



Submission to the Universal Periodic Review of Belarus September 2019

Summary¹

1. Since the last Human Rights Council review of Belarus under the UPR procedure in 2015, the human rights situation saw little improvement. The government accepted the recommendation to simplify the registration procedure for political parties and other public associations and revise the Law on Public Associations and abolished criminal liability for participation in the activities of unregistered organizations.² But it otherwise introduced no meaningful measures to guarantee the right to freedom of association. The government accepted recommendations to promptly and effectively investigate all allegations of torture and ill-treatment of prisoners and reprisals and threats against human rights defenders and journalists, but demonstrated no commitment to implement them. Activists, lawyers, rights groups, and independent media continue to face government harassment and pressure. Authorities prosecuted dozens of journalists on a variety of arbitrary grounds. Defamation “in a public space” remains a criminal offense. Belarus is the only European country to use the death penalty.
2. The government released six political prisoners in 2015, but their criminal records were not expunged, preventing them from occupying governmental jobs, standing in elections, or traveling abroad.

Death Penalty

3. Ilvan Kulesh, Siarhei Khmialeuski, and Henadz Yakavitski were executed in November 2016. Siarhei Ivanou was executed in April 2017, although his complaint was still pending with the UN Human Rights Committee (HRC). In the same month, authorities executed Siarhei Vostrykau.³
4. In October 2017, authorities executed Kiryl Kazachok, sentenced on murder charges in December 2016. In May 2017, Viktor Liotau and Aliaksei Mikhalenia were executed after each was sentenced on murder charges earlier in the year.
5. In November 2018, authorities executed Ihar Hershankou and Siamion Berazhnou.⁴ Both were sentenced on murder charges in July 2017. In June 2018, Aliaksandr Zhylnikau was executed.⁵ The fate of Viacheslau Suharka, Zhylnikau’s codefendant on murder charges, is unknown.

¹ Unless otherwise noted, information in this submission derives from chapters on Belarus in Human Rights Watch’s World Reports for 2016, 2017, 2018, and 2019.

² “Amendments to the Criminal Code entered into force in Belarus,” *Reformation*, July 19, 2019, <https://reform.by/v-belarusi-vstupili-v-silu-izmeneniia-v-ugolovnyi-kodeks/> (accessed September 18, 2019).

³ Recommendations 129.29, 129.30, 129.33, 129.37, 129.38 from the Second Universal Periodic Review on Belarus.

⁴ “Belarus Executes Two Convicted Murderers, Prompting EU Criticism,” *RFE/RL*, November 28, 2018, <https://www.rferl.org/a/belarus-executes-convicted-murderer-rights-group-says/29625746.html> (accessed September 18, 2019).

⁵ “Another Death Sentence Executed Before European Games In Minsk,” *Charter 97*, June 13, 2019, <https://charter97.org/en/news/2019/6/13/337590/> (accessed September 18, 2019).

6. In January 2019, authorities executed Aliaksandr Asipovich and in July 2019, Viktor Paulau.⁶ Both had been convicted of murder.
7. *Belarus should:*
 - Adopt a roadmap with the Council of Europe (CoE) to a moratorium on capital punishment and establish the moratorium on the death penalty with a view to its permanent abolition.

Freedom of Assembly and Crackdown on Peaceful Protests

8. Authorities continue to crack down on peaceful protests.⁷ Amendments to the law on mass gatherings came into force in January 2019, introducing a notification procedure for organizing public assemblies.⁸ But in practice authorities' sign-off is often denied summarily and arbitrarily, and organizers and participants are fined for organizing mass events without official sanction.⁹ Particularly in combination, the requirement of advance notice, the routine denial of authorization for peaceful assemblies, the failure of authorities to make suitable alternative times or places available, and the sanctions imposed on participants are not necessary and proportionate limitations and violate the right to freedom of assembly.¹⁰
9. In April 2016, authorities dispersed a monthly event by Critical Mass, a cycling movement, detained six people and charged them with disorderly conduct and violations of traffic regulations. Also, authorities brought criminal charges against Dzmitry Paliyenka for allegedly resisting police. In August 2016, an additional charge of production and distribution of pornography was brought against him over one of his social media posts, which included a hyperlink to a video about a Belarusian music channel accidentally airing pornographic content. In October 2016, Paliyenka received a two-year suspended sentence.¹¹ In April 2017, a Minsk court canceled the suspension and ordered him to serve 18 months, allegedly for committing several administrative violations.
10. Police arbitrarily detain protesters in annual Freedom Day marches, though in decreasing numbers. In February and March 2017, police detained at least 700 people at the gatherings, including about 100 journalists and 60 rights activists. At least 177 were charged with hooliganism or unlawful protesting and sentenced to fines or up to 25 days' arrest. Many were denied access to lawyers. Authorities arrested 35 people on bogus "mass rioting" charges, but in June 2017 dropped the charges and released them. Twenty people arrested on "organizing an unlawful armed group" charges were also released, but the charges remain.
11. In 2018, police detained at least 110 people in connection with the Freedom Day protests. In the lead-up to the rally in Minsk, courts sentenced an opposition leader and three rally organizers to up to 10-days' arrest. Police detained seven members of two leading local rights groups, Belarusian Helsinki Committee and Viasna, while they monitored the rally in Minsk. They were all released on the same day.

⁶ "New death sentence pronounced in Viciebsk," *Viasna*, July 30, 2018, <https://dp.spring96.org/en/news/93557> (accessed September 18, 2019).

⁷ Recommendations 129.57, 129.62, 129.90.

⁸ Recommendations 129.91-93.

⁹ "Human Rights Situation in Belarus: January 2019," *Viasna*, February 2, 2019, <http://spring96.org/en/news/91974> (accessed September 18, 2019).

¹⁰ See OSCE/ODIHR Panel of Experts on the Freedom of Assembly and European Commission for Democracy Through Law of the Council of Europe, *Guidelines on Freedom of Peaceful Assembly*, 2d ed. (Warsaw: ODIHR, 2010); UN Human Rights Committee, Draft General Comment 37: Right of Peaceful Assembly, paras. 76-80, <https://www.ohchr.org/EN/HRBodies/CCPR/Pages/GCArticle21.aspx> (accessed September 27, 2019).

¹¹ "22-year-old cyclist Dmitry Polienko on trial for resisting police," *Nasha Niva*, October 11, 2016, <https://nn.by/?c=ar&i=178711&lang=ru> (accessed September 19, 2019).

12. In 2019, police detained 15 people at an unauthorized Freedom Day rally.¹²
13. In May 2018, police charged LGBT rights activist Vika Biran for staging single-person pickets. Courts fined her a total of 735 Belarusian rubles (US\$335).
14. Since 2018, authorities in Brest approved only one of around 90 requests to hold protests against a battery plant construction.¹³ In 2019, police arrested more than 30 activists over the protests and charged them with administrative offenses.¹⁴ Police pressed dubious weapons possession charges against one of the activists.¹⁵
15. *Belarus should:*
 - Amend the law “On public associations” and other legislation governing work of NGOs with a view to ensuring it does not unduly restrict freedom of association; simplify the administrative process for registration of NGOs, and minimize reporting obligations to authorities; allow domestic NGOs to register and function without undue interference; eliminate administrative fines for participation in unregistered organizations.
 - Amend the law “On mass gatherings” to comply with international standards, ensuring in particular that any sanctions for organizing assemblies are proportionate and do not create undue obstacles to freedom of assembly.

Freedom of Expression and Information, Attacks on Journalists

16. Belarus keeps a tight grip on most media.¹⁶ Internet censorship is widespread.¹⁷ Authorities routinely harass and interfere with the work of journalists and bloggers, including through arbitrary arrests, warnings, and criminal convictions.¹⁸ Freelance journalists for foreign news outlets face great difficulties in obtaining accreditation.¹⁹ Media outlets have been threatened with closure.
17. Authorities intensified prosecutions of independent freelance journalists for cooperation with unregistered foreign media, bringing 28 cases against 15 journalists in 2015. In 2016, 10 cases were brought against two journalists for cooperating with Poland-based Belsat television channel. In 2017, authorities prosecuted 27 journalists in a total of 69 cases. In 2018, 118 cases against 32 journalists were opened. In the first half of 2019, authorities opened at least 38 cases against 17 journalists.²⁰ All resulted in fines.
18. In January 2016, Minsk police beat and detained Pavel Dabravolsky for filming two activists with “No to Political Prosecution” banners outside a court building. An internal police inquiry found that the use of force was justified. Dabravolsky was fined for contempt of court and disobeying police orders.
19. In June 2016, police detained Kanstantsin Zhukouski and Aliaksei Atroshchanka as they were working on a video about alleged abuses of workers’ rights. Zhukouski alleged police

¹² “Freedom Day celebrations marred by excessive police interference,” *Viasna*, March 26, 2019, <http://spring96.org/en/news/92438> (accessed September 18, 2019).

¹³ “In Brest, for the 89th time, a rally against the battery factory was not allowed,” *Naviny.by*, <https://naviny.by/new/20190502/1556806296-v-breste-v-89-y-raz-ne-razreshili-miting-protiv-akkumulyatornogo-zavoda> (accessed September 18, 2019).

¹⁴ “Human Rights Situation in Belarus: April 2019,” *Viasna*, May 3, 2019, <https://spring96.org/en/news/92854> (accessed September 18, 2019).

¹⁵ “Brest: An opponent of the battery factory was detained with the car, ammunition was allegedly found,” *Viasna*, April 2, 2019, <https://spring96.org/ru/news/92518> (accessed September 18, 2019); Activist Moisey Mazko detained, criminal case opened,” *Viasna*, April 3, 2019, <http://spring96.org/ru/news/92521> (accessed September 18, 2019).

¹⁶ Recommendations 129.60, 129.75.

¹⁷ Recommendation 129.56.

¹⁸ Recommendations 129.76, 129.77, 127.79, 129.85, 129.69.

¹⁹ Recommendation 129.65.

²⁰ “Journalists fined under Article 22.9 of the Administrative Code,” *Belarusian Association of Journalists*, April 22, 2019, <https://bai.by/ru/analytics/shtrafy-zhurnalistam-po-st-229-koap-obnovlyaetsya> (accessed September 18, 2019).

beat him and filed a complaint. In response, authorities fined him for several misdemeanor offenses.

20. In December 2016, authorities arrested three bloggers with Regnum, Lenta.ru, and EADaily. In February 2018, after 14 months in pretrial detention, they received five-year suspended sentences on wrongful charges of inciting extremism and sowing social discord between Russia and Belarus.
21. In March-August 2017, authorities detained at least 100 journalists, mostly while they were reporting on street protests, and sentenced at least 10 to up to 15 days' arrest on trumped-up charges of disobeying police or violating mass gathering regulations. Police beat six of them.
22. In July 2017, authorities brought defamation charges against Ihar Pastnou, a psychiatrist in Vitebsk known for criticizing local authorities, over his post on social media about beatings in a Vitebsk jail. In May 2019, he was sentenced to three years in an open detention center.²¹
23. In December 2017, a court fined Anatol Bukas, chief editor of Naviny.by, for writing about an unauthorized rally in Minsk.
24. In February 2018, the police beat Belsat cameraman Andrus Koziel for live-streaming vote counting during local elections and jailed him for one night.
25. In April 2018, authorities arrested Dzmitri Halko, editor of Belarusian Partisan, on dubious charges of assaulting police. In July 2018, a court sentenced Halko to four years in prison and a fine. In November 2018, Halko fled Belarus.²²
26. In March 2019, a court fined TUT.by's chief editor, Marina Zolotava, for criminal negligence on allegations that some of her staff had been accessing the website of BelTA, the state news agency, without paying a subscription fee.²³
27. Police repeatedly detained and fined Siarhei Piatrukhin, a popular blogger, in 2019 for coverage of protests against the battery plant construction near Brest. In April 2019, he was convicted of criminal slander and insult, and fined for a series of videos with allegations of police abuses he had uploaded on YouTube.²⁴

Internet Freedom

28. The Information Ministry issued 30 warnings to 29 media outlets in 2015 for violations such as using the acronym RB instead of Republic of Belarus. The ministry also issued at least twelve warnings to eight media outlets and four news websites in 2016.²⁵
29. In an August 2016 closed hearing, a Minsk court found nine publications from 1863x.com, a website often critical of the government, to be "extremist," relying exclusively on a state expert's analysis to conclude that some content contained pornography and incited ethnic hatred. Eduard Palchys, the site's administrator, fled Belarus in 2015, after the criminal investigation was opened. Russian authorities extradited Palchys in May 2016. Palchys

²¹ "Vitebsk psychiatrist-truth-seeker Postnov was sentenced to three years of 'chemistry' - for defamation of the prosecutor," *Nasha Niva*, May 21, 2019, <https://nn.by/?c=ar&i=230826&lang=ru> (accessed September 18, 2019).

²² "Belarusian journalist Dzmitry Halko escapes to Ukraine," *Euroradio*, November 2, 2018, <https://euroradio.fm/en/belarusian-journalist-dzmitry-halko-escapes-ukraine> (accessed September 23, 2019).

²³ "TUT.by Chief Editor Marina Zolotova Sentenced in BelTA Case," *The Village*, March 4, 2019, <https://www.the-village.me/village/culture/culture-news/273713-prigovor-po-delu-belta> (accessed September 19, 2019).

²⁴ "Brest Regional Court Rejected Complaint Of Blogger Siarhei Piatrukhin," *Charter97*, July 8, 2019, <https://charter97.org/en/news/2019/7/8/340530/> (accessed September 18, 2019).

²⁵ Recommendations 129.56, 129.77.

remained in detention until October 2016. He was convicted in a closed trial and sentenced to one year and nine months of supervised parole.

30. Amendments to the Law on Mass Media in 2018 introduced a burdensome procedure for “voluntary” registration for online media. Outlets without this registration cannot file requests for accreditation with government institutions. As of January 2019, only five media websites were granted registration.²⁶

31. *Belarus should:*

- Amend the law on mass media to ensure it does not unduly restrict freedom of expression, including by removing the mandatory accreditation for freelance journalists cooperating with foreign media outlets, the extrajudicial procedure of blocking websites, the obligatory registration of distributors of printed and broadcasting media, the requirement that all media outlets keep records of and disclose to authorities the names of people who submit comments, and criminal liability of owners of registered online media for any content on their website;
- Fully de-criminalize defamation.

Harassment of Human Rights Defenders, Opposition Activists, Civil Society Groups, and Lawyers

32. Legislation governing public associations remains restrictive, preventing rights groups or political opposition movements from operating freely. Authorities continued to deny them registration on arbitrary pretexts and to routinely use arbitrary detention, searches, and interrogations to harass government critics.²⁷

33. Since 2015, authorities have repeatedly denied registration to Human Rights Association “For Fair Elections,” Belarusian Christian Democratic Party, Solidarity Committee for Support of Entrepreneurship, Gender Partnership, and Social Christian Movement.

34. In August 2017, authorities levelled dubious tax-evasion charges against staff of Radio and Electronic Industry Workers' Union (REPAM) and Belarusian Independent Trade Union of Miners (BITU). In August 2018, a court sentenced the head of REPAM and its accountant to a five-year curfew and other restrictions.

35. In February and March 2015, Leanid Sudalenka, chairman of the Homiel branch of Legal Initiative, which provides legal assistance to victims of rights violations, received death threats against him and his family. Authorities refused to investigate. In April 2015, police searched the Social and Political Center in Homiel, which hosts Sudalenka’s organization, seized computers and questioned Sudalenka under a criminal investigation of suspected distribution of pornography from his email. In May and August 2017, the Belarus border guards detained and searched him at the border.²⁸

36. Mikhail Zhamchuzhny of the prisoner’s rights group Platform Innovation, was sentenced in 2015 to six-and-a-half years’ imprisonment on charges of disclosing official secrets over publishing information about police abuse. In July 2017, prison officials denied him access to necessary medical care. Zhamchuzhny remains in custody.

37. In April 2016, a Minsk court found Aliaksandr Lapitski, 80, guilty of insulting President Aliaksander Lukashenka and other authorities after numerous letters appealing against his son’s 2011 conviction for his alleged role in the Minsk metro bombing and accusing the

²⁶ “Belarus: Media Under Attack as European Games Loom,” Human Rights Watch report, May 17, 2019, <https://www.hrw.org/news/2019/05/17/belarus-media-under-attack-european-games-loom> (accessed September 18, 2019).

²⁷ Recommendations 129.57, 129.61, 129.63-68, 129.70, 129.77-79, 129.80-82, 129.84, 129.87, 129.88, 130.45

²⁸ “Border guards detain human rights activist Leanid Sudalenka,” *Viasna*, August 26, 2015, <http://spring96.org/en/news/79502> (accessed September 18, 2019).

president of organizing the bombing. The court deemed Lapitski “legally incompetent” and sentenced him to forced treatment in a psychiatric institution for up to one year, which he began to serve in November 2016. In March 2017, a court ordered his release replacing the sentence with compulsory home treatment under supervision of a psychiatrist.²⁹

38. On March 25, 2017, hours before the Freedom Day protest, police in Minsk raided the Human Rights Center “Viasna,” detaining 58 people. A Viasna lawyer Aliaksei Loika had to be hospitalized for a concussion he sustained due to police mistreatment. Authorities repeatedly refused to open an investigation.
39. In September 2017, the Justice Ministry disbarred Anna Bakhtina, a prominent lawyer who worked on numerous politically sensitive cases, citing a number of minor technical errors in her attorney representation agreements and claiming that she was “incompetent to practice law.” In October, a court upheld the Ministry’s decision.

40. *Belarus should:*

- Release immediately and unconditionally human rights defenders, activists, journalists, and others convicted in retaliation for exercising their civil and political rights, including Dzmitry Paliyenka, Moisey Mazko, Ihar Pastnou, and Mikhail Zhamchuzhny, and ensure their full rehabilitation; lift travel and other restrictions imposed on pardoned political prisoners;
- Comply with the UN Declaration on Human Rights Defenders and end all forms of harassment of human rights defenders;
- Ensure absolute prohibition of torture and other ill-treatment and bring detention conditions in line with international standards;
- Abolish laws that allow for the deprivation of legal capacity;
- Prohibit the use of forced psychiatric treatment and hospitalization, including as punishment.

International norms and human rights mechanisms

41. *Belarus should:*

- Ratify the Rome Statute of the International Criminal Court (ICC) and implement the statute in national legislation.
- Grant unfettered access to international human rights monitors, including the UN Special Rapporteur on the situation of human rights in Belarus and other special procedures mandate holders.

²⁹ “Alexander Lapitsky released from a psychiatric hospital,” *Viasna*, April 6, 2017, <http://spring96.org/ru/news/86661> (accessed September 20, 2019).