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Excellency,

In response to the call for submissions for the 54th session of the Human Rights Council, Belarusian Helsinki Committee hereby address you with information on violence, abuse and neglect of older persons in Belarus.

Article 22 of the Constitution of Belarus contains a general prohibition of discrimination. However, Belarus still lacks comprehensive anti-discrimination legislation, including the law on domestic violence. National legislation does not contain separate norms specifically aimed at protecting older persons from discrimination and violence.

Moreover, the problem of violence by State actors is also deeply rooted - violence is used in various forms, including the disproportionate use of force against peaceful protesters, inhumane treatment of detainees and prisoners for political reasons, the death penalty, etc.¹

The Belarusian Helsinki Committee would like to draw your attention to the situation with Belarusian political prisoners who have reached old age and are facing the violation of the right to freedom from torture and inhuman treatment as well as the right to health.

Amid peaceful protests in response to the falsification of the 2020 presidential elections, the Belarusian authorities launched a large-scale repressive campaign against those who peacefully expressed disagreement with the policy of the current authorities.

¹ Belarusian Helsinki Committee, Report on the implementation of SDG16 by the Republic of Belarus: "Implementation of SDG16: Peace, Justice and Strong Institutions", 2022:
https://belhelcom.org/sites/default/files/bhc_16_sdg_web_eng_2_version.pdf



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At the moment, there are at least 41 older persons among [1,461 political prisoners](#).² Three of them will be 60 years old this year, the rest have already reached the age of 60. In particular, 33 people aged 60-69 years and 5 people aged 70-74 years are detained for political reasons.

A significant part of the older political prisoners were convicted under defamation articles (Article 369 of the Criminal Code - Insulting a government official, Article 368 of the Criminal Code - Insulting the president, Article 367 of the Criminal Code - Slander against the president) and/or under the article on incitement of enmity and discord (Article 130 of the Criminal Code) for comments on the Internet. Their terms of imprisonment range from 1.5 to 3.5 years in prison.

Some of them are accused of promoting extremist activities (Article 361-4 of the Criminal Code) for sending information to resources recognized as extremist in Belarus (Telegram channels, independent media). For example, 62-year-old [V. Fedarenka](#)³, who has a mental illness, was charged with promoting extremist activities for sending 160 SMS messages to Belsat TV channel about the movement of Russian military equipment in Homiel and about the takeoffs of Russian aircraft. The maximum sanction under this article is 6 years of imprisonment.

Several older political prisoners were also convicted under articles on organizing mass riots (Article 293 of the Criminal Code) or organizing and preparing actions that grossly violate public order, or actively participating in them (Article 342 of the Criminal Code). Their terms of imprisonment reach 6.5 years.

It is worth noting that the highest terms of imprisonment - from 8 to 25 years - are applied to political or public figures for their open position and activities against the policy of the current government.

Thus, trade union activists [H. Fiadynich](#) (65 years old), [V. Areshka](#) (68 years old) and [V. Berasnieu](#) (73 years old) were sentenced to 9, 8 and 9 years, respectively. The Court qualified their actions as calls for restrictive measures aimed at harming the national security of Belarus (Article 361 of the Criminal Code), inciting social enmity and discord (Article 130 of the Criminal Code), creating an extremist formation or participating in it (Article 361-1 of the Criminal Code).

² The number of older persons among political prisoners may be higher, since the dates of birth of some political prisoners are unknown.

³ More information about political prisoners, including information about their treatment in custody, as well as their health condition can be found in the Russian version of the website.



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The prosecutor requested 12 years of imprisonment for the chairman of the Human Rights Center "Viasna" and the winner of the 2022 Nobel Peace Prize, [A. Bialiatiski](#) (60 years old). He is accused of smuggling (Article 228 of the Criminal Code) and financing group actions that grossly violate public order (Article 342 of the Criminal Code).

The leader of the BPF party, [R. Kastusiou](#) (65 years old), was sentenced to 10 years in prison under the article on conspiracy to seize power by unconstitutional means (Article 357 of the Criminal Code).

Opposition politician [M. Statkevich](#) (66 years old) was sentenced to 14 years in prison under the article on organizing mass riots (Article 293 of the Criminal Code) in the "[Tsikhanouski case](#)" - a presidential nominee in the 2020 elections.

A candidate for the presidency in the 2020 elections, [V. Babaryka](#) (will turn 60 in 2023) was also sentenced to 14 years in prison under articles on the legalization of funds obtained by criminal means (Article 235 of the Criminal Code) and receiving a bribe (Article 430 of the Criminal Code).

[U. Hundar](#) (62 years old), [H. Dzerbysh](#) (61 years old), [M. Autukhovich](#) (60 years old) accused in the "[Autukhovich case](#)" were sentenced to 18, 20 and 25 years of imprisonment, respectively. At the same time, U. Hundar and H. Dzerbysh declared that they had no connection with the main defendant in the case, M. Autukhovich, and, according to them, were convicted only for the fact of acquaintance with him.

Many of the political prisoners have serious health problems. However, in detention, in addition to not providing medical care, severe pressure is also put on them. Older persons are subjected to torture and inhuman treatment, the conditions of detention are not adequate, and therefore their health is significantly deteriorating.

So, for example, V. Berasnieu reported that during his detention in the pre-trial detention center his health deteriorated, he suffers from pain in his only kidney. R. Kastusiou's health problems worsened, he was diagnosed with cancer. [I. Lednik](#) (62 years old) has a disability of the second group due to heart problems, in detention he underwent surgery on the gastrointestinal tract. [A. Patapau](#) (68 years old) reported that he constantly felt headache and weakness and was forced to take painkillers, however, he was denied admission to the hospital. [I. Aliabovich](#) (64 years old) and [E. Stsepulionak](#) (69 years old) have blood pressure problems. The oldest political prisoner [N. Taran](#) (74 years old) also suffers from a number of chronic diseases.

Accused in the "Autukhovich case" Uladzimir Hundar has a disability of the second group - he does not have one leg. Uladzimir was repeatedly placed in the punishment cell, and once



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during the transfer from one penal institution to another he was forced to go without crutches. The political prisoner also wrote that all his letters were taken away from him. At one of the court sessions, Uladzimir was placed in a cage in his underwear, and his hands were handcuffed to the bars in a stretch. Hundar was placed in a punishment cell, where he went on a dry hunger strike, protesting against the fact that the court did not respond to his demands, as well as a response to forced undressing before the trial. After 11 days of hunger strike, he began to eat.

Another accused in this case, H. Dzerbysh, has cancer and heart problems. She reported that her health had seriously deteriorated in detention. During the investigation, she was constantly threatened and forced to incriminate herself. She has repeatedly written complaints to the prosecutor's office, but has not received a single response. In addition, she was also numerously placed in a punishment cell, was not given the necessary medications, and as a result lost consciousness several times.

M. Autukhovich and H. Dzerbysh were kept in narrow “glass” cages during court sessions as particularly dangerous criminals.

One of the mechanisms of pressure on convicts for political reasons is placement in a punishment cell (SHIZO). It is known that V. Babaryka and M. Statkevich were often placed in the punishment cell for far-fetched reasons. M. Statkevich was placed in solitary confinement for six months, after which he fell ill with pneumonia and was admitted to the hospital. Upon his return from the hospital, M. Statkevich was placed in a punishment cell.

Older political prisoners have repeatedly declared hunger strikes, including “dry” ones in protest against violations of their procedural guarantees and inhumane conditions of detention. Among them are [A. Hnauk](#) (65 years old), [U. Matskevich](#) (66 years old), M. Autukhovich, U. Hundar. After the hunger strikes, the health of political prisoners deteriorated significantly.

7 out of 41 older political prisoners are included in the [List of organizations and Individuals involved in terrorist activities](#) maintained by the State Security Committee (KGB): M. Autukhovich, [I. Halushka](#) (60 years old), [V. Dzemidovich](#) (70 years old), H. Dzerbysh, [Y. Ivonchyk](#) (67 years old), [A. Krylou](#) (60 years old), [S. Fisiuk](#) (60 years old). It is prohibited to send them money, since such actions are qualified as “terrorist financing”.

There are no effective mechanisms in Belarus to appeal against human rights violations. However, the main reason in the described context is not the age of the political prisoner, but the fact of conviction for political reasons. Complaints of torture and inhuman treatment are



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ignored by the authorities, criminal cases against those guilty of human rights violations are not opened.

Belarusian human rights organizations constantly monitor the situation with political prisoners, including the older persons, publicize cases of inhumane treatment and deterioration of health. Information about such situations is also sent to international bodies through communication with the relevant Special Rapporteurs and the preparation of alternative reports.

Sincerely,



Dmitry Chernyh

Acting Chairman



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