

Human Rights Center *Viasna*

Human Rights Situation in Belarus in 2023

Analytical review



spring96.org

SUMMARY

- the major international organizations consistently and repeatedly highlighted the catastrophic situation in the field of human rights in Belarus;
- as of the end of 2023, the Human Rights Center *Viasna* was aware of [4,248 persons](#) sentenced to various types of punishment on politically motivated charges, including 910 women. 1,603 of them were convicted last year;
- as a result of unprecedented repression, Belarus had [1,452 political prisoners](#) as of December 31, 2023; 168 of them were women; 535 political prisoners are young people; another 1,413 people, of which 339 are women, were released after serving their sentences, pending trial, following the imposition of a non-custodial sentence or, in isolated cases, pardoned;
- the courts issued at least 4,466 rulings in administrative trials, of which fines were imposed in 1,822 cases and terms of administrative imprisonment were ordered in 2,005 trials; 38 cases were dismissed; while the outcomes of the remaining cases are unknown;
- while the level of criminal repression remained high, there was a pronounced increase in criminal cases on charges of “creating, leading and participating in extremist groups”, together with “facilitating and financing extremist activities”; at the same time, individuals are still routinely prosecuted in criminal cases for participation in the 2020 protests and for commenting online;
- political prisoners are kept in particularly harsh conditions, subjected to enhanced security and supervision measures, and to restrictions not provided for by law; as a result, many political prisoners are disciplinarily deprived of the right to receive packages, including containing vital medications, and in the majority of cases, of all opportunities to see their family members and lawyers; correspondence of political prisoners is arbitrarily and systemically limited;
- political prisoners are forced to perform low-paid and often hazardous labor;
- an alarming trend of 2023 was the holding of some political prisoners incommunicado, i.e. in complete isolation;
- no less than 29 political prisoners, including six twice (including two women), had their sentences of imprisonment extended;
- people with disabilities, chronic diseases, and the elderly find it particularly difficult to cope with imprisonment; they are often subjected to intolerable conditions, without taking into account their vulnerable situation;
- after being released after serving their sentences, political prisoners fall under the strict control of the police, going beyond the usual supervision of released convicts; the rights of convicts are further limited by the consequences of being blacklisted as “persons involved in extremist activities”;
- courts continue to function as an instrument of repression against persons targeted by politically motivated administrative, criminal and civil charges;
- the socio-political sector is shrinking as a result of deregistration or forced self-liquidation of organizations, as well as other repressive measures;
- persecution continues for peaceful expression of opinions, and under the guise of fighting terrorism and extremism;
- journalists, media workers and bloggers are persecuted;
- persecution continues for anti-war stance;
- torture and prohibited treatment remain a tool of suppression and intimidation; there are no known cases of investigation and prosecution of those responsible for systemic torture and other gross violations of human rights in August 2020 and subsequent years at the national level;
- the authorities violate the right to life: political prisoners Ales Pushkin and Mikalai Klimovich died in captivity as a result of failure to provide medical care;
- the scope of application of the death penalty is expanding; a new death sentence was imposed.

INTRODUCTION

The human rights situation in Belarus continues to remain critical. The totalitarian regime consistently perpetuates the repressive obstacles to the enjoyment of rights and fundamental freedoms, as well as the functioning of civil society organizations; it created an atmosphere of terror and defenselessness before the punitive authorities.

No attempt to imitate peace and harmony in the relationship between the dictatorship and the people can hide the indisputable fact that the basis for the existence of the current government is brute force, fear and helplessness instilled with the political and economic support of the Russian Federation, instead of relying on democratic processes.

In response for the support, the regime backs Russian aggression against Ukraine, brutally suppressing anti-war protests and instilling an anti-Ukrainian and anti-democratic narrative through propaganda resources.

Having abandoned the nuclear-free status, the authorities facilitated the deployment of nuclear weapons in Belarus, suspended the Treaty on Conventional Armed Forces in Europe in relation to the Republic of Poland and the Czech Republic, and provided opportunities for the deployment of Russian mercenaries from the Wagner Group on its territory. These actions increase threats to peace and regional and international stability.

The catastrophic situation in the field of human rights in Belarus has been consistently deplored by many authoritative international organizations.

On May 11, 2023, the OSCE Moscow Mechanism Rapporteur Professor Hervé Asensio presented to the OSCE Permanent Council his findings collected in a report entitled [“Report on the serious threat to the OSCE human dimension in Belarus since 5 November 2020”](#). The document concludes that over the past two years “a large number of actions have been taken that pose a serious threat to the human dimension of the OSCE. They infringe political rights and the democratic process, freedoms of assembly and association, freedom of expression and the right of access to information, rights to liberty and security, the right not to be submitted to torture and other cruel, inhuman or degrading treatment or punishment, the right to a fair trial, and the right to effective remedies”.

Anaïs Marin, UN Special Rapporteur on the situation of human rights in Belarus, [noted in her report](#) the state’s deliberate policy of clearing civil space of its last dissident elements: “The human rights situation in Belarus has deteriorated steadily as repression reached unprecedented levels in 2020.” On July 13, at the 53rd session of the UN Human Rights Council, a resolution on the situation with human rights in Belarus was considered and voted on. The resolution extended the mandate of the Special Rapporteur for another year.

On March 17, 2023, the UN OHCHR report was [published](#). The report contains the findings following a review of the human rights situation in Belarus in the period from May 1, 2020 to December 31, 2022, conducted in accordance with the instructions of the UN Human Rights Council. “Violations appear to have been part of a campaign of violence and repression intentionally directed at those who were – or were perceived to be – opposing the Government or had expressed critical views,” the report says. The report considers that “some of these violations may amount to crimes against humanity.”

At the 52nd session, a [resolution of the UN Human Rights Council](#) was adopted on the situation of human rights in Belarus in the run-up to the 2020 presidential elections and in its aftermath. The mandate of the UN OHCHR mission to examine the human rights situation in Belarus was extended for a year.

The European Parliament [Resolution of December 14, 2023](#) called on the Member States to ensure continuous documentation of the regime’s international crimes and demanded accountability at UN level,

through the OHCHR's examination of the human rights situation in Belarus and through preserving the mandate of the Special Rapporteur on the situation of human rights in Belarus.

The Belarusian authorities refuse to admit the allegations and abstain from cooperating with international organizations.

At the same time, the authorities continue attacks on human rights defenders and human rights organizations, including those targeting the human rights defenders of *Viasna*. Nobel Peace Prize laureate [Ales Bialiatski](#), vice-president of the International Federation for Human Rights (FIDH) [Valiantsin Stefanovic](#), together with [Uladzimir Labkovich](#), [Marfa Rabkova](#), and volunteer [Andrei Chapiuk](#) were sentenced to imprisonment and are still serving their sentences. *Viasna* member Leanid Sudalenka was released after serving his entire sentence, but soon [faced new arbitrary criminal charges](#). Human rights activist [Nasta Loika](#) was sentenced to seven years in prison on arbitrary politically motivated charges.

Local human rights activists and journalists were repeatedly detained.

Against a backdrop of repression, the abandonment of human rights obligations and the destruction of civil society actors, the authorities launched the elections to the country's parliament and local councils.

The non-partisan observation initiative "Human Rights Defenders for Free Elections" announced the start of an [expert mission to observe the elections](#), which will be held on February 25, 2024.

ADMINISTRATIVE AND CRIMINAL PROSECUTION FOR POLITICAL REASONS. POLITICAL PRISONERS

Since the announcement of the 2020 presidential election, the country has seen an unprecedented scale of criminal prosecution of the government's political opponents, protesters and dissidents. During the three and a half years that followed, the most common forms of repression have been criminal and administrative charges. The Human Rights Center *Viasna* monitors this process and collects information about politically motivated criminal and administrative prosecutions.

In 2023, human rights defenders documented at least 6,386 cases of criminal and administrative repression, of which 1,776 involved women and 4,566 men. Of these, in Minsk and the Minsk region – 1,535; Viciebsk and the region – 971, Mahilioŭ and the region – 436; Brest and the region – 943; Homieŭ and the region – 1,345; and Hrodna and the region – 1,023 cases.

The courts issued at least 4,466 administrative rulings, of which in 1,822 cases a fine was imposed and in 2,005 cases terms of administrative imprisonment were ordered; 38 cases were dismissed, while the outcomes of the remaining cases are unknown.

In 2023, *Viasna* is aware of the criminal convictions of 1,603 people, of which 27% are women. In total, we know of about 4,500 people convicted since 2020.

As a result of the unprecedented repression, Belarus had [1,452 political prisoners](#) as of December 31, 2023; 168 of them are women; 535 political prisoners are young people; another 1,413 people, of which 339 are women, were released after serving their sentences, pending trial, following the imposition of a non-custodial sentence or, in isolated cases, pardoned.

As of December 31, 2023, out of 168 female political prisoners, 123 were held in correctional colony No. 4, at least 3 in correctional colony No. 24 (those who earlier served a sentence of imprisonment and the women whose term of imprisonment was extended by an additional arbitrary conviction under Article 411 of the Criminal Code). Tatsiana Kaneuskaya is being held in prison, the maximum-security penitentiary. At least 21 female political prisoners were kept in pretrial detention. The whereabouts of five female political prisoners are unknown.

Of the 1,255 male political prisoners, at least 590 are kept in colonies for first-time convicts; at least 39 are in colonies for those who have previously served a sentence of imprisonment; at least 10 are in the IK-8 penitentiary for convicts with an active form of tuberculosis; 71 in pre-trial detention; 114 in prisons (including at least 54 sentenced to imprisonment in prison or transferred to prison to serve their sentence); 7 in juvenile penitentiaries, and at least 110 in open-type correctional institutions. The whereabouts of the remaining political prisoners are unknown.

The political prisoners sentenced to terms of imprisonment were charged with the following (many under several articles) offenses: the largest number – 382 people – under Part 1 of Article 342 of the Criminal Code on charges of “organizing and preparing actions grossly violating public order, or actively participating in them”; also, more than 180 politicians, activists, bloggers and street protesters were convicted under Article 293 of the Criminal Code on charges of “organizing and participating in riots”. 308 political prisoners were charged under Article 130 of the Criminal Code, which provides for liability for inciting “other social hostility or discord”. Defamatory charges include “insulting” government officials, Aliaksandr Lukashenka, judges, and “slandering” Lukashenka. 286, 365, 40 and 106 cases of imprisonment are known under Articles 369, 368, 391, 367 of the Criminal Code, respectively. 50 people were accused of “desecrating state symbols” under Article 370 of the Criminal Code. 81 political prisoners were charged with “calling for restrictive measures (sanctions)” under Article 361 of the Criminal Code. Charges of “creating an extremist formation or participating in it”, “financing and facilitating extremist activities” under Articles 361-1, 361-2, and 361-4 of the Criminal Code were brought against 113, 49 and 94 political prisoners, respectively; 19 persons were convicted of “participation on the territory of a foreign state in an armed formation or armed conflict, military operations, recruitment or preparation of persons for such participation”. Charges of various forms of “terrorism” were brought against 64 political prisoners under Articles 359 and 289 of the Criminal Code.

Most of the former political prisoners were found guilty under Article 342 of the Criminal Code (more than 750), defamation offenses (384 charges), with about 100 people accused of “resisting police officers”, and “violence or threats of violence” against them. 95 were convicted of “inciting other social hostility or discord”.

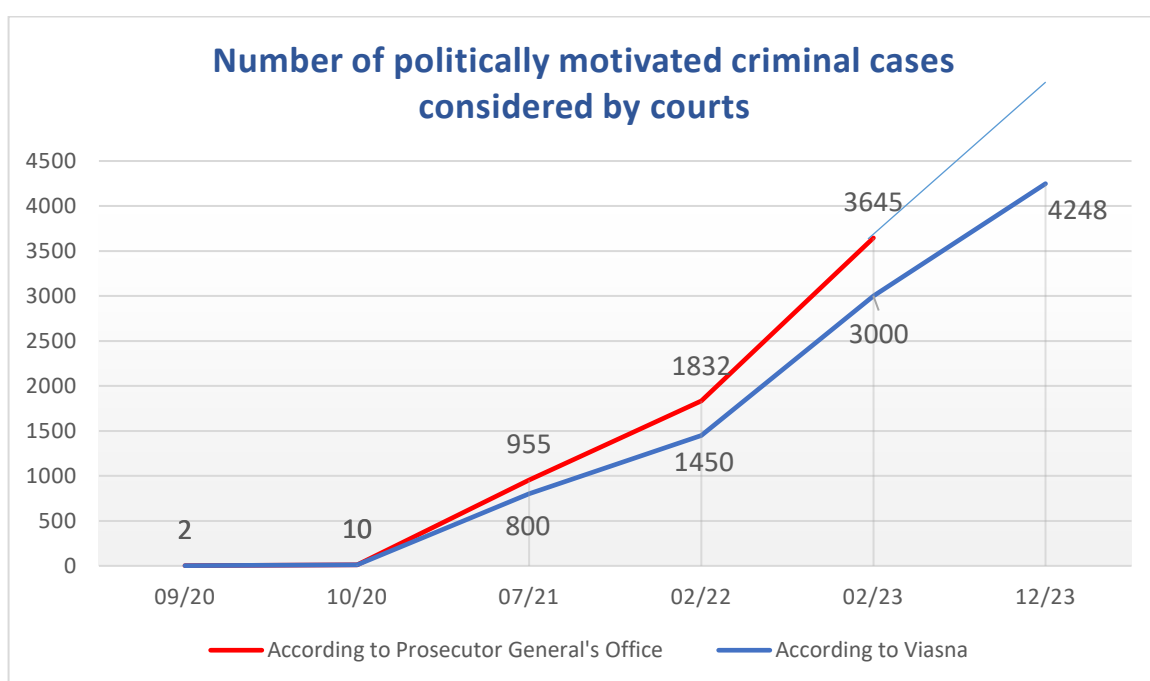
The prosecutions are based on thousands of criminal cases opened by the authorities in the aftermath of the 2020 events. The steady increase in the number of these cases refutes claims of reducing the level of repression and putting an end to the political and social activity in Belarus. It also provides insight into the potential for future politically motivated prosecutions.



The chart shows the number of criminal cases reportedly opened by the authorities since May 2020. The latest data on the number of active criminal cases was reported in November 2023 by Prosecutor General Andrei Shved during his speech at the forum of prosecutors general of the Shanghai Cooperation Organization countries. Earlier, the official reported 6,000 criminal cases opened in 2022 alone.

While sharing regular threats against dissenters and disseminating terrifying scenes of violence against the victims on propaganda information resources, the authorities simultaneously hide disaggregated data on criminal prosecutions for political reasons: the total number of those convicted is rarely announced, while the statistics on individual charges are never published. Data on those convicted (in the rhetoric of prosecutors and court officials – for committing “extremist crimes”) were last announced by the Prosecutor General in late February 2023: 3,645 persons were reportedly convicted in almost 3,000 criminal cases.

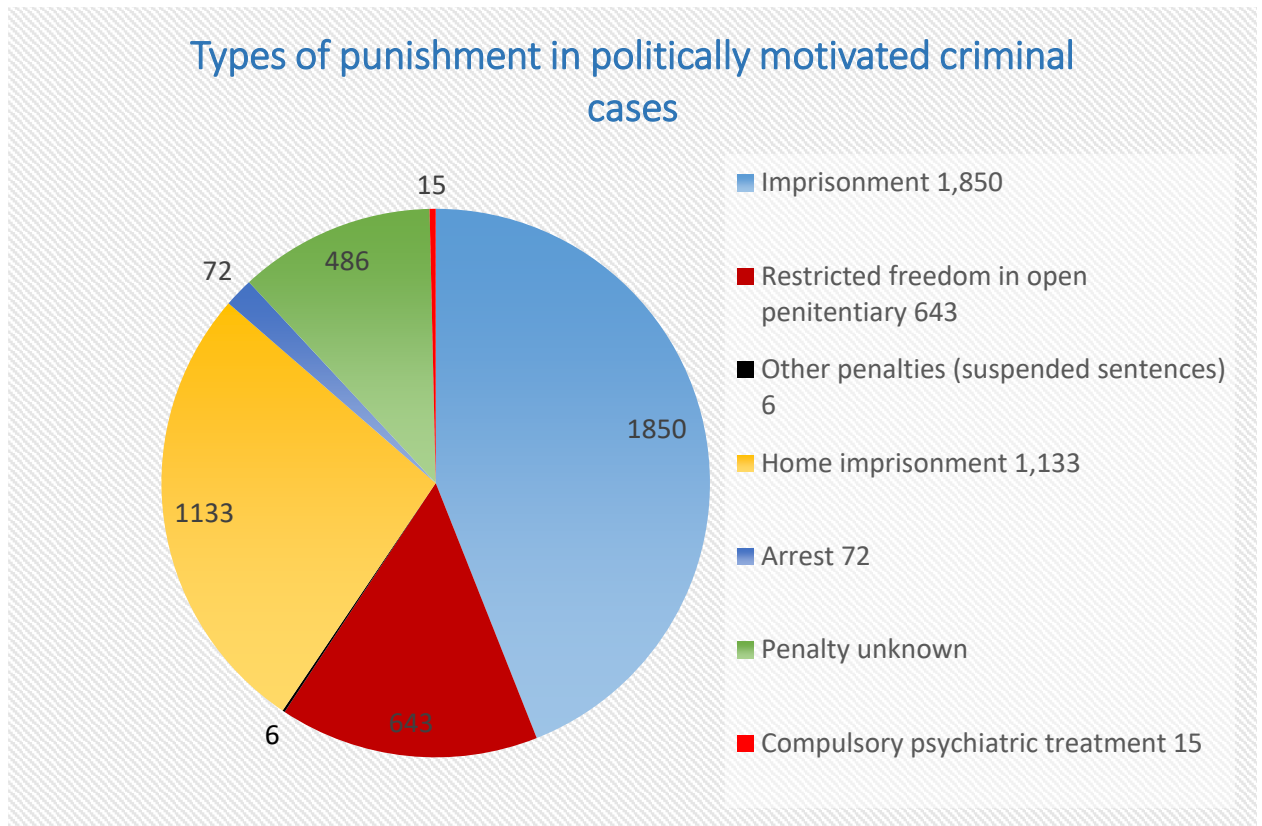
Thus, there is no official information on how many people had been convicted for political reasons by the end of 2023. Meanwhile, the continuing trend of repression suggests that the number will soon reach 5,000 people.



The share of custodial sentences imposed on those convicted for political reasons by February 2022 was 36.2%; by February 2023, the practice had become significantly stricter, as 42% of the punishments amounted to imprisonment. Also, by February 2023, 20% of those convicted for political reasons were sentenced to terms of restricted freedom and sent to open-type penitentiaries. Thus, according to the criteria of human rights defenders, who regard restriction of freedom resulting in the confinement to an open correctional facility as a form of deprivation of liberty, about 62% of those convicted for political reasons were deprived of their liberty by court verdicts. It is also common practice to hold defendants in politically motivated cases in custody without taking into account the gravity of the charges, the personalities of the defendants, and most importantly, in the absence of a proven danger that the defendant will escape or interfere with the investigation. In regular “non-political” cases, defendants usually face milder pre-trial measures and criminal penalties: according to statistics for 2022, the courts of Belarus sentenced 21.1% and 5.3%, respectively, to terms of imprisonment and restricted freedom in open-type penitentiaries. Also, several dozen people (at least 70) were sentenced to a penalty known as “arrest”, i.e. imprisonment for up to three months.

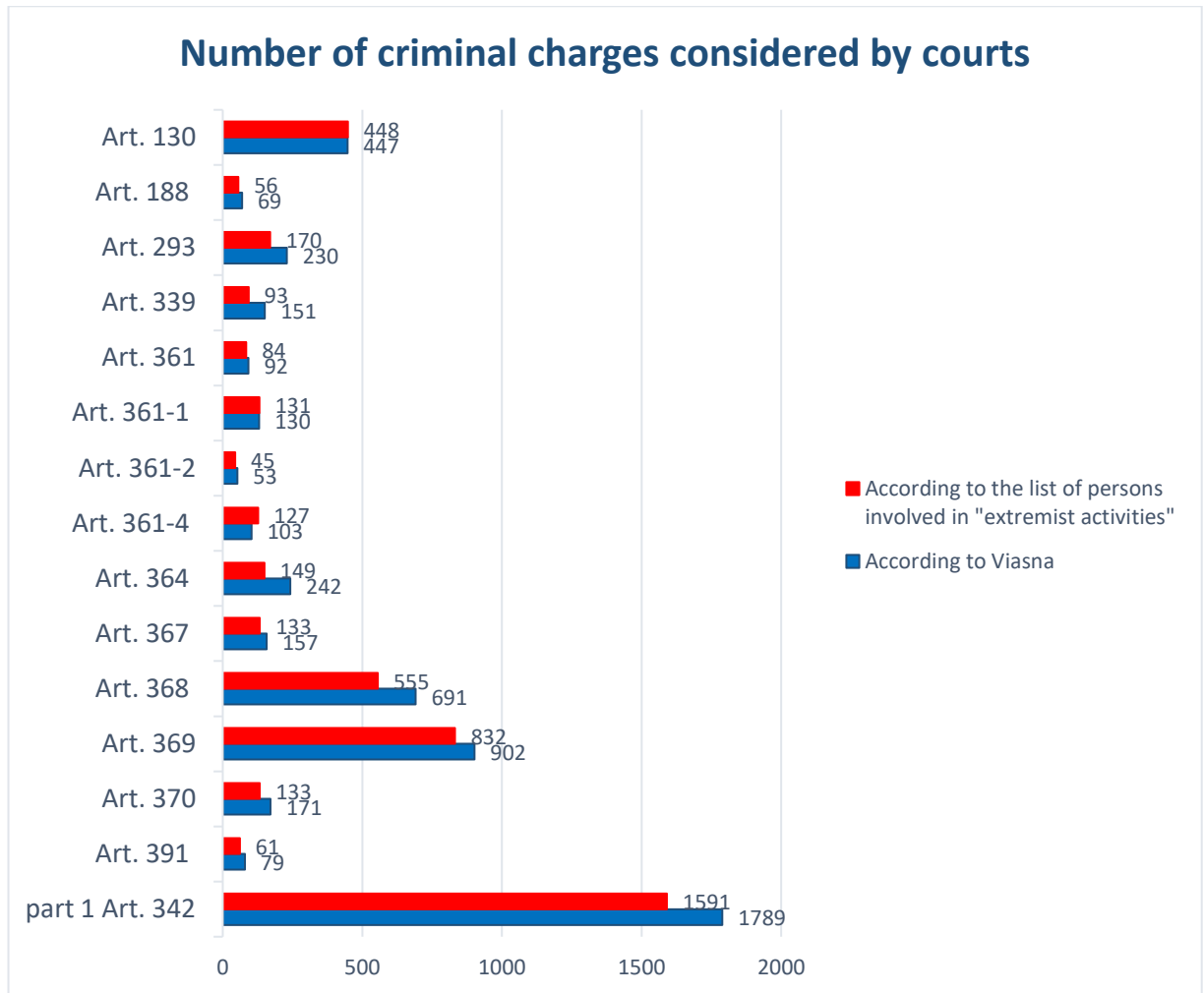
Among the 4,248 political convicts known to *Viasna* as of the end of 2023, 910 were women.

The majority of those convicted – 43.8% – were sentenced to imprisonment; 15.1% – to restriction of freedom in an open penitentiary; 26.7% – to non-custodial restriction of freedom (“home imprisonment”); 1.7% – to “arrest”, and 1% – to a fine. Other measures of criminal liability were used extremely rarely, which is uncharacteristic of the judicial practice of imposing punishment for crimes without a political motive.



As of the end of 2023, the list of persons involved in “extremist activities” featured 3,654 names. The list includes those convicted of “extremist” crimes. Not all those convicted on political grounds were added to this list, as the designation process is somewhat patternless: for example, the three *Viasna* members sentenced to imprisonment in March, whose sentences became final in late April 2023, were added to the list in December. As of February 2023, when the number of people convicted of committing “extremist crimes”, according to the Prosecutor General’s Office, was more than 3,600 people, only about 2,500 people were on the list.

Although not complete (information is missing on approximately 20% of cases, most likely mainly resulting in non-custodial sentences), the data collected by *Viasna* on politically motivated convictions provides an objective landscape of the political persecution. Also, one defendant can face several charges. According to *Viasna*, the structure of criminal prosecutions mainly corresponds to the structure of charges as indicated in the list of persons involved in “extremist activities”.



In 2023, while the high level of criminal repression persisted, the structure of charges partially changed, which can be seen from the data accumulated by *Viasna* and from the list of persons involved in “extremist activities”: there were more criminal cases on charges of “creating, leading and participating in extremist groups”, and “assisting and financing of extremist activities”. At the same time, a high level of convictions remained for participation in protests under Part 1 of Article 342 of the Criminal Code, for online comments under Article 130 of the Criminal Code (“inciting other social hostility or discord”), “insulting” Lukashenka and “slandering” him. The number of convictions for other defamation offenses decreased.

THE SITUATION OF POLITICAL PRISONERS

Political prisoners are held along with other people convicted of committing crimes in penitentiaries run by the Department for the Execution of Sentences of the Ministry of Internal Affairs. Political prisoners are kept in particularly harsh conditions, subjected to enhanced security and supervision measures, and to restrictions not provided for by law; as a result, many political prisoners are disciplinarily deprived of the right to receive packages, including containing vital medications, and in the majority of cases, of all opportunities to see their family members and lawyers; correspondence of political prisoners is arbitrarily and systemically limited, and in some cases completely blocked. Meanwhile, the nature of the Belarusian penitentiary system itself amounts to cruel, degrading, and inhuman treatment. Political prisoners are forced to perform low-paid and often hazardous labor.

An alarming trend of 2023 was the holding of some political prisoners incommunicado, i.e. in complete isolation. Maryia Kalesnikava (since February 15), Mikalai Statkevich (since February 10), Siarhei Tsikhanouski (since March 9), Ihar Losik (since February 20), Viktor Babaryka and some other political prisoners have been held incommunicado for months.

In colonies and prisons, various methods are used to inflict special suffering on political prisoners. These include beatings by persons acting in an official capacity, as in the case of Viktor Babaryka, violence by other prisoners acting on the instructions and with the knowledge of the prison authorities, as reported by Palina Sharenda-Panasiuk, allegedly legal penalties for minor or fictitious offenses resulting in confinement to a punishment cell, cell-type rooms (PKT), solitary confinement, or maximum-security prison. In punishment cells, prisoners are kept in extremely poor conditions, without bedding or warm clothes, with low temperatures, and without any communication with the outside world, often for several consecutive terms of 10 days each.

Nobel Peace Prize laureate Ales Bialiatski is reportedly held in a PKT cell in correctional colony No. 9.

Particularly cynical is the practice of arbitrarily extending the term of imprisonment under the pretext of punishment for “malicious disobedience” to the prison authorities under Article 411 of the Criminal Code. According to the possibly incomplete data of *Viasna*, by the end of 2023, 29 political prisoners were convicted under Article 411, six of them (including two women) twice: Ivan Viarbitski, Viktoryia Kulsha, Andrei Navitski, Uladzimir Tsyhanovich, Palina Sharenda-Panasiuk, and Viachaslau Maliachuk. Each conviction can add to the initial sentence between several months and two years, depending on the severity of the original charge and how the penalties are added.

For example, Palina Sharenda-Panasiuk was supposed to be released on August 6, 2023, having fully served her two-year sentence. As a result of two convictions under Article 411 of the Criminal Code, her sentence was extended until October 2024, i.e. by more than a year.

According to human rights defenders, as of December 31, 2023, at least 66 political prisoners have been transferred to maximum-security prisons, and another 32 faced new criminal charges under Art. 411.

Political prisoners cannot enjoy any of the forms of reduction or commutation of sentences for good behavior or under an amnesty.

People with disabilities, chronic diseases, and the elderly find it particularly difficult to cope with imprisonment; they are often [subjected to intolerable conditions](#), without taking into account their vulnerable situation. There are at least 90 such people among political prisoners.

A separate issue of concern is forced psychiatric treatment of people suffering from mental disorders and who have committed acts that the authorities categorize as “extremist”. Confining them to closed institutions amounts to arbitrary deprivation of liberty, since, as a rule, it is their statements that are labeled as “crimes”.

After being released after serving their sentences, political prisoners fall under the [strict control of the police](#), going beyond the usual supervision of released convicts. There are cases of repeated criminal prosecution of former political prisoners. Those sentenced to restriction of freedom for political reasons are often treated with a bias by law enforcement officers, which leads to the arbitrary imposition of disciplinary penalties, the result of which, in turn, is the repeated imprisonment of former convicts. Because of this, many former political prisoners and those sentenced to restriction of freedom are forced to flee Belarus to escape arbitrary imprisonment.

VIOLATIONS OF THE RIGHT TO A FAIR TRIAL

The courts, being dependent on the executive branch and the presidential vertical, continue to function as an instrument of repression against those targeted by politically motivated administrative, criminal and civil cases.

More than 400 of the 1,200 judges of courts at various levels, from district to the Supreme Court, are involved in politically motivated repression. The maximum known number of people convicted for political

reasons since 2020: Viktoryia Shabunia – 79, Yuliyana Shcherba – 74, Dzmitry Karsiuk – 70, Yauhen Brehan – 56, Maksim Trusevich – 54, Volha Yemialiyanchanka – 50, Vera Filonik – 45, Anastasiya Achalava – 44, Anzhela Kastsiukevich – 43, Siarhei Khrypach, Siarhei Katser, Ina Sivets – 39 each, Mikhail Makarevich, Siarhei Shatsila – 36 each, Tatisana Pirozhnikava, Alena Zhukovich, Zhanna Khvainitskaya – 35 each, Aliaksandr Semianchuk – 34, Tatsiana Shotsik – 33, Andrei Mlechka, Ina Klyshpach, Aliaksandr Volk – 31, Katsiaryna Murashka – 30, Alena Bushava, Yauhen Yerafeyeu – 29 each, Yuliya Krepskaya, Lidziya Tsialitsa – 28 each, Sviatlana Bandarenka, Alena Kaptsevich, Maryna Fiodarava, Yuliya Shchotkina – 27 each, Natallia Dziadkova, Mikalai Kmita, Dzmitry Astapenka – 25 each.

The most severe sentences (over 20 years in prison) were ordered by Maksim Filatau, Uladzimir Areshka, Siarhei Khrypach, Anatol Sotnikau, Ihar Shvedau, Viachaslau Tuleika, and Siarhei Yepikhau.

The persecution of human rights defenders, and in particular those who attend court hearings in politically motivated cases, results in immense risks for activists engaged in judicial observation.

The consideration of administrative cases by courts continued to be mostly non-public. The schedules of court hearings published online and in the court buildings lack information about the time and place of most court sessions. The practice of holding court hearings via video conferencing tools continued, as defendants were increasingly denied the right to attend the trials in person.

In many cases, courts considered politically motivated criminal cases in closed court sessions without proper justification for such a need. This practice applies to both cases with increased media attention (for example, legal proceedings against the editors of TUT.BY, cultural figure Pavel Belavus, and TOR BAND musicians) and regular trials (for example, legal proceedings against Anton Khadkevich and many others). In addition, court hearings on detention and pre-trial detention, under Part 2 of Article 144 of the Code of Criminal Procedure, are always held behind closed doors.

The right to be tried in one's presence is violated: those detained in criminal cases are not brought to court sessions examining their pre-trial detention measures, and those sentenced to imprisonment are not allowed to attend appeal hearings.

The presumption of innocence was systematically violated in relation to those involved in politically motivated criminal and administrative cases. Government agencies and employees of pro-government media regularly published allegations incriminating defendants before the guilty verdict entered into legal force. The defendants were brought to the court hearings in handcuffs and placed in glass or metal cages. A striking example is the trial of *Viasna* leaders Ales Bialiatski, Uladzimir Labkovich and Valiantsin Stefanovic, when the defendants were handcuffed and kept in a metal cage throughout the trial, while photographs of them in the cage were published in state-controlled media.

Detainees were en masse forced to appear in video confessions. They were often beaten to extort confession; some detainees have bruises and abrasions visible in the videos. In particular, Uladzimir Paulavets had a hematoma and bruises on his face. Recording confessions before at least formal protection and clarification of procedural rights seriously limits the right not to incriminate oneself.

Opportunities for preparing one's defense and access to a lawyer were arbitrarily limited. While in temporary detention centers, those detained on administrative charges, as well as those accused in criminal cases in the punishment cells of pre-trial detention centers, and in the punishment cells of correctional institutions, were not provided with stationary for filing complaints, and lawyers were not allowed to visit their clients.

In pre-trial detention centers and in correctional institutions, the confidentiality of communications with a lawyer is often violated: former political prisoners report that meeting rooms do not guarantee privacy

or confidentiality. In those rooms that are equipped with glass partitions, the prisoners and their lawyers have to speak very loudly to each other, which is why the conversation is heard by the facility staff.

Six lawyers were imprisoned for political reasons, and 128 lawyers were arbitrarily deprived of their licenses. All this, combined with the consequences of amendments to the law regulating the practice of law in 2020, significantly weakened the already vulnerable state of the Belarusian legal profession. Bodies of lawyers' self-government abandoned the functions of protecting the independence of the legal profession and themselves became an instrument of repression, depriving dissident representatives of the legal profession for political reasons of the right to practice law. The activities of lawyers are politicized both by external actors, especially the Ministry of Justice, and on the own initiative of the bodies of self-government. To demonstrate loyalty to the authorities, they choose a policy of repression against pro-democracy-minded lawyers from among those who professionally defend those persecuted for political reasons.

In criminal cases, with a generally small number of amended sentences (according to the Supreme Court, in 2020-2022, only 1.14% of sentences were overturned and 10.39% of sentences were changed following appeals), appeal hearings almost never lead to the review of politically motivated criminal verdicts on the merits and the reversal of wrongful convictions. Decisions to change sentences in politically motivated criminal trials for the most part relate only to correcting the technical inaccuracies made by the court of first instance, and sometimes result in increased penalties.

Human rights defenders continued to document cases of criminal prosecution under Article 411 of the Criminal Code, "malicious disobedience to the requirements of the penitentiary administration". Criminal liability under this article arises from the fact of committing disciplinary offenses for which the prisoners have already served a disciplinary penalty. Thus, the application of this article may constitute a violation of the right not to be tried or punished twice for the same crime. Even before its abuse for the purpose of politically motivated prosecution, the practice of arbitrarily extending sentences under Article 411 was criticized by human rights defenders. For example, political prisoner Palina Sharenda-Panasiuk was convicted for the second time under Article 411 of the Criminal Code, after multiple terms in a punishment cell and a cell-type room imposed as disciplinary penalties.

Criminal prosecutions on charges related to the activities of organizations and groups of citizens declared by the authorities to be "extremist formations" and "terrorist organizations" targeted activities often carried out by the defendants long before the corresponding groups were designated as an "extremist". This directly contradicts the country's criminal law, which provides for the deliberate, knowing nature of the commission of such an act, provided for, for example, by Article 361-2 of the Criminal Code (financing of extremist activities), which is widely used by the authorities to persecute those who donated to various initiatives, and, depending on the circumstances, either "compensation" is extorted, often many times exceeding the donation, or the persons are prosecuted and sentenced to imprisonment (only three cases of restriction of freedom are known).

FREEDOM OF ASSOCIATION

The socio-political sector became one of the first targets for repression that followed the demise of street protests in Belarus in 2021. This process was manifested in the adoption of successive administrative measures aimed at destroying civil society organizations through deregistration or forced self-liquidation. Loyal pro-government organizations were rarely affected by this process until 2023.

As of January 1, 2023, 15 political parties, 20 trade unions, 2,544 civil society associations, 44 unions (associations) of civil society associations, as well as 7 national state and civil associations were registered in Belarus. These are extremely low figures: for example, in Armenia, with a population of 2.8 million, there are more than 9,000 NGOs; in Georgia, with a population of 3.7 million, there are about 10,000 CSOs. In Lithuania, with a population of 2.8 million, more than 1,800 foundations and 20,000 associations

are registered, as well as more than 12,000 other civil society institutions, some of which exercise the right to freedom of association.

Of the 15 political parties registered at the beginning of 2023, 12 were closed down ahead of the February 2024 elections, including all the opposition parties and several pro-government ones, which were not engaged in actual political activities; one new party was registered – the pro-government Belaya Rus party.

According to [Lawtrend](#), since 2021, 960 CSOs have been forcibly liquidated or are in the process of dissolution: 8 associations, 679 NGOs, 191 institutions, 65 foundations, 4 trade unions, and 1 religious organization. More than 200 CSOs were banned in 2023. 551 NGOs chose to self-liquidate (more than 153 in 2023).

The legislation of Belarus criminalizes activities of unregistered organizations, and violations of this rule entail criminal liability under Article 193-1 of the Criminal Code, which provides for punishment up to imprisonment.

On February 14, 2023, the Law “On the Fundamentals of Civil Society” was adopted, which defined the concept of civil society in Belarus, establishing “the legal and organizational basis for the interaction of government bodies and civil society in order to ensure the consolidation of the efforts of the individual, society and the state to realize the national interests of the Republic of Belarus”. The law establishes the politicized and ideology-based objectives of interaction between government bodies and civil society, defining the forms of interaction between them, including “special forms”, e.g. participation in the elections of delegates to the All-Belarusian People’s Assembly, “meetings with the population, labor collectives, direct telephone lines, dialogue platforms, public receptions, on-site receptions of citizens in order to collect and develop proposals” for submission to the Assembly; and participation in the implementation of its decisions. The entities of civil society that have the right to interact with government bodies in “special forms” include the Belaya Rus association, the Belarusian Society of Veterans, the Belarusian Youth Union, the Belarusian Women’s Union, and the Federation of Trade Unions of Belarus, i.e. the traditional five pro-government and government-run associations.

On February 14, amendments were also made to the Laws “On Associations” and “On Political Parties”, which significantly increased the requirements for these entities; individual progressive rules failed to change the overall negative effect of their adoption.

On November 29, the House of Representatives of the National Assembly adopted a new version of the Law “On Freedom of Conscience and Religious Organizations,” which significantly complicated the conditions for the creation of religious associations. The importance of the opportunity to create religious associations lies in their exclusive right to create monasteries, monastic communities, religious brotherhoods and sisterhoods, missions, religious educational institutions, as well as to invite foreign citizens and stateless persons for the purpose of engaging in religious activities. Such restrictions on the rights of believers infringe not only on freedom of conscience, but also on freedom of association.

A separate form of violations of the right to freedom of association is the shameful practice of arbitrary extrajudicial designation of civil society groups as “extremist formations” by the Ministry of Internal Affairs and the State Security Committee (KGB), which provides grounds for criminal prosecution for their creation and management, for joining an extremist formation “for the purpose of committing crimes of an extremist nature”, as well as for the broadly interpreted “other assistance in extremist activities”.

Over the past year, such decisions, directly encroaching on freedom of association, criminalized the activities of the Coordination Council, the Belarusian Association of Journalists, the Rada Youth Union, SYMPA, the Human Rights Center *Viasna*, the Belarusian Student Association, the Association of Belarusian Business Abroad, Dissidentby, and a number of protest communities.

Thus, changes in laws, liquidation and other forms of pressure on NGOs limit the right to association and reduce legal ways of conducting social and political activities.

POLITICAL PERSECUTION FOR EXPRESSING OPINIONS. VIOLATIONS OF FREEDOM OF SPEECH AND FREEDOM OF PEACEFUL ASSEMBLY

Criminal and administrative charges for expressing opinions have become a legislatively enshrined practice of exterminating dissent.

The right to peaceful assembly is intended to ensure that people express their opinions collectively and participate in social construction. Together with other related rights, it helps form the basis of a participatory governance system based on democracy, human rights, the rule of law and pluralism (General comment No. 37 (2020) on the right to peaceful assembly (Article 21). However, the Belarusian authorities demonstrate the opposite: they restrict freedom of speech, punish alternative opinions, including criticism, and also suppress any manifestations of unification of people if they are not backed by pro-government ideology and loyalty to the government.

People are still being persecuted for organizing and participating in peaceful assemblies in 2020 as revenge, and also as a deterrent to future protests. The demonstrators are still routinely arrested, often subjected to torture and other types of cruel, inhuman and degrading treatment, and face criminal charges.

Since 2020, 1,789 people have been convicted on charges under Part 1 of Article 342 of the Criminal Code. Of these, 1,588 people were convicted under Part 1 of Article 342 alone, without other charges affecting the type and amount of punishment. Imprisonment was imposed in 244 cases (3 with a deferment), restriction of freedom in an open penitentiary – in 264 cases, “home imprisonment” – in 672 cases, “arrest” – in 5 cases, compulsory treatment – in two cases, and a fine – in one case. The other punishments are unknown. Thus, 43% of those convicted under Part 1 of Article 342 of the Criminal Code are deprived of their liberty solely for peacefully protesting.

A large category of political prisoners are those prosecuted on defamation charges, i.e. for criticism of the government, its symbols and paraphernalia, “insulting” officials and “slandering” them.

In accordance with principles 7, 15, and 16 of the Johannesburg Principles, expression of opinion that does not constitute a threat to national security includes, but is not limited to, expression that:

- (i) advocates non-violent change of government policy or the government itself;
- (ii) constitutes criticism of, or insult to, the nation, the state or its symbols, the government, its agencies, or public officials, or a foreign nation, state or its symbols, government, agencies or public officials;
- (iii) constitutes objection, or advocacy of objection, on grounds of religion, conscience or belief, to military conscription or service, a particular conflict, or the threat or use of force to settle international disputes;
- (iv) is directed at communicating information about alleged violations of international human rights standards or international humanitarian law.

Criticism or insults that are intended to incite violent action or may lead to such action are not protected. This circumstance forces human rights defenders to especially closely monitor the validity of prosecution of those accused of “inciting hostility or discord”. However, the monitoring conducted gives reason to believe that, as a rule, those are acceptable forms of expression, as various sharp or provocative statements do not have the nature of deliberate persecution of victim groups only due to the fact of their existence. On the contrary, these statements are forms of criticism, sometimes sharp and controversial in form, of the illegal behavior of the group.

Since 2020, 447 people have been convicted under Article 130 of the Criminal Code, of which 113 are without other charges affecting the type and amount of punishment. Imprisonment was imposed in 89 cases, restriction of freedom in an open penitentiary – in 2 cases, “home imprisonment” – in 1 case, the remaining punishments are unknown. Thus, almost all persons convicted under Article 130 are deprived of their freedom for critical statements.

During the same period, 691 people were convicted under Article 368 for “insulting” Aliaksandr Lukashenka, of which 313 without other charges affecting the type and amount of punishment. Imprisonment was imposed in 130 cases (1 with a deferment), restriction of freedom in an open penitentiary – in 50 cases, “home imprisonment” – in 40 cases, “arrest” – in 8 cases, compulsory treatment – in 4 cases, and a fine – in 3 cases. The other punishments are unknown. 82% of those convicted under Article 368 of the Criminal Code are imprisoned solely for statements regarding Lukashenka.

In a democratic state, which puts the person and their rights as its highest value and goal (preamble of the Constitution of the Republic of Belarus), defamation cannot be criminalized, since it contradicts the very essence of the right to expression.

The current legislation and active law enforcement practice aim at stifling any dissent and disproportionately punishing those who dare to say, write, or do something that, from the point of view of the authorities, is undesirable, dangerous, prohibited or “destructive”.

On July 19, 2023, judge Viktor Kazachok of the Centralny District Court of Homiel ordered compulsory treatment in a psychiatric hospital for Valery Yarotski, who was accused of “libel” (Article 188 of the Criminal Code) and “slander” of Aliaksandr Lukashenka (Part 2 of Article 367 of the Criminal Code). According to the case file, Yarotski sent handwritten letters and emails to the KGB, the Ministry of Internal Affairs, the Prosecutor’s Office and the Central Electoral Commission, in which he accused Lukashenka of serious crimes. He also prepared similar letters in relation to one of the prosecutors of the Homiel region. In addition, the convict’s name was added to the list of persons involved in “extremist activities” (see Violations of the right to expression under the guise of fighting extremism and terrorism).

Yury Minin was arrested on March 18, 2023 for comments in Telegram chats that he allegedly posted back in 2020, for which on October 10, 2023, judge Mikalai Rachynski of the Hrodna Regional Court found Minin guilty of “inciting hatred” and sentenced him to imprisonment.

Kirył Hniazdzilau, Kanstantsin Prytulenka, Hanna Karniayenka and Andrei Tsypak were all charged under Art. 203-1 of the Criminal Code (illegal actions regarding information about private life and personal data). It is known that three of them were imprisoned for a term of 5 to 8 years for sending to the Telegram channel “Black Book of Belarus” personal data of people who, according to the initiative, are involved in election fraud, violence against peaceful protesters and repressions in Belarus.

On January 18, 2023, the Minsk City Court announced its verdict in the first in absentia trial targeting the initiative “Black Book of Belarus”. Dzmitry Navosha, Yanina Sazanovich, Daniil Bahdanovich, Valeryia Zaniamonskaya and Volha Vysotskaya were sentenced to 12 years in prison each. The five people were accused under Part 3 of Art. 130 and Part 3 of Art. 203-1 of the Criminal Code (illegal actions in relation to personal data). The trial lasted a little over a month and was held behind closed doors.

PERSECUTION UNDER THE PRETEXT OF PROTECTION AGAINST THREATS TO NATIONAL SECURITY

While international standards emphasize that the peaceful exercise of the right to freedom of expression should not be considered a threat to national security or subject to restrictions or penalties (General comment No. 34), since 2020 the authorities have detained and imprisoned 92 people under Art. 361 of the Criminal Code (calls for actions aimed at causing harm to the national security of the Republic of

Belarus). Among them, Aliaksandr Balonkin, Volha Brytsikava, Aliaksandr Kukharonak, Yuryi Alkhavik and others. The overwhelming majority of political prisoners are accused by the authorities under several “extremist” criminal articles, which confirms the political motive, the instrumental nature of the charge in the deliberate suppression of freedom of speech, intimidation and punishment of active individuals. The presence of charges under Art. 361 in the verdict disguises the prosecution as legal, suggesting that the convict is deprived of freedom under a specific law, with certain, albeit overly broad, description of the crime.

Meanwhile, calls for sanctions are a warning to the state about the gross violations of human rights it is committing, and they are also certain attempts to influence international actors that have the potential to exert pressure to change the behavior or policies of the perpetrator. In any case, statements and comments about sanctions are political opinion and are protected by Article 19 of the International Covenant on Civil and Political Rights, the right to freedom expression.

On February 6, 2023, GUBAZIK officers arrested 65-year-old businessman Piotr Staratsitarau, reportedly for several reposts on Facebook. The man was then forced to appear in a video confession later published by a pro-government Telegram channel, alleging that “the detainee insulted the president, incited social hatred and will respond according to the severity of the law”. Judge Yauhen Sharshniou of the Homiel Regional Court qualified Staratsitarau’s actions under five articles of the Criminal Code, including Art. 361 (calls for actions aimed at causing harm to the national security of the Republic of Belarus); the remaining charges were “insulting the president”, “inciting hostility or discord”, “slandering the president”, and “discrediting Belarus”. Having considered the case behind closed doors, the judge sentenced the defendant to 5 years of imprisonment.

On June 8, 2023, mother of four Katsiaryna Dzhyh was arrested for commenting on social media. On July 26 and 27, judge Alena Bachyshche of the Minsk Regional Court found the woman guilty of committing crimes under Part 3 of Art. 361, Part 2, Art. 367, and Part 2 of Art. 368 Criminal Code.

PERSECUTION FOR DESECRATING STATE SYMBOLS

Despite the fact that state symbols can be the object of criticism, which is an expression of opinion, such actions in Belarus are criminalized by Art. 370 of the Criminal Code (desecration of state symbols). At the same time, it has been actively used since 2020. At least 171 people are known to have been convicted under this article.

Since state symbols may be subject to criticism and abuse under freedom of expression (the Johannesburg Principles), charges should not include state symbols as a defining feature. Judges must not consider the degree of undesirability of a person’s attitude towards state symbols, but the degree of disruption of public order or disrespect for society.

In 2023, for tearing down flags, Aliaksandr Kandratsiyeu and Dzmitry Lahun were imprisoned for one year each; Zakhar Siniakou, Pavel Dubau and Mikhail Antsipau were imprisoned for 1 year and 6 months in a penal colony. Vadzim Barysau and Aleh Volk were also sentenced by the court to one year in prison each for “desecrating state symbols”. In particular, Dubau was convicted for posting a comment in a corporate chat of a transportation company, arguing that “our flag is the white-red-white one,” and called today’s banner “sunrise over a swamp”. It is noteworthy that the comment was published while Dubau was abroad, and the man was arrested only after he returned to Belarus.

Yelisei Kuzniatsou, Yauhen Kushnerau, Aliaksandr Maliauka, Iryna Sankouskaya, Stsiapan Zadoika and other political prisoners detained in 2023 were accused not only of “desecrating state symbols”, but also under other defamatory articles of the Criminal Code that violate human rights.

On October 24, 2023, the Kastryčnicki District Court of Hrodna sentenced Stsiapan Zadoika to five and a half years in prison. Zadoika was found guilty under Part 2 of Art. 368 (insulting the president), Art. 369 (insulting a government official), Art. 370 (desecration of state symbols), and Part 2 of Art. 366 (violence or threat of violence against an official performing official duties or another person performing a public duty). According to pro-government Telegram channels, the man wrote more than 1,200 comments on YouTube. These comments were written primarily in Belarusian and were mainly aimed at supporting Ukraine.

SUPPRESSION OF FREEDOM OF EXPRESSION UNDER THE GUISE OF FIGHTING EXTREMISM AND TERRORISM

The expression of an alternative opinion is regarded by the authorities as a manifestation of “extremism” and “terrorism”. The very objectives of the fight against extremism and terrorism are described differently in Belarus, in contrast to the international organizations fighting terrorism, with their focus on violent extremism. For the authorities of Belarus, this is the fight against dissent and protests, as well as the brutal suppression of actions that formally have signs of offenses, however committed with the aim of expressing a socio-political position, countering the strengthening of the potential of illegitimate power in the absence of opportunities to express opinions in a different way.

Anti-extremist legislation is aimed at the methodical, systematic and multi-level destruction of independent information, at establishing and consolidating censorship and pushing for self-censorship.

At the end of 2023, there were 169 entities on the list of “extremist groups”. 62 more were added to the blacklist in 2023.

Designation of an organization or initiative as an “extremist formation” entails criminal liability for its creators or leaders, as well as all those involved in the activities.

In 2023, about 90 people were designated as political prisoners, after facing charges under Articles 361-1, 361-2, and 361-4 of the Criminal Code, which provide for liability for the “creation, leadership, participation in an extremist formation, and financing and assistance in extremist activities”.

For example, Ukrainian citizen Katsiaryna Brukhanava was arrested while crossing the Belarusian border. When illegally checking her phone, law enforcement officers saw that on March 30, 2022, she sent two videos to the chatbot of the Zerkalo editorial office, which was only labelled as an “extremist formation” on June 9, 2023. The video was filmed by the woman herself and featured the movement of Russian military vehicles outside Minsk. On October 13, 2023, judge Andrei Siz found Brukhanava guilty of “promoting extremist activities” and sentenced her to two and a half years in prison. Similarly, for sending messages to the Nexta Telegram bot, blacklisted as an “extremist formation”, Aliaksandr Koval was sentenced to two and a half years in prison.

In 2023, the authorities continued the practice of designating media products, symbols, paraphernalia, printed publications and books as “extremist materials”. In total, in 2023, Belarusian courts issued 888 decisions designating materials as “extremist” (in 2022, courts issued 637 decisions). In 2023, works by Belarusian authors of different generations (19th century classic Vintsent Dunin-Martsinkevich, 20th century poets Larysa Heniyush, Lidziya Arabei and Natallia Arsenneva, together with contemporary authors Alherd Bakharevich and Uladzimir Niakliayeu), songs and videos of Belarusian bands were classified as “extremist material”. The label was also used to outlaw local newspapers, the name of the Kalinouski Regiment, stickers on Telegram, Telegram channels and chats of Belarusians abroad, solidarity communities, etc.

Posting “extremist” materials, forwarding them in private messages, or being subscribed to “extremist” accounts on social media is subject to administrative liability under Art. 19.11 of the Code of Administrative Offences.

It is known that administrative charges under Art. 19.11 were used in 2023 against at least 2,791 people. Of these, at least 342 people were imprisoned for a total of 6,548 days. At least 254 people were fined a total of 370,703 rubles or \$112,260. The rest of the penalties are unknown, but the available ones make it possible to assess the nature of the persecution: the average duration of administrative imprisonment is 19 days; the average fine is about \$450. Often, confiscation of the means of the alleged offense, a smartphone or computer, is also used as punishment.

The Supreme Court reported on its website that in the Mahilioŭ region alone in 2023, 455 cases were considered for “spreading extremism”. At the same time, the surge in cases under Part 2 of Art. 19.11 of the Code of Administrative Offenses exceeded 57%, as compared to 2022.

Charges under Art. 19.11 of the Code of Administrative Offenses have become a universal instrument of arbitrary repression, including in the form of administrative imprisonment, which is often applied several times in a row for, among other things, several banned materials identified on social media. In addition, courts systemically apply prosecution under Art. 19.11 in relation to information materials stored and not publicly displayed, in case they are designated as “extremist”.

On May 9, 2023, Uladzimir Kazeka was detained upon entering Belarus, and was later called a political prisoner. The officers inspected his smartphone and found subscriptions to “extremist materials”. Three separate court hearings took place against Kazeka, each ordering a short term of imprisonment. In June, the man was released after 43 days in prison. On October 28, 2023, Kazeka was detained again and his home was searched. He was again imprisoned under Part 2 of Art. 19.11 for earlier subscriptions to “extremis materials”. In total, in 2023, Uladzimir Kazeka served 58 days of administrative imprisonment.

The Navapolack District Court sentenced Andrei Halavoryn to 15 days in prison five times in a row: in total, he served a sentence of 75 days of administrative imprisonment. It is known that during his first detention, Halavoryn suffered a hypertensive crisis.

In 2023, the Ministry of Internal Affairs continued to expand the list of persons involved in “extremist activities”. Contrary to the norm of the Law “On Combating Extremism,” the list includes not only those in respect of whom the court has passed a sentence, but also those who are exempt from criminal liability on the basis of a final court decision (three people in 2023).

The list, which was launched on March 23, 2022, has 1,391 new names added in 2023, containing a total of 3,654 entries as of the year-end. In addition to Belarusian nationals, there are 62 citizens of the Russian Federation, 11 of Kazakhstan, 10 of Ukraine, 4 of Estonia, 3 of Latvia, 2 of Germany, Poland, Hungary, Azerbaijan, Uzbekistan, each, 1 of Lithuania, Mongolia, Moldova, and Armenia, each.

In addition to the punishment imposed by the court, the label imposes forfeit of certain rights. As a rule, the Ministry of Internal Affairs and the KGB designate those persecuted for political reasons, where the “extremist” nature of the activity is determined unilaterally by the authorities “behind closed doors”. This practice enables the authorities to arbitrarily outlaw disloyal individuals and organizations.

Thus, persons included in the list are prohibited from engaging in activities related to the trafficking of narcotic drugs, psychotropic substances, their precursors, weapons and ammunition, and explosives; teaching; publishing; holding public office; and military service. In addition, the financial transactions (including opening a bank account, payments, and deposits of funds) of those on the list are subject to “special financial control”. In practice, this means that a person cannot freely use their bank account, in particular, open a new account. Any use or withdrawal of funds from a bank account is possible only as

an exception with the permission of the authority exercising financial control. It is worth noting that in addition to the Law on Extremism, restrictions on the rights of persons on the list are also established by other regulations. For example, they cannot be leaders and founders of religious organizations in accordance with the new edition of the Law “On Freedom of Conscience and Religious Organizations”; The Law “On Amnesty in Connection with National Unity Day” cannot be applied to them; the inclusion of a media founder in the list is grounds for canceling the outlet’s registration certificate.

All restrictions cease to apply only after five years have passed after a criminal record of a convicted offender is expunged from the criminal record database.

In 2023, the State Security Committee (KGB) regularly updated the list of persons involved in “terrorist activities”. At the end of 2023, there were 1,156 people on the “terrorist list”, of which 397 are Belarusians (9 names were removed from it earlier).

Since 2020, the authorities have arbitrarily convicted 50 people under Art. 289 of the Criminal Code (act of terrorism). Eight of them were arrested after an attack on a Russian military plane at the Mačulišчы airfield near Minsk on February 26, 2023.

As a result of two explosions a Russian military long-range reconnaissance aircraft DRLV-50 was damaged. It was used to guide Russian missiles to targets in Ukraine. After the incident, a wave of arrests swept across Belarus, which the authorities called a “cleansing operation”. KGB officers staged a large-scale operation to uncover the so-called “saboteurs”. The homes of dozens of Belarusians were raided, after which they were interrogated and arrested. Some of them were later released.

Among those who remained in detention are Andrei and Maksim Lapatsins, spouses Anastasiya and Aleh Sychous. According to the prosecution, the spouses Larysa and Aliaksandr Kuchynskis leased an apartment to the alleged perpetrator of the “sabotage”, Mikalai Shvets. Andrei Stsiapurka allegedly helped find the apartment for rent; his brother Mikita was also detained.

Vadzim Patsenka, according to the KGB, was supposed to commit sabotage in Hrodna. In the interrogation footage, the man says that he was allegedly given the task of blowing up an oil depot using a drone and explosives.

Art. 289 of the Criminal Code (act of terrorism) provides penalties ranging between eight years and life imprisonment, and also the death penalty.

At the same time, the authorities continue to tighten legislation, making it increasingly applicable in the context of political repression for the exercise of human rights, including freedom of speech. On March 9, 2023, the Criminal Code was amended to include a new article, 289-1 (propaganda of terrorism). In accordance with the note to the article, “propaganda of terrorism” is understood as the dissemination in any form of materials and (or) information in order to form an individually indefinite circle of people’s commitment to terrorist ideology or the recognition of terrorist activities as acceptable.

PERSECUTION FOR SOLIDARITY AND SUPPORT

The system of repression created by the authorities has demonstrated its instrumentality in suppressing any of the wide range of public activities and creating an atmosphere of fear. For example, a separate vector of repression in 2023 was manifestations of solidarity.

In 2023, the authorities continued to persecute individuals under Art. 361-2 of the Criminal Code, “financing of extremist activities”. The charge provides for imprisonment or restriction of freedom from three to five years with or without a fine. Criminal charges are also used in cases where at the time of transfer of funds the organization did not have the status of “extremist”.

Kirył Klimau was sentenced to four years in prison under Article 361-2 for donations to the initiatives By_help, BYSOL, and Honest People; Ihar Satsiuk and Vital Yurenia were also convicted of donating to initiatives designated as “extremist”; Volha Rybina was taken into custody on the same charges.

It is a common practice for KGB and Interior Ministry officers to force detainees to write a confession about transferring money to various “extremist” funds and organizations, and then to donate to government agencies amounts multiple times larger than the original donation. The alternative is a criminal charge of “financing extremist activities”. If these requirements are met, criminal cases are indeed not opened, but there is no guarantee that the decisions will not be revised in the future.

The fear of persecution for donations deters people from consciously participating in public life, in mutual assistance, supporting each other, as well as in defending human rights, social justice and democratic values. Thus, persecution for donations, in addition to other obvious goals, aims to divide and destroy civil society.

On June 5, 2023, Yauhen Hormash was detained, a man who raised money to pay an administrative fine. Hormash also planned to transfer part of the amount to help other people detained at rallies in support of Siarhei Tsikhanouski back in 2020. The Minsk City Court found him guilty under Part 1 of Art. 342, Part 3 of Art. 361-1, and Part 1 of Art. 369 of the Criminal Code.

In addition, many socially significant initiatives and resources related to solidarity and assistance to victims of political repression in Belarus are outlawed as “extremist materials” and “formations”, which entails criminal liability for their creators and all those involved and concerned. Among them are the Facebook group “Letters of Solidarity Belarus 2020”; Instagram page and website of the politzek.me initiative; Human Rights Center *Viasna*; chats “Akrestsin Prison Detainees”, “Homieł for Mikita Zalatarou”, “Solidarity Ivacevičy”; solidarity funds BYSOL, By_Help and others.

PERSECUTION FOR ANTI-WAR STANCE

[Anti-war resistance](#) in Belarus is mostly visible online. In 2023, the Belarusian authorities continued to persecute those who photographed Russian military convoys and shared the pictures with the Belaruski Hajun monitoring project or independent media. Since almost all popular private media outlets are labelled as “extremist formations”, the Belarusian authorities regard the transfer of data to them as “promotion of extremist activities” (Article 361-4 of the Criminal Code), “participation in an extremist formation” (Article 361-1) or even “treason” (Article 356). All those who report the activities of the Russian army in Belarus face penalties under Art. 361-4 of the Criminal Code, ranging from two to six years of imprisonment. “Treason” carries from 7 to 15 years in prison.

Software developer Dzmitry Mastavy was arrested on February 26, 2023 after the drone attack at the Mačulišчы airfield. State-controlled media soon reported that Mastavy allegedly offered Belaruski Hajun to share information about the airfield: he allegedly set up a livestream that ran uninterrupted for two weeks. As a result, Dzmitry was accused of “treason” (Part 1 of Article 357 of the Criminal Code) and “promoting extremist activities” (Part 1 of Article 361-4 of the Criminal Code) and sentenced to 10 years in prison.

On October 28, 2023, police officers arrested six men, more than a year after they attached a white-red-white flag and the flag of Ukraine to a power transmission line in Minsk. The following day, the Telegram channel of Anton Matolka, labelled as “extremist”, published a photograph of the flags with the caption “Minsk residents congratulate the Ukrainian people on the wonderful news from the Crimean Bridge. Crimea is Ukraine! Long live Belarus! Glory to Ukraine!” Viktor Hrynko, Yury Nestsarenka, Ihar Tsikach, Ihar Tsiaptseyeu, and Uladzimir Saveliyeu faced charges of “hooliganism”, and on June 15, 2023, judge Vera Halaukova of the Minsk City Court found them guilty under Part 1 of Art. 368, Part 2 of Art. 339 Part 2 of Art. 361-4, and Art. 361-2 of the Criminal Code.

Since 2020, at least 25 people have been detained and imprisoned under Art. 361-3 of the Criminal Code (participation or preparation for participation of a citizen of the Republic of Belarus on the territory of a foreign state in military actions without authorization from the state). Most cases stem from donations for the activities of the Kalinouski Regiment. Among them in 2023 were Aliaksandr Hancharou and Cheslau Kananovich, both imprisoned for five years, and Heorhi Cherevaka and Leanid Raichenok, sentenced to six years each.

For donations to the Kalinouski Regiment and photographing military vehicles, Dzmitry Makeyeu was sentenced to six years in prison by the Homiel Regional Court.

On January 9, 2023, the Homiel Regional Court sentenced Uladzislau Yatsenka and Kiryl Plakushchau to five years and a year and a half, respectively. According to the case file, one of the defendants repeatedly posted on social media calls to join the then Kastus Kalinouski battalion, Azov Regiment, and other formations of the Armed Forces of Ukraine. Yatsenka also transferred 21 euros to the Kastus Kalinouski battalion, and both men were accused of writing “cynical” inscriptions and drawings on the walls of buildings.

Among those convicted for wanting to fight on the side of Ukraine are: Siarhei Hrybovich, Andrei Raptunovich, Anatol Mikhailau, Andrei Maslau, Mikhail Listapadau, Yauhen Karpau, Siarhei Vaitsiuk, Aliaksandr Ainutdzinau, Kiryl Balakhonau, Pavel Abozny, Yan Papkovich, Maksim Stasiuk, and Vasil Yakimau.

PERSECUTION OF JOURNALISTS, MEDIA WORKERS AND BLOGGERS

The authorities continue destroying independent media and further restricting the activities of Belarusian media abroad, as dozens of journalists were detained, media outlets declared “extremist formations”, while more journalists and media employees faced administrative and criminal charges. According to the BAI, at the end of December 2023, [32 journalists and media workers](#) were held in prisons.

In Svietlahorsk, employees of the Ranak TV station were detained on charges of creating an “extremist group”. The television channel was blacklisted as “extremist” presumably after reporting on several deaths caused by an explosion at a local pulp mill.

Several people were arrested in Mahilioŭ said to be related to the activities of the media outlets 6TV.by and Mahilioŭ Media. Among those detained is the former director of the city history museum, Aliaksei Batsiukou. The police raided the apartment of journalist Andrei Vyrvich. His equipment and mobile phones were confiscated, and after the search he was interrogated.

On March 7, the State Security Committee designated the Belarusian Association of Journalists as an “extremist group”. The KGB blacklisted a “group of citizens from among representatives of the non-governmental association”, including Andrei Bastunets, Aleh Aheyau, Barys Haretski, Volha Khvoin, Alina Suravets, Aliaksandr Starykevich, Zoya Lukashuk, and Siarhei Komlach.

On March 15, a search was conducted in the Viliejka-based house of the editor-in-chief of the Rehiyanalnaya Hazeta, Aliaksandr Mantsevich. The outlet is the leading private socio-political media in northern Belarus. In 2022, the authorities blacklisted the outlet’s website as “extremist materials”, and since then the journalists have been publishing their stories on social media. Mantsevich was accused of “discrediting the Republic of Belarus” under Art. 369-1 of the Criminal Code. In November, he was sentenced to four years in prison and a fine of 14,800 rubles.

On March 17, a court in Minsk convicted the editor-in-chief of TUT.BY Maryna Zolatava and CEO of TUT BY MEDIA LLC Liudmila Chekina. Zolatava was found guilty of “distributing materials with public calls for the seizure of state power, forcible change of the constitutional system, calls addressed to foreign states, foreign and international organizations, for actions detrimental to the national security of the Republic of

Belarus, committed using the media and the Internet” and “deliberate actions aimed at inciting social hostility and discord based on a different social affiliation, committed by a group of persons”. Chekina was found guilty of “tax evasion”, as well as “organizing the dissemination” of the above publications and “organizing” the above actions. Both were sentenced to 12 years in prison.

On March 23, the Minsk City Court convicted journalist Henadz Mazheika under Part 1 of Art. 368 (insulting Lukashenka) and Part 1 of Art. 130 (inciting other social hatred) of the Criminal Code. Judge Tatsiana Falkouskaya sentenced Mazheika to three years in prison. The journalist authored a story in the Komsomolskaya Pravda v Belarusi newspaper about Andrei Zeltser, who was killed after the KGB stormed his Minsk apartment in September 2021. According to the indictment, “Henadz Mazheika, showing an immoral interest in extremist activities, being its supporter, acting according to the motives of political and ideological hostility, committed a number of crimes in the period from June 23, 2020 to October 2021”. The prosecution quoted the political prisoner’s alleged statements about Lukashenka: “Running around with a machine gun [...] How can a normal person run around with a machine gun? [...] He’s a crazy degenerate”.

Journalists Pavel Padabed and Viachaslau Lazarau, who worked with independent media, were taken into custody on charges under Part 1 of Art. 364-1 of the Criminal Code (promoting extremist activities). For his cooperation with the Belsat TV channel, Padabed was sentenced to four years in prison. Judge Yauhen Burunou of the Viciebsk Regional Court sentenced Lazarau, in a closed session, to five and a half years of imprisonment, and his wife, Tatsiana Pytsko, to three years. Later, Pytsko’s sentence was commuted and she was released.

Sentences were ordered in the trial involving the team of the opposition media Nexta, consisting of a network of Telegram channels. According to state-controlled media, the defendants were charged with committing at least 1,586 counts of crimes and were sued for property damage totaling more than 30 million rubles (about \$1,189,000). The defendants were sentenced to 8 to 20 years in prison. The initiative’s leaders, Stsiapan Putsila and Yan Rudzik, were convicted in absentia.

Aliaksandr Hurnik, the author of a TikTok blog called “Belarus in the Window”, in which he published humorous comments regarding Belarusian news, was sentenced to five years in prison for participating in peaceful assemblies in 2020 (Article 342 of the Criminal Code), calls for sanctions against Belarus (Article 361 of the Criminal Code) and “insulting” Aliaksandr Lukashenka (Article 368 of the Criminal Code).

Yauhen Merkis, a freelance journalist and local historian who covered the peaceful rallies in 2020, was sentenced in a closed trial to four years in prison. It is only known that he was charged with “creating an extremist group” or “participating” in it (Part 3 of Article 361-1 of the Criminal Code), as well as “promoting extremist activities” (Parts 1 and 2 of Article 361-4 of the Criminal Code).

Journalist Pavel Mazheika was sentenced to six years in prison under Part 2 of Art. 361-4 of the Criminal Code (other assistance in extremist activity, committed repeatedly, by a group of persons by prior conspiracy) for sharing information with the Belsat TV channel.

On August 31, the Homiel’ Regional Court handed down a harsh sentence to journalist and cultural activist Larysa Shchyrakova. She was accused under Art. 369-1 of the Criminal Code (discrediting the Republic of Belarus), and Parts 1 and 2 of Art. 361-4 of the Criminal Code (promotion of extremist activities and the same action carried out repeatedly). The trial took place behind closed doors. Judge Mikalai Dolia found Shchyrakova guilty and sentenced her to three and a half years of imprisonment. The journalist’s property was partially confiscated. The political prisoner was separated from her minor son.

TORTURE, CRUEL, INHUMANE, AND DEGRADING TREATMENT

Torture and prohibited treatment, having become an integral element in the daily practice of law enforcement agencies, remain a tool of suppression and intimidation of victims of repression. In the current situation, there are longer no available mechanisms of bringing to justice those responsible for the large-scale torture and other gross violations of human rights in August 2020. On a smaller scale, as compared to 2020, using other methods and in other forms, these violations continue and show no tendency or prospects for stopping.

On March 17, the Office of The UN High Commissioner for Human Rights published a report [“Situation of human rights in Belarus in the run-up to the 2020 presidential election and in its aftermath”](#). “The collected information confirms the scale and patterns of the violations identified in the previous reports of the High Commissioner, as well as their widespread and systematic nature. In the light of the foregoing information set out in the present report, The High Commissioner has reasonable grounds to believe that several violations of international human rights law were committed in Belarus between 1 May 2020 and 31 December 2022. They include arbitrary deprivation of the right to life and to liberty, torture and ill-treatment, including sexual violence, denial of the rights to due process and to a fair trial, arbitrary denial of the right to enter one’s own country, violations of the rights to freedom of expression, peaceful assembly and association and to equal protection of the law. Some of the violations may also amount to crimes against humanity, as defined in international customary law, when such acts are committed as part of a widespread or systematic attack directed against any civilian population, with knowledge of the attack,” the report stressed.

The High Commissioner recommended that Member States “work towards accountability through national proceedings based on accepted principles of extraterritorial and universal jurisdiction, as relevant and in accordance with international law, and, in parallel, explore further targeted measures against alleged perpetrators of grave human rights violations and abuses”.

Viasna continued its activities as a co-founder of the [International Accountability Platform for Belarus \(IAPB\)](#), a coalition of non-governmental organizations that have joined forces to collect, consolidate, verify and preserve evidence of gross human rights violations constituting crimes under international law committed by the Belarusian authorities in 2020 and subsequent years.

Human rights defenders and the media continue to receive alarming reports of political prisoners with serious health problems. 66-year-old head of the Belarusian Popular Front Party Ryhor Kastusiou reported in a letter about the deterioration of his cancer and that he was not informed of the results of the latest tests. Another prisoner with cancer, Pavel Kuchynski, says his disease is progressing; in prison, he is deprived of the opportunity to undergo the necessary treatment, bone marrow transplantation. A political prisoner with a disability, Uladzimir Hundar, whose prosthesis was previously taken away in a pre-trial detention center and the man was brought to court hearings in his underpants, cannot move or enjoy outdoor time in prison No. 4 due to the fact that the rubber tips on the crutches have worn out and there is no way to replace them. Tatsiana Kaneuskaya, who was transferred to a high-security prison, has problems with her spine and has recently faced blocking of correspondence, as well as restrictions on family visits.

Hanna Vishniak, who was released after serving her sentence, complained about torture during her detention and investigation of the case, as well as ill-treatment of other political prisoners.

Former political prisoner Vital Zhuk told *Viasna* about the conditions in which political prisoners are kept in the IK-2 penitentiary, about the disastrous conditions in the punishment cell and the cell-type room (PKT).

Viasna collected evidence of the cruel conditions of detention of [female political prisoners](#) and the pressure on them from the administration of the Homieĺ colony.

The prison authorities are ill-treating political prisoner Dzmitry Kubarau. The inhumane conditions in the punishment cell and the PKT adversely affected his health.

Former political prisoners continued to provide *Viasna* with evidence of torture, cruel, degrading, and inhuman treatment. People were beaten during arrest, in police cars, and in prison No. 8 in Zhodzina. They are placed in overcrowded cells, together with homeless people who had not undergone sanitary treatment. In particular, a former political prisoner was kept among 28 people in a four-bunk cell in a temporary detention center and in a similarly overcrowded cell in a pre-trial detention center.

Three female political prisoners are inmates of correctional colony No. 24 in Zarečča, a penitentiary designed to hold repeated offenders: Alena Maushuk, Palina Sharenda-Panasiuk, and Viktoryia Kulsha. The prison authorities created unbearable conditions for the women: they are regularly placed in a punishment cell, where the conditions are described as inhuman. The political prisoners are deprived of family visits and packages, and letters from their relatives are destroyed. Viktoryia Kulsha declared a hunger strike several times to protest against arbitrary pressure from the administration.

The human rights defenders of *Viasna* learned about cases of repression and inhumane attitude towards female prisoners in correctional colony No. 4 in Homieĺ.

A former prisoner told *Viasna* about torture and abuse of those convicted for political reasons in correctional colony No. 17. In particular, he described the circumstances of the death of Vitold Ashurak known to him and the pressure on Pavel Seviarynets.

Former prisoners confirmed the existence in pre-trial detention center No. 1 of a so-called “press-khata”, a cell where, with the help of prisoners collaborating with the prison staff, pressure is exerted on political prisoners. Checks in the facility are accompanied by violent searches of cells and beatings of prisoners.

The practice of recording humiliating videos with confessions of those detained for protests and dissent continues. Thus, the GUBAZIK detained two residents of Minsk for participating in protests. During the arrest, one of them was forced to his knees, handcuffed, wrapped in a white-white flag, condoms were placed on his head, and dildos were placed in his underpants.

Often, forcing to appear in video confessions is accompanied by violence: some detainees have bruises and abrasions visible in the video. In particular, Uladimir Paulavets had a hematoma and bruises on his face.

According to *Viasna*, political prisoner Palina Sharenda-Panasiuk was beaten in correctional colony No. 24. According to a former prisoner who saw her at the end of June in the pre-trial detention center in Minsk, “the bridge of her nose had been hit and she had black eyes”. This was reportedly done by other prisoners who were placed with Palina by the prison authorities. In addition, the political prisoner’s husband, Andrei Sharenda, said that in June an ambulance was called for his imprisoned wife and she was sent to the prison hospital. In his opinion, the beating could have taken at this very time. Later, the prisoner confirmed these facts in court.

During a July 14 search at the Catholic Cathedral of the Holy Name of Mary in Minsk, security forces beat the priests who happened to be there at the time of their arrival. One of the priests was left with a bruise on his face. According to the Christian Vision Telegram channel, cases of beating of priests occurred before. However, the ministers were not ready to make this information public or tell the details of what happened.

On April 25, a former presidential candidate Viktor Babaryka was taken to the city hospital from the Navapolack colony No. 1, where he is serving a 14-year sentence. He was kept in the hospital for several days and returned to the colony thereafter. Later, it became known that the political prisoner was transferred to a cell-type room (PKT). *Viasna* managed to obtain details of the incident. Babaryka reportedly required a surgery after he was severely beaten while in prison. His treatment was carried out under the control of the special services.

Prohibited treatment takes on unexpected forms: security officers force Belarusians to get rid of protest tattoos: a resident of Kamianiec was forced to modify a Pahonia tattoo on his neck. A pro-government Telegram channel published a video confession, where the man “admits” to having several tattoos with the acronym ACAB, as well as a tattoo of the Pahonia coat of arms on his neck, and undertakes to “get the tattoos off or cover them up”. Then a new publication appeared: the photo shows that all the tattoos (including the Pahonia) were replaced with new ones on top. In their comments, the security forces noted that the man did this immediately after his time at a temporary detention center.

The GUBAZIK officers forced a detained woman to “correct her tattoo of an oppositional nature”, namely the symbol of the pro-democracy movement of 2020, a heart, a fist and a V sign. In her video confession, the girl was forced to say that she “no longer holds any political views, which is what she wishes for others”.

It was reported that after a former KGB officer was appointed as an ideology official at the Neman factory in Biarozaŭka, a number of violent arrests took place there. About a dozen employees were detained by riot police at the workplace, and then they were sent to work at a landfill. The workers had complained about low salaries, as well as being denied leave.

THE RIGHT TO LIFE. THE ISSUE OF THE DEATH PENALTY

According to General comment No. 36 of the UN Human Right Committee, “the right to life has crucial importance both for individuals and for society as a whole. It is most precious for its own sake as a right that inheres in every human being, but it also constitutes a fundamental right, the effective protection of which is the prerequisite for the enjoyment of all other human rights and the content of which can be informed by other human rights”. Article 6 of the International Covenant on Civil and Political Rights implies the right not to be subjected to actions or inactions that are intended or expected to cause their unnatural or premature death, as well as the right to a dignified life, without distinction of any kind, including persons suspected or convicted in connection with even the most serious crimes.

Having taken the path of reprisals against opponents of the regime, the authorities are at least indifferent to the likelihood of the death of people with disabilities, serious illnesses, elderly and vulnerable people deprived of their liberty. Taking into account the overall shortcomings of the prison medical care system and the purposeful use of arbitrary disciplinary measures against such people that are especially cruel due to their physical condition (confinement to a punishment cell, a cell-type facility, or high-security prison), the practice is the deliberate complicity by government officials at various levels in the deaths of individual political prisoners, as well as the deliberate creation of conditions for this.

On May 5, 2023, political prisoner [Mikalai Klimovich](#), convicted under Article 368 of the Criminal Code for “insulting” Lukashenka, died in correctional colony No. 3 near Viciebsk. Klimovich had a group II disability due to a disease of the cardiovascular system; about a year earlier, he suffered a stroke and had complex heart surgery. Despite the serious condition and the presence of alternative types of punishment not related to imprisonment, judge Andrei Bychyla of the Pinsk District and City Court sentenced him to one year of imprisonment, and the Brest Regional Court upheld the verdict. The late prisoner was punished for a reaction to a caricature of Lukashenka published on the Odnoklassniki social media.

On July 11, 2023, painter [Ales Pushkin](#) died the intensive care unit of the Hrodna hospital. It is reported that it was failure to provision timely medical care that resulted in peritonitis, sepsis, and multiple organ failure. Pushkin was convicted under Article 370 of the Criminal Code on charges of “desecration of state symbols” and Article 130 of the Criminal Code for the “justification of Nazism”, receiving a sentence of five years of imprisonment in a maximum security colony. On November 11, 2022, judge Aliaksandr Kirylovich of the Ivacevičy District Court ordered to transfer Pushkin to a maximum-security prison for 18 months. Soon the political prisoner was sent to prison No. 1 in Hrodna. The grounds for deprivation of liberty were a performance the artist staged in Kyiv and several paintings displayed at an exhibition held on March 19, 2021 in Hrodna. A series of portraits of anti-Soviet partisans were described by the prosecutor’s office as “rehabilitation of Nazism”.

The state has breached its heightened obligation to take all necessary measures to protect the lives of persons deprived of their liberty. By imprisoning people, states assume responsibility for the care of their lives and physical integrity, without being able to justify it on the basis of lack of financial resources or other logistical problems. The duty to protect the lives of all detained persons includes providing them with the necessary medical care and appropriate regular monitoring of their health.

Belarus is the only country in Europe and Central Asia that preserves and practices the death penalty.

According to official data, one person was sentenced to death in 2023. In 2019 – 2 people; in 2020 – 3 people; in 2021 – 1 person; and in 2022 – none.

In February 2023, human rights defenders learned the date of execution of a death sentence, which became final on May 4, 2021. Viktor Skrundzik was reportedly executed on July 16, 2022, i.e. thirteen months after the verdict was handed down. Skrundzik’s case was considered by the Supreme Court twice. The initial sentence was overturned, after Skrundzik’s defense appealed the verdict.

On March 25, 2023, changes to the Criminal Code came into force, providing for the possibility of applying the death penalty against government officials and military personnel convicted of high treason (Part 2, Article 356 of the Criminal Code). The main goal of the document is to instill an atmosphere of fear; the adoption of the law was accompanied by the usual rhetoric about “strengthening counteraction to extremist (terrorist) and anti-state crimes”. The danger of this innovation lies primarily in the extremely broad interpretation of the concept of “treason” and the arbitrary application of the law for political reasons.

In response to expanding the scope of the death penalty, the country’s human rights community [issued a statement](#) in which it called on the authorities to repeal the provisions of the Criminal Code that do not comply with the International Covenant on Civil and Political Rights, i.e. providing for the possibility of applying the death penalty for non-violent crimes, as well as for attempted crimes of certain types; strictly abide by their international human rights obligations, guaranteeing respect for the right to life; move towards the complete elimination of the death penalty, rather than expanding the scope of its application, as provided for by international human rights standards.

On March 22, 2023, the Special Rapporteurs on the situation of human rights in Belarus and on extrajudicial, summary or arbitrary executions [wrote to the Government of Belarus](#) expressing concern that the proposed amendments to the Criminal Code could increase the risk of issuing death sentences in an arbitrary, illegal and discriminatory manner. The two experts stressed that “high treason” does not meet the criteria for the “most serious crimes” established by international law, and that carrying out any death sentence in violation of a state’s obligations under international law amounts to an arbitrary execution. There was no response to the appeal.

On October 19, 2023, a [death sentence was handed down](#) in Sluck, after a 32-month hiatus. Aliaksandr Taratuta and his wife Anastasiya were found guilty of intentionally murdering a minor, “committed with

particular cruelty, and by a group of persons”. On the basis of clauses 2, 6, 15 of Part 2 of Article 139 and Part 2 of Article 154 of the Criminal Code, both defendants were sentenced to the maximum possible types of punishment: Anastasiya Taratuta – imprisonment of 25 years under strict security (the maximum term for a woman in Belarus), and Aliaksandr Taratuta – the death penalty. At the beginning of 2024, the Supreme Court upheld the verdict.