

# The Cost of Speaking Out

**Overview of human rights abuses committed by  
Belarusian authorities during peaceful protests  
in February-March 2017**



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# 1. Introduction

## Overview

In this report International Partnership for Human Rights (IPHR) examines human rights violations committed by the authorities in Belarus during peaceful demonstrations that took place between 17 February and 26 March 2017 in Minsk and other cities across the country. The protests brought together several thousand people at nearly 30 demonstrations, who peacefully voiced their discontent with government's economic and social policies. Many were ordinary citizens, not associated with opposition or civil society groups.

In general, the Belarusian authorities dealt with the demonstrations in a violent, heavy-handed way, resulting in the largest clampdown on dissent in Belarus since December 2010.<sup>1</sup> There are credible reports that police used ill-treatment and excessive force, violently and indiscriminately pursuing people including passers-by, journalists and independent human rights monitors.

In addition to excessive use of force by law enforcement agencies, this time protest policing strategies shifted towards pre-emptive actions which included restriction of access to protests sites, detaining and marginalizing civil society activists and generally preventing people from mobilizing. The authorities also resorted to using legislative and bureaucratic mechanisms to restrict and ban protests. Prior to each major protest, civil society representatives and individuals seen as critical of the government were subjected to surveillance, intimidation and administrative and criminal arrests. Police searched the private homes of political activists, human rights defenders and journalists and blocked people from accessing protests. They also raided the offices of media outlets and NGOs to prevent them from carrying out independent monitoring and reporting on the events.

Over February and March, police detained at least 941 peaceful demonstrators and observers including journalists, photographers, local and international human rights defenders, political leaders and activists, and ordinary citizens, often using excessive force. It is likely that the real figure is higher. While most people were released without charge, hundreds were sentenced to periods of administrative arrest of up to 15 days, including at least 73 journalists and photographers. At least 32 individuals were charged with criminal offences.

This report includes a series of recommendations to the Belarusian authorities as well as international actors. The recommendations take into account the situation of people in detention, and those facing reprisals following the protests.

## Methodology

From 23 to 27 March 2017 IPHR deployed a team consisting of three member organizations of the Civic Solidarity Platform (CSP) to Minsk to conduct research into the use of heavy-handed tactics of law enforcement agencies and to obtain first-hand accounts about human rights violations committed by them. The delegates closely cooperated with the Belarusian Human Rights Centre Viasna (further HRC Viasna), another CSP member. The CSP team collected over 40 testimonies from members of the opposition, activists and others who had participated in protests in February and March as well as observers such as journalists and human rights defenders. IPHR also examined evidence gathered by local human rights groups, as well as media reports and government statements. The report is also based on widely available open source data, such as videos and photos documenting police violence during the protests and large scale arbitrary detentions. While two CSP delegates were able to monitor the protest on 25 March in Minsk, two others were detained along with local and international observers at the office of HRC Viasna shortly before the demonstration began (see description of the incident on page 14).

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<sup>1</sup> Following the 2010 presidential elections hundreds of mainly peaceful protesters were beaten, arbitrarily arrested and summarily sentenced.

## BACKGROUND INFORMATION ON THE HUMAN RIGHTS SITUATION IN BELARUS

Belarus has a long-standing record of violating rights to freedom of expression, association and peaceful assembly. President Lukashenko came to power in 1994 and since then has managed to assert control over all state institutions. Recently, the Belarusian authorities have made attempts to reach out to the international community by means of human rights friendly rhetoric and promises of reform. However, the latest violent attempt to stifle the public expression of grievances signals a lack of political will to allow peaceful and democratic change.

The United Nations (UN) Committee against Torture and the UN Human Rights Committee have repeatedly raised concerns over the use of torture and ill-treatment by the police in Belarus, as well as serious procedural violations in the criminal justice system, including lack of fair trial. In March 2017, the UN Special Rapporteur on the situation of human rights in Belarus, who regularly monitors and reports on developments in the country, expressed his concern over President Lukashenko's government 's "history of violent oppression of any form of dissenting views" and the lack of democratic accountability and public participation in policy making in recent decades.<sup>2</sup>

Both the scale of the most recent protests and the increased participation of people not associated with opposition groups illustrate a new political trend in Belarus, and further protests may take place, particularly given the context of deepening economic and social crisis in the country. Therefore, it is crucial that the international community takes concrete steps to ensure that the Belarusian authorities uphold their international obligations to protect freedoms of expression and assembly and to avoid further human rights violations.

## 2. Chronological account of events

### 2.1. February protests against the law on taxing the unemployed

Participants of the February and March 2017 protests in Belarus protested against the Presidential Decree "On Prevention of Social Dependency" (Presidential Decree No. 3) that became publicly known as the "Social Parasites Law". The decree provides that unemployed, working-age adults who made no tax contributions for six months in a tax year, were subjected to a fine equivalent to approximately 230 EUR per year. Failure to pay the fine was punishable by administrative arrest and compulsory community service, which may amount to a form of forced labour.<sup>3</sup>

Presidential Decree No. 3 was adopted in April 2015 but it was not until early 2017 that some 470,000 people received the first notices for payment of the tax for 2016.<sup>4</sup> This sparked a wave of protests that took place on 17 and 19 February in Minsk, Mahilioŭ, Gomel, Hrodna, Brest and Vitebsk and, on 26 February in Vitebsk, Brest, Baranavičy and Babruysk. All the demonstrations were peaceful and protesters carried banners with messages critical of social and economic policies of the government.

The protests took place despite refusal by local authorities to grant permission for these public gatherings, as required under the Law on Mass Events.<sup>5</sup> Generally, law enforcement officials rarely interfered with the February protests, although there were some exceptions. However, in early March the police launched a large-scale campaign of intimidation and detention aimed at government critics – including civil society activists, political activists, journalists and bloggers as well as ordinary citizens.

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2 <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=21454&LangID=E>

3 <http://www.belhelcom.org/ru/document/7-argumentov-pochemu-dekret-no3-o-tuneyadcah-sleduet-priznat-narushayushchim-konstituciyu-i>

4 Only 54,000 people had paid the tax by the 20 February deadline.

5 <http://expert.by/EC/monitorings/21.txt>

## 2.2. March wave of administrative arrests of civil society activists and journalists

### PRESIDENT LUKASHENKA CALLED ON LAW ENFORCEMENT AGENCIES TO STOP FURTHER PROTESTS

In the lead up to the third wave of protests, which took place on 5 March in Brest and other cities, the police conducted a series of so called “preventive arrests” targeting various civil society activists.<sup>6</sup> Those detained included **Alesandr Kabanov**, who was responsible for collecting signatures for a petition against the decree on taxing the unemployed, and **Natalia Popkova** a protest organizer. Kabanov was later sentenced to administrative arrest, while Popkova was forcibly placed in a psychiatric institution and released after three days. At least 500 people attended the Brest protest. While representatives of the city authorities agreed to speak to protesters, at least five people were detained by police on 5 March and some were reportedly fined.

In response to the protests, President Lukashenka suspended the implementation of the law on 9 March, but refused to rescind it. He also made a public announcement declaring he would take tough action to prevent developments resembling the 2013/2014 Maidan protests in Ukraine. Public media broadcasted his assertions that the protests had been inspired and organized by several hundred individuals who had been trained in Ukraine and other bordering countries. President Lukashenka called on the law enforcement bodies to identify them and thwart their attempts to provoke civil unrest in Belarus.<sup>7</sup>

Peaceful protests continued to take place throughout March in various cities across the country, but after President Lukashenka’s statement, law enforcement agencies began to crackdown on protests, and implemented pre-emptive measures targeting specific civil society activists, opposition figures, journalists and human rights defenders.<sup>8</sup> These measures included arbitrary detentions and arrests, subjecting people to physical pressure including excessive use of force and ill-treatment by the police, as well as various forms of reprisals such as administrative and criminal proceedings.

Between 9 and 24 March, the authorities detained over 330 opposition leaders and activists, student leaders and ordinary protesters, as well as journalists and human rights defenders who were there to monitor the events. Some people were reported to have been beaten by law enforcement officers. The majority of the detainees were charged with “violating the rules of organization or participation in unsanctioned mass protests” (Article 23.34 of the Administrative Code of Belarus) or “minor hooliganism” (Article 17.1). They were sentenced to up to 15 days’ administrative detention in relation to their participation or observation of the peaceful protests or subjected to fines.

### 10 MARCH - PROTEST IN MOLODECHNO

In Molodechno (Minsk region), police officers detained leaders of major opposition parties and movements on 10 March a day after 700 people participated in a peaceful protest.<sup>9</sup> Those detained included the chairman of the United Civil Party (UCP) **Anatoliy Lebedko**, co-chair of the Belarusian Christian Democracy party (BCD) **Vitaliy Rymashevskiy**, a BDC leader, **Olga Kovalkova** and the chairman of the political movement For Freedom **Yuriy Gubarevich**. They were detained on the street by plain clothes police officers, who failed to explain the reasons for arrest and beat them at the time of apprehension. An audio recording of the detention was published online.<sup>10</sup>

6 <http://spring96.org/ru/news/86073>

7 <http://www.belta.by/president/view/Lukashenka-nelzja-zapretit-ljudjam-hodit-na-ploschad-no-majdana-v-belarusi-ne-budet-236730-2017/>

8 <http://spring96.org/ru/news/86088>

9 <http://spring96.org/ru/news/87019>

10 <https://www.youtube.com/watch?v=i5m4mRxvRd8>

On the same day the three men were sentenced to administrative arrest of 15 days, while Olga Kovalkova was sentenced to seven days' administrative arrest.

In the period from 11 to 14 March police carried out series of "preventive" arrests targeting at least 18 journalists from various media outlets and political activists. This happened before the protests were held in various cities across the country, including in Bobruysk (eastern region of Mogilev), Brest, Pinsk (south-western region of Polesia), Rogachev (eastern region of Gomel) and Mogilev.<sup>11</sup> While most of those detained were released on the same day, several dozen were fined and sentenced to administrative arrests.

In this period, the Belarusian authorities took legal action against participants of peaceful protests which had taken place earlier in February. On 14 March at least 13 people were sentenced to administrative arrest and issued with fines for participating in the 19 February protest in Grodno. This further contributed to the campaign of fear and intimidation initiated by the authorities to discourage people from protesting.

## 12 MARCH - PROTEST IN ORSHA

On the morning of 12 March police in Orsha (eastern region of Vitebsk) conducted searches in houses of several local journalists, activists and protest organizers. Police searched houses of **Konstantin Antashkevich**, an activist of the social democratic movement, and **Artyom Sizintsav**, journalist from Radio Ratsiya. Sizintsav was also interrogated by police officers with regards to allegations of falsifying documents. In Andreevshchina, on the outskirts of Orsha, police searched the private apartment of **Vasily Beresnev**, human rights activist and representative of the Belarusian Helsinki Committee. Police also prevented the chairman of Orsha branch of UCP, **Valentin Ignatenko**, from participating in the protest. According to witnesses, plain clothes officers came to his house on the morning of the protest and prevented him from leaving the property. Similarly, **Igor Kazmerchak**, the editor of the regional site Osha.eu, reported that a police car was stationed outside his home. Law enforcement officers were also on duty outside the home of a member of the Belarusian Popular Front Party **Vitaly Pavlov**. In addition, police carried out so called "preventive" arrests of the organisers of local protests, including **Igar Gryshanau**, **Viktar Mikhaseu**, **Yauhen Anishchanka** and **Vasil Berasneu**.

The protest in Orsha took place later on 12 March and local human rights monitors reported that it lasted for one hour and brought together up to 1000 peaceful protesters. In the course of the demonstration, police detained **Paval Seviarynets**, co-chair of the BCD, who was later sentenced to 15 days of administrative arrest.<sup>12</sup> At the same time, police detained journalists who were covering the protest – **Galina Abakunchyk** (Radio Free Europe), **Andrey Shauluga** (belaPAN), **Anastasia Pilugina** (blogger). Police officers stopped the car of two Belsat reporters, **Aleksandr Borosenka** and **Katsiaryna Bahlava**, who were on their way to the police station to interview from Pavel Seviarynets who had been arrested earlier. They were detained for allegedly violating traffic rules. The journalists live streamed their detention. While Borosenka was fined and released on the same day, Bahlava spent the night at the police station under administrative charges related to failure to follow police orders and violations of the Law on Media.

Similar pre-emptive detentions were carried out during this period in other cities throughout the country as part of government's efforts to contain and repress freedom of assembly and expression. Nevertheless, the protests continued.

## 2.3. Increasing use of force by law enforcement

The largest demonstrations over this period took place on Constitution Day - 15 March, in Minsk, Mogilev and Grodno. They were organised by various civil society groups, including the Belarusian Left Party "Fair World", UCP,

11 <https://baj.by/ru/analytics/zayavlenie-oo-belorusskaya-associaciya-zhurnalistov-v-svyazi-s-zaderzhaniyami-zhurnalistov>  
12 Seviarynets was detained again on 21 March in Kuropaty and released after ten days.

Movement for Freedom, the Organisational Committee for Creating a Party Belarusian Christian Democracy, Labour Party, “Hope” Political Party, the Belarusian Social Democratic Gramada Party, Belarusian Party Green, and Civic Campaign Our House. Organisers filed a request to organise the Constitution Day gathering in Minsk well in advance, and the city authorities gave permission for it to be held in a restricted format, allowing up to 1000 participants. Protests in Mogilev and Grodno were not authorized. Law enforcement agencies continued to subject civil society activists and organizers of protests to intimidation and so called “preventive” detentions prior to the planned assemblies. Civil society representatives asserted that they were deliberately called for questioning by the police at the time of the scheduled protests on 15 March.

- According to BelaPan news agency, on the morning of 15 March before the protest in Gomel began riot police officers detained **Vladimir Nepomnyashchikh**, UCP activist. He asserts that police officers hit him and twisted his arms at the time of apprehension. He was later found guilty of hooliganism and sentenced to three days of administrative arrest and a fine.

In some cases, police officers would effectively prevent people from leaving their homes before the protests. Several civil society activists and journalists in Molodechno, Grodno, Mogilev and other cities reported that police cars were stationed in front of their homes and in some cases officers threatened them with arrest.

Despite these tactics of intimidation and harassment by law enforcement, the protests went ahead as planned. In Minsk there were around 2400 protesters, in Grodno - 700 and in Mogilev – 500. According to local human rights groups, at least 56 people were arrested on that day, and at least 21 individuals were subjected to police violence and sentenced to administrative arrests of between 10 and 15 days.<sup>13</sup>

- In Mogilev, plainclothes riot police officers stopped **Igor Chiryak** as he was leaving the demonstration on a bicycle. The next day Leninski district court sentenced him to 15 days of administrative arrest.<sup>14</sup> The incident filmed by a passerby and published by the media.<sup>15</sup> Police officers denied any wrongdoing.

In Minsk, police detained approximately 50 protesters – primarily members of anarchist, leftist and ecological groups who organized peaceful performances during the protests. They were apprehended as they returned on public transport from the protest in the city centre. According to media reports, plainclothes officers from the special purpose police unit – (OMON - Otdel Milicii Osobogo Naznacheniya) were forcing people they had identified as protesters off the bus with the use of tear gas.<sup>16</sup> Most of the detained protesters were released after several hours, while others were charged with administrative offences including under Articles 17.1, 23.4 and 23.34 of the Administrative Code (respectively: petty hooliganism, violation of the procedure for organising or conducting a mass event or demonstration and disobedience to the lawful request of an official). Courts in Minsk, Mogilev and Grodno subsequently sentenced the individuals to fines and/or administrative arrest.<sup>17</sup>

- One of the individuals detained, **Ondrei Novakovski**, was reportedly beaten by police officers as he was apprehended on a trolleybus in Minsk. The incident was filmed by a passenger and published in the media.<sup>18</sup> During the hearing held on 16 March at the Central Regional Court in Minsk, the police officers who reportedly had beaten him testified that Novakovski was responsible for spraying tear gas on the trolleybus. Novakovski was sentenced to 12 days of administrative detention.

During this period human rights groups also documented cases of arbitrary arrests and administrative proceedings against human rights defenders.

- On 17 March 2017, the Central District Court of Gomel city found human rights lawyers **Leonid Sudalenko**,

13 <https://news.tut.by/society/535615.html>

14 <http://naviny.by/article/20170316/1489676430-sudy-nad-uchastnikami-marshey-netuneyadcev>

15 <http://spring96.org/be/news/86255>

16 <http://spring96.org/be/news/86255>

17 <http://spring96.org/ru/news/86261>

18 <http://citydog.by/post/zaderzania-posle-marsha/>

representative of the NGO Legal Initiative and **Anatoly Poplavnyi**, activist of HRC Viasna, guilty of “violating the rules of organization or participation in unsanctioned mass protests” (Article 23.34 of the Administrative Code of Belarus).<sup>19</sup> Both men had monitored the 19 February protests in Gomel. Anatoly Poplavnyi had provided legal aid to around 300 individuals who received notices to pay tax on the basis of the Presidential Decree No. 3 and filed complaints with the authorities. Leonid Sudalenko was given a warning and Anatoly Poplavnyi was sentenced to ten days of administrative detention. He was sentenced to an additional five days’ administrative detention and was finally released on 3 April.

## 2.4. Criminal and administrative arrests prior to the 25 March Freedom Day protest in Minsk

Despite the arrests and intimidation by law enforcement, protests continued throughout the country. On 18 and 19 March, people gathered in the towns of Borisov and Lunitsa in Minsk region, Mozyr and Svetlogorsk in Gomel region, Slonim in Grodno region and Kobryn in Brest region. The authorities responded with more detentions and administrative proceedings. According to media reports, in addition to protesting against the government’s economic policies, protesters increasingly spoke out about police violence and the arbitrary detentions of participants of previous demonstrations.

On 15 March 2017 opposition activists in Minsk filed a request with the city administration for permission to hold an assembly to mark Freedom Day, traditionally celebrated on 25 March to commemorate the anniversary of the creation of the Belarusian People’s Republic in 1918. For many years political opposition groups have held protests against President Lukashenka’s rule on this day. The organizers requested permission for a march which would start at 2pm on 25 March at the Academy of Sciences in Central Minsk and move along the main Independence Avenue towards October Square (Kastychnitska ploshchad). When the authorities refused to grant permission, the activists filed a second request, which was turned down the day before the march was due to take place. Unlike in Minsk, the 25 March protests in Brest and Grodno were given official permission by the city authorities.<sup>20</sup>

On 21 March President Lukashenka publicly stated that some 20 fighters had been detained, on suspicion of preparing “armed provocations” in Minsk. He claimed that they had received military training and funding from neighbouring countries. These allegations were rejected by both Lithuanian and Ukrainian governments. According to President Lukashenka, on 20 March Belarusian border guards found explosives and weapons in a car trying to enter Belarus at the border checkpoint Aleksandrovka. Between 21 and 24 March, the security forces arrested 32 men on charges of “training or other preparation of persons for participation in mass disorders, as well as funding or other material support of such activities” (Part 3 of Article 293 of the Criminal Code).<sup>21</sup> Among them were civil society activists who had organized and participated in the February and March protests. The criminal charges were aimed at creating an atmosphere of fear and intimidation to discourage people from participating in the 25 March protest. Further developments in these criminal proceedings are described on page 16 of this report.

Between 22 and 24 March, the authorities also conducted a series of so called “preventive” detentions of those civil society activists that the authorities associated with the Freedom Day march, human rights activists engaged in monitoring the protests and journalists, as well as other individuals the police perceived as suspicious.

- On 21 March, the Frunzensky District Court of Minsk city found **Oleg Volchek**, head of legal assistance at the NGO HRC Viasna, guilty of participating in an unauthorized peaceful assembly. He was sentenced in absentia to thirteen days’ imprisonment.

19 <https://www.frontlinedefenders.org/ru/case/administrative-charges-against-anatoly-poplavnyi>

20 <https://news.tut.by/economics/536268.html>

21 <http://spring96.org/ru/news/86604>

- On 22 March, **Nikolay Statkevich**, former presidential candidate in the 2010 elections, went missing. His whereabouts were unknown to his family until 27 March, when he was released from detention facility (SIZO) of the State Security Committee (KGB) in Minsk. Statkevich told the media that he was detained by KGB officers and questioned in connection with plotting terrorist attacks across Belarus since 2011 (Statkevich was in prison between 2010 and 2015). On 26 March, the media reported that KGB officials had denied that Statkevich was in their custody, and to date no public announcement of the charges against him has been issued. His wife was briefly detained on 25 March but released on the same day.
- On 23 March police detained **Nikolay Kozlov**, deputy chairman of the Unite Civil Party (UCP). On 24 March the Central District Court in Minsk sentenced him to four days of administrative arrest on hooliganism related charges. On the same day Sovetskiy District Court in Minsk also issued him with a fine for participating in earlier protests.
- Also on 23 March in Minsk, representatives of OMON detained **Ales Lahvinets**, prominent political activist along with his 22-year old son. OMON officers severely beat Lahvinets as he was detained, causing him to be hospitalized for three days with multiple injuries, including a broken nose and bruises.<sup>22</sup> On 27 March, he was sentenced to 10 days in detention on hooliganism charges. During the court hearing, OMON officers testified that Lahvinets sustained the injuries by “banging his head against the car seat”.
- In Minsk on 24 March traffic police detained two women, including a Polish citizen after stopping their car. They were asked to show their identity documents. The women later stated that they noticed two police mini buses parked behind their car. They were detained for “disobeying the lawful request of police officers” (Article 23.4 of the Administrative Code) and taken to temporary detention facility at the Sovietsky District Police Department, where they were held overnight. The court hearing took place the next day and both women were issued with administrative fines.
- On 24 March, plainclothes security officers rounded up more than 10 people -- including local and foreign journalists -- at the Minsk office of the opposition Green Party.<sup>23</sup> Journalists were there to cover the collection of aid by party activists for relatives of detained individuals. The detained journalists included Halina Abakunchyk, a reporter with RFE/RL’s Belarus Service, British journalist Gulliver Cragg of France 24, and Ukrainian journalist Kristina Berdinskykh of the Kyiv weekly Novoye Vremya. Belarusian Foreign Ministry spokesman Dzmitry Mironchyk told RFE/RL that the ministry was aware that the journalists had been detained and investigating the matter. The majority of those detained were released on the same day without charge.
- On 25 March in Brest, police officers detained **Vladimir Nekliaev**<sup>24</sup>, opposition leader and former presidential candidate in the 2010 elections. He was stopped at the border with Poland, taken off a train heading from Warsaw to Minsk and arrested. On 23 March Nekliaev was due to appear in court and stand trial on administrative charges related to his participation in 17 February protest. The trial was postponed when Nekliaev failed to appear in court. He had been taken to hospital from detention suffering from high blood pressure. He was later sentenced to five days’ administrative arrest, which he served in May.<sup>25</sup>

## 2.5 Ill-treatment, excessive use of force and arbitrary detentions by the police on 25 March in Minsk

Despite the pre-emptive arrests and the overall atmosphere of fear and intimidation, some 1,000 to 1,500 people

- .....
- 22 <http://naviny.by/new/20170323/1490298954-ales-logvinec-posle-zaderzhaniya-gospitalizirovan-s-sotryaseniem-mozga-i>
- 23 <https://www.rferl.org/a/belarus-30-jailed-rally-protests-parasite-tax/28388644.html>
- 24 <http://belapan.by/archive/2017/03/25/895366/>
- 25 <https://news.tut.by/economics/537037.html>

gathered in the centre of Minsk for the “Freedom Day” protest on 25 March. Up to 2,000 people reportedly took part in protests held in Brest and Gomel, Grodno and Vitebsk. Police officers sometimes responded with violence. IPHR representatives were present during the dispersal of the peaceful assembly in Minsk. IPHR is aware of at least 80 people who were either arrested in retaliation for their participation in February and March protests or who were arrested “preventively” in the days before 25 March and who were thus unable to participate in the demonstrations.

The Minsk rally was scheduled for 2:00 p.m. There was visible police and security presence in the city.<sup>26</sup> The area where the protest was due to take place near the Academy of Sciences on Independent Prospect was cordoned off, and traffic was blocked on Independence Avenue. Nearby metro stations were closed and over ground public transportation was not allowed to stop in the area. Law enforcement agencies, including OMON, traffic police and unidentified plain clothes officers used heavy-handed tactics to disperse the protesters and prevent further gatherings. This included water cannons, prisoner transport vehicles and armoured vehicles.

Many demonstrators were pursued by OMON officers and at least 592 people were detained. Among those detained were opposition activists and other demonstrators as well as journalists and photographers and human rights defenders. Bystanders, who happened to be in the area at the time of the protest, were caught up in the dispersal.

In Minsk, numerous witnesses reported seeing police surrounding people on the streets, blocking the way out of the protest sites, and beating people as they detained them, on police transport and at police stations. Media present gathered video and photographic evidence of cases of police ill-treatment and excessive use of force during these detentions.<sup>27</sup>

- One of the protesters<sup>28</sup> told IPHR that an OMON officer approached him and his wife after they reached Pobedy square in the centre of Minsk. The couple and other protesters tried to escape police violence by running into nearby residential buildings. The man was eventually caught by OMON. Two officers held his arms while a third punched him in the stomach. He was forced to lie face down on the ground and later lifted and carried to an armoured police car. He was taken to Pervomaysky police office, where he joined around 60 detained protesters. The man claimed that police officers forced them to stand against the wall with their hands up for some 30 minutes. After three hours the police began releasing the detainees – five people at a time.
- **Nikolai Didok** was arrested between 2:00 and 3:00 pm near the Academy of Sciences. During detention he was beaten severely by police officers. He was taken to Partisanskiy district police station and after 9:00 pm he was transferred to an Offenders’ Isolation Centre (OIC). Only then was he examined by a doctor who called an ambulance. Around midnight Nikolay was finally admitted to hospital and was diagnosed with concussion and hematoma.

Many bystanders, who happened to be in the area at the time of the protest, were caught up in the dispersal. These included elderly individuals, minors and people with medical conditions.

- 75-year old **Valeriy Schukin** was walking down Kalinina towards the Academy of Sciences, when he heard the announcement by OMON that everyone should leave the area. He noted that the movement of people was not restricted and the street was full of people who were just passing through. He told IPHR that police did not allow people any time to react to the warning. Instead, OMON officers began violently dispersing the crowd. Valeriy Schukin had stopped trying to decide where to go when he was detained (around 2:20 pm).

26 <https://www.intex-press.by/2017/03/25/den-voli-2017-v-minske-breste-i-grodno-onlajn/>

27 <http://www.bbc.com/news/world-us-canada-39393351>

28 Who wished to remain anonymous for security reasons

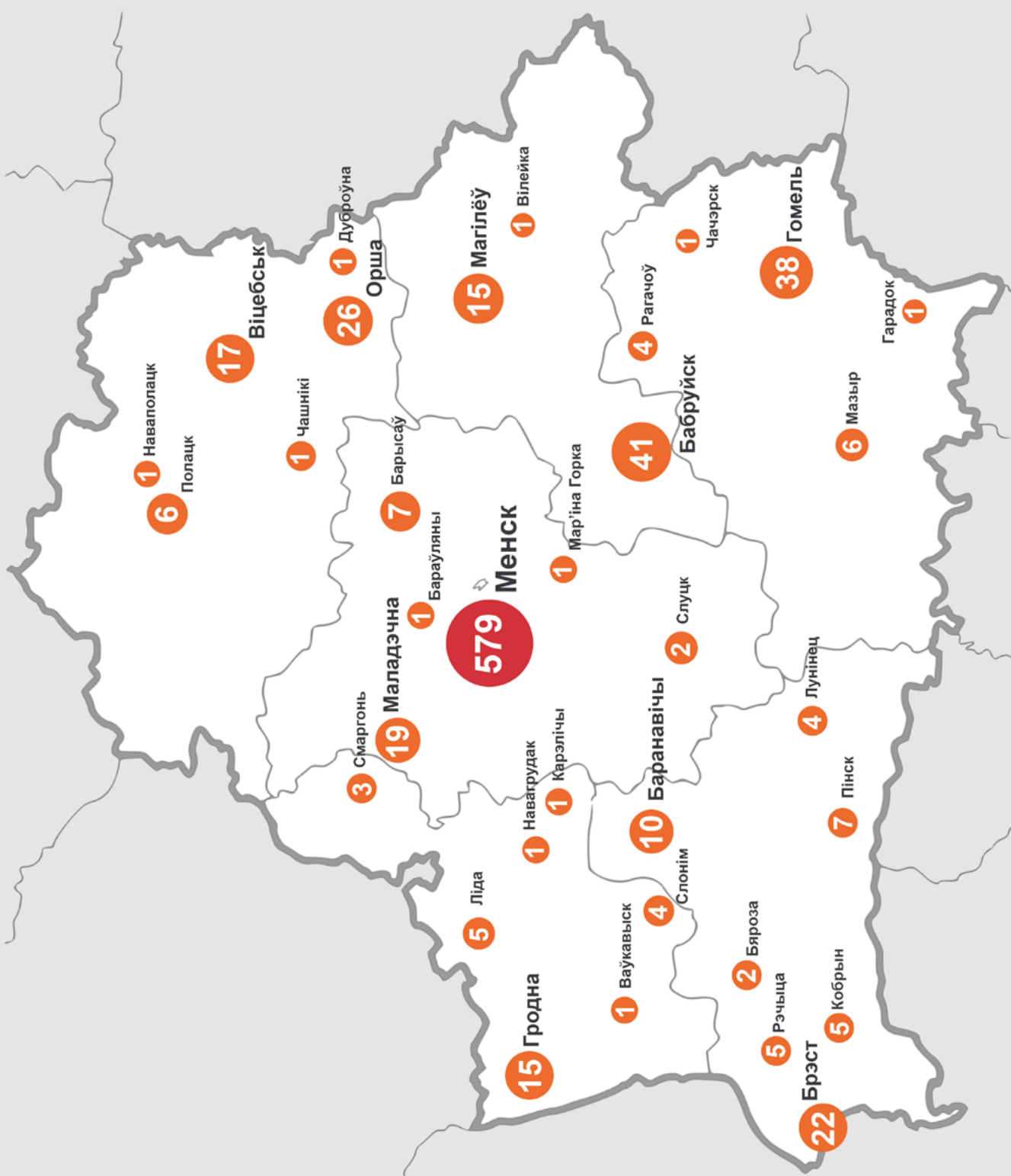


Figure 1. Arbitrary detentions and arrests carried out during protests in Belarus on 25 March

Four police officers dragged him along and hit him on the legs with truncheons. While the police officers were dragging him along the ground, his arm was injured as it scraped along the tarmac. Valeriy was taken to a bus together with 100 other detained individuals and taken to a detention facility.

- A shopkeeper who works in a shop on Pobedy square (and who did not participate in the protest) was also subjected to police violence and arbitrary arrest. Police approached him as he left the shop and hit him in the stomach with a truncheon. He was then taken to police car by two OMON officers. The man stated that he had not resisted arrest. IPHR also took a statement from another person working in a nearby coffee shop who said that the police had approached them outside their workplace before dragging them violently to a police car.
- Journalist **Aleksander Khavkin** scheduled a work meeting with two other journalists not far from the square of Yakuba Kolosa where a protest was taking place. A police car stopped them as they walked along after the meeting and OMON officers approached them. One OMON officer briefly questioned Aleksander before hitting him in the chest. Aleksander did not resist. Witnesses stated that one of the officers put Aleksander in an arm lock, and held his neck with his other hand. Aleksander told IPHR that the officers beat him in the face and on the back. They stopped only after Aleksander showed his journalist identification card. He was later taken to a police department in Leninskiy district. He told IPHR that he was handcuffed and left in a room for five hours without water. Later, he was photographed and questioned, without being allowed to make a phone call. He spent the night in the detention facility. The light in the cell was turned on for the night and the toilet did not work. On 27 March the court found him guilty of disobeying police orders, swearing and violating public order and gave him a fine.

At least 43 journalists and photographers<sup>29</sup> were detained in Minsk alone. They were subjected to physical abuse during the dispersal of the protest and some reported that police damaged their equipment.<sup>30</sup>

- The British freelance journalist **Filip Warwick** reported to have been ill-treated while being held at a police station in Partizansky district. In a written communication to Human Rights Watch he described that police twisted his arms behind his back, pressed him against the floor, and stood on his ankles.<sup>31</sup> He also said that they threw him against the wall, kicked his feet aside, and forcefully went through his pockets.

In Minsk, special police cars took the detainees to ten different district police stations. According to human rights groups, between 50 to 100 individuals were held in each facility. Detainees were forced to stand facing a wall with their hands up, or held behind their backs. Then they were taken to a large hall, where they were searched. Police took down the personal details of all detainees. There were reports that some detainees who tried to escape or refused to comply with orders were subjected to beatings or other forms of ill-treatment.

People were not provided with food or water, and in some cases they were prevented from using the toilets. They were held for between three to seven hours and then released without charge and, in most cases, without being given any documentation about their detention. Some detainees who required medical assistance were prevented by the police from accessing medical treatment and they were only able to see doctors after they were released from detention.

29 <http://europeanjournalists.org/blog/2017/03/27/mass-detentions-of-journalists-in-belarus/>

30 <https://baj.by/be/analytics/represii-suprac-zhurnalistau-u-belarusi-u-2017-godze-tablica-abnaulyaecca>

31 <https://www.hrw.org/news/2017/04/03/belarus-freedom-day-crackdown>

## 2.6 Raid of HRC Viasna office and detention of 57 human rights defenders

At 1:00 pm., about an hour before the protest started, OMON officers raided the office of local HRC Viasna and detained 57 local and international human rights defenders, who were preparing to conduct monitoring of the protest in the city centre.

Inside the HRC Viasna office, the OMON officers ordered everybody to lie down on the floor face down and checked their personal belongings. Later they ordered everybody to stand up facing the wall with their arms up. Police recorded the names and contact details of all present, took photos and went through documents they found in the office. The monitors were told not to use their mobile phones or other means of communication. Around one hour later, 57 persons were taken to Pervomaysky district police station in a police bus, where their belongings were again searched and their personal information recorded. They were held for approximately two and a half hours at the police station without being able to use phones or other means of communication and without any explanation or information. They were released after the protests in the city centre ended.

- **Aleksey Loyko**, who was in the HRC Viasna office at the time, told IPHR that he heard the doorbell and opened the door, after he saw through the peephole a young woman, whom he mistook as one of the volunteers. As he opened the door, OMON officers burst into the office and beat him, throwing him on the floor and one of the officers put a boot on his face. Aleksey saw two of his colleagues being dragged into the corridor. Officers made Aleksey get up and stand facing the wall. He was unable to lift his arm after the beating, but a policeman hit him on the back with a truncheon demanding that he did so. When Aleksey was released some five or six hours later was taken to hospital by ambulance where he was diagnosed with concussion and hospitalized. The next day Aleksey filed a complaint about the ill-treatment with the police investigations office. Shortly afterwards he received a telephone call from the department of investigations who recommended that he withdraw his complaint, but Aleksey refused. The next day a senior police officer of Pervomaysky district police station came to the hospital and questioned Aleksey as part of the investigation into his complaint about the ill-treatment by OMON officers.

IPHR is concerned that the raid of the HRC Viasna offices and the detention of the monitors were clearly aimed at intimidating them and preventing them from observing the peaceful assembly and documenting possible violations.

## 2.7. Further arrests and reprisals by the authorities

The police violence and mass arrests on 25 March caused outrage among the general population in Belarus and on 26 March, attempts were made in several cities to hold spontaneous assemblies to protest against the arrests of demonstrators. Law enforcement officers detained several dozen individuals, civil society activists, trade unionists and journalists in Minsk and other cities. Most of them were released after several hours while others were sentenced to up to 15 days' administrative detention.

- In Minsk OMON officers arrested dozens of people. Media outlets published videos of people being arrested and forced into police vans on Kastychnitskaya Square.<sup>32</sup> **Tatyana Revyako**, human rights activist at HRC Viasna, was among the detained. She was arrested for “petty hooliganism” (Article 17.1 of the Administrative Code) and for “disobeying the lawful request of police officers” (Article 23.4). She was released several hours later. She reported that police officers subjected her and other detainees to ill-treatment. On 26 April, the Central District Court in Minsk found her guilty on both charges and sentenced her to a fine of 460 BYR (220 EUR).

- In Vitebsk police arrested **Pavel Levinau**, representative of the Belarusian Helsinki Committee, on charges of participating in an unauthorized peaceful assembly (Article 23.34 of the Administrative Code).<sup>33</sup> Later that day he was admitted to hospital with high blood pressure. He then travelled to Kiev to continue his medical treatment. On 17 April, the Kastryčnicki District Court in Vitebsk sentenced Levinau in absentia to 15 days of administrative detention. Levinau's lawyer was prevented from representing him at the trial. When he returned to Belarus, the police detained Levinau on 5 May in Vitebsk and made him serve his sentence. Also in Vitebsk, two members of the Human Rights Centre Viasna **Kastus Mardzvintsau** and **Leanid Svetsik** were arrested and sentenced the following day to 15 days of administrative detention.
- In Biaroza (Brest region), HRC Viasna member **Tamara Shchapiotkina**, was summoned to the police department, interrogated and charged with "conducting journalistic activities without an accreditation" (Article 22.9 of the Administrative Code). No trial date has been scheduled yet. Moreover, her colleague, also a member of HRC Viasna in Biaroza, **Siarhei Rusetski** was summoned the same day in "relation to a theft", as he was going out to observe the Minsk demonstration. He was detained in Biaroza police station but later released without charge.

On 27 March, trials of persons detained in the lead up to and during the protests of March 25-26 took place in Minsk, Babrujsk, Barysau, Brest, Vitebsk, Homiel and Polack.<sup>34</sup> Human rights activists, journalists and observers monitored the trials. According to HRC Viasna, out of over 700 individuals detained across the country on 25 and 26 March, a total of 177 people were convicted under administrative procedures. This included 144 in Minsk, and 33 in the regions: three in Babruysk, two in Barysau, one in Brest, 11 in Vitebsk, 14 in Gomel, and two in Polack. Local human rights groups documented 74 cases of administrative arrest that varied from two to 25 days. At least 93 people were fined to between 46 and 1,840 BYN (915 EUR).

Administrative proceedings and other reprisals against the organizers of the protests, as well as human rights activists and journalists monitoring the events continued through March and April.

- On 28 March, a court in Molodechno sentenced **Eduard Balanchuk**, representative of Belarusian Helsinki Committee, to 15 days' administrative arrest for "violation of order of holding mass events" (Article 23.34 of the Administrative Code). The sentence is related to presence at the 10 March protest in Molodechno, when he was conducting human rights monitoring work.

In April, the authorities initiated at least 30 administrative proceedings in connection with participation in March peaceful assemblies.

- On 18 April, the district court in Mozyr sentenced retired 65-year old Independent union activist **Nikolay Novik**<sup>35</sup>, to 15 days' administrative arrest. He was also charged under Article 23.34 of the Administrative Code. According to the police, on 21 March a witness informed the police that Novik had posted a note calling for participation in 26 March protest on one of the bus stops in Mozyr. Novik's colleagues from the union, told media that the police did not question Novik and that he only learnt about charges against him once he was summoned to court.

Local human rights groups monitored the proceedings. They reported that many of the detained individuals were prevented from seeing defence lawyers until shortly before the trial. Judges generally denied motions filed by the defence lawyers and did not listen to their witnesses.

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33 Levinau notified the authorities in Vitebsk on 15 March that he would conduct monitoring of the assemblies.

34 <https://charter97.org/en/news/2017/3/27/245036/>

35 <http://praca-by.info/index.php/ru/all-news/item/4152-profsoyuznomu-aktivistu-iz-mozyrya-dali-15-sutok-sostaviv-protokol-bez-nego>

## 2.8. Criminal cases related to alleged attempt of armed violence

### “MASS RIOTS AND ILLEGAL ARMED GROUP” CASE

While the majority of detentions resulted in administrative arrests and fines, the authorities initiated criminal proceedings against 32 individuals following allegations by security agencies about an alleged plot to use armed violence during the protests, as announced by President Lukashenko on 21 March. IPHR is concerned that the authorities instigated the criminal prosecutions as a form of intimidation and reprisal against political activists in Belarus. Seven leading human rights organizations in Belarus expressed serious concern that the charges related to the alleged attempt to use armed violence during the March protests were politically motivated and fabricated.<sup>36</sup>

According to the KGB, the accused are members of the White Legion, an organization promoting military and patriotic education in 1990' that disbanded in the early 2000s and the youth opposition group Young Front. The KGB reported that it had conducted 29 searches and confiscated weapons that the White Legion activists were planning to use during the 25 March demonstrations.<sup>37</sup> According to human rights groups, the law enforcement agencies violated arrest procedures, including by detaining individuals without giving proper reasons for arrest and in some cases by subjecting them to ill-treatment and keeping them in incommunicado detention without access to a lawyer or relatives. Relatives of the detained men additionally denied allegations that weapons were found during police searches.

In total, the authorities detained 32 individuals, who were later charged with “organizing mass riots,” (Article 293 part 3 of the Criminal Code), which is punishable by up to 3 years imprisonment.<sup>38</sup> At least 16 of the individuals are reportedly facing additional charges for “establishment of an illegal armed group” (Article 287 of the Criminal Code). While over half of the detained individuals were released on bail, in June 14 people remained in pre-trial detention facilities of the KGB and the Ministry of Internal Affairs in Minsk.

- On 5 June, human rights groups reported that one of the detained men, **Sergey Kuntsevich**, alleged that he was subjected to torture and ill-treatment while detained in the KGB temporary detention facility. In his official complaint filed with the prosecutor's office, he stated that KGB officers had given him electric shocks and hit him.<sup>39</sup> At the time of writing this report, there has been no official response from the authorities in Belarus to the complaint.
- **Zmitser Dashkevich**, one of the leaders of the Young Front, who also alleged that he was ill-treated in detention along with others, was released on bail on 15 April.<sup>40</sup> Dashkevich told the media that while a KGB officer had told him that the investigation centred on links between Young Front and a Belarusian paramilitary group that had allegedly been preparing to forcibly overthrow the government since 2011. Dashkevich rejected the accusations and claimed that the case was an attempt by the authorities to distract attention from growing public discontent. He also asserted that the authorities initiated the criminal case against him in reprisal for Young Front's campaign in February 2017 against the construction of a new business centre near Kurapary forest, next to a memorial site for the mass executions committed in the 1930 and 1940s. Young Front organized peaceful protests which succeeded in suspending construction. During the protests, Young Front activists and other protesters were physically attacked by unknown individuals who appeared to be linked to right wing groups. The police refused to investigate these attacks and instead charged Dashkevich

36 <http://spring96.org/en/news/86765>

37 <http://naviny.by/en/article/20170416/1492351816-opposition-activists-dashkevich-palchewski-released-custody>

38 <https://spring96.org/ru/news/86604>

39 <https://spring96.org/ru/news/87124>

40 one of the leaders of the Young Front

with administrative offences related to participating in illegal protest. Dashkevich appealed against the charges and filed a complaint against the actions of police officers.<sup>41</sup>

## “HOOLIGANISM” CASE

IPHR is also aware of at least one case where criminal proceedings were initiated against a peaceful participant of the protests. On 28 March **Viachaslau Kasinerau**, who was serving 15-day administrative sentence for participating in the 17 February protest in Minsk, was additionally charged with the criminal offence of “hooliganism” (Article 339.1 of the Criminal Code). On 6 April, he was transferred to detention centre No.1 in Minsk. The criminal charges are related to Kasinerau’s participation in the 12 March protest in Minsk, when, as part of a performance, he threw a noose on a statue of a policeman recently erected near the building of the Ministry of Internal Affairs. Kasinerau was released on 21 April after the Maskoŭski District Court of Minsk ruled to release him provided he confessed. On 27 April, the same court sentenced him to a fine of 115 BYR (56 EUR).

Human rights organisations declared Kasinerau to be political prisoner<sup>42</sup>, and criticized the criminal prosecution as an excessive measure against violation of an act of freedom of expression, which does not fall under definition of the hooliganism.<sup>43</sup>

# 3. Police use of force and arbitrary detentions during assemblies

## 3.1. International standards

The role of police in facilitating peaceful assemblies is key, as the actions of law enforcement agencies are often perceived as manifestations of the government’s political will to uphold the rule of law and respect human rights principles. Belarus is a member of both the United Nations (UN) and the Organization for Security and Co-operation in Europe (OSCE), both of which recognize the importance of policing peaceful assemblies in line with international human rights standards.

According to the UN Code of Conduct for Law Enforcement Officials and the UN Basic Principles on Use of Force and Firearms by Law Enforcement Officials (UN Basic Principles) law enforcement officers should carry out their duties with full respect for the right to life, liberty and security of all persons – rights enshrined in the Universal Declaration of Human Rights (UDHR) and the International Covenant on Civil and Political Rights (ICCPR).

The UN Basic Principles emphasise the right to peaceful assembly and state that during “the dispersal of assemblies that are unlawful but non-violent, law enforcement officials shall avoid the use of force or, where that is not practicable, shall restrict such force to the minimum extent necessary.” International standards also require that all instances of excessive use of force by law enforcement officers are prosecuted as a criminal act. Superior officials shall be held responsible for the actions of police under their command if the superior official knew or should have known of abuses but failed to take concrete action. The OSCE Guidelines on Democratic Policing also prescribe that “law-enforcement personnel should be clearly and individually identifiable: When in uniform, law-enforcement personnel must wear or display some form of identification (such as a nameplate or number) on their uniform and/or headgear and not remove or cover this identifying information or prevent persons from reading it during an assembly.”<sup>44</sup>

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41 <https://spring96.org/en/news/86057>

42 <http://spring96.org/en/news/86654>

43 <http://spring96.org/en/news/86588>

44 [link http://www.osce.org/spmu/23804?download=true](http://www.osce.org/spmu/23804?download=true)

Furthermore, law enforcement officers must respect international standards that protect individuals from arbitrary detention. The Universal Declaration of Human Rights provides in Article 9 that “no one shall be subjected to arbitrary arrest, detention or exile”. Article 9 (1) of the International Covenant on Civil and Political Rights states that: “Everyone has the right to liberty and security of person. No one shall be subjected to arbitrary arrest or detention. No one shall be deprived of his liberty except on such grounds and in accordance with such procedure as are established by law.”

Finally, with regards to law enforcement officers’ responsibilities at the time of arrest: they must respect the absolute ban on torture that is reflected in Article 5 of the UDHR<sup>45</sup>, Article 7 of the ICCPR<sup>46</sup> and the United Nations Convention against Torture.<sup>47</sup> These documents protect all detainees from the use of torture or cruel, inhuman or degrading treatment or punishment, or to any form of violence or threats. The international human rights framework regulates a number of the other responsibilities of law enforcement officers, including procedural rights – such as the right to be informed, at the time of the arrest, of the reasons for arrest and promptly informed of any charges against him or her and a number of other fundamental rights.

International treaty bodies and special procedures have repeatedly pointed out Belarus’ failure to comply with international standards regulating policing of assemblies and rights of detained individuals.

In its 2011 concluding observations, the UN Committee against Torture expressed concern “over the numerous and consistent allegations of widespread torture and ill-treatment of detainees in the State party. According to the reliable information presented to the Committee, many persons deprived of their liberty are tortured, ill-treated and threatened by law enforcement officials, especially at the moment of apprehension and during pre-trial detention. These confirm the concerns expressed by a number of international bodies, inter alia, the Special Rapporteur on torture, the UN Human Rights Council (A/HRC/RES/17/24), the UN High Commissioner for Human Rights, and the Organization for Security and Cooperation in Europe. While noting Article 25 of the Constitution which prohibits torture, the Committee is concerned about the substantial gap between the legislative framework and its practical implementation (Articles 2, 4, 12 and 16)”.<sup>48</sup> The Committee also called on the authorities in Belarus to put a stop to the practice of denial of basic fundamental legal safeguards, including prompt access to a lawyer and medical doctor and for the right for detainees to contact family members.<sup>49</sup>

In its 2015 Universal Periodic Review of Belarus, the Human Rights Council called on the authorities to “ensure that peaceful demonstrators are not imprisoned, harassed or ill-treated by police for exercising their rights to freedom of expression and peaceful assembly, and immediately and unconditionally release all those who have been detained solely for exercising these rights”.

## 3.2. Domestic legislation

The Belarusian Constitution guarantees the inadmissibility of torture and other types of cruel, inhuman or degrading treatment or punishment in Article 25, paragraph 3.<sup>50</sup> However, the national legal framework lacks provisions and safeguards focused on preventing, effectively investigating and punishing torture. The definition of torture in national legislation is also not in line with the UN Convention against Torture.

The Law on Internal Troops of the Ministry of Internal Affairs states that law enforcement officers may use force only when unavoidable to put a stop to mass disorder and destruction of property and to arrest suspects who resist the police. They must take all possible measures to ensure the safety of citizens and “to cause as little

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45 <http://www.un.org/en/universal-declaration-human-rights/>

46 <http://www.ohchr.org/EN/ProfessionalInterest/Pages/CCPR.aspx>

47 preamble and Article 2

48 [http://tbinternet.ohchr.org/\\_layouts/treatybodyexternal/Download.aspx?symbolno=CAT%2fC%2fBLR%2fCO%2f4&Lang=en](http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CAT%2fC%2fBLR%2fCO%2f4&Lang=en)

49 [http://tbinternet.ohchr.org/\\_layouts/treatybodyexternal/Download.aspx?symbolno=CAT/C/BLR/CO/4&Lang=En](http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CAT/C/BLR/CO/4&Lang=En)

50 <http://pravo.by/pravovaya-informatsiya/normativnye-dokumenty/konstitutsiya-respubliki-belarus/>

damage to their health, honour, dignity and property as necessary.” The law also allows law enforcement officers to use force “in other circumstances determined by the President”. The law obliges law enforcement officers to explain the grounds for detention, as well as the rights and obligations of detained individuals.

### 3.3. Structure of the law enforcement bodies

The Ministry of Internal Affairs holds responsibility for coordinating and formulating strategies for policing assemblies. General management of law enforcement bodies is exercised by the President, as well as the Council of Ministers of the Republic of Belarus, within the limits of the authority delegated to them by the President of the Republic of Belarus. The direct management of the internal affairs structures is carried out by the Minister of Internal Affairs. Furthermore, specific departments and units at the levels of the city of Minsk, regions, other cities, districts (districts in cities) are managed respectively by the chief of the Main Department of Internal Affairs of the Minsk City Executive Committee, and departments of internal affairs of regional executive committees, and departments of internal affairs at district and other levels. These bodies are responsible for creating an adequate working environment for employees of various law enforcement agencies to enable them to carry out their tasks with respect for the rule of law.

### 3.4. Patterns of human rights abuses

According to human rights groups and the media, the law enforcement units participating in human rights violations committed during the March protests included officers of the OMON, the traffic police, and in some instances military police (vnutrinie voyska). According to local human rights groups, witness statements and media reports<sup>51</sup>, the majority of law enforcement officers who were dispersing the assemblies were plain clothes police officers.

IPHR is concerned at the law enforcement agencies’ persistent violations of international and domestic laws that regulate policing of assemblies and rights of detained individuals, including the following:

- Despite the peaceful nature of the protests in March, the law enforcement response was disproportionate. The police used heavy handed tactics to disperse the protestors, including police trucks, armoured vehicles, water cannons, and cars with equipment for storming barricades.
- The police carried out short-term arbitrary detentions on massive scale in order to disperse assemblies and prevent further gatherings. Based on the evidence examined by IPHR, between 17 February and 26 March, the police detained at least 941 people. In most cases, people reported that they were detained by plain clothes police officers. Most people received no information about the reason of their detention.
- International and local human rights groups, media and other witnesses documented numerous cases of use of force by the police, including punching, kicking and using truncheons on detainees. According to HRC Viasna of the 130 participants of the protests interviewed by the organization, 80 reported that police officers used physical violence against them at the time of detention.
- While victims and their lawyers made attempts to file complaints against human rights violations committed by law enforcement officers, the prosecutor refused to take action. For example, human rights activist, Sergey Ustinov, filed a complaint with the General Prosecutor about the use of force against the protesters detained on the trolleybus in Minsk on 15 March. His complaint was rejected.

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51 <http://www.bbc.com/news/world-us-canada-39393351>

## 4. Overview of concerns related to violations of freedom of assembly

The February and March protests took place despite the restrictive legal framework regulating peaceful assemblies<sup>52</sup> that violates international principles<sup>53</sup> and the long-standing practice of police violence, intimidation and other reprisals against human rights defenders, journalists and political activists.<sup>54</sup> Freedom of peaceful assembly is a fundamental right which provides the foundation for a democratic society. It enables everyone to publicly express views that may be dissenting and unpopular.

### 4.1. International standards

The right to freedom of peaceful assembly is included in all the major international human rights instruments including: Article 20 of the Universal Declaration of Human Rights and Article 21 of the International Covenant on Civil and Political Rights (ICCPR), and the OSCE Copenhagen Document (1990).

The international legal framework establishes rules under which states commit to ensure that assemblies are lawful, and that no person is held criminally or administratively liable simply for organizing or participating in a peaceful protest, even if it is deemed unlawful by the authorities. Under Article 21 of the ICCPR, states can only impose proportionate limitations on demonstrations “in the interests of national security or public safety, public order, the protection of public health or morals or the protection of the rights and freedoms of others.” These restrictions should be legal, proportional and necessary.

Furthermore, international standards provide that the right to peaceful protest should not require prior authorization. Prior notification should only be required where its purpose is to enable the state to put in place necessary arrangements to facilitate freedom of assembly and to protect public order, public safety and the rights and freedoms of others. Failure to notify authorities of an assembly should not be used as a basis for dispersing the assembly, or imposing sanctions such as fines or imprisonment on organizers. Therefore, peaceful assemblies, when an organizer or individuals may fail to comply with a legal requirement, enjoy the same level of protection as all peaceful assemblies. These are principles confirmed by the UN Special Rapporteur on the rights to freedom of peaceful assembly and of association and the Office for Democratic Institutions and Human Rights (ODIHR) of the OSCE and the Council of Europe’s Venice Commission jointly issued Guidelines on Freedom of Peaceful Assembly.

### 4.2. Domestic legal framework

The national legal framework in Belarus is not in line with international principles. Various international treaty bodies, special procedures and human rights groups have repeatedly called on the authorities to amend it.<sup>55</sup>

The Law on Mass Events (Articles 4 and 5) includes detailed provisions on organizing and holding assemblies. These provisions create excessive burden on organizers in the complicated process of obtaining authorization of assemblies. Organizers must indicate in their request for authorization public order and safety measures, information about availability of medical services and ensure cleaning of the space – all of which should be provided

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52 <http://ru.hr-activists.net/blog/svoboda-mirnykh-sobranii-v-belarusi-vse-cto-ne-zapreshcheno-cto-ne-zapreshcheno-0>

53 <http://guir.minsk.gov.by/obshchestvenno-massovaya-rabota/massovye-meropriyatiya/zakon-respubliki-belarus-o-massovykh-meropriyatiyakh-v-respublike-belarus>.

54 A/HRC/32/48, paras. 93, 94 and 96

55 <http://www.icnl.org/research/monitor/belarus.html>

by the state.<sup>56</sup> The law also gives authorities broad possibilities for determining suitability of the location of mass events proposed by the organizers. According to local human rights groups, in practice the authorities tend to arbitrarily ban demonstrations that are organized by parties other than state institutions or organizations that are perceived as “state-friendly”.<sup>57</sup> In some cases, demonstrations organized by groups perceived as opponents are allowed, but redirected to remote locations. Article 15 allows immediate liquidation of any legal entity that does not meet the vague requirements of the law. In general, the law has been used by the authorities to limit and prevent peaceful protests associated with groups and messages critical of government policies.

Article 293 of the Criminal Code provides for criminal responsibility of organizers and participants of assemblies that result in mass disorder - “arson, violence against persons, pogroms, destruction of property, and armed resistance to authorities”. This Article was used excessively to prosecute participants of 2010 protests in Belarus.

Furthermore, Article 193.1 of the Criminal Code bans the activity of unregistered associations and establishes criminal responsibility for the illegal organization of such associations and participation in their activities. In the past, it has been used in relation to unauthorized gatherings. However, in recent years, the authorities appear to impose heavy fines rather than turn to the use of detention and incarceration to punish participants in activities of unregistered groups, including peaceful assemblies.

### 4.3. Summary of patterns of abuses

IPHR is concerned that the authorities in Belarus have failed to change their longstanding practice of flagrant human rights abuses directed at the organizers and participants of peaceful assemblies. The organization is particularly concerned at the following incidents that took place during the February/March events:

- The organizers of the protests that took place between 17 February and 25 March applied to the Belarusian authorities for official permission, but in most cases their requests were turned down. IPHR is aware of only three instances when applications by protest organizers were not rejected by the authorities, namely the 15 March protest in Minsk and the 25 March protests in Brest and Grodno. However, it is worth noting that even in these cases strict limitations on permitted march routes places of gatherings were imposed. The authorities failed to provide adequate explanations for their rejection of the other applications. For example – the application from 13 February to hold a “Non-Parasites” protest in the city of Mahilioŭ was rejected on the grounds that the location of the march did not comply with local restrictions on public events.
- IPHR is also concerned at the provisions of the Law on Mass Events that violate international human rights standards on the right to peaceful assembly – such as the requirement for prior authorization to hold an assembly. Other restrictive provisions of the law limit the number of participants permitted to attend events organized by individuals not associated with political parties and registered organizations to no more than 1,000.<sup>58</sup>
- IPHR is further concerned that the law enforcement agencies violated international standards on the right to peaceful assembly by arbitrarily detaining at least 900 people in connection with their participation in the protests. The organizations are extremely concerned at reports that police used ill-treatment and excessive force during the detention of peaceful demonstrators and observers. The majority of those detained were subjected to short-term arrests and released without charge. However at least 177 people were charged with administrative offences such as “violating the rules of organization or participation in unsanctioned mass protests” or “minor hooliganism”. They were sentenced to up to 15 days’ administrative detention or subjected to fines.

56 (see A/HRC/20/27, para. 31, and A/HRC/23/39, para. 57).

57 <http://ru.hr-activists.net/blog/svoboda-mirnykh-sobranii-v-belarusi-vse-cto-ne-zapreshcheno-cto-ne-zapreshcheno-0>

58 <http://www.icnl.org/research/monitor/belarus.html>

- IPHR regrets that the law enforcement officers did not respect the role and status of journalists and human rights observers and instead subjected them to arbitrary arrest and beatings, destroyed their equipment and prevented them from carrying out their professional activities.
- IPHR notes that one individual, Viachaslau Kasinerau, was charged with the criminal offence of hooliganism (Article 339.1 of the Criminal Code). According to human rights groups present at the protest where he was detained, Kasinerau was exercising his right to peaceful assembly.
- IPHR is also concerned at reports of possible fabrication of evidence in the criminal proceedings against 32 individuals accused of attempting use of violence during the February/March protests, as well as a number of serious procedural violations.

## 5. Discrimination against human rights defenders and journalists

### 5.1. Human rights defenders

Human rights defenders in Belarus work under extremely challenging circumstances. They carry out important work of monitoring and documenting human rights violations, providing legal aid and information to victims of human rights abuses and attempting to engage with the authorities in constructive dialogue over necessary human rights-friendly reforms.

However, they risk being subjected to criminal prosecutions for their work and various forms of harassment, such as administrative prosecutions, tax investigations, surveillance, travel restrictions, questioning by law enforcement and even confiscation of property.<sup>59</sup> Human rights civil society organizations also face serious legal obstacles, which is not compatible with international human rights standards on the freedom of association.<sup>60</sup> Article 193-1 of the Criminal Code criminalizes any activity not authorized by the State and has been used in the past to target human rights defenders who were not able to register their organizations due to administrative obstacles. Article 15 of the Law on Associations states that registration can be refused if the registration procedure is not followed. In practical terms, the process of establishing civil society associations is marked by an administrative burden designed to discourage citizen's participation in public life. Despite that, civil society continues to work actively in Belarus.

The work of human rights defenders is recognized by international human rights treaty bodies that have repeatedly expressed concern over serious acts of intimidation, reprisals and threats against human rights defenders and journalists, as well as the lack of investigations into such allegations.<sup>61</sup> The February/March crackdown on freedom of peaceful assembly and freedom of expression in Belarus was the largest since 2010 when human rights defenders were specifically targeted by the authorities with criminal prosecutions and administrative proceedings in retaliation for their work. IPHR is alarmed that the authorities appear determined to continue this practice.

Throughout February and March human rights groups documented more than 60 cases of harassment of human rights defenders by law enforcement officers, including arbitrary detentions, administrative arrests and fines, as well as use of force and intimidation.

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59 Link to 2013 Amnesty International report on freedom of association

60 <http://www.icnl.org/research/monitor/belarus.html>

61 Link to CAT concluding observations

- The 25 March violent police raid of HRC Viasna office in Minsk and the subsequent detention of 57 individuals was the most flagrant case of harassment against human rights defenders and was clearly aimed at preventing them from conducting independent monitoring of freedom of assembly. Human rights defenders in other cities were also subjected to arrests while they were providing legal advice to the protesters, or monitoring the protests. They included **Oleg Volchek**, **Leonid Sudalenko**, **Anatoliy Poplavniy** and **Andrey Strizhak**, who were arrested for taking part in protests and **Leonid Svetik** and **Konstantin Mordvintsev** who were fined for taking part in “prohibited” protests. Some were simply suspected of participating in the protests – like **Yuriy Belskiy**, who was arrested when leaving home on his way to the 25 March protest in Minsk.

The continuous harassment of human rights defenders contributes further to the climate of fear and intimidation created by the authorities in Belarus to prevent people from participating in public life and freely expressing their views.

## 5.2. Journalists

Journalist played a crucial role in monitoring the assemblies and reporting on human rights violations committed by the authorities during this period.<sup>62</sup> Media outlets continuously reported on the arbitrary detentions, producing lists of detained individuals<sup>63</sup>, describing the dispersal of assemblies, the beatings of protesters and other violations.<sup>64</sup>

Under international human rights standards, law-enforcement officials have the responsibility not to prevent or obstruct the work of journalists during public demonstrations. Journalists have the right to expect fair and restrained treatment by the police and any attempts to confiscate, damage or break journalists’ equipment during public assemblies is prohibited.

There is a pattern of evidence of detentions, beatings and other forms of harassment of journalists who covered the February and March protests. According to local human rights groups, this was the largest crackdown on independent journalists in the last several years.

The Belarusian Association of Journalists reported that in the period between 17 February and 26 March, at least 141 journalists were subjected to various human rights abuses.<sup>65</sup> They represented media outlets such as Belapan, Nasha Niva, TUT.by, Radio Free Europe and Belsat. At least seven journalists were beaten by the police and eight were sentenced to up to 15 days in detention on charges of participating in an unsanctioned gathering and/or hooliganism. At least three journalists reported that their equipment was broken by the police.

On 31 March, the independent television channel Belsat reported that the police raided the premises of their office and removed office equipment. The police stated that the media outlet is under investigation for illegal use of a trademark. Belsat’s representatives asserted that the police raid is linked to the channel’s active coverage of March protests in Belarus.

- The story of journalist from Gomel, **Larysa Schiryakova**, is an emblematic case of repeated harassment and threats against journalists. Larysa works for an independent Belarusian TV station Belsat, which is registered in Poland. Larysa was first arrested on 12 March while covering the protest in the city of Rahachou and accused of participating in an “unauthorised mass gathering”. She was later arrested several times, including on 25 March during the protests in Gomel. Following her arrest on 25 March, the police told her that she had committed a number of administrative offences, including failure to register her dog and clean around

62 <https://www.theguardian.com/world/2017/mar/25/belarus-Lukashenka-protesters-riot-police-attack-minsk>

63 <http://www.svaboda.org/a/28379781.html>

64 <http://naviny.by/article/20170405/1491384425-taymlayn-zaderzhaniya-po-delu-o-podgotovke-massovyh-besporyadkov>

65 <https://baj.by/be/analytics/represii-suprac-zhurnalistau-u-belarusi-u-2017-godze-tablica-abnauilyaecca>

her property, and that the authorities would seek to take her 10-year-old son away from her. On 12 April, Larysa was fined 943 BYR (450 EUR) for the same actions under Art. 22.9 Part 2 of the Code of Administrative Offenses and for failing to appear in court, under Article 24.6 of the Administrative Code.<sup>66</sup> In recent years the authorities have arrested and fined Larysa numerous times for working without accreditation. Human rights groups have reported that threats of deprivation of parental rights are a common form of repressive measures used to discourage women from participation in public discourse. The Committee on the Elimination of All Forms of Discrimination against Women, in its 2016 concluding observations, specifically referred to this repressive measure as a form of silencing women's voices in Belarus.<sup>67</sup>

## 6. Recommendations

IPHR makes the following recommendations to the Belarusian authorities, which should be implemented as a matter of urgency, as well as recommendations to representatives of the European Union. In addition, we urge all policy makers within the international community to press the Belarusian authorities to guarantee the respect of the freedoms of assembly and expression and freedom from torture, in line with the country's commitments under international human rights treaties such as the International Covenant on Civil and Political Rights and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

To the authorities of Belarus:

- Respect the country's international commitments on freedoms of assembly and expression and freedom from torture and ensure that national legislation is in line with international standards. In particular, ensure that peaceful protests can be held in Belarus without interference.
- Carry out prompt, thorough, impartial and independent investigations into all allegations of arbitrary detention, ill-treatment, excessive use of force by law enforcement agents and other violations of the rights of protesters, political activists, passers-by, journalists and human rights defenders in connection with the peaceful protests that took place in dozens of cities across Belarus in March 2017.
- Put a stop to and prevent further reprisals against human rights defenders and journalists who were monitoring and reporting on the protests.
- Ensure that all officials found responsible for human rights violations during the dispersal of the protests, including those with command and supervision responsibility, are held accountable and are appropriately sanctioned in accordance with national and international law.
- Ensure access to all legal safeguards under international law, including protection from arbitrary detention and arrest, and observe the right to fair trial for those held on criminal charges.

To the European Union:

- Make further political and economic engagement with the authorities in Belarus dependent on the government demonstrating its clear commitment and intention to fulfil its obligations to guarantee universal freedoms to its citizens.
- Ensure that the EU position as set out in the EU High Representative Spokesperson's statement on 25 March 2017 is followed through in practice. The statement affirmed that "Steps taken by Belarus to respect universal

66 <https://gomel.today/rus/news/gomel-5768/>

67 <https://documents-dds-ny.un.org/doc/UNDOC/GEN/N16/402/62/PDF/N1640262.pdf?OpenElement>

fundamental freedoms, rule of law and human rights will remain key for the shaping of the European Union's relationship with the country".

- Ensure that the issues of human rights, democracy, good governance and rule of law are central to the EU-Belarus Partnership Priorities (PP) which were presented by the EU to the Belarusian government on 4 April 2017, and that comprehensive and in-depth consultations are regularly carried out with Belarusian civil society organizations as part of this process;
- Ensure that a united and strong position of the 28 EU member states is presented at the UN Human Rights Council session in June 2017, while discussing the renewal of the mandate of Miklós Haraszti, the UN Special Rapporteur on Belarus.
- Make any financial assistance to the Belarusian government (including that defined in the Multi-Annual Indicative Programme 2014-2020 for social inclusion, environment and local/regional economic development - to which the EU has committed between EUR 129,000,000 and EUR 158,000,000 in assistance) conditional on the impartial and independent investigations of the alleged violations by the police and other law enforcement agents during the February and March 2017 peaceful protests and on wider political reforms which safeguard the basic principles of fundamental freedoms in the country.

