

AMNESTY INTERNATIONAL'S SUBMISSION TO THE OFFICE OF THE HIGH COMMISSIONER FOR HUMAN RIGHTS, PURSUANT TO HUMAN RIGHTS COUNCIL RESOLUTION 45/1 ON "THE SITUATION OF HUMAN RIGHTS IN BELARUS IN THE RUN-UP TO THE 2020 PRESIDENTIAL ELECTION AND IN ITS AFTERMATH" ADOPTED ON 18 SEPTEMBER 2020

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This briefing is submitted in accordance with the call for submissions issued by the Office of the High Commissioner for Human Rights pursuant to Human Rights Council resolution A/HRC/45/1.

The presidential election in Belarus, which took place on 9 August 2020, and subsequent events, have been marred by the most extensive and particularly brutal crackdown on human rights in the country's post-independence history. While vicious physical attacks on the opposition and dissenting voices regularly occurred in the past, particularly in the post-election period, this year the targeting of those challenging the incumbent Alyaksandr Lukashenka began as soon as the campaign period started in early May. We see no sign that the authorities are making a genuine effort to comply with their human rights obligations, or to cease their continued and serious violations of the human rights of people in Belarus.

Throughout the election period, arbitrary arrests and politically motivated prosecutions, intimidation, harassment and other reprisals have escalated against opposition candidates and their supporters, political and civil society activists, independent media, and other sectors of the society.¹ Two leading opposition presidential hopefuls, the popular blogger, Syarhei Tsikhanouski, and former banker, Viktor Babaryka were detained on baseless , and both men were prevented from even registering their candidacies. At the time of writing they remain in detention.

As Belarusians took to the streets to peacefully protest these and other alleged pre-election violations, the authorities responded by arbitrarily detaining hundreds of people across the country, in violation of their right to freedom of peaceful assembly. Hundreds were fined or sentenced to periods of up to 15 days' "administrative detention" for alleged offences under the Code of Administrative Offences of the Republic of Belarus, such as participation in "unlawful" gatherings, resistance of police officers' "lawful" demands, or swearing in public. Some prominent activists received numerous consecutive sentences of "administrative detention" and remained in detention for weeks or months. In some cases,

¹ <https://www.amnesty.org/en/documents/eur49/2620/2020/en/>,
<https://www.amnesty.org/en/latest/news/2020/08/belarus-journalists-under-attack/>

during this time, unfounded criminal cases were brought against them. Hundreds, possibly thousands, of protestors were detained by unidentified men in plain clothes believed to be members of law enforcement agencies.

There were consistent and widespread reports, often supported by video footage, photographic images, medical reports, and survivors' and eyewitnesses' testimonies, of abusive use of force by law enforcement officers,² including torture and other ill-treatment. Conditions in detention which amounted to inhuman or degrading treatment or punishment of detainees was widespread across the country and confirmed by numerous witnesses and survivors.³ Specifically, cramped conditions without access to food, drinking water and adequate sanitation for extended periods of time, denial of adequate medical assistance and of the right to contact family members or legal representatives, have been consistently reported by former detainees – alongside reports of mass beatings and other physical violence.

The authorities have also targeted politically active women or women closely associated with male activists in ways believed to exploit their perceived vulnerabilities as women. Such gender-based harassment has manifested, for example, as threats of sexual violence and threats to remove their young children from the family and place them in state custody, under the so-called Decree No.18.⁴ When Svyatlana Tsikhanouskaya stood as a presidential candidate in lieu of her detained husband, Syarhei Tsikhanouski, she was forced to remove her two young children from the country after receiving such a threat from an anonymous male caller.

Following Alyaksandr Lukashenka's claim of a landslide victory, hundreds of thousands of peaceful protestors took to the streets to contest the results. The Belarusian Ministry of Internal Affairs stated that 6,700 people were detained in the first four days of protest alone. The protests were overwhelmingly peaceful, and these arrests arbitrarily targeted peaceful protesters.

Amnesty International delegates on the ground witnessed violence unleashed by police against peaceful protesters and bystanders.⁵ It included indiscriminate use of rubber bullets, stun grenades, chemical irritants, water cannons, automatic firearms with blank cartridges as well as truncheons and physical force against peaceful crowds. At least two individuals—Alyaksandr Taraykovsky in Minsk on 10 August and Henadz Shustau in Brest on 11 August—were killed by police officers during the protests. Both were subsequently

² <https://www.amnesty.org/en/latest/news/2020/07/belarus-mass-arrests-during-peaceful-gatherings-violated-protesters-rights-and-provoked-violence/>

³ <https://www.amnesty.org/en/documents/eur49/2639/2020/en/>

⁴ <https://www.amnesty.org/en/documents/eur49/2748/2020/en/>

⁵ <https://www.amnesty.org/en/latest/news/2020/08/belarus-election-protests-police-crackdown/>

accused of attempting to attack the police, but these accusations contradict video footage of the incidents and other available evidence.

Alongside local human rights groups, Amnesty International has collected numerous testimonies from protesters who describe being tortured or subjected to other ill-treatment in detention centres, including being stripped naked, beaten, insulted and threatened with sexual violence.⁶ To date, not a single law enforcement officer is known to have been held accountable for any reported human rights violation during this period, nor have any criminal proceedings been initiated based on such reports. The scale of violations, their consistency across the country, and the total impunity of the perpetrators reveal an apparent campaign directed by the authorities to silence people.

Following continued threats to herself and her family, Svyatlana Tsikhanouskaya was forced into exile in Lithuania on 11 August. From there, she established a Coordination Council of the opposition, led by a seven-member Presidium and intended to instigate and oversee a peaceful transition out of the ongoing political crisis in Belarus. On 20 August, the Belarusian authorities opened a criminal investigation under Article 361 of the Belarusian Criminal Code (calls to actions seeking to undermine national security) and by 9 September, six of the Presidium's seven members had been detained or forcibly exiled to neighbouring countries. The only member to have so far evaded either expulsion or arrest is the 2015 Nobel Literary Prize winner, Svyatlana Aleksievich who, nonetheless, has reported being subjected to harassment and intimidation and had to leave the country (another member of the Presidium, Liliya Ulasava was released from detention on 19 October, but she remains a suspect in the criminal case).⁷

Employees of many enterprises have organised strikes to protest against the mass reprisals, the widely-disputed official election results and the police violence. As a result, they too have been harassed and targeted by their management and the authorities with some strike committee leaders and striking workers being dismissed, arrested and sentenced to terms of "administrative detention" in retaliation for their attempts to exercise their right to strike. Dozens of students were similarly expelled from universities for expressing their opinions.

⁶ <https://www.amnesty.org/en/press-releases/2020/08/belarus-mounting-evidence-of-a-campaign-of-widespread-torture-of-peaceful-protesters/>, <https://spring96.org/en/news/99224>

⁷ <https://www.amnesty.org/en/documents/eur49/3040/2020/en/>