

Belarus Human Rights Index

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2024

Right to a Fair Trial

Expert Commentary

The score:	2,7	-0,1
<i>Including scores by component:</i>		
• Equality before courts and tribunals	2,1	-0,1
• Fair and public hearing by a competent, independent and impartial tribunal	3,0	-0,1
• Procedural guarantees in criminal proceedings	2,6	-0,1
• Review by a higher tribunal and compensation in cases of miscarriage of justice	3,2	-0,1

In assessing the state of the right to a fair trial in 2024, Index experts **assigned lower scores** than in 2023. **The main reasons** for this decline include:

- A sharp increase in the number of cases initiated via special (in absentia) proceedings, which highlighted the de facto absence of procedural guarantees for the accused;
- Restricted access to justice for individuals who were forced to flee the country due to the risk of politically motivated persecution, including difficulties with paying court fees from abroad;
- Limitations on access to the database of anonymized court decisions, which, in the context of a judiciary that is increasingly closed to public scrutiny, marked by arbitrary closure of proceedings and persecution for monitoring open court hearings, deprives the public of the ability to track current trends in law enforcement and judicial practice.

• Equality before courts and tribunals

The score for this component was downgraded due to the lack of effective access to justice for citizens residing abroad – especially those subject to special (in absentia) proceedings. Experts note a widespread practice in which courts refuse to accept claims and complaints from individuals located outside the country, citing various pretexts.

Court fees remain an additional barrier to access to justice. The ability to pay them from abroad is severely limited, while the existing legal grounds for exemption do not account for the practical impossibility of transferring funds to Belarus under current conditions.



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The expansion of special (in absentia) proceedings¹ further highlighted the absence of fundamental guarantees of adversarial process, which stems, in part, from factors addressed in other indicators below – including lack of access to case materials; inability to review the charges in full and contact the defense counsel to coordinate legal strategy; inability to present evidence or summon witnesses, etc.² (see below for details).

In addition, political prisoners remain de facto denied access to court, due to the lack of regular contact with their legal representatives, and documented cases in which prison administrations continued to refuse to provide even basic writing materials needed to prepare complaints or appeals – including under the cassation review procedure introduced in 2023.

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

In assessing the second component of this right, experts lowered the overall score due to continued restrictions on political prisoners and individuals prosecuted in special (in absentia) proceedings, which prevent them from genuinely seeking justice.

Court fees remain a significant concern. In addition to the previously mentioned difficulties with paying from abroad, experts emphasize that the current fee requirements do not take into account the circumstances of political prisoners – in particular, their extremely low prison wages, which barely cover their basic needs. A similar situation exists for individuals listed as involved in “extremist” or “terrorist” activities: their financial transactions are subject to special controls and restrictions, making it difficult for others to assist them in paying court fees.

Another persisting³ issue is the lack of an upper limit on court fees – especially in the context of filing claims and complaints related to property disputes. This makes the obligation to pay the fee a significant barrier to accessing justice.

Experts also note continued pressure⁴ on lawyers. In 2024, at least one major raid resulted in the mass simultaneous detention of attorneys.⁵ While in 2023 such arrests were often linked to the identities of their clients (including efforts to isolate the accused incommunicado), in the reporting period, these

¹ See analytical reviews by Human Rights Center Viasna: “Since the introduction of this instrument of arbitrary repression in September 2022, special proceedings have been initiated against 144 individuals, of whom 107 (106 for political reasons) – in 2024. The fact that the institution of special proceedings is intended for political persecution is confirmed by the number of politically motivated cases – 141 out of 144.”: [Human rights situation in Belarus in 2024](#)

² [Special proceedings in Belarus explained](#)

³ See the 2019 overview of the situation:

https://belhelcom.org/sites/default/files/5_pravo_na_spravedlivyy_sud_2019.docx_.pdf

⁴ An illustrative example of pressure on lawyers and the substitution of the profession’s mission with state interests can be found in the words of state media employee Lyudmila Gladkaya, who claimed that the death sentence in the notorious Rico Krieger case (an example of using terrorism charges and harsh sentences as tools of political repression and coercion) was the lawyer’s fault, since the defendant stopped fully confessing after meeting the lawyer: [2024: What Will Stand Out For The Human Rights And Legal Community?](#)

⁵ [Statement by Belarusian human rights organizations regarding the mass arrest of lawyers on 28 February 2024](#)



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measures appeared more symbolic and demonstrative — aimed at intimidating the legal profession as a whole.

In terms of the public nature of court proceedings, experts observed a qualitative deterioration in the situation. First, there has been restricted public access to the anonymized court decision database on the pravo.by portal,⁶ depriving the public of an official source of information on legal practice and rendering the system even more opaque and unpredictable.

Second, the reporting period saw the first-ever conviction equating lawful human rights monitoring of open court proceedings with “assisting extremist activity”.⁷

- **Procedural guarantees in criminal proceedings**

Experts lowered the score for this component due to the widespread use of special (in absentia) proceedings, which has revealed numerous serious — including procedural — flaws in their implementation.

Thus, experts note the absence of timely and adequate notification to the accused regarding the nature of the charges, making it impossible to understand what specific actions are being classified as criminal by the authorities. In many cases, individuals prosecuted in absentia are informed only of the Criminal Code articles being applied to their case.

Likewise, effective access to state-appointed legal counsel is not guaranteed⁸ — nor is access to quality legal assistance more broadly, given the aforementioned pressure on the bar. Accused individuals are also often denied access to case files and evidence, leaving them unable to prepare a defense, present arguments or evidence, or call witnesses.

The presumption of innocence continues to be undermined. In this regard, experts highlight the ongoing practice of broadcasting propagandistic “investigative films”,⁹ which feature individuals whose guilt has not been established in court, including those who have not been convicted — thereby undermining the presumption of innocence for an ever-widening group of people. Moreover, minors are also featured in such films.¹⁰

⁶ [Human rights situation in Belarus. March 2025](#); [Human Rights in Belarus: The Main Trends of Public Policy: January-April'25](#)

⁷ [Results of the fight against “extremism” in Belarus in 2024](#)

⁸ Moreover, the defendants are unable to enter into contracts with a lawyer of their own choosing due to the requirement of in-person appearance; <https://mediazonaby.com/news/2024/05/17/advakatka>

⁹ Among others — a film portraying a Japanese citizen detained as a “spy”: [Belarus Propaganda Update. Monthly review of Belarusian propaganda for September 2024](#); a Russian citizen: [What Russian citizens are being tried for in Belarus?](#); a military faculty lecturer at Belarusian State University, allegedly recruited by Polish intelligence: [First conviction for “denial of the genocide of Belarusian people” and the introduction of a list of banned literature: Overview of the fight against “extremism” in Belarus, October–December 2024](#).

¹⁰ See the propaganda film “Children in the Crosshairs. Recruited by the Enemy”, which reports the detention of seven teenagers for “cooperating with Ukrainian intelligence services”: <https://spring96.org/ru/news/115107>



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Publication of degrading “repentance videos” with detainees continues – some of which display signs of coercion. These videos often contain not only forced confessions and admissions of wrongdoing, but also personal information that can further humiliate and discredit the individual, including instances of forced outing.¹¹

Serious restrictions on the procedural rights of convicted persons facing new criminal charges also persist – often under Article 411 of the Criminal Code.¹² Experts note that such individuals are often denied access to legal counsel, or completely deprived of confidentiality in communicating with their lawyer, as well as, in some cases, physically unable to exercise their right to appeal due to being denied writing materials. Moreover, in 2024, there were also documented cases of pressure on political prisoners – including by representatives of the Prosecutor’s Office – intended to coerce them into submitting pardon requests.¹³

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

There is no evidence of qualitative improvement in this component.

Experts lowered the score due to the expansion of the categories of individuals for whom the review of a conviction by a higher court – let alone compensation for a miscarriage of justice – remains difficult or effectively impossible.

In particular, individuals prosecuted under the procedure of special (in absentia) proceedings are deprived of any real opportunity to appeal their convictions, including through cassation: the latter possibility is excluded by the current legislation.¹⁴

Political prisoners also lack practical access to the cassation mechanism, despite its formal availability, for the reasons already outlined above.

¹¹ [Human rights situation in Belarus in 2024](#)

¹² [Human rights situation in Belarus in 2024](#)

¹³ <https://news.zerkalo.io/life/74492.html>

¹⁴ See Part 2 of Article 404 of the Criminal Procedure Code, which establishes that judgments of regional (oblast) courts that have been subject to appellate review by the Supreme Court are not subject to cassation. Cases under the special (in absentia) procedure are heard by these courts, which effectively excludes the possibility of cassation review for them.