



Human Rights Defenders – for Free Elections!

Election of the President of Belarus 2010: Weekly Analytical Review (October 18-24)

GENERAL CONCLUSIONS

1. The Central Election Commission (CEC) rejected a proposal to provide for a public demonstration of ballot papers during the counting, despite absence of transparency in counting and tabulation of votes noted by observers during previous elections, and despite the Joint Opinion of the Venice Commission and OSCE/ODIHR that the 2010 amendments to the election legislation did not contribute to ensuring that "precinct commission members count the ballot papers in a transparent and properly observable manner."

2. Territorial Election Commissions (TECs) continue to operate in a non-transparent manner and in most cases do not inform observers about the time of their sittings. In addition, they have rejected requests for access to information other than what is officially published.

3. Observers continue to witness the widespread participation of persons not belonging to the initiative group of Alyaksandr Lukashenka, and the broad use of the administration of state enterprises and institutions, in the collection of signatures in support of Lukashenka.

4. Election commissions, courts and prosecutor offices continue to reject complaints related to violation of electoral legislation during collection of signatures in support of Lukashenka.

5. State mass media continue to ignore the elections, while ideological services of state enterprises and institutions have started an information campaign presenting the Fourth All-Belarus People's Assembly, to be held just before the election, as the "supreme expression of people's will." This demonstrates the authorities' intention to present the presidential election as a secondary form of people's participation in shaping power in the country.

6. The number of initiative groups that claim that to have collected the necessary 100,000 signatures increased to five (groups of Lukashenka and Uladzimir Nyaklyaeu, which announced it earlier, were joined by groups of Andrei Sannikau, Yaraslau Ramanchuk and Viktor Tsyareshchanka), and the number of prospective candidates decreased from 15 to 14 (Syarhey Ryzhou announced his withdrawal from the election campaign).

I. WORK OF ELECTION COMMISSIONS

The Central Election Commission (CEC) refused to consider the proposal of citizen Aleh Matskevich on public display of ballot papers during the vote counting and explained its refusal by saying that Mr Matskevich "offers proposals to set up new norms of the electoral legislation, which is beyond the CEC's competence," and that "the CEC has explained in detail the procedure of vote counting and tabulation of election outcomes in our Methodical Recommendations"¹.

It should be noted here that according to the Joint Opinion of the Venice Commission and the OSCE/ODIHR, the Belarusian electoral legislation (as amended in January 2010) does not ensure that "precinct commission members count the ballot papers in a transparent and properly observable manner."

Many TECs continue working behind closed doors. For example, in Hrodna, observers Svyatlana Rudkouskaya and Raman Yurgel were not informed about the sittings of the territorial commissions of the Lenin and Kastychnitski Districts, despite the fact that they had been registered as observers by these commissions and the commissions had promised to invite them to all official sittings.

II. COLLECTION OF SIGNATURES

Apart from the initiative groups of Alyaksandr Lukashenka and Uladzimir Nyaklyaeu, last week the initiative groups of Yaraslau Ramanchuk, Andrei Sannikau and Viktar Tsyareschanka announced that they had reach the threshold of 100,000 collected signatures in support of their nominees; while Syarhey Ryzhou said that he had stopped collecting signatures and withdrew from the election campaign. He pointed to the pressure on some members of his initiative group as one of the reasons for his decision. However, when requested by the activists of the campaign "Human Rights Defenders for Free Elections", he failed to present any evidence of pressure by the authorities. Observers were also unable to obtain any information about his complaints filed to competent authorities. Now, 14 applicants for presidential candidacy continue campaigning.

Observers continue to report the widespread use of administrative resources in collecting signatures in support of Alyaksandr Lukashenka's nomination. From September 30 on, collection of signatures in support of Lukashenka as a presidential candidate has been held at 179 points and pickets sponsored by the Republic's Public Association (RPA) "Belaya Rus". From October 12, they are supported by 157 public reception offices of the RPA "Belaya Rus". Cases have been observed when signatures were collected in Alyaksandr Lukashenka's support at public reception rooms set up at city and district executive committees with the aim "to improve the quality of education, housing, social, sporting and cultural spheres of citizens' life."² For example, signing for Lukashenka is organized in the public reception room of the Chygunachny District in Homel, which is located in the Homel Regional Library. As reported

¹ Answer to Aleh Matskevich signed by Lidziya Yarmoshyna, chair of the CEC.

² <http://www.gorod.gomel.by/Main.aspx>

by observers, in October the working hours of many public reception rooms were extended to weekends, when they are open from 11:00 a.m. to 3:00 p.m.

From October 14, for two weeks already, the Department for Education of the Administration of the Lenin District of Minsk is ensuring participation of employees of educational institutions in the picket for collecting signatures in support of Lukashenka, located near the "Serabranka" marketplace.³ School principals and heads of kindergartens of the district received a schedule of participation in the picket, which was compiled, according to Anzhela Naskova, head for ideological and educational work of the above Department, under recommendation and with participation of a member of Alyaksandr Lukashenka's election office. Ms Naskova asserts that the labour collectives and individual employees subordinated to her Department may refuse to take part in the picket.

Ganna Shakhnovich, Chair of the Bokshytsy Rural Executive Committee (Slutsk District, Minsk Region), who is not a member of Lukashenka's initiative group, was personally collecting signatures in support of the incumbent President by visiting some villages of the Bokshytsy rural community. In Babruisk City Polyclinic No. 7, signatures were collected during examination of patients in the x-ray laboratory. Moreover, according to residents of micro-district-6 of Babruisk, those ready to support Lukashenka could be examined out of turn. Immediately after the morning check-up, before their work shift, drivers were offered to sign for Lukashenka by a paramedic of the "Polatskgaz" enterprise. The watchwoman of hostel No. 3 in Slutsk, belonging to the Unitary Enterprise (UE) "Minskobltselstroy", who is not a member of Lukashenka's initiative group, demanded from tenants to leave their signatures in support of nomination of the incumbent President.

On October 16-17, in the town of Hantsevichy (Brest Region), while collecting signatures for nomination of Nyaklyaeu, a militiaman and a man in civilian clothes were present during conversations held by picketers with citizens, which in no case contributed to the free will of the latter. In contrast, the Minsk militia has not been seen to interfere with pickets

III. ELECTION-RELATED APPLICATIONS AND COMPLAINTS

Complaints from citizens and other subjects of election process (political parties, members of initiative groups) continued arriving to election commissions of various levels and other state bodies. Complaints filed by members of initiative groups concerned mainly the bans by administrations of institutions and organizations to collect signatures in the hostels administered by them (their access to the territories of state enterprises and institutions is completely prohibited). As to the initiative group of Alyaksandr Lukashenka, its members have unlimited access to all hostels, enterprises and institutions.

³ [http://nv-online.info/by/118/211/22141/Schools-and-kindergartens-supply-teachers-to-pickets-\(photo-of-unofficial-document\).htm](http://nv-online.info/by/118/211/22141/Schools-and-kindergartens-supply-teachers-to-pickets-(photo-of-unofficial-document).htm)

As before, the CEC would not consider complaints on violations of the electoral legislation by members of the initiative group of Lukashenka but refers them to subordinate election commissions. In turn, the TECs and local prosecutors fail to find violations of the election legislation when dealing with such complaints, even in the cases where such violations are obvious.

The complaint about the ban to collect signatures in support of one of opposition candidates in a hostel of the Polatsk State University (PSU) was responded to by the Navapolatsk Prosecutor's Office in the sense that collection of signatures in hostels was organized in accordance with the CEC's Decision No. 43 of September 15, 2010, according to which members of the initiative groups must follow the hostel internal regulations, which stipulate the procedure for visiting hostels by the person who do not live there. The Pro-Rector of the PSU for education and the administration of the hostel ordered restriction of access to the hostel "in order to create optimum conditions for accommodating first-year students there" and "for their adaptation to the life in the hostel." In this context, when checking the complaint about the ban to collect signatures in the hostel, the prosecutor's office found no violations.

A similar answer to his complaint against the ban to collect signatures in the hostel of the Hrodna Medical College was received from the Lenin District Election Commission of Hrodna by Aleh Kalinkau, a member of Nyaklyaeu's initiative group.

Alyaksandr Usau, Deputy Chairman of the Homel Regional Election Commission, gave his comments on the observers' finding that on October 5 signatures were illegally collected in the main building of the Belarusian State University of Transports (Homel) under the guidance of Halina Chayankova, Pro-Rector for education, chair of the Chygunachny District Organization of the RPA "Belaya Rus" and head of Lukashenka's initiative group of the Chygunachny District of Homel. Mr Usau said that "the Pro-Rector was actually collecting signatures, but did it while on vacation; thus, she could not force students to sign." It should be noted here that point 8, Article 61, of the Electoral Code expressly prohibits any participation of administrations of organizations in collecting signatures, regardless of the time when such collection is made; this restriction is aimed at depriving collectors of any chances of using their posts for any direct or indirect pressure on citizens, by using subordinates' dependence in work or study.

The following facts were left without any legal evaluation: the evidence of former militiaman Mikalai Kazlou about falsifications at one of Minsk polling stations during the 2008 parliamentary elections⁴; and the statement of Kanstantsin Sumar, Chairman of the Brest Regional Executive Committee, made at a press conference on September 30 for workers of regional media. Mr Sumar said then: "The number of votes for Lukashenka [*in 2006, – "Human Rights Defenders for Free Elections"*] was so high that we had to reduce it by 16,000." The respective complaint filed by human rights defenders of the Brest Region in October 2010 was answered by the Regional Prosecutor's Office that there was no evidence of falsification at the 2006 election or of any violations at vote tabulation in the Brest Region.

⁴ "Narodnaya Volya", October 15, 2010.

IV. MASS MEDIA

The state-owned print and electronic mass media, both central and regional, continue ignoring election topics. They publish only the official information about the work of election commissions at different levels. As in the 2006 election campaign, the names of nominees for presidential candidates are not mentioned. Dzmitry Rastaeu, a journalist of the "Vecherny Bobruisk" (Mahilyou Region), wrote in his articles about collection of signatures in Babruisk and gave not only the names of potential candidates but also placed photos of pickets. In this context, the newspaper's publisher Valyantsin Sysoi was summoned to Mikhail Kavalevich, deputy chairman of Babruisk City Executive Committee "for a talk".

As compared with the election, state media are covering much more actively the preparations for the Fourth All-Belarus People's Assembly to be held on December 6-7, 2010 in Minsk. Almost all the printed state public and political mass media are quoting, to some extent, the material entitled "All-Belarus People's Assembly – Experience of Democracy," prepared for ideological departments of enterprises and institutions by the Information and Analytical Centre of the Presidential Administration, which presents the Assembly as "the most important form of grass-root democracy" and "the supreme expression of people's will."⁵

V. ELECTION OBSERVATION

According to official information of the CEC, as of October 20, election commissions of all levels had accredited 271 domestic observers.

On October 20, the first group of international observation – the CIS mission – started its work, having accredited 27 observers at the CEC. Long-term observers from the OSCE plan to start their work in mid-November.

The aim of the campaign "Human Rights Defenders for Free Elections" is observation of the election of the President of the Republic of Belarus, assessment of the electoral process from the viewpoint of Belarusian electoral legislation and international standards of free and democratic elections, and keeping the Belarusian public and international community duly informed about our conclusions. The campaign is independent and politically non-engaged. More information about the campaign may be found in the websites of the Human Rights Centre "Viasna" (<http://spring96.org>) and Belarusian Helsinki Committee (<http://www.belhelcom.org>).

⁵ http://iac.gov.by/ru/help_head/info_materials/Vsebelorusskoe-narodnoe-sobranie--opyt-demokratii_i_0000000174.html