

## 2022 Index on Torture

### Belarus

The situation in Belarus with respect to the right to be free from torture and ill-treatment continues to be critically unsatisfactory. Although the right not to be subjected to torture and other forms of cruel, inhuman or degrading treatment is guaranteed by the country's Constitution and international obligations, in 2022, as before, human rights defenders documented new cases of politically motivated torture and ill-treatment and obtained new evidence on incidents which had occurred in previous years.

The [Report](#) of the United Nations High Commissioner for Human Rights which examined, upon the request of the Human Rights Council, the human rights situation in Belarus, covering the period from 1 May 2020 to 31 December 2022, stated, in particular, that "several violations of international human rights law were committed in Belarus between 1 May 2020 and 31 December 2022. They include arbitrary deprivation of the right to life and to liberty, torture and ill-treatment, including sexual violence, denial of the rights to due process and to a fair trial, arbitrary denial of the right to enter one's own country, violations of the rights to freedom of expression, peaceful assembly and association and to equal protection of the law. Some of the violations may also amount to crimes against humanity, as defined in international customary law, when such acts are committed as part of a widespread or systematic attack directed against any civilian population, with knowledge of the attack. Considered cumulatively, the organized nature of the violations renders it improbable that they were random and accidental. On the contrary, they appear to have been part of a campaign of violence and repression, intentionally directed at those who were – or were perceived to be – opposing the Government or expressing critical or independent voices".

On 8 November 2022, Belarus denounced the Optional Protocol to the International Covenant on Civil and Political Rights, thereby preventing its citizens from filing individual complaints with the UN Human Rights Committee, despite a constitutional provision which allows for such submissions.

The country's legislative reform process did not address the Criminal Code provisions establishing liability for torture and ill-treatment. As before, there is no explicit standard that specifically concerns accountability for such acts. According to human rights defenders, state officials were not held accountable for acts of torture in 2022, as the Criminal Code articles that criminalise specific forms of torture, such as article 128 (Crimes against the security of humankind), article 426, part 3 and article 455, parts 2 and 3 (Abuse of power or official authority involving the use of violence) were not effectively enforced.

In 2022, Viasna human rights centre documented 227 cases of torture and ill-treatment against 89 women and 138 men; 91 individuals were victims of such treatment in 2022.

On 27 and 28 February 2022, mass arrests were carried out in various cities across Belarus. People were protesting against the amendments to the Constitution and against Belarus' participation in the attacks against Ukraine. More than 1,100 people were arrested, and at least 630 detainees were sentenced to administrative detention. All detained protesters were held in inhuman conditions in specialised facilities – CIP (detention centres for offenders) and IVS (temporary detention centres). The [detention conditions](#) for this category of detainees were different from those in which persons arrested for other types of offences were typically held; those arrested during the protests were denied mattresses, pillows, bedding and towels, were not allowed to receive packages from relatives, and were subjected to deliberate cell overcrowding. The cells were kept cold in winter time, many detainees were not given food for 1 to 5 days and had no access to personal hygienic items, such as toilet paper and menstrual hygiene products. At the IVS in Zhodina, detainees were beaten while in their cells. Although many detainees experienced health problems due to the improper detention conditions, they were not provided with adequate – or any – medical assistance.

Detainees and persons under administrative arrest are held in the same conditions. In particular, the personnel of detention centres deliberately make the detention conditions unbearable through artificial overcrowding of cells and denying the detainees basic bedding, including a mattress and pillow, not allowing them to sit and lie down in their beds during the day, and refusing to take them out for walks or to the shower. Denying detainees access to essential hygienic items, such as toothbrushes and sometimes toilet paper, and to packages from relatives is a widespread practice. Another common practice is the placement of political detainees in cells alongside homeless and antisocial individuals who have not undergone disinfection upon admission and become potential sources of parasitic diseases and unpleasant odours.

Personnel at the detention centres openly acknowledge that they have received instructions from their superiors to deliberately create such conditions for detainees. All efforts to challenge the clearly criminal acts committed by the personnel are consistently met with resistance from both the Prosecutor's Office and the higher authorities within the Ministry of Internal Affairs.

By the end of the year, approximately 5,000 cases of torture and ill-treatment inflicted upon peaceful protesters against the falsification of the 2020 presidential election results remained unresolved without proper investigation. At the same time, criminal proceedings were initiated against 51 applicants for participating in the protests.

The [Report](#) on the serious threat to the OSCE human dimension in Belarus since 5 November 2020, covering the period which includes 2022, states that "torture and inhuman or degrading treatment are occurring on a regular and organized basis in places of detention and are particularly targeted at those perceived as political opponents. Numerous political prisoners are being subject to torture, and there are various testimonies depicting acts of physical or sexual violence. Political prisoners in all detention centres face severe difficulties in obtaining basic medical care". Furthermore, "conditions of detention amount to an inhumane and degrading treatment. Political prisoners are being deprived of adequate food, water, and medical assistance, and subjected to constant beatings, overcrowded and unheated cells, and sleep deprivation. Besides, political prisoners are discriminated against as they are forced to wear a coloured tag indicating their level of dangerousness. As a direct consequence, they are being subject to different treatment. Conditions of detention in administrative centres for political prisoners are especially harsh as they appear to be denied access to basic hygienic products, walks, correspondence, and any personal belongings. They are held in cells with no beds, linens, mattresses, or pillows. Concerning temporary detention facilities, there are credible reports of solitary isolation in cells with open windows, public humiliation, and sexual violence".

Another prevalent practice affecting individuals detained for political reasons involves coercing them, under the threat of torture, to make video statements, in which the victims are compelled to admit their participation in protests, express support for state policies, apologize for their perceived "wrong" views and beliefs and renounce them, disclose their homosexuality, and more.

The widespread disregard for the right to defence is another contributing factor that enables instances of torture and ill-treatment. By the end of 2022, over 70 lawyers were arbitrarily stripped of their right to practice, and more than 250 voluntarily refrained from practicing as lawyers due to changes in the regulations governing the legal profession. Defence lawyers are obligated to sign non-disclosure agreements regarding any information obtained during the preliminary investigation and closed-door court proceedings; they are often intimidated, resulting in a lack of information about arrested and detained individuals, while all evidence, including that of torture, is kept confidential, since lawyers are prohibited, under the threat of criminal prosecution, from disclosing such information to the public or the victims' families.

Courts have been transformed into tools of political repression, and the judiciary has completely relinquished any semblance of independence, resulting in its profound degradation. Seeking

recourse through the court system for violations such as torture and ill-treatment, which had already proven ineffective as a remedy even prior to the events of 2020, has now become utterly devoid of meaning or any hope for redress.

Belarus lacks both a National Preventive Mechanism (NPM) to prevent torture and other forms of ill-treatment, and a national human rights institution (NHRI) to address human rights violations. The public monitoring commissions, which are intended to oversee adherence to the law in places of deprivation of liberty, currently fulfil their function in a purely formalistic manner; there is not a single representative from human rights organisations included within these public monitoring commissions.

The Belarusian authorities fail to condemn the use of torture and other forms of ill-treatment. Responding to the related question of the Committee against Torture in its periodic [report](#), the State referred to investigations of the Nazi crimes “during the Great Patriotic War and the post-war period”.