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BELARUS: GROWING CRACKDOWN ON HUMAN RIGHTS AHEAD OF PRESIDENTIAL ELECTION

The Belarusian authorities have once again flagrantly disregarded the country's human rights obligations in a growing clampdown on human rights, including the rights to freedom of expression, peaceful assembly and association in the context of electoral campaigning initiatives across different sectors of society in the run-up to the presidential election, scheduled for 9 August 2020. Opposition candidates and their supporters are targeted, harassed and intimidated.

The authorities must end politically motivated prosecutions, intimidation, harassment and reprisals against Alyaksandr Lukashenka's opponents and their supporters, civil society activists and independent media. All those arbitrarily detained under criminal or administrative proceedings solely for peacefully exercising their human rights must be immediately and unconditionally released. All those suspected of being responsible for human rights violations and abuses must be identified and brought to justice.

BACKGROUND

The current human rights situation in Belarus is deteriorating. For years, political life in the country appeared dormant. The status quo—the political preeminence of Alyaksandr Lukashenka and his five extended and uninterrupted terms as the president—was seldom challenged, and only by those few who were prepared to, and often did, risk their freedom if not their lives. This year, the prospect of an election in which the incumbent may face a real challenge from a mix of what many people consider to be credible contenders appears to have stirred genuine public interest in politics. The background to this is a growing perception by many that support for Alyaksandr Lukashenka has fallen considerably.

Since the start of the official campaigning period in early May, across Belarus people were queuing in their thousands to back alternative presidential candidates with their signatures (Belarusian law requires self-nominating presidential candidates to collect at least 100,000 such signatures within a tight deadline in order to be an eligible candidate). Yet, those who put themselves forward as candidates, and those who joined their campaigns, and even those who merely demonstrated their support, have faced reprisals ranging from abduction in the street by men in plain clothes, to arbitrary arrests and detention, heavy fines, prosecution under politically motivated charges, as well as forced closure of businesses.

The growing crackdown on the rights to freedom of expression, peaceful assembly and association in the context of the forthcoming election has exposed numerous other human rights issues, including the discrimination of women which has, at times, manifested as explicit misogyny, widely broadcast in the mainstream state-controlled media. The authorities' brutal suppression of political opponents and civil society, their personal verbal attacks on women activists, anonymous threats of sexual violence and threats to take children into state custody, is growing, and victims rarely, if ever, access justice and effective remedy, while the perpetrators are able to act with impunity.

The people of Belarus deserve, and have the right, to be treated with dignity and respect, including respect for their rights to freedom of expression, peaceful assembly and association.

The authorities must promptly, thoroughly, impartially, effectively and transparently investigate all reports of excessive use of force by law enforcement officers, and of ill-treatment of detainees, and all allegations of threats, assaults and abusive practices targeting any individual, and including gender-based abuses, and provide all victims of human rights violations and abuses with access to justice and right to an effective remedy, including adequate compensation and reparation.

HARASSEMENT OF PRESIDENTIAL CANDIDATES AND THEIR ASSOCIATES

SYARHEI TSIKHANOUSKI AND HIS SUPPORTERS

On 6 May, two days before the presidential election was announced, police arrested well-known blogger Syarhei Tsikhanouski and enforced an earlier sentence of 15-day administrative detention which he received following his participation in a peaceful protest in December 2019. Syarhei Tsikhanouski had made no secret of his political ambitions. The detention appeared to prevent him from nominating his candidacy at the election, and its timing, nearly five months after the purported “offence”, suggested that his arrest was politically motivated.

In response, his wife, Svyatlana Tsikhanouskaya, put forward her candidacy. As soon as she emerged as a presidential candidate, the authorities responded with severe reprisals. On 29 May, Syarhei Tsikhanouski, freed again and now Svyatlana Tsikhanouskaya’s electoral campaign chief, was arrested as a criminal suspect, during a signature-gathering event in Hrodna, a city in northwestern Belarus, alongside eight other men: Yauhen Raznichenka, Dzmitry Furmanau, Uladzimir Navumik, Vyahili Ushak, Alyaksandr Aranovich, Syarhei Kalmykou, Vasil Babrouski and Artsyom Sakau. They have been charged with “organization or preparation for a grave breach of public order” (Article 342 of the Criminal Code of Belarus). At the time of writing, they all remained in detention and the criminal proceedings against them are ongoing.

The pretext for the arrest of Syarhei Tsikhanouski and the other eight individuals was an incident involving a woman believed to be deliberately provoking him, and two police officers. Detailed video footage of the incident was captured and compiled by the Belarusian service of RFERL,¹ alongside other amateur videos. Together with reports by eyewitnesses closely examined by Amnesty International, these clearly suggest that the woman in question was trying to provoke Syarhei Tsikhanouski into a physical conflict which he actively avoided. In particular, she followed him when he walked away to avoid being touched by her, and repeatedly grabbed him by the sleeves and shouted at him, and kept insisting that she only wanted to ask him some questions. Two police officers came to the scene, and rather than addressing her aggressive behavior, joined the woman in her pursuit of Syarhei Tsikhanouski. Other people attempted to form a human shield between the police officers and Syarhei Tsikhanouski, which resulted in a scuffle. When the scuffle ended, one of the police officers could be seen lying on the ground. In the available footage, he is conscious and does not appear to be injured or in any pain. Some of the individuals arrested alongside Syarhei Tsikhanouski following this incident are also clearly seen in the footage, some distance away from where the officer was lying. According to the Ministry of the Interior both police officers had received “injuries of varying degrees” and were subsequently hospitalized. The arrest and prosecution of Syarhei Tsikhanouski and others detained alongside him are arbitrary, unwarranted and politically motivated.

On 16 June, the Investigative Committee, a stand-alone agency tasked with the investigation of serious crime, announced the opening of a new criminal case against Syarhei Tsikhanouski, on charges of obstructing elections and interfering with the work of the Central Electoral Commission (article 191 of the Criminal Code). The Chair of the Commission, Lidziya Yarmoshyna, was quoted in the media as saying that she had complained, in vague language, of “interference” that had happened “in the form threats”, and added that “Tsikhanouski’s group had aimed to undermine the situation using the collection of signatures with the objective of changing the authorities”. While she did not offer any details regarding the alleged threats, it is nonetheless suggestive that the authorities regard electoral campaigning activities which may lead to a change of government as unlawful.

Amnesty International considers Syarhei Tsikhanouski and the eight men arrested alongside him as prisoners of conscience, as they are detained solely for peacefully exercising their human rights. The authorities must immediately and unconditionally release them.

VIKTAR BABARYKA AND HIS SUPPORTERS

Viktar Babaryka officially nominated himself as a presidential candidate on 12 May. A former senior banker (ex-head of Belgazprombank), he appears to be the leading opposition candidate, if judged by the number of supportive signatures collected, compared with those of other contenders excluding the incumbent. Viktar Babaryka was arrested on 18 June, together with his son and campaign chief Eduard Babaryka. Viktar Babaryka’s car was stopped on his

¹ <https://www.youtube.com/watch?v=0cTixSQ5Gv8>

way to the Central Electoral Commission to submit the signatures his team had collected in support of his candidacy. For more than a day, their lawyers were denied access to their clients. Moreover, the investigating authorities have imposed on the lawyers a prohibition from sharing any information about the case publicly (something which national law allows; the range of prohibited materials is not specified in the legislation and is interpreted broadly by the authorities, while failure to comply with it is a criminal offence). As a result, it is not clear what the charges against Viktor Babaryka and his son are.

There is still no official information about the charges against Viktor Babaryka, but shortly before his arrest, the authorities launched a large-scale criminal investigation into the economic activities of Belgazprombank. Eduard Babaryka is facing charges of tax evasion (Article 243 of the Criminal Code), according to his partner Alyaksandra Zverava. They are both being held at the detention center of the Committee for State Security (KDB), another agency which investigates some of the most serious economic and other crimes including crimes against the state, and doubles up as a security service operating an extensive network of covert operatives who are widely believed to be deployed against political opposition and dissent.

The timing and the manner of the arrests, the involvement of the KDB, and the secrecy surrounding the case indicate that the prosecution of Viktor and Eduard Babaryka is politically motivated. Amnesty International believes that Viktor and Eduard Babaryka are prisoners of conscience, prosecuted solely for the peaceful expression of their political opinions. The authorities must immediately and unconditionally release them.

Notably, the harassment of presidential candidates extends to their associates and families. Approximately 15 former and current employees of Belgazprombank were arrested in the days leading to the arrest of Viktor Babaryka. Few if any observers have doubts that their arrest, and the concurrent searches at Belgazprombank were intended to fabricate a politically motivated criminal case against Viktor Babaryka. While his arrest followed, predictably for many commentators, it has also sent a chilling signal to all his acquaintances and anyone who dares to challenge the political status quo in the country. Alyaksandra Zverava told Amnesty International: “You can be arrested for being friends with a person who came to the attention of the authorities... I am worried and very afraid for my family”. This is, no doubt, how many currently feel in Belarus.

DISRUPTION OF PEACEFUL ASSEMBLIES AND MASS ARRESTS OF PROTESTERS

The Belarusian authorities have reverted to their routine practice of treating any public gathering, which is not organized or expressly sanctioned by them, as illegal and dispersing it, often using excessive force. In violation of Belarus’s international human rights obligations, and often contrary even to the country’s own unduly restrictive legislation, there have been numerous arbitrary arrests of peaceful protesters, as well as of supporters of alternative presidential candidates who took part in their campaign activities. Many of these arrests happened in the form of abduction of individuals in the street by plain-clothed men, believed to be police or other security officials. Some of the protesters have also reported other measures intended to disrupt peaceful assemblies, including the blackout of mobile internet services in central Minsk on 19 June, during a spontaneous and particularly large and peaceful gathering of people protesting against the persecution of alternative presidential candidates and their supporters.

According to a prominent Belarusian human rights organization Vyasna, at least 195 people have been arrested during peaceful street protests in May alone. Further mass arrests followed in June. Between 19 and 21 June, more than 360 people were arrested for protesting against the prosecution of Viktor Babaryka and the manipulation of the electoral process, and against human rights violations. Many of these arrests were made by men in plain clothes who did not identify themselves and used excessive force to disperse and arrest peaceful protesters and drag them away, typically into police vehicles. While there is little if any doubt that these were police or other law enforcement officers, it is unacceptable practice which deliberately blurs the line between law enforcement and secret policing, and amounts to arbitrary detention. Those arrested are typically accused of administrative offences, such as participation in unlawful gatherings, resistance of police officers’ “lawful” demands, or swearing in public, and penalized with heavy fines or “administrative detention” for up to 15 days, although numerous consecutive 15-day “administrative detentions” can be issued to one person.

The Belarusian authorities must also ensure that the policing of assemblies is carried out according to international standards including the UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials, and

fully in-line with the country's obligations under international human rights law. Law enforcement officers involved in the policing of assemblies, and their commanding officers, should be held accountable for committing human rights violations and abuses. All those suspected of being responsible for arbitrary arrests of peaceful protesters and using excessive force must be identified and face disciplinary or criminal proceedings as appropriate.

People who protest peacefully in Belarus have a right to speak out and have their voices heard. One should not be arrested and prosecuted merely for expressing his or her opinion. Every individual arbitrarily arrested for taking part in peaceful assembly, and deprived of their freedom solely for peacefully exercising their rights to freedom of expression, peaceful assembly and association must be released immediately and unconditionally.

ILL-TREATMENT OF POLITICAL DETAINEES

There have also been multiple reports of ill-treatment of those detained during peaceful protests. Dzianis Urbanovich, who served his "administrative detention" in June, for his participation in a peaceful protest, described to Amnesty International the conditions of detention at the detention center on Akrestsina Street 36, in Minsk ("Akrestsina"). According to him, there are no mattresses on the metal bunk-beds on which the detainees have to sleep, and no hot running water in the cells. Detainees are denied their daily walks, and are prohibited from reading or receiving parcels from outside. This account suggests that the conditions at Akrestsina are worse today than they were back in 2006, at the time when a future Amnesty International researcher was arbitrarily detained there for 15 days.

One particularly shocking example of the ill-treatment of a political detainee is that of Paval Sieviaryniec, a veteran political activist. Co-chair of the Belarusian Christian-Democratic Party, and a vocal critic of the authorities, he was arrested on 7 June, near his house and sentenced to a total of 75 days of "administrative detention" for his earlier participation in several peaceful protests. While in detention (where he remains at the time of writing) he was put in solitary confinement. According to Amnesty International's information, he is held in a cell with a metal bed with no mattress, which is folded up and locked to the wall every day between 6am and 10pm, and a small metal chair which he can use the rest of the time if not standing or walking within the extremely confined space. He has not been allowed to meet with his lawyer or send or receive letters or parcels. According to a message passed to his wife, Volha, it is so cold in the cell that he can hardly sleep during the night, and has to do push-ups just to stay warm. Dzianis Urbanovich confirmed to Amnesty International that police officers had confiscated Paval Sieviaryniec's Bible, who is known to be a deeply devout Christian.

OTHER FORMS OF HARASSEMENT OF PEACEFUL DISSENTING VOICES

The authorities have targeted other dissenting voices in connection with the protests which were sparked by reprisals against the political opposition.

HARASSMENT AND ARRESTS OF INDEPENDENT MEDIA WORKERS AND OBSERVERS

According to the Belarusian Association of Journalists, at least 14 media workers were arrested during the protests of 19–20 June 2020 alone. Some of them were wearing vests clearly identifying themselves as representatives of the press. At least two journalists were beaten by police during their arrest. Several journalists were accused of participation in the rallies which they were covering, and subsequently heavily fined. Syarhei Bagrou, a video operator from a local media outlet, Hancavicki Chas, was arrested on 20 June while live-streaming from a protest rally in Hancavicy, a town 180 km south of Minsk. Two days later, he was sentenced to 15 days of "administrative detention".

Similarly, the Belarusian authorities have targeted independent observers. The grassroots campaign, Human Rights Defenders for Free Elections, has reported that three of its volunteers were arrested in recent weeks. Syarhei Latsinski, was arrested while he was observing a picket on 19 June in Babruysk, 140 km southeast of Minsk, and sentenced to 10 days of "administrative detention" on 22 June.

In the latest wave of crackdowns on human rights in Belarus, the authorities are arbitrarily targeting and using prosecution to harass and intimidate prominent individuals on social media. On 25 June, police in Baranavichy, a

town 140 km southwest of Minsk, searched the home of, and arrested, Ihar Losik. He is an administrator of a popular Telegram channel “Belarus golovnogo mozga”, which is covering the political and human rights situation in the country, and has almost 170,000 subscribers. According to media reports, Ihar Losik has been charged with “organization or preparation for a grave breach of public order” (Article 342 of the Criminal Code). Later on the same day, similar charges were brought against Uladzimir Nyarosnki, a blogger from Slutsk, a town 100 km south of Minsk and another associate of Syarhei Tsikhanousky. He is also facing charges of “publicly insulting a representative of the authorities”, a crime under Article 369 of the Criminal Code. Criminal proceedings have also reportedly been opened against two other bloggers, Syarhei Pyatrukhin and Uladzimir Tsyganovich. They are believed to be in the custody of law enforcement officials, but their whereabouts were unknown at the time of writing.

The arrests and criminal proceedings against bloggers followed just hours after President Alyaksandr Lukashenka, at a meeting with top government officials, accused Telegram channels of distributing “fake news” and stirring protest.

As with all those who have been arbitrarily deprived of their human rights in connection with peaceful protests across Belarus, Syarhei Bagrou, Syarhei Latsinski, Ihar Losik, Uladzimir Nyarosnki, Syarhei Pyatrukhin, and Uladzimir Tsyganovich, and other journalists and bloggers prosecuted solely in connection with their journalistic and social media activities are prisoners of conscience and must be immediately and unconditionally released.

HARASSMENT OF BUSINESSES

The reprisals unleashed by the Belarusian authorities in the run-up to the presidential election have been extended to all walks of life in response to any form of criticism and dissent.

On 4 June, a company, Symbal.by which specialises in the production of printed materials, embroidery and souvenirs, began selling merchandise that featured opposition slogans and symbols. On 12 June, its store in Minsk was raided by police who confiscated more than 400 t-shirts that had “Псixo3%” printed on them (the word meaning “psychosis” where the last letter of the Cyrillic alphabet looks the same as the digit “3” – a reference to a popular “3%” meme which has appeared in graffiti and online as a reference to Alyaksandr Lukashenka’s widely believed falling level of support). It was followed by a series of inspections of the store by the tax authorities, and various other government agencies and municipal services. On 17 June, the local authorities responsible for enforcing sanitary and hygiene regulations ordered the store to close on account of it having committed “violations of the legislation that threaten national security, life and health of the population, and environment”. On 23 June, the company announced that it was shutting down and selling all remaining stock. The same evening, dozens of customers arrived, forming a long orderly queue in the street. As people were waiting to be served, a police truck arrived and, without any warnings or demands, police began arresting people. Several prospective customers were arbitrarily arrested and accused of participating in an illegal gathering and of disobeying “lawful” police orders, offences punishable by heavy fines and lengthy “administrative detention”. At the time of writing it was unknown what penalties have been applied to those detained. According to the authorities, it was a local resident who called the police complaining that the queue was blocking his way.

GENDER-BASED HARASSMENT AND PERSECUTION OF WOMEN

Against the background of plainly misogynistic remarks, casually expressed by President Alyaksandr Lukashenka (“our Constitution is not made for a woman”²) and others, which have been widely broadcast on national television, the authorities have deployed smear campaign tactics and intimidation of politically active women, including against politicians and their supporters, and wives and partners of peaceful protesters. These reprisals have taken different forms, from intimidating anonymous messages addressed to women, to reported open threats of sexual violence, to threats to take children into state custody.

The partner of an activist and supporter of Svyatlana Tsikhanouskaya from Homel, a city in south-eastern Belarus, reported that in June police officers visited her at work. They took her to the police station where they questioned her about her partner, and threatened her with gang rape.³ In the same month the wife of an activist from Hrodna, another

² Eg, see <https://nn.by/?c=ar&i=252664&lang=ru>

³ https://flagshtok.info/by/vybary-2020/my-tebja-vsem-otdelom-mozhem-iznasilovat-ty-nichego-ne-dokazhesh-potomu-chto-u-tebja-s-soboj-kamery-net.html?fbclid=IwAR1mJuZoUQ7qqRSyHtB_RUbL18PRTbhHoJrvIKQUbPS4Ym--EqifbjY6aUU

supporter of Svyatlana Tsikhanouskaya, had a home visit from representatives of the local education authorities and social services who threatened that she would lose custody of her daughter for taking “poor care” of her child.⁴

The authorities of Belarus must stop threatening, harassing and intimidating politically active women, and women whose partners are political activists, and promptly, thoroughly, impartially, effectively and transparently investigate all allegations of sexual and other threats received by them.

Belarus must fully comply with all of the country’s obligations under international human rights law, including by respecting, protecting and fulfilling the human rights of everyone in the country, regardless of their political opinion, affiliation or gender.

⁴https://www.youtube.com/watch?v=ByjKMAjyx3s&t=85s&fbclid=IwAR0f4w7tnpL9gEAb1sRADtDe_h3ogkp4iWi6X6PO5QLuujUqnBCqKRFmXnA