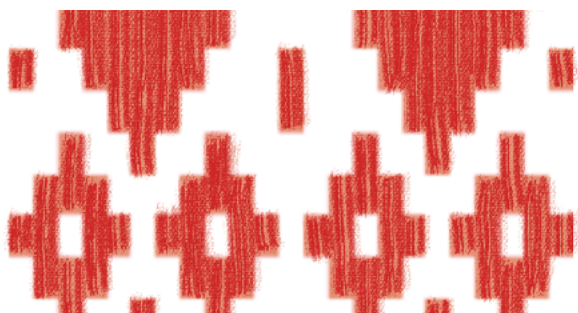




The cost of speaking out:

**Human rights violations committed by the
Belarusian authorities during the peaceful
protests in February-March 2017**



IPHR International
Partnership
for Human Rights


**CIVIC
SOLIDARITY**

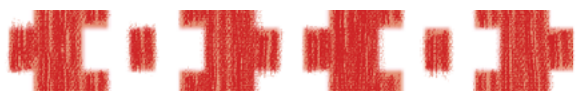


Table of contents

Introduction	3
---------------------	----------

The use of arbitrary detention, excessive force and ill-treatment to silence protesters and observers	4
--	----------

- February and March: Protests against the “Social Parasites Law” 4
- 25 March: Silencing protesters and observers on “Freedom Day” 5
- After 25 March 8

Criminal charges against members of the nationalist opposition	8
---	----------

Recommendations	8
------------------------	----------

Introduction

In February and March 2017, during a series of peaceful demonstrations across the country, Belarus witnessed the largest clampdown on dissent since December 2010.

From 23 to 27 March 2017 International Partnership for Human Rights (IPHR) deployed a team of four people from three member organizations of the Civic Solidarity Platform (CSP), a decentralized network of over 80 human rights NGOs from the region covered by the Organization for Security and Co-operation in Europe (OSCE), to the Belarusian capital of Minsk to conduct research into reports of the heavy-handed tactics of law enforcement agencies applied to prevent and disperse peaceful demonstrations across Belarus.¹ The delegates cooperated closely with the Belarusian human rights organization Viasna, another CSP member and in addition to the results of the field research this paper heavily draws on Viasna's monitoring and documentation of the events.

The CSP team gathered over 40 testimonies from opposition figures, activists and others who had participated in protests across Belarus in February and March as well as observers such as journalists and human rights defenders. While two CSP delegates were able to monitor the protest on 25 March ("Freedom Day") in Minsk, the two others were detained at the office of the human rights group Viasna shortly before the demonstration commenced, along with other local and international observers.

Over February and March the Belarusian authorities attempted to stifle the public expression of grievances in over a dozen cities across the country by arbitrarily detaining at least 941 people, whose names are known to the organizations issuing this paper. It is likely that the real figure is higher. While the majority of them were released without charge, hundreds of others including opposition leaders and activists, protesters and local and international human rights defenders, at least 73 journalists and photographers were sentenced to administrative arrest of up to 15 days.² There are credible reports that police used ill-treatment and excessive force during the detention of peaceful demonstrators and observers.

All of the protesters and observers who were detained on administrative charges had been released by the time of writing. However, the organizations jointly issuing this paper are concerned that no steps have been taken to address and remedy the arbitrary detentions of over 900 peaceful demonstrators and observers and no effective investigations have been opened into the allegations of police abuse.

Nineteen ex-military men and opposition leaders and activists, who were taken into custody a few days before the 25 March protests and one person in connection with the 17 February protest in Minsk, continue to be held on criminal charges of organizing mass riots. Sixteen of them have been additionally charged with organizing an illegal armed group.³ The authorities reported to have found weapons that they claimed the activists may have been planning to use for the protests on 25 March.⁴ Human rights groups in Belarus expressed serious concern that these criminal cases may have been fabricated to silence the peaceful protests in the country. Further research and monitoring is required to examine the substance of the allegations.

Given the scale of this human rights crisis it is crucial that the international community takes resolute action to push for justice for those targeted and calls on Belarus to uphold human rights standards including rights to freedom of expression and assembly and the right to be free from torture and ill-treatment. This paper concludes with a list of key recommendations to the authorities of Belarus and the international community, particularly the European Union.

We wish to thank all those who agreed to meet the CSP delegation and share their observations, analyses, photos and video-recordings. Upon the request of some of our sources, we did not use their real names for security reasons.

This paper summarizes the research team's key findings and highlights key case examples. A more-detailed, comprehensive report is scheduled to be released at the end of May 2017.

1 The CSP member organizations who contributed to this report are: Crimea-SOS, International Partnership for Human Rights (Belgium), Truth Hounds (Georgia and Ukraine) and Viasna (Belarus).

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

3 <http://spring96.org/en/news/86809>

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

Using arbitrary detention, excessive force and ill-treatment to silence protesters and observers

On 17 February 2017 a wave of peaceful protests swept through Belarus. Up to 5000 people participated in the protests which took place in over a dozen cities across the country including the capital Minsk and the cities of Bobruysk, Brest, Gomel, Grodno, Mogilev, Pinsk and Vitebsk.⁵ These were the largest demonstrations of public discontent in Belarus since December 2010, when police violently broke up a large protest the night after elections that were neither free nor fair resulted in a continuation of President Alyaksandr Lukashenka's rule. In February and March over 900 protesters and observers were arbitrarily detained and many were reported to have been ill-treated or subjected to excessive force by Special Police and other law enforcement officers.

The organizers of the demonstrations had applied to the Belarusian authorities for official permission but their requests were turned down, with the exception of the cities of Brest and Grodno, where the authorities had allowed the demonstrations to go ahead.⁶ As highlighted by the Guidelines on Freedom of Peaceful Assembly jointly issued by the Office for Democratic Institutions and Human Rights (ODIHR) of the OSCE and the Council of Europe's Venice Commission, requiring advance notification for holding an assembly is not necessary under international human rights law. 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.

February and March: Protests against the "Social Parasites Law"

The participants of the February and March 2017 demonstrations were protesting against the April 2015 Presidential Decree "On Prevention of Social Dependency" (Presidential Decree No. 3) that became publicly known as the "Social Parasites Law". The Decree has affected hundreds of thousands of people in Belarus, a country with a struggling economy. Under the Decree, unemployed adults of working age, who made no tax contributions for six months of a tax year, were subjected to a fine equivalent to approximately 230 EUR per year. Failure to pay the fine was made punishable by administrative arrest and compulsory community service, which may amount to a form of forced labour. The first notices for payment of the tax for 2016 were received in early 2017 with a deadline for payment of 20 February 2017. Reports indicated that only 11 per cent of those affected by the law had complied with it.⁷

On 9 March, President Lukashenka suspended the implementation of the Law but refused to withdraw it, resulting in further protests. He stated that he is not prepared to allow events resembling the 2013/2014 Maidan protests in Ukraine to take place in Belarus and claimed that those who organized the protests in Belarus had been trained in Ukraine.⁸

From 9 to 24 March, the authorities responded by detaining over 330 opposition leaders and activists, student leaders and other protesters as well as journalists and human rights defenders who were present to observe the demonstrations.⁹ Some people were reported to have been beaten by law enforcement officers.

5 <http://www.belaruspartisan.org/interview/376035/>; <https://charter97.org/ru/news/2017/2/18/241278/>; <https://charter97.org/ru/news/2017/3/25/244812/>

6 <https://www.intex-press.by/2017/03/25/den-voli-2017-v-minske-brete-i-grodno-onlajn/>; <https://news.tut.by/economics/536268.html>

7 Reports referred to 51,600 unemployed having complied with the payment order, of a total of 470,000 unemployed. See, for example: <http://www.belta.by/society/view/sbor-na-finansirovanie-gosrashodov-uplatili-516-tys-belorusov-234058-2017/>

8 <http://www.belta.by/president/view/lukashenko-nelzja-zapretit-ljudjam-hodit-na-ploschad-no-majdana-v-belarusi-ne-budet-236730-2017/>, <http://www.nv-online.info/by/455/politics/78366/>, <https://www.rbc.ua/rus/news/maydana-belarusi-budet-lukashenko-1489066099.html>

9 Viasna Belarus

The opposition activist Ales Lahvinets was detained on 23 March together with his 22-year-old son, for allegedly swearing in a public place.¹⁰ Ales told the court and journalists that he was severely beaten by OMON (Otdel Milicii Osobogo Naznacheniya – Special police) officers as he was detained.¹¹ He sustained a broken nose and multiple bruises. An OMON representative later denied that Ales had been ill-treated claiming that he had banged his head against the police vehicle. Ales was hospitalized and put under police supervision. Later on 23 March he was sentenced to 10 days of administrative detention.

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. At least 80 of them remained in detention on and beyond 25 March and were thus unable to participate in the protests on “Freedom Day”.

25 March: Silencing protesters and observers on “Freedom Day”

“Freedom Day”, which is celebrated on 25 March, commemorates the anniversary of the creation of the Belarusian People’s Republic in 1918, which was replaced by a Communist government some nine months later. The political opposition has for many years held protests on this day against President Lukashenka’s rule.

On 6 January 2017 opposition activists filed a request with the Minsk city administration for permission for a protest march in the centre of Minsk which would start at the Academy of Sciences at 2pm on 25 March and then move along the main Independence Avenue towards October Square (Kastrychnitska ploshchad). When the authorities refused to grant permission, the activists filed a second request on 8 February, which was turned down on 24 March, on the eve of the planned march.¹² Domestic legislation stipulates that the authorities are required to respond to such requests no later than five days before the planned event.

On 25 March there was a heavy police and security presence in the city, the central area was cordoned off, and traffic was blocked on Independence Avenue. Nearby tube stations were closed and over ground public transportation was not allowed to stop in the area. Nevertheless, some 1000 to 1500 people were said to have gathered in the centre of Minsk for the protest march.¹³ Similar protests took place in other cities in Belarus such as Brest, Gomel, Grodno and Vitebsk.

About an hour before the protest started 57 local and international human rights defenders and journalists were detained in the office of the human rights group Viasna to prevent them from observing the events. (For further information, see the section “Viasna office raided and 57 international and local observers detained”).

The protest march was soon blocked by OMON and other law enforcement officers equipped with shields and truncheons. Many demonstrators were pursued by OMON officers and 592 people were detained.¹⁴ Among those detained were opposition activists and other demonstrators as well as over 40 journalists and photographers and human rights defenders. Many bystanders, who happened to be in the area at the time of the protest, were caught up in the dispersal.

CSP monitors observed and were told by dozens of detainees and eye-witnesses that law enforcement officers usually gave no explanation about the reasons of the detention. Sometimes police said the detention had to be carried out for identity checks, but when people showed them their identity documents police proceeded to detain them anyway.

10 Under Article 17.1 of the Code of Administrative violations which punishes minor hooliganism
11 <http://www.belaruspartisan.org/politic/374354/>
12 <https://news.tut.by/economics/536771>
13 <http://www.bbc.com/news/world-us-canada-39393351>
14 Viasna Belarus

Members of the CSP monitoring team observed the dispersal, examined witness statements, monitored media reports, viewed photo and video materials¹⁵, physical evidence and photos of victims' injuries, in order to assess whether the use of force by police officers on 25 March in Minsk was adequate. The team concluded that police used ill-treatment and excessive force in dozens of cases when detaining people. Below are several case examples:

A shopkeeper told CSP monitors that he did not participate in the demonstration, but was caught up in the dispersal: "One of the shops I work with is near Victory Square in the centre of Minsk. As I was leaving the shop at around 1.50pm I got hit by a truncheon in the stomach and then two OMON officers took me to a police car. I didn't resist as I thought it was useless."

Valeriy Shchukin, aged 75, was walking down Kalinina street towards the Academy of Sciences at about 2.15pm on 25 March, along with many other pedestrians. When he heard an OMON announcement that everyone should leave the street he paused to decide where to go. Suddenly, "four police officers grabbed and dragged me away, and they beat my legs with truncheons. As they were dragging me my arm was pushed on the asphalt. I was in pain and started bleeding. They put me in a big green bus that already held around 100 people."

Another protester told the CSP delegation: "My wife and I were at Victory Square, along with other protesters. Suddenly, OMON officers ran towards us and everyone tried to escape and hide in residential buildings. As I was waiting for my wife the OMON officers caught me. Two officers grabbed my hands, the third one punched me in the stomach. They put me on the ground face down. Then four people lifted and carried me to an armoured police vehicle, which was already full of detainees. One man asked if he could lie down explaining that he had recently undergone a surgery and felt unwell; he had difficulties breathing. The officers refused."

Police officers did not respect the neutrality of journalists and intentionally obstructed their work. The CSP delegation is aware of several cases where journalists were subjected to physical abuse during the dispersal of the protest and some reported that police damaged their equipment.

A journalist of BelaPAN media told the CSP delegation: "We wanted to film some police equipment situated behind the Palace of the Republic. When we got there four to five men in masks and in black clothes suddenly attacked us. They started beating us, throwing us on the ground, kicking us with their feet. I was shouting, I was scared. One man got me to the bottom of belly with the knee. I managed to show my journalist ID. One man threw it away and said it was not valid anymore."

Special police cars took the detainees to district police stations across Minsk. There they were forced to stand facing the wall with their hands up, or held behind their backs. They were then taken to large halls, where they were searched. Police took down the personal details of all the 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 any documentation attesting to the fact that they had been detained.

Valery Shchukin, aged 75, told the CSP delegation: "They told me to stand up facing the wall but I refused and so I sat on the wet floor facing a police officer for about three hours. I was freezing cold (...) Then they took everyone to the basement. Those who tried to run away were beaten and put into "the swallow" position (forced to stand against the wall or lie on the floor with arms pulled behind the back). The journalists were beaten."

The British freelance journalist Filip Warwick reported to have been ill-treated while being held

¹⁵ See, for example: https://www.youtube.com/watch?v=Ws_4bCRyLDs, <https://www.youtube.com/watch?v=7O9BzV9HeR4>, <http://www.svoboda.org/a/28390448.html>

at Partizansky police station. In a written communication to Human Rights Watch he described that police “twisted my arms behind my back, which resulted in great pain, flipped me upside down, threw me onto the floor, stood on my ankles, while one of the men applied his knee onto my spine. This resulted in crushing my rib cage onto the floor, for a couple of seconds I could not breathe, nor catch my breath, and I started to choke. This brought about some considerable laughter among these men. With handcuffs applied they threw me against the wall, kicked my feet aside, and forcefully went through all my pockets.”

Many detainees who required medical assistance told the CSP delegation that police refused to arrange for medical treatment and they were only able to turn to doctors after they were released from detention.

According to a relative, Nikolai Didok, a protester, required hospital treatment after he was beaten by OMON officers, but he was only transferred to a hospital some nine or ten hours into his detention: “Nikolai was arrested between 2 and 3pm near the Academy of Sciences. He was severely beaten by OMON officers before being taken to Partizansky district police station. At 9pm he was transferred to the Offender Isolation Center “Okrestino”. After undergoing a short medical examination a doctor called an ambulance for him. He arrived at the hospital at around midnight and was diagnosed with concussion and bruises.”

VIASNA OFFICE RAIDED AND 57 INTERNATIONAL AND LOCAL OBSERVERS DETAINED

About an hour before the start of the planned protest, some 10 Special Police OMON and plainclothes officers raided the office of the NGO Viasna in Minsk and detained a total of 57 Belarusian and foreign human rights defenders, other civil society activists and journalists without presenting an arrest or search warrant. The activists had gathered at Viasna for a briefing before observing the protest in the city centre.

Aleksey Loyko told CSP monitors that OMON officers burst into the Viasna office and beat him: “I heard the doorbell. I looked through the peephole and saw a young blond woman (...) I thought she was one of the volunteers and opened the door. Suddenly I felt the door jerked open, someone grabbed me and pulled me outside into the corridor. I fell and hit my head. Then someone put a boot on my face. Two of my colleagues were also dragged into the corridor. Later officers made me get up and stand facing the wall. I was unable to lift my arm because it was hurt after my fall, but a policeman hit me on the back near my kidneys with a truncheon demanding that I lift my arm.”

When Aleksey was released some five or six hours later he turned to an ambulance that took him to a local hospital. He was diagnosed with concussion and hospitalized. The next day Alexey filed a complaint about the ill-treatment with the police investigations office. Shortly afterwards he received a telephone call from the department of investigations and was recommended to withdraw his complaint, but Alexey refused. The next day a senior police officer of Pervomaysky district police station arrived in the hospital and questioned Alexey as part of the investigation into his complaint about the ill-treatment by OMON officers.

Inside the 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.

Those detained 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 before being released without charge. The raid of the offices of Viasna and the detention of the monitors were clearly aimed at intimidating and preventing them from observing the peaceful assembly and documenting possible violations.

After 25 March

After 25 March the protests continued on a smaller scale in several cities across Belarus. Law enforcement officers detained several dozen demonstrators, civil society activists, trade unionists and journalists in Minsk and other cities. Most were released after three hours while others were sentenced to up to 15 days' administrative detention.¹⁶ Twenty-nine people were fined, and 17 people were sentenced to administrative detention from five to eleven days. Monitoring by Viasna of the trials which took place in administrative courts across Minsk city on 27 March revealed that of the 56 court hearings monitored, defense lawyers were present in only eight. In three cases the defense lawyers were appointed by the state, and in five cases they were independently appointed by the defendant.¹⁷

Criminal charges against members of the nationalist opposition

On 21 March President Lukashenko publicly announced the detention in Minsk of some 20 fighters who had allegedly prepared "armed provocations". He claimed that they had received military training and funding from neighbouring countries and that on 20 March Belarusian border guards had found explosives and weapons in a car that was trying to enter Belarus at the border checkpoint Aleksandrovka.

On 23 March the Committee for State Security of Belarus (KGB) was reported as stating that a total of 26 members of the nationalist opposition had been detained and charged with organizing mass riots (Article 293.3 of the Criminal Code).¹⁸ According to the KGB, the men were members of the White Legion, a militant nationalist group that disbanded in 2008, and the opposition group Youth Front.

The KGB reported to have conducted 29 searches and confiscated weapons that they suspected the White Legion activists were planning to use during the 25 March demonstrations. At the time of writing the report, a total of 19 persons are still in custody, including six held in the KGB prison and 13 in the Interior Ministry's pre-trial detention facility (SIZO No. 1) in Minsk. Sixteen of them face charges of preparing riots (Article 273.3) and have been charged additionally with "participation or organization of an illegal armed group" (Article 287 of the Criminal Code) which is punishable by seven years' imprisonment. The three others have been charged with preparing riots. Fourteen people have been released from custody pending court hearings.¹⁹

Human rights groups in Belarus expressed serious concern that these criminal cases may have been fabricated to silence the peaceful protests in the country. Further research and monitoring is required to examine the allegations.

Recommendations

The CSP 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.

¹⁶ <https://spring96.org/be/news/86462>

¹⁷ <http://spring96.org/en/news/86832>

¹⁸ <http://www.belta.by/society/view/kgb-sredi-zaderzhannyh-aktivistov-belogo-legiona-professionalnye-boeviki-239069-2017/>, <https://spring96.org/be/news/86379> and <https://spring96.org/be/news/86593>

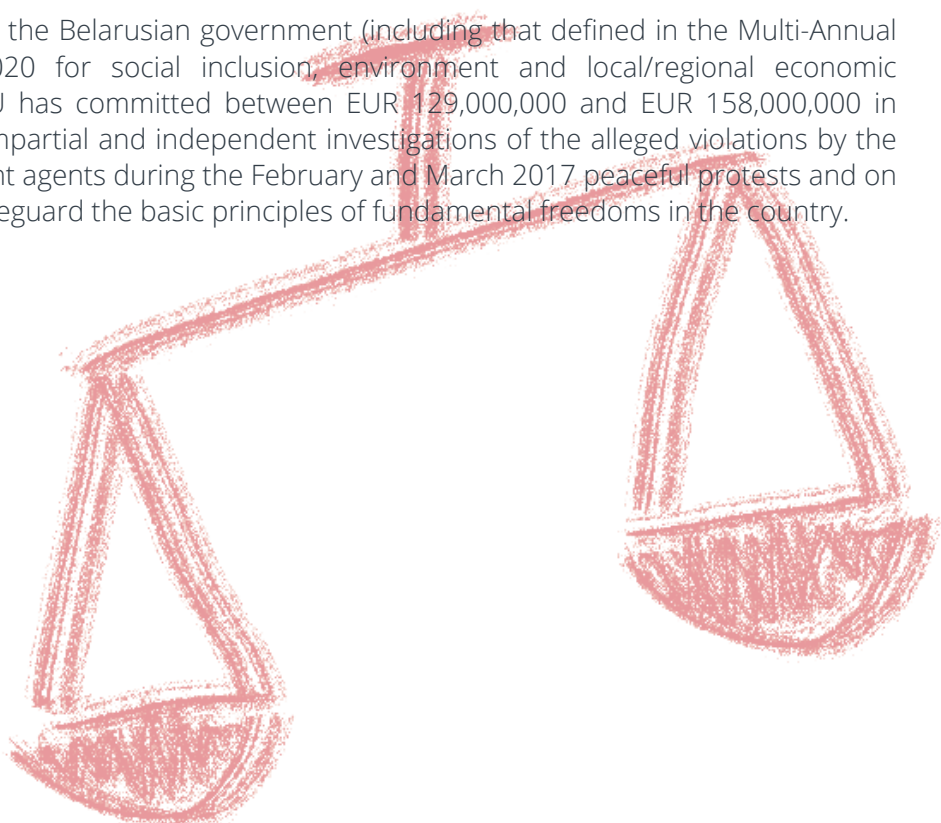
¹⁹ <https://spring96.org/ru/news/86604> <http://spring96.org/en/news/86809>

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 and observe the right to fair trial for those held on criminal charges.

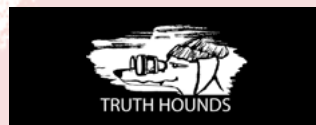
TO THE EUROPEAN UNION:

- Make further political and economic engagement with the authorities in Belarus dependent on the government demonstrating its clear commitment and intention to fulfill 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 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.



IPHR

International
Partnership
for Human Rights



IPHR - International Partnership for Human Rights

Square de l'Aviation 7A 1070 Brussels, Belgium

E IPHR@IPHRonline.org

T [/twitter.com/iphr](https://twitter.com/iphr)

W IPHRonline.org

F [/facebook.com/iphronline](https://facebook.com/iphronline)

CSP - Civic Solidarity Platform

W civicsolidarity.org

F [/facebook.com/SivicSolidarity](https://facebook.com/SivicSolidarity)

Truth Hounds

F [/facebook.com/truthhounds/](https://facebook.com/truthhounds/)