

Human Rights Center “Viasna”

Human Rights Situation in Belarus in 2020

Analytical review



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HUMAN RIGHTS SITUATION IN BELARUS IN 2020. ANALYTICAL REVIEW BY VIASNA

SUMMARY

- the 2020 presidential election took place against the background of continuous repressions, including against direct participants in the presidential race: members of nomination groups and nominees, as well as bloggers, political activists, journalists and independent observers;
- the election themselves did not meet the standards of free and democratic elections, as they were marred by numerous violations of national electoral law and falsifications, and their official results did not correspond to the real will of the Belarusian people;
- it was public outrage at the official election results that led to mass demonstrations in Minsk and other Belarusian cities. Despite the predominantly peaceful nature of the rallies, they were attacked by Interior Ministry forces with disproportionate use of physical force, riot equipment and weapons. As a result of the actions of the security forces, hundreds of people were injured, with at least two demonstrators being killed (Aliaksandr Taraikouski and Henadz Shutau) and one detained protester dead as a result of untimely medical care (Aliaksandr Vikhor);
- thousands of detained protesters in Minsk and other cities were victims of targeted torture and other inhuman and degrading treatment. As of year-end, Viasna has documented more than 1,000 testimonies of torture victims. The analysis of these testimonies suggests that the acts of torture were widespread, systemic and well organized as a politically motivated punitive operation perpetrated by the authorities to intimidate Belarusian public. The prosecuting agencies and the Investigative Committee's failure to launch full-fledged investigations into the abundant torture reports confirms these findings;
- impunity and anonymity of law enforcement officers led to new cases of torture and ill-treatment of detained protesters, as well as the death of protester Raman Bandarenka, allegedly perpetrated by officers of the Interior Ministry. However, the investigation authorities have not yet initiated criminal proceedings to address the deaths of Aliaksandr Taraikouski, Henadz Shutau, Aliaksandr Vikhor and Raman Bandarenka;
- the country's legal system has demonstrated its inability to protect the rights of citizens, its complete dependence on the current government and active participation in political repression against the country's citizens;
- arrests and imprisonment of peaceful protesters in 2020 became widespread. From the start of the election campaign in May to the end of the year, more than 33,000 individuals were detained, most of whom were later sentenced by courts to terms of administrative detention and heavy fines;
- the authorities actively used criminal charges for politically motivated persecution. According to the Prosecutor General's Office, in the post-election period criminal cases were instituted against more than 900 citizens. The Human Rights Center "Viasna" knows the names of more than 650 people involved in criminal cases. 169 defendants were recognized as political prisoners by the Belarusian human rights community, while the number is growing;

- the authorities repressed journalists in connection with their professional activities: according to the BAJ, 9 journalists are currently in prison as suspects or accused in criminal cases, 477 journalists were arrested, and 97 served terms of administrative detention;
- 18 members of the Human Rights Center “Viasna” were subjected to various forms of repression during the year, including arrests and terms of administrative detention. Maryia (Marfa) Rabkova, coordinator of Viasna’s volunteer service, and volunteer Andrei Chapiuk continue to be held in pre-trial detention on charges under Art. 293 of the Criminal Code;
- despite the absence of new executions in 2020, Belarus continued to retain the death penalty. Three people were sentenced to death during the year, and four prisoners are currently held on death row awaiting execution;
- the 2020 repressions are unprecedented for the entire history of Belarus and testify to the profound human rights crisis in the country, which has led to the international isolation of Belarus and repeated sanctions by the EU, the U.S. and the UK. The authorities’ only response of to the demands of political transformation in the country by the majority of the Belarusian society is the intensification of repressions and imitation of a national dialogue on the so-called “constitutional reform”. This policy only exacerbates the crisis and creates the preconditions for its further aggravation in the months to come.

I. INTRODUCTION

The year 2020 began with a massive crackdown on participants in protests against the so-called “advanced integration” of Belarus and Russia, a process that encroaches on the independence of the state.

Actions taken by the government as measures intended to prevent the spread of the coronavirus proved ineffective. Counterintuitive and self-contradictory statements by top government officials, downplaying the scale of the problem, lack of comprehensive information and the obvious tampering with statistics caused dissatisfaction among the public. The shortcomings and inertia of government mechanisms in providing medical institutions with personal protective equipment were successfully compensated for by the public through their own volunteer-based efforts.

At the same time, the authorities used the dangers of the coronavirus to justify restrictions and human rights violations, including restrictions on lawyers’ meetings with their clients in pre-trial prisons and detention centers, conducting court hearings via video conferencing tools in violation of current procedures, hearing politically motivated criminal cases behind closed doors, etc.

The presidential election was the key factor that determined the further development of the domestic political situation in 2020 and led to an acute crisis of human rights.

Conducting large-scale nationwide election campaigns has traditionally led to increased repression against political opponents of the current political regime and civil society. The only exception was the 2015 presidential election.

The use of severe repression, including against direct participants in the election, was triggered immediately after the announcement of the presidential race in May, while in 2006 and 2010, it did not happen until after Election Day.

Repression during the election was due to the emergence of new active participants who were not previously known and had not participated in domestic political processes: Sviatlana Tsikhanouskaya, former Belgazprombank CEO Viktor Babaryka, and former government official Valery Tsapkala. Significant and unprecedented intensification of public activity, which resulted in voters lining up to offer their signatures in support of the nomination of alternative candidates, clearly demonstrated the demand for political change in the majority of Belarusian society.

The authorities reacted to this unexpected political activity with repression. By the beginning of the voting day on August 9, there were already 24 political prisoners in the country, after they were recognized as such by the Belarusian human rights community: bloggers, members of nomination groups and opposition figures. Siarhei Tsikhanouski and Viktor Babaryka, as well as a number of veteran politicians (Mikalai Statkevich and Pavel Seviarynets, in particular) and popular bloggers (Siarhei Piatrukhin, Aliaksandr Kabanau, etc.) were arrested as early as mid-summer.

The registration of Sviatlana Tsikhanouskaya as a presidential candidate and the united efforts of the headquarters of the most popular potential candidates (Viktor Babaryka and Valery Tsapkala) gave the election campaign a new impetus. Three women — Sviatlana Tsikhanouskaya, Maryia Kalesnikava and Veranika Tsapkala — embodied the desire of the country's citizens for change, while their meetings with voters gathered thousands of voters.

The election campaign itself took place in the traditional way for Belarus, and the results of its first phases showed the authorities' desire to maintain full control over the election process.

It should be noted that this was the first presidential election that was not monitored by the OSCE/ODIHR international mission, which was due a deliberately belated invitation by the country's authorities.

Voting, and especially the vote count, showed that the election results were rigged and the figures announced by the CEC head had nothing to do with the actual will of the voters. Representatives of "Human Rights Defenders for Free Elections", a nation-wide non-partisan observation initiative co-run by Viasna and the Belarusian Helsinki Committee, came to the above [conclusions](#) based on the results of a long-term election observation.

It was public outrage at the official election results that led to mass protests in the post-election period, which, in turn, led to even greater repression.

On August 9, after polls closed, people in many cities took to the streets to protest election fraud demanding a fair vote count. The protests continued in the following days and persisted until the end of the year; there is no reason to expect them to end any time soon.

Despite the generally peaceful nature of the protests, disproportionate physical force, riot control equipment and, for the first time in the history of Belarus, weapons were used against demonstrators and bystanders who came into contact with security forces on August 9, 10, 11 and 12. The use of stun grenades, non-lethal weapons, special vehicles, and in some cases combat weapons led to a large number of victims: injuries, mutilations and even deaths (Aliaksandr Taraikouski, Henadz Shutau, and Aliaksandr Vikhor).

On August 11, there appeared evidence of peaceful demonstrators and bystanders falling victims to an unprecedented punitive operation: police and special forces beat detained protesters after

in police vehicles, on the grounds of police departments, in other facilities owned by the Ministry of Internal Affairs, which were used for the accumulation of detainees, as well as in detention centers and pre-trial prisons.

Medical workers, including volunteer medics, were on duty in the streets, assisting the wounded, and making every effort to rescue victims of torture and ill-treatment in the detention centers and police vehicles.

This information has led to an even greater intensification of protests in the country. The public massively opposed the violence. Representatives of the Orthodox and Catholic churches condemned the violence, which later led to repression against some religious figures and priests, most notably the de facto deportation of the head of the Catholic Church, Archbishop Tadeusz Kondrusiewicz (the priest returned to the country in December after a representative of the Vatican was received by Lukashenka). The Prosecutor General's Office issued an official warning to the Vicar General of the Minsk and Mahilioŭ Archdiocese of the Roman Catholic Church in Belarus, Bishop Yury Kasabutski, and the chairman of the Synodic Information Department of the Belarusian Orthodox Church Siarhei Lepin.

However, the leadership of the Ministry of Internal Affairs and the top government officials did not condemn the use of torture by law enforcement officers. To date, the prosecutor's offices and the Investigative Committee have not opened a single criminal case to investigate the deaths of protesters and the use of torture and ill-treatment. Meanwhile, it is known that the authorities launched at least 1,800 "probes" into torture reports, the progress of which is apparently being protracted. Viasna has [documented](#) more than 1,000 cases of torture. Torture and ill-treatment of detainees continue to this day, while impunity has led to new tragedies and deaths, in particular the murder of protester Raman Bandarenka.

Criminal charges have become one of the main types of repression used by the Belarusian authorities. According to the Prosecutor General, as of October 29, more than 900 criminal cases had been instituted to investigate "facts of riots and violence against security officers." In addition, numerous criminal cases targeted people charged with insulting officials and damage to property, hooliganism, resistance to or violence against police officers, as well as financial crimes.

The human rights crisis has led to a sharp increase in the number of [political prisoners](#), 169 as of year-end, while the figure is far from being final. In total, human rights activists know the names of more than [650 people involved in criminal cases](#) opened during the election and in the post-election period.

The country's authorities use various forms of repression against dissidents, including dismissals of strike activists at a number of state-owned enterprises (Belaruskali, Hrodna Azot, Naftan, etc.). Students who took an active part in peaceful protests and solidarity events were repressed and expelled en masse from their universities. In particular, the independent student organization ZBS (Association of Belarusian Students) collected data on 399 detained students and 131 facts of their expulsions. Cases of dismissal of university teachers and medical workers in connection with their political views and beliefs were documented. Former law enforcement officers were subjected to particular pressure, after they expressed their disagreement with the actions of the authorities and resigned from government agencies.

The authorities went to the length of forcibly deporting their opponents (Sviatlana Tsikhanouskaya, Volha Kavalkova, and attempted but failed deportation of Maryia Kalesnikava).

For the first time in the recent history of Belarus, the authorities opened a criminal case under Art. 357 of the Criminal Code, “conspiracy and other actions committed to seize state power.”

Repression in 2020 became widespread. The Belarusian authorities commit nation-wide and systemic human rights violations, while the country’s legal system is unable to provide adequate legal protection for the victims and is completely refocused on repression.

It is in connection with the widespread and systemic human rights violations that the OSCE Moscow Mechanism was triggered in relation of Belarus. Hearings were held and a resolution was adopted by the UN Human Rights Council. A number of other international procedures have been launched.

The rigged elections and the massive human rights abuses have led to Lukashenka’s isolation from the West: EU member states, the United Kingdom, the United States and Canada refused to recognize Lukashenka as the country’s legitimately elected president, while the EU and the U.S. imposed political and economic sanctions on a number of Belarusian officials and businesses.

The official Kremlin, on the other hand, expressed its full political support for the Lukashenka regime, stating that he is the only legally elected head of state. In addition, at Lukashenka’s request, the authorities of the Russian Federation created and sent a reserve of security officers to the Russian-Belarusian border “in preparation for significant destabilization of the domestic political situation in Belarus.” During the year, Russia continued to support the political regime in Belarus, imposing its plan for a possible solution to the crisis through constitutional reform. It should be reminded that at the beginning of the year the authorities of the Russian Federation exerted significant political and economic pressure on the authorities of Belarus in order to promote the so-called “advanced integration”. As a result of the new crisis in Belarus’s relations with the West, threats to the country’s sovereignty have increased manifold.

For the first time in the history of Belarus, the protests demanding the resignation of President Lukashenka and new elections are so widespread and long lasting, and for the first time, attempts to disperse demonstrations by force have led to the deaths of several protesters. The only response of the authorities to the demand for political change on the part of society is repression and attempts to imitate a broad public dialogue on the announced constitutional reform, the essence of which remains obscure to the public.

For the first time in 26 years of his rule, Lukashenka lost support and legitimacy among the majority of Belarusian society, which could lead to serious changes in the country in the foreseeable future.

II. POLITICALLY MOTIVATED CRIMINAL PROSECUTION AND POLITICAL PRISONERS

During 2020, criminal prosecution remained one of the main types of repression used by the Belarusian authorities during the election and in the post-election period. In total, according to the Prosecutor General’s Office, in the post-election period, criminal cases were instituted against more than 900 citizens, while the Human Rights Center “Viasna” knows the names of more than 650 people.

For the purpose of politically motivated criminal prosecution, the authorities used the widest range of articles of the Criminal Code. All initiated criminal cases can be subdivided into several groups, depending on the charges, the circumstances of the events and the persons involved.

At the beginning of the election campaign in May, the authorities took measures of a clearly preemptive nature aimed at isolating a number of opposition figures and bloggers. One of the first detainees was Siarhei Tsikhanouski, a well-known blogger and author of the popular YouTube channel “A Country for Living”, who had earlier announced plans to run for president but eventually lead the presidential campaign of his wife Sviatlana Tsikhanouskaya. Siarhei Tsikhanouski was detained on May 29 during an election rally in Hrodna. The event was part of Sviatlana Tsikhanouskaya’s presidential campaign and did not violate campaigning rules. Tsikhanouski’s arrest was the result of an apparent provocation by the security services, which was caught on camera by numerous reporters and showed that Tsikhanouski had not committed any illegal actions. In December, the BYPOL initiative published materials confirming that the provocation was organized by the security services.

On June 8, Siarhei Tsikhanouski and several associates detained together with him were [charged](#) under Part 1 of Art. 342 of the Criminal Code (organization or active participation in group actions which gravely breach public order). Tsikhanouski was later charged under Art. 191 of the Criminal Code (obstruction of the elections and the work of the Central Election Commission) following a personal complaint by CEC head Lidziya Yarmoshyna, as well as under Art. 130 (incitement to hostility towards a social group, police officers) and under Art. 293 of the Criminal Code.

The events in Hrodna served as a formal reason for arresting and charging a number of prominent bloggers and activists under Art. 342 of the Criminal Code. In particular, the charges were brought against bloggers Siarhei Piatrukhin, Aliaksandr Kabanau, Dzmitry Kazlou, Uladzimir Tsyhanovich and other people targeted in the so-called “Tsikhanouski case”.

Ahead of Election Day, Art. 342 of the Criminal Code was also used to arrest a well-known opposition politician Mikalai Statkevich (later he was also charged under para. 13, Part 2 of Article 293 of the Criminal Code, “preparation for participation in mass riots”). At least 13 people were charged under Art. 342 after riot police dispersed a protest held on July 14 in response to the CEC’s decision to deny registration to the most popular presidential nominees, Viktor Babaryka and Valery Tsapkala.

Former Belgazprombank CEO Viktor Babaryka was detained and taken into custody on June 18 during the registration of support signatures collected for his nomination of a presidential candidate. His detention was preceded by a number of public threats by President Lukashenka. Several members of his nomination group, including its head Eduard Babaryka, were arrested together with the presidential nominee. The politically motivated nature of their persecution was [condemned](#) as blatant by the country’s human rights community.

The detainees were later charged under a number of economic articles of the Criminal Code. Fraud charges were actively used by the authorities to persecute several businesspersons who in one way or another participated in Babaryka’s campaign or supported public initiatives (Aliaksandr Vasilevich, Liliya Ulasava, Yuliya Shardyka, Dzmitry Rabtsevich, Viktor Kuushynau, and Uladzislau Mikhalap, among others).

In the post-election period, the largest number of criminal cases was instituted against protesters under Art. 342 and 293 of the Criminal Code. In particular, the Human Rights Center “Viasna” knows the names of more than 180 people involved in the “rioting” case. After a procession to the Kurapaty forest (a memorial to the victims of Stalin-era repressions) on November 1, the Investigative Committee [announced](#) the initiation of a criminal case under Art. 342 of the Criminal Code targeting 231 people.

Meanwhile, almost all gatherings held in the post-election period were peaceful.

A large category of criminal cases consisted of charges related to allegations of violence against or violent resistance to police officers (Articles 363, 364, 366 of the Criminal Code).

An analysis the trials in this category of cases suggests that the courts failed to give a proper assessment of the legality of police-related violence. When passing sentences, the judges assumed that the law enforcement officers carried out their lawful activities to protect public order during illegal protests. Detentions of participants in such gatherings and the use of police gear against them, according to the judges, were legal. Accordingly, any kind of disobedience, resistance, and even more so the use of violence against officers of the Interior Ministry, in their opinion, were criminal.

Experts of the Human Rights Center “Viasna”, however, believe that peaceful assemblies should be under state protection, and all kinds of actions aimed to forcibly stop them, detain their participants or use violence against them, are disproportionate restrictions on freedom of peaceful assembly, which go beyond the permissible limits. Accordingly, such actions by the police cannot be considered as lawful activities to protect public order, and in cases of violence against officers of the Interior Ministry used in response to initial police violence, these actions should be judged based on the severity of the damage to health. In most of the cases observed, the alleged victims did not suffer any damage or the damage was insignificant, or violence as such was not used at all.

Indicative in this regard was the lawsuit against a dual citizen of Belarus and Switzerland Natallia Hersche, who was sentenced by the court of the Saviecki district of Minsk under Art. 363 of the Criminal Code (resistance to a police officer) to two and a half years in prison and was [recognized](#) as a political prisoner by the Belarusian human rights community.

A number of defendants were sentenced to terms of imprisonment under Art. 339 of the Criminal Code (hooliganism) for writing political slogans on buildings and other structures, which is an acceptable form of expression. A number of such cases were classified as desecration of buildings and damage to property (Art. 341 of the Criminal Code). In a case that caused a particular public outrage, the Frunzienski district court of Minsk [sentenced](#) two defendants to imprisonment (Uladzislau Hulis and Maksim Pauliushchyk) and restricted the liberty of two more protesters (Dzianis Hrakhanau) for writing “We Will Not Forget” on a sidewalk near the Puškinskaja metro station in Minsk (the place of murder by security officers of protester Aliaksandr Taraikouski), classifying the act as “hooliganism” (Art. 339, Part 2 of the Criminal Code).

Another category consists of criminal cases initiated under defamatory articles of the Criminal Code: Art. 368 (insult to the President of the Republic of Belarus), Art. 369 (insult of an official), as well as cases related to insulting state symbols (Art. 370).

The Human Rights Center “Viasna” is aware of several dozen persons sentenced to restricted liberty (mainly so-called “open-type penal facilities,” forced labor dormitories with certain restrictions, popularly known as “khimiya”) under Art. 369 of the Criminal Code, as well as at least three sentences of imprisonment for insulting the president. In its joint statement recognizing Aliaksei Ramanau and Mikalai Charniauski as political prisoners, the Belarusian human rights community [once again called](#) on the country’s authorities to decriminalize defamation and to release all persons convicted of defamation offenses.

Of particular concern is the criminal prosecution of members of the Coordination Council.

From the very beginning of its establishment, the Coordination Council triggered negative statements by the country’s leadership and Aliaksandr Lukashenka personally, who on August 18 said that the Council was illegal and was formed to seize power. Two days after his statement, on August 20, the Prosecutor General’s Office [opened a criminal case](#) under Art. 361 of the Criminal Code targeting Coordination Council leaders.

On September 9, a member of the presidium of the Coordination Council, lawyer Maksim Znak, and Maryia Kalesnikava’s lawyer Illia Salei were detained in Minsk. Their apartments were searched and the detainees were taken for questioning to the Investigative Committee.

The arrests were preceded by the abduction in downtown Minsk on September 7 by unknown persons of one of the leaders of the presidium of the Coordination Council Maryia Kalesnikava.

As it later became known, she and two other members of the Coordination Council, Anton Radnianski and Ivan Krautsou, were forcibly brought to the Ukrainian border for illegal deportation.

However, by tearing up her passport and jumping out of the car, Maryia Kalesnikava thwarted the special operation organized by the Belarusian security forces aimed at expelling the opposition leader from the country. After the incident at the border, nothing was known about Kalesnikava’s whereabouts for about 24 hours.

On September 9, the Investigative Committee officially announced that it was continuing the investigation of a criminal case initiated by the Prosecutor General’s Office under Part 3 of Art. 361 of the Criminal Code (appeals to actions aimed at harming the national security of the Republic of Belarus). The suspects, Maryia Kalesnikava and Maksim Znak, were remanded in custody following a prosecutor’s warrant. Illia Salei was also detained on suspicion of committing a crime under Part 3 of Art. 361 of the Criminal Code (later he was placed under house arrest).

On December 21, the Prosecutor General’s Office announced the initiation of [new criminal proceedings](#) against members of the Coordination Council Sviatlana Tsikhanouskaya, Maryia Kalesnikava, Maksim Znak, Pavel Latushka, Volha Kavalkova, Siarhei Dyleuski and others under Part 1 of Art. 361-1 of the Criminal Code (creation of an extremist group), and also against the founder of the BY_HELP initiative Aliaksei Liavonchyk under Art. 361-2 of the Criminal Code (financing the activities of an extremist group). In addition, at the request of the Prosecutor General’s Office, the Investigative Committee opened a criminal case under Part 1 of Art. 357 of the Criminal Code (conspiracy or other acts committed with the aim of seizing state power).

The unprecedented wave of repression affected numerous journalists in connection with the performance of their professional duties. [According to the BAI](#), 9 journalists are currently held in

pre-trial detention on criminal charges; 15 more are facing criminal charges. A particular public outrage was triggered by the cases of [criminal prosecution](#) of Belsat TV reporters Darya Chultsova and Katsiaryna Bakhvalava (Andreyeva), as well as a journalist of the news website TUT.by Katsiaryna Barysevich.

Human rights defenders were also repressed. In particular, during the year, 18 members of the Human Rights Center “Viasna” were subjected to various forms of persecution, including arrests and terms of administrative detention. On September 17, officers of GUBAZiK (Interior Ministry’s Main Directorate for Combating Organized Crime and Corruption) detained [Marfa Rabkova](#), coordinator of Viasna’s volunteer service. Since then, she has been held in pre-trial prison No. 1 on charges of committing a crime under Part 3 of Art. 293 of the Criminal Code (preparation for and financing of riots). On October 2, [Andrei Chapiuk](#), a volunteer at the Human Rights Center “Viasna”, was detained and remanded in custody. He is charged under Part 2 of Art. 293 of the Criminal Code (participation in riots).

The year 2020 saw the largest repressions in the recent history of Belarus. The number of [political prisoners](#) recognized as such by the Belarusian human rights community is constantly growing and currently stands at 169 people. The list will inevitably increase.

III. THE RIGHT TO LIFE. THE ISSUE OF THE DEATH PENALTY

At least two protesters, Aliaksandr Taraikouski in Minsk and Henadz Shutau in Brest, were killed by security forces during the violent dispersal of peaceful protests in August 2020. Aliaksandr Vikhor died in Homiel shortly after detention in the absence of timely medical care.

On November 11, Raman Bandarenka was [beaten and detained](#) by unknown individuals in Minsk. He was taken to the Centralny district police department and later hospitalized with severe injuries, from which he soon died. Numerous video footage and eyewitness testimonies allow us to conclude that Bandarenka’s death most likely involved officers of the Ministry of Internal Affairs and people from Aliaksandr Lukashenka’s immediate circle. The authorities, however, failed to take effective action to investigate the crime, but attempted to mislead the public as to the circumstances of the murder, instead.

The death penalty is still in force in Belarus. In 2020, death sentences were [imposed](#) on the brothers Illia and Stanislau Kostseu, which became final later in the year. The Supreme Court [overturned](#) the death sentence of Viktor Skrundzik and ordered a re-trial of the case by the Minsk Regional Court. The death penalty was last used in practice Belarus was on December 17, 2019. Four convicts are now awaiting execution on death row: the Kostseu brothers, Viktor Serhel and Viktor Paulau.

On March 12, the UN Human Rights Committee adopted a decision acknowledging that Belarus violated a number of rights guaranteed by the International Covenant on Civil and Political Rights in the case of Henadz Yakavitski. The death convict’s complaint was registered with the Committee on July 17, 2016. Despite the fact that the Committee asked Belarus not to execute Yakavitski while his complaint was being considered, the prisoner was executed in pre-trial detention center No. 1 in Minsk on November 5, 2016. The UN Committee concluded that the execution constituted arbitrary deprivation of life. In addition, Yakavitski’s rights to a fair trial by an independent and impartial court and to the presumption of innocence were violated.

IV. RESTRICTIONS ON FREEDOM OF PEACEFUL ASSEMBLY

The current legislation and practice in Belarus violate and arbitrarily restrict freedom of peaceful assembly and freedom of expression. The law does not contain provisions on the presumption in favor of the exercise of the right to peaceful assembly; the process of obtaining permission to hold street events, including one-person pickets, continues to be associated with excessive hurdles and restrictions, as well as significant costs. The notification-based procedure for holding certain types of peaceful assemblies was marred by widespread restrictions on the rights of protesters.

In the previous three years, Belarus saw a significant decline in the number of people prosecuted, including through administrative detention, for exercising freedom of peaceful assembly and expression. However, this did not indicate the liberalization of government policies, but was a consequence of the decline of protest activity in general. In particular, according to the Human Rights Center “Viasna”, in 2019, there were as few as a little over 230 cases of persecution of citizens for the exercise of these freedoms.

Repressions against participants in peaceful assemblies continued in 2020. Viasna documented about 200 cases of fines and administrative detention between the beginning of the year and the start of the presidential election campaign. During the election campaign, [repression intensified](#), despite the fact that the law imposes much less restrictions on campaigning events (about 550 administrative fines were imposed), and peaked on August 9-13, when numerous election-related protests across Belarus were violently suppressed with the use of police gear, riot control equipment and weapons. About 7,000 protesters were detained, most of whom were fined and sentenced to short terms of administrative detention. Most detained protesters became victims of systematic mass torture and cruel, degrading and inhuman treatment. Since then, street protests have continued on a regular basis, despite violent crackdowns, and hundreds of participants have been convicted weekly.

The total number of detainees during the post-election protests, according to various sources, exceeded 31,000. The volunteer service of the Human Rights Center “Viasna” collected data on 26,579 detentions in 46 localities across Belarus during this period. Among them 20% are women, 171 people are minors, and 57 people are foreign nationals.

Thus, in 2020, a total of more than 33,000 peaceful protesters were affected by politically-motivated repression.

Some protesters were subjected to long terms of imprisonment (up to two months or more). The courts, using the shortcomings of the law, impose [several consecutive penalties](#).

Many detained protesters were later fired or expelled from universities. On October 27, Aliaksandr Lukashenka called to dismiss government employees on strike for political reasons and to expel students attending “unauthorized protests in violation of the law.”

On numerous occasions, the prosecutors threatened detained protesters with criminal charges.

V. VIOLATIONS OF FREEDOM OF EXPRESSION, RESTRICTIONS ON FREEDOM OF INFORMATION, PERSECUTION OF JOURNALISTS

Various forms of expression are selectively and arbitrarily restricted by the authorities if they run counter to the pro-government ideology. Legislation governing public events began to be applied to such forms of expression as the use of flags and symbols, including in private apartments. In numerous cases, heavy fines and even short terms of imprisonment were imposed on individuals who displayed white-red-white flags and other protest symbols on their balconies and windows.

Anti-extremism legislation is also arbitrarily used to restrict freedom of expression. A court in Minsk ruled that NEXTA-Live, a Telegram channel (t.me/nexta_live), which the authorities accuse of coordinating the protests, and its logo should be banned as extremist. The court also banned videos on a number of opposition YouTube channels.

The political position and statements by popular athletes and TV presenters triggered their persecution, dismissal and termination of employment contracts.

Private companies that supported various forms of protest were subjected to inspections by government agencies, which resulted in disproportionately heavy fines.

In 2020, journalists, bloggers and the media came under attack from the repressive system.

In the beginning of the year, several independent journalists and bloggers were [detained and charged](#) with participating in unauthorized protests. The courts later punished them with short terms in prison for covering peaceful assemblies.

In June, in the midst of the election campaign, more than a dozen popular bloggers and authors of Telegram channels were detained and charged with “organizing group actions that gravely breach public order.” They were later joined by several administrators of popular protest Telegram channels.

On September 23, it became known that the editor-in-chief of the Nasha Niva newspaper, Yavor Martsinovich, was named a suspect under Art. 188 of the Criminal Code (slander). The charge stems from a publication alleging that Deputy Interior Minister Aliaksandr Barsukou was personally involved in the beating of a protester on the grounds of the detention center in Minsk.

The repressions were not limited to arrests: several journalists were beaten during the dispersal of peaceful protests, and on August 11, Nasha Niva reporter Natallia Lubneuskaya was [shot at and wounded](#) from a 10-meter range by a special police unit officer.

Media workers, despite having appropriate outfit, were specifically targeted by law enforcement officers. Journalists were detained and charged with coordinating protests or participating in unauthorized events and punished with heavy fines and short terms in prison.

Journalists Katsiaryna Barysevich (TUT.by), Katsiaryna Andreyeva and Darya Chultsova (both Belsat TV), who were covering Raman Bandarenka’s death and the ensuing protests, were arrested and placed in prison on trumped-up charges.

In August, the Foreign Ministry denied accreditation to a large number of foreign journalists, and on August 29, it revoked the accreditations of four Radio Liberty journalists, two BBC journalists,

two Associated Press journalists, two journalists from the German ARD TV channel, as well as AFP, Reuters, Deutsche Welle, and RFI reporters.

On Election Day, in the morning of August 9, access to various social media and websites was gradually restricted, traffic was selectively blocked, and from evening to the following morning and in the following days, mobile Internet connection was shut down throughout the country. Restrictions were largely lifted on August 12, but some resources remain blocked “by orders of the government” to date, including the Russian-language version of [Viasna’s website](#) [spring96.org](#) and [election2020.spring96.org](#), a resource which covered the presidential election.

In late August, the government-owned Printing House refused to print the newspapers Komsomolskaya Pravda v Belarusi, Narodnaya Volya, Svobodnye Novosti Plus, and Belgazeta, the outlets known for their unbiased coverage of the protests. The latter three were forced to stop being published as print newspapers, after Belsayuzdruk and Belposhta refused to distribute newspapers that were not published in the Printing House. As a result, a number of independent print media continued to decrease.

On November 9, the editorial office of the independent local newspaper Hazeta Slonimskaya and the apartment of the newspaper’s editor-in-chief Hanna Valadashchuk were searched. The publisher’s and the company’s equipment was confiscated, and the newspaper’s work was paralyzed. The search was also carried out in the editorial office of the Hantsavitski Chas newspaper.

On December 3, the Economic Court of Minsk ruled to deprive the Internet portal TUT.by of media status. The decision was based on a lawsuit filed by the Ministry of Information after it issued four warnings accusing TUT.by of publishing “inaccurate information” that “harmed the state interests.” Human rights activists are convinced that the actual reasons for the court ruling are politically motivated, and the goes beyond the permissible restrictions on freedom of opinion.

VII. TORTURE AND CRUEL, INHUMAN AND DEGRADING TREATMENT

In early July, the Civic Solidarity Platform’s Working Group on the Fight against Torture [published](#) its Index on Torture. According to the study, Belarus ranks last in the ranking of post-Soviet OSCE participating States.

When attacking peaceful demonstrators protesting election fraud and other individuals suspected of disloyalty, in August and in the following months, law enforcement officers arbitrarily, without sufficient grounds and inadequately used physical force, non-lethal weapons and riot control equipment, obviously authorized to do so by their superiors, which massively and systematically violated the protesters’ rights not to be subjected to torture and ill-treatment, and in some cases the right to life. The circumstances of the post-election acts of violence and intimidation carried out by law enforcement officers and other security forces were described in detail in a report by Belarusian human rights organizations on the human rights situation in Belarus entitled [“Belarus After Election,”](#) which documented and systematized cases of torture and ill-treatment.

According to the Investigative Committee, as of August 17, “more than 600 people reported injuries during arrest law enforcement officers, and about 100 people — about injuries suffered

in detention facilities.” The Committee has not published any other data since then, while head of the Lieninski district police department of Minsk Vital Kapilevich said at a meeting with local residents that there were about 1,800 complaints about the use of violence against detained protesters.

None of the top government officials condemned the use of [torture and ill-treatment](#) against peaceful assembly participants and other persons.

Allegations of torture and ill-treatment were not properly investigated and no criminal cases have been opened to address the reports. Moreover, investigators failed to provide information on suspected police officers or to interview them, citing “measures to protect honor, dignity and business reputation” and to “ensure the safety of police officers.” The authorities fail to take adequate actions to document traces of crimes and search for evidence of torture and ill-treatment. Several victims chose to appeal against these decisions to courts and to prosecutor's offices.

In one of such cases, a ruling of December 29 by the Maskoŭski District Court of Minsk reversed a decision earlier taken by the investigators and ordered an additional probe into allegations of torture.

As early as in the summer, the authorities began to create particularly harsh conditions in detention centers for political prisoners arrested and detained for political reasons. They were arbitrarily placed in punishment cells, subjected to provocations, restricted in food, outdoor time and kept in unsanitary conditions.

In addition to torture and beatings, detainees held in Minsk facilities suffered from repeated overcrowding, lack of food, water and other rights guaranteed by the law.

Impunity for crimes provokes new cases of ill-treatment and torture.

VIII. VIOLATIONS OF FREEDOM OF ASSOCIATION

Increased protest activity has led to increased government pressure on nonprofit organizations. This included repeated inspections, police raids on NGO offices and apartments of activists. For example, searches took place in the apartment of the secretary general of the Belarusian National Youth Council RADA Hanna Dapševičiūtė, in the charity fund “Palieskaja Dabrynja”, in the Hrodna Children’s Hospice; inspections targeted the fund “Land of Castles”, and the institution “Niti družby”.

In early September, the Center for the Promotion of Women’s Rights - Her Rights was harassed by the government, after the nonprofit organization was accused of funding the protests.

On November 12, law enforcement officials [detained](#) leaders and activists of the Association of Belarusian Students (ZBS). Their apartments and the office were searched. Among those who were repressed were Ksenia Syramalot, Alana Gebremariam, Yahor Kanetski, Yana Arabeika and Kasia Budzko (all of them are currently held in pre-trial detention on criminal charges under Part 1 of Article 342 of the Criminal Code). Many ZBS activists were forced to leave the country under threat of arrest. Thus, the organization’s activities in Belarus were paralyzed.

On December 22, financial police [detained](#) head of Press Club Belarus Yuliya Slutskaya, program director Ala Sharko, financial director Siarhei Alsheuski, head of Press Club’s Academy Siarhei

Yakupau, videographer Piotr Slutski, and Kseniya Lutskina, former journalist of the government-owned TV channel Belarus 1. Siarhei Yakupau was eventually deported to Russia, while the rest faced tax evasion charges and are being held in pre-trial detention.

IX. DISCRIMINATION

At its 101st session, the UN Human Rights Committee continued to consider allegations of discrimination against Roma in the Mahilioŭ region in 2019. The Committee noted that the state had not registered complaints of mass arrests, excessive use of force, intimidation and violence against persons belonging to the Roma community in the context of the investigation into the murder of a police officer. The Committee is concerned about the lack of impartiality and efficiency of the commission of inquiry, given its composition, and that the investigation focused on procedural irregularities rather than allegations of discrimination against Roma by law enforcement. In addition, noting that disciplinary action had been taken against officers and senior Interior Ministry officials, the Committee was concerned that no prosecution had been initiated and no compensation had been paid to the victims.

X. RESPECT OF FAIR COURT STANDARDS. PRESSURE ON LAWYERS

Human rights activists, lawyers and experts report the emergence of an unprecedented crisis in the justice system of Belarus in the second half of the year.

The many shortcomings of justice and absence of a truly independent judiciary became even more apparent when courts and judges unconditionally became involved in the repressive process, after which the judiciary in politically motivated cases lost the last traits of justice.

As early as in the summer, it became clear that various measures — restrictions on meetings in prisons, including with lawyers, consideration of administrative cases through illegal videoconferencing systems — would be used to arbitrarily restrict the procedural rights of detained protesters and persons held on criminal charges. The authorities have also repeatedly violated the principle of the presumption of innocence in politically motivated cases.

In the days when peaceful protesters and other people, who were seen as opponents of the current authorities, were gathered en masse in the pre-trial detention center of Minsk City Executive Committee and in other cities, judges held hasty carbon-copy hearings on the grounds of these pre-trial detention centers, where detainees were tortured and subjected to other forms of prohibited treatment. These and other violations of the standards of a fair trial against participants in peaceful demonstrations after the 2020 presidential election were investigated in the report [“Belarus, August 2020: “Justice” for Protesters”](#), which was prepared by the Human Rights Center “Viasna” and experts of the Belarusian Human Rights House with the support of the International Federation for Human Rights (FIDH) and the World Organization Against Torture.

Subsequently, many judges were implicated in the persecution of people for exercising their rights and freedoms, as well as in violating the standards of a fair trial in cases involving political prisoners.

Lawyer Maksim Znak is being held in pre-trial detention on [politically motivated charges](#), while another lawyer Illia Salei, who provided legal assistance to the presidential campaign of Viktor Babaryka, is under house arrest.

As in previous years, intensified political confrontation forced the Ministry of Justice to increase pressure on the bar: lawyers Aliaksandr Pylchanka and Yuliya Levanchuk were [deprived of their licenses](#) on October 16. The reason were some critical statements by Pylchanka about the current socio-political situation and Levanchuk's personal correspondence. Such measures against lawyers are contrary to the principles of non-interference by the authorities in the activities of independent institutions and arbitrarily restrict freedom of expression.

The Interior Ministry and the KGB obstruct the activities of lawyers. Under the guise of fighting the spread of the coronavirus, lawyers are often deprived of the opportunity to meet face to face with their clients, who are detained and arrested for political reasons. Lawyer Liudmila Kazak was [arbitrarily detained](#) on contrived grounds and placed in the pre-trial detention center in Minsk, and then illegally fined by a judge, despite the obvious arbitrariness of the arrest.

Following the publication of a statement on August 18 condemning unprecedented violations of the constitutional rights of Belarusian citizens, the bar associations continued to take a very restrained stance, limiting themselves to discussing current issues with government officials. However, it is gratifying to note the high level of solidarity of ordinary lawyers and their active professional assistance, often free of charge, to victims of human rights violations, despite the difficult working conditions and the threats of repression.