



**OSCE Office for Democratic Institutions and Human Rights  
Election Observation Mission  
Parliamentary Elections – 17 October 2004  
Republic of Belarus**

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**INTERIM REPORT 1  
2 –15 September 2004**

**Executive Summary**

- Elections to the House of Representatives of the National Assembly of the Republic of Belarus will take place on 17 October 2004. The OSCE/ODIHR established an Election Observation Mission (EOM) on 2 September, with long-term observation of the electoral process in Minsk, and deployment to 8 regional centres on 10-11 September.
- District Election Commission (DECs) and Precinct Election Commissions (PECs) have been formed within the deadlines provided by law. On 3 September President Aleksandr Lukashenka issued a decree allowing the appointment of political party representatives as advisory members of the Central Election Commission (CEC).
- A total of 692 nominations of candidates have been made, just under half of them by political parties. Almost 17 per cent of nominees are women. The period for DECs to register candidates runs from 7 to 16 September.
- Out of 635 applications to form initiative groups to put forward candidates seeking nomination through signature collection, 74 were denied on various technical grounds. In two instances the denial was successfully overturned on appeal to the CEC.
- The election campaign officially opens on 17 September. Broadcast of candidates' free airtime on state TV and radio begins on 20 September.
- On 7 September President Lukashenka announced that a republican referendum would be held simultaneously with the 17 October elections. The referendum is on a proposed constitutional amendment to remove the two-term limit on the holding of the office of president.

**I. Introduction**

Elections for the 110 seats in the House of Representatives, the lower chamber of the National Assembly (parliament) of the Republic of Belarus, will take place on 17 October 2004. Following an invitation by the Ministry of Foreign Affairs, the OSCE/ODIHR established an EOM to the Parliamentary Elections on 2 September 2004. The EOM is headed by Ambassador Audrey Glover (UK), and consists of 10 core team members and 11 teams of long-term observers from 16 OSCE participating States, based in Minsk and eight other cities.

Members of the House of Representatives are elected for four-year terms by majoritarian contest in single-mandate constituencies. Persons seeking nomination and registration as candidates must be Belarusian citizens, and at least 21 years old.

To win election, a candidate must poll more than 50 per cent of the valid vote, and turnout must be at least 50 per cent. If no candidate in a given constituency receives more than 50 per cent in a first round vote, a second round is held within two weeks between the two candidates who placed highest in the first round, and only a simple majority is then needed, with a 25 per cent turnout requirement.

## II. Political Context

The Parliamentary Elections will take place in a dynamic political atmosphere. President Lukashenka announced on 7 September that a nationwide referendum would be held simultaneously with the elections. Citizens will vote on allowing the incumbent President to participate in the presidential election scheduled for 2006 and on amending the Constitution to eliminate the existing language that limits a President to two terms in office; the issues are presented as a single question. It appears likely that the referendum will influence and perhaps play an important role in the election campaign. The EOM to the Parliamentary Elections will take note of the referendum to the extent that it impacts upon the elections during the campaign period and on election day.

President Lukashenka has made a series of public statements about the elections. According to the Belapan news agency, the President indicated during a 20 July news conference that he has issued a “directive” that 30 per cent of current deputies should be re-elected, and that the representation of women in the House of Representatives should be increased to 30 to 40 per cent (there are currently 14 women deputies, which is 12.7 per cent). Additionally, the President has referred to the desirability of having only one round of elections in order to save public funds.

In contrast to the decision by seven parties to boycott the 2000 parliamentary elections, the majority of opposition parties intend to participate in these elections and have formed two informal “electoral blocs”: the Coalition Five Plus and the Democratic Centrist Coalition. The Law on Political Parties allows parties to form blocs for the election campaign, but such blocs cannot nominate candidates. As a result, the parties within the blocs reportedly intend to co-ordinate efforts in support of agreed candidates in some constituencies.

The Coalition Five Plus includes the United Civic Party, the Belarusian Popular Front, the Belarusian Party of Communists, the Belarusian Social Democratic Gromada, and the liquidated Belarusian Party of Labour [see below]. The coalition has endorsed a campaign platform entitled “Five Steps towards a Better Life”.

The Democratic Centrist Coalition contains the “Respublika” parliamentary grouping, the European Coalition “Free Belarus”, which includes the Belarusian Social Democratic Party (Narodnaya Gromada) and the Belarusian Women’s Party “Nadzeja”, and the “Young Belarus” Coalition. The coalition has not articulated a specific campaign platform, but “Free Belarus” advocates European values and supports the eventual integration of Belarus into the European Union.

The Republican Coordinating Council of Political Parties and Public Associations is an organization that serves to unite the majority of pro-government forces. It reportedly includes approximately seven political parties and 30 non-governmental organizations, including the Agrarian Party, the Communist Party of Belarussia, and the Belarusian Social-Sport Party. The main political platform of these parties is support for the policies of President Lukashenka and the vertical power structure.

The Belarusian Liberal Democratic Party made nominations in 107 of the 110 constituencies, which represents the largest number of nominations put forward by a single party. The leader of the Liberal Democratic Party, Sergey Gaydukevich, ran in the 2001 presidential election and has announced his intention to run in the 2006 presidential election.

The opposition organized demonstrations in Minsk on 21 July to mark 10 years in office of President Lukashenka. Due to a dispute over the venue, which requires approval by the local authorities, a number of participants received fines and/or were sentenced to administrative detention of up to 15 days. Several parties associated with the Coalition Five Plus have received warnings from the Ministry of Justice – later confirmed by the Supreme Court – in connection with the 21 July demonstrations; a second warning could lead to de-registration of a party. In addition, the Belarusian Party of Labour was liquidated on 2 August

pursuant to a Supreme Court decision that found the party to be in repeated violation of the Law on Political Parties, the Civil Code, and its own charter.

In the context of the forthcoming Parliamentary Elections, the arrests in April and May 2004 of three opposition politicians are of note. Valery Levonevskiy, a member of the coordination committee of "Free Belarus," initially intended to seek registration as a candidate in Grodno; however, he withdrew his nomination on 4 September, prior to receiving a two-year prison sentence for defaming the President. An associate of Mr. Levonevskiy, Aleksandr Vasilyev, during the same trial received a two-year prison sentence for defamation and organization of an unsanctioned meeting. He is a nominee for registration as a candidate in constituency 51, Grodnenskiy-Zanemanskiy, while he awaits the outcome of an appeal against his sentence. Mikhail Marinich, a former Ambassador to Latvia and former Minister of Foreign Economic Relations who currently awaits trial on various criminal charges, ended speculation that he would seek to run in the elections with a 12 August announcement that he would not participate.

### **III. Legal Framework**

The legal framework for the Parliamentary Elections consists principally of the Constitution of the Republic of Belarus of 24 November 1996 and the Electoral Code of 31 January 2000 (as amended on 4 July 2000). Additionally, a number of other laws have a direct impact on electoral procedures, such as the Law on Political Parties of 5 October 1996 (with amendments up to 26 June 2003) and the Law on the Central Commission for Elections and National Referendums of 17 April 1998, and there have been a number of directives and regulations adopted by the CEC in respect of technicalities and election day procedures for the 2004 elections.

The legal framework for the 2004 Parliamentary Elections is in general – despite repeatedly expressed concerns about shortcomings and contraventions of OSCE commitments and international standards and concrete recommendations for improvement – the same as four years ago. The few amendments made recently are more editorial than substantive in nature. A focus of the EOM will be to make a determination whether the Parliamentary Elections are conducted in accordance with OSCE commitments and international standards, notwithstanding the known shortcomings of the Code.

### **IV. Electoral Administration**

The election administration for the Parliamentary Elections was established within the deadlines provided by the Electoral Code and the Law on the Central Commission for Elections and National Referendums. It consists of the CEC, 110 District Election Commissions (DEC – one for every single-member district) and 6,659 Precinct Election Commissions (PEC), 40 of which are to be established overseas in diplomatic missions of the Republic of Belarus.

The CEC is a permanent body with a five-year mandate. It was last appointed in January 2002. It has 12 members, six appointed by the President and six by the Council of the Republic, the upper house of the National Assembly. On 3 September President Lukashenka issued a decree allowing political parties that have nominated persons to be candidates in the Parliamentary Elections to appoint advisory members to the CEC.

The DECs and PECs are temporary bodies appointed for each election. Regional legislatures (the Oblast and the Minsk City Councils of Deputies) and regional executives (the Oblast and the Minsk City Executive Committees) appointed the members to the 110 DECs at joint sessions held by 2 August. The executive bodies of the lower-level local authorities of every administrative unit (district, Minsk city district and town) appointed members of PECs by 1 September for precincts on the territory of the administrative entity. Nominations to the DECs and PECs could be made by political parties, public associations, labour collectives and citizens' groups, but the appointing bodies were not obliged to accept such nominees. The state administrative bodies that form the commissions may also appoint their own representatives to them.

For these elections each DEC consists of 13 members, the maximum number allowed in law. Around 20 per cent of members were nominated by public associations, with a further 7 seven per cent being nominees of political parties; the larger part of the DECs' remaining membership comprises nominees of citizens' groups and labour collectives. Parties of the Coalition Five Plus have complained that a very small proportion of their nominations to DECs were accepted, and that rejected nominees included persons who were clearly qualified according to the criteria for selection recommended by the CEC. The EOM will be looking into whether rules and criteria for approving membership of commissions were applied to nominees on a non-discriminatory basis in the process of DEC formation. The EOM aims in due course to obtain information detailing PEC composition.

The CEC has published manuals for the DECs and the PECs, consisting of excerpts from the Electoral Code and decisions and directives of the CEC relevant to the Parliamentary Elections, including election day procedures. A third CEC brochure is a collection of approved forms of election materials.

The chain of instances for appeals and complaints connected with the Parliamentary Elections follows the hierarchy of the three levels of election commission. Certain decisions of the CEC may be appealed to the Supreme Court, including candidate registration issues.

#### **V. Nomination and Registration of Candidates**

Candidates may be nominated by one of the 17 political parties registered with the Ministry of Justice, or by labour collectives that include a minimum of 300 people. A political party is required to be registered in a given constituency in order to nominate candidates in that constituency, and it may nominate only one candidate per constituency.

Candidates also may be self-nominated, which requires the formation of initiative groups comprising at least 10 persons to collect a minimum of 1,000 valid signatures from voters in a given constituency in support of the candidate. As of the 12 August deadline to form initiative groups, 635 applications were received by the relevant DECs: 555 were approved, 74 (or 11.7 per cent) were denied on various technical grounds and 6 applications were withdrawn. There were two instances in which denials by DECs were successfully overturned on appeal to the CEC.

The deadline for political parties and labour collectives to nominate candidates was 6 September, and initiative groups were to submit signatures collected in support of their candidates also by that date. According to information provided by the CEC, there were 692 candidates nominated, including 316 individuals put forth by 11 political parties. There are 116 women (16.8 percent) who wish to become deputies, and 67 of the current parliamentarians have chosen to run for re-election. In 2000, there were 769 individuals who sought registration as candidates.

Candidate registration began on 7 September and will conclude on 16 September.

#### **VI. Campaign Environment**

The Electoral Code states that individual candidates may begin election campaigning upon completion of their registration. This means that in theory campaigning for the Parliamentary Elections could have begun as early as 7 September as candidates gained registration. However, the CEC Secretary announced on 13 September that the CEC had instructed the DECs to complete all registration procedures on 15 and 16 September in order to ensure that registered candidates receive equal opportunities to campaign.

The EOM has received a copy of one complaint submitted to DEC 84 (Minsk Selskiy) that alleges that the incumbent deputy has begun campaigning in violation of the Electoral Code. The EOM is also seeking to verify independently reports by a domestic organization engaged in long-term observation that many potential candidates from across the political spectrum have begun campaigning early.

## VII. Media Environment

A CEC resolution of 8 September, in accordance with Article 33 of the Electoral Code, set out the rules for candidates' access to the state media. Each candidate will have the right to publish two typewritten pages of campaign material in state national or regional newspapers, and will be entitled to one television and one radio presentation, pre-recorded and of not more than five minutes. Broadcast of these candidates' presentations will begin on 20 September, and will be grouped together by constituency, the order in which each constituency contest is to be presented having been determined by the CEC. The order in which the participants in a given constituency contest have their presentations broadcast will be determined by drawing lots. Voters will be informed in advance through the mass media when the broadcasts relating to their constituency are to take place.

A CEC resolution of 17 August established a Supervisory Council to control and monitor the conduct of the election campaign in the media. The Supervisory Council comprises seven members representing state-controlled institutions, including state broadcast and print media outlets.

Since 6 September the EOM has been conducting qualitative and quantitative analyses of four TV stations including three state-owned channels, BT1, ONT, STV, and the Russian Federation channel RTR, which is received in Belarus, as well as the state-owned radio channel BR1. There are no Belarusian TV stations with nationwide coverage that are outside state control. Additionally, three state newspapers, *Sovetskaya Belorussiya*, *Zvezda* and *Narodnaya Gazeta*, and three non-state newspapers, *Narodnaya Volya*, *Belorusskaya Gazeta* and *Komsomolskaya Pravda v Belorussii* are also being monitored. The monitoring activities focus on the primetime programs and daily publications, and the EOM will be assessing and producing statistics on the quantity of the time or space allocated to candidates, parties and other relevant political topics, as well as assessing the tone of their coverage.

The EOM will closely follow the situation related to media freedom as well as whether voters will be able to receive through the media information allowing them to make a genuinely well-informed choice in the Parliamentary Elections.

## VIII. Domestic Observers

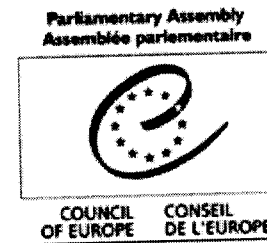
There is at least one Belarusian organization, the unregistered civic initiative group "Partnership", that intends to mount a non-partisan observation effort for the Parliamentary Elections. Partnership deployed long-term observers to all 110 constituencies beginning on 1 July. To date these observers have been monitoring preparations for the elections, including the formation of DEC and PEC and candidate nomination. Partnership has produced several interim reports detailing its observations.

## IX. EOM Activities

The EOM in Minsk has held initial meetings with the Minister of Foreign Affairs, the Chairperson and staff of the CEC, and diplomatic representatives of the OSCE participating States and international organizations in Minsk. Eleven long-term observer teams were deployed in Minsk and eight cities throughout the six administrative regions of Belarus on 10-11 September. The EOM is in the process of setting up working contacts with DEC and PEC, political parties, nominees and registered candidates as well as their representatives, and with representatives of the media and civil society organizations.

The OSCE/ODIHR has requested that OSCE participating States provide 300 short-term observers (STOs) for election day. In addition, the OSCE/ODIHR will recruit and finance 10 short-term observers from the fund to diversify EOMs.

Parliamentary **Assembly**  
**Assemblée** parlementaire



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**Recommendation 1657 (2004)<sup>1</sup>**

**Disappeared persons in Belarus**

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1. The Parliamentary Assembly refers to its Resolution 1371 (2004) on disappeared persons in Belarus, and recommends that the Committee of Ministers:

i. request the competent Belarusian authorities:

*a.* to launch a truly independent investigation into the above-mentioned disappearances by the competent national authorities, after the resignation of the current General Prosecutor, Mr Sheyman, who has been accused of having himself orchestrated the disappearances in his previous function, and to keep the families of the missing persons fully informed of the progress and results of this investigation;

*b.* to initiate criminal investigations with a view to clarifying, and punishing, as the case may be:

– the alleged involvement of the current General Prosecutor (previously Head of the Security Council), Mr Sheyman, the current Minister for Sports and Tourism (previously Minister of the Interior), Mr Sivakov, and a high-ranking officer of the special forces, Mr Pavlichenko, in these disappearances;

– the crime of perversion of the course of justice possibly committed by certain other high-ranking officials who have been involved in the investigations carried out so far and who may have falsified, dissimulated or destroyed evidence in their possession in order to protect the true perpetrators of the crimes.

ii. consider suspending the participation of Belarus in various Council of Europe agreements and activities, as well as any contacts between the Council of Europe and the Belarusian Government on a political level, until sufficient progress has been made regarding the request under paragraph 1.i above and, meanwhile, to step up its co-operation with civil society in Belarus with a view to promoting respect for human rights;

iii. invite its member and Observer states:

*a.* to apply political pressure (including sanctions) on the Belarusian Government in order to send it a strong signal that impunity for enforced disappearances is not tolerated by the international community; and

*b.* to continue protecting, to the best of their ability, those women and men in Belarus who are working for the establishment of the truth.

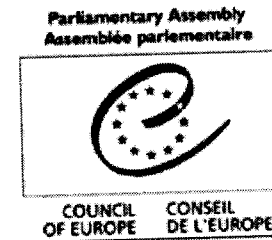
2. The Assembly urges the member states of the Council of Europe and the international community as a whole to exert maximum political pressure on the current leadership of Belarus, including through sanctions, until a credible, independent investigation of the alleged involvement of high-ranking officials in the disappearances, or their cover-up, has been carried out.

3. It invites, in particular, the judicial authorities of those countries whose domestic laws give their national courts international jurisdiction for cases of serious human rights abuses, either in general, or in the presence of certain territorial links, to begin proceedings against certain high-ranking Belarusian officials for the alleged murder, for political reasons, of one or more of the four disappeared persons, as cited in its Resolution 1371 (2004).

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1. *Assembly debate* on 28 April 2004 (12th Sitting) (see [Doc.10062](#), report of the Committee on Legal Affairs and Human Rights, rapporteur: Mr Pourgourides).  
*Text adopted by the Assembly* on 28 April 2004 (12th Sitting).

Parliamentary **Assembly**  
**Assemblée** parlementaire



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**Resolution 1371 (2004)<sup>1</sup>**

**Disappeared persons in Belarus**

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1. The Parliamentary Assembly has been concerned for over two years by the disappearances of Yuri Zakharenko, former Minister of the Interior (disappeared on 7 May 1999), Victor Gonchar, former Vice-President of the Parliament of Belarus (disappeared on 16 September 1999), Anatoly Krasovski, businessman (disappeared at the same time as Mr Gonchar), and Dmitri Zavadski, cameraman for the Russian television channel ORT (disappeared on 7 July 2000).
2. Allegations made in public that these disappearances were politically motivated led to an ad hoc sub-committee of the Committee on Legal Affairs and Human Rights being set up in September 2002, and to a motion for a resolution in April 2003. The Assembly commends the ad hoc sub-committee and the rapporteur for their thorough work under difficult circumstances.
3. The Belarusian authorities refused to allow the ad hoc sub-committee to visit Minsk in order to meet with persons who could not, or would not, come to Strasbourg, and they cancelled a second round of meetings requested by the rapporteur after they found out about his preliminary findings by intercepting confidential communications between the Secretariat and his contacts in Minsk. The Assembly particularly and strongly protests against the refusal of the Belarusian authorities to invite Mr S. Kovalev and the ad hoc sub-committee presided by him to Minsk.
4. The Assembly expresses its respect for those Belarusian officials and human rights defenders who have sacrificed their careers and taken risks, even putting their personal safety on the line, in order to advance the cause of truth.
5. It thanks those countries who granted protection and asylum to a number of such officials, including the Russian Federation, the United States of America, Germany and Norway, and seizes this opportunity to recall the importance of the practical availability of political asylum as a last resort to protect defenders of human rights and democracy.
6. The Assembly recalls Article 1, paragraph 1, of the 1992 United Nations Declaration on the Protection of All Persons from Enforced Disappearances, which states that "Any act of enforced disappearance is an offence to human dignity. It is condemned as a denial of the purposes of the Charter of the United Nations and as a grave and flagrant violation of the human rights and fundamental freedoms proclaimed in the Universal Declaration of Human Rights", and Article 13, paragraph 6, of the declaration, which calls for investigations to be continued "as long as the fate of the victim of enforced disappearance remains unclarified".
7. It notes that the United Nations Commission on Human Rights in Article 2 of its Resolution 2003/14, adopted on 17 April 2003, urged the Government of Belarus:



"a. To dismiss or suspend from their duties law enforcement officers implicated in forced disappearances and/or summary executions, pending an impartial, credible and full investigation of those cases;

b. To ensure that all necessary measures are taken to investigate fully and impartially all cases of forced disappearance, summary execution and torture and that perpetrators are brought to justice before an independent tribunal and, if found guilty, punished in a manner consistent with the international human rights obligations of Belarus".

8. The Assembly considers it an unacceptable conflict of interest that a person who has been accused of masterminding serious crimes should subsequently be put in charge, as General Prosecutor, of the official investigation of the said crimes. Under the circumstances, the Assembly strongly condemns this appointment.

9. On the basis of the solid results of the rapporteur's work, which separates mere rumours from facts established by evidence or well-founded conclusions, the Assembly concludes that a proper investigation of the disappearances has not been carried out by the competent Belarusian authorities. On the contrary, the information gathered by the rapporteur leads it to believe that steps were taken at the highest level of the state to actively cover up the true circumstances of the disappearances, and to suspect that senior officials of the state may themselves be involved in these disappearances.

10. The Assembly therefore requests that the Belarusian executive authorities:

i. launch a truly independent investigation into the above-mentioned disappearances by the competent national authorities, after the resignation of the current General Prosecutor, Mr Sheyman, who has been accused of having himself orchestrated the disappearances in his previous function, and to keep the families of the missing persons fully informed of the progress and results of this investigation. The Council of Europe is ready to provide all possible assistance in such an investigation;

ii. initiate criminal investigations with a view to clarifying, and punishing, as the case may be:

a. the alleged involvement of the current General Prosecutor, Mr Sheyman, the current Minister for Sports and Tourism (previously Minister of the Interior), Mr Sivakov, and a high-ranking officer of the special forces, Mr Pavlichenko, in these disappearances; and

b. the crime of perversion of the course of justice possibly committed by certain other high-ranking officials who have been involved in the investigations carried out so far and who may have falsified, dissimulated or destroyed evidence in their possession in order to protect the true perpetrators of the crimes.

11. The Assembly further invites the Belarusian Parliament:

i. to establish a parliamentary committee of inquiry, complete with proper investigatory resources at its disposal;

ii. to take the necessary steps with regard to the executive to ensure that the action requested under paragraph 10 above is fulfilled,

including demanding the resignation of certain high-ranking officials accused of being involved in the disappearances, in order to allow a truly independent investigation.

2. Until substantial progress is made regarding its demands under paragraphs 10 and 11 above, the Assembly does not consider it appropriate to reconsider the suspension of Special Guest status in favour of the Belarusian Parliament, as decided by the Bureau on 13 January 1997. As long as no substantial progress is made as regards paragraph 11 above, the Assembly considers inappropriate the presence, even informal, of Belarusian parliamentarians during its sessions.

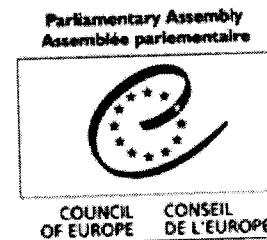
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1. *Assembly debate* on 28 April 2004 (12th Sitting) (see Doc.10062, report of the Committee on Legal Affairs and Human Rights, rapporteur: Mr Pourgourides).  
*Text adopted by the Assembly* on 28 April 2004 (12th Sitting).

Full text of the report (Doc. 10062)  
is available at:

[http://assembly.coe.int/Documents/WorkingDocs/  
doc04/EDOC10062.htm](http://assembly.coe.int/Documents/WorkingDocs/doc04/EDOC10062.htm)

**Parliamentary Assembly**  
**Assemblée parlementaire**



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**Recommendation 1658 (2004)<sup>1</sup>**

**Persecution of the press in the Republic of Belarus**

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The Parliamentary Assembly of the Council of Europe refers to its Resolution Resolution 1372 (2004) on the persecution of the press in the Republic of Belarus and recommends that the Committee of Ministers of the Council of Europe:

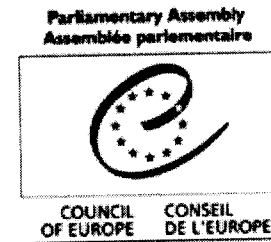
- i. take into account this resolution when deciding on action concerning Belarus;
- ii. forward this resolution to the governments of member states and Observer states and request them to support in their bilateral relations with Belarus the fulfilment of the catalogue of requirements contained in this resolution with regard to freedom of the media;
- iii. encourage member states to provide objective and impartial broadcasting programmes and print and Internet publications aimed specifically at the Belarusian public.

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1. *Assembly debate* on 28 April 2004 (12th Sitting) (see Doc. 10107, report of the Political Affairs Committee, rapporteur: Mr Pourgourides; and Doc. 10165, opinion of the Committee on Culture, Science and Education, rapporteur: Ms Muttonen). *Text adopted by the Assembly* on 28 April 2004 (12th Sitting).



## Parliamentary Assembly Assemblée parlementaire



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### Resolution 1372 (2004)<sup>1</sup>

#### Persecution of the press in the Republic of Belarus

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1. The Parliamentary Assembly of the Council of Europe recalls that membership of the Council of Europe requires the commitment of a state to strive for greater European unity based on the common values shared by the family of democratic nations in Europe and enshrined in the European Convention on Human Rights (ETS No. 5) and the other conventions and recommendations of the Council of Europe. Therefore, the authorities of each applicant state must show their willingness and capacity to adhere to these values and standards. One of the fundamental democratic rights guaranteed by the European Convention on Human Rights is the right to freedom of expression and freedom of the media.
2. The Assembly welcomes the wish expressed by the Parliament of Belarus to resume its Special Guest status with the Assembly as well as the desire of Belarus to accede to the Council of Europe. It is with regret, however, that the Assembly must note that neither the parliament nor the other state authorities of Belarus have made any progress towards democratic development since the suspension of the Special Guest status of the Parliament of Belarus in January 1997 due to the dissolution of the parliament by President Lukashenko's referendum and the subsequent non-democratic constitution of the new parliament. The Bureau of the Assembly consequently rejected, in January 2004, the application for re-granting Special Guest status to the Parliament of Belarus.
3. The Assembly recalls that freedom of expression and freedom of the media constitute one of the essential foundations of a democratic society, one of the basic conditions for its progress and for the development of every human being, as the European Court of Human Rights has consistently held. Where information is withheld from the people through state censorship and state propaganda reigns, true democracy can never exist.
4. The Assembly remains appalled by the fact that the disappearance, more than three years ago, of the journalist Mr Dmitri Zavadski and his alleged extra-judicial execution by agents of the state has not been properly and truly investigated. The conviction of four men for the abduction of Mr Zavadski cannot be regarded as a proper investigation for various reasons. Reference is made only to a few of them: firstly, the body of Mr Zavadski has not been traced and it has not been established that he has been murdered; secondly, the General Prosecutor of the Republic of Belarus is in charge of all criminal investigations. The present holder of the post of General Prosecutor is Mr Victor Sheyman, who is regarded by many people in Belarus as the mastermind behind this abduction and others.
5. The Assembly deplores the systematic harassment and intimidation carried out by state officials, in particular the Ministry of Information, against journalists, editors and media outlets which are critical of the President of the Republic or the Government of Belarus. The legal basis for such action is very often the

requirement that print media receive a state licence from the Ministry of Information. Article 10 of the European Convention on Human Rights does not permit such licensing of print media.

6. Furthermore, the state allows a situation whereby the functioning of media outlets can be at the mercy of local administrations, of printing houses and distribution agencies. Independent media are forced to operate under discriminatory economic conditions.

7. The Assembly condemns, as totally unacceptable in a democratic society, the subjecting of journalists to imprisonment, including forced labour, for criticism of the President and state officials, which is currently possible under the provisions of Articles 367, 368 and 369 of the Criminal Code.

8. The Assembly is deeply concerned by the level of state control over the electronic media, in particular the public television and radio company of Belarus, which works under a presidential decree, but also private joint-stock companies, in which the state typically holds major shares and interests. It is also concerned that printing companies and companies distributing print media are largely state controlled. In a genuine democracy, public media must not function as a voice of the President and the executive branch of power, but should provide an impartial service for the public at large by disseminating news and commentary in an open, unbiased and truthful way.

9. The Assembly believes that the media landscape, under the controls it is currently subject to, does not provide for the freedom of information through the media that is necessary for the preparation and conduct of democratic parliamentary elections in autumn 2004. All political candidates, political parties and political civil society organisations must have equal access to the media without control by the state. Otherwise, voters in Belarus will not be able to receive the information necessary to form their own opinions about the situation in their own country.

10. The Assembly therefore regrets that reform of the Law on the Press and other Mass Media and other relevant laws, long announced and awaited, have not been finalised in time for the coming parliamentary elections by the President of the Republic, the ministers responsible and the parliament and that the Belarusian authorities have not fulfilled their commitment to send the draft to the Council of Europe for examination. The Assembly resolves to continue monitoring the situation concerning the media in the Republic of Belarus until the new Law on the Press and other Mass Media is enacted.

11. The Assembly notes with regret that the Parliament of Belarus refused to co-operate with the Organization for Security and Co-operation in Europe (OSCE) in the organisation of a seminar on the media in Belarus on 27 February 2004. Furthermore, the Assembly regrets that the Vice-Chairman of its Chamber of Representatives, Mr Vladimir Konoplev, refused to receive a joint delegation from the Council of Europe's Parliamentary Assembly, the OSCE Parliamentary Assembly and the European Parliament from 22 to 24 January 2004, which would have allowed the members of the Parliament of Belarus to hold a dialogue with European parliamentarians on a number of issues including freedom of the media.

12. The Assembly calls on all member and Observer states of the Council of Europe not to tolerate any longer the existing state of affairs in Belarus. Fundamental rights and freedoms are systematically violated in Belarus with the sole aim of keeping a non-democratic regime in power. The regime of President Lukashenko bases its existence on repression, intimidation and fear. The measures of repression and intimidation are directed not only towards the media but also towards all other democratic institutions, human rights activists and the people at large. Belarus

remains, in the year 2004, a police state with conditions similar to those prevailing in the country during the Soviet Union era. It is imperative to do everything possible in order to bring democracy to Belarus. Millions of Belarusians were killed during the second world war bravely fighting against the forces of Hitler. However, freedom has not yet come to their land. All member and Observer states of the Council of Europe have a duty to ensure that Belarus ceases to be the last dictatorial state in Europe.

13. The Assembly calls on the Secretary General of the Council of Europe to:

i. constantly bear in mind the people of Belarus and step up targeted action in favour of human rights, democracy and the rule of law in Belarus; and

ii. allocate, in co-operation with the Committee of Ministers, sufficient resources for projects on strengthening democracy and freedom of the media in Belarus in preparation for the parliamentary elections in autumn 2004 and, more generally, aimed at enhancing the understanding of democratic standards in the media field and reinforcing public opposition to any form of repression of free speech.

14. The Assembly calls on the President of the Republic of Belarus, the Government of Belarus and the National Assembly of Belarus to:

i. launch a truly independent investigation into the disappearance and alleged extra-judicial execution of the journalist Mr Dmitri Zavadski which occurred more than three years ago and make the final results of this investigation public, a prior requirement to such an investigation being the removal from office of Mr Victor Sheyman;

ii. consider revising the penal laws and Article 5 of the Law on the Press and other Mass Media in order to allow political criticism of the President of the Republic and the members of the National Assembly; the honour and dignity of the President of the Republic and the heads of state bodies must not be protected unconditionally;

iii. take due account of Article 19 of the International Covenant on Civil and Political Rights of the United Nations as well as Articles 3 and 4 of the Law on the Press and other Mass Media; thus the courts of Belarus should not impose disproportionate penal sanctions against media and journalists criticising the President of the Republic;

iv. revise Article 9 of the Law on the Press and other Mass Media in order to abolish the licensing requirement for print media, because this is contrary to the right to freedom of the press as guaranteed by Article 10 of the European Convention on Human Rights;

v. abolish administrative sanctions and oral reprimands against the media by the Ministry of Information because they violate the fundamental principle of the separation of powers between the executive and the judiciary and are contrary to Article 10 of the European Convention on Human Rights; the Law on the Press and other Mass Media should be revised accordingly;

vi. initiate legislation which fully implements Article 33, third sentence, of the Constitution of Belarus and which would prohibit any monopoly over the mass media by the state; for this purpose, the high concentration of state interests in joint-stock media, printing companies

and distributing companies should be reduced and the national broadcasting company should become a public service broadcaster independent of direct control by the President of the Republic or other state organs along the lines of Recommendation 1641 (2004) on public service broadcasting;

vii. ensure that printers and distributors of print media do not discriminate against private media independent of state support, or against the foreign press;

viii. ensure that the Central Electoral Committee and the national broadcasting company provide for free, equal and fair access to airtime for political parties as well as independent candidates before the elections in Belarus; the authorities may be guided by Recommendation No. R(99)15 of the Committee of Ministers on measures concerning media coverage of election campaigns; this is particularly important in preparation of the coming parliamentary elections in autumn 2004;

ix. revise all presidential decrees which excessively restrict the right to receive and disseminate information about the state under Article 34 of the Constitution of Belarus;

x. ensure that the National Assembly can take up its role as legislator and become the initiator of legislation and legislative amendments in the media field; in this regard, the National Assembly should seek to include in the Constitution of Belarus a provision on freedom of the media and the inadmissibility of censorship similar to Articles 3 and 4 of the Law on the Press and other Mass Media;

xi. refrain from restricting the right to freedom of association of journalists and editors, as guaranteed by Article 22 of the International Covenant on Civil and Political Rights of the United Nations and by Article 11 of the European Convention on Human Rights; the state authorities of Belarus must not hinder the work of the Belarusian Association of Journalists by intimidating or harassing its staff and members.

15. The Assembly calls on the European Parliament, the Council of the European Union and the European Commission not to tolerate any longer the systematic violation by Belarusian authorities of the fundamental freedoms guaranteed under Articles 10 (freedom of expression) and 11 (freedom of association) of the European Convention on Human Rights, Articles 11 (freedom of expression) and 12 (freedom of association) of the Charter of Fundamental Rights of the European Union, and to take appropriate action in their relations with Belarus.

16. The Assembly calls on the OSCE Parliamentary Assembly, the Chairman-in-Office of the OSCE and the OSCE Representative on Freedom of the Media not to tolerate any longer the systematic violation by Belarusian authorities of the fundamental freedoms guaranteed under Articles 10 and 11 of the European Convention on Human Rights, Articles 19 (freedom of expression) and 22 (freedom of association) of the International Covenant on Civil and Political Rights of the United Nations in relation to the obligations of Belarus under the Helsinki Final Act, and paragraph 22 of the Istanbul Summit Declaration of the OSCE, and to take appropriate action against Belarus.

17. The Assembly calls on the United Nations and, in particular, the United Nations Commission on Human Rights, never to tolerate the systematic violation by



Belarusian authorities of Articles 19 and 22 of the International Covenant on Civil and Political Rights of the United Nations, and to take appropriate action against Belarus.

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1. *Assembly debate* on 28 April 2004 (12th Sitting) (see [Doc. 10107](#), report of the Political Affairs Committee, rapporteur: Mr Pourgourides; and [Doc. 10165](#), opinion of the Committee on Culture, Science and Education, rapporteur: Ms Muttonen). *Text adopted by the Assembly* on 28 April 2004 (12th Sitting).

**PACE President: "Belarus referendum must be held in conformity with Council of Europe standards"**

Strasbourg, 14.09.2004 - Council of Europe Parliamentary Assembly (PACE) President Peter Schieder today expressed great concern over the Belarusian President's decision to hold, in parallel with the parliamentary elections on 17 October 2004, a referendum on allowing a president to run without limitations in future presidential elections.

"While we cannot deny the right of the Belarusian authorities to hold a referendum in this context, we urge them to ensure that it be held in conformity with Council of Europe standards, as also stressed by the EU Council.

Our concern is based on the undemocratic way in which the November 1996 referendum was held, giving sweeping powers to the President, and on the gross manipulation of subsequent parliamentary and presidential elections. As a consequence, the Assembly suspended the Belarusian parliament's special guest status in January 1997. Belarus' accession process to the Council of Europe has remained frozen since then.

The hardening of Mr Lukashenko's dictatorial regime over the past years is clearly evidenced by the persecution of opposition groups and NGOs, and the repression of the independent media. Moreover, the authorities have refused to properly investigate serious allegations that high representatives of the regime were involved in the disappearance of opposition politicians and a critical journalist.

These undemocratic policies have caused the country to be increasingly isolated from the international community, to the detriment of the Belarusian people.

The Assembly is prepared to contribute to assuring the fairness of the forthcoming parliamentary elections by participating in an international observation mission. If the referendum moves forward under less than free and fair circumstances, the Council of Europe and its Assembly will draw the necessary consequences."

Appendix: last PACE adopted texts on Belarus :

- [Recommendation 1657 \(2004\) Disappeared persons in Belarus](#)
- [Resolution 1371 \(2004\) Disappeared persons in Belarus](#)
- [Recommendation 1658 \(2004\) Persecution of the press in the Republic of Belarus](#)
- [Resolution 1372 \(2004\) Persecution of the press in the Republic of Belarus](#)