

## Belarus Human Rights Index

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2023

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

Expert Commentary

<b>The score:</b>	<b>2,1</b>	<b>-0,3</b>
<i>Including scores by component:</i>		
• General principles	2,5	-0,1
• Detention conditions	2,2	-0,3
• Protection of persons deprived of their liberty	1,7	-0,2

In assessing the state of the right of persons deprived of liberty to humane treatment in 2023, the Index experts gave lower scores than in 2022. **Among the main reasons:**

- 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;
- administrations and staff of places of detention continue to arbitrarily deny prisoners their rights – beginning with the opportunities provided by law to receive letters and parcels, to meet with lawyers, ending with provision of timely and adequate medical care;
- the overall situation is worsening, including with the development of the practice of holding certain political prisoners in *incommunicado* detention for months.

#### • General principles

Discriminatory inhuman treatment of political prisoners persisted in 2023. At the end of 2023, there were 1,430 political prisoners in Belarus (among them 167 women, 48 pensioners, 42 persons with disabilities or serious illnesses). During the year, 98 political prisoners had their sentences toughened. In addition, in 2023, the authorities began to use Article 411 of the Criminal Code (CC) on malicious disobedience to the demands of the prison administration to prolong the illegal imprisonment of political prisoners<sup>1</sup>. The overall situation is worsening, including due to the development of the practice of holding individual political prisoners in *incommunicado* detention for many months<sup>2</sup>. According to experts, a climate of general impunity has led to a systemic, widespread deterioration in the enjoyment of this right, including the continued use of torture and other forms of prohibited treatment; the

<sup>1</sup> <https://spring96.org/ru/news/114076>

<sup>2</sup> <https://spring96.org/ru/news/113976>



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administration and staff of places of detention continue to arbitrarily deny prisoners their rights, from the statutory opportunities to receive letters and parcels, to meet with lawyers, to the provision of timely and adequate medical care. There is a high level of cruelty both in sentencing without taking into account the health condition of convicted persons and at the stage of execution of punishment<sup>3</sup>. In 2023, political prisoners Ales Pushkin and Mikalai Klimovich died in detention as a result of failure to provide timely, quality medical care<sup>4</sup>.

In some places of detention the practice of pressure on political prisoners through the creation of unbearable conditions forcing them to give "confession" testimony, including the detention of those convicted in criminal cases together with the accused persists<sup>5</sup>. The penitentiary system remains an exclusively punitive (repressive) mechanism, especially for political prisoners<sup>6</sup>.

- **Detention conditions**

Conditions of detention in 2023 remained non-compliant with international human rights standards. Torture, inhuman and degrading treatment continued to be used in penitentiary institutions in violation of the national legislation, as well as international obligations of Belarus. Released political prisoners regularly reported to human rights defenders about the forms of treatment they faced in detention<sup>7</sup>. In particular, prisoners are forced to work in harsh conditions without days off, arbitrary penalties are imposed, they are regularly placed in punitive isolation wards, cell-type premises, "sweat boxes", subjected to physical and psychological violence, threats of sexual violence and murder, deprived of sleep, food, heat, bedding and personal hygiene products, insulted, placed in isolation cells in overcrowded conditions, together with homeless people who have not been sanitized, left without proper medical care, deprived of visits and transfers, and letters from relatives destroyed<sup>8</sup>. In response to the described conditions, political prisoners hold hunger strikes demanding an end to such

<sup>3</sup> Among many others, see the situations of Ryhor Kastusiou, Pavlo Kuchynskyi, Volodymyr Gundar, Tatyana Kanevskaya.

<sup>4</sup> <https://spring96.org/ru/news/113976>

<sup>5</sup> See the material about pressure through the "sweat-box" on political prisoners held in SIZO-1:

<https://spring96.org/ru/news/111362>

<sup>6</sup> The memories of former political prisoners are illustrative; see the interview with human rights activist Leonid Sudalenko: "In the facility where I was, all political prisoners had violations, even when they did not commit them. There were cases when they simply came and offered: choose what you did - did you smoke in the wrong place or did you have a uniform that did not correspond to the form required? For example, they were looking for artificial violations, because there was definitely a command from above that all politicians should be violators". <https://www.currenttime.tv/a/intervyu-s-belorusskim-pravozaschitnikom-leonidom-sudalenko/32569417.html>

<sup>7</sup> <https://spring96.org/ru/news/110368> <https://spring96.org/ru/news/110367> <https://spring96.org/ru/news/110438> <https://spring96.org/ru/news/110393>

<sup>8</sup> <https://spring96.org/ru/news/110783>, <https://spring96.org/ru/news/110935>, <https://spring96.org/ru/news/111104>, <https://spring96.org/ru/news/110967>, <https://spring96.org/ru/news/111168>, <https://spring96.org/ru/news/111242>, <https://spring96.org/ru/news/111413>, <https://spring96.org/ru/news/111326>, <https://spring96.org/ru/news/111476>, <https://spring96.org/ru/news/111362>, <https://spring96.org/ru/news/113785>, <https://spring96.org/ru/news/112878>, <https://spring96.org/ru/news/113777>, <https://spring96.org/ru/news/113483>, <https://spring96.org/ru/news/113291>



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treatment, which affects their health.<sup>9</sup> KGB officers also resort to torture in search of evidence of detainees' involvement in protest activity<sup>10</sup>. In 2023, the practice of recording humiliating videos of detainees "confessing" to protests and dissent continued<sup>11</sup>. In addition to the inhumanity of the practice *per se*, such videos are often accompanied by coercion to other humiliating actions.<sup>12</sup> The practice of arbitrarily depriving political prisoners of contact with the outside world persists, and permitted means of communication are censored and excessively controlled<sup>13</sup>. Not only relatives and lawyers, but also representatives of international institutions have no opportunity to visit political prisoners: for example, Belarus consistently ignores ILO requests to visit convicted leaders and activists of independent trade unions<sup>14</sup>. In 2023, the practice of prolonged solitary confinement persisted, as well as the legislative possibility to place prisoners in solitary confinement as a punishment for an excessively long period of six months<sup>15</sup>.

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

The mechanism for monitoring conditions of detention and treatment of persons subjected to any form of arrest, detention or imprisonment remains ineffective, biased and non-transparent. Public monitoring commissions under the Ministry of Justice continue to state that the conditions of detention of prisoners in all places of detention comply with legal requirements, ignoring the facts of torture and other forms of prohibited treatment constantly recorded by human rights defenders<sup>16</sup>.

As a slight improvement in the situation with the provision of medical care, experts note the opening of a new hospital for prisoners in Koliadichi, which provides more opportunities to receive specialized care. Nevertheless, in general, the possibility to receive proper medical examinations, timely and

<sup>9</sup> <https://spring96.org/ru/news/111636>

<sup>10</sup> <https://spring96.org/ru/news/111446>

<sup>11</sup> <https://spring96.org/ru/news/112396> <https://spring96.org/ru/news/112506>

<sup>12</sup> <https://spring96.org/ru/news/112387>

<sup>13</sup> <https://www.currenttime.tv/a/intervyu-s-belorusskim-pravozaschitnikom-leonidom-sudalenko/32569417.html>, <https://spring96.org/ru/news/112683>, <https://spring96.org/ru/news/113367>,

<sup>14</sup> [https://www.ilo.org/wcmsp5/groups/public/---ed\\_norm/---relconf/documents/meetingdocument/wcms\\_913019.pdf](https://www.ilo.org/wcmsp5/groups/public/---ed_norm/---relconf/documents/meetingdocument/wcms_913019.pdf), [https://www.ilo.org/wcmsp5/groups/public/---ed\\_norm/---relconf/documents/meetingdocument/wcms\\_886022.pdf](https://www.ilo.org/wcmsp5/groups/public/---ed_norm/---relconf/documents/meetingdocument/wcms_886022.pdf)

<sup>15</sup> Part 7, Article 112 of the Correctional Code provides, *inter alia*, for the possibility of solitary confinement for six months ([https://kodeksy-bel.com/ui\\_kodeks\\_rb.htm](https://kodeksy-bel.com/ui_kodeks_rb.htm)). At the same time, the Human Rights Committee notes that prolonged solitary confinement may amount to torture or other forms of prohibited treatment (<https://www.refworld.org/legal/general/hrc/1992/en/11086>); The European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment considers that the maximum period of such detention should not exceed 14 days in respect of a specific offense (not to mention the need to observe procedural guarantees, which are absent in Belarusian practice). (<https://rm.coe.int/16806cccc1>)

<sup>16</sup> [https://minjust.gov.by/press/news/politicheskie\\_partii\\_obshchestvennye\\_obedineniya\\_i\\_drugie\\_nekommercheskie\\_organizatsii/sovместное\\_zasedanie\\_respublikanskoj\\_i\\_mestnykh\\_obshchestvennykh\\_nablyudatelnykh\\_komissiy\\_sostoyalos/?sphrase\\_id=375297](https://minjust.gov.by/press/news/politicheskie_partii_obshchestvennye_obedineniya_i_drugie_nekommercheskie_organizatsii/sovместное_zasedanie_respublikanskoj_i_mestnykh_obshchestvennykh_nablyudatelnykh_komissiy_sostoyalos/?sphrase_id=375297)



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adequate medical care, and treatment in places of detention is often still lacking.<sup>17</sup> Human rights defenders continue to receive evidence of political prisoners being denied medication, not being informed of the results of medical examinations, deliberately placed in conditions that promote or exacerbate existing illnesses, or being denied or provided with insufficient medical care.<sup>18</sup>

No mechanism for independent and objective medical examinations and documentation of bodily injuries has been established, nor is there an effective mechanism for appealing against torture and ill-treatment. According to experts, the situation is exacerbated by the ineffectiveness of existing remedies, a general climate of intimidation in which victims of prohibited treatment are afraid to complain because of the threat of reprisals, and the diminishing possibilities for filing complaints due to the evolving arbitrary practices of solitary confinement, *incommunicado* detention, denial of written complaint materials and denial of access to legal counsel. There is still a lack of evidence of impartial and effective investigations into every death in prisons.

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<sup>17</sup> [https://spring96.org/files/reviews/ru/review\\_2023\\_ru.pdf](https://spring96.org/files/reviews/ru/review_2023_ru.pdf)

<sup>18</sup> <https://spring96.org/ru/news/110783> <https://www.svaboda.org/a/32706561.html> <https://spring96.org/ru/news/113526>  
<https://spring96.org/ru/news/113610>



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