



HUMAN RIGHTS DEFENDERS FOR FREE ELECTIONS

Election of the President of Belarus 2010: Weekly Analytical Review (22-28 November)

GENERAL CONCLUSIONS

1. The official period for campaigning began on November 18 and lasts until December 18. Campaign conditions are unequal for presidential candidates – the incumbent president has unlimited opportunities for sharing his thoughts and viewpoints with the electorate through state-run mass media (especially broadcast media), while other candidates have only 1 hour for that purpose on television and 1 hour on radio (plus 1-hour television and radio debates for all).

2. Appearances of candidates on television and radio took place in accordance with the predefined schedule and without any major obstacles; however, they were accompanied by a series of news stories in state-owned printed and electronic media, which portrayed all candidates and their programmes (except for Lukashenka) in an exclusively negative light.

3. The number of places defined by local authorities for holding meetings of candidates and their authorised representatives with voters is higher than at the 2006 election. However, in many dwelling settlements these places are remote or inconvenient. Meetings and other campaign events have generally been held without significant obstacles from militia and authorities; however, a few incidents have been reported.

4. Two attacks on opposition activists, committed on November 23 and 24, may be related to their involvement in the election campaign and require urgent investigation.

5. Observers have reported the broad use of administrative resources with the aim to ensure mass early voting – the most convenient occasion for falsifications.

6. Customs officials confiscated 115 copies of the handbook for short-term observers of the “Human Rights Defenders for Free Elections”, which counteracts the conduct of an open and transparent election.

I. GENERAL LEGAL TERMS FOR CAMPAIGNING

The official period of campaigning began on November 18, as defined by the Electoral Code (EC) amended on January 4, 2010. According to Article 45 of the EC, political parties and other public associations, labour collectives and authorised representatives of the candidates shall have the right to free and comprehensive discussion of candidates' programmes, their political, business and personal interests, and to campaign for or against candidates at gatherings and rallies, in media and at meetings with voters.

The candidates' programmes and campaign speeches shall not contain insults and slander of state officials, other candidates, calls to violent change of the country's constitutional system, propaganda of war, racial, ethnic, social, religious or linguistic dominance, or incitement of social, racial, national or religious hatred. Violation of these rules may cause cancellation of a candidate's registration.

II. CAMPAIGN BY MEANS OF MASS MEDIA

The state-run media, as well as those media partly financed from the state budget or where founders are state bodies, are required to ensure equal opportunities for all candidates. Candidates are entitled to place, free of charge, their election programmes in such media of up to five typewritten pages. In addition, every candidate may appear twice for up to 30 minutes each on the first channel of Belarusian television, as well as to speak twice on the first channel of Belarusian radio. Every candidate has the right to take part in a TV or radio debate session of sixty minutes long, or delegate his or her authorised representative to attend the debate. All the presentations and debates are live on air; however, at the request of a candidate the speech may be first recorded and then broadcast (Central Election Commission Resolution No. 118 of November 18).

The first round of candidate appearances on television and radio took place in accordance with the schedule (on TV – at 7:00-8:00 p.m., on radio – at 6:10-7:10 a.m.) and without significant obstacles. Observers reported only a few obstructions. For example, during the broadcast of the presentation of Uladzimir Nyaklyaeu, there was a sudden electricity outage in micro-district Karani of the town of Smarhon (Hrodna Region). In addition, state-owned printed and electronic media published and posted a series of new stories portraying all the candidates (except for Alyaksandr Lukashenka) and their programmes exclusively in a negative light.

Despite the fact that the incumbent president refused to use his allocated television and radio time, his “presence” in state media surpasses the attention given to all other candidates combined. This was admitted by the CEC Chair Lidziya Yarmoshyna: “Candidate Lukashenka is on unequal footing with other candidates. He is the incumbent president, and by virtue of his position he is permanently on TV screens, and nobody has cancelled this situation.”¹

III. CAMPAIGNING THROUGH DISSEMINATION OF PRINTED MATERIALS

Presidential candidates are allowed to produce and disseminate their campaign posters, slogans, statements, stickers, leaflets and photographs (posters). Each of them is granted the funds from the state budget for the purpose in the sum of 2,300 basic units (approximately 26,000 US dollars). Campaign materials must be produced in the territory of Belarus and contain production data. Dissemination of anonymous materials is prohibited.

Observers of the campaign “Human Rights Defenders for Free Elections” noted cases when headquarters of opposition candidates faced obstacles in producing printed campaign materials. For

¹ <http://www.interfax.by/news/belarus/82511>

example, Uladzimir Kobets, authorised representative of candidate Andrei Sannikau, reported about the situation they faced when signing a tripartite agreement between the CEC, the candidate and the publisher. “During the day officials of the publishing houses had to visit the CEC several times for adding new CEC requirements into the agreement,” said Uladzimir Kobets. “Only after 5 p.m. on November 19 did we receive a certificate of a financial representative of the presidential candidate. However, the CEC's decision on approval of financial representatives was made on November 18.²” As a result, the corresponding payments could only be made on Monday, November 22. Siarhei Laputsin, an activist of Uladzimir Nyaklyaeu's headquarters (Mahilyou), reported that non-state printing houses of Mahilyou had refused to produce campaign materials, arguing their unwillingness “to go into politics.”

IV. CAMPAIGN EVENTS

Presidential candidates and their authorised representatives may hold public events (outdoor rallies, assemblies and pickets) as part of their campaigns. According to Article 45.1 of the EC, events held in places defined by decisions of local authorities require only the notification of authorities. Mass events held outside the appointed places are organized and conducted in accordance with the Law “On Mass Events”. In addition, local authorities define, in coordination with respective election commissions, places for holding candidates' meetings with voters. These premises are provided free of charge.

The places for meetings with voters were defined by local executive committees in early November, as prescribed by the electoral legislation and the CEC. In the absolute majority of regions, except for Minsk, inconvenient (distant, poorly furnished, etc.) or small rooms for meetings and places for pickets were selected. However, observers note that the number of places is higher than during the 2006 election. Cases were observed of violating Article 45 of the EC, that is, definition of places by executive committees without coordination with respective election commissions. For example, the Minsk City Executive Committee selected places without coordination with the Minsk City Election Commission. Likewise, decisions were made by the Orsha City and District Executive Committees (Vitsebsk Region).

As was the case with defining places for pickets to collect signatures, many executive committees made changes in their earlier decisions, increasing the number of places for meetings of candidates and their authorised representatives with voters. Almost always it happened following complaints of human rights defenders and activists of candidates' headquarters. Activists of the campaign "Human Rights Defenders for Free Elections" achieved revision of decisions of the Hrodna City Executive Committee, Smarhon District Executive Committee (Hrodna Region) and Salihorsk District Executive Committee (Minsk Region).

In Brest, the most popular places in the city's downtown were not included on the list of places allowed for pickets. At a meeting with OSCE ODIHR observers, Vyachaslau Khafizau, Deputy Chairman of the Brest City Executive Committee, answered in the affirmative when asked whether the number of places for meetings with voters was increased in the Lenin and Maskouski

² <http://charter97.org>

District of Brest. An appropriate request was also sent to the Brest City Executive Committee by human rights defenders. The written answer received by the applicants and signed by the same Khafizau said that the previously defined locations remained for campaigning. Therefore, no increase of the number of places was ever made.

Observers note a relatively more liberal approach of the authorities to meetings of opposition candidates with voters and other election-related events in comparison with the 2006 election. For example, on November 24 in Kastychnitskaya Square in Minsk, where meetings with voters and election pickets are not permitted, a rally was organized with participation of candidates Uladzimir Nyaklyaeu, Vital Rymasheuski and Mikalai Statkevich. The rally was not dispersed by the militia, nor was anyone detained.

However, on the eve of the event, on November 23 and 24, the General Prosecutor's Office made official warnings to Rymasheuski and Statkevich about the inadmissibility of violating the legislation. The warnings were caused by the appeals to people pronounced during the candidates' appearances on TV to take part in the rally in Kastychnitskaya Square. Experts of the "Defenders for Free Elections" note that the call to come to a meeting with voters to the place prohibited by the authorities for such events is indeed a formal violation of the law; however, they also believe that the ban on any public events in this square is an excessive restriction of the freedom of assembly, since its location and size allow for holding peaceful rallies without any disturbance of the public order and rights of other citizens.

On November 28, in Byalynichi (Mahilyou Region), in the course of a picket with participation of presidential candidate Ryhor Kastusyou, militiamen and officials from the local executive committee blocked his car. Also, a protocol was drawn up about a violation of the order of holding mass events, which was not shown to anyone, and, accordingly, was not signed by Kastusyou. The candidate believes that the picket was held in a permitted place, while local administration argues that an application to hold it was to be submitted two days in advance.

V. FINANCING OF THE ELECTION CAMPAIGN

According to Article 48 of the EC, political parties, other organizations and citizens of Belarus have no right to render any material assistance in preparation and holding elections, except for making donations to extra-budgetary funds and funds of presidential candidates (to the latter – at the rate of no more than 3,000 basic units, or about 34,000 US dollars). Election funds may be spent for paying for the time on air and print space in mass media, for producing campaign materials, renting premises, etc.

According to experts of the "Human Rights Defenders for Free Elections", the possibility for candidates to receive campaign donations to their funds is a positive change compared to the 2001 and 2006 elections. At the same time, the maximum amount of the fund is insufficient for organizing a campaign, especially when compared with the resources available to the incumbent president, where all the state electronic media are involved, together with administrations of state-owned enterprises and institutions.

The observers of the campaign also noted individual cases of obstacles in donating money to candidates' funds. For example, on November 26, voter Dzmitry Yaulanau tried to make a money transfer to the fund of one of the candidates at the branch No. 633/11 of the "Belarusbank" in Salihorsk (Minsk Region). The bank clerks twice refused to carry out the transaction.

The EC prohibits any direct or indirect participation in financing and other financial assistance in conducting and preparing elections by foreign states and organizations, international entities and foreign citizens. Use by a candidate of such money entails cancellation of registration.

During his interview to *Le Figaro*, the incumbent president accused candidates Uladzimir Nyaklyaeu and Andrei Sannikau of using foreign funds. Nyaklyaeu, in turn, announced his intention to sue Alyaksandr Lukashenka, if the latter fails to provide facts in support of his accusations.

VI. PRESSURE ON OPPOSITION ACTIVISTS

On the night of November 23, Ihar Lyalkou, deputy chairman of the BNF (Belarusian National Front) Party and authorised representative of candidate Ryhor Kastuseu, was beaten by unidentified persons. On November 24, an unidentified person attacked Valerya Krauchanka, a member of the initiative group of Andrei Sannikau, while she was handing out materials about the candidate's TV performance. Experts of the "Human Rights Defenders for Free Elections" do not exclude that these attacks may be related to the election campaign, and call for the urgent investigation of these incidents.

VII. EARLY VOTING

Observers of the campaign "Human Rights Defenders for Free Elections" note the use of administrative resources for ensuring mass early voting (to be held on December 14-18 inclusive), which is the most convenient phase for falsifying the voting totals.

For example, during a meeting with activists of the Belarusian State University of Informatics and Radioelectronics, Rector Mikhail Batura stated the following: "We have a great upcoming political event – the presidential election. I cannot ignore the issue. I urge you all to take part in this election. Moreover, I even advise you on the candidate for whom to vote. This is the incumbent head of the state, because everything good that was done in this country was achieved in the years of his presidency. Therefore, I urge you all to take part in the election. <...> We have always encouraged our students to go to early voting, because then <...> different situations happen. Someone leaves, and we are at risk to reduce our activity in this respect. Therefore, early voting will be held from December 13, and I urge you to take part in it."

VIII. OBSTACLES TO INDEPENDENT OBSERVERS

On the night of November 26, at the Belarusian-Lithuanian border, Belarusian customs officers detained for 5 hours activists of the campaign "Human Rights Defenders for Free Elections" Uladzimir Labkovich and Dzmitry Salauyeu. With participation of KGB agents, 115 copies of handbooks prepared for short-term observers of the campaign were confiscated from human rights activists. The booklet contains no information able to damage the state or

constitutional order of the country and aims only to ensure objective and unbiased observation of the election. Campaign “Human Rights Defenders for Free Elections” considers the actions of customs officers as counteracting the conduct of an open and transparent election and demand the immediate return of the confiscated handbooks.

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>).