

Belarus Human Rights Index

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2023

Right to life

Expert Commentary

The score:	3,3	-0,1
<i>Including scores by component:</i>		
• Arbitrary deprivation of life	3,2	-0,1
• Death penalty	4	-0,1
• Enforced disappearances	2,6	-0,2

A description of the baseline situation with the realization of the right to life can be seen in the 2019 commentary. Assessing the situation with the right to life in 2023, the Index experts gave lower scores than in 2022. **Among the main reasons are the following:**

- persons held in places of detention (especially political prisoners) continue to be subjected to torture and cruel, degrading treatment, posing serious health risks, in some cases reaching lethal risks;
- expansion of the list of officials authorized to use weapons against individuals.

• Arbitrary deprivation of life

In July 2023, amendments to the Forest Code of the Republic of Belarus were adopted, according to which forest protection officers are granted the right to use weapons against individuals¹ (to come into force on January 23, 2024) Experts noted that this change is a continuation of the trend of expanding the state monopoly on violence, it increases the risks of arbitrary deprivation of life. The situation with the presence of the fighters of PMC "Wagner" on the territory of Belarus had a negative impact in this aspect². There is no information about where exactly the fighters are stationed, for what purpose they can be engaged by the state, what are the limits of their powers, etc. The limits and possibilities of interaction with PMC have not been fully disclosed, while the authorities have conducted combat alignments of PMC fighters and internal troops and special units of the Interior Ministry, allegedly in order to "engage in a shoulder-to-shoulder fight"³ if necessary.

¹ <https://pravo.by/document/?guid=12551&p0=H12300293>

² <https://www.bbc.com/russian/articles/cnde442wkljo>, <https://www.currenttime.tv/a/chem-seychas-zanimayutsya-ostavshiesya-belarus-vagner/32608823.html>

³ <https://www.belta.by/society/view/kubakov-vstretilsja-s-predstaviteljami-chvk-vagner-578533-2023/>, <https://www.belta.by/society/view/chvk-vagner-provodit-sovmestnye-trenirovki-s-vooruzhennymi-silami-belarusi-na->



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As experts have noted, in 2023, safeguards designed to prevent arbitrary deprivation of life are undermined by the expansion of the list of officials who are authorized to use weapons, as well as by the quantitative increase in the use of weapons.

As in 2022, in 2023 state authorities did not adequately investigate deaths⁴ and life-threatening incidents involving political prisoners. Information on such cases is concealed or published minimally⁵. The system of forensic medical examination and determination of causes of death does not function effectively and impartially.

The situation with regard to suicide prevention, especially among people in situations of vulnerability, including persons deprived of their liberty, has deteriorated since 2022. The experts noted that there were increasingly alarming reports from places of deprivation of liberty of acts that could be characterized as bringing to suicide⁶. The inhumane conditions in which political prisoners are held predispose to the decision to commit suicide, the authorities informationally and emotionally isolate political prisoners. This practice of "*incommunicado*" intensified in 2023: political prisoners were massively and systematically deprived of the right to correspondence, visits from relatives and lawyers⁷.

The authorities continued to arbitrarily decide to send to colonies persons convicted on political grounds and with serious health problems, including disabilities⁸. There is a serious threat to their life and health⁹. In 2023, there are two known deaths of political prisoners serving prison sentences¹⁰.

[poligone-brestskij-577843-2023/](https://sputnik.by/20230726/spetspodrazdeleniya-mvd-belarusi-provodyat-boevoe-slazhivanie-s-vagnerom-1077847860.html), <https://sputnik.by/20230726/spetspodrazdeleniya-mvd-belarusi-provodyat-boevoe-slazhivanie-s-vagnerom-1077847860.html>

⁴ For example, it was reported that Yauhen Ivanou, deputy director for ideology of Zhodzina heavy stamping plant, was detained in the evening of August 30, 2023, after work: 7-8 law enforcers threw him on the ground, shoved him into a car and took him away. The next day, in the morning of August 31, there were condolences from the plant's staff in connection with his death. Presumably, Ivanou's heart stopped in the car due to a heart attack. It is known that his body showed numerous bruises and fractures of fingers and hands . <https://udf.name/news/sobytie/260249-ves-zavod-gudit-kak-prestupnika-kak-ubijcu-zalomali.html>, https://news.zerkalo.io/life/47836.html?utm_source=news.zerkalo.io&utm_medium=news-bottom-block&utm_campaign=relevant_news

⁵ In 2023, it became known about a rare case of bringing a colony official to responsibility for abuse of authority - he beat up a prisoner. After his release, the victim wrote a statement, and the head of the department was criminally prosecuted. In June 2023 Ushacha court sentenced an employee of Navapolatsk colony #1 captain Ihar Petrou to six years in a penal colony and a fine on the basis of part 3 of article 426 of the Criminal Code - committing by an official of the colony actions that clearly exceed the rights and powers granted to him in his service, accompanied by violence, torture of the victim or the use of weapons or special means. <https://spring96.org/ru/news/113130>

⁶ <https://spring96.org/ru/news/113785>

⁷ <http://spring96.org/ru/news/111682>, <https://www.ohchr.org/ru/press-releases/2023/05/belarus-must-release-all-detainees-held-political-grounds-and-protect-their>

⁸ <https://spring96.org/ru/news/113526>

⁹ <https://spring96.org/ru/news/112387>

¹⁰ On May 5, 2023 political prisoner Mikalai Klimovich, convicted for reacting to A. Lukashenka's caricature in the social network, died in correctional colony No. 3. The man had a group II disability due to a disease of the cardiovascular system,



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In the context of safe, legal and effective access to abortion, the situation with the realization of the right to life has not changed compared to 2022. In 2023, the authorities actively raised ethical, psychological issues related to abortion. At the same time, legislative restrictions on access to abortion did not follow¹¹.

• Death penalty

The trend of expanding the scope of the death penalty continued in 2023. On March 25, 2023, amendments to the Criminal Code (CC) came into force, which provide for the possibility of applying the death penalty to state officials and military personnel convicted of treason (part 2 of Article 356 of the CC)¹². The concept of "high treason" is interpreted broadly in practice, there are no clear legislative boundaries of this concept, and the authorities apply the criminal law and this article in particular arbitrarily¹³, for political reasons¹⁴.

On March 22, 2023, the Special Rapporteurs on the situation of human rights in Belarus and on extrajudicial, summary or arbitrary executions sent a letter to the Government of Belarus expressing concern that changes to the CC may increase the risk of the death penalty being imposed in an arbitrary, unlawful and discriminatory manner. The experts emphasized that "high treason" did not meet the criteria of "most serious crimes" under international law and that the carrying out of any death sentence in violation of a State's obligations under international law amounted to an arbitrary execution¹⁵. There was no response to the letter.

According to statistics on the activities of the courts of general jurisdiction, the death penalty has been

suffered a stroke and a complicated heart surgery. Despite these conditions and in the presence of alternative punishments not involving imprisonment Mikalai Klimovich was sentenced to one year of imprisonment, while Brest Regional Court upheld the sentence of the court of first instance. It is reported that Mikalai felt bad when he had just arrived from Brest pre-trial detention center (it was decided to transfer Mikalai to the colony for a year and a half) and was placed at the disposal of the colony officials. <https://spring96.org/ru/news/114001>;

On July 11, 2023 it became known that political prisoner, Belarusian artist Ales Pushkin died in the intensive care unit of the hospital: as a result of untimely medical care he developed peritonitis, had a septic condition and multi-organ failure. P. 32-33, https://spring96.org/files/reviews/ru/review_2023_ru.pdf

¹¹ <https://www.belta.by/regions/view/zmushko-v-gomelskoj-oblasti-bolee-40-zhenschin-sohranjajut-beremennost-blagodarja-predabornomu-595674-2023/>, <https://euroradio.fm/ru/vlasti-nachali-priuchat-belorusov-k-mysli-o-zaprete-abortov>

¹² <https://pravo.by/document/?guid=12551&p0=H12300256>

¹³ As of February 8, 2024, there are 55 known defendants, <https://spring96.org/ru/news/114292>, <https://prisoners.spring96.org/ru/person/dzianis-ivashyn>

¹⁴ One example of politically motivated use of Article 356 of the CC is the sentence against a serviceman, Captain of the Armed Forces of Belarus Denis Urad, sentenced to 18 years for disclosing publicly relevant information about the use of armed forces to suppress peaceful protests in Belarus in 2020. <https://spring96.org/ru/news/103155>

¹⁵ <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gld=27939>



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applied¹⁶:

Year	2019	2020	2021	2022	2023
Sentenced to death (persons)	2	3	1	-	1

In the context of procedural safeguards, experts noted a deterioration in the realization of the right to life due to a general climate of "legal default". In addition, as factors leading to the shrinking access to legal aid for persons facing the death penalty in 2023, the experts noted the continuing pressure on the mechanism of the defense lawyers. They lost any sign of independence; the number of lawyers is dropping. As officials themselves recognize, "staffing shortage" is one of the most pressing issues for the defense lawyers association¹⁷.

The death penalty is still executed non-publicly, by firing squad. The convicted person is not informed of the date and place of execution. The state sees a reasonable period of execution as the shortest period of time from the judgment, which negatively affects the possibility of appeal or application for pardon. The bodies of executed persons are still not released to their relatives and the place of burial is not reported¹⁸.

• Enforced disappearances

Experts indicated that the situation of the realization of the right to life in the context of enforced disappearances has worsened compared to 2022, due to the intensification of the practice of "*incommunicado*" in 2023, which is a grave human rights violation¹⁹. Some political prisoners are

¹⁶ Thus, on October 19, 2023, the first death sentence in the last 32 months - from January 2021 to October 2023 - was handed down. Alexander and Anastasia Taratuta were found guilty of intentional unlawful deprivation of the life of another person (murder), knowingly a minor, a person in a helpless state, committed with particular cruelty, by a group of persons and torture committed against a minor, a person in a helpless and dependent state, knowingly for the perpetrator.

Alexander Taratuta was sentenced to the death penalty. C. 33, https://spring96.org/files/reviews/ru/review_2023_ru.pdf, <https://news.zerkalo.io/life/52938.html>, <https://dp.spring96.org/ru/news/113873>

¹⁷ <https://spring96.org/ru/news/113526>

¹⁸ In this regard, the experts noted the case of Viktor Skrundzik, who was sentenced to death and executed on 16 July 2022. The execution of the sentence became known to his relatives at the end of 2022 (public information appeared in early 2023) indirectly, through the documents of an insurance organization about the need to pay insurance compensation for damage caused by the actions committed by Skrundzik. These documents stated that Viktor Skrundzik was recognized as deceased. At the time of the review, as noted by the experts, no official notification to the relatives of the execution had been received from the authorities.

¹⁹ <http://spring96.org/ru/news/111682>



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considered missing²⁰. Pressure on relatives of political prisoners has increased. Authorities do not take steps to investigate disappearances, procedural guarantees are not respected when the State itself is involved in an enforced disappearance. The experts also noted that it became more difficult to obtain information about the detention of persons, transfer of prisoners in 2023 due to the deterioration of the work of the unified city reference service, the Department for the Execution of Punishments in this area. Moreover, centralized lists of all detainees are still not compiled.

²⁰ <https://belsat.eu/ru/news/22-11-2023-ne-tolko-babariko-statkevich-i-tihanovskij-o-mnozhestve-politzaklyuchennyh-davno-net-izvestij>, <https://charter97.org/ru/news/2023/6/18/552394/>, <https://novayagazeta.eu/articles/2024/02/13/bez-prava-perepiski>



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