

Index on Torture. Main developments in 2023

Belarus

The right not to be subjected to torture and other cruel, inhuman and degrading treatment continues to be systematically and universally violated in Belarus; such violations have become a common practice endorsed by the authorities. Human rights defenders have been documenting new victim testimonies, new ill-treatment practices, and a persistent lack of effective remedies against the violations.

The [Resolution](#) adopted by the Human Rights Council on 4 April 2023 entitled *Situation of human rights in Belarus in the run-up to the 2020 presidential election and in its aftermath* expresses deep concern at the further deterioration in the situation with human rights in Belarus in the aftermath of the presidential election held on 9 August 2020. The resolution notes the continued impunity and lack of accountability for human rights violations committed in Belarus since 1 May 2020. The Council expresses grave concern at reports of systematic and widespread acts of torture and other cruel, inhuman or degrading treatment or punishment of, and sexual and gender-based violence against, individuals detained and arrested in Belarus, including children, by Belarusian State authorities, and the reported inhumane detention conditions and denial of access to medical and legal assistance in detention centers and prisons.

The HRC notes the amendments to the Criminal Code expanding the use of the death penalty aimed at further suppressing the human rights and fundamental freedoms, and also expresses great concern about the recent decision of Belarus to withdraw from the first Optional Protocol to the International Covenant on Civil and Political Rights, thereby further limiting access to judicial oversight by independent human rights mechanisms.

In this respect, HRC urged the Belarusian authorities to cease the use of torture and other cruel, inhuman or degrading treatment or punishment, to stop carrying out arbitrary arrests, detentions and imprisonment, and to allow adequate medical assistance and proper treatment for all detained persons who are in urgent need of medical attention and those with severe health condition. The HRC stressed the need to bring to justice those responsible for human rights violations and infringements, which is crucial to prevent further violations and infringements and to recognize the status of victims, and urges the Belarusian authorities to conduct timely, effective, independent, transparent, and impartial investigations of all reports of violations and infringements committed in the run-up to, during and after the 2020 presidential election. This includes cases involving deaths, arbitrary detention, torture and other cruel, inhuman or degrading treatment or punishment of detainees and protesters. The HRC stresses the need to guarantee that victims have access to justice and redress, including reparations, and that perpetrators are held fully accountable, in compliance with fair trial safeguards under international human rights law, and regrets that, to date, there is no indication that such investigations have been opened in Belarus following thousands of complaints filed by victims of torture or other cruel, inhuman or degrading treatment, and in relation to the deaths in the context of the protests.

By the same Resolution, the HRC extended, for a period of one year, the mandate of the United Nations High Commissioner for Human Rights, with the assistance of the three appointed independent experts and special procedure mandate holders, until the fifty-fifth session of the Human Rights Council.

Domestic legislation

There is still no explicit provision in Belarusian law establishing direct liability for torture. No official information has been published regarding the enforcement of Criminal Code articles criminalizing certain types of torture, such as Article 128 on crimes against the safety of humanity, Article 426, Part 3, and Article 455, Parts 2 and 3 on abuse of power or official authority involving the use of violence. According to reports from human rights defenders published by independent media, in 2023, Igor Petrov, an internal service officer and employee of a correctional colony, was convicted under Article 426, Part 3, for beating a prisoner and causing injuries during an act of intimidation. Specifically, this involved a search without any reasonable purpose during which an inmate was forced to stand facing the wall with legs spread as wide as possible in a form of stretching torture. During this, the inmate's legs were hit to cause pain from both the blows and the stretching. Additionally, he was yelled at to further morally suppress him. Thus, the objective was not to conduct a search but to inflict suffering and intimidation. During that incident, the inmate's tendon was ruptured.

Cases of torture and ill-treatment

In 2023, the Viasna Human Rights Center documented 195 cases of torture and ill-treatment involving 72 women, 122 men, and 1 transgender person.

The International Committee for the Investigation of Torture in Belarus, a special project of the Legal Initiative human rights NGO founded jointly by Belarusian and international human rights defenders, [published](#) several investigations into the torture of individuals detained during the August 2020 protests.

The staff of temporary detention centers deliberately make the conditions unbearable for individuals arrested and detained on administrative charges. This includes intentionally overcrowding cells, refusing to provide bedding, including mattresses and pillows, prohibiting detainees from sitting or lying on beds in the daytime, and denying them outdoor exercise and showers. Confiscating personal hygiene products, such as toothbrushes and toilet paper, as well as parcels with food and essentials, is a common practice. Detainees arrested for political reasons are often forced to share living space with unhygienic and antisocial cellmates, such as homeless individuals who have not been cleaned or decontaminated upon admission to the detention center, resulting in bad odors and parasitic infections. Some of these homeless individuals suffer from mental disorders, and their behavior may pose a threat to others.

Quality of investigations

About 5,000 cases of torture and ill-treatment of participants in peaceful protests against the falsified results of the 2020 presidential election remain uninvestigated. This, along with the overall atmosphere of intimidation, prevents victims of torture and ill-treatment from filing more complaints to hold the perpetrators accountable.

Situation with political prisoners

According to the [Report](#) on the serious threat to the OSCE human dimension in Belarus since

5 November 2020, covering the period before April 2023, "torture and inhuman or degrading treatment are occurring on a regular and organized basis in places of detention and are particularly targeted at those perceived as political opponents. Numerous political prisoners are being subject to torture, and various testimonies are available depicting acts of physical or sexual violence. Political prisoners in all detention centers face severe difficulties in obtaining basic medical care." Furthermore, "conditions of detention amount to an inhumane and degrading treatment. Political prisoners are being deprived of adequate food, water, and medical assistance, and subjected to constant beatings, overcrowded and unheated cells, and sleep deprivation. Besides, political prisoners are discriminated against as they are forced to wear a colored tag indicating their level of dangerousness. As a direct consequence, they are being subject to different treatment. Conditions of detention in administrative centers for political prisoners are especially harsh as they appear to be denied access to basic hygienic products, walks, correspondence, and any personal belongings. They are held in cells with no beds, linens, mattresses, or pillows. Concerning temporary detention facilities, there are credible reports of solitary isolation in cells with open windows, public humiliation, and sexual violence."

Nobel Peace Prize winner Ales Bialiatski is being held in harsh conditions in cell-type confinement. (PKT) at Correctional Colony No. 9.

A notable development in 2023 was the complete isolation of certain political prisoners, resulting in a total lack of information from and about them. The political prisoners who have been held incommunicado for months include Maria Kalesnikava (since 15 February 2023), Mikalai Statkevich (since February 10), Sergei Tikhanovsky (since March 9), Ihar Losik (since February 20), Viktor Babaryka, and some others.

Public humiliation

The deplorable practice persists where individuals are coerced, under threat of torture, to record videos confessing dissent and protest activities. They are forced to express approval of state policies, apologize for any actions, views, and beliefs contrary to state policy, renounce those beliefs, and even admit to homosexual or bisexual orientation.

Lawyers and the right to defense

The widespread violation of the right to defense is a major enabling factor behind the practices of torture and ill-treatment. By the end of 2023, six lawyers were imprisoned on political grounds, and 128 lawyers were arbitrarily disbarred, losing their licenses to practice law. This, coupled with the repercussions of amendments to the law regulating the legal practice, has significantly weakened the already fragile state of the Belarusian legal profession. Bar associations, which are lawyers' self-regulatory bodies, have forsaken their mission to protect the independence of the legal profession. Instead, they have become instruments of repression by denying dissident lawyers, for political reasons, the right to practice their profession. Compelling defense lawyers to sign agreements not to disclose data from preliminary investigations and closed-door trials has effectively fostered impunity for violations of the right to be free from torture. As a result, there is no public information available about the fate of detainees in custody, including any incidents of torture perpetrated against them.

External independent oversight

The judiciary has lost its last vestiges of independence and has degraded.

Belarus lacks a national mechanism for the prevention of torture and other ill-treatment, as well as a national human rights institution. Public monitoring commissions tasked with inspecting places of detention for compliance with the law perform this function merely as a formality and do not include representatives from human rights organizations.

Examples of torture and ill-treatment:

Disturbing information continues to emerge regarding political prisoners suffering from serious health problems. Ryhor Kastusioŭ, aged 66 and suffering from cancer former chairman of the Belarusian Popular Front Party, has [reported](#) in a letter that his condition is worsening, while he is denied information about the results of his last medical examination. After being held in a punishment cell, the politician was transferred to prison.

Pavel Kuczynski's cancer has been [progressing](#), and he is denied the lifesaving treatment, such as a bone marrow transplant, while in prison. Vladimir Gundar, a political prisoner with a disability, who previously had his prosthesis confiscated in pre-trial detention and was brought to the courtroom wearing only his underpants, is currently in Prison No. 4 where he [is unable](#) to move around or go outdoors for exercise, because the rubber tips on his crutches have worn off, and there is no means to replace them. Tatyana Kaneuskaya, who has been transferred to a prison regime, is experiencing spinal problems and has recently had her correspondence [blocked](#) and visits from family restricted.

Released after serving her sentence Anna Vishnyak [reported](#) being subjected to torture during her detention and investigation of her case, as well as the ill-treatment of other political prisoners.

Viasna has gathered evidence of the [harsh detention conditions](#) for female political prisoners and the pressure they face from the administration of the Gomel Colony.

Viasna has [reported](#) on the authorities' persecution of Dzmitry Kubarau, a 27-year-old political prisoner, stressing the detrimental effect of the inhumane conditions in the punishment cell and in cell-type confinement on his health.

Political prisoners who have been released continue to share information with Viasna about torture, cruel, degrading, and inhuman treatment. People were beaten during arrest, in police vans, and in Prison No. 8 in Zhodino, and held in overcrowded cells alongside unhygienic homeless individuals who had not been decontaminated at admission. In particular, one former political prisoner was held among 28 people crammed into a four-person cell at a temporary detention facility, and later in a cell in pre-trial detention, where the number of detainees was twice the number of beds available.

Three female political prisoners—Elena Movshuk, Palina Sharenda-Panasiuk, and Victoria Kulsha—are detained at Correctional Colony No. 24 in Zarechye alongside hardened repeat offenders. Throughout their time in this colony, the women endured [deliberately harsh conditions](#), including frequent placement in a punishment cell. Former prisoners describe

these detention conditions as inhumane. Political prisoners are denied visits and parcels, while letters from their relatives are destroyed. Victoria Kulsha went on hunger strike several times to protest against arbitrary pressure from the administration.

Human rights defenders at the Viasna Human Rights Center have been [informed](#) of cases of repression and inhumane treatment of female prisoners by the administration of Correctional Colony No. 4 in Gomel.

A former prisoner [told](#) Viasna about the torture and abuse of inmates convicted for political reasons in Correctional Colony No. 17 and also shared details known to him about the circumstances surrounding Vitold Ašurak's death and the pressure on Pavel Sieviaryniec.

Former detainees also report the existence of a so-called “pressure-hut” at SIZO-1. This refers to a cell where political prisoners are subjected to harsh [pressure](#) from cellmates cooperating with the administration. Internal inspections at SIZO-1 are [accompanied](#) by brutal cell searches and beatings of prisoners.

The practice of recording humiliating videos with forced confessions from detainees admitting to participation in protests and dissent continues. Thus, GUBOPiK (MIA Main Directorate for Combating Organized Crime and Corruption) arrested two Minsk residents for participating in the protests. In one case, during his arrest, the man was forced to his knees, handcuffed, wrapped in a white-red-white flag (a symbol of opposition to the regime), and had condoms placed on his head and dildos stuck in his underpants.

Coercion to participate in such videos often involves beatings, with some detainees appearing on the videos with bruises and abrasions. Thus, Vladimir Pavlovets had a hematoma and bruises on his face when he appeared in a ["penitential video."](#)

According to human rights defenders at Viasna, Palina Sharenda-Panasiuk, activist and political prisoner, was [beaten](#) at Correctional Colony No. 24. A former inmate who saw Palina in late June at the pretrial detention center on Volodarsky Street in Minsk reports, "she had a broken nose bridge and two black eyes." The injuries were inflicted by cellmates deliberately placed in the same cell by the prison administration. In addition, her husband, Andrei Sharenda, reported that in June, an ambulance was sent for Palina, and she was hospitalized for a while in the medical unit. He believes that it corresponds to the time when his wife was assaulted and beaten. Later, she confirmed these facts at a court hearing.

During a search on July 13-14 at the plebania (clergy residence) of the Archcathedral Catholic Church in Minsk, security officers beat the priests who were present on the premises. One of the priests had a bruise on his face as a result. According to [Christian Vision](#), there have been previous incidents where clergy members were beaten by law enforcement officers. However, the clergy themselves declined to make this information public or disclose the details.

On the night of 24-25 April 2023, the former candidate for the president of Belarus, political prisoner Viktor Babaryka, was taken to the city hospital from Novopolotsk Colony No. 1, where he is serving a 14-year sentence. After spending several days in the hospital, the

political prisoner was returned to the colony and placed, as later revealed, in cell-type confinement (PKT). Human rights defenders at Viasna were able to learn the details of the incident. Babaryka was [admitted](#) to the surgical department of the Novopolotsk City Hospital severely beaten, and his treatment was supervised by members of the security services.

At times, ill-treatment takes unconventional forms, such as security officers compelling Belarusians to remove tattoos with protest symbols. For instance, a resident of Kamianets was forced to alter a Pahonia tattoo on his neck. A pro-government Telegram channel released a "repentant" video in which the young man "admits" to having several ACAB tattoos on his body, as well as a Pahonia coat of arms tattoo on his neck and pledges to "remove or alter them." Subsequently, a new post featured a photo showing the tattoos, including the Pahonia, being overlaid with new ones. According to a comment from security officers, the young man had them altered immediately after being released from detention.

GUBOPiK forced a young female detainee to "modify a tattoo of oppositional nature." The tattoo in question was the symbol of the 2020 democratic movement: a heart, a fist, and the V for "Victory" sign. In a "repentant" video, the girl was coerced into stating that she "no longer adheres to any political views and wishes others to do the same."

[According to reports](#), after a former KGB officer was appointed as the chief ideologist at the Neman factory in Berezovka, a series of brutal arrests followed. Approximately ten workers were demonstratively arrested by riot police at their workplace and subsequently assigned to work at a landfill. The workers had complained about low wages and being denied annual leave, following which they were arrested.

On 5 May 2023, political prisoner [Mikalai Klimovich](#) convicted under Article 368 of the Criminal Code of Belarus for insulting Lukashenka, died in Correctional Colony No. 3 in Vičba, Viciebsk region. Klimovich had a second-degree disability due to a cardiovascular condition; he suffered a stroke about a year ago and underwent complex heart surgery. Despite Klimovich's condition and the availability of alternative non-custodial penalties, Judge Andrei Bychyla at the Pinsk District and City Court sentenced him to twelve months in prison, and the Brest Regional Court upheld the verdict. Klimovich was [convicted](#) for reacting to a caricature of Lukashenka posted on the Russian social network Odnoklassniki.

On 11 July 2023, it was reported that [Ales Pushkin](#), a Belarusian painter and political prisoner, died in an intensive care unit of a hospital. The cause of death was reportedly due to a failure to provide timely medical care, resulting in [peritonitis](#), a septic condition, and multiple organ failure. Ales Pushkin was charged under two articles of the Criminal Code: Article 370 (desecration of state symbols) and Article 130 (rehabilitation of Nazism), and sentenced to five years in a high-security colony. On November 11, 2022, Judge Aliaksandr Kirylovich ruled to transfer Ales Pushkin to a prison regime for 18 months. Soon, the political prisoner was transferred to Prison No. 1 in Hrodna. His incarceration was due to his performance in Kyiv and the artwork displayed at an exhibition in Hrodna on 19 March 2021, where Pushkin showcased portraits of Belarusian anti-Soviet resistance figures, which the authorities construed as "Nazi rehabilitation."

The State has failed on its heightened duty of care to take any necessary measures to protect the lives of individuals deprived of their liberty, since by depriving individuals of their liberty, States assume the responsibility to care for their life and bodily integrity, and they may not rely on lack of financial resources or other logistical problems to reduce this responsibility; the duty to protect the life of all detained individuals includes providing them with the necessary medical care and appropriately regular monitoring of their health.

Execution of death sentences

Belarus is the only country in Europe and Central Asia that retains the death penalty in law and continues to carry out executions.

In February 2023, it became known that the death sentence for Viktor Skrundyk, which had [come into force](#) on 4 May 2021, was carried out by firing squad on 16 July 2022. The Belarusian authorities carried out the death sentence one year and a month and a half after it was pronounced. Skrundyk's case was considered twice by the Supreme Court: the initial verdict was overturned on appeal from Skrundyk and his lawyer, and the case was remanded for retrial.

On 19 October 2023, the first death sentence was [issued](#) in the past 32 months, spanning from January 2021 to October 2023. Alexander and Anastasia Taratuta were found guilty of intentionally and unlawfully taking the life of another person (murder), obviously a minor in a helpless state, committed with extreme cruelty by a group; they were also found guilty of torture, committed against an obvious minor in a helpless state and in a dependent position. Based on Article 139, Part 2, paragraphs 2, 6, and 15, and Article 154, Part 2, of the Criminal Code, the maximum penalty was imposed, including the death penalty for Alexander Taratuta.