

AMNESTY INTERNATIONAL PUBLIC STATEMENT

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Belarus: Dzmitry Paliyenka is a prisoner of conscience

Amnesty International is calling on the Belarusian authorities to immediately and unconditionally release Dzmitry Paliyenka, a prisoner of conscience who has been imprisoned solely for the peaceful exercise of his rights to freedom of expression and peaceful assembly. He is serving a two-year prison sentence in Bobruisk, approximately 100km south east of Minsk. His sentence ends in October 2018 and cannot be appealed.

On 12 October 2016, the Central District Court in Minsk found Dzmitry Paliyenka guilty of “violence or threat of violence against an employee of law enforcement agencies”, according to Article 364 of the Belarusian Criminal Code. The charge related to a cycling event which took place in Minsk on 29 April 2016 to peacefully protest against restrictions to cyclists. Around 35 cyclists took part in the rally. According to human rights organisations who were monitoring the event, soon after it had started, police tried to stop the event using unnecessary and excessive force against the participants. A number of cyclists were forced into a police vehicle where they reported being kicked and forced to the floor, having their bikes thrown on top of them and being made to remain there until they reached the police station.

Dzmitry Paliyenka was accused of tearing a police officer’s jacket. He was the only participant who faced criminal charges. He remained in detention for five months until his trial took place in October 2016. During his trial the police officer conceded that he could not be sure that his jacket had actually been torn by Dmitry Paliyenka and no other witnesses were able to testify against him.

Just before the trial, an additional charge of “production and distribution of pornographic materials or items of pornographic character” was added according to Article 343, part 2 of the Belarusian Criminal Code. This charge related to a link which Dzmitry Paliyenka was accused of putting on one of his social media pages three years earlier. The link concerned the decision by a Belarusian television channel to air pornography. The channel’s director was subsequently charged and sentenced but a clip of the aired pornographic material had gone viral.

Dzmitry Paliyenka was found guilty of both charges and given a two-year sentence, which was deferred for two years with conditions. Dzmitry Paliyenka appealed the decision before the Minsk City Court, but the deferred sentence was upheld on 27 December 2016.

On 10 and 20 March 2017, Dzmitry Paliyenka was sentenced to seven and fifteen days' administrative arrest, respectively. The first administrative penalty related to a court hearing which Dzmitry Paliyenka attended as an observer. When the verdict was given, he and other trial observers shouted "Shame" for which the court charged him in accordance with Articles 17.1 and 23.4 of the Belarusian Administrative Code ("minor hooliganism" and "disobedience to lawful police demands", respectively). The second administrative penalty related to his peaceful protest on 25 February against the construction of a business centre in Minsk. He was charged according to Article 23.34, part 3 of the Belarusian Administrative Code ("organizing or participating in unsanctioned mass events"). When the second sentence expired, he was not released. Instead, his detention was extended for a further 10 days for reasons that have not been publicly disclosed.

The authorities claimed that Dzmitry Paliyenka had violated the conditions of his deferred sentence, including because of the two administrative sanctions mentioned above.

On 7 April 2017, the Zavodski District court in Minsk cancelled the deferral of the two-year sentence which then came into force. Given the time Dzmitry Paliyenka had already spent in detention, he was required to serve the remaining 18 months and three days in prison.

Amnesty International has reviewed each of the above incidents and believes that all charges against Dzmitry Paliyenka stem from the peaceful exercise of his rights to freedom of expression and peaceful assembly. The organisation believes that Dzmitry Paliyenka has been targeted by the authorities because of his peaceful activism and, as such, that he is a prisoner of conscience. Amnesty International urges the Belarusian authorities to immediately and unconditionally release him.

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