

# David Miliband on Responsibility to Applaud

The UK Foreign Secretary David Miliband singled out Belarus in his introduction to the Foreign Office's Annual Report on Human Rights 2009. According to Mr Miliband, human rights defenders protest against injustice in Belarus and "we have a responsibility to applaud these efforts, and to support them by challenging the notion that human rights depend on culture and circumstance." Although not as comprehensive as the US State Department [report](#), the Foreign Office summarises well the most pressing problems in Belarus such as detention of political activists, prosecution of unregistered organisations and pressure against journalists and Protestant churches.

Unlike the US report, it highlights that Belarus is the only country in Europe which still applies death penalty. What the British foreign service could borrow from their United States colleagues is making their report more user-friendly on internet. Currently, it is only available in English as one pdf file for all countries. This makes coping and sharing the report very difficult. The US Embassy usually promptly publishes Belarusian or Russian-version report on their web site while the Belarusian version of the website of the British Embassy in Minsk has not been updated since October 2009. The Belarus section of the report is as follows:

The positive trend that began when Belarus released three political prisoners in August 2008 has continued, and there have been small but welcome improvements in the course of 2009. But the Belarusian authorities continue to harass civil society, NGOs, religious organisations and the independent media, using administrative powers to restrict their activities. In 2009, we continued our policy of engaging with Belarus through the EU. Belarus has played an active and constructive role in the multilateral part of the EU's Eastern

Partnership launched in May. The Partnership is a long-term programme designed to promote democracy and good governance; strengthen energy security; promote environment protection; encourage people-to-people contacts; support economic and social development; and offer additional funding for projects to reduce socio-economic imbalances and increase stability. However, we have been concerned about Tatsyana Shaputska, a law student at Belarus State University, and the press secretary for the youth organisation, Malady Front, who was expelled from university after taking part in the EU's Eastern Partnership Forum on Civil Society in Brussels in November. Although the Dean of the Law Faculty said that she had been expelled for being in Brussels without permission, civil society activists argue that her participation in the Forum on Civil Society was a more likely reason. We and EU colleagues are following developments closely. The EU and Belarus held the first round of a Human Rights Dialogue in June.

Discussion focused in particular on freedom of assembly and association, including labour rights; freedom of expression and information; freedom of thought, conscience and religion; combating different forms of intolerance and hate crimes; the rights of migrants and persons belonging to minorities; combating trafficking of human beings; the protection of different vulnerable groups; situations in prisons and detention facilities; and the death penalty. Although it will take time to produce meaningful results, the willingness of the Belarusian authorities to take part in this Dialogue is welcome. In 2009, along with EU partners, we agreed to retain the policy of suspended travel restrictions. We were disappointed that Belarus did not make enough progress on human rights for us to be able to remove sanctions entirely. The five areas that the EU will focus on when we review this policy in October 2010 are political prisoners and politically motivated criminal prosecution; liberalisation of the media environment; reform of the election code; conditions for work of NGOs; and freedom of assembly and political association.

Belarus plans to hold local elections in spring 2010, and will hold a Presidential election before February 2011.

These are important opportunities for the authorities to demonstrate a commitment to improving the level of democracy.

We welcome the dialogue that has been maintained with the OSCE's Office for Democratic Institutions and Human Rights (ODIHR) following the Parliamentary elections in September 2008, and look forward to seeing more information about the proposed reform of the electoral code. However, we were disappointed that an important change – the right of observers to view the ballot papers as they are counted – was not included in the proposed reforms. Freedom of Association and Assembly We remain concerned about the continued harassment of those who exercise their right to peaceful assembly. Although there has been a decrease in cases of administrative arrests against democratic activists during public political events, administrative fines for taking part in non-sanctioned events are still quite common. The authorities grant permission to very few demonstrations. The excessive use of violence by the police and special troops against peaceful demonstrators continues to occur. Particularly worrying are reports towards the end of 2009 from activists of "mock kidnappings". A number of activists say that they have been forced into a car, threatened and beaten, had their mobile phones taken and are then released in remote locations. They suspect the security services of being behind these incidents. We are monitoring this new development closely, and have raised our concerns with the Belarusian authorities. NGOs, political parties and trades unions also continue to face harassment. Expensive registration fees and excessive legal requirements are basic obstacles to NGO activity. NGOs can find it difficult to rent property for meetings, and individuals who sign up in support of organisations report that they receive threatening phone calls encouraging them to withdraw their names. Any organisation independent of the government is perceived by the

authorities as a threat. Registration is frequently rejected for minor irregularities in applications, including spelling mistakes and for criminal convictions of founding members – even when those convictions relate to their activity on behalf of the organisation they are attempting to register. Nasha Vyasna (Our Spring), an internationally respected human rights organisation, was refused registration for the third time in 2009.

Political parties are also subject to these laws – the Christian Democratic Party, the Party of Freedom and Progress, and the Belarusian Party of Working People were all refused registration in 2009. No new political party has been registered since 2000. In December 2005, Article 193-1 was added to the Criminal Code as part of a series of amendments that provided for harsh punishment “for activities directed against people and public security”. Belarusian human rights defenders and international human rights organisations have condemned this article, arguing that it was being used to apply pressure to activists and discourage them from supporting organisations that had not been able to register.

In November, the authorities suggested they would make it an administrative, rather than a criminal, offence to act in the name of a nonregistered organisation, punishable by a fine rather than prison. While we welcome this step, it only partially addresses the problems faced by NGOs. Protestant churches continue to face a difficult environment. The most high-profile of these is the New Life Church, which in December lost its appeal against a decision to evict it from its current property on the grounds that the building, a renovated cowshed, did not have approval for use as a church. It is illegal for religious organisations to rent property in which to worship. Our Embassy in Minsk works closely with EU partners to raise our concerns about human rights issues with the Belarusian authorities. We maintain regular contact with civil society organisations devoted to human and civil rights,

and observe their public demonstrations and court cases.

**Freedom of Expression** The Belarusian state controls all media outlets, meaning that only officially approved views are heard by most of society. Independent journalists are still frequently harassed. The Polish-based TV and radio stations Belsat and Radio Ratsyja have been unable to accredit their correspondents in Belarus, and journalists working for these organisations have received official warnings from the Prosecutor's Offices and the KGB. There are some signs of change. A number of independent newspapers have been given access to state-run distribution. This includes Norodnaya Volya and Nasha Niva in November 2008, and the local Bobrujski Kurier and Volnaje Hlybokae in July. European Radio for Belarus has received permission to open a correspondent's office for a year. Access to the internet is controlled through the monopoly of the national company Beltelkom, and strict rules are imposed on owners of internet cafés who are obliged to report when users visit banned websites. A more restrictive media law introduced in 2008 has not had any effect on internet access so far, although it remains possible that it will have some impact in future, particularly in the run-up to elections in 2010 and 2011.

**Disappearances** 2009 marked the 10th anniversary of the disappearance of three opposition representatives, Yuri Zakharenko, former Minister of the Interior, Victor Gonchar, former Vice-President of the Belarusian Parliament, and businessman Anatoly Krasovski. The Belarusian authorities have failed to open an independent investigation into these disappearances. We support the efforts of activists in Belarus to maintain public awareness of the disappearances, including through a monthly Day of Solidarity since 16 September 2005, the anniversary of the 1999 disappearance of Gonchar and Krasovski. Although the EU suspended most of the travel restrictions on the Belarusian authorities in 2008, we have maintained restrictions on four people identified by the

Council of Europe's 2004 Pourgourides Report as key actors in the disappearances and the cover-up that followed.

**Death Penalty** Belarus continues to use the death penalty. EU Member States are working with local and international NGOs to promote public debate, and publicise EU views on the death penalty. We continue to urge Belarus to abolish the death penalty or, as an initial measure, to introduce a moratorium. The Council of Europe (CoE) information point in Minsk has launched a campaign against the death penalty. During a visit in December, Jean-Louis Laurens, the CoE's Director-General for democracy and political affairs argued that no referendum was needed for the introduction of a moratorium, and expressed the hope that no executions would take place for the duration of the campaign. We support the CoE Parliamentary Assembly decision to offer Belarus honorary membership of the Council only after a moratorium is declared. There are some positive signs. A referendum in 1996 found that 80 per cent of the population were in favour of the death penalty. Encouragingly, independent polling in September found that 55 per cent of people supported abolition. In November, President Lukashenko pledged that an information campaign would be launched to discuss the death penalty, which we hope will lead to a national moratorium.

**Politically Motivated Detention** In May, Amnesty International announced that they considered 11 young people to be prisoners of conscience. They are currently serving sentences of restricted freedom after participating in a peaceful demonstration in January 2008. We are also concerned about the cases of other activists not recognised as prisoners of conscience. We welcomed the release from prison of Yury Lyavonau in August. But Mikalai Autukhovich and Uladzimir Asipenka remain in pre-trial detention since their arrest on 8 February. We welcome indications from the authorities that their trials will be open, but are urging that these take place as soon as possible.

Read full Annual Report on Human Rights 2009 [here](#).

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## Putin's Aide: Don't Throw Flames on Russia-Belarus Oil Talks



The Russia-Belarus oil disputes continues as Belarus authorities struggle to retain a larger share of the duty-free oil imports. However, Russia seems to be determined to keep a larger share of the pie despite the reputation damage, which the dispute has already caused. The duty-free oil shop is likely to remain open only for Belarusian domestic customers, but no longer for those re-selling Russian oil to the West.

Yesterday, Vladimir Putin's press secretary Dmitry Peskov urged not to throw flames on Russia-Belarus oil talks. But he explained on [the pages of the Washington Post](#) that Russia is determined to cut the luctative oil refining business of the Belarus regime:

*The so-called "dispute" between Russia and Belarus is in reality an ongoing negotiation between supplier and customer. For years, Russia subsidized Belarus by providing deep discounts for oil. This discounted oil was used not only for Belarus's domestic needs, but considerable amounts of it were refined in Belarus and exported to European markets at the real market price.*

Although Belarus and Russia continue to declare that the dispute will not affect deliveries to Europe, there are serious reasons to worry. According to Reuters, Russia has already told oil firms to re-route some flows scheduled for Belarussian refineries to the Polish port of Gdansk as Moscow and Minsk struggle to agree a new supply deal.

If the oil flows via Belarus stop, Poland and Germany, the largest European economy, are likely to be seriously affected. The stakes are high, because according to the International Energy Agency:

*Poland received 385,000 barrels a day, or 93 percent of its oil imports last year, through Druzhba's northern branch, while Germany got from 300,000 to 400,000 barrels a day, or as much as 20 percent of its imports, via the link.*

Read Bloomberg's material on this issue at [Blumberg.com](http://Blumberg.com).

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## **Obama Administration is Committed to Putting Pressure on Belarus Authorities**



The first move of Obama administration towards Belarus seems to be in line with the U.S. policy of putting pressure on Belarus for violations of human rights and democratic principles. Below is the notice communicated by the Office of the Press Secretary of the White House:



NOTICE

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**CONTINUATION OF THE NATIONAL EMERGENCY WITH RESPECT TO THE  
ACTIONS AND POLICIES OF CERTAIN MEMBERS OF THE GOVERNMENT  
OF BELARUS AND OTHER PERSONS THAT UNDERMINE DEMOCRATIC  
PROCESSES OR INSTITUTIONS IN BELARUS**

On June 16, 2006, by Executive Order 13405, the President declared a national emergency and ordered related measures blocking the property of certain persons undermining democratic processes or institutions in Belarus, pursuant to the International Emergency Economic Powers Act (50 U.S.C. 1701-1706). The President took this action to deal with the unusual and extraordinary threat to the national security and foreign policy of the United States constituted by the actions and policies of certain members of the Government of Belarus and other persons that have undermined democratic processes or institutions; committed human rights abuses related to political repression, including detentions and disappearances; and engaged in public corruption, including by diverting or misusing Belarusian public assets or by misusing public authority.

Despite some positive developments in the past year, including the release of internationally recognized political prisoners, the actions and policies of certain members of the Government of Belarus and other persons continue to pose an unusual and extraordinary threat to the national security and foreign policy of the United States. Accordingly, the national emergency declared on June 16, 2006, and the measures adopted on that date to deal with that emergency, must continue in effect beyond June 16, 2009. Therefore, in accordance with section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)), I am continuing for 1 year the national emergency declared in Executive Order 13405.

This notice shall be published in the Federal Register and transmitted to the Congress.

BARACK OBAMA  
THE WHITE HOUSE,  
June 12, 2009.