# The Truth of the Presidential Election in the Republic of Belarus: Analysis of the OSCE Report

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#### Abstract

On August 9, 2020, a presidential election was held in the Republic of Belarus, and incumbent President Alexander Lukashenko was elected to his sixth term. However, it is undeniable that there were many allegations of fraud in the election process. Hence, this paper summarizes the allegations of fraud in the presidential elections in the Republic of Belarus by analyzing the reports of the OSCE, the Electoral Code of the Republic of Belarus, and other documents. The analysis reveals five main problems that have long been pointed out: the early voting period, the composition of УИК, candidate registration, the vote counting process, and home voting. Firstly, with regard to early voting, the following were confirmed: very low number of ЦИК personnel during the early voting period, lack of proper disclosure of information, significant fluctuations in the number of voters and voter turnout, improper signatures on ballots, and sloppy management of ballot boxes by ЦИК. Secondly, there was a contradiction between the Act on ЦИК for the Administration of Various Elections and Referendums and the Electoral Code. This makes it difficult to improve the unbalanced composition of YHK. Thirdly, in the candidate registration process, the incumbent President has long exerted undue pressure on leading candidates, detained them, and manipulated the number of votes. Fourthly, with respect to vote counting, the provisions of Article 55 of the Electoral Code were not complied with, and that there were alleged acts arising from the ambiguity in regulations. Lastly, the home voting system allowed YHK personnel to bring an unnaturally large number of ballots to voters' homes, which is suspected of fraudulently using this system to increase the number of votes. It is hoped that this paper provides a better understanding of the causes of ongoing protests in the Republic of Belarus.

2020年8月9日、ベラルーシ共和国で大統領選挙が行われ、現職のアレクサンドル・ルカシェン コ大統領が6期目の当選を決めた。しかし、選挙過程における不正疑惑は後を絶たない。したがっ て本稿は、欧州安全保障協力機構の報告書、ベラルーシ共和国選挙法を分析し、ベラルーシ大統領 選挙が不正であると指摘されている内容について報告することを目的とする。本研究の結果、主に 期日前投票期間、УИКの構成、立候補者の登録、開票作業、そして在宅投票の5つに長年指摘さ れている問題があることが明らかとなった。1点目、期日前投票期間では、期日前投票期間におい て∐ИKの人員が極端に少ないこと、情報が正しく開示されていないこと、有権者総数や投票率が 大きく変動すること、ЦИКの投票用紙への署名や保管方法が杜撰であることが確認された。 2点 目、УИКの構成については、各種選挙および国民投票の運営を行うЦИКに関する法案と、選挙 法の間で矛盾が生じていた。そのため、УИКの構成に偏りが生じていても改善することができな い状況にある。 3 点目、立候補者の登録において、現職側は有力な候補者に対し、不当な圧力を加え、 拘留や票の改竄を行っていた。4点目、開票作業においては、選挙法55条に記載された規定が順 守されていないことや、規定が曖昧なため、不正を疑われる行為があることが指摘されていた。5 点目、在宅投票に関する問題では、YNKが在宅投票に赴く際、大量の投票用紙を持参し、その結果、 水増し疑惑が起こっていた。本研究結果により、当国で行われているデモ活動の原因について、少 しでも理解が深まれば幸いである。

Keywords: Electoral Code, Tsikhanousky, Tsikhanouskaya, Street protest, President Lukashenko

#### I. Introduction

In the Republic of Belarus (hereinafter referred to as "Belarus"), located in Eastern Europe, more than 15,000 citizens were detained and put on trial during the two and a half months from August 9 to October 31, 2020. Unsatisfied with the results of the presidential election, Belarusian citizens have staged mass protests and clashed with security forces. There have been no organized protests in Belarus before (BBC NEWS PYCCKAЯ СЛУЖЬА, 2020), and the authors agree that Belarusians are generally mild by nature. The reason why such temperate citizens are very outraged and are protesting is that the presidential elections in Belarus are extremely unfair.

On May 8, 2020, in the House of Representatives of the National Assembly of Belarus, Yermoshina, chairperson of the Central Election Commission (hereinafter referred to as "ЦИК\*1"), announced that the presidential election would be held on August 9. There were many negative opinions on holding a major political event at a time when the coronavirus pandemic showed no signs of abating.

The Belarusian Helsinki Committee, a human rights organization that has been active since 1995, submitted recommendations to ЦИК, the House of Representatives, and the Supreme Court on measures to combat infectious diseases, including the postponement of the presidential election and the introduction of an electronic signature system and online voting. ЦИК dismissed this proposal on the grounds that there was no time left to amend the Electoral Code and install systems for IT-enabled election campaigns.

This is because the presidential election, following the expiration of the term of the incumbent President, had to be held by August 31, in accordance with the Constitution and the Electoral Code. LIUK also noted that the pandemic could make it difficult to invite international election observers during the presidential election. The presidential election was held on August 9 as scheduled, and incumbent President Alexander Lukashenko was elected to his sixth term.

However, it is undeniable that there are many allegations of fraud in the election process. BBC News Japan (2020) reported that Tsikhanouskaya, who ran as a rival candidate against Lukashenko, would challenge the proof of numerous manipulations in the election, and that spokeswoman Anna Krasulina said that "the election results published by ЦИК are completely inconsistent with common sense."

In addition, at the EU emergency teleconference on August 19, it was announced that the EU would not approve the results of the presidential election in Belarus (Made for minds, 2020a). For several months after the presidential election, protests have been held every weekend in central Minsk.

This presidential election in Belarus has been widely reported around the world, with details of allegations of fraud and public protests. However, no concrete evidence was provided as to what is considered controversial and fraudulent. Therefore, the authors are concerned that this may create a different image of Belarusians as savage citizens who clash with the security forces, even though Belarus is the only former Soviet republic that did not experience ethnic conflict.

For this reason, this paper summarizes the allegations of fraud in the presidential elections in Belarus by analyzing the reports of the Organization for Security and Co-operation in Europe (hereinafter referred to as "the

OSCE\*2"), the Electoral Code of Belarus and other documents. Yet, it would be imprudent to draw conclusions about the expectations and ideals of the presidential elections in Belarus based solely on this paper, and further research from a variety of perspectives would be needed. Therefore, this paper focuses on organizing points of analysis, keeping theoretical discussion to the minimum necessary.



Figure 1. Minsk city center on the day of the 2020 presidential election (photo by the authors)

# II. Methods

As mentioned above, the authors conducted a literature review. The contents described in III. Results and Discussion are summarized with reference to the reports of the OSCE (2001a, 2001b, 2006a, 2006b, 2010a, 2010b, 2015a, 2015b) and the Electoral Code of Belarus (ИКРБ\*3, 2000). Other citations and references are given in the text as appropriate. This paper examines all previous presidential elections in Belarus. This is because allegations of fraud have already been raised since 2001, when the second presidential election was held.

The authors' Russian language skills range from basic to native level. The literature was carefully translated with collaborators.

## **III.** Results and Discussion

## 1. Problems with the Early Voting Period

Article 53 of the Electoral Code of Belarus provides for a five-day early voting period prior to the main voting day. The purpose of this period is to increase voting opportunities and reflect broader public opinion. However, it has been pointed out for many years that this early voting system may violate the transparency and fairness of elections.

# 1) Personnel of the Constituency Election Commission

Article 34 of the Electoral Code states that "The Constituency Election Commission (hereinafter referred

to as YUK\*4) shall consist of not less than 5 and not more than 19 personnel, depending on the size of each constituency." However, this provision is applied only on the main voting day, and YUK during the early voting period is managed by 2 personnel.

The early voting period should be reserved for voters who, for whatever reason, are unable to go to the poll place on the main voting day. However, early voting does not require voters to submit a written application stating the reasons why they cannot vote on the main voting day. In other words, early voting is in name only, and the reality is no different from having six days as the main voting days. Furthermore, early voting rates have been on the rise with the exception of the 2010 election: 31% in 2006, 23.1% in 2010, 36.6% in 2015, and 41.7% in 2020.

Therefore, the УИК should be composed of not less than 5 and not more than 19 persons, even during the early voting period, as stipulated in the Electoral Code.

# 2) Non-Disclosure of Information

Article 53 of the Electoral Code states that "YHK is obliged to report and disclose to the voters the number of voters at each polling place, the voter list, the total number of ballots issued, and the number of ballots actually used, during the period of the early voting." At present, however, there is no unified means of information disclosure.

In fact, various patterns of information disclosure by polling places have been reported, including disclosure of only the number of voters, disclosure of the number of voters and the number of invalid votes, or no disclosure at all.

In other words, there is a lack of thorough disclosure of information, a very important factor in measuring the transparency of elections. In addition, the OSCE reports that disclosure of basic election information, such as the total number of ballots issued and voter lists, has long been denied to poll watchers selected from voters and international election observers. Even if the information is disclosed, it is difficult for voters to confirm its validity.

#### 3) Fluctuations in the Total Number of Voters

Take as an example the total number of voters in the presidential election held on September 9, 2001. The total number of voters, first announced by ЦИК on August 25, was 7,228,506. However, on September 4, ЦИК changed the number to 7,221,434, a decrease of 7,072. ЦИК further revised the number, eventually reaching 7,356,343, an increase of 127,837 from the initial announcement.

A similar trend has been observed in subsequent elections. As for the election held this year, while the total number of voters announced in advance was 6,844,932, the final report shows 6,904,649, an increase of 59,711.

The total number of voters is determined at the beginning of the year in which a presidential election is held and, in principle, does not fluctuate. Judging from the increase in the number of voters compared to the initial announcement, it can be said that the election is sloppily managed.

## 4) Fluctuations in Voter Turnout

The manipulation of voter turnout is another problem that has been pointed out over the years. In the case of the September 9, 2001 presidential election, the turnout announced by ЦИК at the close of early voting on September 8 was 14.46%. This figure was later changed to 22.83% by ЦИК. ЦИК used the ratio of actual voters to invalid votes as the basis for this change in turnout. However, turnout does not correlate with the number of invalid votes, since turnout is the ratio of actual voters to eligible voters. Allegations of fraud that ЦИК manipulated turnout and increased votes for the incumbent President have not yet been dispelled.

#### 5) Timing of Signatures by Election Administrators

The voting procedure in Belarus is as follows. Voters go to the polling place according to their resident registration card and present their identification documents to the election administrator. The election administrator verifies the identity of voters based on the voter list. After voters sign the voter list, the election administrator finally signs the ballots and distributes them to voters.

However, the Electoral Code does not provide specific provisions for election administration, such as signatures when distributing ballots to voters at polling places. According to ЦИК, signatures of the election administrators to ballots is intended to guarantee the validity of ballots and prevent their leakage and misuse. To fulfill this purpose, signatures on ballots should only be made when ballots are distributed to voters. In reality, however, ballots were already signed at many polling places before the start of voting.

This point, along with the lack of regulation and disclosure of the total number of ballots issued, has been pointed out for many years, and there has been no improvement to date.

#### 6) Ballot Box Management

The ballot box at each polling place are monitored by non-governmental election monitoring organizations, poll watchers, and international election observers when the polling place is open. However, no one is allowed to monitor the ballot box while the polling place is closed.

According to Articles 51 and 53 of the Electoral Code, the ballot box shall be sealed at the end of each voting day by the Chairperson of YUK and shall be unsealed in the presence of at least two-thirds of YUK personnel before the start of the next voting day. The Chairperson of YUK shall be responsible for the management of the ballot box.

In this way, while there are certain regulations for election administration, no guidance or restrictions on nighttime ballot box management are provided. Therefore, in light of the current lack of information disclosure on the total number of ballots issued, this fact significantly reduces the fairness of elections.

# 2. Problems with the Composition of УИК

Article 11 of the Electoral Code stipulates that "YHK personnel shall be independent of national and local administrative bodies," clearly distinguishing the roles of the Election Commissions and administrative bodies

in elections.

Article 34 of the Electoral Code states that "Each YMK shall consist of personnel from political parties and equivalent organizations, social movement groups, company unions and staff associations, and citizens with at least 10 signatures from other citizens." Judges, prosecutors, and national and local government administrators are prohibited from becoming YMK personnel. In addition, no more than one-third of YMK personnel shall be government officials, and at least one-third shall be from political parties and equivalent organizations.

# 1) Contradiction between the Act on ЦИК and the Electoral Code

ЦИК is responsible for the administration of various elections and referendums in Belarus. The Act on ЦИК for the Administration of Various Elections and Referendums, which came into force on April 30, 1998, stipulates that "ЦИК is an institution that plays a very important role in ensuring the impartiality, transparency and neutrality of elections independently from the authorities, other political and private organizations and political parties."

On the other hand, Article 32 of the Electoral Code states that "The ЦИК shall consist of 12 Commissioners, whose term of office shall be five years; Half of the Commissioners shall be appointed by the President and the other half shall be elected by the Council of the Republic of the National Assembly; In principle, the Commissioners must have a bachelor's degree in jurisprudence and have practical experience in the field; The Chairperson of ЦИК is appointed by the President from among the Commissioners." Consequently, there is a contradiction between the Act on ЦИК and the Electoral Code.

The most serious problem is that the opposition parties have no seats in the National Assembly. Therefore, it can be pointed out that all 12 Commissioners of ЦИК are close to the incumbent President, causing a lack of impartiality in elections. The current Chairperson of ЦИК, Lidia Yermoshina, has held this role since her appointment in 1992.

#### 2) Unbalanced Composition of УИК

Article 34 of the Electoral Code states that "During elections, in addition to ЦИК, the Regional Election Commissions and the Minsk City Election Commission, as well as the Local Election commissions of each district and city shall be constituted." Under these Election Commissions, УИК is organized to actually conduct elections at the polling places.

In the 2015 presidential election, a total of 6,129 YUK were organized, including abroad, and the number of YUK personnel reached 67,185. However, only 2,936 personnel were appointed from political parties or equivalent organizations. Moreover, only 30 personnel were appointed from the opposition parties that did not support the incumbent President.

Such a composition of УИК personnel can be found in past elections. It can be pointed out that there is no fair appointment of УИК personnel.

# 3. Problems with Candidate Registration

According to Article 61 of the Electoral Code, the procedure for candidate registration is as follows. Candidates are nominated by initiative groups\*5 of at least 100 members. Initiative groups submit the required documents to LIMK at least 85 days before the election date. LIMK screens the documents within 5 days from the date of submission. Initiative groups that pass the document screening must collect 100,000 signatures from voters within 30 days. Once the required number of signatures are collected, candidate registration is complete and candidates can begin making speeches and conducting other campaign activities. The most recent and important event, the candidacy of Tsikhanouskaya in 2020, is described below in detail.

# 1) Pressure on Leading Candidates

The 2020 presidential election had very different aspects from past elections. This was partly because citizens were frustrated with the authorities' response to the coronavirus pandemic, and with the deterioration of relations with Russia due to the oil and gas price negotiation issues stemming from the Russia's pension reforms that had continued since 2019. However, there were several other factors to consider.

Firstly, 55 candidates declared their candidacy in this election, the largest number in history since the first presidential election in 1994. It was a surprise that incumbent President Alexander Lukashenko announced his intention to run for a sixth term. More surprising, however, was the fact that approximately 30 out of the 55 candidates were dissidents, led by the leader of the Belarusian Social Democratic Party, Statkevich, who had run in the 2010 presidential election. Statkevich himself was unable to go through the candidate registration process due to charges of leading protests against the results of the 2010 presidential election. This led to a growing public distrust of the authorities.

In the end, only 15 candidates were able to pass the document screening by ЦИК and were allowed to collect signatures from voters (БЕЛТА, 2020). There have been no past elections in which several famous figures have passed the document screening. Candidates in this election included such notables as Babaliko, former President of Belgazprombank; Tsepkalo, former Deputy Minister of Foreign Affairs, former Belarusian Ambassador to the U.S. and Mexico, and former Director of Hi-Tech Park; and Tsikhanouskaya, wife of Tsikhanousky, an entrepreneur and blogger from Gomel Region.

Many citizens throughout Belarus lined up every day to sign for candidates despite the spread of the coronavirus. Babaliko's initiative group quickly collected the nearly 100,000 signatures required to complete the candidate registration process. Hundreds of thousands of people registered on the candidates' social media.

Prominent among them is Страна для жизни, a channel headed by Tsikhanousky. Tsikhanousky launched the channel in March 2019, visiting various places in Belarus to highlight the lives and problems of ordinary citizens that were not reported in the state media. The channel had around 300,000 subscribers.

Tsikhanousky was unfortunately detained from May 6 to May 20 for participating in protests in Minsk against integration with Russia. During the first four days after Tsikhanousky's detention, approximately 120 citizens were successively detained or fined for their alleged participation in protests against the former

#### President.

Following Tsikhanousky's detention, ЦИК did not allow Tsikhanousky and his initiative group to get through the candidate registration process. Therefore, Tsikhanousky's initiative group nominated his wife, Tsikhanouskaya as its representative and candidate. As a result, the initiative group passed the document screening without changing its organizational structure. Tsikhanousky was later released from detention for 15 days and actively participated in collecting signatures for his wife.

Tsikhanousky played a very significant role in this presidential election in that he succeeded in quickly uniting a large number of citizens who were dissatisfied with the current regime. The younger generation, who had previously been reluctant to discuss politics, also agreed with his ideas. Most citizens who signed for Tsikhanouskaya also signed for other candidates such as Babaliko and Tsepkalo.

In 2011, Belarus experienced a "Social Media Revolution" protesting the devaluation due to the economic crisis. The use of social media began with protests against the 2010 presidential election. Compared to the 2011 protests, Tsikhanousky's campaign was similar in that it was based on social media. However, Tsikhanousky's campaign was different in that it attracted much greater public attention.

Tsikhanousky's slogan, "CTOII TAPAKAH! (Stop the Cockroach!)" spread throughout society, and slippers for smashing cockroaches became the symbol of this slogan. For this reason, the 2020 campaign was called a "Slipper Revolution" by some domestic and foreign media.

However, on May 29, Tsikhanousky was detained again. Tsikhanousky and seven citizens, who were collecting signatures for Tsikhanouskaya, were taken away by special police forces for assaulting police officers. Tsikhanousky was later imprisoned in a detention center in Minsk (Made for minds, 2020b).

On May 31, more than 30 members were taken away and detained, including several senior members from Statkevich's and Tsikhanouskaya's initiative groups, who were traveling in Minsk to assist in collecting signatures for Tsikhanouskaya. Around this time, there was a series of similar cases of dissidents being arrested and detained.

While Tsepkalo, the leading candidate, collected more than 160,000 signatures and submitted them to YHK, only 70,000 were finally considered valid. His request for a reconsideration was rejected, resulting in his eventual withdrawal from the presidential election. In the 2020 presidential election, Tsikhanouskaya received only 9.9% of the vote, far below the 80.2% of Lukashenko, who won his sixth term as President. Immediately after the election, Tsikhanouskaya fled to neighboring Lithuania for her own safety. The election results were considered unjust by many citizens and triggered mass protests.

# 2) Demand for Amendment of the Electoral Code

Article 57 of the Electoral Code establishes the following qualifications to run for presidential elections. Candidates shall be of Belarusian nationality over 35 years of age, shall have resided in Belarus for at least the past 10 years, and shall not have a criminal record.

Given the importance of elections in democratic politics, restrictions on candidates should be minimal.

The OSCE continues to point out that the provisions on residence should be subject to relaxation in light of international standards.

#### 3) Funding for Election Campaigns

Article 48 of the Electoral Code stipulates that "The expenses for the preparation and administration of elections, including presidential elections, shall be appropriated from the national budget." The types of expenses include providing of space for collecting signatures, production of placards with information about candidates, election coverage by the state media, and advertising.

In addition, each candidate is allowed to establish their own fund for an election campaign. Each fund is administered by ЦИК. Contributions from individuals and corporations are permitted, subject to monetary limits. There is also an upper limit on the amount of money a candidate can personally spend for an election. Contributions or other forms of support to candidates from national and local administrative bodies, institutions and organizations receiving national support, political parties, religious organizations and others are prohibited. However, it has long been noted that the incumbent President has received explicit support from the above organizations in his election campaign.

While each candidate is obliged to record and report to ЦИК the income and expenditure during an election period, there is a lack of provisions for information disclosure. During the 2015 presidential election, the OSCE asked ЦИК for permission to conduct a detailed examination of the income and expenditure report of each candidate. However, the request for permission to examine the incumbent President's report was denied.

## 4. Vote Counting

#### 1) Violations during Vote Counting

The procedure for vote counting are regulated by Article 55 of the Electoral Code. However, there have been numerous negative reports of non-compliance with the regulations. The following is a list of regulations that were previously reported to be in violation in the past and have not been remedied to date:

Before opening the ballot box, YUK shall check the number of unused ballots against the voter list and seal the unused ballots to prevent them from being used; Vote counting shall be conducted in the following order and separately: early voting, home voting, and main voting; YUK shall count and announce the number of votes cast for each candidate; YUK shall announce the final results after the vote counting process is completed.

# 2) Circumstances arising from the ambiguity in regulations

The following cases have been reported due to ambiguous regulations on vote counting: Domestic and international election observers and the press were denied access to the vote counting process; Election observers were requested to maintain a certain distance away from the vote counting desks; YHK personnel surrounded the vote counting desks, creating a difficult environment for election monitoring; Multiple acts suspected of falsifying ballots and increasing blank ballots by YHK were confirmed; The final results were

prepared in advance by УИК; In some cases, there were discrepancies between the results announced by УИК and the final results published by the upper organizations such as the Local Election commissions of each district and city and the Regional Election Commissions.

## 5. Home Voting

Belarus has a system that allows voters to vote from their homes. The main problem with this system is that, as with the early voting, home voting does not require voters to submit a written application stating the reasons why they cannot go to the polling place on the main voting day. Article 54 of the Electoral Code, which regulates home voting, states only that "Home voting shall be conducted by YHK upon written or oral request of voters." On the contrary, Article 54 clearly states that "Voters need not prove the reason why they cannot go to the polling place."

The management of ballots and voter lists is extremely important for fair elections. When distributing ballots to voters, it is essential to verify their identity against voter lists. However, such measures are not thoroughly implemented. It has also been reported in the past that YUK personnel brought an unnaturally large number of ballots when visiting voters' homes for home voting. Fraudulent use of the home voting system to increase the number of votes is suspected.

Incumbent President Lukashenko has held the position for a quarter of a century, since his first election in 1994. There is no denying that Lukashenko, often referred to as the last dictator in Europe, is an experienced politician, for better or worse. During the chaotic period following the collapse of the Soviet Union, many former Soviet countries fell into a state of instability. In contrast, Lukashenko has brought a certain degree of public order and stability to Belarus, which is to be commended. Another of his achievements is the fact that Belarus has remained stable and independent despite being landlocked and sandwiched between two major geopolitical players, the EU and Russia.

On the other hand, Belarus also has a dark history, as reported by Nakasaka (2014): "Politically, Belarus has a very powerful presidential system... From 1999 to 2000, before the second presidential election, there were "disappearances" of four prominent anti-Lukashenko figures: a former Minister of the Interior, a former Deputy Speaker of the National Assembly, a businessman, and a journalist..."

## IV. Conclusions

The purpose of this paper is to analyze and organize the problems in the presidential elections in Belarus that have been pointed out over the years. This paper concludes by summarizing the findings of the previous section.

The first problem is the early voting period. The following are confirmed: very low number of ЦИК personnel during the early voting period, lack of proper disclosure of information, significant fluctuations in the number of voters and voter turnout, and improper signatures on ballots and sloppy management of ballot boxes by ЦИК.

The second problem is related to the composition of УИК. There is a contradiction between the Act on ЦИК for the Administration of Various Elections and Referendums and the Electoral Code. This makes it difficult to improve the unbalanced composition of УИК.

The third problem concerns candidate registration. The incumbent President has long exerted undue pressure on leading candidates, detained them, and manipulated the number of votes. In the 2020 election, such manipulations were carried out more than ever.

The fourth problem is that there are violations during the vote counting process. It is pointed out that the provisions of Article 55 of the Electoral Code are not complied with, and that there are alleged acts arising from the ambiguity in regulations.

The fifth problem is home voting system. As with the early voting system, home voting does not require voters to submit a written application stating the reasons why they cannot go to the polling place on the main voting day. This allows YMK personnel to bring an unnaturally large number of ballots to voters' homes, which is suspected of fraudulently using the home voting system to increase the number of votes.

It is hoped that this paper provides a better understanding of the causes of ongoing protests in Belarus.



Figure 2. Minsk suburb on the day of the 2020 presidential election (photo by the authors)

# Notes

- \*1 Abbreviation for "Центральная Избирательная Комиссия"
- \*2 Abbreviation for "Organization for Security and Co-operation in Europe"
- \*3 Abbreviation for "Избирательный Кодекс Республики Беларусь"
- \*4 Abbreviation for "Участковая Избирательная Комиссия"
- \*5 An initiative group is in charge of the candidate's election campaign

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