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**FIDH - International Federation for Human Rights
Human Rights Center « Viasna »**

Critical Situation for Political Prisoners in Belarus and Freedom for 40 Activists Considerably Restricted

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The Situation of Persons subject to Imprisonment or Restrictions on Freedom for politically motivated reasons

Evidence gathered by FIDH and Human Rights Centre Viasna clearly contradicts the assurance of Belarusian Deputy Prosecutor, General Aliaksei Stuk, that the detention conditions of those identified as political prisoners in Belarusian prisons and penal colonies are no different from the conditions of other prisoners. Despite this assurance, made at a press conference¹ on 14 February 2013, the 11 detainees identified by our organisations as political prisoners suffer regular punishments that sharply exacerbate the already difficult conditions of their detention by restricting their means of support and quality of food and medical assistance. Deprived of meetings with relatives, and subject to limits on correspondence, and constant pressure to receive petitions for pardon, the physical ordeal of these individuals is intensified by psychological ordeals, qualifying detention conditions as inhuman and degrading treatment, prohibited by the articles 7 and 10 of the International Covenant on Civil and Political Rights and article 16 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

FIDH and Viasna hereby note that in addition to these 11 political prisoners, a number of unimprisoned Belarusian citizens are currently subject to severe restrictions imposed following prosecution in politically motivated criminal cases. At the time of writing, 40 individuals are subject to such restrictions.

The convictions of 25 political prisoners pardoned or released early in 2011 to 2012 have not been expunged. This deprives them of numerous civil and political rights, including the right to run in elections or work as a government employee. Their names remain on “preventive watch” lists maintained by internal affairs agencies, making them vulnerable to regular police visits. If brought in on administrative charges three times in one year, they face “preventative supervision”. Such supervision carries more serious restrictions and makes repeated criminal prosecution and deprivation of freedom possible.

In 2012 three persons were placed under preventative supervision by internal affairs agencies on the basis of administrative penalties imposed by courts in connection with their social activism. These mean that they must stay at home during nighttime hours, are unable to leave their hometowns without permission from the authorities, and are subject to a numerous bans that severely restrict their freedom, including on visiting public places, etc.

Despite repeated appeals, no representative of any diplomatic mission has been able to visit the political prisoners. In late September 2012, Archbishop Claudio Gugerotti, the Apostolic Nuncio in Belarus, was able to visit Eduard Lobau, Mikalai Statkevich, Zmitser Dashkevich, Pavel Seviarynets, and Ales Bialiatski.

¹ Naviny.by, 14 February 2013, available at http://naviny.by/rubrics/english/2013/02/14/ic_news_259_411086/.

I. Political Prisoners Serving Sentences in Belarusian Prisons

(in alphabetical order)

1. **Ihar Alinevich** – Social activist. Born 24 September 1983. In violation of all extradition rules established by bilateral treaties between the Russian Federation and the Republic of Belarus, Alinevich was kidnapped in Moscow on 28 November 2010. Unknown persons representing themselves as FSB agents drove him to the border with Belarus, where Belarusian KGB agents were waiting for him with a minibus. The agents immediately started threatening him and demanded that he confess to an entire list of crimes. On the evening of the same day, he was taken to a KGB pretrial detention facility, where agents again demanded that he take responsibility for a whole list of various crimes, without bringing any charges against him or giving him the chance to rest during the day or night. He was officially arrested only on 29 November 2010, and it was another three days before he was officially charged with attacking the temporary detention facility in Akrestsin Str. – a charge that a court later dropped. During his stay at the KGB pretrial detention facility, Alinevich suffered physical and psychological torture. His attorney was not able to meet with him because the authorities at this facility regularly denied him this right. The temperature in his cell was very low, black mould was growing in its corners and it was overcrowded. Alinevich was taken to the bathroom twice a day, once in the morning and once in the evening. From 1 January 2011, Alinevich was prohibited from receiving packages containing products like nuts, chocolate, dry fruits, and cured fat, i.e. products that are recognized as maintaining the strength and health of prisoners. For over one month letters from one party or another never reached him. Meetings were prohibited. After half a year in the KGB pretrial detention facility, Alinevich was allowed his first meeting in April 2011, though only with his father. He was given a second meeting with his relatives only after his trial in late 2011.

Alinevich was convicted on 27 May 2011 by the Zavodski District Court in Minsk under Article 339(2) of the Criminal Code (malicious hooliganism), and Article 218(2) and (3) of the Criminal Code (causing harm to property in a dangerous manner and in an especially large amount). He was sentenced to eight years in a maximum security prison.²

Alinevich is being held in Penal Colony No. 10 in Navapolatsk, which is known for its location in an area dangerous to human health, being situated between the oil production enterprises Naftan and Polimir. For the entire summer of 2011 (he was sent to the colony in early June 2011), Alinevich was kept in the quarantine section, although the law states that prisoners are only to be kept there for two weeks. In the fall of 2011, he was allowed his first short meetings, and then long meetings with relatives. Significant problems with correspondence (some letters never reached him, others were delayed for a very long time) and difficulties receiving medical assistance were recorded. According to information received, Alinevich's lawyer has had problems meeting with his client: when Alinevich was finally given the opportunity to meet with his attorney, the meeting took place through a glass partition and in the presence of guards.

During his time at the penal colony, disciplinary punishment was inflicted on Alinevich eight times.

On 14 June 2012, Alinevich was deprived of his next meeting because “during a search of his sleeping place and personal belongings, officials discovered prohibited items, specifically 10

² For analysis see, “Brief review of the process of Belarusian anarchists” Human Rights Center Viasna, 2 June 2011, available at: <http://spring96.org/en/news/43788>.

CDs,” which he received in a package from his relatives that was given to him through official channels.

On 28 June 2012, Alinevich received the punishment of ten days in the punishment isolation cell without being let out for work for “categorically refusing many times to carry out the legitimate demands of prison officials that he clean the toilet area (wash the doors).” On 5 July 2012, he was again sent to the punishment isolation cell for five days. He was deprived of his right to see relatives in September 2012.

Ihar Alinevich sought permission to study at a vocational school in the penal colony, but the administration denied his requests many times without giving any explanation. According to Alinevich’s relatives, other prisoners have been allowed to do this.

In accordance with regulations specified for imprisonment, every year Alinevich is allowed three short meetings, two long meetings, two parcels, and three 30 kg packages per year. However, in 2012 he received only one short meeting, one long meeting (one day instead of three days), and one package, while he was denied a medical package, even though his diagnosis with a medical condition was confirmed during his trial.

2. Mikalai Autukhovich – Veteran of the war in Afghanistan, successful entrepreneur and democracy activist. Born 7 January 1963 in Vaukavysk. Sentenced on 7 July 2006 to three years and six months in prison with confiscation of property for tax evasion and damage to the state budget in an especially large amount. Released under a pardon on 18 January 2008. Arrested again on 8 February 2009, and convicted on 6 May 2010 by the Supreme Court of the Republic of Belarus under Article 295(3) of the Criminal Code (illegal actions in respect to firearms, ammunition, and explosive devices). Sentenced to five years and two months incarceration in a maximum security prison.³

During his time at Ivatsevichy Prison, Mikalai Autukhovich received eight disciplinary punishments (mainly for “violation of the daily routine”) in 2011 alone. On 16 November 2011, he was transferred to a punishment isolation cell for 10 days for “failure to come to the eating hall with his group.” On 6 December 2011, he was again placed in the punishment isolation cell, this time for five days, for a similar reason. This was despite an agreement previously made with the prison administration that Autukhovich would not go to the eating hall with others due to his dietary habits and the state of his health. Later, in early December 2011, he spent one month in cell-type accommodations. A decision like this is taken by the prison administration when a prisoner commits a malicious violation of the established order for serving a sentence, with the goal of isolating the prisoner in question from other prisoners. In addition to these corrective actions, Autukhovich was regularly subjected to intense psychological pressure. In 2011, prison authorities summoned him over 20 times for “preventative discussions,” where direct and indirect threats were generally made. Clearly driven to desperation, Autukhovich attempted suicide on 11 December 2011. He cut open his veins, but was saved.

Under a judgment issued during an offsite session of the Ivatsevichy Court on 17 January 2012, Autukhovich’s conditions for serving his sentence were replaced with harsher ones after the administration made an application to this effect under the pretext of multiple violations of regulations. In late January 2012, Autukhovich was transferred from Colony No. 5 in Ivatsevichy to Prison No. 1 in Hrodna. There he is allowed only one 30 kg package a year. According to information received, no serious difficulties with attorney visits have been observed.

³For an analysis of the case see: “Brief review of the process of Belarusian anarchists”, Human Rights Center Viasna, 3 June 2011, available at: <http://spring96.org/en/news/43788>.

According to information received in February 2013, in October 2012 Autukhovich was reprimanded for supposedly not responding to a guard's admonitions. Autukhovich himself asserts that no one ever directed any such admonition at him. He learned of this punishment only in mid-January, when the public prosecutor for the Hrodna Region visited him in his cell. Since failure to inform a prisoner of a punishment is a violation of existing law, Autukhovich appealed this decision, though unsuccessfully.

3. Ales Bialiatski – Chairman of the Viasna Human Rights Center, and FIDH Vice-President. Born 25 September 1962 in the village of Värtsilä, Sortavalsky District, Karelia (Russian Federation). Arrested on 4 August 2011 and convicted on 24 November 2011 by Pershamaiski District Court in Minsk under Article 243(2) of the Criminal Code (failure to disclose income in especially large amounts) and sentenced to 4.5 years in a maximum security prison with confiscation of property. He is currently at Penal Colony No. 2 in Babruisk.⁴

During his sentence to date, Bialiatski has been punished for violating regulations nine times. The first three punishments were imposed between March and June 2012, and included deprivation of one long meeting (of two allowed each year). In late June 2012, Bialiatski was found to be in flagrant violation of the established order for serving a sentence on the basis of these three punishments. This resulted in a decrease in the amount of money that he was allowed to withdraw from his personal account every month for food and essential items, from five basic units to one basic unit (from 500,000 to 100,000 Belarusian rubles (approx. 10 Euros)). This status also excludes the possibility of his receiving either amnesty or early release.

Two more punishments were imposed on Bialiatski in August 2012: deprivation of his next food package (one of two allowed each year) and of his next short meeting (also one of two allowed each year).

In January and February 2013, Bialiatski was informed that he had been deprived of his next two meetings with his wife, one short and one long. The next possible meeting with his wife will take place only in August 2013.

Ales Bialiatski works several shifts six days a week in the sewing department. This has had an adverse impact on his health.

One unique aspect of Ales Bialiatski's treatment is that the prison administration prohibits other prisoners from communicating with him. These inmates have been informed that if they do communicate with him, disciplinary action will be taken against them.

4. Zmitser Dashkevich – Leader of the organization *Malady Front* (Young Front). Convicted to two years in prison under Article 193(1) of the Criminal Code for his activities on behalf of this organization and released in early 2008.

Dashkevich was arrested again in Minsk on 18 December 2010 with Eduard Lobau in a heavy-handed provocation arranged by special forces with the aim of securing a preventative arrest ahead of the protest demonstrations over the presidential elections. He was convicted on 24

⁴ For an analysis of the case see "Statement by members of the Human Rights Center "Viasna" on the sentence to Ales Bialiatski", Human Rights Center Viasna, 24 November 2011, available at: <http://spring96.org/en/news/47644>. See also details on the Freeales.fidh.net site.

March 2011 by the Moscow District Court in Minsk under Article 339(2) (malicious hooliganism) and sentenced to two years in a minimum security prison.⁵

During the investigation, he was twice transferred to different pretrial detention facilities, and since his sentencing has been transferred four times to various penal colonies.

Dashkevich started serving his sentence in late June 2011 at Penal Colony No. 9 in Horki, Mahiliou Region, where by early August he had been sent to a punishment isolation cell three times for “violating regulations.” During one such stay in a punishment isolation cell, his lawyer was not allowed to see him on 28 July 2011. On 10 August 2011, Dashkevich was moved to “cell-type accommodation” for one month: the prison administration makes such a decision if a prisoner commits a gross violation of the established order for serving a sentence in a bid to isolate the prisoner from other prisoners. On 10 September 2011, Dashkevich was again sent to a punishment isolation cell for seven days. He went on a hunger strike because of the detention conditions in the cell.

On 27 September 2011, he was moved to a penal colony in Hlybokaye, where in February 2012 he was sent to a punishment isolation cell for 30 days. He spent another ten days in the same kind of cell in July 2012.

Dashkevich was moved to Penal Colony No. 20 in Mazyr on 19 September 2012. He went on a hunger strike on 21 September 2012 because of (in his own words) “the inhuman treatment of the colony’s administration, including its warden, Yury Zbarouski” – this was a reference to psychological pressure exerted on him in connection with his religious views (Pentecostalism). His hunger strike lasted for two weeks and led to his spending 15 days in a punishment isolation cell.

On 28 August 2012, the Hlybokaye District Court held an offsite session at penal colony No. 13. Here, Dashkevich was sentenced under Article 411(1) of the Belarusian Criminal Code (defying the demands of the penal colony’s administration) to one year in prison with the four months that Zmitser had still not served under his previous sentence being added to this term. Under a decision issued by the administration on 4 October 2012, Dashkevich was again moved from the isolation cell to cell-type accommodation for one month.

Under a decision issued offsite at the colony by the Mazyr District and Municipal Court on 30 October 2012, Dashkevich’s conditions for serving his sentence were made harsher under the pretext of that he had committed gross and systematic violations of regulations. Dashkevich was transferred from the penal colony in Mazyr to Prison No. 1 in Hrodna.

Under the terms of his sentence and his status as “flagrant violator of regulations”, Dashkevich is currently allowed two short meetings a year and one 2kg parcel. He can make purchases once a month at the prison kiosk only to the sum of 100,000 Belarusian rubles (about 10 Euros), and cannot apply for amnesty.

During his imprisonment Dmitry has suffered gross provocations organised by the various prison administrations at his places of imprisonment, as well as incitements from other prisoners, psychological pressure in connection with his religious and political views, and restrictions on his correspondence and meetings with relatives and his attorney. Even his wedding was openly blocked on the pretext that his passport was lost, among other things. Dashkevich has survived

⁵For an analysis of the case see, “Concise analytical review of the trial of Zmitser Dashkevich and Eduard Lobau: Concluding Part”, Human Rights Center Viasna, 25 March 2011, available at: <http://spring96.org/en/news/42074>.

several unjustifiably difficult transfers, was the target of threats of physical reprisal, and has been deliberately placed in conditions posing a threat to his life and health.

5. Mikalai Dziadok – Social activist, born 23 August 1988 in Brahın, Homel Region. Detained on 3 September 2010 and convicted on 27 May 2011 by the Zavodski District Court in Minsk under Article 339(2) of the Criminal Code (malicious hooliganism). Sentenced to 4.5 years in a maximum security prison.⁶

Dziadok started serving his sentence at Penal Colony No. 15 in Mahiliou and stayed there until April 2012. During this time, he was subjected to seven disciplinary punishments (mainly for “violating the established form of dress for prisoners”). On 6 October 2012, Dziadok was deprived of the right to receive packages. He was placed in a punishment isolation cell for five days on 12 March 2012, and was again deprived of the right to receive packages or parcels on 20 March 2012. Dziadok asked the administration to allow him to receive technical training at the penal colony many times, but this request was denied each time on the grounds that “secondary specialized education is enough.”

He was subsequently transferred to Penal Colony No. 17 in Shklou on 6 April 2012, where he had received five disciplinary punishments by December 2012 and was constantly subjected to different forms of pressure. On 8 April 2012, Dziadok was sent to a punishment isolation cell for ten days “for violating the established form of dress for prisoners” and “rudeness towards administrators.” On 16 April 2012, he was given three more days in the punishment isolation cell for “refusal to clean the punishment isolation cell.” On 17 April 2012, he was deprived of his next short meeting for “violating the daily routine in the punishment isolation cell (sleep).” On 22 May 2012, he was deprived of his next long meeting with relatives for “violating the established form of dress for prisoners.” On 26 May 2012, he was placed in cell-type accommodations for six months.

According to information received by us, Dziadok’s difficulties with the penal colony administrations worsened after regular visits for “preventative discussions” conducted by an official from the Main Directorate for Combating Organized Crime, Aliaksandr Litvinski. Litvinski threatened Dziadok and his relatives with problems.

Under a judgment issued on 5 December 2012 during an offsite hearing conducted by Shklou Court, at the recommendation of the administration, Dziadok’s conditions for serving his sentence were made harsher on the pretext that he had violated regulations numerous times. He was transferred from Penal Colony No. 17 in Shklou to Prison No. 4 in Mahiliou. He is currently entitled to one small parcel each year, one short meeting with relatives, and two 2kg packages containing books. It does not appear that restrictions have been placed on his access to his attorney.

6. Aliaksandr Frantskevich – Social activist, born 6 May 1990 in Navapolatsk. Arrested on 3 September 2010, and, in violation of procedures established by the Belarusian Criminal Procedural Code, was “rearrested” several times: a person can be held for up to three days under suspicion of minor offenses, so the wording of the suspicions against Frantskevich was changed every three days without releasing him from isolation. This happened three times before official charges were filed against him. Frantskevich was convicted on 27 May 2011 by the Zavodski District Court in Minsk under Article 351(2) of the Criminal Code (deliberate deletion of computerized information) and Article 339(2) (malicious hooliganism) of the Criminal Code. He was sentenced to three years in a maximum security prison. He is currently at Penal Colony No. 22 in Ivatsevichy.

⁶ For analysis see, “Brief review of the process of Belarusian anarchists” Human Rights Center Viasna, 2 June 2011, available at: <http://spring96.org/en/news/43788>.

Disciplinary punishments for “violating regulations” have been imposed numerous times on Frantskevich during his sentence. In early February 2012, he was deprived of a short meeting (out of the three allowed) and a long meeting (out of two allowed) before his birthday in May 2012. In the same month he was given the status of “flagrant violator of regulations.” This means that the amount of money he is allowed to transfer to his personal account for making purchases at the colony’s kiosk was reduced by five times, from 500,000 to 100,000 Belarusian rubles (approximately 10 Euros). This status also precludes the extension of the law on amnesty, announced on 10 July 2012, to his case.

Although Frantskevich has serious health problems (he has only one kidney), he has been placed in a punishment isolation cell three times over the course of his confinement. The first time, in August 2012, he was sent to a punishment isolation cell for seven days for “refusing to perform tasks to clean up the territory.” The second time, on 20 November 2012, he was put in this cell for ten days for failure to attend group events at a club. Finally, he was placed in a punishment isolation cell for the third time on 18 December 2012 for ten days for a “rude response to a representative of the administration.” Frantskevich currently has seven punishments against him, which could lead to his transfer to cell-type accommodations or an extension of his sentence (he is due to be released on 3 September 2013). On 19 February 2013 Frantskevich had once more been put in a punishment isolation cell for 20 days, though no reasons were available at the time of writing.

In 2012, Frantskevich was deprived of two of his three food packages. There are also constant problems with his medical packages: at the last minute, administration officials decide to prevent him from receiving half of the medications he needs, leaving him only the most basic medicines.

7. Eduard Lobau – Activist with the organization *Malady Front* (Young Front). Born in Vilnius on 1 December 1988. Arrested in Minsk with Zmitser Dashkevich in a heavy-handed provocation arranged by special forces with the aim of securing his preventative arrest ahead of protest demonstrations regarding the presidential elections in Belarus. Arrested on 18 December 2010, convicted on 24 March 2011 by the Moscow District Court in Minsk under Article 339(3) of the Criminal Code (particularly malicious hooliganism), and sentenced to four years in a maximum security prison. Currently at Penal Colony No. 22 in Ivatsevichy.⁷

The administration started recording “violations of regulations” on Lobau’s part sometime in November 2011. By May 2012, Lobau had received seven disciplinary punishments, as a result of which he was given the status of “flagrant violator” with the resulting sanctions: the amount of money he was allowed to transfer to his personal account for purchases at the penal colony’s kiosk was reduced by five times, from 500,000 to 100,000 Belarusian rubles (approximately 10 Euros) and he was no longer able to apply for amnesty under the amnesty law announced on 10 July 2012.

In January 2012, Lobau was issued with his eighth violation of regulations and summoned for a “discussion” with the administration. The penal colony warden did not allow Lobau’s attorney to read Lobau’s personal file listing the grounds for all punishments, so specific grounds for issuing

⁷For an analysis of the case see, “Concise analytical review of the trial of Zmitser Dashkevich and Eduard Lobau: Concluding Part”, Human Rights Center Viasna, 25 March 2011, available at: <http://spring96.org/en/news/42074>.

decisions about “violations” are lacking. The most recent reports indicate that the total number of disciplinary punishments imposed on Lobau had reached ten by February 2013.

Under the terms of his detention, Eduard Lobau may receive three 30kg packages a year. Reports state that he has not been deprived of packages, but that he has been threatened with this. He is also allowed two long and three short meetings with relatives each year, and he has not been deprived of these either. Problems have mainly arisen with small parcels containing medical supplies. His relatives have been able to send these types of parcel to Lobau twice: in the fall of 2011 and the summer of 2012. They were only able to leave the second medical parcel for him after speaking with penal colony administration officials, and not all the contents of this parcel were accepted, including a set for replacing fillings. They were also prevented from including cold medicine in the second parcel because the administration felt there to be “no need” for it.

According to information obtained, Lobau has not had any problems accessing his lawyer, although some of these meetings took place in the presence of guards.

8. Artsiom Prakapenka – Social activist, born 27 July 1990 in Hrodna. Detained on 17 January 2011, convicted on 18 May 2011 by Babruisk District and Municipal Court under Article 339(2) (malicious hooliganism) and 218(3) (property damage in an especially large amount) and sentenced to seven years in a maximum security prison.

While Prakapenka was at Penal Colony No. 17 in Shklou, no information was received about his punishment for violating regulations. Nevertheless, disciplinary punishments started as soon as he was transferred to Penal Colony No. 15 in Mahiliou in May 2012. By 14 June 2012, Prakapenka received his fourth punishment in being deprived of his next short meeting, and was given the status of “flagrant violator of regulations,” thus depriving him of the ability to qualify under the law “On Amnesty” or to have his term reduced. It also reduced the amount of money that he can spend on food and other essential items at the penal colony’s kiosk from 500,000 to 100,000 Belarusian rubles (approximately 10 Euros).

On 8 August 2012, Prakapenka went on a hunger strike because of the administration’s groundless fault-finding. This strike lasted two weeks. He was sent to a punishment isolation cell for seven days on 15 August 2012.

In accordance with the rules for serving his sentence, Prakapenka is entitled to two long meetings, three short meetings, and three 2kg parcels. The punishments he received led to restrictions on packages (he received only one 30kg package of the three allowed annually). There were also problems receiving medical packages, even though Prakapenka has a number of medical conditions and, as a vegetarian, has special dietary needs. His medication was not accepted from the start, and only the most primitive medications have been allowed.

9. Pavel Seviarynets – Writer, member of the Belarusian Journalists Association, and co-chairman on the Belarusian Christian Democratic Party. Born 30 December 1976 in Orsha. Previously sentenced in 2005 to three years imprisonment for organising a street action in Minsk against the official results of the Belarusian parliamentary elections and a referendum in October 2004. Granted conditional early release in 2007.

Seviarynets was arrested on 20 December 2010 and held for five months in a KGB pretrial detention center. He was convicted on 16 May 2011 by the Zavodski District Court in Minsk under Article 342(1) of the Criminal Code (organizing and preparing actions grossly violating public

order, or participating in such actions) and sentenced to three years in prison.⁸ He is currently at an open correctional facility in the village of Kuplin. An open correctional facility is a guarded territory with a dormitory for prisoners whose movement is restricted. People serving time must always stay within the borders of the facility's territory and cannot leave this territory without permission from the administration. They must also work up to four hours a week without pay during nonworking hours to maintain and improve facility buildings and territory. Inmates must always carry prisoner identification instead of regular identification.

During his five months at the KGB pretrial detention facility, this deeply religious prisoner was not once allowed to see a priest. Restrictions were placed on his correspondence, and he was not given the opportunity to meet with his lawyer. His first lawyer, Pavel Sapelka, who also defended several other political prisoners, including presidential candidate A. Sannikau, was expelled from the bar in March 2011. According to Seviarynets and other prisoners at the pretrial detention center, officials subjected Seviarynets to illegal methods for conducting their investigation, including torture and inhuman treatment like "stretching," forced physical exertion, psychological pressure in the form of threats from prisoners and their relatives, bullying, and restrictions on correspondence.⁹

Seviarynets has been serving his sentence at Open Correctional Facility No. 7 in the village of Kuplin, Pruzhany District since 11 August 2011. He works in a warehouse on a farm.

Despite receiving a certificate of good conduct on 26 April 2012, Seviarynets was denied conditional early release.

10. Mikalai Statkevich – Chairman of the Belarusian Social Democratic Party (*Narodnaya Hramada*). Born 12 August 1956. Previously sentenced in 2005 to three years in prison for organizing a street action in Minsk against the official results of the parliamentary elections and a referendum in October 2004. Granted conditional early release in 2007.

Registered as a candidate in the 2010 Belarusian presidential election. Arrested on 20 December 2010. Went on a hunger strike on 19 December 2010 that lasted until 12 January 2011 at his KGB pretrial detention facility, where he faced physical and psychological pressure, and where his access to his lawyer was restricted.

Convicted on 26 May 2011 by the Partyzanski District Court of Minsk under Article 293(1) of the Criminal Code (organizing mass unrest accompanied by violence against individuals, pogroms, arson, destruction of property, and armed resistance to government representatives). He was sentenced to six years in a maximum security prison.¹⁰

⁸For an analysis of the case in English see, "The Human Rights Center Viasna's evaluation of the trials in the criminal cases on the events of December 19, 2010", Human Rights Center Viasna, available at: <http://spring96.org/en/news/43495>.

⁹See the FIDH report, *Belarus: Restrictions on the Political and Civil Rights of Citizens Following the 2012 Presidential Election*, June 2011, available from: <http://fidh.org/Restrictions-on-the-Political-and>. A Russian version is available from: <http://fidh.org/Ogranichenie-politicheskikh-i>.

¹⁰ For an analysis of the case in English see, "The Human Rights Center Viasna's evaluation of the trials in the criminal cases on the events of December 19, 2010", Human Rights Center Viasna, available at: <http://spring96.org/en/news/43495>.

Statkevich started serving his sentence at a penal colony in Shklou, where he injured his hand while working at a saw mill in September 2011. The penal colony's administration kept quiet about this injury and denied him meetings with his relatives. He was also denied phone calls home and suffered emotional pressure.

Between 2010 and 2011, Statkevich was punished 11 times for "violating regulations for serving a sentence." For example, on 26 October 2011 he was "at his work place wearing clothing that violated the dress code: his lapel badge was missing" and was thus deprived of his next long meeting (the first possible one). However, Statkevich was not issued the proper special clothing and footwear to work at the saw mill, which resulted in two injuries. Those guilty for this were not prosecuted. On 8 December 2011, Statkevich was sent to the punishment isolation cell for five days for "a discrepancy between his personal belongings and essential items and the inventory list" (scarf). On 9 December 2011, he was classified as a "flagrant violator of the established order for serving a sentence." On 15 December 2011, he allegedly "created a conflict with prisoner Alsiyevich," for which he was moved to cell-type accommodations for one month.

At a closed session on 12 January 2012, the Shklou District Court changed the terms of Statkevich's sentence to the more severe term of three years imprisonment (Judge Vital Volkau). This decision was based on the abovementioned "malicious violation of regulations." Four days later our organisations learned that this politician was now at Prison No. 4 in Mahiliou, in much harsher conditions of detention. It turned out that one hour before his transfer, Statkevich was given a punishment of ten days in a punishment isolation cell, allegedly for "failure to clean his cell-type accommodation". Statkevich "served" these ten days in Prison No. 4, right after his transfer. According to information we received, there was no window in the punishment isolation cell. In its place was a wooden door, which offered little protection from the cold and drafts (the outside temperature on those days ranged from -12°C and 22°C).

It later became known that, in addition to everything else, the administration at the penal colony in Shklou classified Statkevich as "prone to escape and assault". This meant that he would be held especially strictly to account and subjected to regular searches and supervision.

During his time at Prison No. 4, Statkevich was subjected to disciplinary punishments no less than three times in 2012. On 27 June 2012, he was placed in a punishment isolation cell for ten days for "resisting the implementation of security measures."

Since his imprisonment began, Statkevich has faced pressure involving demands to sign a petition for pardon. To achieve this goal, the administration has organised various provocations, including in the selection of the category of his cellmates. These demands have recently intensified.

Under his conditions of detention, Statkevich is currently allowed two short meetings a year, one food package, two small parcels, 1.5 hours of walking a day, and two basic units a month for purchasing necessities (approximately 20 Euros).

Between April 2012 and October 2012, Statkevich was never given the opportunity to meet with a priest, and problems with missing correspondence and poor sanitary conditions were observed.

11. Yauhen Vaskovich – Social activist and member of the Belarusian Christian Democratic Party. Born on 26 February 1990 in Babruisk. Arrested on 17 January 2011 and convicted on 18 May 2011 by Babruisk District and Municipal Court under Article 339(2) of the Criminal Code (malicious

hooliganism) and Article 218(2) of the Criminal Code (property damage in an especially large amount). Sentenced to seven years in a maximum security prison.

Since he began serving his sentence, Vaskovich has faced more than 40 disciplinary punishments, the details of which have so far been impossible to obtain. Seventeen of these punishments were imposed at Penal Colony No. 15 in Mahiliou. Four of these 17 involved confinement in a punishment isolation cell, and in accordance with an administration decision in 2012 Vaskovich was moved to cell-type accommodations for a month for the gross and systematic violation of internal regulations. In the fall of 2011, he was given the status of “flagrant violator of regulations.” Under a court decision issued 12 October 2011, the terms of Vaskovich’s sentence were made harsher and he was transferred to Prison No. 4 in Mahiliou.

Whilst serving his prison sentence, Vaskovich received 23 disciplinary punishments. Eleven of these rendered him subject to confinement in a punishment isolation cell for 10 days (mainly for “violating isolation measures” and “hanging cloth to isolate his bunk”), two lasted seven days and another two lasted five days. As Vaskovich has been sentenced to a strict punishment regime, he is entitled to only two short meetings a year and one 2 kg parcel. As a “flagrant violator of regulations”, he can only make purchases from the prison kiosk once a month for 100,000 Belarusian rubles (approximately 10 Euros).

For the duration of his sentence, the prison administration has exerted pressure on Vaskovich, and his correspondence has been repeatedly restricted. For unknown reasons, Vaskovich has refused visits from his lawyer since September 2012.

Finally, it should be noted that the democratic activist, **Andrei Haidukou**, is currently being held at the KGB pretrial detention facility in Minsk under charges of committing crimes under Article 356(1) of the Criminal Code (betraying the state by carrying out covert activities). As stated by Haidukou’s relatives, investigative agencies have committed gross violations of his rights during the investigation of his criminal case. For example, he has been denied access to his lawyer numerous times and his relatives have not been given any information regarding the place where he is being held. Human rights defenders on several occasions have noted the lack of transparency and possible political motivation in this criminal case.

II. Particularities of the Procedural Status of some Individuals Convicted for Political Reasons¹¹

In addition to the 11 political prisoners referred to above, there is a group of people who have been convicted or prosecuted in politically motivated criminal cases, resulting in significant restrictions on their freedom.

For example, **Sviataslau Baranovich** and **Zmitser Miadzvedz** were given the following punishment in connection with their participation in the demonstration on 19 December 2010:¹²

¹¹ For the updated list see: <http://palitviazni.info/vid/restriction-of-freedom?lang=en>.

¹²For an analysis of the case in English see, “The Human Rights Center Viasna’s evaluation of the trials in the criminal cases on the events of December 19, 2010”, Human Rights Center Viasna, available at: <http://spring96.org/en/news/43495>.

A) restrictions on freedom without assignment to an open correctional facility (known as *domashnyaya khimiya*). These individuals must be at home at an appointed time. They are regularly checked by the supervisory agency (the police) and are only allowed to travel to other cities or abroad with the permission of this agency.

Sviataslau Baranovich was sentenced to three years of restrictions on his freedom without assignment to an open correctional facility under a judgment issued by the Maskouski District Court in Minsk on 12 October 2011.

Zmitser Miadzvedz was sentenced to three years of restrictions on his freedom without assignment to an open correctional facility under a judgment issued by the Maskouski District Court in Minsk on 10 March 2011.

A second form of punishment given in connection with the 19 December 2010 events was as follows:

B) Postponement or probation – Here, the supervisory agency (the police) sets restrictions on its own. These restrictions may include bans on being outside the house at evening and night hours, attending mass actions, traveling abroad without the agency's permission, visiting public places (restaurants, concerts, etc.), and so forth. The following individuals, whose judicial judgments are due to be reviewed on 22 July 2013, have been assigned this status:

Siarhei Vazniak, journalist – two years of probation under a judgment issued by the Frunzenskiy District Court in Minsk on 20 May 2011;

Andrei Dzmitryeu, head of the election campaign for presidential candidate Niakliayeu – two years of probation under a judgment issued by the Frunzenskiy District Court in Minsk on 20 May 2011;

Uladzimir Niakliayeu, presidential candidate in 2010 – two years of probation with postponement for two years under a judgment issued by the Frunzenskiy District Court in Minsk on 20 May 2011;

Vital Rymasheuksi, presidential candidate in 2010 – two years of probation under a judgment issued by the Frunzenskiy District Court in Minsk on 20 May 2011;

Aliksandr Fiaduta, member of the presidential campaign for presidential candidate Niakliayeu – two years of probation under a judgment issued by the Frunzenskiy District Court in Minsk on 20 May 2011.

And:

Iryna Khalip, journalist, wife of presidential candidate Sannikau – two years of deprivation of freedom with postponement for two years under a judgment issued by the Zavodski District Court in Minsk on 16 May 2011;

Siarhei Martsaleu, head of the presidential campaign for presidential candidate Statkevitch – two years of probation under a judgment issued by the Zavodski District Court in Minsk on 16 May 2011.

Judicial judgments relating to these two individuals will be reviewed on 18 July 2013.

It is important to note that the amnesty law adopted on 10 July 2012 includes a list of articles to which amnesty is not extended. These include Article 342 of the Criminal Code (organization of actions grossly violating public order, or participation in such actions) and Article 367 (defamation of the president). In this way the government was able to artificially exclude people convicted for political reasons from this law's application.

Restrictions have also been placed on the journalist **Andrzej Poczobut**, who was convicted under Article 367(1) of the Criminal Code (defamation of the President). He was sentenced by the Lenin District Court in Hrodna on 5 July 2011 to three years of deprivation of his freedom with postponement for two years. In addition to this, a criminal case was again opened against him under the same article. He currently has the status of an accused released under a written pledge not to leave the city.¹³

Charges against **Anton Surapin** and **Siarhei Basharymau** have not been dropped. These persons were detained for, respectively, publishing pictures of a protest by a Swedish advertising company which airdropped teddy bears into Belarus with slogans advertising freedom of speech, and intending to rent the company a room in his flat, under Article 371(3) of the Criminal Code ("collusion of the illegal crossing of state borders of the Republic of Belarus"). Both men currently have the status of accused and have signed written pledges not to leave the city.¹⁴

III. Preventative Supervision of Pardoned Individuals

As the convictions of political prisoners released under pardons since August 2011 have not been expunged, a number of procedural measures have followed them as individuals with a criminal record. The convictions of 24 political prisoners pardoned by the President have not been expunged. All individuals released have been placed on watch lists, giving police officials the right to visit them. If they are brought in on administrative charges three times in one year, they face preventative supervision, which carries more serious restrictions.

Courts have placed three activists under preventative supervision for administrative violations connected with their social activism. Violation of this regime, which places significant restrictions on the freedom of the activists, may entail repeated arrest and imprisonment. These activists are:

1) Pavel Vinahradau – Activist in the Zmena movement and placed under preventative supervision for a period of two years under a judgment issued by the Moscow District Court. This former political prisoner is prohibited from leaving Minsk without permission from the police. He must stay in his home from 8pm to 8am and is registered for a penal inspection at his place of residence four times a month. If he violates these conditions three times, he may be prosecuted for violating preventative supervision. Until

¹³For an article describing the case see, "Belarus holds another political prisoner – journalist Andrei Pachobut", Human Rights Center Viasna, 22 June 2012, available at: <http://spring96.org/en/news/53478>.

¹⁴For an article describing the case see, "'Viasna' demands to release Anton Surapin and Siarhei Basharymau", Human Rights Center Viasna, 24 July 2012, available at: <http://spring96.org/en/news/54815>.

recently, Vinahradau had only one violation; on 28 February 2013, he was condemned to 7 days of administrative detention for a second violation.

2) Uladzimir Yaromenak – Activist in the *Malady Front* organization. On 15 March 2012, the Pershamaiski District Court in Minsk placed Yaromenak under preventative supervision for a period of one year, as part of which he must appear at internal affairs agencies when summoned and give explanations to any questions regarding carrying out the demands of preventative supervision. He must also inform internal affairs agencies of any changes in his places of work or residence; and leave the district (city) only with the permission of internal affairs agencies. In addition, authorized personnel may visit Yaromenak at any time of day. He may be criminally prosecuted for three violations of these terms. He currently has five violations and may end up behind bars at any time.

3) Vasil Parfiankou – Civil activist. On 5 January 2012, the Pershamaiski District Court in Minsk placed him under preventative supervision for a period of one year. As part of this supervision he must appear four times a month for registration at the internal affairs agency for his place of residence; not leave his apartment between the hours of 8pm and 6am, except for times when he is at his permanent job; and not leave the city for personal reasons without approval from the internal affairs agencies implementing his preventative supervision.

On 29 May 2012, the Pershamaiski District Court in Minsk sentenced Parfiankou to six months imprisonment under Article 421 of the Criminal Code (for violation of the terms of preventative supervision established by the court). He served his sentence at a facility in Baranovichi from 9 August 2012 to 9 February 2013. After his release, he was placed under preventative supervision for a period of seven months.

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