

Belarus Human Rights Index

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2022

Right of persons deprived of their liberty to be treated with humanity

Expert Commentary

The score: 2.4

Including scores by component:

- General principles 2,6
- Detention conditions 2,5
- Protection of persons deprived of their liberty 1,9

The state partially guarantees the right of persons deprived of their liberty to humane treatment in Article 25 of the Constitution of the Republic of Belarus that proclaims: "The State shall ensure the liberty, inviolability and dignity of the individual. A person in custody shall have the right to judicial review of the lawfulness of their detention or arrest."¹ The right of persons deprived of their liberty to be treated with humanity is closely linked to other human rights. The Republic of Belarus has been a party to the International Covenant on Civil and Political Rights since 1973². Article 10 of the Covenant declares: "All persons deprived of their liberty shall be treated with humanity and with respect for the inherent dignity of the human person. 3. The penitentiary system shall comprise treatment of prisoners the essential aim of which shall be their reformation and social rehabilitation."³

When assessing the state of the right of persons deprived of their liberty to humane treatment in 2022, the Index experts assigned lower scores than in 2021. Their position is elaborated below.

- **General principles**

In 2022, the practice of applying a distinct approach to the conditions of detention of certain groups of prisoners persisted. The group of individuals convicted for political reasons remained particularly vulnerable.

¹ Constitution of the Republic of Belarus, Article 25, <https://pravo.by/pravovaya-informatsiya/normativnye-dokumenty/konstitutsiya-respubliki-belarus/>

² International Covenant on Civil and Political Rights: ratification status https://treaties.un.org/Pages/ViewDetails.aspx?chapter=4&clang=_en&mtdsg_no=IV-4&src=IND

³ International Covenant on Civil and Political Rights, 1966, https://www.un.org/ru/documents/decl_conv/conventions/pactpol.shtml



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By the end of 2022, there were 1455 political prisoners in Belarus, with 889 of them being recognized as such during the year and, 460 individuals were in pre-trial detention. Eduard Babaryka, held in SIZO-1, had the longest period under investigation without trial. As of December 31, 2022, he has spent 927 days in detention (2 years, 6 months and 14 days).

Out of the total number of political prisoners, 70 individuals have been imprisoned for 10 years or more. Specifically, 27 persons were sentenced to imprisonment ranging from 10 to 12 years, 17 received sentences from 13 to 15 years, while another 15 were sentenced to imprisonment terms from 16 to 19 years. Ten persons were given sentences of 20 to 23 years in prison, and Mikalai Autukhovich received the maximum sentence of 25 years in prison.

Among the political prisoners are at least 25 retirees,⁴ as well as 74 persons with disabilities or serious illnesses.⁵

According to experts, the conditions of detention of those detained or convicted for political reasons remained inhumane, and the link between such treatment and the political nature of the case became increasingly obvious and persistent. For instance, during the year, at least 38 political prisoners experienced deteriorating conditions and were transferred from a colony to a prison. Many political prisoners endured prolonged solitary confinement and were denied medical care. Experts particularly note that the treatment of Belarusian-speaking individuals also worsened in 2022, forming a systematic practice.

Torture, cruel and degrading treatment, as well as the disproportionate use of force, were actively used, becoming more widespread.⁶

Experts emphasize that blocked correspondence and limited access to lawyers and family members make it impossible to gather regular updates about the real situation of each political prisoner. This situation also raises concerns about their overall well-being.

In 2022, there were cases when defendants were held without legal grounds in conditions that did not correspond to their status as unconvicted persons. For example, during the trial in the "Autukhovich case", in the "Autukhovich case," Mikalai Autukhovich and Lyubou Rezanovich were confined to separate cells designated as "especially dangerous." State media actively promoted accusatory narratives, portraying the case's defendants as "criminals."⁷

Experts come to the conclusion that in politically motivated cases, the penitentiary system functions exclusively as a punitive mechanism.

⁴ The oldest of them is 74-year-old Natalia Taran, who was sentenced to three and a half years in prison under defamation articles of the Criminal Code.

⁵ <https://spring96.org/ru/news/110363>

⁶ See Expert Commentary on the Prohibition on torture and cruel, inhuman or degrading treatment or punishment Treatment or Punishment 2022; <https://spring96.org/ru/news/110275>

⁷ <https://spring96.org/ru/news/107763>



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- **Detention conditions**

According to experts, the conditions of detention in places of confinement still do not comply with international human rights standards.

Torture is still used in penitentiary institutions, in violation of the national legislation, as well as international obligations of Belarus.⁸ For example, human rights defenders are aware of widespread torture and inhumane treatment of detainees during peaceful anti-war rallies held in late February 2022. Detainees were held in overcrowded cells, suffered from stifling conditions with inadequate air supply, were compelled to sleep on the floor or stand for extended periods in uncomfortable positions (e.g., half crouching with their hands behind their heads), and were deprived of essential items such as parcels, medicines, pillows, bedding, mattresses, and even toilet paper. They were provided just one meal a day, lacked warm clothing and proper footwear, resulting in deteriorating health conditions, and received no medical care. They had to wash with cold water or were unable to shower at all. The conditions in the cells did not meet sanitary standards.⁹

Human rights activist Nasta Loika testified during her trial that she had been taken for interrogations by the Main Directorate for Combating Organized Crime and Crime twice, where she was once hit with a stun gun. On November 11, an officer at the detention center left her in the courtyard without clothing for eight hours, after which she fell ill. Nasta was kept without warm clothes and hygiene products.¹⁰

A case was reported when, after serving 15 days in the Pinsk temporary detention center, a man, left without work and means of subsistence, committed suicide.¹¹

In 2022, the restriction of political prisoners' contact with the outside world or incommunicado detention became a widespread and systematic practice, manifested through the blocking of correspondence, communication with relatives, lawyers, and medical personnel.¹² Experts emphasize that this practice hinders communication with political prisoners and obtaining timely information about their health and treatment.

Another mechanism of systematic pressure used against political prisoners in 2022 was prolonged solitary confinement: political prisoners were placed in a punishment cell without any legal grounds.¹³

⁸ <https://spring96.org/ru/news/110275>

⁹ <https://spring96.org/be/news/107475>; <https://t.me/viasna96/10015>; <https://spring96.org/be/news/107040>; <https://spring96.org/ru/news/107135>; <https://spring96.org/be/news/107161>; <https://spring96.org/ru/news/110298>

¹⁰ <https://t.me/viasna96/15313>

¹¹ <https://t.me/viasna96/10344>

¹² <https://t.me/viasna96/13040>; <https://t.me/viasna96/9824>; <https://t.me/viasna96/9950>; <https://spring96.org/ru/news/108039>; <https://spring96.org/ru/news/110298>

¹³ <https://t.me/tsikhanouskaya/3005>; <https://t.me/tsikhanouskaya/2812>; <https://t.me/viktarbabarykaofficial/3536>; <https://t.me/viktarbabarykaofficial/3530>

- **Protection of persons deprived of their liberty**

Despite the fact that Belarus has developed a mechanism for monitoring the conditions of detention and treatment of persons subjected to any form of arrest, detention or imprisonment, its implementation remains largely formal. As a result of a crackdown on civil society, the activities and conclusions of public monitoring commissions in relation to a number of penitentiary institutions on the absence of any violations there cast doubt on the independence, objectivity and effectiveness of this mechanism.

Persons deprived of their liberty do not have the opportunity to receive adequate medical examination, necessary medical care and treatment whenever the need arises. There is no mechanism for independent and objective medical examinations and documentation of injuries.

There is ample evidence that political prisoners were not provided with medicines; conditions conducive to the development of diseases or exacerbate pre-existing diseases were intentionally created, and medical care was not provided at all or was provided poorly.

For example, Mikalai Autukhovich, who went on a hunger strike due to the blocking of correspondence, was placed in a punishment cell being severely dehydrated, his lips and tongue were dry. Mikalai was very weak and could not stand on his feet, but the prison doctor asserted that his condition allowed the inmate to participate in court hearings. The request to call an ambulance was denied. Uladzimir Hundar, who has a second-group disability (he does not have one leg), was also placed in a punishment cell, where he went on a dry hunger strike for 11 days. It is known that during the transfer from one correctional institution to another, Uladzimir was forced to walk without crutches. Uladzimir was placed in a cell in his underwear, handcuffed to the bars. Halina Dzerbysh, a 60-year-old pensioner with a second-group disability, cancer and heart problems, was also placed in a punishment cell for 10 days, where she was deprived of the necessary medicines, so she lost consciousness several times. The woman was held in solitary confinement for 15 months. Siarhei Rezanovich, who suffers from diabetes, also reported health problems. His condition deteriorated during the trial to a point where he could not testify. Liubou Rezanovich was kept in cramped solitary confinement and often sought medical help. At the first court hearing, M. Autukhovich was expelled from the courtroom for demanding to call doctors for her. During the court hearing, pensioner Iryna Melkher spoke about the unbearable conditions of detention and expressed concern that she might not receive medical care on time.¹⁴ Andrei Voynich, sentenced to 7 years in a high-security penal colony, is terminally ill and needs an urgent liver transplant, he had visited a transplantologist every month before his arrest. After the transfer, Andrei ended up in a punishment cell, so there was no possibility to send medicines and contact him, he had to demand a medical examination with the help of a lawyer.¹⁵ Pavel Kuchinsky, in

https://t.me/zerkalo_io/49798; <https://spring96.org/ru/news/107938>; <https://spring96.org/ru/news/109843>; <https://spring96.org/ru/news/106991>

¹⁴ <https://spring96.org/ru/news/109260>; <https://spring96.org/ru/news/108119>

¹⁵ <https://news.zerkalo.io/life/8234.html?tg>;
<https://www.facebook.com/100076739236674/posts/107002185201089/>



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the final stage of cancer, was sentenced to 4 years and 9 months in a high-security colony. His condition deteriorated significantly in prison, with the onset of an inflammatory process. When Pavel's mother brought the results of the examination to the investigator with a request for help, she said that Pavel did not complain and his relatives "are delaying the process with these actions."¹⁶ Maria Kolesnikova was hospitalized with peritonitis due to perforation of the ulcer and underwent surgery. It is known that before getting into the punishment cell, Maria did not complain about her health.¹⁷ There are reports that political prisoner Yury Kovaleu is forcibly kept in a psychiatric hospital. His acquaintance expressed fears that Yuri was being injected with medications that could only worsen his health.¹⁸

Former inmates who shared their experiences about detention conditions also revealed that accessing the penitentiary institution's sanitary facilities can be challenging. Even if an inmate receives access to it, there's no guarantee of receiving medical care. The possibility to go to the hospital is provided only when an inmate's condition reaches a critical stage.¹⁹

Political prisoners persistently encounter obstacles when attempting to address their complaints of torture and ill-treatment, which encompasses the denial of medical care. Despite the legal provision allowing them to file a complaint in the case of mistreatment, these complaints often go unaddressed.²⁰ Moreover, according to experts, in the context of the ongoing legal crisis, exemplified, among other things, by the mass deprivation of licenses of lawyers and criminal prosecution for providing legal assistance, in 2022 the exercise of the right to file a complaint, as well as to receive compensation, has become almost impossible.

¹⁶ <https://prisoners.spring96.org/ru/person/pavel-kuczynski>, similar cases: Aliaksandr Fiaduta - <https://telegra.ph/ZHonka-Alyaksandra-Fyaduty-Kamernyya-chytann%D1%96-zb%D1%96raecca-nadrukavac-u-Narodnaj-Vol%D1%96-10-07>; Valiantsin Fedorenko - <https://www.svoboda.org/a/32081034.html> ; Mikalai Statkevich - https://news.zerkalo.io/life/27282.html?tg_, <https://www.facebook.com/marina.adamovich.3/posts/pfbid02OHL9PGNZSPTA7UfpVcYU6vioMR46H5dG7ckYUnQhC4ffQ4dXqtqdQxYYbvtvDe9Xl>; Vitaliy Prokopchuk - <https://t.me/viasna96/12844>; Nasta Loika - <https://t.me/viasna96/15313>; Vladimir Telepun - <https://t.me/viasna96/13696><https://t.me/viasna96/13760> ; Olga Klaskovskaya - <https://t.me/viasna96/11193> ;, Dmitry Mishakovsky - <https://t.me/viasna96/10993>

¹⁷ <https://news.zerkalo.io/economics/27340.html?tg>

¹⁸ <https://spring96.org/be/news/109760>

¹⁹ <https://t.me/belsat/91113>; <https://spring96.org/be/news/107161>; <https://spring96.org/ru/news/110298>

²⁰ <https://t.me/tsikhanouskaya/3005>; <https://belsat.eu/news/15-07-2022-katavanni-palivyaznyau-u-kalonii-9-u-gorkah-u-vadzima-gurmana-pagarshaetsta-zdaroue>; <https://t.me/viasna96/12295>



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