

Viasna is extremist formation. What do I need to know?



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Human Rights Situation in Belarus: July 2022

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Executive Summary:

- The situation in Belarus is defined by the worsening human rights crisis, an atmosphere of fear-mongering, and repression of a wide range of civil society actors.
- The Human Rights Center Viasna (Viasna - hereinafter) strongly condemns Belarusian authorities' support of the Russian invasion of sovereign Ukraine that undermines the principles of peaceful coexistence of peoples and violates the Constitution and laws of Belarus and international treaties.
- During June 2022, the Belarusian authorities kept actively prosecuting citizens on political grounds. Detentions of dissidents for spreading information and subscribing to groups on social networks and Telegram channels continue together. In July, Viasna documented 26 fines and 61 instances of administrative detention sentenced by courts against protesters, at least 122 people were arrested.
- By the end of July, 1 236 political prisoners were held in places of detention. The number continues to increase steadily: sixty-one people were recognized as political prisoners by human rights defenders this month.
- Members of Viasna continue to be held in pre-trial detention on arbitrary charges: Chairman Mr. Ales Bialiatski; Member of the Board, and Vice-President of the International Federation for Human Rights Mr. Valiantsin Stefanovich; lawyer and coordinator of the Human Rights Defenders for Free Elections campaign Mr. Uladzimir Labkovich; coordinator of Viasna's volunteer network Ms. Marfa Rabkova and volunteer Mr. Andrei Chapiuk whose trial continues. A Viasna member and the head of Center for Strategic Litigation Mr. Leanid Sudalenka who was sentenced to three years of imprisonment, and a volunteer at Viasna Ms. Tatsiana Lasitsa who was sentenced to two years and six months both are in penal colonies.
- Human rights defenders and journalists continue to report numerous cases of ill-treatment and torture of politically imprisoned citizens, and

those detained and administratively arrested for expressing their opinion and participating in peaceful assemblies. Viasna experts consider torturing the inhumane conditions that have been deliberately created for political detainees by administrations of isolation centers and other facilities.

- Torture and other ways of ill-treatment continue to be used during investigations of politically motivated administrative and criminal cases.

Political prisoners and politically motivated persecution

In July 2022, at least 76 politically motivated criminal cases were [considered](#) in Belarusian courts. By late July, the number of political prisoners increased to 1,253, and it continues to grow steadily: 61 people were recognized as political prisoners by human rights defenders during the month. When assessing the dynamics of the number of political prisoners, it must be noted that many were released by receiving non-custodial sentences or having completed their terms.

Authorities widely use the legislative amendments to the Criminal Code adopted in 2021 to prosecute citizens for any dissent and protest. Under the amendments, the authorities can persecute any interaction with media or associations such as instant message chats deemed by the state as 'extremist groups'.

While criminal prosecution of the 2020 protesters continues, repressions are aimed at ordinary citizens, whether active or not, who disagree with state policies and seek alternative information sources as well as active political opponents of the regime. Thus, the repressive imprisonment of these people has taken on the character of a crime against humanity.

As a rule, closed-door consideration of such cases in court conceals the unfair nature of the charges and the trial while destroying the principle of the rule of law in the administration of justice.

On June 13, 2022, the Homiel Regional Court convicted political prisoner Ms. Katsiaryna Andreyeva, a *Belsat* TV journalist who had previously received 24 months of imprisonment for broadcasting a violent police crackdown on a peaceful protest at the 'Square of Change' in Minsk on November 15, 2020. This time she was convicted of '*high treason*' under Part 1 of Article 356 of the Criminal Code. The details of the indictment are unknown as Ms. Andreyeva's lawyer is under a non-disclosure order. The trial was held behind closed doors. Judge Aleh Kharoshka sentenced Ms. Andreyeva to eight years of imprisonment in a medium-security penal colony.

July has marked a year since **Mr. Ales Bialiatski**, the Chairman of Viasna; **Mr. Valiantsin Stefanovich**, a Member of Viasna Board and the Vice-President of the International Federation for Human Rights (FIDH); and **Mr. Uladzimir**

Labkovich, the lawyer and coordinator of the Human Rights Defenders for Free Elections campaign, were taken in custody on trumped-up charges.

Closed-door hearings of the criminal case against political prisoners **Ms. Marfa Rabkova**, the Viasna volunteer service coordinator; **Mr. Andrei Chapiuk**, a volunteer; and eight other political prisoners continue in the Minsk Municipal Court. Judge Siarhei Khrypach is presiding over the case.

The head of Viasna Homieĺ branch **Mr. Leanid Sudalenka** (sentenced to three years of imprisonment) and volunteer **Ms. Tatsiana Lasitsa** (sentenced to 2.5 years) remain in penal colonies.

On July 15, the Maskoŭski District Court of Brest passed a verdict in the criminal case of **Ms. Volha Yaltsevich** who had been charged with '*funding protest activities*' under Part 2, Article 342 of the Criminal Code. Judge Yauhen Brehan considered the case. Ms. Yaltsevich was accused of providing on behalf of the *Country for Life* foundation financial and other material assistance to protesters to help them pay their fines and legal fees from August 13 to December 19, 2020. She also made money transfers to help cover compensation for damages charges.

Ms. Yaltsevich was placed in a punishment cell five times and put on the preventive register. The court found her guilty and sentenced her to 24 months of imprisonment in a penal colony.

The practice of deliberately and arbitrarily worsening the detention conditions of political prisoners and arbitrarily extending the term of their imprisonment continues.

Thus, the political prisoner, activist and journalist **Mr. Mikalai Dziadok**, who had been sentenced to five years of imprisonment in a penal colony, was transferred to a high-security prison where he will serve the rest of his term – 2 years and 10 months.

Political prisoner **Mr. Andrei Navitski**, who had been serving a five-year sentence in a penal colony, was convicted of '*malicious disobedience to the demands of the administration of the correctional institution*' under Article 411 of the Criminal Code. On June 13, Judge Volha Serakova of the Babrujsk District and Municipal Court sentenced him to another four months of imprisonment and raised his custody level in a penal colony from medium- to maximum-security.

The administration of the Škloŭ colony No. 17, where **Mr. Pavel Aucharou** had been serving his term for 12 months, has initiated a criminal case against him for '*malicious disobedience to the demands of administration of the correctional institution*' under Article 411 of the Criminal Code. On July 6, Judge Aliaksandr Tarakanau of the Škloŭ District Court sentenced Mr. Aucharou to another 18 months of imprisonment in a penal colony. Mr. Aucharou's custody level also went from medium to maximum.

Violation of freedom of peaceful assembly, and suppression of freedom of expression

The authorities continue to actively prosecute citizens on political grounds both in administrative and criminal proceedings.

In July, at least 87 verdicts were handed down in administrative cases in courts. Viasna has documented 26 fines and 61 instances of administrative detention sentences. Most of the detainees were prosecuted for disseminating and storing with intent to disseminate 'extremist materials', such as sharing social media posts or being subscribed to protest social media groups or Telegram channels.

The courts are still passing verdicts against the participants of the 2020 protests:

On June 16, Judge Aleh Kaliada of the Zavodski District Court of Minsk sentenced political prisoner **Mr. Aliaksandr Zialiutkin** to 3.5 years of imprisonment in a penal colony. He was found guilty of '*participation in riots*' under Part 2 of Article 293 of the Criminal Code for participating in protests on August 10, 2020, near *Riga* shopping mall in Minsk.

Human rights defenders deny that there were mass riots in Belarus during the protests and have recognized 190 protesters convicted under Article 293 of the Criminal Code as political prisoners.

On July 1, the Maskoŭski District Court of Minsk handed down a verdict in the case of political prisoner **Mr. Aliaksei Maksiukou** who was accused of '*organizing or actively participating in group actions that grossly violate the public order*' under Part 1 of Article 342 of the Criminal Code. Judge Tatsiana Pirozhnikava considered the case. Mr. Maksiukou was sentenced to three years of restricted freedom in an open-type correctional facility.

On July 14, 2022, Judge Tatsiana Pirozhnikava [announced](#) the verdict of the Dashkevich family, finding **Mr. Zmitser Dashkevich** and **Mrs. Nasta Dashkevich** guilty of '*participation in actions that grossly violate the public order*' under Part 1 of Article 342 of the Criminal Code. Mr. Dashkevich was sentenced to 18 months of imprisonment in a penal colony, and Mrs. Dashkevich received three years of freedom restriction under home confinement. They were accused of participating in a protest rally on August 23, 2020.

Viasna human rights defenders continue to monitor criminal cases involving political persecution, including those based on defamation articles, such as: '*slandering the President of the Republic of Belarus*', '*insulting the President of the Republic of Belarus*', '*insulting a government official*', '*insulting a judge*' and '*desecrating state symbols*' – Articles 367, 368, 369, 370, 391 of the Criminal Code accordingly. Such cases are heard by courts in all regions of Belarus, and the verdicts often involve custodial sentences.

On July 4, Judge Yuliya Viarshynina of the Orša City and District Court handed down a verdict to local resident **Mr. Aliaksei Chekel**, who was accused of insulting Mr. Lukashenka in comments on social media posts. Mr. Chekel was sentenced to 18 months of imprisonment in a penal colony.

On July 5, the Saviecki District Court of Homieĺ heard the criminal case of political prisoner **Mr. Dzianis Hrakhanau**, who had been previously sentenced to 18 months of imprisonment for inscribing a '*We will not forget*' graffiti near the Puškinskaja metro station in Minsk, the place where the police had shot protester Mr. Aliaksandr Taraikouski in August 2020. On February 15, 2022, the KGB detained Mr. Hrakhanau in his correctional facility near Kamenets. Later, the political prisoner was charged with '*insulting the President*' under Article 368 of the Criminal Code and placed in the Homieĺ pre-trial detention center for five months pending trial. The trial was held behind closed doors at the request of the prosecutor. Taking into account the previous sentence, Judge Volha Tserakhava passed down a cumulative sentence of 19 months of imprisonment in a penal colony.

On July 8, the Viciebsk District Court considered the criminal case of **Mr. Aliaksei Viacherni**, who was accused of '*insulting Aliaksandr Lukashenka*' under Part 1 of Article 368 of the Criminal Code. Judge Hanna Ihnatsenka considered the case. Mr. Viacherni is a citizen of Belarus, but he was born in Cherkasy Oblast of Ukraine. After the shelling of Ukraine from the territory of Belarus, he wrote a poem in a burst of emotion, recited it on video, and posted it on Tik-Tok. According to the prosecution, the poem contained words that insulted Mr. Lukashenka and degraded his honor and dignity. The court sentenced Mr. Viacherni to 21 months of imprisonment.

In some cases, the statements of citizens are arbitrarily qualified under Article 130 of the Criminal Code as inciting hatred. Thus, the Minsk Regional Court issued another verdict for commentaries on the *Zeltser* case. Judge Alena Misnik sentenced political prisoner **Mr. Vital Loika** to 24 months of imprisonment in a penal colony and a fine of 3,200 Belarusian rubles (equivalent of 1,270 US dollars) under Article 369 and Part 1 of Article 130 of the Criminal Code for '*insulting a government official*' and '*inciting hatred*'. According to the accusation, Mr. Loika reposted to a public Telegram chat a publication that contained the words '*it's time to take out the trash*'. The message was accompanied by an image of Mr. Andrei Zeltzer, who fatally shot one a KGB and was himself killed during the raid on his apartment, with a gun in his hands. The political prisoner has been kept in custody for almost ten months. The KGB put him on the list of individuals involved in terrorist activities.

Human rights defenders condemn these and other cases of penalties for the exercise of freedom of expression and recognize the imprisoned individuals involved in these cases as political prisoners. The decriminalization of defamation offenses is a standard formulated and substantiated in the decisions of several international organizations. International bodies, the UN and the OSCE have recommended repealing the laws criminalizing defamation, or, at a minimum, not imprisoning individuals for defamation offenses and adopting civil prosecutions as the standard. The OSCE

Parliamentary Assembly called for the repeal of all laws that provide for criminal liability for defamation of public figures, the state, or its bodies. The UN, OSCE plenipotentiaries on freedom of speech stated that “criminal defamation is not a justifiable restriction on freedom of expression; all criminal defamation laws should be abolished and replaced, where necessary, with appropriate civil defamation laws.” No one may be punished for criticizing or insulting the nation, the state or its symbols, the government, its agencies, or public officials, or a foreign nation, state or its symbols, government, agency, or public official unless the criticism or insult was intended and likely to incite imminent violence. Restrictions on freedom of expression should not be linked to the official position of the persons about whom the information is disseminated.

Further instances of citizens being convicted for sending information about Russian troops moving through Belarus to the *Bielaruski hajun* Telegram channel that was recognized extremist and thus protesting the war were registered in July. On July 1, Judge Andrei Leshchanka of the Brest Regional Court convicted **Mr. Kanstantsin Baisarau** who was charged with ‘*promoting extremist activities*’. Mr. Baisarau was accused of taking a video of a military aircraft flying over Belarus a few days after Russia invaded Ukraine and sending the video to an ‘extremist’ Telegram channel. He was found guilty of committing a crime under Part 1 of Article 361-4 of the Criminal Code and sentenced to 24 months of imprisonment in a penal colony.

On July 18, the Homiel Regional Court ruled in the case of **Mr. Pavel Piskun** who was accused of promoting extremist activity under Part 1 and Part 2 of Article 361-4 of the Criminal Code. Judge Aliaksandr Piskunou presided over the court session. Mr. Pavel Piskun was accused of filming Russian military equipment on his cell phone on February 27, 2022 and sending this video to the ‘extremist’ Telegram channel along with the information on the number of vehicles, their direction, and distinctive features. The prosecution claimed that with these actions Mr. Piskun promoted extremist activities. A few days later, he again filmed Russian military equipment and sent files to the ‘extremist’ Telegram channel.

On July 18, the Homiel Regional Court found Mr. Piskun guilty of committing a crime under Part 1 of Article 2 of the Criminal Code. He was sentenced to three years of imprisonment in a penal colony.

On July 5, the Kobryn District Court sentenced **Mr. Uladzimir Kavalious** to two years of freedom restriction under home confinement for anti-war graffiti. Judge Tatsiana Kaberskaya considered the case. According to the case records, on March 7, 2022, ‘*Glory to Ukraine*’ and ‘*Death to the fascist occupants*’ graffiti inscriptions appeared in Kobryn. The following day the statements were painted over. Yet later, on March 18, several more graffiti appeared on walls and read: ‘*Lukashists are fascist*’ and ‘*Glory to Ukraine*’– reported Viasna Brest.

Freedom of association

On July 12, the Supreme Court ruled to terminate the activity of the Belarusian Independent Trade Union of Miners, Chemists, Oil Refiners, Energy Engineers, Transporters, Builders, and Other Workers and the Belarusian Radio-Electrical Manufacturing Workers' Trade Union (REM). The latter was declared an 'extremist organization' in April 2022. Two days later, on July 14, the same decision was made regarding the Free Trade Union of Belarus (SPB) and the Free Trade Union of Metal Workers (SPM). On July 19 it became known that the Association of Trade Unions Belarusian Congress of Democratic Trade Unions was liquidated as well.

The decisions were made on the appeal of Prosecutor General Andrei Shved for termination of the activity of several independent professional associations that was sent to the Supreme Court on June 10, 2022.

On July 27, leaders and activists of the United Civic Party **Mr. Mikalai Kazlou**, **Ms. Antanina Kavaliova**, **Ms. Aksana Aliakseyeva** were arrested and placed in custody; **Mr. Artur Smaliakou** who was previously sentenced to administrative arrest was not released after he had served the term.

Violation of freedom of information. Persecution of journalists and media

Freedom of speech is still violated in Belarus, journalists and media workers are persecuted, and 30 media workers are imprisoned.

The consideration of the *BelaPAN* case was suspended for two months in an off-site session of the Minsk Regional Court held behind closed doors and chaired by Judge Viachaslau Tuleika.

On July 14, 2022, the Brest Regional Court passed a verdict in the criminal case of political prisoner journalist **Mr. Yuri Hantsarevich**. He was accused of promoting extremist activity (Part 1 of Article 361-4 of the Criminal Code). The case was considered by the judicial panel chaired by Judge Mikalai Hryharovich. Mr. Hantsarevich is a journalist for *Intex-press* from Baranavičy. According to the indictment, Mr. Hantsarevich sent 'extremist materials'—photo images of military aircraft located on the territory of the airfield of the 61st Fighter Aviation Base, which is stationed in Baranavičy—to the *Radio Free Europe/Radio Liberty* Telegram channel, recognized by the Belarusian authorities as extremist.

He was sentenced to 2.5 years of imprisonment in a penal colony under Part 1 of Article 361-4 of the Criminal Code.

Mr. Dzianis Ivashyn, an investigative journalist, is still held in Hrodna prison No. 1 without trial. He is accused of high treason, and the substance of the charge is unknown. It was reported that the political prisoner's health condition has worsened.

Mr. Andrzej Poczobut, a journalist and public figure, a representative of the Polish national minority in Belarus, is held in Hrodna prison No. 1. The newspaper Rzeczpospolita [learned](#) about some of the charges. In particular, the accusations are related to Mr. Poczobut's statements about the Soviet occupation of Poland in 1939, the state of Polish education in Belarus, about the suppression of protests in August 2020. The accusation was also caused by an article written by Mr. Poczobut in 2006 about the participant in the Polish anti-communist resistance.

Death penalty

The UN Human Rights Committee ruled on the appeal of **Ms. Tamara Selyun** (Tamara Sialiun), the mother of the death row inmate **Mr. Pavel Selyun** (Pavel Sialiun). The woman had asked to recognize the violation of her right not to be ill-treated by the Department of Corrections. After the execution of her son, the agency sent her a parcel containing her son's prison robe labeled *IMN* (short for 'exceptional punishment') that he wore during his stay on the death row.

At the same time, the department has refused to provide Ms. Selyun with information about her son's time of death and the location of his burial site. Seeing the death row clothes has caused the woman such intense psychological shock that she cut them into pieces with an axe and burned them. Ms. Selyun has tried to obtain justice through Belarusian courts and national authorities to no avail. The UN Committee has now recognized the violation of Mr. Pavel Selyun's mother's rights. The HRC has obliged the Belarusian authorities to provide adequate compensation to Ms. Selyun for the violations suffered, to release information about the burial site of her son, and to hand over her son's remains.

Torture. Cruel, inhumane, and degrading treatment

Released political prisoners share with Viasna information about how torture is organized in Belarus for those arrested in politically motivated cases. Instances of torture of detainees in criminal cases are still being recorded.

Since the beginning of 2021, **Ms. Hanna Morskaya**, 20, has been detained five times on administrative charges. In February, after being detained at an anti-war protest, she witnessed the beating of her cellmate, and in May she was beaten herself. In total Ms. Morskaya spent 63 days behind bars in inhuman conditions. In May, the officers of the Main Directorate for Combating Organized Crime and Corruption (GUBOPiK) held a girl on the floor in the 'swallow' position, which is a method of torturing, for half an hour. The former prisoner [told](#) Viasna about the beatings and torture, and about the inhumane conditions of detention.

On the morning of July 13, a wave of searches and detentions took place in Ivanava. Eight locals who were arrested that day faced ransacks in their homes, beatings, torture, gunshots, and threats. As a result, seven people

were convicted: three were fined, and another four were sent to serve administrative arrest.

A resident of Minsk was detained in April by officers of GUBOPiK. She was taken to the police department, where she was tortured with electric shocks. The woman was re-detained twice and spent a total of 27 days in the temporary detention facility in the same clothes she wore during her arrest, without a shower, hygiene products, and walks. She was released on the condition that she cooperated with the police—the officers gave her an alias and the first assignment. The woman had to leave Belarus.

Fair trial standards violations

The trial of the people involved in the *Autukhovich* case continues in the Hrodna prison building. The defendants are **Mr. Mikalai Autukhovich**, priest **Mr. Siarhei Rezanovich**, **Ms. Liubou Rezanovich**, their son **Mr. Pavel Rezanovich**, human rights activist **Ms. Halina Dzerbysh**, Baranavičy activist **Mr. Uladzimir Hundar**, activist **Ms. Volha Mayorava**, **Ms. Iryna Melkher** and her son **Mr. Anton Melkher**, **Ms. Iryna Harachkina**, **Mr. Viktor Snehur**, and **Mr. Pavel Sava**. The case is being considered by Judge Maksim Filatau of the Hrodna Regional Court. At some sessions, only the relatives of the accused are admitted to the court.

Mr. Autukhovich went on a hunger strike demanding not to interfere with his correspondence. Since the 18th day of the hunger strike, he was no longer brought to court. However, the trial continued, which violates the procedural rights of the accused. Violations of fair trial principles have accompanied this case from the first days as the presumption of innocence has been violated and the defendants have been subjected to cruel, humiliating treatment. Some of the defendants are periodically removed from the courtroom. **Mr. Autukhovich**, **Ms. Mayorava**, and **Mr. Hundar**—although they have not been convicted yet—were put in a punishment cell.

Thus, the rights of the accused are violated with the connivance of the court and prosecutor's office.

On July 21, it became known that Mr. Lukashenka signed the Law “On Amendments to the Criminal Procedure Code of the Republic of Belarus”. It introduces criminal proceedings *in absentia* against defendants outside Belarus under ‘protest’ articles including high treason, creation or participation in extremist groups, rioting, and calls for sanctions. In addition, the procedure for appealing against court decisions in criminal proceedings is changing.



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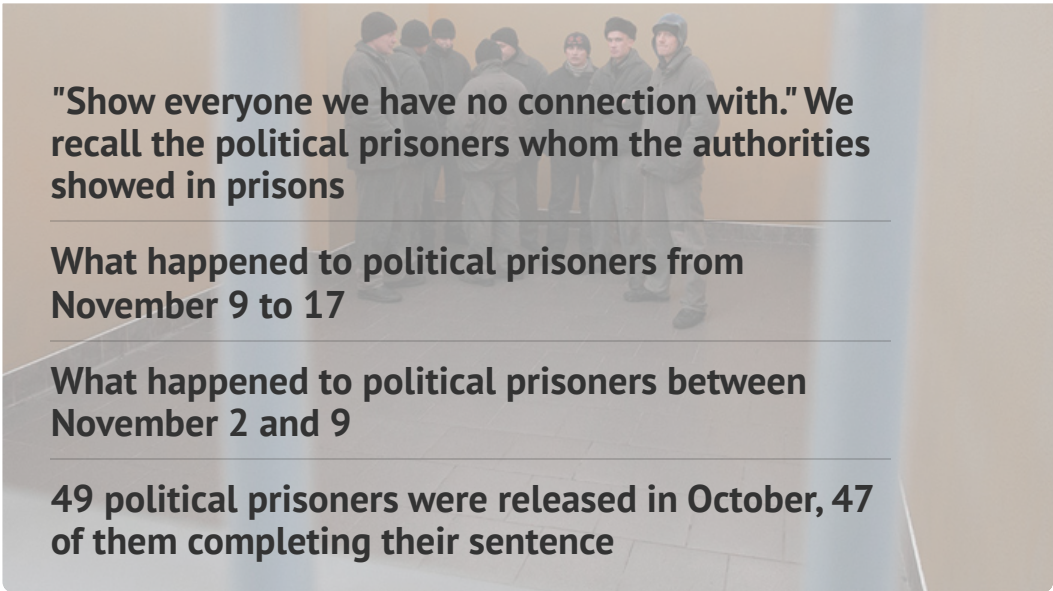
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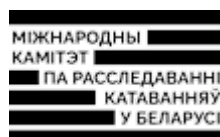
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