



BELARUS: “YOU ARE NOT HUMAN BEINGS”

STATE-SPONSORED IMPUNITY AND UNPRECEDENTED POLICE VIOLENCE AGAINST PEACEFUL PROTESTERS

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INTRODUCTION

Since the disputed 9 August 2020 presidential election in Belarus scores of consistently shocking images have emerged from the country: peaceful protesters brutally assaulted by riot police, stun grenades fired into peaceful crowds at short range, and the blood-stained faces and severely bruised bodies of men and women released from detention. These have been accompanied by scores of harrowing accounts of torture, sexual violence, and other ill-treatment of detainees arrested for peaceful protest. The number of people arrested since 9 August 2020 and who have spent time in detention in connection with the post-election protests exceeds 27,000 and continues to grow.¹ Many hundreds have testified of torture and other ill-treatment, and several protesters have died. If brutal reprisals against peaceful protesters and against all forms of dissent in Belarus do not stop – and at the time of writing the government’s violent crackdown on human rights shows no signs of abating – these numbers will only continue to mount.

There have been numerous efforts, mostly by grassroots initiatives in Belarus, to document cases and preserve evidence of the use of unlawful force by police and law enforcement officials against peaceful protesters and bystanders, and of torture and other ill-treatment of detainees. This is an ever more daunting task given the unprecedented scale of human rights violations that has followed the 9 August 2020 election. Their scale is not, however, the only or even principal challenge. Victims of human rights violations in Belarus and those supporting them and helping to document the violations face a system which not only obstructs, discourages and intimidates them, but also seeks to invalidate the complaints and accompanying evidence.

Meanwhile, the Belarusian authorities have consistently evaded investigation and prosecution of law enforcement officials who have committed human rights violations. The authorities have consistently acted to preserve these officials’ anonymity and impunity. They have also abused the country’s law enforcement and criminal justice systems to intimidate and conduct reprisals against victims of these violations, and disempower, obstruct and prosecute those who expose and document the violations.

At the time of writing, not a single official investigation into human rights violations by law enforcement officials in Belarus is known to have been opened. Also, at the time of writing, brutal suppression of peaceful protest and all forms of dissent in Belarus has continued and escalate to new levels.

A resolute commitment and concerted effort by international actors, from international and regional organisations to individual governments, is required to break the tide of human rights violations in Belarus and ensure justice to victims at home or abroad.

¹ Statement by Michelle Bachelet, UN High Commissioner for Human Rights, Intersessional meeting of the Human Rights Council - The situation in Belarus, 4 December 2020, available at <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=26564&LangID=E>.

UNPRECEDENTED SCALE OF POLICE VIOLENCE IN THE AFTERMATH OF THE 9 AUGUST 2020 ELECTION

Allegations of torture and other ill-treatment in custody have been continuously documented during President Alyaksandr Lukashenka's 26-year reign. However, since the 9 August 2020 election, unlawful force by law enforcement officials against peaceful protesters and torture and other ill-treatment against men and women in detention have occurred on an unprecedented scale. According to official information, close to 6,700 individuals were arrested during the four days after the election, and thousands more since.² While the arrests have targeted those who take part in mass peaceful protests, many arrested have been bystanders and people randomly apprehended in the streets.

A multitude of publicly available photo and video evidence of human rights violations committed by police in public areas exists – images of the brutal dispersal of peaceful gatherings, violent arrest of individuals, use of policing equipment including truncheons, rubber bullets, stun grenades, chemical irritants, water cannons, and other less-lethal weapons. Less than ample evidence documenting torture and other ill-treatment of individuals in police custody exists, but photos, videos and other evidence that have surfaced lend a shocking insight into torture and other ill-treatment of arrested individuals. One example is a clandestine video recording made by an arrested protester on his mobile phone which shows him being thrown into a police vehicle designated for transportation of detainees (*avtozak*), forced to lie down on the floor with other detainees and incessantly beaten, threatened and verbally assaulted by police officers.³ A few videos show beatings and other ill-treatment of detainees inside police compounds and detention centres. One example, apparently filmed inside a detention centre, shows men in black t-shirts and medical masks beating detainees with truncheons – the detainees are lined up and kneeling on the ground, their hands raised against the wall in front of them.⁴

Testimonies from former detainees as direct victims or eyewitnesses account for the majority of evidence of the torture and other ill-treatment that occurred inside police vehicles and detention centres. Upon release hours or days later, numerous individuals have described severe physical and sexual violence and humiliation in detention, as well as deprivation of food, water and sanitary products, and other forms of ill-treatment.

² *Ukrainska Pravda*, with reference to the Telegram channel <https://t.me/pressmvd> (Telegram channel of Volha Chamadanava, Press Officer the Ministry of the Interior of Belarus, 13 August 2020, available at <https://www.pravda.com.ua/rus/news/2020/08/13/7262765/>).

³ Video posted by *TUT.BY*, 26 August 2020, available at <https://www.youtube.com/watch?v=RrcaoCdIBvs>.

⁴ Video posted by *REFORM BY* and credited to *Radio Svaboda*, the Belarusian Service of Radio Free Europe/Radio Liberty, 21 August 2020, available at <https://www.youtube.com/watch?v=0XYzFtD7IEs>.

“THOSE WHO CRIED BEATEN EVEN MORE SEVERELY”

According to Tsimur (not his real name)⁵, a 25-year-old doctor, riot police officers snatched him from a bus stop in Minsk in the early hours of 10 August 2020, shoved him inside an unmarked blue van and delivered him to the Kastychnitskaye District police station. The officers stated they believed he had participated in a protest the previous night, and filed a report accusing him of petty hooliganism. The report incorrectly recorded the place and time of his arrest, and the accusations against him were false.

Several hours later, along with other detainees, Tsimur was transferred to the Akrestsina detention centre.⁶ There he was forced to sign a statement stating he had taken part in an “illegal assembly”, an administrative offence under Belarusian law punishable by a substantial fine or short imprisonment (“administrative detention”) of up to 15 days which can be longer if applied multiple times for multiple offences. When Tsimur tried to object, police officers slapped him hard on the head several times and repeatedly hit him in the back.

Tsimur spent several hours with seven others in a cell designated for four inmates. He was then moved to another floor and placed in a cell containing six beds which he had to share with about 40 inmates for the next 36 hours. They had to sleep in shifts, two people on one bed at a time, others lying on the floor under the bed or trying to sleep sitting on a bench. During this time none were given food, and water from a tap and dirty in colour.

Tsimur was aware of constant beatings of inmates. Through a window in his cell he hears blows delivered and detainees’ screams in the courtyard. He also heard the sound of electric shock weapons (commonly known as “tasers”). “Whoever cried and begged not to be beaten—they were beaten even worse. The officers revelled in it,” Tsimur recalls. Detainees who complained about conditions of detention were singled out for particularly harsh treatment. One man in the same cell with Tsimur demanded that his injuries be medically examined. In response the guards poured a bucket of water over him and told him to clean it up.

Early in the morning of 12 August, Tsimur and several other detainees were taken to the courtyard, where they were beaten with truncheons by several riot police officers before being released.

On release, Tsimur had multiple bruises on both hips and buttocks. His nose was bleeding. It took him three weeks to recover from his injuries. His employer (a medical institution), expressed sympathy for his situation but denied him sick leave.

Tsimur filed a complaint with the Investigative Committee against the police officers who tortured him. More than two months later, the authorities have still not opened an official investigation. Meanwhile, Tsimur has left Belarus for fear of retaliation.

Tsimur’s painful account of his detention at the Akrestsina detention centre is only one of many. As stories of violence began to trickle out of this detention centre in the days after the election, “Akrestsina” became notorious for and virtually synonymous with, widespread abuse and torture of detainees. On the night of 13-14 August 2020, relatives of detainees filmed a video outside “Akrestsina” and posted it on social media. The video confirms Tsimur’s testimony as it features the sounds of virtually uninterrupted beating and numerous voices from inside the detention centre screaming in pain and agony with some begging for mercy all clearly audible from the street.⁷

At the peak of peaceful street protests, thousands were detained in Akrestsina. Alyaksandr Lukashenka, speaking on 17 August 2020, stated that up to 2,500 individuals were held there during the initial days of the protests,⁸ while some estimates by local human rights activists allege a higher number. Scores of arbitrarily detained individuals have passed through Akrestsina since, their exact number unknown.

Yet Akrestsina is just one of many detention centres across the country used since the 9 August 2020 election to lock up thousands of people arbitrarily detained for participating in peaceful protests. Some

⁵ Interviewed between 19 August and 21 October 2020 by Amnesty International, on condition of anonymity.

⁶ Centre for Isolation of Offenders of the Chief Directorate of the Interior of Minsk Executive Committee, a detention centre in the capital Minsk popularly known simply as “Akrestsina” after the street where it is located (First Akrestsina Lane).

⁷ Video posted by *Novaya Gazeta*, 14 August 2020, available at <https://www.youtube.com/watch?v=RWqlk6xdqgl>. There are further videos taken clandestinely which feature the scenes of actual beating.

⁸ Video posted by *Onliner Belarus*, 17 August 2020, available at https://www.youtube.com/watch?v=hukW_VBllhc.

detainees were transferred amongst different places of detention, including those who were arrested in Minsk but sent outside the capital, in particular to the Zhodzina detention centre over 50 km away.

"YOU ARE NOT HUMAN. YOU GET WHAT YOU HAVE FOUGHT FOR"

Mikalai (not his real name),⁹ a 33-year-old resident of Orsha town (about 200 km east of Minsk), on 9 August 2020 walked by a protest site on his way home. He witnessed the participants marching in silence, not chanting slogans or displaying placards. When a man shouted "Police [stand] with the people!" riot police officers chased, beat and arrested him. Other police officers arrested several young women. One of them was hit in her face by an officer. Another woman was dragged on the ground by her hair. Several men nearby tried to help her and were also arrested.

Mikalai continued on to a bus stop. While he was waiting for a bus, several riot police officers approached him, twisted his arms behind his back, pushed his head down, told him to switch off his phone and led him into a police vehicle.

Together with two other individuals, Mikalai was brought to the Central District police station. When they exited the police vehicle they were told to walk through a "corridor" of some 50 police officers who beat them with truncheons. Mikalai described repeated blows to his legs and head and described how his legs turned blue from the blows he sustained. Another detainee who arrived with him suffered severe knee injuries.

Mikalai was then taken into a building where he spent the following five hours standing still in a room with his face to the wall, until he was searched, had his belongings confiscated, and was led to a holding cell. Meanwhile he noticed that officers carried somebody from a nearby cell and that the person appeared not to be breathing. He remembers noticing a man sitting in a cell, severely beaten and bleeding, and complaining of having lost hearing in one ear. In another part of the building, Mikalai recalled, prisoners were forced to stand facing the wall with their legs spread wide apart, and those who tried to speak were beaten.

Mikalai was then placed in a cell with eight other detainees. They were not given drinking water, and had to share one single loaf of bread between them. When some of them appealed to the guards to respect their human rights and asked them to inform their relatives of their whereabouts, they were told: "You are not human. You get what you have fought for."

In the days that followed, Mikalai and his fellow detainees were verbally abused and humiliated. On one occasion, an officer entered their cell, told the inmates to stand with their faces to the wall and their legs spread wide, and shouted insults, threats and obscenities at them. On another, on 13 August, the detainees were led to the corridor and forced to stand in this position again while the officers mocked, insulted and threatened to kill them. Electric light in their cell was never turned off or dimmed during the night, depriving them of sleep.

On 11 August, the detainees stood trial under administrative proceedings inside the detention centre. Mikalai was not allowed to read his case materials, but the accusations against all detainees were identical: violation of rules governing mass assemblies and chanting slogans. Each was pronounced guilty of this "offence" and handed between three and 15 days of "administrative detention". Mikalai was delivered 10 days but served only part of his sentence.

On 14 August, the detainees were led one-by-one to the police chief. He asked them how they had been treated, but many were too afraid to complain in the presence of the very officers who had tortured them. Nor did they believe that the police chief had not played a part in abuses against them. Afterwards they were escorted out of the building and released.

Mikalai immediately visited to a local clinic for a medical examination, which identified an injury of the anterior surface of his right thigh. The clinic refused Mikalai's request to conduct a more thorough examination, for example an ultra-sound or CT scan, citing lack of personnel and equipment. In accordance with official regulations, the clinic notified the local police that it had seen a patient who had suffered injuries that likely resulted from violence – the same police who had detained and tortured Mikalai. To avoid having to face his tormenters again, he left the clinic as soon as he could.

⁹ Interviewed on 16 September 2020 by Amnesty International, on conditions of anonymity.

Particularly harrowing details of physical violence towards detainees come from medical personnel who treated injured people after their release from detention or who were called to detention centres as members of medical emergency teams. Alyksandr, a doctor interviewed by the Russian independent TV channel *Dozhd*, described multiple patients hospitalised with concussion. He also stated that even ambulance doctors, notwithstanding those with extensive experience, were so shocked and traumatised by what they had witnessed at detention centres that they were unwilling to talk about it.¹⁰

Numerous similar accounts by Belarusian medics, many of them anonymous, have been reported in the media. The Belarussian daily *Komsomolskaya Pravda* cited a colleague of Alyksandr who stated that ambulance medics experienced trembling in their hands after viewing the condition of those held in detention centres.¹¹

An ambulance doctor from Minsk interviewed by *Current Time* described his diagnoses of detainee injuries, including fragmentation of the vertebra, missing teeth, and “huge hematomas on the back... as if they [the police] wanted to imprint some symbols with truncheons”. He also noted that police officers made sure the medics were without cameras or mobile phones with them, apparently to prevent them from obtaining evidence of the torture.¹²

¹⁰ Video posted by *Onliner Belarus*, 17 August 2020, available at https://www.youtube.com/watch?v=hukW_VBllhc.

¹¹ Дарья Ломоноская, «У врачей, которые приезжают с Окрестина и РУВД, руки трясутся», *«Комсомольская Правда в Беларуси»*, 13 August 2020, available at, <https://www.kp.by/daily/217168/4269839/>.

¹² «Настоящее Время», «Белорусский медик рассказал, что делали с задержанными на Окрестина. Вспоминя это, он рыдал», 20 August 2020, available at <https://www.currenttime.tv/a/30794253.html>.

FALSE CONCILIATORY PROMISES OF INVESTIGATION

During the initial days of the post-election protests, police violence against peaceful crowds, the forcible exile of opposition leaders, and particularly the mounting reports of torture and other human rights violations against scores of peaceful protesters in detention, led to massive daily protests across the country. The authorities offered reconciliatory gestures.

Mass arrests of demonstrators were scaled down. The use of less-lethal weapons temporarily stopped (but resumed again in September). On 13 August 2020, in a carefully-worded statement broadcast on the national television, then-Minister of the Interior Yury Karayeu issued a personal apology to people whom he described as unintended victims of police's use of force in the streets. He also promised to facilitate prompt release of peaceful protesters.¹³

On 17 August, Alyaksandr Lukashenka visited the Minsk Wheeled Tractor Plant, where numerous workers had gone on strike in solidarity with street protesters. In his address to the workers, while speaking of the allegations of torture in Akrestsina, he stated that he had "ordered an examination of every fact."¹⁴

The Belarusian authorities later officially admitted that they had received more than 900 complaints of abuse by the law enforcement during the demonstrations.¹⁵ The independent Russian media outlet Mediazona reported that it had seen official records of the Investigative Committee of Belarus, and according to these no fewer than 1,373 individuals had been listed as reported victims of police violence in August and early September 2020.¹⁶

However, all promises to investigate allegations of human rights violations by police proved empty. At the time of writing, to the best of Amnesty International's knowledge, not a single formal criminal investigation into these violations has been opened, nor has any law enforcement officer been charged with respective crimes.

¹³ БЕЛТА, «Караев извинился за травмы случайных людей на уличных акциях», 13 August 2020, available at <https://www.belta.by/society/view/karaev-izvinilsja-za-travmy-sluchajnyh-ljudej-na-ulichnyh-aktsijah-402787-2020/>.

¹⁴ Unofficial recording of the statement is available at the Telegram channel MotolkoHelp: <https://t.me/motolkohelp/10979>.

¹⁵ As reported by the media, with reference to Belarus' representative at UN Human Rights Committee, Yury Ambrasevich, for instance see ТАСС, «Постпред Белоруссии в Женеве заявил, что в стране нет политических заключённых», 18 September 2020, available at: <https://tass.ru/mezhdunarodnaya-panorama/9493187>.

¹⁶ Анастасия Бойко, «Ушли в отказ. Какие отговорки использует Следственный комитет, чтобы не расследовать насилие силовиков», 13 Mediazona, 21 December 2020, available at <http://mediazona.by/article/2020/12/21/otkaz>.

PERSECUTION OF COMPLAINANTS AS HUMAN RIGHTS VIOLATIONS ESCALATE

Weeks and months later, mass peaceful protests against the disputed 9 August 2020 presidential election and the ensuing widespread human rights violations continued across Belarus, each Sunday and on other days. After a brief lull in late August, authorities again resorted to widespread violence, mass arrests, and torture and other ill-treatment of detainees, and to prosecution under increasingly severe charges of those who exposed and documented these human rights violations.

Law enforcement officers have used threats and intimidation to compel victims of violence to remain silent after their release and to deter their efforts to file complaints or otherwise pursue accountability. For instance, as activist Alyaksei Yautushik explained, prior to their release he and other detainees at Akrestsina detention centre were forced to sign a written document that warned them of criminal responsibility for dissemination of information about what had occurred at the centre.¹⁷

Fear among survivors of torture and other ill-treatment has been so stark that the majority of those who agreed to talk to Amnesty International did so on the condition of anonymity.¹⁸ Many confirmed that they were terrified at the prospect of having to visit a police office—often the same place where they were subjected to ill-treatment—to submit a formal complaint.

As they have little or no trust in the authorities, victims of human rights violations by police officers have increasingly turned to human rights groups or grassroots self-help initiatives. Among these are volunteers who greeted those released from Akrestsina and other detention centres: they provided the detainees with medical and legal aid, transported them home, and interviewed them and collected evidence of violations. These human rights and self-help initiatives have accumulated hundreds of testimonies from survivors of torture and other ill-treatment, but in doing so they themselves have been increasingly subjected to harassment and prosecution.

In a clear sign of escalating reprisals against human rights defenders, on 17 September 2020 police arrested Marfa Rabkova, coordinator for the volunteer service of Human Rights Center Viasna. Viasna members and volunteers have been instrumental in documenting mass human rights violations in Belarus. Marfa Rabkova was falsely charged under Article 293(3) of the Criminal Code (“training or other preparation of persons to participate in riots, or funding of such activities”), and remains in pretrial detention at the time of writing.

¹⁷ In interview with Delfi, 2 October 2020, available at <https://youtu.be/pskb031f6A0?t=2516>

¹⁸ Pseudonyms have been used to disguise the identify of interviewees when requested.

The human rights defender's arrest, similarly to the arrests of numerous other civic and political activists under criminal charges at the time, marked a further drastic deterioration in the human rights situation in Belarus. Meanwhile, arbitrary arrests of and violence towards peaceful protesters continued unabated.

VIKTAR: ARBITRARILY ARRESTED, BEATEN AND ILL-TREATED, TRAUMATISED BY SCENES OF POLICE VIOLENCE

Viktar (name changed)¹⁹, a Minsk resident, was arrested on 11 October 2020 near the site of a peaceful protest in which he states he didn't participate. On that day, he was brought to a police vehicle where other people were being held, including someone with head injuries. Viktar stated that a police officer repeatedly pointed a shotgun-like weapon at the latter detainee, and insulted and threatened to shoot him. Later Viktar and the others were transferred to another police vehicle, and were forced to walk through a "corridor" of some 20 officers who were beat them with truncheons. They were brought to a police station for registration. Beatings continued when the detainees were transferred from the police station to Zhodzina detention centre. Viktar recalls that a commanding police officer entered their van at Zhodzina and asked his subordinates how they had been treating the detainees and whether they had made them "sing the anthem". Viktar believes it was a reference to the widely reported practice whereby police officers subjected detainees to torture and humiliation by forcing them to sing the state anthem while being beaten. In response, one of his subordinates stated that that they had had no time for it and apologized. Ill-treatment resumed upon arrival in the detention centre. One man who spoke out in protest when officers insulted another detainee was forced to squat naked in front of the others. During Viktar's 25 hours of detention, neither food nor drinking water was given to the detainees.

Viktar's "trial" took place in the Zhodzina. On 12 October, he was found guilty of "participation in an illegal public gathering", fined 162 BYR (about 60 USD) and released. He filed an official complaint about his torture and other ill-treatment after his release. At the time of writing, no investigation into his complaint had been initiated.

¹⁹ Interviewed on 13 October 2020 by Amnesty International, on conditions of anonymity.

KILLINGS OF PROTESTERS AND REPRISALS AGAINST POTENTIAL WITNESSES

By the end of 2020, the use of unlawful and abusive force by law enforcement officials had led to several deaths of peaceful protesters. The first was that of Alyaksandr Taraikovsky, on 10 August 2020 in Minsk, at a rally near Pushkinskaya underground station. Police initially claimed that he had died from an improvised device that exploded in his hands. Soon thereafter video footage from the scene appeared which showed that he was empty-handed when he was shot in the chest by security forces; he then fell to the ground and died from his wound. Further peaceful protester casualties included a death on 11 November 2020, three months after the presidential election.

A clear pattern of evidence shows that the Belarusian authorities have not taken steps to investigate human rights violations, including killings; they have instead harassed and targeted those who challenge their version of events and seek to hold perpetrators to account. In the case of a reported extrajudicial execution of a protester by plainclothes police, for example, the authorities ignored all demands for investigation and instead arrested an eyewitness, falsely charging him with a crime carrying a potential life imprisonment sentence.

WITNESS OF EXTRAJUDICIAL EXECUTION OF PROTESTER BY POLICE FACES LIFE IMPRISONMENT

On the night of 11 August, long-time best friends, truck driver Henadz Shutau and motorcycle mechanic Alyaksandr Kardzyukou, came to central Brest, a city in southwestern Belarus where they lived, to attend a protest rally. After the rally was violently dispersed by the police, the two men headed towards a nearby residential block trying to avoid being arrested, and sat on a bench. What followed is partly captured on CCTV footage obtained and published by Mediazona.²⁰ While a tree obscures the bench from the camera's view, the footage shows Shutau and Kardzyukou being approached by three men, who were later officially confirmed as police officers in plainclothes. According to Shutau's daughter, Anastasiya Baranchuk, interviewed by Amnesty International, local residents recalled the dialogue between the two men and the plainclothes officers. One of the officers asked them whom they had voted for, to which Shutau replied: "For Tsikhanouskaya". According to the same eyewitnesses' testimony, he was ordered to kneel and then lie down, but as soon as Shutau knelt one of the three plainclothes officers hit him in the forehead with a gun and then shot him in the back of his head. Witnesses reported hearing a total of three shots. Meanwhile,

²⁰ Алексей Шунтов, «Убийство в Бресте. Что мы узнали из записи камеры видеонаблюдения», *Mediazona*, 21 September 2020, available at <http://mediazona.by/article/2020/09/21/shutov-cctv>.

Kardzyukou managed to run away despite being chased by one of the officers. Shutau was taken to a local hospital, then transferred to a military hospital in Minsk where he succumbed to his wounds and died on 19 August.

The official version given by the authorities has been different. On 12 August, the Ministry of the Interior announced that “in Brest, a group of aggressive citizens armed with rebar assaulted police officers. They weren’t stopped by warning shots. The officers used firearms to defend their lives and health. One of the assailants was wounded.”²¹ This description contradicts witnesses’ reports, the video footage which shows no scuffle and no warning shots, and the medical records that identified a penetrating wound of the occipital bone, which means that Shutau was shot from behind.

Shutau’s family demanded a full investigation into his killing. However, on 3 September, the Investigative Committee sent them a letter stating that there were “insufficient grounds for opening a criminal investigation under Article 139” (homicide).

Instead, the authorities promptly initiated criminal proceedings into purported “resistance to a police officer involving violence or a threat of violence”, and arrested Kardzyukou as a criminal suspect, in the early hours of 14 August near his garage.²² At the time of writing, he remained in a pretrial detention centre in Minsk, charged with attempted murder of a police officer – a crime that carries a maximum of life imprisonment.²³

In the case of the death of another peaceful protester, the authorities similarly ignored demands for an investigation and instead prosecuted the whistle-blower who exposed their lies.

PROTEST ARTIST DIES OF INJURIES AFTER SEVERE BEATING. WHISTLE- BLOWER AND JOURNALIST INCARCERATED

On the night of 11 November 2020, several men and women in plainclothes and face masks came to the neighbourhood informally known as the Square of Changes in Minsk, to remove white-red-white ribbons hung there by local residents in protest against ongoing human rights violations and police violence. When one individual from the neighbourhood, Raman Bandarenka, confronted them verbally, the individuals severely beat him and forced him into an unmarked van. It later transpired that he was driven to the Central District Police Station, and then taken by an ambulance to the City Emergency Hospital several hours later. Raman Bandarenka was seriously injured and unconscious when he was admitted to hospital that same night, and died there on 12 November from severe head injuries.²⁴

It transpired later that Raman Bandarenka had been the anonymous author of popular murals that symbolised peaceful protest, and which gave the neighbourhood its popular name.

Raman Bandarenka’s death stirred popular indignation and inspired further peaceful protests. The authorities responded by claiming that his assailants (whom they never publicly identified) were private individuals rather than plainclothes police officers or police proxies, and that he was “intoxicated”, implying that he was responsible for his own death.²⁵

Two months later, no formal investigation into the killing of Bandarenka has been opened. Instead, authorities opened criminal proceedings against, and arrested as a criminal suspect, Artsyom Sarokin, the doctor who had leaked the deceased activist’s medical records and exposed official lies (these records

²¹ TUT.BY, «В Бресте милиция стреляла в протестующих из табельного оружия на поражение. Есть раненый», 12 August 2020, available at: <https://news.tut.by/society/696355.html>.

²² Amnesty International interviewed Kardzyukou’s sister, Maryna Parychuk, on several occasions between 22 September 2020 and 18 January 2021.

²³ Amnesty International, “Belarus: Witness in police killing of protester faces life sentence”, 16 December 2020, available at <https://www.amnesty.org/en/latest/news/2020/12/belarus-witness-in-police-killing-of-protester-faces-life-sentence/>.

²⁴ Amnesty International, “Belarus: Peaceful protester held by police after beating dies in hospital”, 13 November 2020, available at <https://www.amnesty.org/en/latest/news/2020/11/belarus-peaceful-protester-held-by-police-after-beating-dies-in-hospital/>.

²⁵ TUT.BY, «СК проводит проверку по факту гибели Романа Бондаренко», 13 November 2020, available at: <https://news.tut.by/society/707706.html>.

indicated that he had not been intoxicated at the time of his death), and Katsyaryna Barysevich, a journalist from TUT.by who had published the story. Both are prisoners of conscience and their prosecution is a part of the authorities' effort to cover up the unlawful killing of Bandarenka and ensure impunity for the perpetrators.²⁶

²⁶ Amnesty International, "Belarus: Whistle-Blower Doctor and Journalist Who Exposed Disinformation Both Prosecuted", 24 November 2020, available at <https://www.amnesty.org/en/documents/eur49/3384/2020/en/>.

STATE-SPONSORED IMPUNITY FOR THE PERPETRATORS

The Belarus authorities have not only consistently ignored demands for the truth about and failed to investigate human rights violations by law enforcement officials, including killings. They have also created conditions in which perpetrators have been able to hide their identity, and have actively prevented the spread of information about law enforcement deployed, their actions and their instructions – in this way supporting a climate of impunity.

One of the most important elements of a system which ensures impunity for mass violations of human rights in Belarus is the anonymity of their perpetrators. Countless riot and regular police and other law enforcement agencies (Interior Troops, Committee for the State Security, and military units amongst others) have been deployed in the streets. Uniformed and displaying minimal or no insignia, and no form of personal identification, they have almost invariably covered their faces at all times – under masks, balaclavas or riot police helmets. To conduct mass surveillance of protesters and their dispersal and apprehension by means of abduction-style arrests, law enforcement officials were also often deployed in plain clothes, but even then they wore face masks against the spread of coronavirus.

From 9- 12 August 2020 and on regular occasions thereafter, including every Sunday for as long as mass protests continued, the authorities imposed mobile (and often stationary) internet blackout on the capital and elsewhere. A clear violation of the right to freedom of expression, as well as of peaceful assembly, this measure was instrumental for obstructing the organization and coordination of the protests, and also a means to avoid people documenting and sharing, both domestically and internationally, evidence of torture and other human rights abuses by law enforcement agencies.

At the same time, the country's top officials and most prominently Alyaksandr Lukashenka himself have actively denied and rejected any allegations of human rights violations by police and other forces, and placed the blame on protesters and torture victims themselves. Thus, in a media interview on 9 September 2020, Alyaksandr Lukashenka stated that those who ended up under arrest were primarily seasoned criminals, drunkards and drug-addicts, and added that he could not blame the police for their harsh response whilst “defending not just the country, but also myself”.²⁷

Such statements, repeated regularly, have not only served to deny or dismiss allegations of serious human rights violations by law enforcement officers, but have also signalled to them the most senior approval of their actions and effectively a thinly veiled guarantee of impunity.

Such statements have also reinforced the widely-held belief among the people of Belarus that the police and other forces deployed to crush protest in the streets and dissent throughout the country received direct instructions to do so, in exchange for guaranteed impunity.

²⁷ РБК, «Интервью Лукашенко российским журналистам», 9 September 2020, available at <https://www.rbc.ru/politics/09/09/2020/5f5773e29a7947dc1133af3a>.

On 15 January 2021, BYPOL, a group formed by Belarusian police officers who quit the force in response to its crackdown on peaceful protest, published a recording allegedly featuring the voice of a very senior Interior Ministry official, Mikalai Karpenkau. Mikalai Karpenkau was presumably speaking to his subordinates from the Ministry's Main Directorate for Combating Organized Crime and Corruption (one of the police's elite forces), sometime around 30 October 2020. The recording contains numerous statements which, if true, amount to criminal orders to use unlawful force against peaceful protesters, including for instance instructions to target rubber bullets at protesters' testicles, stomachs and faces, and implying that accidental deaths would be acceptable. The voice in the recording gives direct instructions to disregard international law, and repeatedly states that the relevant instructions had been issued personally by the head of state.²⁸

While the authenticity of this recording may be difficult to prove, its content appears entirely consistent with the picture of the police's response to the protests and the state's response to the allegations of torture and other human rights violations by police. Notably, rather than launching an investigation into the leaked audio, the Ministry of the Interior immediately dismissed it as "a fake by the opposition".²⁹

With or without revelations that may confirm that the forces deployed against protesters in post-electoral Belarus were acting under direct instructions to commit human rights violations, it is abundantly clear that the authorities show no intention of removing impunity from those who have committed them.

²⁸ See Amnesty International, "Belarus: Leaked audio allegedly exposing top Interior Minister official ordering use of illegal force against peaceful protesters must be effectively investigated", 15 January 2021, available at: <https://www.amnesty.org/en/latest/news/2021/01/belarus-leaked-audio-allegedly-exposing-top-interior-minister-official-ordering-use-of-illegal-force-against-peaceful-protesters-must-be-effectively-investigated/>.

²⁹ *RIA Novosti*, «МВД Белоруссии опровергло данные о планах создать лагеря для протестующих», 15 January 2021, available at <https://ria.ru/20210115/belorusiya-1593251810.html>.

FORMAL HURDLES TO AN INVESTIGATION BEFORE IT BEGINS

Even in the absence of state-sponsored impunity for members of law enforcement agencies, the official complaints system is riddled with hurdles. It is onerous, highly bureaucratized and makes the opening of a criminal investigation into violations such as torture conditional on various issues far beyond the complainant's control.

Torture survivors who dare to seek justice despite the threats and reprisals that they face must file their complaint with either the police or Investigative Committee (a stand-alone agency responsible for investigation of serious crime and reporting directly to the president) and ensure that it is accepted and registered. A slightly "incorrectly" worded complaint may be treated as a mere submission and not registered as a crime report; this will result in no action taken.

Next, the victim must verify their injuries at the Office of Court-Medical Examination (official forensic service), for which a reference document from the Investigative Committee is required. At least one of the torture survivors who spoke to Amnesty International confirmed that Investigative Committee representatives refused to give such references to them and several other survivors and (falsely) claimed that first they had to review the complaints. This deprived the complainants of crucial evidence in the absence of which they stood little if any chance of seeing their complaint progress to a formal investigation. Other medical documents that confirm their injuries do not carry the same, if any, legal weight for the purpose of an official investigation.

In case an official forensic examination of the injuries is secured, the relevant findings and conclusions by the Office of Court-Medical Examination are typically not shared with the victim but sent directly to the Investigative Committee. Among the cases documented by Amnesty International, none of the victims was permitted to see the relevant forensic reports and had no idea of their accuracy. Besides, the process is slow. In some cases, these forensic reports would not reach the Investigative Committee for over a month following the examination.

Once a written complaint is submitted and officially registered as a crime report, and after the official medical forensic examination is undertaken and its conclusions reach the investigator, further hurdles arise on the way to opening of formal criminal proceedings. There are multiple formal grounds under Belarusian law which allow the investigators delay or decline to open a formal investigation. Indeed, at the time of writing not one criminal case had been formally opened into any of the hundreds of reports of unlawful use of force, torture or other ill-treatment of protesters. Many have been squarely rejected by the Investigative Committee, others delayed without an explanation. After submitting their complaint, a torture survivor typically awaits months for any form of response from the investigative authorities. One torture survivor from Akrestsina told Amnesty International that when she managed to speak to the investigator responsible for her case at the Investigative Committee, he told her he was awaiting an "order from above" (instructions from his superiors) to formally open criminal proceedings.

However, the system of criminal investigation can be quick and efficient in Belarus, when such is its intent. The authorities have promptly opened criminal proceedings against numerous peaceful protesters under the

charges of mass disturbances, violence against police officers and other alleged crimes. Prosecutor General Andrey Shved stated on 28 October 2020 that 657 criminal cases had been opened against protesters, with more than 200 individuals already charged.³⁰ Human rights centre Viasna collated and reported still higher figures in January 2021: over 1,000 criminal cases opened against activists and protesters, including politically-motivated criminal proceedings opened against political activists in the context of the presidential campaign since May 2020.³¹

The sharp contrast between the complete failure of law enforcement agencies to prosecute perpetrators of human rights violations by police officers, and the scale and speed of criminal prosecution of peaceful protesters and political activists is telling. Contrary to their obligations under international law, the Belarusian authorities are clearly sabotaging any efforts to ensure accountability for these human rights violations.

³⁰ *Mediazona*, updates statistics on 28 October 2020, available at <https://mediazona.by/number/2020/10/28/657del>.

³¹ Viasna, «Уголовное преследование с начала избирательной кампании. Список от правозащитников "Весны"», 18 January 2021, available on: <http://spring96.org/ru/news/99641>.

INTERNATIONAL HUMAN RIGHTS LAW AND INTERNATIONAL INVESTIGATION AND PROSECUTION MECHANISMS

Belarus is a party to key international human rights treaties, among them the International Covenant on Civil and Political Rights (ICCPR), the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT), and the International Covenant on Economic, Social and Cultural Rights (ICESCR). As such, it has a legal obligation to uphold the human rights of all those on its territory, including the obligation to uphold the absolute prohibition of torture and other ill-treatment.

CAT mandates states to ensure “a prompt and impartial investigation, wherever there is reasonable ground to believe that an act of torture has been committed.”³² Moreover, the states must protect alleged victims against any further ill-treatment or intimidation. The Committee against Torture has called authorities “[t]o ensure the right of victims of torture to lodge a complaint without the fear of being subjected to any kind of reprisal, harassment, harsh treatment or prosecution, even if the outcome of the investigation into his [sic] claim does not prove his or her allegation.” Amnesty International has determined that the Belarusian authorities have repeatedly over the past months grossly violated the rights to life, to liberty of person, the prohibition of torture and other cruel, inhuman or degrading treatment, the rights to freedom of expression, association and peaceful assembly, to freedom of information, to freedom of movement, to equality before the law, to a fair trial and other internationally recognised human rights. Moreover, as evidence presented in this briefing suggests, the authorities have consistently prevented effective investigation of and accountability for these abuses, which is in itself also a violation of international law.

The scale and severity of human rights violations coupled with the manifest reluctance of national authorities to stop and investigate them can lead to a further deterioration of the already dire situation. Belarus’ failure to uphold its international obligations raises the question how the international community can address the ongoing human rights crisis.

³² Art. 12.

The UN Human Rights Council and several of its Special procedures, and the OSCE have already strongly voiced their concerns.

The UN Human Rights Council in particular has repeatedly addressed the situation in Belarus, including at its Urgent debate on the situation of human rights in Belarus, on 18 September 2020 (which adopted resolution 45/1 entitled “situation of human rights in Belarus in the run-up to the 2020 presidential election and in its aftermath”) and the Intersessional meeting on 4 December 2020. Since 2012 the Human Rights Council has retained a Special Rapporteur on the situation of human rights in Belarus, and her mandate has been once again extended. Notably, the Belarusian authorities have consistently refused to recognise the Special Rapporteur’s mandate; nonetheless the current Rapporteur and her predecessors have been able to carry out their work and document and regularly report their findings on human rights violations in the country.

A group of OSCE member states enacted its Moscow Mechanism, the outcome of which was the report by the OSCE Rapporteur’s Report under the Moscow Mechanism on Alleged Human Rights Violations related to the Presidential Elections of 9 August 2020 in Belarus, published on 5 November 2020.³³ Belarus refused to engage with this initiative.

The UN Human Rights Committee is another UN body which could play a role, in particular by adjudicating human rights cases in Belarus including cases brought by individuals. In the past, however, Belarus has frequently ignored the findings of this body.

One other possible route is universal jurisdiction, involving the countries that have enacted the relevant legislation.³⁴ Under international law states can also enact national criminal laws which allow national courts to investigate and prosecute people suspected of crimes committed outside of the state’s territory, including crimes committed against a national of the state.

At least one precedent of this route is underway in Lithuania, where criminal proceedings have been opened in connection with the reports of torture of Maksim Kharoshin. A businessman and activist from Minsk, he was arrested for several hours by police and severely beaten on 13 October 2020. After being released, he fled to Lithuania, where authorities reported on 9 December 2020 they had begun an investigation of his alleged torture under its law covering crimes against humanity, which provides for universal jurisdiction.

None of the international mechanisms for investigation and prosecution of human rights violations committed in Belarus are mutually exclusive. All these routes for justice at the national and international level are riddled with difficulties, but the international community cannot stand by. The total failure of the justice system in Belarus to ensure accountability calls for the strongest possible efforts to pursue justice internationally.

Governments, international and regional organizations should enact any available transnational justice mechanisms, and use whatever leverage they may have to put pressure on the Belarusian authorities to stop ongoing violations of human rights, fully cooperate with these mechanisms, and ensure truth, justice and reparations for victims and survivors and accountability for perpetrators.

³³ OSCE ODIHR, *OSCE Rapporteur’s Report under the Moscow Mechanism on Alleged Human Rights Violations related to the Presidential Elections of 9 August 2020 in Belarus*, 5 November 2020, available at: <https://www.osce.org/odihr/469539>.

³⁴ Amnesty International, *Universal Jurisdiction: Questions and answers*, December 2001, available at: <https://www.amnesty.org/download/Documents/128000/ior530202001en.pdf>.

RECOMMENDATIONS

AMNESTY INTERNATIONAL URGES THE AUTHORITIES OF BELARUS TO TAKE THE FOLLOWING STEPS:

- Release immediately and unconditionally all people detained solely for exercising their human rights, including the rights to freedom peaceful assembly and expression.
- Immediately put an end to human rights violations of protesters, human rights defenders, political and civil activists and any individuals, and in particular:
 - end the practice of prohibition and dispersal of peaceful street gatherings;
 - end the use of unlawful, excessive and arbitrary force by police, including its use against protest participants and bystanders in the streets, and individuals taken into custody;
 - immediately end the use of torture and other ill-treatment by members of law enforcement agencies, including physical and other violence, and the practice of detention of people in conditions that amount to cruel, inhuman and degrading treatment, including denial of necessary medical assistance, deprivation of food, water and sleep, and overcrowding of detention cells;
 - take all measures to end unlawful killings by law enforcement officers, including alleged extrajudicial executions, or by unknown armed persons, conduct immediate, impartial and effective investigations into all alleged killings and bring those with criminal responsibility to account through fair trials; end the practice of harassment, intimidation and unfounded prosecution and arbitrary deprivation of liberty of political opponents of Alyaksandr Lukashenka, human rights defenders, complainants and witnesses of human rights violations, other dissenting voices.
- Promptly, effectively and impartially investigate all allegations of torture and other ill-treatment and all other reports of the above human rights violations, with a view to identify and bring to account, in fair trial proceedings without recourse to the death penalty, anyone reasonably suspected of perpetrating, or being complicit, in torture and other ill-treatment and other human rights violations against peaceful protesters, including commanding officers and any state officials on whose orders or under whose acquiescence these violations have been committed.
- Immediately suspend in their duties any law enforcement official, regardless of their rank, suspected of responsibility for or complicity in acts of torture and other ill-treatment, or other of the above-mentioned human rights violations, including fabrication of criminal or administrative charges, pending an impartial and independent investigation of the respective allegations, and prosecution in fair trial proceedings.
- Provide full and adequate reparations to all victims of torture and other ill-treatment, including measures of restitution, compensation, rehabilitation, satisfaction and guarantees of non-repetition.
- Immediately end the practice of short-term imprisonment (so-called administrative detention) of individuals for minor, non-criminal offences, real or purported.
- Fully respect and protect the right to a fair trial, including by ensuring effective protection of any detained person from torture and other ill-treatment, providing them with an immediate and unimpeded access to a lawyer of their choice, and access to effective legal remedies including an opportunity to challenge the legality of their detention and of administrative or criminal proceedings

against them, or challenge the admissibility/validity of police officers' and other state officials' testimonies (such as written police reports) as evidence against the defendant, in front of a genuinely independent and competent judiciary.

- Address the practice of intimidation and harassment of victims and witnesses of human rights violations by law enforcement and other officials; guarantee and ensure safety of complainants and victims, including via effective witness protection measures.
- Immediately end the practice of anonymisation of uniformed police and other law enforcement officers, and ensure that all law enforcement officers on duty are individually identifiable, by means such as the use of clearly displayed personal name or individual number tags, and that they wear insignia which allow a clear identification of the force they represent.
- Immediately end the practice of deployment of plainclothes police officers to conduct abduction-style arrests.
- Immediately introduce a mandatory regulation whereby all complaints about torture and other ill-treatment, and other human rights violations by law enforcement officials, irrespective of the form and specific wording in which they are delivered to the agencies responsible for investigation of the respective crimes, are registered as reported crime and that full, effective and impartial investigation into every single allegation is opened without any delay.
- Ensure that individuals who submit complaints about such violations are given prompt, regular and substantive official updates on the status of their complaints and the respective criminal proceedings, as well as being given access on request to the forensic medical and other reports that contain their personal details.
- Streamline and facilitate, including by means of direct, effective and unimpeded access to, and sufficient resourcing of, forensic medical expertise for all alleged victims of torture and other ill-treatment. Train and licence medical experts from civic medical institutions, including competent private medical centres, to fully meet the demand for forensic medical expertise among alleged victims of torture and other ill-treatment. Ensure that the forensic medical examination is conducted in full in accordance to the Istanbul Protocol (Manual on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment).
- Regularly publish full and detailed statistics, national and local, on reported violations and the outcome of the respective investigation and prosecution.
- Cooperate fully with international partners and organisations, including in particular the UN High Commissioner for Human Rights, the UNHRC Special Rapporteur on the Situation of Human Rights in Belarus, and the OSCE Moscow Mechanism Rapporteur on Human Rights, amongst others, including by extending an invitation and ensuring their immediate, full and unhindered access to the country, and, where so requested, provide them with direct and effective access to the penitentiary institutions and all other places where individuals may be deprived of their liberty including police compounds, including access to persons deprived of their liberty held there, and provide them with all necessary access to the information and documents as may be requested, and access to victims of human rights violations and their family members, lawyers and human rights defenders amongst others.
- Ratify the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and promptly institute a National Preventive Mechanism in accordance with it, to facilitate unhindered and unannounced visits to all places of deprivation of liberty; sign and ratify the Rome Statute of the International Criminal Court and until such time, accept the exercise of jurisdiction by the Court.

AMNESTY INTERNATIONAL IS CALLING INTERNATIONAL AND REGIONAL ORGANISATIONS AND HUMAN RIGHTS MECHANISMS AND INDIVIDUAL GOVERNMENTS TO:

- Urge the Belarusian authorities to take all of the following steps set forth above.
- In multilateral forums, including in the context of existing Human Rights Council reporting and dialogues, address the issues of state sponsored impunity and unlawful force, torture, and other ill-

treatment by members of law enforcement agencies. Support all applicable officials, forums, and processes, including the High Commissioner and the Special Rapporteur on Belarus, to expand and extend their reporting and recommendations on these issues, including regarding ways to address the widening accountability gap, such as through the collection and preservation of evidence, universal jurisdiction, and other current and future accountability options.

- Undertake a comprehensive examination of all available and potential accountability options, including jurisdictions currently available to adjudicate unlawful force, torture, and other ill-treatment by members of Belarusian law enforcement, and assess options for expanding such jurisdictions.
- Establish and support mechanisms and processes to investigate and document these violations, protect and support their victims, collect and preserve evidence of crimes under international law, and ultimately ensure that their perpetrators are held accountable. Such support could be of a forensic, medical, technical, legal, financial, or other nature.
- Assist and support initiatives to assist survivors of torture and other human rights violations from Belarus and key witnesses, including by granting them international protection if required and facilitating their free movement.

**AMNESTY INTERNATIONAL
IS A GLOBAL MOVEMENT
FOR HUMAN RIGHTS.
WHEN INJUSTICE HAPPENS
TO ONE PERSON, IT
MATTERS TO US ALL.**

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BELARUS: “YOU ARE NOT HUMAN BEINGS”

STATE-SPONSORED IMPUNITY AND UNPRECEDENTED POLICE VIOLENCE AGAINST PEACEFUL PROTESTERS

The Belarusian authorities have unleashed a widespread and brutal crackdown on dissent in the wake of post-election protests and weaponized the justice system to punish victims of torture and witnesses of human rights violations, not perpetrators.

While Belarusian authorities have admitted receiving more than 900 complaints of abuses committed by police since demonstrations began in August 2020, not one criminal investigation has been launched against law enforcement officers. In contrast, hundreds of criminal investigations have been opened against protesters, including victims of torture and ill-treatment.

Amnesty International’s research documents harrowing accounts of peaceful protesters being arbitrarily arrested and subjected to torture and other ill-treatment, as well as killings.

Those who have attempted to seek justice for this torture and other ill-treatment have met with clear obstruction from a system designed both to discourage and intimidate them and invalidate their complaints and evidence.

Given the total impunity of perpetrators of human rights violations inside Belarus, Amnesty International calls on governments, international and regional organizations to use all their leverage to pressure the Belarusian authorities to end this assault on human rights, but also to go a step further and take consolidated action to enact or establish international mechanisms for investigation and prosecution of the perpetrators.