

Belarus Human Rights Index
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2021

Right to a fair trial

Expert commentary

The score: 3,5
including scores for the components:

- Equality before courts and tribunals 3,3
- Fair and public hearing by a competent, independent and impartial tribunal 3,4
- Procedural guarantees in criminal proceedings 3,3
- Review by a higher tribunal and compensation in cases of miscarriage of justice 4

The state guarantees the right to a fair trial in several articles of the Constitution (Articles 11, 22, 25 (2), 26, 27, 34 (2), 40, 59, 60, 62, 110, 114, 115)¹, which are further elaborated in the legislative acts. Belarus has been a party to the International Covenant on Civil and Political Rights since 1973². The right to a fair trial is enshrined in Article 14 of the Covenant³.

A description of the basic situation regarding the right to a fair trial can be found in the 2019 overview. In assessing the situation in 2021, the experts gave lower scores than in 2020, based on the reasons outlined below.

According to the experts, the legal crisis in general and the human rights crisis in particular worsened in 2021, which affected the right to a fair trial. In 2021 there were more trials of politically motivated, fabricated criminal cases. People have no trust in either law enforcement agencies or the courts. In society, courts and judges are perceived as dependent on “top-down” decisions, unbiased, and ineffective, especially when politically motivated cases are considered. The judicial system has degraded and is facilitating repression.

- Equality before courts and tribunals

The situation of the right to apply to the court without discrimination has, according to experts, worsened in 2021. Formally this right is guaranteed to everyone, but in practice, its realization depends on the possession of Belarusian citizenship, refugee or stateless person status, etc. In 2021, the

¹ Constitution of the Republic of Belarus: <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: <https://www.ohchr.org/en/instruments-mechanisms/instruments/international-covenant-civil-and-political-rights>.



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difference in treatment between those who are loyal and those who are not loyal to the current authorities has deepened. In 2021 it is practically impossible to apply to the court, appeal against a decision, or file a complaint against the actions of state authorities. According to the experts, due to the mass trials on political grounds, it is almost impossible for people who have been convicted to exercise the right to appeal against a trumped-up decision. In political cases, the presumption of guilt rather than the presumption of innocence is actually applied. Courts, on the other hand, work effectively when public authorities or employees of public bodies are the plaintiffs. There have been cases where complaints against state bodies were formally dealt with: the court verified compliance with the procedures but did not consider the merits of the case, which indicates a lack of impartiality and dependence. As to political cases, experts note the fear of appealing to the court for the protection of one's rights, as there is a very high probability that a repressive mechanism will be triggered instead of protection. In general, in 2021, people have been less likely to apply to NGOs for legal assistance in various cases, not only political ones.

Access to court for persons deprived of their liberty has become more challenging. It is virtually impossible to appeal against disciplinary sanctions, as in 2021 attorneys are predominantly not allowed to visit persons held in punishment cells, which is a violation of the right to legal assistance, the right to a fair trial, access to it and, in general, indicates lack of effective legal remedies. Detainees in Offenders' Detention Centres or Temporary Detention Centres cannot actually appeal against decisions in administrative cases (pens needed to write a complaint are somehow absent; it is impossible to pay the state duty).

According to the experts, there have been cases where attorneys have tried to appeal against the appointment of an extraordinary certification in court (a form of pressure on lawyers engaging in political cases), but these complaints were found to be beyond the competence of the court.

The discrimination in appealing to the court in civil cases hasn't been observed, but in 2021 the state fee for appeal has increased.

The equality of arms is guaranteed in legislation but does not always function in practice. Sides in criminal proceedings, especially in politically motivated cases, have traditionally been unequal, but this inequality increased significantly in 2021 when most political cases were protracted, defendants found it difficult to find an attorney, (affected by repressions against the Bar, a shortage of qualified attorneys and the departure of some lawyers from the profession because of their civic positions⁴). While there were few criminal trials in political cases in 2020, in 2021 all those detained in 2020 began to be tried. According to expert information, in 2021 in politically motivated administrative and criminal cases that were tried within open court sessions, not a single request for video recordings or for summoning witnesses was granted by the court. Neither was any request for the attachment of written

⁴ Criminal cases have been initiated against three attorneys under various pretexts. It is a common practice to call lawyers for recertification, which they "cannot" pass. The Ministry of Justice deprives attorneys of licenses under the pretext of systematic (two or more times within 12 months in a row) violation of the requirements and conditions for the practice of advocacy established by law <https://defenders.by/lawyers-persecution-2020>; <https://www.belta.by/society/view/minjust-pojasnil-lishenie-litsenzij-nekotoryh-advokatov-451652-2021/>.

materials to the case (e.g. Viktor Babarika's case). The situation was the same in civil cases of NGO liquidations. Equality of arms has become less attainable, in part because of the introduction in 2020 of remote hearings via video conference.

- **Fair and public hearing by a competent, independent and impartial tribunal**

In 2021 the legislation regarding guarantees of judicial independence and protection of judges from any form of political interference in their procedural decision-making hasn't changed. However, the practical situation has significantly deteriorated. The judicial system seems to facilitate repression and fulfill a "plan"⁵. According to the experts, it cannot be said that the court is independent, impartial and protected from any interference in its decision-making process. In Belarus, the court has a decorative function and serves to protect the state from people who are disloyal to it. According to expert observations and statistics on verdicts, judges have developed a strong sense of omnipotence if they in turn are loyal to the state. Almost all court decisions in criminal and administrative cases agree with the prosecution's position. In all civil cases of liquidation of public associations, the rulings were issued in favor of the Ministry of Justice. Around 300 organizations were liquidated in 2021⁶. Experts noted a tendency for judges who heard politically motivated cases to move up the career ladder, especially in the regions.

The powers of judges can be terminated arbitrarily. Starting from August 2020, the length of judges' terms of office depends on their loyalty to the state and its policy towards dissenters. The case of political prisoner Tikhon Osipov may serve as an example. On the night of August 10-11, 2020, Tikhon drove his car over law enforcement officers that were dispersing the demonstration, then left the car in a pond and claimed that it was stolen. The case was heard by Judge Dmitry Tsykalo. During the trial, he said he did not see any attempt at murder in the case and therefore would consider the case as Article 364 of the Criminal Code "Violence or threat of violence against an officer of internal affairs bodies". He was then replaced by Judge Pyotr Orlov⁷. As a result, Osipov was sentenced to 11 years imprisonment in a strict regime colony for participation in "mass riots", "attempted murder of a police officer" and "knowingly false report"⁸.

Formally, access to justice is guaranteed by law, so no person can be procedurally deprived of their right to seek it. However, in 2021, the experts note that in practice discrimination of certain groups of people, especially dissenters, in accessing and realizing the right to claim justice has affected general

⁵ Brief statistical data on the activities of courts of general jurisdiction in the administration of justice for 2021, https://www.court.gov.by/ru/justice_rb/statistics/baa6161e8d3941a1.html.

⁶ According to Lawtrend, since July 2021, more than 300 NGOs have been liquidated by the Belarusian authorities, regardless of the nature of their activities (cultural, educational, human rights, social, charitable, etc.). The official grounds were extra-statutory activities, receiving two warnings from the Ministry of Justice within a year or a failure to carry out entrepreneurial activities within 24 months. Forced liquidation did not affect pro-government public organizations. About 200 more civil society organizations have decided to dissolve themselves. <https://www.lawtrend.org/liquidation-nko>.

⁷ <https://charter97.org/ru/news/2022/1/5/450035/>.

⁸ <https://prisoners.spring96.org/ru/person/cikhan-osipau>



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access to justice.

In 2021, the state fee for an appeal was increased from 50% to 80% of the rate established for the consideration of the claim⁹. Under the experts, this has affected access to justice for all, but particularly for vulnerable groups, e.g. persons deprived of their liberty, politically motivated defendants. Furthermore, the state fees are disproportionate to the income of certain segments of the population, making it impossible for them to exercise their right of access to the court. Although the population has become poorer in 2021 amid the imposition of sanctions against the regime and price increases, state fees have increased. Having the possibility of exemption from state fees, the courts practically do not make use of it.

The court is subject to influence, pressure, intimidation or interference with the administration of justice, especially from the state¹⁰. Attorneys are also exposed to pressure from the state; many lawyers have been suspended from practising law on the pretext of the failure to undergo another certification¹¹. A system of intimidation of attorneys defending political prisoners has been put in place. Public statements of top officials (A. Lukashenko, Minister of Foreign Affairs V. Makei) on high-profile cases often "predetermine" the court verdict, such as in the case of Viktor Babaryka¹², Sergei Tikhanovsky, Roman Protasevich, Sofia Sapega¹³.

The situation in civil proceedings has not changed compared to 2020, according to the experts.

The right to an open hearing is established in the Constitution and the procedural law, but in practice, the situation has worsened in 2021: the tendency of considering politically motivated cases *in camera* under the pretext of the COVID-19 pandemic or without any justification has developed¹⁴. The courts, however, handled the issue of publicity in different ways under the same conditions.

In 2021, the practice of mobile court hearings in the buildings of police departments emerged. Another way of limiting the publicity of the trial is to conduct it far from the place of residence, especially if the trial in the defendants' place of residence may cause disturbances. This practice makes it difficult for independent observers to attend the hearing.

In 2021, a compulsory accreditation of the representatives of foreign embassies was introduced for attaining an opportunity to attend open court sessions. Thus, the Supreme Court did not allow representatives of diplomatic missions to hear cases on liquidation of the Belarusian Association of Journalists, the Belarusian Helsinki Committee.

⁹ <https://www.gb.by/izdaniya/gb/chto-sleduet-uchityvat-v-2021-godu-pri-o-1>

¹⁰ See general information on the situation in the country, the case of Tikhon Osipov and the removal of Judge Dmitry Tsykalo.

¹¹ See above.

¹² <https://www.the-village.me/village/city/gorad-pytanne/282677-chto-ne-tak-v-dele-babariko>.

¹³ <https://www.svoboda.org/a/31284494.html>.

¹⁴ <https://www.the-village.me/village/city/whatsgoingon/291009-chto-proishodit-na-zakrytyh-sudah>
<https://spring96.org/ru/news/103187>; <https://spring96.org/ru/news/103656>; <https://spring96.org/ru/news/106290>;
<https://spring96.org/ru/news/105919>; <https://spring96.org/ru/news/105177>.



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In 2021 the practice of formally open hearings continued to develop: the courtrooms were filled with the “inside men”, often being administratively dependent persons, to prevent the presence of the interested public and media representatives. For example, the trial of the Brest bloggers Sergei Petrukhin and Alexander Kabanov, who fought against the construction of a battery factory, was formally conducted openly, but the independent observers didn’t get a chance to attend it since the courtroom was filled with unknown people, presumably students of the police school.

One example of a trial closed without proper justification is the hearing of Pavel Seviarynets and six activists of the “European Belarus” case, which started on 12 May 2021 in the Mahiliou Regional Court. Law enforcers not only did not let even relatives of the defendants into the courtroom but also blocked the foyer of the building. After the beginning of the trial, the riot police dispersed people that gathered near the porch, as a result, two journalists and several activists were detained. The detainees were charged with participating in an unsanctioned mass event, although local human rights activists claim that no demonstrations were held in the city that day¹⁵.

On the positive side, the experts noted that an online calendar of dates of proceedings was launched in 2021, which has increased the level of awareness.

- **Procedural guarantees in criminal proceedings**

Since August 2020, the presumption of innocence in Belarus functions selectively. In politically motivated cases, both administrative and criminal, there is, on the contrary, a presumption of guilt. Defendants continue to be kept in cages and handcuffed. There is a state monopoly on the media, as independent media have been virtually destroyed¹⁶ in the aftermath of 2020, leading to a lack of access to objective information. The state has built up a system of propaganda directed against dissenters. Hate speech is used on state TV (see the programme of Grigoriy Azarenok) and in newspapers (see the articles of Andrei Mukovozchik)¹⁷, as well as in pro-governmental Telegram channels. The defendants in criminal cases are insulted, humiliated and declared guilty in advance for the crimes imputed.

In 2021, the repressive degrading practice of law-enforcement agencies in the form of filming the “repentant” videos was developed further. Official, pro-government or anonymous Telegram channels publish videos of detainees, apparently recorded under duress, in which people admit their guilt (consisting in publishing critical or insulting comments on law enforcement officials in social networks, participating in peaceful protests, etc.) and “repent”. Subsequently, the detainees are held criminally or administratively liable. In 2021, several “repentant” videos comprised forced disclosure of personal information. For example, in December 2021, a video was published with A1 spokesperson N. Bredelev and S. Babashkov, marketing director of Hyundai AvtoGrad, where they admit to belonging to the LGBT community¹⁸.

¹⁵ <https://www.dw.com/ru/kak-i-zachem-sudy-v-belarusi-ee-vlasti-vse-chashhe-delajut-zakrytymi/a-57922438>.

¹⁶ <https://spring96.org/ru/news/106328>.

¹⁷ <https://mediaiq.info/te-kto-podderzhivayut-deystvuyushchuyu-vlast-inogda-pokazyvayutsya-kak-lyudi-nedal>

¹⁸ <https://dev.by/news/zaderzhan-pr-a1>



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The periods of detention and confinement in compulsory isolation are unreasonable, often exceeding what seems absolutely necessary. In 2021, a reasonable period of detention without charges and/or with charges, but awaiting trial, in politically motivated criminal cases is widely violated. For instance, Eduard Babarika was arrested in June 2020; in December 2021 he was to be released from pre-trial detention in Minsk, where he spent 18 months on charges of tax evasion, however, he was not released. Another criminal case on incitement of hatred and organization of mass riots was filed against him¹⁹. In 2021, the practice of "multistage" charges in politically motivated criminal cases also emerged. The practice is the following: firstly, a relatively "minor" charge is incriminated to a detainee in criminal proceedings; some time later several more charges are added to the original, or an entirely different charge is incriminated. The case of Marfa Rabkova is quite illustrative: she was initially detained within criminal proceedings under Part 3 of Article 293 of the Criminal Code ("Training or other preparation of persons for participation in mass riots, financing or other material support of such activities"), and three months later she was charged under Part 3 of Article 130 ("Incitement of racial, national, religious or other social hatred or discord committed by a group") and Part 2 of Article 285 of the Criminal Code ("Participation in a criminal organization"); 10 months later she wrote a letter to her family informing them that she would be tried under 11 articles of the Criminal Code²⁰. In general, according to the experts, 2021 is characterized by the practice of detaining an "unwanted" person and then "finding" one or more relevant articles in the Criminal Code to proceed with the prosecution.

There is insufficient time and opportunity for defendants to prepare their defense. In 2021, according to the experts, the situation has worsened. This has been affected by the crackdown on the legal community, the practice of not allowing the lawyer to visit the defendant, especially a political one, non-transfer of the case materials from the attorney to the defendant. Many attorneys have been disbarred²¹, so there are fewer people available for the defense of prisoners. For example, in the midst of the trial in the case of Sergei Tikhanovsky his attorney, Natalia Matskevich, was suspended on October 13th, 2021 and then deprived of her license²². In 2021 multi-volume case materials are gathered, with which it is physically impossible to get acquainted within the general term of 1 month. However, the terms in such cases are not extended, which affects the preparation of the defense and the course and quality of the whole case. Case files cannot be photographed. In administrative cases with no public danger the defendants are placed in custody, which limits their ability to prepare a defense, and the same applies in criminal cases. Moreover, in 2021 there is a tendency when one case file is given for familiarization, and in court, it turns out that the case file is different. There is no confidentiality between the attorney and the accused. Another way to put pressure on lawyers is to

¹⁹ <https://www.dw.com/ru/synu-viktora-babariko-predjavili-novye-obvinenija/a-60286615>

²⁰ <https://prisoners.spring96.org/ru/person/marfa-rabkova>

²¹ <https://www.currenttime.tv/a/beloruskie-advokaty-lishennye-litsenzii/31511508.html>

²² <https://www.dw.com/ru/delo-tihanovskogo-statkevicha-losika-chto-izvestno-o-sud%D0%B5/a-59933571#:~:text=%D0%A1%2030%20%D0%BC%D0%B0%D1%8F%2020%20%D0%B3%D0%BE%D0%B4%D0%B0,%D0%B0%20%D0%BF%D0%BE%D1%81%D1%82%D0%BE%D0%BC%20%D0%BB%D0%B8%D1%88%D0%B8%D0%BB%D0%B8%20%D0%B0%D0%B4%D0%B2%D0%BE%D0%BA%D0%B0%D1%82%D1%81%D0%BA%D0%BE%D0%B9%20%D0%BB%D0%B8%D1%86%D0%B5%D0%BD%D0%B7%D0%B8%D0%B8>



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take a subscription on non-disclosure of the investigation data. This abusive practice violates the International Covenant on Civil and Political Rights and restricts the attorneys' freedom of expression.

A reasonable period of pre-trial detention (from the moment of apprehension to the pronouncement of sentence by the first instance court) is not respected. In 2021, people were held in custody as long as possible; some persons were awaiting trial for over 1 year. This is particularly characteristic of political prisoners. The cases of Eduard Babariko and Marfa Rabkova are illustrative in this regard. On the positive side, the experts noted that in 2021 the rules for calculating sentences were changed: 1 day in custody corresponds to 1.5 days of imprisonment.

Criminal and administrative defendants are not always guaranteed the right to be tried in their presence. The situation has worsened in 2021. The majority of administrative politically motivated hearings took place via video conference, without the defendant being present in person. The court often indiscriminately uses its right to remove the defendant from the courtroom until the end of the trial.

The situation of witnesses and their attendance in 2021 is considered to have deteriorated. For example, in Viktor Babarika's trial witnesses were handcuffed and testimonies taken during the pre-trial investigation were given more weight by the court than oral testimonies in court.

A practice has developed in politically motivated cases under which defense motions to invite a witness are often not granted. Victims in politically motivated cases are excused from appearing in court even if they were called up.

The situation with the language used in court, the provision of a free interpreter in 2021, according to experts, has not changed.

In 2021, despite the defendant's testimony in politically motivated criminal cases about the use of torture by law enforcement agencies and prison guards, the courts did not take note of such claims in any of the cases, which indicates that the state recognises the legality of torture and other forms of ill-treatment. In fact, the court promoted impunity in the sphere of torture and demonstrated the state's position regarding its admissibility for the benefit of the policy of the current regime. In January 2021 alone, 14 of the persons detained during peaceful protests reported torture and other forms of inhuman treatment, including deprivation of parcels, basic necessities, lack of walks and showers²³. Subsequently, the preliminary investigation bodies of Belarus received 4,644 complaints about the use of physical force and means of restraint by representatives of the Interior Ministry during the dispersal of peaceful protests, but none of the complaints was properly investigated²⁴. For example, Kirill Pavlovets' allegation of beatings in the Savetski District Court of Minsk was not properly considered by the judge²⁵. On 26 August 2021, the Investigative Committee stated in principle that it refused to investigate torture and acts of cruel, inhuman, degrading treatment that allegedly took place in the

²³ <https://spring96.org/ru/news/101653>

²⁴ <https://spring96.org/ru/news/102222>

²⁵ <https://spring96.org/ru/news/102723>

detention facilities of the Main Department of Internal Affairs of Minsk City Executive Committee on 9–15 August 2020²⁶. Inaction was also noted in the case of allegations of torture made by Mikola Dziadok in court.

In 2021 a practice developed of subjecting a person to criminal responsibility after they have served a sentence within an administrative case for political reasons. Judges do not count the time served within administrative cases when considering criminal ones. Often Article 23.34 of the Code of Administrative Offenses turns into Article 342 or Article 411 of the Criminal Code.

In 2021 there is still no proper criminal justice system for juveniles. In 2021, the tendency of convicting minors who committed criminal offenses for the first time for long periods of time has increased. In 2021, politically motivated articles joined the drug-related ones.

On 10 August 2020, Nikita Zolotarev was detained in Gomel. He was 16 years old and diagnosed with epilepsy at the time of his arrest. After being arrested, he was taken to the police station, where he was beaten and tortured with electric shocks. He was accused of allegedly throwing a Molotov cocktail at two police officers while participating in protests. Seven months later, on February 22, 2021, the verdict in his case was announced – five years' imprisonment. Nikita was sent to a juvenile colony²⁷. He was given some unidentified medication for epilepsy once every two days, although Nikita is supposed to take epilepsy medication twice a day, in the afternoon and in the evening²⁸. Letters, food and medication parcels were not transferred to him. For a long time, Nikita was kept in solitary confinement, constantly awakened at night, and taken out for checks. He received a yellow tag upon arrival in the colony, which identifies "extremists". Now he wears a red one, meaning that he is "prone to escape"²⁹. In July 2021 he was sentenced to another 1.5 years in prison under Article 364 of the Criminal Code (Violence or threat of violence against an internal affairs officer). He was accused of assaulting an officer of the detention facility, as well as of threatening a female officer of the detention facility and members of her family. Nikita admitted guilt but added that his actions constituted not violence, but resistance, and the insulting words were uttered in the heat of the moment. There was a conflict between him and the staff. However, the teenager claims that he did not hit the staff member, nor grabbed him by his clothes or body parts: "I only touched the mask." "Due to the fact that I was tried under "political" articles, I am treated badly and inhumanely in the pre-trial detention facility. I have been sitting alone for a long time, almost two months, and can't stand it anymore: I just freak out in such a situation," the teenager said³⁰.

Moreover, various illnesses in 2021 were not recognised by the court as mitigating circumstances. For instance, E. Kokhanouski and D. Gupta were charged under two articles of the Criminal Code: Part 1 of

²⁶ <https://spring96.org/ru/news/104826>

²⁷ <https://eurasia.amnesty.org/2021/12/08/ya-by-peredal-emu-v-koloniya-knigi-no-u-nih-tam-minuty-svobodnoj-net-istoriya-17-letnego-nikity-zolotaryova-geroya-marafona-pise-m/>.

²⁸ <https://www.currenttime.tv/a/zolotarev/31119185.html>.

²⁹ <https://eurasia.amnesty.org/2021/12/08/ya-by-peredal-emu-v-koloniya-knigi-no-u-nih-tam-minuty-svobodnoj-net-istoriya-17-letnego-nikity-zolotaryova-geroya-marafona-pise-m/>.

³⁰ <https://www.currenttime.tv/a/v-belarusi-snova-sudyat-podrostka-s-epilepsiey/31346834.html>.



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Article 342 ("Organization of or active participation in group actions that grossly violate public order") and Article 364 ("Violence or threat of violence against an officer of the Interior"). Despite the attorney's statement that D. Gupta was diagnosed with mental retardation, which required medical supervision and treatment, and a request to impose a non-custodial sentence, the court did not take these facts into account and imposed a sentence (two years in a minimum security colony) as requested by the prosecution³¹. The attorney then wrote a petition for clemency, after which she was disbarred.

- **Review by a higher tribunal and compensation in cases of miscarriage of justice**

Convicted persons do not have effective access to a review by a higher court, despite this right being formally enshrined in legislation. In 2021, the legislation providing for the possibility to appeal against the verdicts of the Supreme Court considered by it at first instance was not amended. According to the experts, the situation in practice has worsened in 2021, as the review mechanism for politically motivated cases does not function at all. Despite egregious violations at the first instance level, the appellate courts do not review the case properly and deliver the same verdict, which is especially characteristic of politically motivated cases.

In Belarus, 36,356 people were convicted in criminal cases in 2021, which is 5% more than in 2020 (34,572 people were convicted in 2020). During this time only 51 persons were acquitted, which is almost 2 times less than in 2020 (93 persons). Among the 36,356 persons convicted in 2021, 8,065 persons or 22% of the total number of convicted persons were sentenced to imprisonment, which is comparable to the 2020 figures. Six persons were sentenced to life imprisonment (3 persons in 2020) and one person was sentenced to death by firing squad³². According to the Investigative Committee, in 2021, a total of more than 1,200 criminal cases for extremism were heard by the courts in Belarus, with more than 1,600 persons convicted. Not a single verdict of acquittal has been delivered³³. According to the statistics of the Supreme Court, in 2021 only 79 verdicts were overturned on appeal and/or cassation³⁴. In Viktor Babarika's case, the Supreme Court arbitrarily decided to hear the case as the first instance, so that Viktor and the other defendants would not have a chance to appeal.

In general, due to the mistrust in the judicial system, belief in its inefficiency and dependence on "top-down" decisions, people do not utilize the mechanisms of appeal or cassation.

In 2021, the reasoning part of the verdicts has virtually "disappeared". Often the essence of the verdict and the reasoning cannot be understood not only by the convict but also by the attorney. The vagueness of the verdict makes it impossible for the convicted person to properly defend his or her rights by filing an appeal. An audio transcript of the court session is used: if the session is open, the defendant is given

³¹ <https://spring96.org/ru/news/101729>

³² for more details, see Brief statistical data on the activity of courts of general jurisdiction in the administration of justice for 2021, available: https://court.gov.by/ru/justice_rb/statistics/baa6161e8d3941a1.html

³³ <https://belsat.eu/ru/news/24-01-2022-v-belarusi-v-2021-godu-za-politiku-bylo-osuzhdeno-bolee-1-6-tysyachi-chelovek/>

³⁴ https://www.court.gov.by/ru/justice_rb/statistics/baa6161e8d3941a1.html



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a disk that cannot be used in prison; if it is closed, it is possible to listen to the session, but it is time-consuming. Those convicted in administrative cases by video link do not receive an order immediately. The right to compensation is formalized, but still difficult to implement in practice in 2021.



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