

Report from the Observation of the Presidential Election in the Republic of Belarus - 4-9 September 2001

Preface

This report is based on observation of the presidential elections in Belarus 9 September 2001. The conclusions of the report are based on election day observations made by the observers of the Norwegian Helsinki Committee, Tomasz Wacko and Magnar Naustdalslid, as well as information gathered in Belarus from international observers, experts, local NGO representatives and local media prior to and after the elections.

We would like to thank the OSCE Office for Democratic Institutions and Human Rights, which provided invaluable assistance and background information. We would also like to thank the Norwegian Ministry of Foreign Affairs, which sponsors the Norwegian Helsinki Committee's election monitoring activities.

This report was written by Tomasz Wacko and Magnar Naustdalslid.

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Bjørn Engesland

Secretary General

Executive Summary

The Belarusian presidential elections of 4-9 September 2001 failed to meet international standards for free and fair elections. The elections took place in an atmosphere of government propaganda and oppression against the opposition, smear campaigns against domestic and international election observers, and strong polarisation between the opposition and the government. The authorities used all means available to ensure that the incumbent President was re-elected. The following points summarise the main shortcomings of the elections:

- The state media were used to spread propaganda in favour of the incumbent President and to discredit the opposition. Independent media were subjected to harassment, threats and censorship. This not only represented violations of the freedom of speech and freedom of the press, but also deprived the voters of the chance to make an informed choice between the candidates.
- Excessive campaign regulations restricted the campaigns of the candidates and made it extremely difficult for the opposition candidates to present their programmes to the voters.
- The electoral administration was fully controlled by forces loyal to the President. From the Central Election Commission down to the polling station election commission there were very few representatives of the opposition. Consequently, one of the main safeguards against manipulation was non-existent.
- Independent observation of the elections was inhibited by government interference and harassment of observers and non-governmental observer groups. In the weeks leading up to the elections, non-governmental organisations experienced “tax inspections”, confiscation of equipment and surveillance. Many observers were arrested, threatened or brought in for questioning by the KGB. Even international observers were threatened.
- The programme of early voting was difficult if not impossible to monitor, and in many cases it could not be verified that ballot boxes, voters lists and other sensitive materials had not been tampered with when the polling stations were closed or when observers were not present.
- On the election days we observed numerous violations of the principles of free and fair elections, the most serious being: lack of transparency in an election process not open to scrutiny by independent observers; intimidation and harassment of independent domestic and international observers; excessive presence of police and security forces; and a counting process that was not open and deprived the result of credibility.
- Despite the shortcomings, there were also positive signs:
- The Belarusian civil society comprises active and progressive organisations that – despite political oppression – took an active role in monitoring the elections and training domestic observers.
- Despite a hostile political environment and internal conflicts, the main opposition parties managed to unite and agree on a single candidate to contest President Lukashenko. This indicates a growing will for compromise and a possibility that the opposition may become a viable alternative in the future, given an opening of democratic space.

1. Introduction

The election observers from the Norwegian Helsinki Committee was sent in response to an invitation from the government of Belarus to the participating states of the Organisation for Security and Co-operation in Europe (OSCE). The observers were part of the international delegation co-ordinated by the OSCE Office for Democratic Institutions and Human Rights' Observer Mission (OSCE/ODIHR) to Belarus, led by Mr Hrair Balian.

The Norwegian Helsinki Committee observed the parliamentary elections in Belarus in 1995, and has followed closely the political developments and human rights situation in the country. In 2001 we have arranged three seminars to train Belarusian election observers, in co-operation with the Viasna and the Belarusian Helsinki Committee. The observers took part in the Independent Monitoring network that was formed prior to the presidential elections.

The Norwegian Helsinki Committee observers were deployed in Grodno region, in western Belarus. On the election days we visited a total of 32 polling stations in Voronovsky, Lidsky, Svisloch and Berestovsky districts. We observed the counting of votes at polling stations in Voronovsky and Berestovsky districts.

The limited geographical coverage and the limited duration of the observation do not allow for an encompassing evaluation of the elections. With these reservations in mind, the conclusions of this report reflect not only the impressions of the Norwegian Helsinki Committee but also the general consensus among the international observers.

2. Method and Organisation of the Election Observation

The Norwegian Helsinki Committee observers were part of the observation mission of the OSCE Office for Democratic Institutions and Human Rights (OSCE/ODIHR), which consisted of 28 members (long-term observers and core staff), and approximately 200 short-term observers. Due to a delayed invitation by the Belarus authorities, ODIHR could not start deployment of long-term observers before 17 August, more than two weeks too late to observe the complete the election process. Consequently, ODIHR deployed a Limited Election Observation Mission only, and not the planned full observation mission.

We arrived in Belarus on 4 September and stayed until 12 September. The team followed the procedures outlined in the OSCE/ODIHR Election Observation Handbook. The handbook provides guidelines for the preparation, monitoring and reporting phases. The Electoral Code and other relevant material were available before the day of departure and gave the observers a general idea of the electoral procedures and political climate. Further information was provided by the OSCE/ODIHR Election Observation Mission, which held a joint briefing prior to the elections as well as a joint de-briefing afterwards. During the briefing in Minsk, the short-term observers (STOs) were provided with relevant preparatory material and checklists. In addition, the STOs were briefed on the regional situation by the OSCE/ODIHR regional co-ordinators and long-term observers.

On the election days the observers were split into teams with two observers in each. The OSCE/ODIHR observers were deployed in all parts of Belarus to observe voting at the polling stations as well as counting in representative sites.

3. The Electoral System

On 4 September there were 7,221,434 registered voters. For the elections to be valid, voter turnout must be above 50%. A candidate who receives more than 50% of the votes in the first round of elections is directly elected. If no candidate receives more than 50%, a second round of elections is held two weeks later between the two candidates who received the most votes in the first round. The candidate who receives the most votes in the second round is elected as President of the Republic.

3.1 Basic Principles

Voting shall take place by direct, universal and secret ballot. All citizens of the Belarus, who have reached the age of 18 on or before the election day, have the right to vote, except persons who are recognised as incompetent by court. Voters vote in the polling station where they are registered on the voters' list.

3.2 Electoral Bodies

The elections are organised by election commissions in a pyramidal four-level structure:

The Central Election Commission (CEC) is the supreme electoral body responsible for the whole election process. The CEC has 12 permanent members, six of which are appointed by the President and the other six by the Council of the Republic (the upper chamber of the Parliament) for terms of five years. The CEC supervises and directs the activities of the lower level electoral commissions and is responsible for publishing the final results of the elections.

There are six Oblast Election Commissions and the Minsk City Territorial Election Commission. The Oblast Election Commissions have 9 to 13 members appointed no later than 80 days before the elections. They organise elections and supervise Territorial Election Commissions in their area.

There are 168 Territorial Election Commissions (TECs), each with between 9 and 13 members appointed no later than 80 days before the elections. The TECs organise elections in their area and direct the activities of Precinct Electoral Commissions.

There are 6,753 Precinct Election Commissions as well as 37 abroad. PECs organise the polling stations, conduct mobile voting, early voting and election day voting, safeguard election materials, count the votes, and prepare the protocol of results after the close of the polling stations.

3.3 Nomination of Candidates

Candidates are nominated by initiative groups of at least 100 persons. Initiative groups are approved and registered by the Central Election Commission. No later than 50 days before the elections the initiative groups must submit at least 100,000 signatures in support of their candidates to the district electoral commissions, which in turn check the authenticity of the signatures.

3.4 Election Campaigning

Every candidate has the right to place campaign materials in especially designated areas. It is prohibited to place campaign material in other public places. The election campaign starts 30 days before the elections and ends 24 hours before the beginning of voting.

All candidates are entitled to equal amounts of airtime on national television and radio. The state shall grant each candidate an equal amount funds to cover all expenses related to the campaign. It is prohibited to use other sources of funding.

3.5 Voting

Voting can take place either by early voting, mobile voting or election day voting.

Early voting takes place in the polling stations for five days prior to election day (i.e. from 4 to 8 September.) During the days of early voting polling stations are open from 10.00 to 14.00 and from 16.00 to 19.00.

Mobile voting is available to voters who due to ill health or for other reasons are unable to come to the polling station. The voters must call the polling station no later than 3 hours before the close of the polling station and request mobile voting.

Election day voting takes place in the polling stations, which are open from 8.00 until 20.00 on the day of elections.

Before voting, each voter must present his or her passport or a valid identity card. The committee member responsible for the registration of voters looks up the voter's name in the voters' register. The voter then signs the space next to his or her name in the list of voters and is provided with a ballot paper. The voter shall fill in the ballot in secrecy inside a booth before placing it in a sealed ballot box. Voting on behalf of other persons is not allowed.

3.6 The Count

The counting of votes takes place in the polling station, and shall start immediately after the closing of the polling station. When the counting is completed, the Precinct Election Commission shall prepare a protocol of the election results, and then deliver this protocol together with all electoral documents to the Territorial Election Commission. The TEC compiles and aggregates the results from all the polling stations within its area.

4. Political Background

This was the second presidential election in Belarus since the country gained independence in 1991. The incumbent president, Alexander Lukashenko, was elected by popular vote in 1994 as the first President of the Republic, on a programme of anti-corruption, closer ties with Russia and a halt to economic liberalisation.

After his election in 1994, Lukashenko engaged in a protracted power struggle with the Parliament and the Constitutional Court and has gradually broadened his powers at the expense of the other branches of government. The 1994 Constitution was amended in 1996 on the basis of a controversial referendum, in which the people had supported a broadening of presidential powers and the extension of Lukashenko's term in office by two years until 2001. Despite a Constitutional Court ruling that referenda are not binding and must be approved by the parliament, Lukashenko imposed the new Constitution, transforming the Supreme Soviet into a bicameral parliament, consisting of a House of Representatives with 110 deputies and a Council of the Republic with 69 members deputies representing the regions. The new parliament replaced the 13th Supreme Soviet that was elected in May 1995 and deputies for the House of Representatives were chosen among the 13th Supreme Soviet's 199 members. Many of the deputies refused to join and continue to recognise the 13th Supreme Soviet as the legitimate parliament of the country. Six of the members of the Constitutional Court resigned in late 1996 in protest of the new Constitution and a total of 21 presidential decrees deemed unconstitutional by the Court. In January 1997 Lukashenko replaced all judges and the same time deprived the Constitutional Court of the right to make rulings on whether new laws are in accordance with the Constitution.

Following Lukashenko's imposition of a new Constitution and a deteriorating human rights track record, the West has carried out a policy of isolation towards Belarus. In 1997 the Council of Europe suspended Belarus' guest status in the organisation. OSCE/ODIHR decided not to observe the 2000 elections to House of Representatives, on the basis that democratic space in Belarus was too limited to allow for free and fair elections. However, ODIHR still deployed a so-called Technical Assessment Mission, which concluded that the elections failed to meet international standards of free and fair elections. The OSCE Parliamentary Assembly does not recognise the present parliament elections and continues to regard the 13th Supreme Soviet as the legitimate parliament of the country.

Civil society in Belarus is facing an ongoing campaign of harassment and intimidation by the authorities. Violations of democracy and human rights include imprisonment of regime critics and persecution of political parties, independent mass media and NGOs. Several opponents and critics of the regime have disappeared under circumstances still not disclosed, among them the prominent opposition politician Victor Gontjar, former Interior Minister Yuri Zharenko and the journalist and photographer Dmitry Zavadskiy. Others have been prosecuted and imprisoned on fabricated charges or beaten up by the police or unidentified assailants. 16 May 1999 the opposition arranged an alternative presidential election on the basis of the

former Constitution. In reply, hundreds of oppositionists were arrested, beaten and interrogated by the police, some of which are still in jail.

Despite a hostile political environment Belarusian non-governmental organisations have been active in monitoring elections in Belarus and have established a countrywide network of election observers. In the 2000 parliamentary elections Belarusian NGOs deployed 6,000 domestic observers throughout the country. In 2001 seven NGOs joined under the umbrella of the "Independent Monitoring" group, and managed to deploy some 10,000 observers. Other NGOs have focused on monitoring the media situation and human rights developments in the country in the run-up to the elections. All in all the Belarusian civil society has played a vital role in monitoring and reporting on the electoral process.

Four candidates were registered by the Central Election Commission on 14 August: Alexander Lukashenko, Vladimir Goncharik, Semion Domash and Sergey Gaidukevich. Goncharik is the joint opposition candidate. As a result of a broad coalition within the opposition, Domash withdrew his candidacy in favour of Goncharik. In return, Domash was promised the post of prime minister if Goncharik – "the single opposition candidate" – were to win the election. Gaidukevich, the leader of the Liberal Democratic Party, was generally regarded to have little chances of winning.

5. Observations and Assessment of the Elections

5.1 The Electoral System

The electoral law does not ensure the independence of the electoral administration. In the first place, it does not guarantee that the opposition are given access to electoral commissions. Six members of the Central Election Commission are directly appointed by the President, the other six by the upper chamber of Parliament, which is loyal to the President. The same situation occurs at lower levels of the electoral administration. Consequently, of 600 independent candidates nominated for 2,179 seats in the 168 Territorial Election Commissions, only 7 were appointed. Only 67 members represented political parties. Hence, the electoral code did not prevent an almost complete dominance of the authorities in the electoral commissions, from the Central Election Commission down to the Precinct Election Commissions. In effect, one of the main safeguards against electoral manipulation was non-existent.

Another problem is the increasing use of presidential decrees, which according to the Constitution are permitted in "instances of necessity and urgency" (Article 101, par. 3). Three presidential decrees were of particular relevance in the run-up to these elections: First, Presidential Decree no 8 prohibits use of foreign financial aid for conduct of elections, and constituted the legal basis for tax inspections, confiscation of NGO equipment and other forms of harassment of independent observer groups during the campaign. Second, Presidential Decree no. 11 of 11 May 2001 on "mass gathering" restricts public meetings to especially designated areas and state that all meetings require special authorisation by the authorities. Finally, Decree no. 20 oblige candidates to declare their personal belongings. In sum these decrees restricted the possibility to carry out meaningful campaigns and made it possible for the authorities to clamp down on opposition activities.

In order to ensure "equal opportunities", each candidate was granted 2x30 minutes on national television to present their programmes and was entitled to approximately USD 13,000 provided by the state to fund their campaigns. No other funds could be used, and campaign was confined to especially designated spots. This greatly restricted the possibility to carry out meaningful campaigns and favoured the President, who completely dominated the state media and hence did not need to use the allocated 2x30 minutes.

The electoral law opened for "early voting", which was carried out in polling stations all over Belarus from 4 September. Only two polling station officials must be present in the polling stations at any time during early voting. No protocols were prepared after each day of early voting, and the practices varied greatly with regard to how ballot boxes were secured and stored, how votes lists are kept, etc. When the polling stations were closed the ballot box and

sensitive materials were usually guarded by a policeman, and no observers were allowed to be present.

A serious problem is that the electoral law does not ensure transparency in the tabulation of election results. There is no requirement that the Central Election Commission must publish the results from all polling stations as a basis of the aggregated. Hence, results recorded by election observers at polling stations cannot be checked against the official election records.

5.2 The Campaign

The principle purpose of an election campaign is to give the voters relevant information about the programmes of each candidate and to provide the basis of an informed choice between political alternatives. However, the run-up to the elections saw the President abuse the power and resources of the state to mount his campaign. The state media were heavily biased, and Lukashenko completely dominated election coverage. Apart from granting the minimum time required to each candidate by law, the opposition candidates were ignored. Election meetings, visits to the regions and other election activities by the opposition candidates were not covered, while the President was given full coverage. In several instances in the regions, people engaged in Goncharik's campaign were arrested and interrogated by the police.

According to the European Institute for the Media, which monitored the media coverage in the run-up to the elections, Lukashenko received 58% of the time devoted to all candidates in the state television channel BTV. In news coverage Lukashenko received 84%. Similar patterns were evident in the regional centres. For example, in Grodno 70% of coverage in electronic and print media supported the President.

Russian television is more popular in Belarus than the Belarusian channels, and also here Lukashenko dominated news coverage. According to the European Institute for the Media the Russian channels ORT, RTR and NTV gave Lukashenko 90% of the news coverage of all candidates, with RTR even showing a promotional film in favour of Lukashenko. Furthermore, Russian television is transmitted through the Belarusian national network, which gives the Belarusian authorities a possibility to filter what programmes are showed. The Belarusian opposition held two press conferences in Moscow during the campaign, but when no coverage of the press conferences reached Belarusian viewers as transmission of the Russian channels was blocked.

The campaign was stained by violations of freedom of expression and the press. Independent newspapers had to pay more for paper and distribution than the state newspapers, and were subjected to frequent "tax inspections". Furthermore, several printing houses refuse to print opposition newspapers. "Magic", one of the private printers in Minsk, has been subject to increasing government influence, and shortly before the elections a representative of the State Committee on the Press was instated as executive director of the printing house. Subsequently, Magic refused to print several issues of independent newspapers, and newspapers appeared with blank spaces where critical articles should have appeared.

Many newspapers had issues censored or seized for alleged slander of the President or the authorities. For example, the 5 September issue of the Grodno-based Pahonia newspaper was stopped and all hard disks at the paper's offices confiscated by the police. The same newspaper has on several occasions had issues stopped and journalists interrogated by the police.

A special issue of Sovetskaya Belorussiya, the largest state-owned newspaper, on 5 September was printed in a reported 3 million copies and distributed for free all over Belarus. The issue was completely devoted to President Lukashenko and his programme. In comparison, the total circulation of *all* independent printed media in Belarus is about 300.000. The costs of distribution were covered by the state, in blatant violation of the electoral law. The Central Election Commission did not take any action.

One aspect of the media coverage prior to the election was a smear campaign against international observers and foreigners, and of alleged collaboration between foreigners and the opposition. On 11 July the state television reported that "western strategists" had put pressure on the opposition to agree on a single candidate by threatening to withdraw foreign

sources of funding. Throughout the campaign, state media warned citizens of the possible infiltration of “foreign spies” and their collaborators in the Belarusian civil society and opposition.

5.3 Election Day Observations

We observed the voting process in Grodno Oblast on 8th and 9th September, visiting 32 polling stations in Voronovsky, Lidsky, Svisloch and Berestovsky districts. The polling stations had been open since 4th September, and in many of the polling stations a high percentage of the electorate had already voted.

There were large differences between the polling stations with regard to how well we were received, what we were allowed to observe and how well the polling stations were organised. This seemed to be the case in all areas covered by international observers. In some polling stations the international observers were given access to all relevant information and were well received. However, in most polling stations all relevant information was withheld, observers were not allowed to come close to where the voting process or were even barred from entering the polling stations. Many election commissions did not know about OSCE and its role, and were uncertain as to how to deal with international observers.

The following points summarise the main problems observed by us during the days of elections. Some of the problems were reported by local observers and verified by independent sources.

1. Harassment and threats against election observers

The “Independent Monitoring” group comprised Belarusian non-governmental organisations that had and recruited trained approximately 10.000 independent observers throughout Belarus. The observers were well organised, and one of their main functions was to conduct parallel vote tabulation immediately after the end of the count in order to check the official results. The local observers were charged with observing all aspects of the election process, including early voting and mobile voting, and would provide an important check on the results.

However, the authorities clamped down on independent observation, making the task of the observers all but impossible. On the evening before election day the Central Election Commission ordered that all observers representing two of the largest groups – Viasna and Sapega Foundation – should be banned from polling stations throughout Belarus. In several of the polling stations we visited independent observers were thus expelled, and as a result a very low number of independent observers were present. Also observers from other NGOs than Viasna and Sapega Foundation were expelled from many polling stations, on the pretext that they had “disrupted” or “interfered with” the election process, or for other alleged reasons. The remaining observers, usually from government organisations or state-owned enterprises, usually reported no problems and stated that everything went without difficulties.

Many observers had their telephone lines cut and could thus not report any results or findings, and in Minsk the internet access of the NGOs that co-ordinated the domestic observers was cut during key hours after the close of the polling stations. The independent observers that were actually allowed to remain were in many cases subjected to threats, pressure and violations of their observer rights. In one instance, local observers reported that an observer from Skarina Association, an NGO under the “Independent Monitoring” group, had been arrested shortly before our arrival at one polling station in Berestovsky district. This information was a local observer present at the polling station, although the chairman claimed that the observer had merely been invited to a “confidential conversation” with the KGB. In Grodno, according to NGO representatives of “Independent Monitoring”, 8 domestic observers were arrested in the city of Grodno when they left the polling stations after the count. Similar episodes were reported by domestic and international observers all over Belarus.

Threats and intimidation was not limited to domestic observers. The KGB warned the OSCE long-term observer in Grodno, Ms Vanda Bankauskaite from Lithuania, that both she and her family in Vilnius were in danger due to her “interference” in the election process. One team of

international observers in Grodno region was stopped several times by the police on election day for questioning.

2. Lack of transparency

On the day before the elections, the Central Election Commission instructed all lower-level election commissions that observers should not be allowed to inspect the voters' lists and should not be provided with the figures for how many people had voted early, how many voted by early ballot and other key numbers regarding the voter turnout. This information was subsequently withheld in most of the polling stations, although we were given the numbers in a few places. In several cases, the election commissions seemed very nervous and uncertain as to whether international observers should be allowed to observe the elections and what they should be allowed to observe. Often, the chairman called the Territorial Electoral Commission to check whether we should be allowed to enter the polling station. We were barred from observing polling stations in border areas close to Poland in Svisloch district, although the accreditation gives access to all polling stations throughout Belarus.

Domestic observers reported great problems in obtaining information. In most cases they had to sit at an especially designated table at a distance from the voting process, and were not allowed to ask questions or "interfere" in the election process in any ways. In none of the polling stations we visited in which independent observers were present had they been allowed to observe the mobile voting. The reason given was usually that there was no space in the car that took the mobile ballot box around. In the Territorial Electoral Commissions we visited, no domestic observers were allowed to enter at all. Hence, the organisation of elections and vote tabulation processes were not observed.

Lack of transparency was even more blatant during the counting of votes and tabulation of results. In the polling stations where we observed the count, we were not allowed to come close to the counting at all. Observers (domestic and international) had to sit at a table far away from the table where the counting took place. Consequently, we could not verify that the count and the compilation of the protocol were carried out correctly. This situation was typical in a large number of the polling stations visited by international observers, although in a few cases they were allowed to observe the whole process.

When the protocol had been compiled, the PEC chairman and secretary brought it to the Territorial Election Commission together with all voting materials from the polling stations. The TEC compiles and aggregates results from all polling stations within the district, and hence it is vitally important that its work is open to scrutiny by independent observers. However, in the two TECs that we visited, no domestic observers were present at all. In the TEC in Voronovsky district, we were first blocked by the police, who informed us that "our time was up". After discussing with the chairman, we were allowed to enter. However, no figures were provided, and we were not allowed to check whether the results from our polling station were correctly transferred to the district protocol. In Berestovsky, the other district where we observed the counting, we were not allowed to enter the TEC at all.

3. Pressure on voters

In most of the polling stations we visited voters were free to vote for the candidate of their choice without undue pressure from polling station officials or others. However, there was campaign material on display in some of the polling stations, usually for Lukashenko but sometimes also for the opposition candidates. Invariably, Lukashenko's material was larger and of better quality. The instructions on how to vote that were on display in all polling stations represented another problem. The instructions consisted of a ballot with fictitious names that showed the correct way to fill in a ballot. The name "elected" was in the same place as President Lukashenko's name on the ballot papers.

Local observers reported problems of pressure on voters during the early voting process. In many polling stations, voters had been brought by buses and had reportedly been instructed to vote for Lukashenko. However, we had no possibility to observe this ourselves. In Svisloch district, local observers reported that people at a hospital in Svisloch district were instructed by the doctors to vote for Lukashenko.

There were also a few instances of family voting and proxy voting. However those were minor issues compared to some of the more serious problems encountered during these elections.

4. Sensitive materials not adequately secured during early voting

In many of the polling stations, the ballot box used for early voting was not properly secured when the polling station was closed. The same applied to voters' lists and other sensitive materials. Due to the protracted period of early voting, it was almost impossible for local observers to monitor the whole process and to check that the ballot box had not been tampered with. Also, observers were not allowed to observe the ballot box at night when the polling stations were closed.

5. Interference in the election process by police and local authorities

There was an excessive number of police officers and representatives of the local authorities in most polling stations. In some cases, local officials took the role of "observers", but when problems had to be solved, they would actively interfere and give advice. In a few of the polling stations we visited, our accreditation was first checked by the police and not by the polling station officials as prescribed by the law.

The Precinct Election Commissions were completely dominated by representatives of the local authorities, with very little representation of independent NGOs or the opposition. Hence, there was a blurred line between the electoral administration and local authorities.

6. Conclusions and Recommendations

The presidential elections in Belarus 4-9 September 2001 did not meet international standards for free and fair elections. According to the OSCE Copenhagen Document of 1990, to which Belarus is a signatory, "the will of the people, freely and fairly expressed through periodic and genuine elections, is the basis of the authority and legitimacy of all government" (art.6). Furthermore, the participating states are committed to ensure that "law permits campaign to be conducted in a fair and free atmosphere" (art. 7.7) and "provide that no legal or administrative obstacle stands in the way of unimpeded access to the media" (art 7.8). The Belarusian presidential election failed to meet the above requirements, for the following reasons:

- The electoral system restricted the campaigns of candidates and allowed for undue interference and control of the electoral process by the executive branch of government.
- The media situation did not allow for meaningful competition and dissemination of information about the presidential candidates. State media were used as propaganda tools to ensure the re-election of the incumbent president, while independent media and opposition newspapers were subjected to threats, censorship and confiscation of equipment.
- The authorities made it impossible to observe the elections in a meaningful way. Threats and intimidation against domestic and international observers represented grave violations of their rights and inhibited independent scrutiny of the election process and tabulation of results.
- Lack of transparency deprived the elections of legitimacy and puts into question the accuracy of the official election results.

Hence, the elections neither represented a free and fair expression of the popular will nor a legitimate basis for the government of the elected President.

It is positive that progressive and democratic organisations have managed to develop in Belarus despite political oppression. However, if Belarus is to develop into a democratic society based on universal human rights, significant improvements have to be made:

- Human rights violations, including persecution of the opposition, intimidation of the press, detentions and “disappearances” must come to an end.
- Democratic space must be opened for the opposition, including access to the state media and freedom to express political opinion without fear of retribution. Candidates must be allowed to conduct campaigns freely without excessive restrictions.
- The electoral administration must be independent of the executive branch of government and have a balanced composition. Representatives of the opposition and independent organisations must be appointed to election commissions at all levels.
- Domestic and international election observers must be allowed to monitor all aspects of the election process, including the count and the tabulation of results.

Appendix: Meetings

We participated in the OSCE/ODIHR briefing in Minsk on 6 September and the regional debriefing in Grodno on 10 September.

In addition, we attended two press conferences, one organised by supporters of presidential candidate Vladimir Goncharik on 4 September and one organised by the observer group “Independent Monitoring” on 11 September.

We also had meetings with the following people and organisations:

Ales Bialacki – Human Rights Defence organisation Viasna and co-ordinator of the observer group “Independent Monitoring”

Zhana Litvina – Belarusian Association of Journalists

Andrej Sannikau – Charta 97

Mikola Markevich – Editor of Pahonia newspaper, Grodno.

Tatjana Protko, Aleh Gulak – Belarusian Helsinki Committee

Aleksandar Salajka – NGO “International Contact”

Aleksandar Milinkevic – NGO “Ratusa”, Grodno