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Bureau of the Assembly

Ad hoc committee of the Bureau on recent detentions, prosecutions and convictions of members of the opposition in Belarus

Report on the detentions, prosecutions and convictions of members of the opposition in Belarus in the aftermath of 19 December 2010 presidential elections¹

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¹ This report has been made public by decision of the Bureau of the Assembly dated 7 October 2011.

1. Introduction

1. The Ad hoc committee of the Bureau on recent detentions, prosecutions and convictions of members of the opposition in Belarus was set up by decision of the Bureau of the Assembly on 10 March 2011.
2. The members, one representative per political group who is not a member of the Bureau of the Assembly appointed by the political groups, were the following: Mr Piotr Wach (Poland, EPP/CD), Mr Tadeusz Iwinski (Poland, SOC), Mr Tomáš Jirsa (Czech Republic EDG, Chairperson), Mrs Marieluise Beck (Germany, ALDE), Mr Andrej Hunko (Germany, UEL).
3. The mandate of the ad hoc committee was to collect and assess all relevant information concerning the events of 19 December 2010 in the aftermath of the Presidential elections and the subsequent detention, prosecution and conviction of members of the opposition in Belarus and to submit the conclusions of its work to the Bureau, including any proposals for further action, at the latest, during the 2011 fourth part-session of the Assembly. This is the purpose of this report.
4. The ad hoc committee carried out this mandate while keeping in mind the Assembly's Resolution 1790 (2011) in which it was decided to put on hold its activities involving high-level contacts with the Belarusian authorities "[...] until a moratorium on the execution of the death penalty has been decreed and until there is substantial, tangible and verifiable progress in terms of respect for the democratic values and principles upheld by the Council of Europe". In this context, the ad hoc committee met twice (12 April 2011, Strasbourg, and 30 May 2011, Paris) and held an exchange of views with several NGO's and representatives of the opposition². The ad hoc committee was not able to carry out a fact-finding visit to the country in view of the Assembly's decision to put on hold high level contacts and in the absence of an invitation. It therefore based its work on information available from reliable sources³. This report is a compilation of that information with a view to presenting facts and figures about the events of 19 December 2010 and the subsequent detentions and prosecutions of persons.
5. This report covers the period from 19 December 2010 to 1 October 2011. The first part of this report attempts to establish the timeline of the events of the evening of 19 December 2010, based on a review of a wide range of information made available by different sources, including Belarusian and international human rights NGOs, media and international organisations. The second part lists the persons who have been arrested, prosecuted and/or convicted as a consequence of their participation in or links to the rally of 19 December 2010. The third part introduces other forms of persecution which members of civil society, including media, journalists and NGOs, suffered as a result of their involvement in this issue.

2. Timeline of events of 19 December 2010

6. The Belarusian Presidential election took place on 19 December 2010. From the outset of the election campaign, presidential candidates Vladimir Niakliayeu, Vital Rymasheuski, Andrei Sannikov and Nikolai Statkevich called on their supporters to gather on the evening of 19 December 2010 in October Square to defend their votes and protest against what they considered to be an unfair election.

² An exchange of views was organised by the ad hoc committee on 12 April 2011 in Strasbourg with the participation of Mr Andrei Yurov, Head of the International Observation Mission of the Committee on International Control over the situation with human rights in Belarus (CICHR-Belarus), Mr Michaël Hamilton, Chair of the group of experts from OSCE countries on freedom of assembly and police response measures of the CICHR – Belarus, Dr Elena Tonkacheva, Human Rights Defender, Foundation for legal technologies development, Mr Aliaksandr Bialatski, President of the Human Rights Center (HCR) "Viasna" and Vice-President of the International Federation for Human Rights (FIDH), Mr Dmitry Chernikh, Belarusian Helsinki Committee, Mr Darya Korsak, Co-ordinator of the Committee for Repressed People Support "Solidarity", Mr Artem Lebedko, Co-ordinator of International Commission of "Young Democrats" and Mr Vladimir Ulakhovich, Director of the Center of International Studies of the Belarusian State University.

³ Sources:

. OSCE's rapporteur's report on Belarus, by prof. Emmanuel Decaux, 28 May 2011;
. Interim Human Rights Assessment of the Events of 19 December 2010 in Minsk, Belarus, by the Special Rapporteur of the Committee on International Control over the situation with the Human Rights in Belarus, 2011;
Who is who: accused in mass riot criminal case (updated 16 May 2011), the Human Rights Center Viasna <http://spring96.org/41387>;
Information memoranda by the Political Affairs Committee on the Situation in Belarus, Rapporteur Mrs Sinikka Hurskainen, Finland, Socialist Group (AS/Pol(2011)09rev and 18rev);

7. At 17.00, 20 police vans, as well as buses with special police forces and breakdown trucks, were deployed in the vicinity of October square. Cars were prevented from parking in the area and the police erected barriers around the Palace of the Republic.

8. At 19.10, a group of supporters of presidential candidate Vladimir Niakliayeu was attacked. The candidate was prevented from reaching October Square and was severely beaten. He was hospitalised in the Minsk City Emergency Hospital, but subsequently removed by unidentified persons.

9. All the other presidential candidates, as well as thousands of demonstrators, gathered in October Square. At approximately 19.30, a group of between 500 and 2000 people, led by presidential candidate Vital Rymasheuski, began to move from Privokzalnaya Square in the direction of October Square, with no intervention from the police, then moved to Nezavisimosti Square, the location of the Parliament and the Central Election Commission.

10. At 19.45, a small group of individuals, ignoring the call of the organisers for peaceful protests, attempted to break into the House of Government. Taking into account that the demonstrators did not carry weapons, it is likely that the attackers were 'agents provocateurs'. The attack lasted about thirty minutes before the riot police (OMON) intervened. There was indiscriminate use of disproportionate force against anyone close to the building. Video footage of the scene shows that a number of persons suffered severe head injuries.

11. After driving back the crowd, the police subsequently formed a line between the building and the crowd. Many demonstrators left the place following the police intervention, while some five thousand remained in October square, including presidential candidates Rymasheuski and Sannikov.

12. Over the next half hour, the police forces intensified their presence. Just before midnight, hundreds of officers of OMON violently dispersed the remaining crowd, encircling approximately 300 persons in the square immediately in front of the House of Government, beating the demonstrators indiscriminately and/or arresting them. The operation reportedly lasted between 20 and 30 minutes and led to the official figure – provided by President Lukashenko the following day - of 639 persons being arrested, including the presidential candidates. Furthermore, as stated in Resolution 1790 (2011), assaults and searches were carried out in the homes of opposition leaders, human rights defenders and journalists, as well as the premises of several non-governmental organisations and independent media.

3. List of detained, accused and convicted persons

13. It has been estimated that, in the immediate aftermath of 19 December 2010, over 600 people were subjected to brief summary trials and sentenced to fines or to administrative detention lasting from 5 to 15 days for participation in an illegal demonstration.

14. Subsequently, in the framework of the ensuing investigation into the "mass disorders of 19 December 2010", many opposition activists, journalists and politicians were summarily tried in what human rights defenders and organisations called politically motivated trials, which led to sentences, including imprisonment for 3 to 6 years. Many of the detained and/or sentenced persons complained about abuses by the police, including torture and inhuman treatment, refusal to provide proper legal and medical assistance, impediments to communication between persons in custody, as well as pressure on or threats to their families and lawyers⁴.

15. The ensuing lists present the cases of a total of 63 persons who have been detained, accused and convicted or suspected under Articles 342 (actions that grossly violate public order), 293 (mass riot) and 339 (hooliganism). 43 persons have since received sentences ranging from a one year suspended prison term to six years' imprisonment. Some sentences also foresee medium or high level security prisons. On 12 August 2011, 9 persons were pardoned by President Lukashenko, 4 other prisoners were pardoned by President Lukashenko, on 1 September 2011, 11 additional prisoners were pardoned by Presidential Decree on 14 September 2011 and lastly, former presidential candidate Dzmitry Uss was released on 1st October 2011, apparently without having requested any pardon. To date thus, 25 of these prisoners have been released and 7 remain in prison, if we include human rights defender Mr Bialatsky, arrested later. According to the presidential press services, the

⁴ AS/Pol (2011)09rev

decision on clemency was taken following the requests from these persons, taking into account the fact that they recognised the unlawfulness of their actions, pleaded guilty and repented sincerely. This actually means that admissions of guilt were obtained under duress. Moreover, former prisoners have reported threats of rape in prison in order to extort confessions and prisoners who refused to admit their “guilt” were reportedly ill-treated and remained under pressure. Admission of guilt indicates that the pardoned prisoners will continue to be listed as having previous convictions and will thus be excluded from running for elections and holding public political office. Other opposition candidates were forced to make public denunciations of other opponents on state television after their release and had suffered mental abuse and come under intense pressure to incriminate other opposition figures and to agree to act as informers for the KGB.

16. The authorities claimed that the persons in question took part in public actions that grossly violated the public order, destroyed property of the Main Economic Board of the Presidential Administration using special arms, committed personal violence and submitted armed resistance to the police, as a result of which bodily injuries were inflicted on the latter. Another group of detained persons was accused of organising and preparing actions violating public order and/or taking part in such actions.

17. The Belarusian authorities relied on three main Articles of the Criminal Code of Belarus to punish and repress the protestors as well as activists, NGOs or independent media, namely Article 342 of the Criminal Code of Belarus on “organising or preparing actions that grossly violate the public order or taking active part in such actions”, Article 293, part 1 and 2 of the Criminal Code of Belarus “on the organisation or participation in mass riot” and Article 339, part 3 of the Criminal Code on “hooliganism”.

3.1 Criminal case under Article 342 of the Criminal Code of Belarus on “organising or preparing actions that grossly violate the public order or taking active part in such actions”

18. Article 342 of the Criminal Code of the Republic of Belarus (organising or preparing actions that grossly violate the public order or taking active part in such actions) reads as follows:

“1. Organising group actions that breach public order and that are connected with clear disobedience to lawful demands of representatives of the authorities or that hinder public transport operations or the work of enterprises, institutions or organizations, or taking active part in these actions unless elements of a more serious crime are present – is punishable by a fine, or up to 6 months of detention, or up to three years of restriction of liberty, or imprisonment for the same term.

2. Training or other form of preparing individuals to take part in group actions that breach public order, as well as financing or other material backing of similar activities unless elements of a more serious crime are present – is punishable with up to 6 months of detention, or two years of imprisonment.”⁵

19. The list of persons concerned provided by Human Rights Center Viasna is presented hereafter.

1. **Mr Dzmitry Bandarenka** – a coordinator of the civil campaign *European Belarus* - was arrested on 20 December 2010 and placed in custody in the KGB pre-trial detention centre. Initially charged in a criminal case under Article 293, parts 1 and 2 of the Criminal Code (mass riot), he received new charges in March 2011 and was **sentenced to two years’ imprisonment** under Article 342 (“actions that grossly violate public order”) on 30 March 2011.

2. **Mr Andrei Dzmitryeu** – head of the electoral team of 2010 presidential candidate Uladzimir Niakliayeu - was arrested in the night of 19-20 December 2010 and held in the KGB pre-trial detention centre. He was released from the KGB pre-trial detention centre on 3 January 2011 under a written undertaking not to leave Minsk. Charges in a criminal case under Article 293, parts 1 and 2 of the Criminal Code (mass riot) were changed in March 2011 and he was **sentenced to a two-year suspended prison sentence** under Article 342 on 30 March 2011.

3. **Mr Aliaksandr Fiaduta** – political scientist, coordinator of the electoral team of 2010 presidential candidate Uladzimir Niakliayeu - was arrested on 20 December 2010 and held in the KGB pre-trial detention centre. Initially charged in a criminal case under Article 293, parts 1 and 2 of the Criminal Code (mass riot), he received new charges under Article 342 on 30 March 2011 and was

⁵ Source of translation : Human Rights Center Viasna

released on 8 April 2011 under a written undertaking not to leave Minsk. On 20 May 2011, he was **sentenced to a two-year suspended prison sentence**.

4. **Mrs Iryna Khalip** – journalist, wife of 2010 presidential candidate Andrei Sannikov - was arrested on 19 December 2010 and initially put in custody in the KGB pre-trial detention centre, then placed under house arrest on 29 January 2011 and charged with involvement in mass riot (Article 293, parts 1 and 2). On 4 April 2011, the charges were changed to Article 342 and, on 16 May 2011, she was **sentenced to a two-year suspended prison sentence**.

5. **Mr Siarhei Martsaleu** – head of the electoral team of Mikalai Statkevich - was arrested on 19 December 2010 and held in custody in the KGB pre-trial detention centre. Initially charged in a criminal case under Article 293, parts 1 and 2 of the Criminal Code (mass riot), he received new charges under Article 342 in March 2011 and was **sentenced to a two-year suspended prison sentence** on 16 May 2011.

6. **Mr Uladzimir Niakliayeu** – 2010 presidential candidate – was badly beaten during the demonstration and initially taken to the hospital after suffering a brain injury. He was subsequently removed by unidentified persons. He was then held in the KGB pre-trial detention centre and charged in a criminal case under Article 293, parts 1 and 2 of the Criminal Code (mass riot). On 29 January 2011, he was released from prison and put under house arrest. He received new charges on 30 March 2011 under Article 342 and, on 20 May 2011, he was **sentenced to a two-year suspended prison sentence**.

7. **Mrs Anastasiya Palazhanka** – Deputy Chair of the *Young Front* - was arrested on 19 December 2010, put in the KGB pre-trial detention centre and released on 17 February 2011 under a written undertaking not to leave Minsk. Initially charged in a criminal case under Article 293, parts 1 and 2 of the Criminal Code (mass riot), she received new charges under Article 342 on 30 March 2011 and was released on 8 April 2011 under a written undertaking not to leave Minsk. On 20 May 2011, she was **sentenced to a one-year suspended prison sentence**.

8. **Mr Vital Rymasheuski** – 2010 presidential candidate – was arrested on 19 December 2010 and put in the KGB pre-trial detention centre. Charged under Article 293, parts 1 and 2 of the Criminal Code (mass riot), he was released on 31 December under a written undertaking not to leave Minsk. He received new charges under Article 342 on 30 March 2011 and was **sentenced to a one-year suspended prison sentence** on 20 May 2011.

9. **Mr Pavel Seviarynets** – civil activist, participant in the campaign of 2010 presidential candidate Vital Rymasheuski – was arrested on 20 December 2010 and put in the KGB pre-trial detention centre. Initially charged under Article 293, parts 1 and 2 of the Criminal Code (mass riot), he received new charges under Article 342 on 4 April 2011 and was **sentenced to a three-year suspended prison sentence** on 16 May 2011.

10. **Mr Siarhei Vazniak** – editor of the *Tovarishch* newspaper and campaign agent of 2010 presidential candidate Uladzimir Niakliayeu – was arrested on 20 December 2010 and put in the KGB pre-trial detention centre. He was released from jail on 29 January 2011 under a written undertaking not to leave Minsk. Initially charged under Article 293, parts 1 and 2 of the Criminal Code (mass riot), he received new charges under Article 342 on 30 March 2010 and was **sentenced to a two-year suspended prison sentence** on 20 May 2011.

3.2 Criminal case under Article 293, part 1 and 2 of the Criminal Code of Belarus on “mass riot”

20. Article 293, parts 1 and 2 of the Criminal Code of the Republic of Belarus (“mass riot”) reads as follows:

“1. The organisation of the mass riot which was accompanied with violence against people, demolition, arson, defilement of property and armed resistance to representatives of the authority, - is punished by 5 to 15 years of imprisonment.

2. Participation in mass riot which manifested in the direct implementation of the actions that were mentioned in part 1 of the article, - is punished by 3-8 years of imprisonment.”⁶

3.2.1 The list of persons convicted under Article 293, parts 1 and 2

21. The list of persons convicted under this Article, provided by Human Rights Center Viasna, is presented hereafter.

1. **Mr Aliaksandr Atroshchankau** – press-secretary of the electoral team of 2010 presidential candidate Andrei Sannikov – was arrested on 20 December 2010, kept in custody in the KGB pre-trial detention centre and charged under Article 293, part 2. On 17 February 2011, he was **sentenced to four years’ imprisonment in a high-security colony. He was pardoned on 14 September 2011 by Presidential Decree.**

2. **Mr Artyom Breus** – a citizen of the Russian Federation - was detained on 19 December 2010 and sentenced to 15 days’ detention and released from jail on 29 December 2010 together with other Russian citizens. He was detained again within half an hour in the framework of the criminal case and held in custody in the pre-trial prison on Valadarski Street in Minsk. On 5 January 2011, he was charged under Article 293, part 2 of the Criminal Code. On 10 March 2011, he was **sentenced to a fine of 10.5 million roubles (about \$3,470).**

3. **Mr Dzmitry Bulanau** – was beaten up and arrested on 19 December 2010. He served 10 days’ detention and was detained again on 12 January 2011 as a suspect in the mass riot case notwithstanding considerable health problems. On 26 May 2011, he was **sentenced to three years’ imprisonment in a high-security colony. He was pardoned on 14 September 2011 by Presidential Decree.**

4. **Mr Dzmitry Daronin** – a 28-year old resident of Minsk, who is not affiliated to any political movement – was detained on 14 March 2011 for three days as a suspect in the mass riot case and officially charged under part 2 of Article 293 on 17 March 2011. On 12 May 2011, he was **sentenced to three and a half years’ imprisonment. He was pardoned on 1 September 2011 by Presidential Decree.**

5. **Mr Dzmitry Drozd** – a member of the electoral team of 2010 presidential candidate Andrei Sannikov – served 10 days’ detention for participation in the 19 December 2010 rally and was detained again on 1 February 2011 for three days as a suspect in the mass riot case, kept in custody in the pre-trial prison on Valadarski Street. On 5 May 2011, he was **sentenced to four years’ imprisonment in a maximum-security detention centre** under Article 293, part 2 of the Criminal Code. **He was pardoned on 12 August 2011 by Presidential Decree.**

6. **Mr Aleh Fedarkevich**, a participant in the 19 December rally, was first sentenced to 10 days’ administrative detention but the ruling was subsequently cancelled and he was served with criminal charges. On 12 May 2011, he was **sentenced to three and a half years’ imprisonment** under Article 293. **He was pardoned on 14 September 2011 by Presidential Decree.**

7. **Mr Ivan Gaponov** – a citizen of the Russian Federation - was detained on 19 December 2010 and sentenced to 10 days’ detention. He was released on 29 December 2010 together with other Russian citizens but detained again within an hour in the framework of the mass riot case and held in

⁶ Source of translation: Human Rights Center Viasna

custody in the pre-trial prison on Valadarski Street in Minsk. On 5 January 2011, he was charged under Article 293, part 2. On 10 March 2011, he was **sentenced to a fine of 10.5 million roubles (about \$3,470)**.

8. **Mr Aleh Hnedchyk** – a member of the *Youth Front movement* – was arrested on 6 January 2011 as a suspect in the mass riot criminal case and released three days later. He was charged and arrested again on 25 March 2011, and was taken into custody at the Minsk pre-trial prison on Valadarski Street. On 14 May 2011, **he was sentenced to three and a half years' imprisonment in a high-security colony. He was pardoned on 1 September 2011 by Presidential Decree.**

9. **Mr Artsiom Hrybkou** – who is not affiliated to any political movement – was arrested on 19 December 2010 and served 10 days' detention for participation in the protest rally. On 12 January 2011, he was detained again within the framework of the mass riot criminal case and charged under Article 293 of the Criminal Code. On 26 May 2011, he was **sentenced to four years' imprisonment. He was pardoned on 12 August 2011 by Presidential Decree.**

10. **Mr Siarhei Kazakou** – an activist of the *European Belarus* – was detained on 27 January 2011 as a suspect in the mass riot criminal case, was charged under Article 293 and held in the Minsk pre-trial prison in Valadarski Street. On 13 May 2011, he was **sentenced to three years' imprisonment. He was pardoned on 12 August 2011 by Presidential Decree.**

11. **Mr Uladzimir Khamichenka** – who is not affiliated to any political movement, but was previously charged with criminal offences - was arrested on 19 December 2010 and served 15 day's detention. He was charged under Article 293, part 2 and kept in custody in the Minsk pre-trial prison on Valadarski Street. On 5 May 2011, he was **sentenced to three years' imprisonment in a maximum-security prison. He was pardoned on 12 August 2011 by Presidential Decree.**

12. **Mr Ales Kirkevich** – a *Hrodna* activist of the *Young Front* – was arrested on 24 December 2011 and served 10 days' detention for participation in the protest rally. He was released on 3 January 2011, but three days later he was fined for arranging an election meeting with 2010 presidential candidate Mikalai Statkevich. He was subsequently arrested on 28 January 2011 as a suspect in the mass riot criminal case and kept in custody in the KGB pre-trial detention centre. On 5 May 2011, he was **sentenced to four years' imprisonment in a maximum-security detention centre under Article 293, part 2. He was pardoned on 1 September 2011 by Presidential Decree.**

13. **Mr Aliaksandr Klaskouski** – a former policeman – was arrested on 21 December 2010 and held in the KGB pre-trial detention centre. He was also charged with insulting a representative of the authorities (Article 369) and unauthorized appropriation of the title or the authority of an official (Article 382). He faced charges of up to 15 years in prison. On 26 May 2011, he was **sentenced to 5 years' imprisonment in a high-security colony. He was pardoned on 14 September 2011 by Presidential Decree.**

14. **Mr Aliaksandr Kviatkevich** – who is not affiliated to any political movement – served 12 days' detention for participation in the 19 December 2010 rally. He was again detained on 4 January 2011, charged under Article 293 and was kept in custody in the KGB pre-trial prison. On 26 May 2011, he was **sentenced to three and a half years' imprisonment in a high-security detention centre. He was pardoned on 12 August 2011 by Presidential Decree.**

15. **Mr Mikita Likhavid** – an activist of the *For Freedom* movement – was sentenced to 15 days' detention but the verdict was later reversed. He was subsequently arrested and charged for involvement in the 19 December 2010 mass riot, and was **sentenced to three and a half years' imprisonment in a high-security prison on 29 March 2011. He was pardoned on 14 September 2011 by Presidential Decree.**

16. **Mr Uladzimir Loban** - a participant in the 19 December rally - was arrested on 19 December 2010 and served 10 day's detention. He was then charged in the mass riot case and kept in custody in the pre-trial prison in Valadarski Street. On 12 May 2011, he was **sentenced to three years' imprisonment.**

17. **Mr Aliaksandr Malchanau** – an opposition activist, former member of the Zubr youth opposition movement – was arrested on 6 January 2011 at home in Barysau in the framework of the mass riot criminal case and was held in the KGB pre-trial detention centre. He was charged under Article 293, part 2 and, on 2 March 2011, he was **sentenced to three years' imprisonment in a high-security colony. He was pardoned on 14 September 2011 by Presidential Decree.**

18. **Mr Vital Matsukevich** - a participant in the 19 December rally - was arrested on 21 March 2011 and detained for 3 days as a suspect under Article 293, part 2. On 4 April 2011, he was charged under Article 293, part 2 and, on 12 May 2011, he was **sentenced to three years' imprisonment. He was pardoned on 12 August 2011 by Presidential Decree.**

19. **Mr Dzmitry Miadzvedz** – who is not affiliated to any political movement –was arrested on 19 December 2010 and sentenced to 10 day's detention. On 6 January 2011, he was officially charged under parts 1 and 2 of Article 293 and was held in the Minsk pre-trial prison on Valadarski Street. On 10 March 2011, he was **sentenced to three years under control order.**

20. **Mr Fiodar Mirzayanau** - third year university student of economics at Belarusian State University who is not affiliated to any political movement - served 15 days' detention for participation in the protest action of 19 December 2010. On 25 January 2011, he was held for interrogation, after which he was detained for three days as a suspect in the mass riot criminal case. Charged officially under Article 293 on 25 January 2011, he was held in the Minsk pre-trial prison on Valadarski Street. On 14 May 2011, he was **sentenced to three years' imprisonment in a high-security colony. He was pardoned on 14 September 2011 by Presidential Decree.**

21. **Mr Dzmitry Novik** – who is not affiliated to any political movement - was arrested late at night on 23 December 2010 at home in Baranavichy as a suspect in the mass riot criminal case. On 30 December 2010, he was charged under Article 293, part 2 and detained in the Minsk pre-trial prison on Valadarski Street. On 2 March 2011, he was **sentenced to three and a half years' imprisonment in a high-security colony. He was pardoned on 14 September 2011 by Presidential Decree.**

22. **Mr Vasil Parfiankou** – a member of the electoral team of 2010 presidential candidate Uladzimir Niakliayeu – was arrested on 4 January 2011 as a suspect, was detained in the Minsk pre-trial prison on Valadarski Street and was charged under Article 293, part 2. On 17 February 2011, he was **sentenced to four years' imprisonment in a high-security detention centre. He was pardoned on 12 August 2011 by Presidential Decree.**

23. **Mr Andrei Pazniak** – who is not affiliated to any political movement - was arrested on 19 December 2010 and fined the equivalent of about \$350. In early January 2011, he was sent to the pre-trial prison on Valadarski Street and charged under Article 293. On 26 May 2011, he was **sentenced to two years under control order.**

24. **Mr Andrei Pratasenia** – a former volunteer in Yaraslau Ramanchuk's campaign team and member of the United Civic Party – was arrested on 9 February 2011 and charged under Article 293, part 2 and held in the KGB pre-trial detention centre. He was **sentenced to three years' imprisonment on 5 February 2011. He was pardoned on 1 September 2011 by Presidential Decree.**

25. **Mr Yauhen Siakret** – an activist in the team of presidential candidate Andrei Sannikov – was arrested on 19 December 2010 and sentenced to 10 days' detention. He was detained again on 17 January 2011 and was placed in custody in Minsk pre-trial prison on Valadarski Street. He was charged under Article 293, part 2, and was **sentenced to three years' imprisonment on 12 May 2011. He was pardoned on 12 August 2011 by Presidential Decree.**

26. **Mr Andrei Sannikov** – a 2010 presidential candidate - was beaten up and arrested on 19 December 2010. He was kept in custody in the KGB pre-trial detention centre. On 14 May 2011, he was **sentenced to five years' imprisonment in a high-security colony.**

27. **Mr Mikalai Statkevich** – a 2010 presidential candidate - was arrested on 19 December 2010 and held in the KGB pre-trial detention centre. On 26 May 2011, he was **sentenced to six years' imprisonment in a high-security colony.**

28. **Mr Dzmitry Uss** – a 2010 presidential candidate – was arrested during the night of 19-20 December 2010 and held in the KGB pre-trial detention centre from which he was released the next day under a written undertaking not to leave Minsk. On 19 March 2011, he was charged under part 1 of Article 293 and, on 26 May 2011, he was **sentenced to five and a half years' imprisonment in a high-security colony. He was released on 1 October 2011, apparently without having requested any pardon.**

29. **Mr Illia Vasilevich** – a student - served 10 day's detention for participation in the events of 19 December 2010. He was again arrested on 12 January 2011 and detained for 3 days as a suspect in the mass riot criminal case in the Minsk pre-trial prison on Valadarski Street. On 13 May 2011, he was **sentenced to three years' imprisonment in a high-security colony. He was pardoned on 14 September 2011 by Presidential Decree.**

30. **Mr Pavel Vinahradau** – an activist of the civil campaign *Speak Truth* - was arrested on 11 January 2011, was charged under Article 293, part 1 and 2 and Article 370, ("outrage of state symbols") and held in the Minsk pre-trial prison on Valadarski Street. On 5 May 2011, he was **sentenced to four years' imprisonment in a maximum-security detention centre** under Article 293. **He was pardoned on 14 September 2011 by Presidential Decree.**

31. **Mr Uladzimir Yaromenak** – an activist of the *Young Front* – was arrested on 20 December 2010 and served 15 days' detention for participation in the protest rally. He subsequently spent seven more days in the delinquents' isolation centre following interrogation at the KGB as a witness in the mass riot criminal case. On 28 January 2011, he was arrested again as a suspect in the case, was officially charged under Article 293 and was detained in the Minsk pre-trial prison in Valadarski Street. On 14 May 2011, he was **sentenced to three years' imprisonment in a high-security detention centre. He was pardoned on 12 August 2011 by Presidential Decree.**

3.2.2 List of pending cases of persons charged under Article 293, parts 1 and 2

22. The list of persons charged under this Article whose cases are pending or which have been dropped since, provided by Human Rights Center Viasna, follows:

1. **Mr Aliaksandr Arastovich** – an activist in the team of 2010 presidential candidate Mikalai Statkevich – was arrested on 19 December 2010 and held in the KGB pre-trial detention centre. He was released from jail under a written undertaking not to leave Minsk on 15 February 2011. **The criminal case has been dropped in August 2011.**

2. **Mr Uladzimir Kobets** – the head of the electoral team of 2010 presidential candidate Andrei Sannikov – was arrested on 21 December 2010 and held in the KGB pre-trial detention centre. He was released from jail on 27 January 2011 under a written undertaking not to leave Minsk. **The criminal case has been dropped in August 2011.**

3. **Mr Aleh Korban** – the leader of the youth organisation of the United Civil Party, *Young Democrats* - was arrested on 21 December 2010 and held in the KGB pre-trial detention centre. He was released from jail on 7 January 2011 under a written undertaking not to leave Minsk. He was again arrested on 30 January 2011 and interrogated by the KGB, but released after two hours. **The criminal case has been dropped in August 2011.**

4. **Mr Anatol Liabedzka** – the leader of the United Civil Party - was arrested on 20 December 2010 and held in the KGB pre-trial detention centre. On 6 March 2011, he was released after having given a written undertaking not to leave Minsk. **The criminal case has been dropped in August 2011.**

5. **Mr Aliaksei Mikhalevich** – 2010 presidential candidate – was arrested on 20 December 2010 and held in the KGB pre-trial detention centre. He was released from jail on a written undertaking not to leave Minsk on 19 January 2011. He fled Belarus on 14 March 2011.
6. **Mr Leanid Navitski** – a member of the team of 2010 presidential candidate Andrei Sannikov and his personal bodyguard – was detained on 19 December together with candidate Andrei Sannikov and Iryna Khalip (Mr Sannikov's wife) and sentenced to 15 days' detention and charged under Article 293. He has left the country.
7. **Mr Anatol Paulau** – an activist in the team of 2010 presidential candidate Yaraslau Ramanchuk - was arrested on 20 December 2010 and held in the KGB pre-trial detention centre. On 7 January 2011, he was released after having given a written undertaking not to leave Minsk.
8. **Mrs Natallia Radzina** – a journalist and editor of the website *charter97.org* - was arrested on 20 December 2010 and held in the KGB pre-trial detention centre and charged under Article 293. On 28 December 2010, she was released and put under house arrest in her native town of Kobryn. On 1 April 2011, she fled from Belarus. **The criminal case has been dropped in August 2011.**

3.2.3 List of suspects under Article 293, part 1 and 2

1. **Mr Dzimitry Apishau** – who is not affiliated to any political movement, but previously convicted for storing drugs - was arrested on 19 December 2010 and sentenced to 10 days' detention. He was released 3 days later under a written undertaking not to leave Minsk. On 31 December 2010, he was declared a suspect under Article 293. He is currently awaiting charges.
2. **Mr Anton Davydenka** – a student - was arrested on 19 December 2010 and served 10 days' detention. He was again arrested as a suspect under Article 293 and released after two days on 31 December 2010. He is currently awaiting charges.
3. **Mr Dzianis Huseltsau** was arrested on 21 March 2011 as a suspect under Article 293, part 2 and detained for three days.
4. **Mr Usevalad Kavalenka** served 15 days' detention as a suspect in the criminal case and was released after having given a written undertaking not to leave Minsk.
5. **Mr Ryhor Kastusiou** – 2010 presidential election candidate – was beaten and arrested on 19 December 2010 as a suspect in the mass riot criminal case. He was released the next day after having given a written undertaking not to leave Minsk. **The criminal case has been dropped in August 2011.**
6. **Mr Siarhei Kliuyeu** – a youth activist of the united Civil Party - was not present during the events of 19 December 2010 but was detained elsewhere and sentenced to 15 days' detention. He was declared a suspect in the mass riot case in January 2011.
7. **Mr Mikita Krasnou** – a member of the team of 2010 presidential candidate Ales Mikhalevich – did not participate in the 19 December 2010 events but is suspected of involvement in the rally. He has left the country.
8. **Mr Andrei Mikalayeu** – previously charged with robbery - did not take part in the 19 December 2010 events but was detained in the evening of 11 January 2011 following a search in his house. He was released on 14 January under a written undertaking not to leave Minsk.
9. **Mr Aliaksei Sharstou** – a 23-year-old student – was detained as a suspect in the mass riot case on 21 March 2011 for three days and was later released.
10. **Mr Dzianis Shydouski** served 10 days' detention for participation in the protest action. On 2 February 2011, he was detained for 3 days as a suspect in the mass riot criminal case.
11. **Mr Vital Stazharau** – an activist of the Minsk organisation of the *Young Democrats* – left

Belarus immediately after the presidential election. On 30 March 2011, his grandmother was handed an official ruling of the Minsk City and Region KGB, according to which he was declared a suspect.

12. **Mr Aliaksandr Vasileuski** – an opposition activist – was arrested on 19 December 2010 and served 15 days' detention. He was again arrested on 12 January 2011 as a suspect in the mass riot criminal case for two days. He has left the country.

3.3. Criminal case under upon Article 339, part 3 of the Criminal Code, "hooliganism"

23. Article 339 of the Criminal Code of Belarus reads as follows:

" 1. Deliberate actions that grossly violate the public order and demonstrate evident disrespect for society, accompanied by the use of violence or the threat of its use or destruction or damage to property of other people, or are defined by an exceptional "cynicism" (hooliganism)

2. Hooliganism, committed repeatedly or by a group of persons or connected with resistance to a person attempting to stop hooliganism, or accompanied with the infliction of less severe bodily injuries (malignant hooliganism)

3. The actions that are provided for by parts 1 and 2 of the article, committed using weapons or other items used as weapons for infliction of bodily injuries, with the use of explosives or explosive devices or are committed with the threat of their use, in the absence of the traits of a more severe crime (especially malignant hooliganism) are punishable with 3-10 years of imprisonment."⁷

24. On 18 December 2010, **Mr Dzmitry Dashkevich** – Chair of the *Young Front* - and **Mr Eduard Lobau** – activist of the *Young Front* - were both detained and subsequently charged on 6 January 2011. On 24 March 2011, they were **sentenced respectively to 2 years' imprisonment and to 4 years' imprisonment in a high-security prison.**

4. Other cases of persecution

25. On 4 August 2011, **Mr Ales Bialatsky**, President of the Human Rights Center "Viasna" and Vice-President of FIDH was arrested by the police representative of the Department of Financial Investigations and detained in the detention centre of the Interior Ministry, located in Valadarski Street, which is known for its harsh conditions of detention. On the same day, a search was carried out in Mr. Bialatsky's house and office. On August 5, 2011, Mr. Bialatsky was transferred to a cell within the Financial Investigation Department of the State Control Committee, before being remanded in prison for ten days in the detention centre of the Interior Ministry. This detention is related to a criminal case opened against Mr. Bialatsky for supposed tax evasion under Article 243, part 2, of the Criminal Code of the Republic of Belarus ("concealment of profits on an especially large scale"), which provides for up to seven years' imprisonment with confiscation of property.

26. Cases of harassment of media outlets or journalists are regularly reported. In particular, on 28 March 2011, a criminal case on "public defamation of the President of Belarus" (Article 368 of the Belarusian Criminal Code) was initiated against **Mr Andrei Pachobut**, a Belarusian independent journalist and correspondent of the Polish newspaper *Gazeta Wyborcza*. Arrested during the 19 December 2010 events, Mr Pachobut served a 15-day prison sentence after the protests. At the beginning of March 2011, he was denied press accreditation by the Ministry of Foreign Affairs on the grounds that his reports were "biased." On 23 March 2011, he was prevented from travelling abroad and, on 7 April 2011, he was arrested and imprisoned in the temporary detention facility at the Kastychnitski District Police Department, accused of having publicly insulted the President in his articles published in the Polish newspaper and on his personal blog. On 5 July 2011, charged with insulting the president (Article 368, part 1 of the Criminal Code) and libel against the president, (Article 367, part 1), he was **sentenced to 3 years' imprisonment with a 2-year suspended sentence.**

⁷ Source of translation: Human Rights Center Viasna

27. Moreover, on 25 April 2011, the Ministry of Information filed claims with the Supreme Economic Court for cessation of the publication of *Narodnaya Volia* and *Nasha Niva* newspapers. This information was disseminated on 27 April 2011 by the information agency BelTA with reference to the Ministry of Information. "This decision was taken in conformity with sub-paragraph 2.2. of paragraph 2 of Article 51 of the Law On Mass Media in connection with the issue of two or more written warnings to the editorial boards within a year". Both newspapers were fined by decisions of 28 August 2011 and 29 July 2011 respectively of the Supreme economic court.

5. Disbarment of lawyers' licenses

28. Following the events of 19 December 2010 in Minsk, Belarusian lawyers faced increasing cases of intimidation, persecution and unlawful interference by the authorities, preventing them from fulfilling their professional duties. The Ministry of Justice of Belarus decided, based on alleged "grave violations of the legislation, incompatible with the position of a lawyer", to proceed with the disbarment of the lawyers' licenses of these lawyers.

29. The decision of the Ministry of Justice on 14 February 2011 on the termination of advocacy licenses of Mr Toustsik, Mrs Harayeva, Mr Aheyev, and Mrs Aheyeva, contains a reference to the Law on "Advocacy of the Republic of Belarus (2406-XII, 15/06/1993)" and the Provisions on "Licensing of Certain Activities", approved by the Decree of the President of the Republic of Belarus No. 450 on 1/9/2010 "On Licensing of Certain Activities".

30. According to Human Rights Center Viasna, the following lawyers are concerned:

1. **Mr Uladzimir Toustsik** was the legal defender of Mrs Iryna Khalip, the wife of the 2010 presidential candidate Andrei Sannikov. He had to give up this case due to moral pressure by KGB officers and threats of disbarment. By a decision of the Ministry of Justice of 14 February 2011, Uladzimir Toustsik's advocacy license was disbarred because of grave violations of the licensing legislation, namely because of his refusal to provide Mrs Iryna Khalip with legal assistance.

2. **Mrs Tamara Harayeva**: in a situation when it had become impossible for Mrs Khalip to be Mr Toustsik's client, Mrs Harayeva was the second lawyer Mrs Khalip signed a contract with. However, on 4 February 2011, Mrs Harayeva notified Mrs Khalip's parents that, given the circumstances, she had to withdraw the advocacy contract. By an enactment of the Ministry of Justice, on 14 February 2011, Mrs Harayeva's advocacy license was disbarred because of grave violations of the licensing legislation and a refusal to provide Mrs Iryna Khalip with legal assistance.

3. **Mr Aleh Aheyev** was a defence lawyer of Mr Aleś Michalevič, a 2010 presidential candidate, who was charged with staging mass unrest. Mr Aheyev's advocacy license was disbarred because of "grave violations of the procedures of the completion of advocacy contracts" and "preventing the licensing authority from taking steps to control the observance of legislation, resulting in the provision of inaccurate information".

4. **Mrs Tatsiana Aheyeva** received her lawyer's license disbarment because of "grave violations of the procedures of the completion of advocacy contracts" and "preventing the licensing authority from taking steps to control the observance of legislation, resulting in the provision of inaccurate information".

5. **Mr Paviel Sapielka**, who was a lawyer of 2010 presidential candidate Mr Andrei Sannikov, was disbarred in March 2011, because of "grave violations of the procedures of the completion of advocacy contracts" and "preventing the licensing authority from taking steps to control the observance of legislation, resulting in the provision of inaccurate information".

31. The self-governing bodies of the Bar, namely the Presidium of the Minsk City Bar Association, have not instituted disciplinary proceedings against the lawyers on the basis of these facts nor have they brought them to account for them. The above-mentioned lawyers were not invited to the session of the Qualification Commission of the Ministry of Justice, at which the decision concerning their disbarment was made, which means that they did not have any opportunity to defend themselves.

6. Conclusions

32. The violent suppression of the protest of 19 December 2010 led to the detention of over 600 persons some of whom were severely beaten by riot police.

33. Following the above mentioned criminal cases which have been concluded to date, the situation is as follows:

Total number of convicted / prosecuted / suspected persons	Total number of persons convicted with prison sentences	Total number of persons convicted with suspended prison sentences	Persons placed under control orders	Total number of persons released / pardoned	Total number of persons remaining in prison to date
63	31	8	2	25	6

34. It is worth underlining that some of the prison sentences handed down ranged from 1 up to 6 years and included imprisonment in a high-security detention centre or even in a maximum-security prison. To date, following the pardon/release of a number of persons convicted, 7 persons remain in prison, (Dzmitry Bandarenka, Dzmitry Dashkevich, Uladzimir Loban, Eduard Lobau, Andrei Sannikov, Mikalai Statkevich and Alas Bialatsky) including two 2010 presidential candidates. A further 3 cases are still pending and a further 11 persons remain suspects.

35. It is reported that numerous, flagrant and grave procedural violations occurred during the investigation into the "mass disorder". Basic human rights principles have allegedly been violated in the course of the detentions and the ensuing criminal proceedings, including inhuman treatment, denial of proper medical and legal assistance and gross violation of the right to defence. All these violations are direct consequences of the violation of freedom of assembly and association which was evident on 19 December 2010.

36. The ad hoc Committee is particularly shocked about the fact that some reports indicate that abuse and torture were - and still are - used towards the detainees and towards other opposition figures in order to blackmail them into pleading guilty in political show trials, and forcing them to collaborate with the KGB. Furthermore, the ad hoc committee is deeply concerned by alleged threats – including death threats – against persons remaining in detention, such as presidential candidate Sannikov.

37. In the light of the foregoing, the ad hoc committee refers to Resolution 1790 (2011) of the Assembly and reiterate the need for the authorities of Belarus to "conduct a transparent investigation into the abusive and disproportionate use of force by police and security forces against the demonstrators". It recalls that the use of brutal police force against the protesters was also condemned by EU High Representative for Foreign Affairs and Security Policy and Vice President of the European Commission, Catherine Ashton, the European Parliament, the United States' Administration, the Organisation for Security and Cooperation in Europe (OSCE) and the Conference of the INGOs of the Council of Europe, among others. Nevertheless, no investigation has been conducted into police violence and disproportionate use of force during the suppression of the protest rally.

38. The ad hoc committee condemns the wave of violence against peaceful protesters, journalists, independent media, opposition activists and human rights defenders in Belarus, the excessive use of force by law enforcement personnel and the fact that sentences were handed down on demonstrators. The Parliamentary Assembly has repeatedly called for freedom of assembly and association to be respected in Belarus. The arrest of Mr Ales Bialatsky, President of the Human Rights Center "Viasna" and Vice-President of the International Federation for Human Rights (FIDH), is another provocation that the Assembly cannot tolerate.

39. The ad hoc Committee believes that the Assembly cannot entertain contacts with the authorities of Belarus as long as all the persons mentioned in this report have not been released from prison. It urges the authorities in Belarus to release immediately the persons concerned and to ensure that all convictions are unconditionally erased from the criminal records of the persons concerned. In this connection, it notes with regret that persons who were pardoned had to plead guilty in order to obtain the Presidential pardon.

40. The ad hoc committee furthermore believes that – even if all persons concerned were to be released - there cannot be progress on dialogue with the Belarusian authorities without tangible and verifiable progress towards Council of Europe standards, including respect for the freedom of assembly and association which is an essential precondition for democracy. That said, it is of the utmost importance that the Assembly continues to strengthen its dialogue with Belarus' democratic forces, civil society, opposition groups, free media and human rights defenders.

41. In drawing up the present the report, the ad hoc committee has discharged the mandate conferred on it by the Bureau. It supports the ongoing work of the Political Affairs Committee on the situation in Belarus (Rapporteur Mr Andres Herkel, Estonia, EPP/CD) and expresses the hope that the present report will provide a useful input into that work. In this context, the ad hoc committee trusts that the latter will also continue to monitor the situation of persons who were prosecuted, convicted and detained and who are no longer in prison due to the constant threats to which they are subjected and the restrictions placed on their activities. For this purpose, the ad hoc committee requests that the Bureau declassify the report.