Markevich and Mazheika guilty. Markevich was sentenced to two and a half years of restricted freedom under police supervision,

while Masheika received a sentence of two years under the same penal regime, which in practical terms entails unspecified, forced labor. The ruling cited that the facts surrounding the dissemination of the slanderous information had been established by the Supreme Economic Court in its 12 November 2001 decision. Such charges, however, cannot be processed in an economic court.

### **Harassing the Newspaper Den**

The newspaper Den started operating in April 2001. In July 2001 the state-owned printing plant, the Belarusian press House, refused to print a 50 000 copies issue, which contained an interview with Ivan Titenkov, a former head of the Presidential Administration's Property Department, who made some critical statements concerning the President of the Republic. While the staff were preparing a special issue on the political disappearances in Belarus, unidentified perpetrators broke into the Den offices and stole all the computer hard discs on 16 July. Next week, on 24 July, there was another burglary. The police has so far failed to solve the cases.

Originally, the newspaper occupied the offices at the building of the state-owned film studio in Minsk, Belarusfilm. When Den began carrying critical stories, the Ministry of Culture, which oversees the operation of Belarusfilm studios, put pressure on the studio management. The Ministry made it clear that they should deny spaces to Den newspaper. After Belarusfilm, Den rented offices from a private company in Minsk. But apparently the building owners were soon told that they might have problems if they let Den stay. Although Den and the company had a signed contract until May 2002, Den had to leave the premises in February. Currently Den rents offices from an independent trade union – nearly the only place in downtown Minsk not under the control of the authorities – the third venue since the founding of the newspaper.

After an article published in Den about the state of affairs in the town of Soligorsk (in Minsk oblast), the Executive Committee of Soligorsk and two local school administrators filed a lawsuit against local officials filed a libel suit against Den. Den had also published an article claiming that teachers from the schools run by the two administrators had forced students to vote for Lukashenko at the September 2001 Presidential elections. However the parties reached a settlement in court. Den offered the plaintiffs to publish a rejoinder, which should explain their views on the matter. Initially the plaintiffs did not accept the proposal and insisted on pursuing the case, but when Den suggested to call in witnesses (students and their parents) to testify in court about whether they had been pressured by the teachers with regard to the Presidential elections, the plaintiffs agreed to the rejoinder offered by Den and the case was settled. So far the plaintiffs have not sent a rejoinder to be published by Den. Pressure was not only exerted on Den. Leonid Markhotko, the Soligorsk representative of the Belarusian Helsinki Committee, who acted as a legal adviser to the newspaper, was exposed on local TV in an intimate situation with a teenage girl prior to the court meetings. The compromising tape had apparently been kept in the local KGB archive for five years. After the case was settled, the video was still displayed on local TV in conjunction with a warning to parents about letting their offspring have contacts with the Belarusian Helsinki Committee.

### **“Collectivizing” the Literary Journals**

On 15 April 2002 the state assumed full financial and editorial control over six small Belarusian literary journals: Polymya, Maladost, Krynitsa, Neman, Vsemirnaya

Literatura and Literatura i Mastatstva all of which had been run by the Belarusian Writers' Union in conjunction with their respective staffs since 1995. Ostensibly, the state wanted to run the journals in a more streamlined and efficient manner, as they were in dire economical straits in the spring of 2002 and basically dependent on volunteer work from the contributors and staff. Seen in perspective, however, the action was the last in a seemingly concerted campaign against the Belarusian Writers' Union, which saw its property, in the form of flats and a "palace of Literature", "nationalized" by the state in 1997. The Belarusian Writers' Union protested, but were told that their losses would be compensated over the state budget with an annual sum. However, the transfer of funds from the Ministry of Finance was arbitrarily halted on 3 July last year, and since that time the literary magazines have not received financial support from the Belarusian Writers' Union. This is the main reason they are in a difficult financial situation. The economic difficulties have not solely been a question of poor management as suggested by the authorities.

According to Boris Sachenko, the editor of Polymya, a holding company called the Office of Literature and Art was set up by the Ministry of Information, with the aim of optimizing the resources of the different journals by gathering them into a single financial and administrative unit. The journals were all supported over the state budget (although the funds had not come in since July 2001), but they had operated as independent economic and editorial entities. Sergey Kostyan, an MP (who professed to have cultivated the arts in his youth), was appointed head of the office and assumed de facto control over the editorial policy of the journals. According to Sachenko, the head of the office and two of the new appointees told him, the editor, that "as he was working for the state, he should publish articles that were more correct". A number of articles and stories that were already accepted by the various journals, were deemed unfit for printing by the new editorial team. Sachenko's protests were ignored, as were the protests of the other editors. As of June 2002, the editors of the literary journals have threatened to resign, citing lack of professional and editorial freedom after being absorbed into a structure which was termed a literary "kolkhos" by the Belarusian PEN-club. The PEN-club called into question the legality of the Office of Literature and Art by citing anti-monopoly and anti-censorship provisions in art. 33 (3) of the Belarusian Constitution and in art. 4 of the Law on the Press.

It is difficult to see the economic benefits for the authorities in assuming control over these publications, none of which have a circulation above 2000 copies. Nor can the political dividends from managing the literary journals in a more pro-Lukashenko direction be very great. The move have resulted in the fostering of new resentment of the Belarusian authorities by the international writers' community and new letters of protest, and as such the action further complicates relations between Belarus and European organizations and most Western states. The action by the Ministry of Information makes most sense when it is seen as a symptom of a state that does not tolerate any public life, any civil society, outside of its control. Further evidence of this state of affairs was seen on 12 June when a Minsk bailiff decided to seize property of the Belarusian Writers' Union in order to cover compensations to an accountant who worked for the Belarusian writers' Union, but had not been paid since July 2001 – as a consequence of the Ministry of Finance's decision to stop paying allocated subsidies to the Belarusian Writers' Union.

## **Persecution of Human Rights Defenders**

The persecution of organizations, media and unions is linked to the harassment of participants in Belarusian civil society, and in some cases to the families of individuals involved in human rights work or other activities that the state considers threatening or suspicious. In a country where a reported 80 per cent of the population depends on the state for employment, pensions and/or housing, there are plenty possibilities for controlling the population. There has been a consistent pattern, reported by several human rights organizations, that individuals involved in the election process on the opposition side have been harassed by the authorities in various ways after the elections of September 2001.

## **Media Campaigns**

In an anonymous two page article on 5 September 2001, the main state newspaper Sovjetskaya Belorussiya, accused the Organization for Security and Cooperation in Europe (OSCE) of functioning as a cover for western security services seeking to overthrow President Lukashenko. The secret plan was called "operation white stork", according to the newspaper which went on to accuse a number of individuals connected to the opposition and civil society of taking money from or in other ways conspire with the OSCE. One of these individuals was Tatiana Protko, chair of the Belarusian Helsinki Committee, who claimed that she effectively was accused of treason by the paper and filed a libel suit with the Sovjetsky district court in Minsk. However, on 5 March 2002 the court dismissed the suit claiming that the article belonged to the realm of the political debate before the elections and as such was outside the court's jurisdiction. The ruling represented a more liberal interpretation of the law than decisions in other libel cases described in this report.

A similar "conspiracy" was uncovered in a series of TV-documentaries which was aired on national television a few weeks before the Presidential elections in 2001. One of the programs devoted much attention to Viktor Korneyenko, head of the center Civic Initiatives in Gomel, who, it turned out in the program, had taken money from American and British sources, i.e. from foreign security services, in order to help unseating the President of the Republic in a covert and unconstitutional manner. Korneyenko was effectively branded as a traitor and a spy, but did not seek legal redress, as he judged a libel suit to be a waste of effort.

## **Dismissals, Threats and Other Punishment**

There has been a wave of reports about people who have lost their jobs in state enterprises as a consequence of working for the political opposition or being involved in non-state activities of various kinds. The response of the authorities has ranged from soft (informative talks, threats), to medium (various administrative difficulties) to hard (dismissals). The human rights organization Viasna reported in January 2002 about 16 documented cases of people dismissed from work in the period from the elections of 9 September 2001 to mid-January 2002, all of whom had reason to believe that their dismissals were politically motivated. Two of the sixteen, who sued their employers for unfair dismissals, won their positions back in court. Many of the remaining had difficulties in finding new employment although they were highly educated and had good work records. Viasna also reported about four cases of students dismissed from their faculties, all of whom either had been involved in independent election monitoring or connected to the political opposition. This was by no means an exhaustive list, similar cases were reported in all the regions of Belarus.

## **Vitebsk Region**

Sofia Tabolo is the representative of the Belarusian Helsinki Committee in the Sharkovschiy district in the Vitebsk region. She took part in the independent election observation. As she was an invalid, by law her son should not go to the army. After the elections, however, he was sent away to the armed forces. Tabolo's daughter could not find employment, and the family currently lives on Tabolo's pension – a fact which she attributes to her work for the independent observers during the presidential elections of 2001.

A leader of a state funded institution, a center for extracurricular activities in Vitebsk, published a collection of fairy tales and legends in cooperation with a NGO, the Lev Zapiiega Foundation, in the spring of 2002. The local Department of Education later contacted him and told him to resign. He refused to do so. However, he is afraid that he will be fired and believes that the reason for his conflict with the local Department of Education, is his cooperation with an NGO in publishing a book of fairy tales.

Vasilij Gramovich participated in the opposition campaign in Sharkovschiy. For these activities, he was, according to the Regional Center in Vitebsk, sentenced and fined three minimum wages by the district court. The same fine was imposed by a district court in the Gluboksky district of the Vitebsk region on Dmitry Kurchevich from the village Latygol.

The Regional Center in Vitebsk also reported that the teacher Larissa Kurchanova (from the village Ambrosovichy) and Viktor Mihasiyov (from the town Orsha), who worked in a state enterprise called Les (which means forest), were sacked from their positions after having supported opposition candidates during the election campaign, while Galina Rybakova (from Gorodka) and Elena Pirogova (from Rossosny), both vice-directors of elementary schools, were, in effect, demoted and had to take new positions at their schools. Pirogova and Rybakova had participated in the independent election observation.

## **Mogilyov Region**

A student in the town of Gorkij in the Mogilyov region is head of a local NGO which was established and registered after the Presidential elections. The work of the organization was connected to various social issues neglected by the local administration either due to lack of finances or other reasons. Among other initiatives, the NGO would supply local orphanages with carpets. After some months, as the NGO became visible in the community, it received some attention. The leader was contacted by the KGB who visited her at the office and informed her that as she was neglecting her work as the editor of a student paper, she might lose that job if she continued with the NGO activities. She continued in both positions, however, but she interpreted the talk as a threat. Her academic career and employment possibilities might suffer if her NGO became too active and too well-known in the local community.

Sergey Obodovsky is the representative of the Belarusian Helsinki Committee in Mogilyov. He is a well-known person, educated as a lawyer and engineer, and has been a very active human rights defender in his region. In the spring of 2002 he compiled a report based on the monitoring of 50 trials in five local courts. The report

describes various procedural irregularities in 36 of the trials. Obodovsky claimed that he was unable to find employment in the state sector because of his work for the Helsinki Committee. He further claimed that his wife, an engineer, had been unable to get a better position in the enterprise where she had worked for 27 years because of his human rights activities. Moreover his son, who was a member of the youth organization of the opposition party the National Front in Minsk, was arrested twice and also beaten up by the police in Mogilyov. He was dismissed from the polytechnical faculty. At one occasion he was allegedly taken to the burial grounds in Kurapaty by plainclothes police officers and told that he would be buried there together with the victims of Stalin's purges unless he left the Youth Front. The son has received political asylum in Poland. Obodovsky's other son, however, is in prison on what Obodovsky claims is an arranged verdict for rape. There were numerous irregularities during the trial and the rape victim pointed out another man during an investigative confrontation. Obodovsky further claims that he is under close surveillance by the police and the KGB.

### **Grodno Region**

In the Grodno region, the same informal penal system of dismissals and demotions seems to have entered into force following the re-election of Lukashenko in September 2001. Punishment is meted out for supporters of the opposition, people involved in independent election observation and individuals too openly engaged in non-state public activities. In Lida, the director of an elementary school, who had participated in the campaign of an opposition candidate, was told by the local authorities that the state had no need for people of a subversive nature. The director lost his job. In Smorgon, Sergey Chekun, who had participated in the campaign of an opposition candidate, lost his position at an elementary school in the same fashion.

In Radun, the poet and singer Valeri Adamonis was sacked from his position at a state enterprise. The authorities claimed that he resigned voluntarily, but according to Adamonis he was forced to leave after working for the campaign of the opposition candidate Semyon Domasz. Another man who had worked for Domasz, Stanislav Kondratovich, lost his position with the "Shining Path" Kolkhos.

In Mosti there has been a wave of dismissals following the presidential elections. Valerij Yerementchuk, who was affiliated with the Independent Trade Union, lost his employment at the end of 2001. The director of the local museum "Les i Chelovek" ("forest and man"), Lev Bartosh, who also headed a local NGO, was fired in March 2002. Aleksey Sabastysyan and Josif Polubyatko, both members of an opposition party, lost their jobs. Polubyatko was fired at the end of 2001. A district court ruled that Sabastysyan was unfairly dismissed, and he returned to his former post on 4 May 2002, two days after he had lost it.