



HUMAN RIGHTS DEFENDERS FOR FREE ELECTIONS

Republic of Belarus. 2020 Presidential Election

Report on the nomination and registration of presidential candidates

Observation of the presidential election is carried out by the Belarusian Helsinki Committee and the Human Rights Center “Viasna” in the framework of the campaign “Human Rights Defenders for Free Elections”.

SUMMARY

- the nomination and registration of presidential candidates took place in an atmosphere of threats, fear and pressure on voters in connection with their activity in the elections. From the announcement of the election until the end of the phase of nomination and registration of presidential candidates, there were more than 700 detentions of members of nomination groups, activists, politicians, bloggers, journalists, and peaceful protesters. 129 people were sentenced to short terms of administrative detention, 252 were fined, 25 were taken into custody on criminal charges and were eventually called political prisoners by the country’s leading human rights organizations;
- 55 people applied for registration of their nomination groups to be able to stand as presidential candidates, which is an all-time record in the history of Belarusian presidential elections;
- 15 nomination groups were registered by the election authorities: Aliaksandr Lukashenka, Aleh Haidukevich, Yury Hantsevich, Uladzimir Niapomniashchykh, Natallia Kisel, Viktor Babaryka, Valery Tsapkala, Siarhei Cherachen, Volha Kavalkova, Hanna Kanapatskaya, Andrei Dzmitryeu, Sviatlana Tsikhanouskaya, Aliaksandr Tabolich, Yury Hubarevich and Mikalai Kazlou, which is 27% of the total number of applications for registration;
- refusals to register several nomination groups on the grounds of alleged violation of voluntary participation in elections are evidence of the CEC’s manipulations with the provisions of the Electoral Code, which are clearly contrary to the principle of equality of candidates. The results of the Supreme Court’s hearings of appeals against the refusals to register the nomination groups demonstrate the ineffectiveness of this remedy for election participants;
- the government-imposed restrictions on activities to support presidential nominations did not result in serious obstacles to the collection of signatures by the nomination groups. The local authorities still fail to apply a unified approach to the selection of locations for nomination pickets;
- the lifting of the ban on collecting signatures on the territories of enterprises and institutions created additional conditions for the illegal use of administrative resources in support of the incumbent, which was confirmed by numerous facts documented by the campaign’s observers;

- the collection of signatures was marred by serious violations of the standards of free and democratic elections, and the nomination groups of some candidates were subjected to significant pressure from law enforcement agencies;
- the election authorities confirmed the collection of the required 100,000 signatures by six potential candidates. The verification of signatures was still non-transparent. An additional reason for distrust of its results and the subject of a wide public discussion was the fact that the CEC reported the validity of almost two and a half times more signatures collected by two potential candidates than they had previously announced;
- out of seven persons who were nominated as presidential candidates and submitted signatures collected for their nomination, five were registered as candidates;
- the registration process was marked by violations of the standards of fair elections. Viktor Babaryka was denied registration on the basis of information leaked by the State Control Committee, an authority investigating the nominee's alleged involvement in money laundering and tax fraud, which violates the principle of the presumption of innocence. The CEC's decision to deny Viktor Babaryka registration as a candidate for President violates his right to be elected;
- on July 14, people took to the streets in different cities of Belarus to protest against the refusal to register two alternative candidates, Viktor Babaryka and Valery Tsapkala. About 280 people were detained, with about 250 of them in Minsk. Among the detainees were journalists who were covering the protests. On July 15, the Investigative Committee opened a criminal case under Art. 342 of the Criminal Code to investigate allegations of "disturbances" linked to the events in Minsk.

LEGAL FRAMEWORK

In accordance with the Electoral Code of the Republic of Belarus, a person entitled to be elected¹ President of the Republic of Belarus shall submit to the Central Election Commission, not later than 85 days before Election Day, a written application for registration of the nomination group, copies of passport pages confirming citizenship and registration on the territory of the Republic of Belarus, a list of members of the nomination group with the indication of the head of the nomination group and coordinators by regions. These documents can be submitted both personally by the contender and their representatives on the basis of a certified power of attorney. The CEC shall consider the application within five days from the date of its receipt, register the nomination group and issue certificates and signature sheets to the members of the nomination group authorized to collect voters' signatures in support of the person proposed to run for President of the Republic of Belarus.

The CEC may deny registration to a nomination group if the nominee does not meet the criteria set out in the Electoral Code. The refusal to register a nomination group may be appealed by the nominee within three days from the date of the decision to the Supreme Court of the Republic of Belarus. The Supreme Court shall consider the appeal within three days.

¹ According to Part 1 of Art. 57 of the Electoral Code, a natural-born citizen of the Republic of Belarus at least 35 years of age, who has the right to vote and has resided in the Republic of Belarus for at least ten years immediately before the election, may be elected President of the Republic of Belarus. And according to Part 7 of Art. 60 of the Electoral Code, citizens with an active criminal record may not be nominated as candidates for President of the Republic of Belarus.

A presidential nominee shall submit to the Central Election Commission a number of documents prior to registration.² The CEC shall check the compliance of the procedure for nominating presidential candidates with the requirements of the Electoral Code and the accuracy of the information in the documents submitted for registration.

The decision to register a candidate for President of the Republic of Belarus is approved provided there are documents and protocols of regional and Minsk city commissions confirming the presence of at least 100,000 signatures of voters in support of the nominee. The Central Election Commission, having established the compliance of the procedure for nominating presidential candidates with the requirements of the Electoral Code, shall decide on the registration of presidential candidates and issue certificates to the candidates within two days after registration.

In accordance with Art. 68-1 of the Electoral Code, the Central Election Commission shall refuse to register a candidate for President in case of: non-compliance of the nominated person with the requirements of the Electoral Code; the presence of an active criminal record; non-compliance with the nomination procedure set by the Electoral Code; failure to submit one or more documents required for registration; insufficient number of valid support signatures; use of funds or other material assistance of foreign states and organizations, foreign citizens and stateless persons, international organizations, the founders (participants, stakeholders) of which are foreign states, foreign organizations, international organizations, foreign citizens and stateless persons; the presence in the signature sheets of more than 15 percent of invalid signatures from the total number of verified signatures; in other cases of non-compliance with the nomination procedure set by the Electoral Code.

The Central Election Commission has the right to refuse to register a candidate for President in the case of: presence of inaccurate information of crucial character in the declaration of income and property; use of the advantages of official position in the interests of election; participation of the administrations of organizations in collecting voters' signatures, coercion in the process of collecting signatures and rewarding voters for submitting signatures; repeated violation by the nominee or nomination group of provisions of the Electoral Code and other acts of election legislation, if they have previously been warned.

The Central Election Commission also has the right to refuse to register a presidential candidate if the presidential nominee has overrun by more than 20 percent the maximum amount of the election fund, or has used the same amount of money from sources other than the election fund.

The decision to refuse registration as a presidential candidate may be appealed by the nominee to the Supreme Court of the Republic of Belarus within three days from the date of the decision. The Supreme Court shall consider the appeal within three days; its decision is final.

REGISTRATION OF NOMINATION GROUPS

According to the Electoral Schedule³, applications and related documents had to be submitted to the CEC no later than May 15. The peculiarity of this year's campaign was that only 7 days had passed from the moment of calling the election by the House of Representatives (May 8) until the

² A written statement of consent to run for President; biographical data including information on criminal record; copies of documents confirming information on education and occupation; declaration of income and property of the nominee, their spouse and adult close relatives living together with the nominee and running a common household, under a form approved by the Council of Ministers of the Republic of Belarus. A person nominated as a presidential candidate who has created an election fund shall submit to the Central Election Commission a financial report on expenditures within this fund.

³ <http://www.rec.gov.by/sites/default/files/pdf/2020/post12.pdf>

deadline for submitting applications for the registration of nomination groups (May 15). In the 2015 presidential election, 17 days were allotted for this phase, and 10 days during the 2010 election.

After announcing his intention to run in the election, a well-known blogger Siarhei Tsikhanouski was arrested to serve a term of administrative detention imposed in January just two days before the election was called. As a result, he was deprived of the opportunity to personally apply for registration of his nomination group.

A total of 55 people applied to the CEC for the registration of their nomination groups, 30 of whom represented a group of supporters of opposition leader Mikalai Statkevich. In the 2015 presidential election, 15 applications were submitted for the registration of nomination groups⁴; in the 2010 election — 19⁵; in 2006 — 8; and in 2001 — 27 applications⁶. Thus, this year's election was marked by a record number of applications for the registration of nomination groups.

Applications submitted for the registration of nomination groups were considered at the CEC's three meetings. All the meetings were livestreamed, which can be assessed as a positive practice of ensuring transparency in the activities of the CEC during the COVID-19 pandemic. The same practice should be adopted by the lower election commissions.

15 nomination groups were registered: Aliaksandr Lukashenka, Aleh Haidukevich, Yury Hantsevich, Uladzimir Niapomniashchykh, Natallia Kisel, Viktor Babaryka, Valery Tsapkala, Siarhei Cherachen, Volha Kavalkova, Hanna Kanapatskaya, Andrei Dzmitryeu, Sviatlana Tsikhanouskaya, Aliaksandr Tabolich, Yury Hubarevich, and Mikalai Kazlou, which is 27% of the total number of submitted applications. In the 2015 presidential election, 8 groups were registered to nominate presidential candidates or 53% of the total number of applications; in the 2010 election — 15 (79%); in 2006 — 8 (100%); in 2001 — 23 groups (85%).

40 nomination groups were denied registration, in particular, almost all the associates of Mikalai Statkevich⁷.

The electoral phase of the registration of nomination groups was described in detail in the campaign's thematic milestone report.⁸

An analysis of the reasons for the denial of registration to the 40 nomination groups reveals several reasons used by the CEC:

1. Violation of the principle of voluntary participation of voters in the groups formed to nominate presidential candidates
2. Insufficient size of the nomination group (less than 100 people) as a result of exclusion of persons whose information did not meet the requirements of the Electoral Code.
3. Non-compliance of nominees with the requirements of the Electoral Code
4. Failure to observe nomination procedure

⁴ <http://rec.gov.by/sites/default/files/pdf/Elections-PRB2015-Sved2.pdf>

⁵ <http://rec.gov.by/sites/default/files/pdf/Elections-PRB-sved1.pdf>

⁶ <http://rec.gov.by/sites/default/files/pdf/Archive-Elections-PRB2001-Inic.pdf>

⁷ Uladzimir Niapomniashchykh is the only supporter of Statkevich whose nomination group was registered by the CEC

⁸ 2020 Presidential Election. Report on the registration of nomination groups.
<https://elections2020.spring96.org/en/news/97055>

Regarding the alleged violations of the principle of voluntary participation of voters in nomination groups, “Human Rights Defenders for Free Elections” stress the following aspects. The CEC expressed doubts about the voluntary participation of a number of voters in nomination activities, and therefore conducted an inspection: inquiries were sent to the Department of Citizenship and Migration of the Ministry of Internal Affairs, which reportedly found multiple inaccuracies in the passport data of voters on the lists of some nomination groups. In addition, the CEC instructed local authorities to verify the inclusion of citizens in nomination groups through personal phone calls. The results of this procedure gave grounds for the Central Election Commission to allege violations of the principle of voluntary participation in the elections. At the same time, the nominees interviewed at a CEC meeting did not have the opportunity to challenge such allegations. They said that in their telephone conversations with local executive officials, they were intimidated and misled. Therefore, the decisions to refuse to register nomination groups of Statkevich’s associates due to violations of the principle of voluntariness are politically motivated.

Analysts of the campaign condemned as discriminatory the election authorities’ selection of nominees subject to inspection, while the Central Election Commission did not explain why other nominees were not inspected. It also failed to report whether there were similar inspections at all. The selective approach to the registration of nomination groups demonstrated by the CEC in this year’s election is evidence of manipulations with the provisions of the Electoral Code and does not contribute to confidence in its impartiality.

The alleged non-compliance of the nominated candidates with the requirements of the Electoral Code was used as a ground for denial of registration in the 2015 presidential election, when opposition politician Mikalai Statkevich was not allowed to run. According to Art. 60 of the Electoral Code, citizens with an active criminal record may not be nominated as candidates for President of the Republic of Belarus. At the same time, the Constitution does not provide for such a restriction. It is worth mentioning that the 2011 conviction of Mikalai Statkevich on “rioting” charges was recognized by international and Belarusian human rights organizations as unfounded and inconsistent with Belarus’s international human rights obligations.⁹ Both international and Belarusian human rights organizations have repeatedly called on Belarus to rehabilitate the convicts in the “rioting trial”, including the restoration of Mikalai Statkevich’s right to be elected.

Alleged non-compliance with the nomination procedure was used to deny registration to the nomination group of Siarhei Tsikhanouski, who was then serving a term of administrative detention. The CEC stressed that the application for registration of the nomination group should be signed only by the person who intends to stand. Having studied and analyzed the circumstances that preceded the announcement of the election, experts of “Human Rights Defenders for Free Elections” concluded that the refusal to register this nomination group violated the voting rights of Siarhei Tsikhanouski, as the authorities intentionally created a situation in which he lost the opportunity to exercise his right to run for President.

COLLECTION OF SIGNATURES

Selection of locations for collecting signatures

According to the Electoral Schedule, local executive and administrative authorities selected prohibited locations for picketing to collect voters’ signatures. An analysis of the decisions shows

⁹ See Communication No. 13/2011 by the UN Working Group on Arbitrary Detention:
<https://www.unwgadatabase.org/un/Document.aspx?id=2757>

that they do not differ significantly from the similar decisions of the previous presidential elections, as well as the 2019 parliamentary elections.

Some observers report improved conditions. For example, there was some liberalization in the city of Maladziečna and the district.¹⁰ Observers deployed in Mahilioŭ, Hrodna, Lida, Viliejka, Svietlahorsk and Biaroza report a decrease in the number of banned places compared to the 2015 presidential election.

In some districts, local authorities lifted the ban on collecting signatures on the territories of educational and health care institutions, which existed in 2015. According to the campaign's analysts, this created additional conditions for the illegal use of administrative resources in support of the incumbent. Moreover, alternative nominees were effectively deprived of any opportunities to collect signatures in institutions and enterprises.

Collection of signatures

A distinctive feature of this year's election was the growth of protest sentiment, which was manifested by the great activity of citizens at pickets to collect signatures for opposition candidates. This, as well as the epidemiological situation in the country and the need for social distancing, led to the search by election headquarters and nomination groups for new forms of electoral activity with greater use of social media and a more individual approach to the voters.

When asked if there were any obstacles to the collection of signatures by the authorities, 67% of the campaign's observers said that there were none, and 33% reported certain obstacles in their regions of observation.

After the events of May 29 in Hrodna, when Siarhei Tsikhanouski and nine other participants in the picket were arrested, the collectors of signatures and coordinators of the nomination group of Sviatlana Tsikhanouskaya were subjected to considerable pressure from the authorities. On May 31, at least 32 bloggers and activists were arrested in various regions of Belarus, including members of presidential nomination groups. Among the victims were Uladzimir Kniha, Volha Karakina, Mikalai Salianik, Stanislava Damshel, Aliaksandr Miliuk and Yulia Karnachova. Actions against them included arrests, detention, fines, searches of their homes, pressure in medical facilities, and others. The facts show that the authorities also used the COVID-19 crisis for their own purposes. In particular, on June 8, in Masty, Aliaksandr Miliuk, the Hrodna regional coordinator of Sviatlana Tsikhanouskaya's nomination group, was effectively deprived of any opportunities to carry out his activities. Without any documentary evidence of being a close contact, police officers ordered the activist to be in isolation for 14 days under the threat of administrative liability.

The Belarusian authorities tried to reduce the level of public activity, to intimidate voters after the election gained momentum and was increasingly attracting wide public attention. Actions of police officers to intimidate picketers were observed in Minsk, Viciebsk, Homiel and other cities. People who were waiting for their turn to sign in support of a nominee were told through loudspeakers that their stay in the place amounted to participating in an illegal mass event. Citizens and members of nomination groups were warned that if they did not disperse, physical force could be used against them.

In this regard, analysts of the campaign noted that in accordance with Part 11 of Art. 61 of the Electoral Code, signatures can be collected in pickets. No permission to hold a picket for these

¹⁰ <http://molodechno.minsk-region.by/images/14-05-2020-5.pdf>

purposes is required provided it is held in places not prohibited by local executive and administrative bodies. The actions of police officers constituted illegal obstacles to the exercise of the right to collect signatures in support of presidential nominations.

Law enforcement agencies and local authorities particularly targeted the pickets with the participation of the presidential nominees themselves. In particular, on June 8, several police officers in civilian clothes were seen at a picket held to collect signatures in Viciebsk, where presidential nominee Valery Tsapkala was speaking. One of them was filming the speech standing close to the speaker. The chairperson of the Viciebsk city executive committee, Vadzim Zarankin, was also present. Also in Viciebsk, where pickets for opposition candidates attracted large numbers of people, plainclothed officers were seen filming people lining to submit their signatures. These videos later served as a basis for the police to detain and impose fines on ordinary voters.

In Brest, the heads of the Lieninski district election commission, accompanied by unidentified plainclothed people, regularly attended pickets, paying special attention to those collecting signatures in support of Sviatlana Tsikhanouskaya. This created additional stress for the collectors and the voters themselves. People who tried to provoke conflicts and verbally insulted members of Tsikhanouskaya's nomination group were not detained by the police.

The opening of criminal cases against protest leaders, arrests and harassment of activists, information about degrading conditions in detention facilities created a negative impact on members of nomination groups. In addition, some activists who were initially active in collecting signatures were later forced to withdraw due to threats from the authorities for fear of repression, including losing their businesses and jobs.

On May 25 (four days after the start of the collection of signatures), Aliaksandr Lukashenka said that a significant number of signatures had been collected in his support.¹¹ The incumbent's nomination group was traditionally the largest campaign team. According to analysts, its size has been growing from election to election: this year — 11,480 persons, in 2015 — 10,577 persons, in 2010 — 8,403, and so on. Members of Aliaksandr Lukashenka's nomination group are employees of public receptions of the pro-government Belaya Rus NGO located in each district of the capital and in all the six regional cities. At the same time, observers of the campaign "Human Rights Defenders for Free Elections" report that only a few pickets were held to collect signatures for the nomination of Aliaksandr Lukashenka, and were clearly organized with the use of administrative resources, especially in Minsk. When asked whether administrative resources were used in collecting signatures in support of the incumbent, such as coercion, collecting signatures at work, during working hours, by unauthorized persons, etc., 60% of the campaign observers answered in the affirmative.

The organized collection of signatures took place at the major enterprises of Belaruskali, Mogilevkhimvolokno, Svetlogorskkhimvolokno, Svetlogorsk Pulp and Board Mill, Grodno Azot, and Brest Electric Lamp Factory. Similar violations were observed at Brestenergo, Neman Glassworks, Kalinkovich Dairy Combine, branches of Belarusneft and many others.

In late May, "Human Rights Defenders for Free Elections" launched an online form to gather evidence of the use of administrative resources in the nomination of presidential candidates.¹² The human rights activists received about a hundred violation reports. About a quarter of them were threats of dismissal in one form or another against employees of state-owned enterprises in case

¹¹ <https://www.belta.by/president/view/my-sdaem-ekzamen-narodu-lukashenko-poruchil-proanalizirovat-voprosy-s-kotorymi-obraschajutsja-ljudi-392182-2020>

¹² <https://elections2020.spring96.org/ru/news/97309>

of their disobedience. At the same time, Lukashenka's statement that people who refused to support the nomination of alternative candidates were fired at private enterprises was not confirmed. The campaign's observers did not document any such cases, and no related information was received in the above-mentioned form.

VERIFICATION OF SIGNATURES

On June 19, the nomination groups completed the collection of signatures in support of the presidential nominations. The Central Election Commission published data on the number of signatures recognized as valid.¹³

In the vast majority of cases, observers of "Human Rights Defenders for Free Elections" were not allowed to observe the signature verification procedure on the grounds that it was not provided for by the Electoral Code. There were isolated facts of positive interaction of TECs with the campaign's observers, e.g. the Baranavičy city TEC.

Observers were mainly allowed to observe TEC meetings with the agenda of "establishing the number of voters who cast their votes in support of the proposal to nominate candidates for President of the Republic of Belarus" (in fact, the approval of protocols of signature verification). These meetings were quite formal and lasted from 6 minutes, as in the Kryčaŭ district TEC, to half an hour.

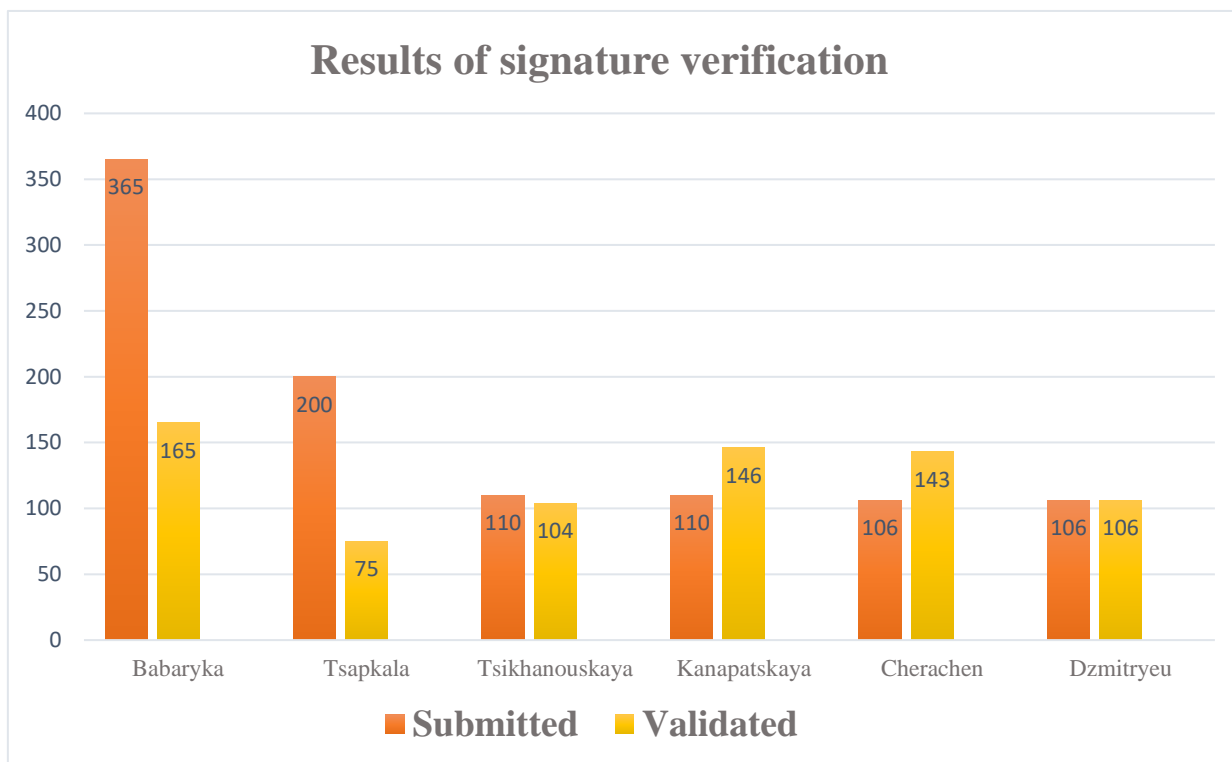
The election commissions confirmed the collection of the required 100,000 signatures by six nominees, including Viktor Babaryka, who is still in custody. Only 75,249 signatures were validated for Valery Tsapkala. According to his headquarters, however, a total of 200,000 signatures were submitted. The official figures are as follows: Aliaksandr Lukashenka — 1,939,572, Viktor Babaryka — 165,744, Hanna Kanapatskaya — 146,588, Siarhei Cherachen — 143,109, Andrei Dzmitryeu — 106,841, and Sviatlana Tsikhanouskaya — 104,757 signatures.

On June 29-30, the candidates' headquarters, observers and the media reported the rejection of signatures collected for Valery Tsapkala and Viktor Babaryka. Thus, at the stage of verification, TECs canceled tens of thousands of signatures mainly supporting the two alternative leaders of the presidential election. According to the CEC, the largest percentage of invalid signatures of the total number of verified signatures was demonstrated by Viktor Babaryka (13.57%) and Valery Tsapkala (14.25%). At the same time, Aliaksandr Lukashenka had only 1.46% of invalid signatures, Hanna Kanapatskaya — 3.14%, Sviatlana Tsikhanouskaya — 5.01%, Andrei Dzmitryeu — 5.38%, and Siarhei Cherachen — 6.42%.

The diagram below shows generalized (up to thousands) data characterizing the elimination of signatures made by the CEC, which affected all the nominees except Lukashenka.¹⁴ The numbers of votes in support of the head of state are not shown because of their large number in proportion to the numbers in support of other contenders. 2 million signatures were reportedly submitted for Lukashenka, and 1,939,572 (97%) were validated.

¹³ <http://www.rec.gov.by/sites/default/files/pdf/2020/stat15.pdf>

¹⁴ The number of submitted signatures are based on the reports of the nominees or their representatives



An additional reason for distrust of the results of signature verification and the subject of a wide public discussion was the fact that the CEC reported the validity of almost two and a half times more signatures collected by two potential candidates than they had previously announced. In particular, Hanna Kanapatskaya reported that she submitted 110,000 signatures, while the CEC said that it received more than 146,000 valid signatures (133%). Siarhei Cherachen's team claimed that it had collected 106,000 signatures, while the CEC said it received more than 143,000 (135%). Similarly, 106,841 signatures were validated in support of Andrei Dzmitryeu, while the nominee himself reported an approximate number of 105-107 thousand.

Thus, according to official data, the number of votes submitted in the Belarusian capital in support of Hanna Kanapatskaya exceeded the number of signatures collected in Minsk and found valid for Babaryka and Tsapkala taken together. It should be noted that according to observers and media reports, the most visible nomination campaigns were the groups of signature collectors for Babaryka, Tsikhanouskaya, and Tsapkala. They worked very intensively and were actively supported by voters. The announced official results, including in the Minsk region, further strengthened public distrust in the actions of the authorities and the CEC, which are based on the absence of transparency of procedures for verifying support signatures.

The electoral process remains completely non-transparent to the public and election participants. TEC working materials (protocols, signature sheets, packages of documents submitted to the commissions) are effectively inaccessible to electoral actors.

REGISTRATION OF PRESIDENTIAL CANDIDATES

According to the Electoral Schedule, the registration of presidential candidates took place from 5 to 14 July inclusive. On the last day of this period, July 14, the CEC held a session to consider applications submitted for the registration of presidential candidates.

After hearing the reports of the chairpersons of the regional and Minsk city election commissions, the CEC approved the total number of signatures that were recognized valid. The figures were in line with the information earlier published by the CEC¹⁵, with one exception: the CEC eventually validated the signatures collected in support of Valery Tsapkala in the Pieršamajski district of Babrujsk. Earlier, the district TEC declared all signatures submitted for Tsapkala's nomination invalid because they had been submitted by a person who, in the opinion of the TEC, was not an authorized coordinator. The Central Election Commission admitted that this was a technical error and that the person was an authorized coordinator. Therefore, 2,975 signatures submitted to the TEC were validated. However, this did not significantly affect the total number of signatures collected for his nomination.

After reviewing the materials and applications of the nominees, the CEC ruled to register five presidential candidates: Aliaksandr Lukashenka, Hanna Kanapatskaya, Andrei Dzmitryeu, Siarhei Cherachen, and Sviatlana Tsikhanouskaya.

The CEC denied registration to presidential candidates Viktor Babaryka and Valery Tsapkala.

The CEC justified its refusal to register Viktor Babaryka by alleged violations of the provisions of Part 9 of Art. 48 of the Electoral Code, namely violations of the prohibition of direct or indirect participation in financing election activities and providing other material assistance of foreign states and organizations, foreign citizens and stateless persons, international organizations, the founders (participants, stakeholders) of which are foreign states, foreign organizations, international organizations, foreign citizens and stateless persons, as well as allegedly false information in the nominee's income and property declaration.

According to the CEC chairperson, Viktor Babaryka's nomination group was composed of Belgazprombank employees, who organized and provided support for his nomination using the bank's property. The bank is owned by foreign states and foreign organizations, the CEC stressed. As examples of using funds or other material assistance of foreign organizations in the interests of nominating presidential candidate Viktor Babaryka, the CEC chairperson mentioned the facts of using Belgazprombank's official vehicles to support the work of the nomination group, preparation of the candidate's speech with the use of corporate facilities, use of the bank's premises for the activities of the nomination group, etc.

The CEC did not voice any claims as to Viktor Babaryka's declaration. However, the CEC chairperson, Lidziya Yarmoshyna, read out information provided by the State Control Committee. According to it, the nominee's declaration did not reflect the material assets and real estate in his actual ownership and use, as well as income from the activities of a number of Belarusian commercial structures under his control.

The letter also argued that Babaryka directly created and managed the activities of an organized criminal group from among the former and current top managers of Belgazprombank, whose members allegedly registered in the offshore jurisdiction of the British Virgin Islands, the banks of Cyprus and other states, a network of controlled shell companies, which were used to export and subsequently launder funds obtained by criminal means, including from the above Belarusian businesses.

It is obvious that the information leaked by the State Control Committee is part of the criminal investigation, in which Viktor Babaryka was arrested. Since this criminal case is still under investigation and Babaryka's guilt has not been established by a court ruling, the use of this

¹⁵ <http://rec.gov.by/sites/default/files/pdf/2020/stat15.pdf>

information as a ground for refusing to register him as a presidential candidate is illegal and contrary to the constitutional principle of presumption of innocence and international human rights obligations. Preventing Viktor Babaryka from standing as a presidential candidate on these grounds violates his right to be elected.¹⁶

The CEC's refusal to register Valery Tsapkala was justified by the insufficient number of valid support signatures, as well as the submission of "crucially inaccurate" information in the declaration of income and property relating to the nominee's wife's assets (Priorbank shares).

PROTESTS AGAINST THE RESULTS OF REGISTRATION OF PRESIDENTIAL CANDIDATES

In the evening of July 14, people took to the streets in various cities of the country to protest against the denial of registration of alternative candidates Viktor Babaryka and Valery Tsapkala.¹⁷ In total, according to the Human Rights Center "Viasna", about 280 people were arrested across Belarus, including about 250 people in Minsk. Among the detainees were journalists who were covering the rallies.

On July 15, the Investigative Committee said that it had opened a criminal case under Art. 342 of the Criminal Code to investigate the "organization and active participation in group actions that grossly violated public order in the city of Minsk, which were associated with a clear disobedience to the lawful demands of law enforcement officers."

¹⁶ According to Art. 25 of the International Covenant on Civil and Political Rights, every citizen shall have the right and the opportunity, without any of the distinctions and without unreasonable restrictions to vote and to be elected at genuine periodic elections which shall be by universal and equal suffrage and shall be held by secret ballot, guaranteeing the free expression of the will of the electors. In accordance with Art. 28 of the Constitution, no one can be found guilty of a crime unless their guilt is proven and established in the manner prescribed by law by a final court judgment. A similar rule is enshrined in paragraph 2 of Art. 14 of the International Covenant on Civil and Political Rights.

¹⁷ <https://spring96.org/en/news/98243>