

Human Rights Center “Viasna”

Human Rights Situation in Belarus in 2022

Analytical review



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Summary:

- *the profound socio-political crisis, which was prompted by the usurpation of power and its concentration in the hands of Aliaksandr Lukashenka, who refused to accept his de facto defeat in the presidential election of August 2020, together with the lack of effective democratic institutions in Belarus, determined the continuation and build-up of the repressive policy of the Belarusian authorities in 2022;*
- *the absence of true legal mechanisms for constitutional change of power, protection and promotion of the rights to peaceful assembly, association, freedom of expression, freedom from torture and other types of cruel, inhuman, degrading treatment have led to their total devaluation in Belarus;*
- *the actions of all branches of power are aimed at building a new, totalitarian system that demonstrates zero tolerance to any deviations from official policy and ideology, for which, with impunity, at the direction and with the approval of the highest officials, an atmosphere of general fear is instilled in society, any manifestations of dissent are eradicated, and concepts are distorted in the interests of the ruling circles;*
- *the price of political and economic support from the authorities of the Russian Federation for the dictatorship that lost its legitimacy and was subjected to economic sanctions was the provision by the authorities of Belarus of its territory, airspace and infrastructure for Russia's aggression against sovereign Ukraine, as well as its unconditional political and informational support for the offensive;*
- *Viasna immediately and unconditionally condemned the act of aggression and the involvement of the official Minsk in it, emphasizing that one of the prerequisites for the start of the war was the suppression of the Belarusian civil society, which consistently and uncompromisingly refused to support the desire of the Russian and part of the Belarusian power elites to create geopolitical and military unions involving Belarus in the implementation of the imperial ambitions of the Russian authorities;*
- *the war in Ukraine has had an ambiguous impact on the policy of states and international organizations towards Belarus: it changed the vector of general attention, but advanced the wider consequences and greater impact on world politics of Belarusian domestic political processes;*
- *the construction of a totalitarian system required a change in the Constitution, which, even in the current version created to support the unconditional priority of the executive power headed by Lukashenka, has ceased to satisfy the dictator's needs;*
- *at the same time, the legislative framework was losing its legal features and continued to be filled with reactionary norms that ignored the democratic constitutional foundations and international obligations of Belarus;*
- *the main tools for holding power and repressing opponents, critics of the regime and dissidents are still criminal and administrative prosecution, arbitrary arrests, dismissals from work and de facto deportation;*
- *as of January 1, there were 1,446 political prisoners in Belarus, according to a national coalition of human rights organizations; the list of political prisoners is based on a set of universally recognized principles provided for by the thematic [Guidelines](#); over the year, the list increased by 477 people, while more than 580 former political prisoners were released; a total of 889 people were called political prisoners during the year;*

- *Viasna is aware of at least 1,242 persons convicted on politically motivated criminal charges in 2022; a total of at least 2,627 individuals were convicted for the events triggered by the protests of 2020; almost 3,800 people faced criminal prosecution during this period;*
- *Viasna knows the names of 6,381 persons arrested and at least 3,272 convicted under administrative procedures for the exercise of their rights and freedoms, of which 2,274 were sentenced to short terms of administrative imprisonment and 938 were fined;*
- *the authorities continue to actively use repressions against journalists in connection with their professional activities: according to the [BAJ](#), 33 journalists and media workers are currently imprisoned; 43 journalists were arrested during the year;*
- *legislation regulating the activities of civil society associations has significantly worsened their position in a number of key areas; according to [Lawtrend](#), since 2021, about 1,180 non-governmental organizations have been closed down or are in the process of dissolution, which is evidence of the continuing trend of the demolition of civil society institutions;*
- *the judicial system routinely ignores the standards of a fair trial; the legal profession, having lost the main features of an independent self-governing institution, itself became an instrument of repression against lawyers; in general, lawyers carry out their activities under constant pressure, threats and harassment, and the most active are subject to criminal and administrative prosecution, while many lose their right to work;*
- *Belarus continues to apply the death penalty; during the year, there was no information about new death sentences; an earlier death sentence against Viktor Paulau, however, was carried out; two people are being held on death row awaiting execution; the government has further expanded legislative grounds of using the death penalty;*
- *politically motivated repressions in 2022 continued to be widespread, testifying to a profound human rights crisis, which led to the international isolation of Belarus and wide sanctions from the EU countries, the U.S. and the UK;*
- *Viasna continues its active work to protect and promote human rights; on September 30, the organization [received](#) The Albie Awards 2022, founded by the Clooney Foundation for Justice, in the nomination "Justice Democracy Defenders"; on December 8, in The Hague, Viasna was [awarded](#) the Human Rights Tulip award, founded by the Government of the Netherlands.*

Introduction

The year of 2022 was marked by the continuation and further expansion of the already profound social and political crisis, the origins of which were laid by the usurpation of power and its concentration for a quarter of a century in the hands of Aliaksandr Lukashenka, which resulted in the weakness of democratic institutions, the absence of the most important and indispensable democratic guarantees, respect and observance of human rights and fundamental freedoms. While continuing to refuse to accept their de facto defeat in the presidential election of August 2020 and sensing certain incapacity and fatigue of the punitive apparatus, the authorities continued to reformat their institutions to the needs of the totalitarian system that replaced authoritarianism, ultimately annihilating the positive achievements of previous years, which were the result of compromises and cooperation with international organizations, civil society and its institutions.

Thus, the rights and freedoms, the value and universality of which were not fully shared even in rhetoric before, but were de facto regularly violated by the authorities, were left without any support from the authorities. The authorities pervasively enforce and aggressively defend their rights to violate the rules of constitutional change of power and taking into account the opinion of the people in decision-making, violate the rights to peaceful assembly and association, to interfere with freedom of expression; torture and other types of cruel, inhuman, degrading treatment for political reasons have become a terrifyingly routine practice.

All branches of power – executive, judicial and legislative – are involved in the enforcement of a totalitarian policy. They are building a new system that rules out any deviations from official policy and ideology, creating a constitutional and legislative basis for this. To do this, a new ideology is being created, which is a symbiosis of the narratives of the Soviet era, most importantly, external enemies, fight against high treason, and exposing ‘Nazism’, and samples of the recent terminology, including fight against ‘extremism’ and ‘terrorism’, protection of national security, etc. In all these cases, the meaning of these notions is cynically distorted, resulting in total fear prevailing in society against the backdrop of unpunished aggression by the defenders of the system.

A report [released](#) by the Office of the United Nations High Commissioner for Human Rights on March 9, 2022 states that the government’s “continuing crackdown on political opponents, civil society, journalists and lawyers has seen the fundamental human rights of tens of thousands violated, with no sign of any of the perpetrators being held accountable”. The report details the outcome of the [consideration](#) by OHCHR of the issue of the situation of human rights in Belarus, requested by the UN Human Rights Council. This overview covers the period leading up to the elections of August 9, 2020 and beyond until December 31, 2021.

The price of Russia’s political and economic support for the dictatorship that lost its legitimacy and has been subjected to economic sanctions was the provision of the Belarusian territory, airspace and infrastructure for Russian aggression against sovereign Ukraine, which effectively made Belarus an accomplice of the aggressor and its de facto leaders those responsible for the monstrous acts of violence and destruction. The unconditional political and informational support of the act of aggression and the justification of the aggressor’s actions in the information field by state propaganda resources are called upon to whip up militaristic hysteria in the Belarusian society on the model of the Russian one and justify the fact that the years-old rhetoric of Lukashenka, who promised the people a peaceful existence in exchange for loyalty, turned out to be a fiction.

Viasna [immediately and unconditionally condemned](#) the act of aggression and the involvement of the Belarusian authorities in it, emphasizing that the actions of the Belarusian authorities grossly violate both the norms of international law, the bilateral agreement between Belarus and Ukraine, and the Constitution of the state, and also stated that one of the prerequisites for the beginning of the war was the suppression of the Belarusian civil society, which consistently and irreconcilably refused to support the desire of the Russian and part of the Belarusian power elites to create geopolitical and military alliances, involving Belarus in the implementation of the imperial ambitions of the Russian authorities. The position of the Belarusian society was confirmed by a series of anti-war protests that took place in late February, which, despite the predicted unprecedented brutality of their suppression, gathered thousands of participants.

The war in Ukraine has had an ambiguous impact on the policy of states and international organizations towards Belarus: it definitely changed the vector of general attention, but advanced the wider consequences and greater impact on world politics of Belarusian domestic political processes than previously thought.

In October, Viasna's imprisoned leader Ales Bialiatski was [awarded](#) the Nobel Peace Prize, sharing it with the Russian Memorial human rights organization and the Ukrainian Center for Civil Liberties. "They have for many years promoted the right to criticize power and protect the fundamental rights of citizens. They have made an outstanding effort to document war crimes, human right abuses and the abuse of power. Together they demonstrate the significance of civil society for peace and democracy," the Norwegian Nobel Committee said in a [press release](#).

The UN again called on the Belarusian authorities to release Ales Bialiatski from detention: Anaïs Marin, Special Rapporteur on the situation of human rights in Belarus, Mary Lawlor, Special Rapporteur on the situation of human rights defenders, and Irene Khan, Special Rapporteur on the promotion and protection the rights to freedom of opinion and expression, published their [statement](#) after the Nobel Committee's decision to award Bialiatski the 2022 Peace Prize.

The construction of a totalitarian system required a change in the Constitution, which, even in the current version aimed to finalize the usurpation of power by Aliaksandr Lukashenka at the constitutional level, ceased to satisfy the dictator's needs. The new version of the Constitution, adopted at a referendum, which was [marred by significant violations](#), further blurs the differences between the branches of power, providing unlimited opportunities and guarantees for Lukashenka to retain de facto power in various public positions; meanwhile, the role of elected bodies and courts has been further weakened.

At the same time, the legal framework of Belarus continues to lose its legal features and continues to be filled with reactionary norms that ignore the democratic constitutional foundations and international obligations of Belarus, intended for arbitrary expansion of the rights of state institutions and reprisals against opponents of the regime: providing for arbitrary convictions, deprivation of property and citizenship, restrictions of procedural rights, strengthening of sanctions for violations of prescriptions and prohibitions of the law, restricting the rights of associations, etc.

"The human rights situation in Belarus continues to deteriorate dangerously, engulfing the country in a climate of fear and arbitrary rule," [warned](#) Anaïs Marin, UN Special Rapporteur on the situation of human rights in Belarus, in her annual report to the Human Rights Council, detailing the policy of systematic tightening of legislation restricting civil and political rights by the Belarusian authorities. The independent expert highlighted the February 27 constitutional referendum as one of the latest examples of this trend. According to her, the process lacked transparency and openness, and the voting was marred by serious irregularities and cannot be considered free or fair.

The usual instruments of repression against participants in peaceful protests, dissidents, members of various communities and initiatives, journalists and human rights activists during the year were criminal and administrative prosecution, arbitrary attacks on people and their homes under the pretext of conducting investigative actions on trumped-up charges, torture, cruel, inhuman, degrading treatment of detainees and arrested persons.

On October 30, the law on the denunciation by the Republic of Belarus of the Optional Protocol to the International Covenant on Civil and Political Rights came into force, which will deprive victims of human rights violations, who were denied justice at the national level, the opportunity to submit their complaints to the UN Human Rights Committee. The decision fails to provide any specific explanations. Nor does it take into account the opinion of the country's civil society and non-governmental organizations. The Republic of Belarus became the fourth state in history and the only country in the 21st century to withdraw from the Optional Protocol, a treaty ratified by 117 states. Belarus's decision to block the individual complaints procedure is a serious obstacle to the protection of human rights, the UN Human Rights Committee [said](#).

Politically motivated prosecution. Political prisoners

In 2022, [politically motivated criminal prosecution](#) continued to be the most common type of repression. Viasna documented 2,627 politically motivated criminal cases opened since the announcement of the 2020 election campaign. In total, [almost 3,800 persons](#), according to Viasna, have faced criminal prosecution for political reasons. These data are incomplete, since the terror unleashed by the authorities makes it impossible to collect comprehensive information about criminal cases, and the lack of access to information is the result of the regime's efforts to make a significant part of the repressions invisible.

The year of 2022 saw numerous new criminal cases linked to the post-election protests of 2020. Deputy Chairman of the Supreme Court Valery Kalinkovich said that 1,832 people were convicted in protest criminal trials between August 2020 and February 2022, of which 168 people were convicted of "organizing and preparing mass riots", or "active participation" in them, 396 of "group actions violating public order", 468 of "insulting a representative of the authorities", 126 people of "hooliganism", 86 of "desecration of state symbols".

Viasna is aware of 1,242 sentences handed down in [politically motivated trials](#) in 2022.

Since the spring of 2022, Viasna has received multiple evidence of prison terms being extended for political prisoners already serving their sentences on charges of allegedly breaching prison rules (Article 411 of the Criminal Code). As a rule, the prisoners were penalized for minor irregularities for which the convicts had already been punished in a disciplinary manner, or for the refusal to obey the illegal orders of the prison authorities, which would threaten the prisoners' lives, health or dignity. At least 15 such cases are known, including Ruslan Akostka, Palina Sharenda-Panasiuk, Viktoryia Kulsha, Andrei Navitski, Pavel Aucharou and others. These new charges are heard by visiting courts on the premises of the penal facilities, often without notifying the families or without allowing them or other members of the public to attend the trials, which ultimately results in closed hearings.

Another common practice of repression targeting political prisoners is upgrading the level of security: in particular, in the summer of 2022, Mikalai Dziadok, Siarhei Tsikhanouski and Eduard Palchys were transferred from regular "penal colonies" to prisons. A routine practice is the regular placement of political prisoners in a punishment cell.

It is common to replace terms of "restricted freedom" with imprisonment over a "malicious violation" of the many restrictions imposed by the court. This is the commission of three disciplinary offenses of any severity, and actual imprisonment is the only possible penalty for the "offense". During the past year, the conditions for serving sentences of "restricted freedom"

under “home confinement” also deteriorated significantly: the frequency of inspections increased and free time was reduced. It can be concluded that political prisoners are faced with the practice of deliberately arbitrary worsening of conditions of detention.

In addition, there are regular reports of untimely provision of medical assistance to convicted political prisoners.

The law “On Amnesty in Connection with the Day of National Unity” did not extend the possibility of exemption from punishment and reduction of the sentences to persons convicted on “extremist” criminal charges, as well as to those included in the blacklist of persons “involved in extremist activities”, thus failing to improve the situation of political prisoners. Meanwhile, human rights defenders have previously noted that the establishment of a genuine national dialogue with the participation of all stakeholders is an essential condition for the release of all political prisoners, including through the annulment and review of their sentences, while a broad political amnesty for persons involved in politically motivated cases could be a compromise first step towards achieving the stated goal.

The de facto authorities of Belarus widely used the practice of prosecution for any kind of dissent and protest, initiating criminal cases for participation in the activities of “extremist formations”, independent media and associations blacklisted by the authorities in a non-public and extra-judicial manner. Since October 2021, the Ministry of Internal Affairs and the KGB have labelled 107 entities as “extremist formations”, 80 of which were added to the list in 2022. Over the past two years, the KGB has included 268 people in the List of organizations and individuals involved in terrorist activities in connection with their criminal charges and sentences, as well as four organizations.

In 2022, amendments to the criminal procedure legislation came into force, introducing the institution of so-called “special proceedings” in criminal cases, i.e. conducting investigations and trials in the absence of the defendants. Almost immediately, such investigations were started and more continue to be opened targeting persons who were forced to leave the territory of Belarus fearing reprisals. By the end of 2022, the “special proceedings” of the Investigative Committee and the KGB are being conducted against 17 people; two of them have already been convicted.

In 2022, Ales Bialiatski, chairman of the Human Rights Center “Viasna”, Valiantsin Stefanovich, a member of Viasna’s Board and Vice-President of the International Federation for Human Rights (FIDH), and Uladzimir Labkovich, a lawyer and coordinator of the campaign “Human Rights Defenders for Free Elections”, remained in detention. Thus, the period of their pre-trial detention by the end of the year reached 17.5 months. In September, the investigators dropped the initial charges, bringing new unrelated accusations of “smuggling” and “financing and ensuring group actions that grossly violate public order as part of an organized group”. There are three more Viasna representatives behind bars: Leanid Sudalenka, who is serving his three-year sentence, Marfa Rabkova, coordinator of Viasna’s network of volunteers, sentenced to 15 years in prison, and volunteer Andrei Chapiuk, sentenced to 6 years.

As of December 31, 1,446 people were in prisons bearing the label of [“political prisoner”](#). More than 580 political prisoners were released during the year. One political prisoner (Vitold Ashurak)

died in detention. Thus, after the start of the 2020 election campaign, more than 2,020 people were recognized as political prisoners by the country's human rights activists.

As of the end of 2022, the largest number of defendants (suspected, accused or convicted persons) were involved in criminal cases of “organizing and preparing actions that grossly violate public order, or active participation in them” (Article 342 of the Criminal Code): 493 political prisoners and 303 former political prisoners, and in total, at least 932 protesters were convicted under Article 342 of the Criminal Code. From those convicted on these charges, in addition to the criminal punishment, the alleged damage for blocking roads is recovered by courts. In its regular statements on political prisoners in such cases, the Belarusian human rights community stresses that the vast majority of protests were peaceful and did not pose a threat to national or public security, which means that there were no grounds for persecuting the demonstrators.

The second biggest group are persons convicted on defamatory charges, which include “insulting a representative of the authorities” (Article 369 of the Criminal Code) – 278 political prisoners and 67 former political prisoners, as well as “insulting the President of the Republic of Belarus” (Article 368 of the Criminal Code) – 246 political prisoners and 23 former political prisoners. According to the human rights community, criminal prosecution for peaceful expression is unacceptable.

Another common criminal charge brought against political prisoners is “inciting hatred and discord” (Article 130 of the Criminal Code). The persons involved in criminal cases under this article are 243 political prisoners and 48 former political prisoners. The charge is selectively and discriminatorily applied by the courts to protect the institutions of power, when representatives of law enforcement agencies are described as an affected vulnerable group.

According to the Investigative Committee, more than 11,000 criminal cases involving “extremism” were opened in almost two years, from August 9, 2020 to July 1, 2022. Mikhail Bedunkevich, a representative of the GUBAZIK department of the Ministry of Internal Affairs, the unit that has become a symbol of political repression, said in August 2022 that 79% of those wanted for “extremist crimes” left Belarus. These criminal investigations are usually carried out in the absence of suspects or accused, involving individuals and larger groups, such as, for example, criminal cases initiated by the Investigative Committee against an “indefinite number of persons” under Part 1 of Art. 1, Art. 342 of the Criminal Code (group actions grossly violating public order) and Part 3 of Art. 293 of the Criminal Code (training and other preparations for participating in mass riots) regarding the peaceful protests of August-September 2020. Other examples are a criminal case in which more than 120 people were convicted (the so-called “dancing protest case”) of participating in a peaceful protest in Brest or the [case](#) of “hacking the computer system of the Minsk City Executive Committee”. It is also possible to single out groups of thematically related criminal cases, but procedurally located in different proceedings, such as, for example, the [“Viasna case”](#) involving human rights defenders and volunteers of the Human Rights Center “Viasna” or the “Zeltser case” involving dozens of persons arrested for commenting on the death of a KGB officer.

To prosecute critics of the regime, accusations of treason, terrorist acts, conspiracy to seize power and other far-fetched grounds are arbitrarily used. In particular, media manager Andrei Aliaksandrau and his partner Iryna Zlobina were found guilty of treason against the state and convicted of collaborating with the “foreign organization” ByHelp and carrying out activities

“aimed at harming the national security of Belarus”, i.e. transferring funds to victims of politically motivated persecution to compensate for related expenses. Kanstantsin Yermalovich, Vital Minkevich and Ihar Kazlou were charged with terrorism for setting fire to a wooden shed at the firing range of a military unit.

Restrictions on freedom of peaceful assembly

In 2022, the authorities did not allow a single street protest involving the political opposition, continuing to disperse spontaneous peaceful meetings and arrest participants in peaceful protests. The policies of the authorities were based on widespread persecution of all persons involved in the political events of the summer-autumn of 2020, the extermination of dissent, revenge for peaceful protests, the introduction of new methods of pressure and the improvement of old ones.

The authorities have violated and continue to violate the guaranteed right to peaceful assembly and freedom of expression. The victims of the numerous violations of these rights in 2022 were people who attended anti-war protests and protests against the falsification of the results of the national referendum on amending the Constitution at the end of February 2022, as well as those who were involved in the 2020 protests. For the most part, especially in the latter category, the victims were identified by photographs and videos taken during the protests. For exercising the right to peaceful assembly, people have been and continue to be subjected to administrative and criminal penalties, torture and cruel, inhuman treatment, and other repressive practices, such as, for example, several consecutive terms of administrative imprisonment, labeling a person as an “extremist” or “terrorist” with restrictive consequences, etc. There was a gradual increase in various forms of pressure and repression for active citizenship and opposing the actions of the authorities.

According to Viasna, at least [6,381 people](#) were arrested in 2022. Of these, almost 1,500 are women, and about 5,000 are men. It is also known that at least 15 minors were arrested. Viasna possesses information on at least 3,272 court decisions. Belarusian courts imposed at least 938 fines totaling 888,224 rubles (nearly \$325,000). The judges also ordered at least 2,274 short terms of imprisonment. In total, Belarusians spent 28,804 days in detention centers (almost 78 years). At the same time, according to human rights activists, only 47 cases were closed for various reasons.

In addition, police officers continued routine unmotivated raids across the country, breaking into houses and apartments in search of protest symbols, and violently arresting people at their work places.

The most striking example of mass violations of the right to peaceful assembly by the authorities in 2022 were the numerous [arrests in February 2022](#). Hundreds of people were illegally detained ahead of the referendum, during the referendum (after opposition leader Sviatlana Tsikhanouskaya called on Belarusians to come to the polls and protest the war and the referendum), as well as after the vote, including the following day, as protests were announced in Minsk and several other cities. During the month, at least 952 people were arrested.

On March 23, the Ministry of Internal Affairs began to publicly run a list of people “involved in extremist activities”, which is still being updated and featured 2,263 people at the end of the year. Grounds for inclusion in the list are court verdicts, almost all of them being politically

motivated. A significant part of the people on the list were convicted of participating in “mass riots” or “group actions that grossly violate public order” – 862 persons under Article 342 of the Criminal Code, and 142 – under Article 293 of the Criminal Code.

A significant part of political prisoners have the corresponding status only and, among other things, because of their exercise of the right to peaceful assembly. They are accused of violating public order, organizing and participating in mass riots, training or otherwise preparing persons to participate in mass riots. Human rights activists stress that there were no mass riots or actions grossly violating public order in Belarus after the 2020 election.

Of the 1,446 political prisoners, 495 received the status after being imprisoned on charges under Articles 342 of the Criminal Code, as well as under Art. 342-2, “repeated violation of the procedure for organizing or holding mass events.” 202 political prisoners were charged under various parts of Art. 293 of the Criminal Code, “mass riots”.

Restrictions on freedom of expression

In 2022, the authorities continued to severely restrict and suppress any forms of expression involving alternative opinions, including the [topic of the war](#) unleashed by the Russian Federation in Ukraine. During the year, the authorities continued to actively use criminal and administrative prosecution for political reasons for expressing opinions, as well as other forms of pressure.

The authorities preserve a high level of repression for active citizenship or opposing of government policies. In courts, as a rule, conducted via videoconferencing tools, administrative cases are being heard against people arrested for involvement in various acts perceived as protest or over protest or national symbols, for subscriptions to protest accounts, reposts and comments on social media, as well as for other forms of protest or expression of opinion, disloyalty and dissent.

The results of the majority of these cases, the defendants in which were restricted in freedom of expression using criminal law, added to the statistics of convictions for insulting officials, judges, and Lukashenka. In particular, since the beginning of the human rights crisis in 2020, at least 663 people have been convicted of insulting officials under Article 369 of the Criminal Code for comments usually related to violations of the law and human rights by the authorities; 346 people have been convicted on charges of insulting Lukashenka and slandering him – 51, insulting the judge – 49 people. Some of them were convicted on several charges, which has resulted in at least 1,000 people sentenced to various types of penalties, including imprisonment.

Quite often, the essence of the offense was merely approving of or reposting other people’s statements, while publications acceptable from the point of view of context and ethics were described as indecent or obscene.

Several people were convicted over statements about the state and actions against its symbols: at least 16 people for discrediting the Republic of Belarus, at least 45 for calling for restrictive measures (sanctions), at least 110 for “desecration” of state symbols, usually for removing and damaging the official red-green flag, which, through the efforts of the authorities, has become a symbol of repression and brutal suppression of the protests.

At least 234 people were convicted of inciting “other social hatred” under Article 130 of the Criminal Code: as a rule, these were statements of varying degrees of emotion, containing a

negative assessment and condemnation of the actions of government officials, arguments about the need and inevitability of prosecution for crimes against humanity, the possibility of using retaliatory violence against representatives of law enforcement agencies who violate the rights of citizens, and extremely rarely – specific calls to use indiscriminate violence against these categories of persons.

In 2022, freedom of expression was violated under the guise of combating extremism and terrorism. The authorities routinely blacklisted people, organizations and media products for their alleged involvement in “extremist activities” or featuring “extremist content”. Also, the past year was distinguished by the expansion of practice in this direction: from now on, the “extremist” status can become the main component in depriving people of citizenship or in absentia trials, together with refusing to apply amnesty.

In mid-December, the parliament approved a bill on amendments to the Law “On Citizenship”, which will allow opponents of the regime living abroad not only to be judged in absentia, but also to be deprived of their citizenship. It will be possible to do this “in connection with the presence of a verdict that has entered into legal force, which confirms participation in extremist activities or infliction of grievous harm to the interests of the Republic of Belarus.” The bill proposes to revoke the citizenship of Belarusians by birth convicted under one of the 55 articles of the Criminal Code listed in the text, including inciting hatred and discord, mercenarism, an act of terrorism, participation in mass riots, the creation of an extremist group or participation in it, and others.

According to the Law “On Countering Extremism”, people on the list of “persons involved in extremist activities” will be subject to a number of prohibitions and restrictions within five years after the cancellation or removal of their convictions from criminal records: they will be prohibited from engaging in activities related to the circulation of narcotic and psychotropic substances, weapons and ammunition, explosives, teaching and publishing activities, as well as to hold public office or perform military service. Also, the financial transactions of these people are subject to special control. For foreigners, inclusion in the list may become the basis for refusal to issue a visa or entry into the Republic of Belarus.

Article 19.11 of the Code of Administrative Offenses, which punishes the distribution of extremist content, is routinely used by the Belarusian authorities to repress dissidents. As a rule, the article targets reposts of various publications of a socio-political nature from resources whose information products were earlier recognized as “extremist”. The list of “extremist products” has about 2,750 entries, more than 1,220 of which were added in 2022.

Media outlets are deprived of registration and accreditation, and their journalists and managers face criminal charges for the performance of their professional duties. According to the [Belarusian Association of Journalists](#), 33 media workers were imprisoned at the end of the year, and 43 journalists were detained during the year.

An important legislative change was the introduction of a new provision in the Criminal Code. Article 130-2, “denial of the genocide of the Belarusian people”, appeared in Law No. 146-3 “On the Genocide of the Belarusian People” of January 5, 2022. In fact, the law imposes a monopoly on the interpretation of the historical events of 1941-1951 and provides for up to 10 years in prison, thus violating the standards of the right to freedom of expression.

Violations of freedom of association

The right to association continued to be violated by the ongoing closing of non-governmental non-profit organizations, and along with this, through severe criminal prosecution of members of various informal groups, united, among other things, through social media and Telegram.

According to the [Lawtrend](#) Human Rights Organization, since 2021, about 1,180 non-governmental organizations have been closed down or are in the process of dissolution: 759 forcibly, and 419 at the initiative of the founders. This testifies to the continuing trend of the destruction of the institutions of civil society. The grounds for liquidation used by state bodies and courts do not meet generally accepted standards in the field of freedom of association.

A number of bills have been submitted to the Belarusian parliament, which lay the foundation for the monopolization of social and political activities in the hands of pro-government public associations and parties.

Since the beginning of 2022, Article 193-1 has been returned to the Criminal Code, which provides for responsibility for participation in the activities of an unregistered or de-registered public association, foundation, religious community or political party.

By the end of the year, at least 83 people were convicted of creating an extremist formation, leading it, as well as joining it in order to commit crimes of an extremist nature, providing or raising funds for them, or otherwise facilitating extremist activity. As already noted, the very status of “extremism” is imposed on groups in arbitrary, non-transparent manner and extra-judicial manner. Small legal donations are treated as criminally liable financing, while examples of “assistance to extremist activity” include interviews with media on the list of extremist formations, sharing public information about the movement of Russian troops, missile launches towards Ukraine and other information of an anti-war character.

In the past year, independent trade unions were [arbitrarily closed down](#) and their leaders sentenced to lengthy prison terms.

Torture and other cruel, inhuman or degrading treatment or punishment

In 2022, Viasna documented 227 cases of torture and ill-treatment against 89 women and 138 men. 91 people were victims of such treatment in 2022.

Torture and ill-treatment were used: against two minors; 87 people aged 18 to 30; 74 people from 31 to 40; 30 people from 41 to 50; and 31 people over 50 years.

An analysis of the information received suggests that torture and ill-treatment are still of a [widespread and systemic](#) nature and are an organized, politically motivated punitive policy by the authorities to intimidate the Belarusian society.

The most notable case of 2022 is the March 30 arrest of several anti-war activists described as [“rail guerrillas”](#), when weapons were used with clear signs of a departure from considerations of proportionality as a reprisal for the damage of railway infrastructure facilities preventing the transportation of Russian troops and military cargo. The Ministry of the Interior reported that “during the arrest, the men actively resisted and tried to escape.” One of the detainees, Vital Melnik, was wounded and placed in a medical facility, while others received medical assistance on the spot. On December 22, Melnik was sentenced to 16 years in prison.

On February 1, Mikita Starazhenka, a former investigator who resigned after the 2020 election, was [tortured](#) during his arrest. A cellmate said that Starazhenka was kicked, beaten with clubs, and a rag was wrapped around his head. In a “repentance” video, he looked frightened, and injuries were visible on his face.

The conditions of detention of those arrested on administrative charges amount to torture. This includes lack of individual beds, absence of bedding, bans on outdoor time or receiving items from their families, overcrowded cells and unannounced cell searches at night. This is how people served brief sentences of administrative imprisonment in different cities of Belarus in 2022. The conditions of detention are an outrage against both national legislation and the UN Standard Minimum Rules for the Treatment of Prisoners. Prisoners complain that they were not given any mattresses, bed linen, pillows or towels. Many had to sleep on the floor, on a bench, or on a metal bed. The cells are overcrowded. The lights were not turned off at night. The cells are raided at least twice a night. During the search, each prisoner must stand up and give their last name. There is no outdoor time, and only separate prisoners are allowed to take a shower. People had to wash themselves in the cell, as a result. No drinking water is allowed, either. The mail and parcels were given only on the day of release.

At the same time, the Belarusian authorities continued a cynical policy of ignoring formal complaints about the conditions of detention. Almost all the replies known to Viasna were identical: “As a result of the inspection, no violations of the current legislation were revealed in the actions of the employees of ...”.

Viasna is aware of at least 2,274 decisions to impose a sentence of administrative imprisonment. In total, the convicts served 28,804 days (almost 78 years) in detention centers under torture conditions.

Viasna continued its activities as a co-founder of the International Accountability Platform for Belarus (IAPB), a coalition of independent non-governmental organizations joining forces to collect, consolidate, verify and preserve evidence of gross human rights violations committed by Belarusian authorities in 2020 and beyond that constitute crimes under international law.

The right to live. The death penalty

In 2022, Belarus executed one death row prisoner, Viktor Paulau. The UN Human Rights Committee [condemned](#) the execution, as Paulau’s case is still under consideration by the Committee. Viktor Paulau is the 15th person executed by Belarus since 2010 despite requests by the Committee to suspend the executions while the respective cases are pending before the UN body.

During the year, the authorities consistently and contrary to the international obligations of the state took steps to legislatively expand the scope of the death penalty. On May 29, amendments came into force, according to which the death penalty can be applied not only for completed crimes that resulted in the death of a person, but also for attempted crimes under part 2 of Article 124, part 3 of Article 126, part 3 of Article 289 and part 2 of Article 359 of the Criminal Code. Given the current practice of arbitrary qualification of protest actions as terrorist acts, this may lead to the application of the death penalty without taking into account the actual social danger of the alleged offense.

In December, a bill was submitted to the House of Representatives of the National Assembly, providing for the possibility of “imposing the exceptional penalty of death for treason against the state committed by an official holding public office or a person covered by the status of a military member.”

Failed judiciary. Illegal detention of women

The courts have finally taken shape as an effective tool of repression against persons involved in politically motivated administrative, criminal and civil cases.

In administrative cases, judges still, as a rule, condemn people by videoconference without proper critical evaluation of the evidence provided by the police, including repeatedly and consecutively on the basis of apparently dubious accusations.

Despite the prohibition established by national law to detain women with dependent minor children for more than three hours, illegal administrative detention was actively used in 2022. Women were arrested on politically motivated administrative cases and held in places of detention until trial. Police officers, administrations of detention facilities and judges in different cities of Belarus, knowing that the detention was illegal, did not restore the women’s right to freedom and personal integrity and did not immediately release them.

In particular, in March, a video conferencing court hearing was held in a temporary detention facility in Mahilioŭ. At the court session, a woman stressed that she should not be detained for more than three hours, but a judge of the Kastychnicki District Court ignored this gross violation, although the court ruling mentioned that the defendant had minor children. The woman was detained for about 24 hours. On July 13, police officers arrested Maryna Kiyavets, the mother of two minor children. From July 13 to July 18, she was held in the temporary detention facility of the Ivanava district of the Brest region. During this time, the woman was three times convicted under Article 19.11 of the Code of Administrative Offenses. Having being aware of the circumstances of the woman’s detention, judge Mikalai Stasevich, however, failed to restore the defendant’s violated rights. Hanna Tukova, who has a minor child, was detained for several days for an anti-war protest.

More than 400 judges are involved in politically motivated criminal trials, i.e. almost a third of all the judges of courts of general jurisdiction.

Judges continue to ignore the presumption of innocence, holding trials in which the defendants are kept in cages, handcuffed inside the cage, do not respond to reports of torture used against the accused, violating the right to defense. De jure or de facto closed court hearings are regularly held without proper grounds (with arbitrary restrictions on the possibility of the public to attend the trial, housed by the premises of closed penal institutions, or without announcing the place and time of the court session). This significantly affects the procedural rights of the accused and makes it possible to conceal significant omissions, arbitrariness and crimes committed against the accused during and after arrest, during the investigation of the case and during the trial.

Often the accused cannot fully exercise their right to defense, primarily due to the fact that lawyers are not able to perform their duties in an environment free from pressure, intimidation or fear for their own future.

The legal profession, represented by its self-governing bodies, yielded to the pressure of state power and, along with the Ministry of Justice, became an instrument for persecuting lawyers for the professional and honest performance of their duties.

“Dramatic deterioration of the conditions for the activities of lawyers, including changes in the legislation on the legal profession, which excluded such forms of organizing the work of lawyers as law bureaus and individual practice, the daily work of lawyers in an atmosphere of lack of independence and fear of possible sanctions, latent pressure, obstacles to the effective performance of lawyers’ duties, as well as the deprivation of more than 60 lawyers of the right to practice law and the discriminatory conditions for admission to the bar led to a reduction in the number of lawyers by at least 12% in 2020-2022. The number of lawyers in Belarus by July 2022 amounted to 1,780, that is, approximately 1 lawyer per 5,000 people, which is clearly incompatible with the principle of access to legal assistance,” the report “The Crisis of the Belarusian Bar: How to Restore the Right to Defense” [notes](#).

Six lawyers are imprisoned for political reasons.