



November 19, 2010

**Election of the President of Belarus 2010: Pre-election Monitoring Report on Registration of Presidential Candidates**

GENERAL CONCLUSIONS

1. Any citizen of the Republic of Belarus, not younger than 35, who has collected at least 100,000 voters' signatures in support of nomination, may be a presidential candidate. The main changes in the Electoral Code (made in January 2010) regarding the registration procedure of presidential candidates concerned declarations about incomes and property to be submitted by nominees to the Central Election Commission (CEC): the number of relatives of the nominee on whose property and incomes data should be presented was reduced; and the notion was introduced of "essential discrepancy of data" (previously any incorrect data could provide grounds to reject registration).

2. Out of 17 applicants who had registered their initiative group, 11 reported delivery of at least 100,000 signatures in their support, while 6 applicants decided to voluntarily stop their participation in the election.

3. The sitting of the CEC on registration of candidates, held on November 18, was open, with the presence of observers and journalists.

4. Only one nominee had no remarks from the CEC – President Alyaksandr Lukashenka (1.1 million valid signatures). Uladzimir Pravalski was not registered because, according to the CEC, he submitted only 118 valid signatures. Remarks on the remaining 9 nominees, who collected more than 100,000 signatures – Ryhor Kastusyou, Ales Mikhalevich, Uladzimir Nyaklyaeu, Yaraslau Ramanchuk, Vital Rymasheuski, Andrei Sannikau, Mikalai Statkevich, Viktor Tsyareschanka and Dzmitry Uss – dealt with violations during signature collection and inconsistencies in data about income and property. The CEC found these violations as not preventing registration and registered all of the above 9 nominees as presidential candidates.

5. In general, registration of candidates took place without significant restrictions of the right of candidates to be elected. At the same time, the non-transparent character of signature verification process and check of documents presented by nominees for registration does not exclude chances for manipulation by election commissions and gives grounds to view the results of registration as politically not legally motivated.

## I. LEGAL FRAMEWORK

Any citizen of the Republic of Belarus by birth, aged no younger than 35, who is eligible to vote and permanently residing in the territory of Belarus for at least ten years before the election may be elected President of Belarus. The person, who is offered for nomination as a presidential candidate may be nominated by citizens of the Republic of Belarus in the presence of at least 100,000 signatures. Citizens who cannot take posts in state bodies because of their previous convictions cannot be nominated to be presidential candidates.

Registration of presidential candidates is made by the Central Election Commission (CEC). The decision on registration of presidential candidates is made in the presence of the following documents, which must arrive to the CEC prior to registration: protocols of the regional or Minsk city election commissions, which confirm the availability of at least 100,000 signatures in support of the nominee; the nominee's statement on his or her consent to run for presidency; his or her biographical data; and declaration of income and property.

Registration of a candidate may be rejected in the following cases:

1) If discrepancies in the data presented in declaration on incomes and property of the person nominated as presidential candidate, or his or her other closed persons living with him (close relatives, husband (wife)) has essential character;

2) If as a whole for the country more than 15 percent of the total number of verified signatures have been declared invalid;

3) In case of violation by initiative groups for nomination of presidential candidates of the requirements of point 8, Article 61, and Article 73 of the Electoral Code (EC): participation of administrations of organizations in collecting signatures, coercion when collecting signatures or awarding voters for signing in; instruction to direct subordinates or other persons in service dependence to participate in activities during working hours, which promotes nomination.

The decision of the CEC to reject registration of a candidate may be appealed against to the Supreme Court within three days after the date of the decision. The Supreme Court shall consider the appeal within three days; its decision is final.

The main changes in the EC in the part of registration of presidential candidates, as compared with previous elections, referred to the declaration on incomes and property presented by nominees to the CEC. Earlier, in accordance with Article 68 of the EC, registration of a presidential candidate was rejected in case of presenting any incorrect data in the documents submitted to the CEC for registration, including biographical data. According to the amended Article 68 of the EC, registration is rejected only in case of presenting incorrect data in the declaration of income and property, and in case these errors are considered to be

essential. The clarification of what deficiencies in the declaration may have essential character is referred to the competence of the CEC<sup>1</sup>.

For the 2001 and 2006 presidential elections, the issue of submission of declarations on income and property by nominees and their relatives was regulated by Presidential Decree No. 20 of December 26, 2001. According to the Decree, such declarations were required not only from the nominees but also from their close relatives, regardless of their place of residence or stay. Amendments to Article 68 of the EC require such declarations by adult relatives only if they live together with the nominee and run a joint household.

## II. NOMINATION AND REMOVAL OF NOMINEES

Applications for registration of initiative groups to nominate the persons who had expressed their intentions to participate in the election as candidates were submitted by 19 persons; however, only 17 initiative groups were registered (2 persons failed to meet the legal requirement that an initiative group shall have at least 100 members) of the following nominees:

- Pyotr Barysau, a pensioner;
- Siarhei Gaidukevich, leader of the Liberal-Democratic Party;
- Yury Glushakou, first deputy chairman of the Belarusian Green Party;
- Siarhei Ivanou, temporarily unemployed;
- Ryhor Kastusyou, deputy chairman of the Party of the BNF (Belarusian National Front);
- Ivan Kulikou, head of the laboratory for equipping nuclear power plants of the "Sosny" Joint Institute for Energy and Nuclear Studies of the National Academy of Sciences of Belarus;
- Alyaksandr Lukashenka, incumbent President;
- Ales Mikhalevich, chairman of the organizing committee for establishment of the Union "For Modernization";
- Uladzimir Nyaklyaeu, leader of the public campaign "Tell the Truth!";
- Uladzimir Pravalski, an individual entrepreneur;
- Yaraslau Ramanchuk, deputy chairman of the United Civil Party;
- Siarhei Ryzhou, head of the sector of foreign economic activities of the Open Joint-Stock Company "Vitebsk Fruit-and-Vegetable Factory";
- Vital Rymasheuski, co-chairman of the organizing committee for establishment of the Party "Belarusian Christian Democracy";
- Andrei Sannikau, leader of the campaign "European Belarus";

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<sup>1</sup> According to Decision of the CEC No. 83 of October, 14, 2010, the essential character of non-compliance is understood as follows: declaring of smaller amount of the total annual incomes, when the error makes more than 20 percent of the total annual incomes; absence of data about real estate, owned as property (house, apartment, garage, summer cottage, room, land plot); absence of data about transport means owned as property; absence of data about a share in the authorized fund of a legal entity; absence of data about securities.

- Mikola Statkevich, leader of the organizing committee for establishment of the Belarusian Social-Democratic Party (Narodnaya Hramada);
- Dzmitry Uss, director of the Additional Liability Company (ALC) "Tryvium";
- Viktor Tsyareschanka, chairman of the Board of the Association of Small and Medium Entrepreneurship.

The first one to withdraw from the race – on October 7 – was Barysau, who stated that by sharing the values and ideas of Christian democracy, he withdrew in favour of Rymasheuski. On October 8, Gaidukevich, candidate for presidency in 2001 and 2006, announced his withdrawal by filing a respective application to the CEC. He explained his decision by the fact that "elections in Belarus are a performance, where outcomes have long been known to all." On October 21, Ryzhou withdrew from the campaign, stating pressure on individual members of his initiative group as one of the reasons<sup>2</sup>. On the eve of the deadline for submission of signatures, Glushakou withdrew from the election campaign (due to inability to collect 100,000 signatures), and after the end of this period – Ivanou and Kulikou.

As a result of collecting signatures, eleven nominees reported delivery of the required 100,000 signatures for verification to territorial election commissions – Kastusyou, Lukashenka, Mikhalevich, Nyaklyaeu, Pravalski, Ramanchuk, Rymasheuski, Sannikau, Statkevich, Tsyareschanka and Uss.

### III. CEC SITTING ON REGISTRATION OF PRESIDENTIAL CANDIDATES

On November 18, 2010, the sitting of the CEC was held on registration of presidential candidates. The sitting was attended by all 12 members of the CEC, the persons nominated as presidential candidates and their representatives.

The sitting of the CEC considered the following points: 1) setting the number of voters who put their signatures for the persons nominated as presidential candidates; 2) making decision on registration of presidential candidates; 3) registration of lists of representatives of presidential candidates; and 4) making changes in Decision of the CEC No. 82, which regulates the order of using mass media in preparing and holding the election.

The reporter on point one was the CEC Secretary Mikalai Lazavik, who stated that during this election campaign all necessary conditions for unimpeded collection of signatures had been created. According to his story, law enforcement employees were tolerant during pickets, which in some cases had attributes of campaign events. Lazavik emphasized that the free and democratic phase of signature collection allowed the persons nominated as presidential candidates to collect the necessary number of signatures. It should be noted that the data announced by Lazavik was slightly different from the previous CEC data<sup>3</sup> on the number of delivered signatures:

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<sup>2</sup> It should be added that later S. Ryzhou was sacked from work, allegedly, for absenteeism.

<sup>3</sup> <http://www.rec.gov.by/pdf/prb2010/sved9.pdf>

Person, nominated as presidential candidate	Number of delivered signatures		Number of signatures regarded as valid (announced at the sitting)
	Under preliminary data of the CEC	Announced at the sitting	
Ryhor Kastusyou	107,083	107,085	100,870
Alyaksandr Lukashenka	1,113,014	1,113,938	1,110,000
Ales Mikhalevich	120,531	120,554	111,699
Uladzimir Nyaklyaeu	193,829	194,953	180,073
Yaraslau Ramanchuk	128,699	127,229	123,206
Vital Rymasheuski	105,318	107,493	102,817
Andrei Sannikau	150,168	151,558	142,023
Mikalai Statkevich	117,989	116,408	111,159
Viktar Tsyareschanka	122,520	123,885	109,012
Dzmitry Uss	110,753	109,091	104,102

Lazavik stressed that the main violations committed by members of initiative groups, which resulted in recognition of certain signatures as invalid were as follows: signatures on behalf of different persons made by one person; the signatures of persons not eligible to vote, presentation in signature lists of incorrect data about voters; and signature lists not certified by members of initiative groups.

According to the results of collecting signatures in support of Uladzimir Pravalski, only 118 signatures, collected in the Navapolatsk and Vitsebsk Districts (Vitsebsk Region) and in the city of Vitsebsk were recognized as valid. The initiative group of Pravalski handed over 6,798 signature lists certified by three members of his initiative group. At verification of authenticity of signatures, members of territorial election commissions had doubts as to authenticity of signature lists. In this context, these lists were delivered to the Department of Internal Affairs of Vitsebsk with a request about authenticity of them. After the appropriate check by the criminal forensic centre, all the signature lists were considered to be copies. Based on this, the Pershamaiski District Election Commission of Vitsebsk sent materials to the prosecutor's office asking to give a legal assessment. Pravalski challenged the actions of the election commissions and announced his intention to appeal to the Supreme Court. As a result, the CEC made a unanimous decision to reject registration of Pravalski as a presidential candidate.

The CEC also drew attention to inaccurate data submitted for registration by Mikhalevich, Nyaklyaeu and Uss; however, these facts were regarded as insignificant. As a result, decision were made to register the remaining ten candidates – Ryhor Kastusyou, Alyaksandr Lukashenka, Ales Mikhalevich, Uladzimir Nyaklyaeu, Yaraslau Ramanchuk, Vital Rymasheuski, Andrei Sannikau, Mikalai Statkevich, Viktar Tsyareschanka and Dzmitry Uss.

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*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 election 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>).*