



Viešoji įstaiga «Teisinė iniciatyva»

Duomenys kaupiami ir saugomi Juridinių asmenų registre, kodas 305806589.
Kalvarijų g. 125, Vilnius, LT-08221. Mob. tel. +37064167032; el. paštas: lirngo@gmail.com

To the Special Rapporteur on Torture
Call for input current issues and good practice in prison management

Legal Initiative is a non-profit non-governmental human rights organization, protecting human rights in Belarus since 1996. The organization primarily works in five main areas of expertise: human rights education, documentation and investigation of torture in Belarus, legal help to victims of human rights violations, improvement of legislation and change in law enforcement practice and international advocacy. We continue our work on behalf of VšĮ «Teisine iniciatyva», now registered in the Republic of Lithuania.

The conditions of detention of detainees and prisoners in places of detention in Belarus have always left much to be desired and have caused a number of comments from both human rights activists and international bodies. However, during and after the 2020 elections, the conditions of detention of persons convicted or persecuted for political reasons have reached a critical level, which often reaches the level of torture. Below we will describe the most pressing problems faced by people imprisoned in Belarus.

Issue	Details
Incommunicado	<p>From the moment of detention of persons suspected of committing offenses or crimes of a political nature, relatives and lawyers have a number of problems with finding the detainee, finding out his location, and the reasons for the detention. Relatives and lawyers are forced to search for the detainee, receiving refusals to provide information from law enforcement agencies or receiving misinformation. Lawyers are not allowed into the temporary detention centers. From the beginning of 2022, due to the “epidemiological situation”, any parcels will not be accepted for administrative detainees in politically motivated cases.¹ It is worth noting that in fact, the “epidemiological situation” in the country is just an excuse to keep prisoners incommunicado. The Lukashenka regime has never taken the COVID-19 problem seriously and has always been ironic about this topic. As a result, the detainees do not have warm clothes, a change of underwear, or hygiene products, and are given frequent repeated detention, without leaving the place of serving administrative arrest, they remain in such conditions for 30 days or more².</p> <p>Currently, political prisoners in Belarus are kept incommunicado: they are deprived of correspondence, and the right to have calls or visits, and thus they have no contact with relatives. Thus, relatives do not have the opportunity to obtain information about the health status of their loved ones, held in custody. So, for instance, there has been no information about Viktor Babaryka, Sergey Tihanovski, Maksim Znak for more than 8 months³, approximately 8 months about Maryia Kalesnikava and Mikalai Statkevich, etc.⁴.</p> <p>In particular, to create incommunicado for the most famous political prisoners, on March 20, 2023, their lawyers were detained for far-fetched reasons, who were subsequently deprived of their licenses because of this detention⁵. Thereby, political prisoners were deprived of the opportunity to meet with their lawyers, whose access was already illegally limited, and other lawyers now, for fear of losing their licenses and being detained, refuse to accept orders to visit persons convicted for political reasons.</p>

¹ <https://reform.by/302281-v-baranovichskom-ivs-i-na-okrestina-ne-prinimajut-peredachi>, <https://reform.by/301901-v-zhodinskom-ivs-vnov-ne-prinimajut-peredachi>

² <https://spring96.org/ru/news/113255>

³ <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=28090>

⁴ <https://legin.info/posts/pravo-na-protest->

<https://telegra.ph/Belaruskaya-associaciya-advokatov-prav-cheloveka-prizyvaet-prekratit-praktiku-nedopuska-advokatov-k-svoim-klientam-v-mestah-nes-05-17>

⁵ <https://www.defendersbelarus.org/news/tpost/0j9p1hd411-stali-izvestni-imena-zaderzhannih-20-mar>

	<p>In a recent report, OHCHR found that detainees were denied basic guarantees: they were not informed of the reasons for their detention or the charges against them, they were unable to communicate with relatives, who were often denied information about their whereabouts, and in most cases, they were denied medical care even if they were wounded.⁶</p>
<p>Public Monitoring Commissions</p>	<p>Constant torture of political prisoners and the creation of inhumane conditions in prisons in Belarus become possible also because in Belarus there is no mechanism for public control and monitoring of the institutions of the penal system. There are no independent bodies in Belarus with the power to visit places of detention, including psychiatric hospitals and other places of detention, without prior notice. The members of the existing Public Monitoring Commissions (hereinafter – PMC) can visit places of detention only with the permission of the Department of Execution of Punishments of the Ministry of Internal Affairs; such members do not have the right to take photos and videos or receive complaints from prisoners. Representatives of the PMC are all members of pro-state public associations and organizations. Human rights defenders with knowledge of international human rights standards were unreasonably denied inclusion in the PMC. The sixth periodic report submitted by Belarus to the Committee against Torture in accordance with the simplified reporting procedure and due in 2022 – CAT/C/BLR/6, states that representatives of the PMC in 2021 visited the correctional institutions “Correctional Colony No. 15” and “Correctional Colony No. 17” and it was noted that there were no complaints from convicts held in these institutions.⁷ However, such a statement indicates that PMCs in practice are not independent entities, since in 2021 the number of political prisoners exceeded 900 people, and their detention did not meet minimum international standards.</p> <p>Among other things, all independent human rights organizations have been liquidated in Belarus, and human rights defenders themselves are now political prisoners.</p> <p>Supervision over the conditions of detention in Belarusian prisons by state bodies cannot be considered objective. So, in November of this year, the prosecutor of the Minsk region, Yuri Shchetko, visited prison No. 8 in Zhodino, where he personally received the convicts and reported that during the visit, not a single</p>

⁶ A/HRC/49/71, para 40

⁷ CAT/C/BLR/6, para 193

	complaint was received from the prisoners ⁸ . At the same time, prison No. 8 is considered one of the most brutal in the country.
Conditions of detention of administrative detainees	Persons detained for political reasons, as a rule, are subject to administrative arrest, which lasts up to 30 days, but repeated detention of a person is practiced until his actual release, as a result of which the person is under administrative arrest for 3 months or more ⁹ . While serving arrest, detainees are subject to cruel, inhuman and degrading treatment. Thus, detainees are constantly in a state of incommunicado. Detainees are forced to serve the entire period of arrest in the clothes in which they were detained. At the same time, the majority note that the cells are very cold and damp. Detainees are also kept in overcrowded cells, forced to sleep on the floor, they are not given bedding and mattresses, they are not given walks, and they are not taken to the shower. Detainees are deprived of normal sleep and are awakened twice a night for formal checks. If there is a suspicion of an infectious disease, including COVID-19, no assistance is provided to the sick person, and epidemiological measures are not taken ¹⁰ . It is known about the death of an administrative detainee in the Center for Isolation of Offenders on Okrestina Street in Minsk in the summer of 2023 ¹¹ , which occurred due to the failure to provide medical assistance to the detainee and inadequate conditions of detention.
Labour in prisons	Remuneration for forced labour in prison cannot be considered worthy. In this way, prisoners are forced to work, performing extremely hard physical labour (manual processing of rubber, woodworking, metalworking), and receive a salary for this in the amount of approximately 2 Belarusian rubles per month, which today amounts to 0,57 euro cents. ¹² Sometimes, such a “salary” reaches 6 Belarusian rubles or 1,70 euros. ¹³ Thus, political prisoner and former lawyer Maksim Znak for February 2022 in prison No. 3 received a salary of 0,56 Belarusian rubles or 0,19 euro cents (at the exchange rate in force at that time) ¹⁴ . Moreover,

⁸ <https://nashaniva.com/ru/329451>

⁹ <https://gomelspring.org/be/news/10196>

¹⁰ https://torturesbelarus2020.org/wp-content/uploads/2022/12/report-international-committee-on-investigation-of-tortures-in-belarus-2020_ru-1.pdf, п.66-90

¹¹ <https://belsat.eu/ru/news/13-07-2023-v-izolyatore-na-okrestina-umer-zaklyuchennyj>

¹² <https://www.currenttime.tv/a/pokazatelnye-kamery-i-zarplata-0-79-kak-zhivet-koloniya-v-bobruyske/32579101.html>

¹³ <https://www.dw.com/ru/forma-dlia-silovikov-i-divan-nadezhda-kak-vospityvajut-osuzhdennyh-v-belarusi/a-62069127>

¹⁴ <https://rada.vision/usim-dzyakuj-za-neatrymannyya-listy-chto-pishet-maksim-znak-iz-kolonii>

	<p>the minimum wage in the Republic of Belarus today is 554 Belarusian rubles or 174 euros at the moment. The conditions in which prisoners have to work also do not meet the requirements of both the country's domestic legislation and international standards. There is no necessary equipment for work, special clothing, and protective equipment are not provided, the convicted person does not have the right to refuse work, and the health status of the convicted person is not taken into account, safety precautions are not observed, and vacations are not provided. According to the latest information from human rights activists, Viktor Babaryka was transferred to an even more physically hard job than before. Now he burns charcoal and spends his entire 9-hour workday, six days a week, outside without access to the room where he could have taken some rest. The politician's relatives were especially concerned that, despite the stated medical contraindications, the work involved heavy lifting, as well as a high level of smoke.¹⁵</p> <p>With such a violation of the labour rights of convicts, the official website of the Department of Execution of Punishment of the Ministry of Internal Affairs of the Republic of Belarus is more reminiscent of the website of an online store than of a government body that is called upon to ensure that convicts serve their sentences. It is almost impossible to find any information on the conditions of detention of prisoners, activities carried out in the penitentiary system, opportunities for appeal, and filing complaints by prisoners or their relatives. The website contains contacts only for the operational duty service and the department for organizing production and labour use of the special contingent of the Department.</p>
<p>Failure to provide medical, including psychological, assistance to convicts</p>	<p>Prisoners are deprived of the opportunity to receive timely and appropriate medical care. The prisons lack qualified specialists and a sufficient number of medical personnel. Taking into account the fact that medications are not handed out, the queue to visit a doctor makes it significantly more difficult to receive medical care. Also in the prisons, conditions have been created that seriously complicate the receipt of parcels with medications from relatives: each medicine must be approved by the administration, a prescription is required for prescription drugs, which in some cases is impossible in the conditions of the prisons in the absence of qualified specialists. Starting from April 29, 2023, the Department of Execution of Punishment has prohibited the transfer of any medications to persons in custody, except for vitamins (1 package) and foreign-made insulins.¹⁶ At the same time, in most cases, treatment consists of giving the prisoner an antipyretic or painkiller pill. Hospitalization and deep examination of prisoners are carried out only in extreme cases when the prisoner's condition becomes critical. At the same time, even when</p>

¹⁵ <https://news.zerkalo.io/economics/37786.html>

¹⁶ <https://reform.by/medpreparaty-imejutsja-v-nalichii-v-sizo-zapretili-peredavat-lekarstva>

	<p>hospitalized, a prisoner convicted for political reasons (for non-violent crimes) undergoes treatment in handcuffs, which are not removed from him at all, which is cruel treatment¹⁷. Moreover, even if they end up in medical institutions outside the colony, there are still cases of obstruction of medical care. Thus, 26 April 2023, it became known from anonymous sources that Mr. Babaryka was taken for emergency hospitalisation to the city hospital of Novopolatsk due to injuries allegedly resulting from heavy beating. On 27 April 2023, the deputy head physician of the hospital confirmed Mr. Babaryka's pneumothorax diagnosis and need for professional treatment. However, the doctor refused to explain the causes of the disease. On 27 April 2023 already, Mr. Babaryka was returned to the penal colony.¹⁸</p> <p>As indicated in the information and analytical review of the Legal Initiative NGO "Political murders and deaths due to the fault of the regime": "The regime has not taken measures to improve the system of providing medical and psychological care in the country's penitentiary institutions for many years, and has not equipped medical units with modern medical equipment, does not provide with vital medications. All this leads to a serious deterioration in the health of persons serving sentences, which affects their quality of life even after serving their sentence. The most serious consequence of the state's failure to fulfill its obligations is the death of prisoners due to failure to provide or untimely/ineffective provision of medical care, and the number of such deaths in places of detention is steadily increasing."¹⁹. Since 2020, as mentioned in the above review, at least 8 people have died due to inadequate provision of medical care in places of detention or due to being in them (Ales Pushkin, Vitold Ashurak, Mikalai Klimovich, Elena Amelina, Dmitry Sorokin, Siarheu Shchetinko, Dmitry Dudoyd, Aliksandr Vikhor)²⁰. However, there are good reasons to believe that in reality there are many more deaths, since relatives are afraid of pressure and do not inform the public about what happened.</p>
Continued persecution of political prisoners while serving their sentences	Even while in prison, the persecution of a political prisoner continues on behalf of the prison administration. Thus, other detainees are often prohibited from contacting a political prisoner, and conflict situations are provoked towards the political prisoner. Also, the administration constantly brings political prisoners to disciplinary sanctions on far-fetched grounds. So, one of the types of penalties is placement in a punishment cell (a single cold cell in which the bed is fastened to the wall during the daytime, a cell without a mattress,

¹⁷ <https://www.delfi.lt/ru/abroad/belorussia/byvshie-politzaklyuchennye-o-tom-kak-lechat-v-ivs-i-sizo-belarusi-91952191>

¹⁸ <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gld=28090>

¹⁹ [https://legin.info/laravel-filemanager/files/shares/political_murder_Belarus\[legin.info\].pdf](https://legin.info/laravel-filemanager/files/shares/political_murder_Belarus[legin.info].pdf)

²⁰ [https://legin.info/laravel-filemanager/files/shares/political_murder_Belarus\[legin.info\].pdf](https://legin.info/laravel-filemanager/files/shares/political_murder_Belarus[legin.info].pdf)

blanket, or pillow, the furniture is nailed to the floor, the prisoner has only a toothbrush and a towel with him). The administration of the prison can send them to a punishment cell for any violation of internal regulations. According to the law, someone can be sent to an isolation cell for up to 10 days. However, in practice, it happens that a prisoner ends up in isolation several times for 10 days in a row (for example, activist **Palina Sharenda-Panasiuk** once spent **60 days in a row** there, **Siarhei Korshun – 38 days**).

Twice since the end of last year, politician **Mikalai Statkevich**, sentenced to 14 years in the “Tihanouski case,” ended up there. **Sergey Tihanovski** spent **2 months** in a punishment cell. Another defendant in this case, **Uladzimir Kniha**, sentenced to 4 years in prison, spent at least **four months** in a punishment cell. Reasons for being sent to a punishment cell may be an open button, bristle, an extra postcard in the prisoner’s personal belongings, dust in the cell, and so on. In the conditions of the punishment cell, no letters or parcels are given to the detainee²¹.

Political prisoners are also placed on preventive registration as persons prone to extremism and other destructive actions and as persons prone to hostage-taking, attacking the administration and hooliganism²². In connection with registration, they are forced to wear a yellow tag, they must go to a control point, they are subjected to more frequent checks, and they are prohibited from attending church and places to do sports. Almost all political prisoners are transferred to prison regime within a year, which is a serious tightening of the severity of punishment, thereby increasing the degree of their isolation. In prison conditions, a person is deprived of fresh air and limited in movement, and in order to return to the colony, you need to prove that you have “taken the fix path.”²³ The majority of those convicted in politically motivated cases are included in the list of terrorists (maintained by the KGB) or extremists (maintained by the Ministry of Internal Affairs). Money transfers to persons from these lists are blocked. That is, these people not only do not receive parcels, but also do not have funds in their accounts to buy goods of basic necessity.

One of the ways to continue pressure on political prisoners is the liability under Article 411 of the Criminal Code of the Republic of Belarus (hereinafter – Criminal Code) for malicious disobedience to the requirements of the administration of prisons executing a sentence of imprisonment. By creating intolerable conditions for serving the sentence, constantly subjecting the prisoner to penalties on far-fetched grounds, and worsening his regime up to the point of transferring him to prison, after serving the sentence the convicted person is again detained under Article 411 of the Criminal Code, liability for which provides for

²¹ <https://news.zerkalo.io/life/36718.html?c>

²² <https://spring96.org/ru/news/105184>

²³ <https://mediazona.by/article/2022/08/03/prisons>

	<p>up to 2 years of imprisonment and does not contain alternative punishments. Thus, after serving their sentence, political prisoners Zmitser Dashkevich, Palina Sharenda-Panasiuk, Victoryia Kulsha, Aleh Yafremenka were sentenced under Article 411 of the Criminal Code to another year of deprivation of freedom.²⁴ Furthermore, the term is added not only after release, but also long before release. Thus, Sergey Tihanovski, sentenced to 18 years on December 14, 2021, was sentenced to another 1,5 years in prison under Article 411 of the Criminal Code in February 2023.²⁵</p>
<p>Women in detention. Discrimination</p>	<p>Women political prisoners regularly face gender-based discrimination. Such discrimination is reflected in the violation of privacy when showering in prisons and visiting the toilet; failure to provide personal hygiene products, including during menstruation; refusal to provide medical care leading to the occurrence of gynecological diseases; ignoring requests for medical assistance to a pregnant woman, which led to the loss of the child; cases of sexualized, psychological and physical violence; threats of removal of children; making sexist comments by law enforcement officials regarding the appearance and (or) lifestyle and actions of women detainees. Cases of discrimination against women in prisons have reached such a scale that they have attracted the attention of international actors. So, on April 27, 2023, the Special Rapporteurs compiled their appeal²⁶, where they also described the cases of famous political prisoners: Maryia Kalesnikava, Kseniya Lutskina, Marfa Rabkova, Kanavalava Antanina, Volha Zalatar, Viktoryia Kulsha.</p>

²⁴ <https://spring96.org/ru/news/112446>

²⁵ <https://www.interfax.ru/world/887904>

²⁶ <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gld=28007>