



ANALYTICAL REPORT

OCTOBER – DECEMBER 2014

This analytical report is a result of cooperation between Belarusian human rights organizations: Belarusian Helsinki Committee, Belarusian Association of Journalists, Assembly of Pro-Democratic NGOs of Belarus, Legal Transformation Centre, Human Rights Centre “Viasna”, and Educational Charitable Institution “Committee “Salidarnasc”.

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

The report covers the period October through December 2014.

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CHAPTER 1. MAIN FACTORS INFLUENCING THE HUMAN RIGHTS SITUATION

During the period under report, Belarus and the European Union kept "feeling about for" the substantial agenda for their relations. The Ministry of Foreign Affairs of the Republic of Belarus has been inviting European diplomats to inform them about problems in relations between Belarus and Russia. A number of meetings were held as a part of intergovernmental consultations on modernisation and simplification of the visa regime.

In advance of the start of functioning of the Eurasian Economic Space, economic relations between Belarus and Russia were complicated with restraints on the import of production of Belarusian companies, imposed by Russia unilaterally. This situation was used to actively and publicly criticize the Kremlin integration policy on the whole. Economic stagnation in Russia, fall in oil prices, crash of the Russian ruble resulted in uncertainty in commercial relations and increasing losses by Belarusian importers, together with growing tension in bilateral relations.¹

In the last quarter of 2014, economic situation in Belarus has become dramatically complicated against this background. The Belarusian authorities again demonstrated their readiness to take strong non-liberal measures, in order to suppress the money-market panic, that began to take shape in late December (in particular, blocking of non-state informational portals, closing of outlets that raised the prices or did not provided for the assortment minimum.)

The period under review was marked with the adoption of odious legislative acts in certain areas that affect human rights.

On December 15, the Decree #5 of the President of the Republic of Belarus was adopted on strengthening of requirements to the leading cadres and workers of organizations. The decree was adopted in order to increase the efficiency of management, to ensure appropriate labour conditions in state and private organizations, to improve quality of production (work, service), to improve selection and distribution of leading cadres.

Analysis of provisions of the Decree #5 showed that it allows executive power to interfere excessively in labour relations, expands the list of grounds for dismissal of workers, and forces employers to collect information about workers to give references for them under threat of responsibility for the heads of organizations. Many wordings of the Decree #5 are incorrect and allow arbitrary interpretations, i.e. application at discretion. The procedure of appeal against disciplinary measures of administration, inter alia in court,

¹ http://belinstitute.eu/sites/biss.newmediahost.info/files/attached-files/BISS_FPI23_2014ru.pdf



has not been defined. Opportunities of extrajudicial seizure of property were extended (return of bonus payments that have been previously made, exaction of damage done at the rate of three-month earnings etc.). In fact, it establishes unlawful (arbitrary) interference of the state into management of private property.

In December 2014 amendments, that primarily concern online resources, were introduced into the law on mass media. According to these amendments and additions, the Ministry of Information was entitled to block the access to online resources without court decision. The owners of internet resources are now bound to monitor comments of the site users. Practically all internet resources are now given the responsibilities of mass media (along with even stricter liability that is imposed on their owners extrajudicially), but no rights that the latter have. The amendments also made worse the situation of traditional mass media. Thus, the law now binds the distributors of printed and broadcasting media to register themselves in the Ministry of Information, and entitles the Ministry to deprive them of their right to distribute mass media.

In December 2014, the Ministry of Foreign Affairs held a meeting with NGOs (including Belarusian Association of Journalists, RHRPA "Belarusian Helsinki Committee", Centre for Legal Transformation) to discuss the draft of the national report of the Republic of Belarus within the framework of the second round of the Universal Periodic Review of human rights, which is carried out by the UNO. The draft of the document was presented to the invited organizations, together with the opportunity to make their remarks on it. But the representatives of unregistered human rights organizations had no opportunity to participate in the event.

In December 2014 the Ministry of Economics brought up for public discussion a draft of National strategy of sustainable socio- economic development of the Republic of Belarus for the period until 2030 (NSSD-2030). A number of non-commercial organizations made their propositions concerning the draft of this document, most of which were not taken into consideration.

CHAPTER 2. OBSERVANCE OF HUMAN RIGHTS IN BELARUS

FREEDOM OF SPEECH

In the end of 2014, the human rights situation in Belarus experienced dramatic system-level deterioration.

Amendments, introduced hastily to the law on mass media, stepped up government surveillance on internet and distribution of traditional mass media.



The following serious violations stand out among other violations of freedom of expression in Belarus in October-December 2014:

- prosecution of journalists
- a criminal case being initiated against a journalist on charges of high treason
- protracted blocking of a few independent internet mass media

Prosecution of journalists:

In the end of 2014, journalists were more frequently prosecuted on standard charges of contribution to foreign mass media without accreditation, and of participation in unauthorized actions.

Thus, in October and December, journalists were held administratively liable for six times for activity for the benefit of foreign mass media without accreditation (Hrodna journalist Andrei Mialeshka was fined twice during the quarter). Just like before, the sanctions of the section 2 of the article 22.9 of the Administrative Violations Code on violation of the mass media legislation, were applied not because of the content of their materials, but because they were published in foreign mass media. Media lawyers consider it unlawful to apply this clause to journalists.

The clause 22.9 of the Administrative Violations Code had not been applied to journalists that contribute to foreign mass media until April, 2014. But police and courts of certain regions had arbitrarily equated journalistic activity without accreditation to unlawful fabrication of mass media production. During 2014, 14 administrative actions were brought against Belarusian journalists that contributed materials to foreign media without accreditation of the Ministry of Foreign Affairs. 10 of these actions resulted in journalists being fined 30 to 40 base values (€350 to €450) each. One more case will be considered in 2015, and three more cases were dismissed because of expiry of liability.

In November, seven journalists and activists were held administratively liable for taking their pictures against the background of an old city building with a well-known graffiti of cages with birds made of newspapers flying out of them, on November 5. This action was held in support of the action day "Stand Up For Journalism", organized by The European Federation of Journalists. The photos were published on different sites, this fact becoming the ground for repressions. Six participants of the photo shoot were charged of participation in an unsanctioned action of and fined 18 to 25 base values (€200 to €250) each; one more participant of the photo shoot was arrested for 3 days.



Mikhail Karnevich, a Hrodna reporter of Radio Freedom, who had been officially accredited in Belarus, was fined 15 base values (approximately €150) on the same charges. His running commentary on an event dedicated to the memory of Kastus Kalinouski, a historical hero of Belarus, was equated to the participation in an unsanctioned event. The police report contains the wording "[he] was located by the monument and was moving being a part of an organized group".

The total amount of the fines exacted from journalists who contribute to foreign mass media in 2014 was Br52 million 50 thousand, which is equivalent to almost €4 thousand. The journalists charged of participation in unsanctioned actions were fined Br21 million 450 thousand (more than €1500) during the year. Br25,5 million of fines were exacted from distributors of printed media for unlawful distribution of production of mass media (idem section 2 art.22.9 of the Administrative Violations Code).

Initiation of a criminal case against a journalist on charges of high treason:

On November 25, Belarusian special services detained Aliaksandr Alesin, a military expert and a reviewer of the newspaper *Belarusians and Market*. This fact became known only in early December, but the State Security Committee (KGB) did not disclose either the reasons of his detention, or his location. Later it became known that he was in the preproceedings detention centre of the KGB. On December 8 relatives of Aliaksandr Alesin informed that he had been charged of high treason (art.356 of the Criminal Code), and establishment of cooperation with a special security service or intelligence agency of a foreign state (art.356-1).

According to the relatives, the main person involved into case is not the reporter, but an undisclosed foreign diplomat.

On December 10 Aliaksandr Alesin was released on his own recognizance not to leave the jurisdiction. He informed that he had been cleared of charge of high treason, and now he is charged only of cooperation with foreign special service.

After being released Aliaksandr Alesin said that he used only open sources in his work.

Introduction of amendments into the law on mass media

In December 2014, the authorities introduced urgently amendments into the law on mass media, concerning primarily online resources. The lower house of the National Assembly of Belarus adopted them in two readings at a time on December 17, the upper house adopted them on December 18, and the president signed the amended law on December 20. It will come into effect on January 1, 2015.



According to this document, the Ministry of Information acquired a right to block the access to online resources without court decision. The owners of internet resources are now bound to monitor comments of the site users. Practically all internet resources are now given the responsibilities of mass media (along with even stricter liability that is imposed on their owners extrajudicially), but no rights that the latter have.

The amendments also made worse the situation of traditional mass media. Thus, the law now binds the distributors of printed and broadcasting media to register themselves in the Ministry of Information, and entitles the Ministry to deprive them of their right to distribute mass media.

"These amendments are based on indefinitely formulated legal regulations and give broad rights to interfere into publishing of any information in internet to the state," says the appeal of the OSCE Representative on Freedom of the Media to the Belarusian government. "They also impose functions of quasi-censorship on information distributors".

Blocking of independent online media:

The blocking of online mass media of unprecedented scale and duration started on December 19. With no reason given, Belarusian users were restricted to access to three sites of the registered informational company Belapan (belapan.com, belapan.by and naviny.by) as well as to belaruspartisan.org, charter97.org, udf.by, 21.by, gazetaby.com, zautra.by, and some other internet resources.

The state took responsibility for blocking in one case only, charging the portal onliner.by with the violation of internet trade rules. Nevertheless, according to information received, the sites were blocked by Beltelecom (state telecommunication company that runs the broadband access service). Some sites were inaccessible until the end of 2014, and even in early 2015.

In all likelihood, such serious attack was caused by the dramatic leap of interest of Belarusians in objective information owing to another exchange crisis in the country.

FREEDOM OF ASSEMBLY

An established negative practice of persecution of socio-political activists in a variety of ways, including administrative prosecution, for holding and participating in peaceful assemblies without the sanction of authorities, as well as of prohibition of peaceful assemblies, continued during the period under review.

As before, the tendency continues of authorities to impose artificial restrictions on the lawful right of the nationals to assembly. During the period under review, in most cases, local authorities did not granted permission to hold mass events, if they were organized by



public activists or activists of political parties, as well as human right activists. The list of grounds for denial usually included the absence of contracts for cleaning the area, medical service, and maintenance of a public order during the event. At the same time relevant organizations refused to make such advance contracts on a number of occasions.

During the period under review a tendency developed to hold the nationals administratively liable for carrying out unsanctioned events, because they were distributing printed materials or carrying out street photo shoots. Such broad interpretation of the law of the Republic of Belarus on mass events is a cause for grave concern.

In this year, even traditional processions carried out by the Conservative Christian Party of Belarusian Popular Front on the commemoration day "Dziady" each November, resulted in Yuri Belenki, the deputy chairman of the party and organizer of these processions, being held administratively liable. He was held administratively liable for three times for the violations of procedure of organization of processions, which manifested themselves, in court's judgement, in security measures being not coordinated with the law enforcement officers when the aforementioned processions were carried out. It should be noted, that according to observers of HRC "Viasna" and RHRPA "Belarusian Helsinki Committee", the processions were carried out in strict compliance with the permission granted by the Minsk city executive committee, and no violations of public order were recorded during them by its organizers and participants. Maintenance of a public order during mass events pertains to exclusive competence of police and is positive obligations of the state to provide implementation of right to peaceful assemblies. These obligations, though, were not fulfilled by the law enforcement bodies.

Consideration of administrative cases after events that took place during the Commemoration day of the insurgents of 1863 uprising

On December 4 Vitaliy Huliak, who was present at the Commemoration day of the insurgents of 1863, which was being carried out in Svislach and Yakushouka, was fined on charge of "participation in an unsanctioned mass event". The charge was based on the report on administrative offence drawn up in Svislach regional department of the Ministry of Internal Affairs. That day Vitaliy Huliak did not hold any symbols in his hands, did not shout any slogans, and was not disturbing the peace in any way. Yuri Yakimovich, the judge of Valkavysk district court, fined him 20 base values (about €220) practically for the presence at the Commemoration day in Svislach itself.

On December 4, administrative case of Aliaksandr Mekh was considered in the Kobrin district court. He was also charged of participation in an unsanctioned mass event, the Commemoration day of the insurgents of 1863. Petr Tsimashenka, the deputy chairman of Kobrin district court, who held the proceedings, satisfied a motion of Aliaksandr Mokh to



call policemen, who had witnessed against him, to the proceedings. They had drawn the report up in Aleksander Mokh's absence, and it contained actual errors. According to Aliaksandr Mokh, he did not know those policemen, who witnessed against him, and learned their surnames in Kobrin regional department of the Ministry of Internal Affairs when he was learning case materials. Their explanations say that they recognized old members of Belarusian Popular Front Party, though neither Ales nor Anton, his 17-year-old son (a report was drawn on him too), are members of the party. On December 11, Petr Tsimoshenka found Aliaksandr Mokh guilty of participating in unsanctioned mass events and fined him 10 base values (about €100).

On December 8, Svislach district court fined Uladzimir Prudnikau, a member of the United Civil Party, 10 base values. He was charged of participation in unsanctioned mass event in Svislach on October 26. The administrative proceedings were held by Aliaksandr Shylin, the chairman of Svislach district court.

On December 15, Kanstantsin Dzmitryeu, a member of the United Civil Party from Aziory, was fined for participation in the Commemoration day in Svislach. The consideration of the case resulted in him being fined 10 base values.

On December 16, Aliaksandr Shylin, the chairman of Svislach district court, fined Aliaksandra Vasilevich, the chairwoman of Hrodna region organization of the United Civil Party, 25 base values (about E250).

On December 23, Shklou district court fined Hryhory Kastusiou, the deputy chairman of the Belarusian Popular Front Party, 25 base values for participation in the Commemoration day of the insurgents of 1863. The case was considered by Sviatlana Barantsava, a judge. Hryhory Kastusiou did not admit his guilt of the commission of administrative offence. In his statement he noted that neither participation in the funeral of public activist Viktor Dziasiatsik, nor laying flowers on the monuments nor lighting of candles beside it, could be an offence. Thus Hryhory Kastusiou became the twelfth man who was fined for being present at the Commemoration day of the insurgents of 1863 in Svislach and Yakushouka, and also at the funeral of local public activist Viktor Dziasiatsik.

On December 25, administrative proceedings against four men, who had been present at the Commemoration day of the insurgents of 1863 in Svislach on December 26, 2014, were held in Hrodna. The court fined Uladzimir Khilmanovich, a publicist and human rights activist, and Jerzy Grygencz, an activist of the United Civil Party, 35 base values (about €300) each for participation in unsanctioned event. Mikhail Karnevich, a reporter of the Radio Freedom, and Vitali Lapasau, an activist of the United Civil Party, were fined 15 base values (about €150) each.

Consideration of administrative offence cases after the commemoration day "Dziady"



Minsk district court found Yuri Belenki, the deputy chairman of the Conservative Christian Party of Belarusian Popular Front, guilty of the violation of procedure of a mass event, a procession and meeting that had been held in Kurapaty on November 2. The court considered 3 administrative offence records drawn up for organization of the meeting and procession to Kurapaty and Loshytski Yar on November 2 and 9 (both events had been sanctioned by the authorities). Yuri Belenki was fined 25 base values (about €250).

When speaking about artificial limitation of the right of the nationals to freedom of assembly and meetings, one of the most vivid and characteristic examples of it during the period under review would be prohibition of a picket in Babruisk. Members of Babruisk organization of the United Civil Party were denied permission to hold pickets against a Russian military base being deployed there. The organizers stated the stadium "Slavianka" as an area where the picket would be held, as it is the only area in Babruisk that has been fixed as suitable for holding pickets by the local city executive committee. Aliaksandr Markachou, the deputy chairman of Babruisk city executive committee, referred in his denial to the fact that Open Football Championship of the local Youth Sports School was going to be held there at that time. After the denial activists filed another application for other dates, November 30 to December 4. Halina Smirnova, an activist, even visited the stadium to watch the football championship. According to Halina Smirnova, no competition was held there at that time: an announcement was placed on the door of the complex running that the Open Football Championship of the local Youth Sports School, which was to be held on 20-24 of November, was carried over till November 20 - December 4 because of weather conditions, i.e. the dates which had been stated in the second application filed by the activists.

An established negative tendency continues to deny permission for single pickets or any other mass events, as well as to draw up administrative reports for expression of support to Ukraine by Belarusian nationals, or for expressing opinions about situation concerning Ukrainian events.

Thus, the Moscow district court of Minsk did not recognize as justified and dismissed the complaint of Uladzimir Andrienko about the decision of the Minsk city executive committee, which had denied him permission to hold a single picket in solidarity with Ukraine by the Russian Federation embassy. It should be noted that Ihar Karnienka, the deputy chairman of the Minsk city executive committee, grounded his decision on the statement that the single picket would not facilitate preservation of improvement and greenery, would disturb pedestrian traffic, and would not facilitate the execution of traffic regulations. Uralski, the representative of the Minsk city executive committee, supplemented these statements in court with the following requirements to the applicant: he had had to attach a map to his application, with the spot he would be staying on being marked, as well as to make contracts with police and other structures in advance. He also



should have adjusted himself to weather conditions, as they are also taken into consideration when the decision is being made whether to deny or grant permission to hold a picket.

On December 15, Central district court of Minsk held Aliaksei Shubara administratively liable and sentenced him to seven days of administrative detention. Natallia Vaitsiakhovich, the judge, found him guilty of violation of the article 23.34 of the Administrative Violations Code of the Republic of Belarus (violation of the procedure of mass events). Aliaksei Shubara, an activist of the public association "Alternative", was holding a single picket with a white-red-white flag, holding a poster in his hands that ran "People, Putin should be stopped urgently" and "No to world war", in this way protesting against the policy of Russia's president and fomentation of the World War III.

On December 22, the Svetlahorsk district court considered the case of Yuri Liashenko, a wheelchair-bound disabled person in the first degree. Iryna Liashenko, the judge, found him guilty of violation of procedure of mass events (art. 23.34 of the Administrative Violations Code of the Republic of Belarus). He was fined 2 base values (about €20). The decision of the court was grounded mainly on the fact that Yuri Liashenko had held his picket in less than 50 metres from the executive committee building.

On November 25, a Homel resident tried to hold a picket by the building of the district executive committee in defense of rights of disabled persons. The district executive committee denied the permission to hold this mass event.

As for persecution of socio-political activists for holding and participation in peaceful assemblies without the sanction of the authorities, an incident with Andrei Haidukou should be attributed to it. Thus, Uladzimir Biasetski, the judge of Polatsk city court, found the former political prisoner guilty of violation of the clause 23.34 of the Administrative Violations Code of the Republic of Belarus, and sentenced him to 10 days of administrative detention for "holding unsanctioned picket with leaflets being distributed".

The incident that was considered in court, happened in Polatsk on November 24, 2014. Together with Andrei Haidukou, Anton Paulau, who had been taking pictures of the action, was detained. Both of them were taken to police station and forced to delete all the pictures. An administrative offence report was drawn up on Andrei Haidukou. After the 10-day detention he was taken to Navapolatsk city court, where he was sentenced to 5 more days of administrative detention for violation of cl.23.34 of the Administrative Violations Code of the Republic of Belarus (violation of procedure of a mass event).

On December 18, a sitting of the Babruisk city court was held, where the case of the Belarusian Free Trade-union members Aliaksandr Varankin, Mikalai Zhybul, Aliaksandr Hramyka, and Aleh Shauchenka, who had been fired from the Babruisk plant of tractor



parts and units, was considered. They were charged of participation in an unsanctioned mass event, a hunger strike they had held. Police officer, who was on duty in the building of the city executive committee on the day of the hunger strike, a security guard, and the deputy chief of the security guard of the plant were called to court to witness. The judge asked the witnesses whether they had seen the accused passing through the clockhouse during the hunger strike, and they confirmed that they had. They also noted that the participants of the hunger strike had had no posters, and that they had shouted no slogans. Aliaksandr Varankin, Mikalai Zhybul, Aliaksandr Hramyka, and Aleh Shauchenka did not admit their guilt. The only statement they agreed with was that they had not taken permission to hold the hunger strike from the city executive committee. They explained to the judge that it was a gesture of despair after being fired. The judge noted that the hunger strike had drawn a wide response from the society, so she fined each of the accused 7 base values (about €80).

On December 20, the Moscow district court of Minsk considered a case of Volha Mikalaichyk, who was charged of participation in an unsanctioned mass event. Volha Mikalaichyk had been detained by the Red Church in the evening of December 19. She had been shooting the commemoration action devoted to the events of December 19, 2010, that had been held there. Nina Bahinskaya, an activist, had raised a white-red-white flag. When she had been detained, Volha Mikalaichyk had stood up for her. It had resulted in that Nina Bahinskaya had been released, and Volha had been detained. The judge fined Volha Mikalaichyk 15 base values (about €150).

The Chyhunachny district court of Vitsebsk found participants of photo shoot against a graffiti guilty of "participation in an unsanctioned picket".

Thus, on December 3, the Chyhunachny district court of Vitsebsk even sentenced Petr Berlinau, a passing pedestrian who had joined the participants of the photo shoot, to three days of administrative detention.

The following events from among those that happened during the period under review can be ascribed to positive ones.

Siarhei Housha, a human rights activist, managed to change the decision concerning the procedure of mass events in Baranavichi thanks to the complaint that was filed to Brest region executive committee. It follows from the letter, which he has received from Baranavichy city executive committee; the letter was signed by the deputy chairman D. Kastsiukevich.

It should be reminded that the Baranavichy city executive committee has groundlessly required that the nationals should make contracts with law enforcement bodies to hold a mass event. It contradicts the resolution of the Council of Ministers,



according to which an executive committee should provide a copy of such application to the law enforcement bodies the next day after it has been registered; this resolution has not been implemented in Baranavichy.

On November 20, it became known that the United Nations Human Rights Committee acknowledged numerous violations of the right to peaceful assembly and freedom of expression of Uladzimir Niapomniashchykh, a Homel activist of the United Civil Party. One of the episodes mentioned in the application was the "silent action" that was held in Homel in summer 2011. The activist took part in the action on one of the city squares, calling the nationals to take part in the street procession. Uladzimir Niapomniashchykh was charged of violation of the law of the Republic of Belarus on mass events. The Chyhunachny district court of Homel imposed a big fine on him.

The second episode happened on October 7, 2011, when the oppositionist was distributing leaflets among the resident of Homel; these leaflets called to participate in the National Assembly, which was held on initiative of local democrats to discuss socio-economic situation in the country. Alena Tsalkova, a judge of the Central district of Homel, also imposed a big fine on him.

It became known to the public, that the United Nations Human Rights Committee had also acknowledged the violation of right to peaceful assembly and right to information of Siarhei Lazenka, a member of the Belarusian Popular Front Party. He was detained in August 2007, and held administratively liable for unsanctioned mass event, i.e. meeting of the city organization of the party in its office in Brest. 24 other people were detained besides Siarhei Lazenka. Most of them were fined; Pavel Seviarynets and Andrei Sharenda were sentenced to administrative detentions.

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

During the period under review Educational institution Legal Transformation Centre faced serious pressure. On October 29, the permit for permanent residency in Belarus given to Elena Tonkacheva, a national of the Russian Federation, the Chairwoman of the board of the Legal Transformation Centre, was terminated. On November 5, department of internal affairs of administration of the Pershamaiski district of Minsk decided to deport the human rights activist from Belarus and exclude her for next three years. Termination of the residence permit and deportation were justified with the fact that the car that belongs to Elena Tonkacheva, had slightly exceeded the speed-limit, this incident being recorded with video cameras. Higher authorities refused to satisfy the complaint of the human rights activist, so she lodged a complaint to court. Execution of the decision to deport Elena Tonkacheva was suspended until January 24, 2015, i.e. for the duration of appeal. Members



of Belarusian civil society and of some of international organizations link the deportation of Elena Tonkacheva with her professional activity, and consider it be a form of politically motivated pressure on a well-known human rights organization. Elena Tonkacheva and her organization have been providing professional expert support to non-commercial organizations in Belarus, as well as when human rights were violated.

In October, the Main Department of Justice of Mahiliou region registered a new legal address of the Public Association Mahiliou Human Rights Centre. On this ground, the regional court terminated the process of suspension of activity of a single registered human rights association in the region that had already been started. It should be noted that the registering body has been regularly expressing its claims to the legal address of the Mahiliou Human Rights Centre. The human rights activists link the problems with the legal address, which they had in 2014, with the pressure on the owner of the premises: the lessor was alleging that renting the premises to the human rights centre was causing recurring inspections and pressure from controlling and inspecting bodies.

During the period under review, organs of justice registered 15 public associations (7 of them were sport ones), 2 funds, and 12 non-state institutions.

On the whole, according to the data provided by the Legal Transformation Centre and The Assembly of Pro-Democratic NGOs of Belarus, 84 public associations, 12 funds and 40 non-state institutions were registered during 2014. These data will be made more precise after the Ministry of Justice publishes the official statistics of the activity of registering bodies in 2014. However, it can already be said that, in comparison with 2013, the number of newly registered non-commercial organizations remained approximately the same as the indices of 2013, but the number of new public associations registered in 2013 and 2014, herewith, is substantially lesser than the indices of 2010-2012, when more than a hundred of new public associations were registered annually.

On November 4, the Hrodna region court dismissed the complaint on the decision of Department of Justice of Hrodna regional executive committee to deny registration of the public cultural educational association "Heritage" (Spadchyna). The denial was grounded on claims to the legal address of the organization. It is the second denial of registration of this public association.

On December 25, the nongovernmental organization "Our Generation" stated that malefactors had hacked its email account and changed passwords to the site of the organization; besides, they had been distributing information and carried on correspondence in the name of "Our Generation". In its judgement, these actions inflicted irreparable harm on its business reputation and lead to disruption of events that had been arranged before. The aforementioned developments took place during the period when the access to certain informational sites in Belarus was disrupted.



On November 30, provisions concerning electronic state registration of business entities came into force. These provisions were provided by the decree #197 of the Ministry of Justice of the Republic of Belarus of September 19, 2014 on certain issues of state registration of business entities and introduction of alterations and amendments to enactments of the Ministry of Justice of the Republic of Belarus #8 of January 27, 2009, and #25 of March 10, 2009. New procedure allows to register institutions and organizations, as well as to approve their names, by electronic submission of documents. But funds and public associations, which are still registered according to a special procedure, should still be registered exclusively by means of personal submission of documents.

According to Enactment of the Council of Ministers of December 19, 2014, the rate of base value increases for 20% from Br150 thousand to Br180 thousand since January 1. This means that state dues, that should be paid while submitting documents for registration of a noncommercial organization or filing a statement of claim or a complaint to court, fines, asset contributions required to create and run the fund, have increased for 20% accordingly.

On November 6, a written warning was made to Aliaksandr Khrapko, a member of the unregistered party Belarusian Christian Democracy who lives in Brest. The document runs that the public prosecutor's office has analyzed the information about Khranko's participation in the activity of an unregistered political party, provided by the Brest department of the State Security Committee. According to the psections 2 art.7 of the law on political parties, the warning runs, activity of an unregistered political party is prohibited in Belarus, so participation in such an activity contradicts legal requirements to political parties. It follows from this warning that in case Aliaksandr Khrapko keeps violating the procedure of participation in political party's activity, he may be brought to statutory account.

In October the Supreme Court dismissed the complaint of Aliaksandr Kuzmin, a member of the "Tell the Truth" campaign from Belaziorsk, who had asked to reverse court decision concerning the competence of a written warning that he had received from Biaroza public prosecutor's office on charge of activity as a member of unregistered organization (art. 193-1 of the Criminal Code). Aliaksandr Kuzmin received his warning in March 2013 from the persecutor of Biaroza district.

On January 14, the State Security Committee informed that 20 Salafi Muslims had been arrested when they were carrying out religious rites in a wood near Minsk in late 2014. The arrest was grounded on the statement that religion of this group is based on jihad and non-acceptance of any other religions except Islam. According to statements of the special services, 8 foreign nationals, that had been arrested there for violation of Belarusian legislation, were deported from Belarus, and Belarusian nationals were



informed about the responsibility for the possible violation of the legislation on religious organizations activity, in compliance with the law of the Republic of Belarus on principles of prevention of delinquency.

ADMINISTRATION OF JUSTICE

On December 23, the Plenary of the Supreme Court issued the decree #18 on how courts should apply legislation on recognition and execution of foreign courts judgements and arbitral awards². As its preamble runs, this decree was issued to ensure the unity of legal practice of application of international treaties and to improve administration of justice during the consideration of cases concerning recognition and execution of judgements, delivered by foreign courts or arbitrages (arbitral courts), in the Republic of Belarus by courts of general jurisdiction of the Republic of Belarus.

The Plenary of the Supreme Court paid attention of courts to the fact that the strict observance of procedure and terms of consideration of motions for recognition and permit to execute compulsory judgements, delivered by foreign courts or arbitrages (arbitral courts), as well as of applications for recognition and execution of judgements, delivered by foreign courts or arbitrages (arbitral courts), in the Republic of Belarus, promotes the improvement of international authority of the country, guarantees execution of international obligations in the field of protection of rights of nationals and organizations.

According to Andrei Zabara, the Deputy Chairman of the Supreme Court of the Republic of Belarus, the chairman of the civil cases commission, "so long as courts, regardless of the sphere of legal procedure, function in the context of the united judicial system, the need to give them certain universal recommendations concerning the recognition and execution of judgements, delivered by foreign courts, cannot be put off. Thus it will ensure the unity of legal practice of application of international treaties, which will certainly have positive impact on administration of justice on cases of this kind"³.

During the period under review, information was published on the site of the Supreme Court of the Republic of Belarus, that a bill was submitted for consideration to the Administration of President of the Republic of Belarus, which introduces amendments into the current legislation on procedure of appeal against decisions of courts of original jurisdiction. The article published on the official site of the Supreme Court of the Republic of Belarus, accentuates that the Supreme Court comes out for vesting courts of appellate jurisdiction with wider authorities during the revision of a sentence. According to Valery Kalinkavich, the Deputy Chairman of the Supreme Court, it will greatly reduce the number of cases directed to the courts of general jurisdiction for reconsideration. He stated that on

² <http://www.pravo.by/main.aspx?guid=12551&p0=S21400018&p1=1>

³ http://court.by/justice/press_office/bb974845d59da246.html



the Legal and Judicial Activity Council under the President of the Republic of Belarus in late November, 2014.

It is supposed that courts of appellate jurisdiction will be vested with authority to examine evidences. Courts will be entitled to examine both evidences which are present in the case but have not got legal evaluation in the judgement, and new ones (for example, expert's statement, even if no expertise was carried out in the court of general jurisdiction). A conclusion is drawn in the article, that such novels will optimize legal procedure, and make it faster and more effective.⁴

During the period under review, courts, unfortunately, kept passing politically motivated judgements. It primarily concerns administrative offence cases against public activists (see the section about freedom of assembly).

A new political prisoner appeared in the country during the period under review, Yuri Rubtsou. On October 6, Natallia Vaitsekhovich, a judge of the Central district court of Minsk, found him guilty of abuse of a judge or a people's assessor (article 391 of the Criminal Code), and sentenced him to two years and a half of limitation of freedom in an open-type facility. As a result of amnesty, this term was reduced for a year.

Criminal prosecution of Yuri Rubtsou is related to his arbitrary detention during the sanctioned peaceful meeting "Chernobyl Way" on April 28, 2014. Kiryl Paluliokh, a judge of the Soviet district court of Minsk, sentenced him to 25 days of administrative detention for an inscription "Lukashenko, go away!" on his T-shirt. According to the charge, Yuri Rubtsou made derogatory remarks in regard of Kiryl Paluliokh during the proceedings. It is important to note that Yuri Rubtsou was naked up to the waist when he was brought to the court, his appearance insulting his human dignity, and the judge took no steps to protect his rights, as well as to give him spectacles to learn the case materials. Actions of the judge clearly contradicted to the Code of the republic of Belarus on judicial system and status of judges, as well as to the Code of Honour of Judges of the Republic of Belarus. As a result of gross violation of his rights, Yuri Rubtsou expressed his disapproval and protest, calling such judicial proceedings "Star chamber", and judges, who pass unlawful judgements, "bastards". These words were interpreted as statements levelled at Kiryl Paluliokh personally; at the same time the judge rejected remarks to court records, made by Yuri Rubtsou, as ungrounded.

The judgement was grounded exclusively on police officers' statements (including those who had "witnessed" during the proceedings on April 28), the secretary of the judicial sitting, and Kiryl Paluliokh himself. The advocate of Yuri Rubtsou, who participated in legal investigation as his defender on April 28, was not interrogated either during the

⁴ http://www.court.by/justice/press_office/d4704d0c0f28deae.html



previous investigation, or during the court examination of this case. There were no procedural impediments that could prevent the advocate from being interrogated as a witness, according to the effective criminally-remedial legislation.

On November 21, Minsk city court dismissed an appeal filed by Yuri Rubtsou against the judgement of the court of general jurisdiction.