

Amnesty International

Public Statement

AI Index: EUR 49/013/2012

2 August 2012

Still behind bars: The plight of long-term prisoners in Belarus

One year ago on 4 August, prominent human rights defender Ales Bialiatski was arrested in Minsk, the capital of Belarus. He was sentenced to four and a half years for tax evasion charges. Amnesty International considers that he has been sentenced for carrying out his human rights activities and has declared him a prisoner of conscience.

Today, Amnesty International wrote to the Prosecutor General of the Republic of Belarus raising the organization's concerns about prisoners of conscience in Belarus and urging him to use his powers to investigate the legality of their sentences and ensure their immediate and unconditional release. In addition, Amnesty International is calling on the Belarusian authorities to ensure the physical and psychological wellbeing of those in custody is protected and adequate medical treatment is provided to all prisoners in accordance with national legislation and the international human rights obligations of Belarus. Amnesty International reminds the Belarusian authorities that under international law members of the civil society, including members of the opposition, should be allowed to gather peacefully and express their views openly, without the threat or fear of arbitrary arrest or ill-treatment.

Prisoners of conscience

In Belarus there are a number of individuals, who have been sentenced to lengthy prison terms for their political views or human rights activities and in violation of their right to freedom of expression, assembly and association. Besides Ales Bialiatski, four other prisoners of conscience are in detention in connection with their participation in the mainly peaceful demonstration on 19 December 2010. Pavel Sevyarynets was sentenced to three years on 16 May 2011. Mykalau Statkevich was sentenced to six years on 26 May 2011. On 24 March 2011, Zmitser Dashkevich and Eduard Lobau were sentenced to two and four years respectively for hooliganism.

As a state party to the International Covenant on Civil and Political Rights (ICCPR), Belarus is bound under Article 19 and 21 to respect the rights to freedom of expression and assembly.

All citizens must be able to engage freely in legitimate civil society activity without the threat of intimidation, arrest or detention. According to Article 33 of the Constitution of the Republic of Belarus "everyone is guaranteed freedom of thought and belief and their free expression". Articles 35 and 36 of the Constitution guarantee the right to freedom of assembly and association.

Amnesty International calls on the Belarusian authorities to release all prisoners of conscience immediately and unconditionally.

Increasing harassment of prisoners

Amnesty International is concerned that prisoners are often harassed and intimidated in prisons and colonies where they are serving their sentences, often in order to force them to confess or apply for pardons. If they refuse prisoners are faced with even harsher treatment and may face further criminal charges. They are repeatedly placed in punishment cells and fellow inmates are reportedly advised not to communicate with them. Three of the prisoners of

conscience have been labelled “malignant violators” of the prison rules, which leads to the withdrawal of privileges - the number and duration of family visits are reduced, they receive less parcels, correspondence, and money transfers. Amnesty International insists that prisoners of conscience should never be pressured into signing confessions or seeking pardons.

Zmitser Dashkevich is serving his original sentence in the prison colony Glubokoe, northwestern Belarus, where he was transferred on 27 September 2011. He is expected to be released on December 18, 2012. However, Zmitser Dashkevich is considered to be a “malignant violator” of the prison rules and upon the request of the administration of the prison colony the Investigation Committee of the Republic of Belarus opened a new criminal case against Zmitser Dashkevich under Article 411 of the Criminal Code (“deliberate disobedience to the correctional institution administration”). In response, Zmitser Dashkevich wrote a letter to the head of the colony saying that he knowingly refuses to comply with certain requirements of the prison administration, as he considers them to be illegal. Since his conviction in March 2011, Zmitser Dashkevich has repeatedly been exposed to a pressure from the prison administration. By September 2011, he had been placed in a punishment cell eight times, and he has spent most of his time since then in the punishment cell. Conditions are particularly harsh in such cells: prisoners are allowed no bedding, the temperature during the winter often falls to 15 degrees Celsius, and they are allowed no visitors or correspondence. In September Zmitser Dashkevich was offered the chance to apply for a Presidential pardon if he admitted his guilt, but he rejected the offer.

In January 2012 Mykalau Statkevich was transferred from Penal Colony No. 17 in Shklou to Prison No. 4 in Mahiliou for allegedly violating the penal colony regime. The penal colony authorities claimed that Mykalau Statkevich had regularly violated penal colony regulations, was inclined towards violence and liable to attempt escape. The violations that Mykalau Statkevich has been accused of committing could mean that his sentence is increased by an additional year under article 411 of the Criminal Code (“deliberate disobedience to the correctional institution administration”). From 6 July to 16 July 2012 he was put in the punishment cell allegedly for refusing to request a Presidential pardon when asked to do so on 18 June.

In April 2012, the administration of the penal colony reported positively on Pavel Sevyarynets’ behaviour, however he was denied a conditional early release allegedly because he did not admit his guilt. He was entitled to release on parole as he had served half of his sentence without violations. On 26 July 2012 he was officially denied an amnesty.

Health concerns

In addition, Amnesty International is concerned that the health of the prisoners has seriously deteriorated during their detention. Belarus has international obligations in respect of providing medical care to the prisoners and their treatment. Article 10 (1) of the ICCPR states that “all persons deprived of their liberty shall be treated with humanity and with respect for the inherent dignity of the human person”. The right of all persons deprived of liberty to the highest attainable standard of health is guaranteed in a wide range of international instruments, including the International Covenant on Economic, Social and Cultural Rights, to which Belarus is a state party. In addition, according to article 45 of the Constitution of the Republic of Belarus, everyone is guaranteed the right to health care.

Syarhei Kavalenka, an activist of the Conservative Christian Party of the Belarusian People’s Front, was arrested on 19 December 2011 for breaking the terms of a suspended sentence handed down in May 2010 on questionable charges of resisting arrest. From that moment on he began a hunger strike which lasted about 2 months with small intervals. As a result of his prolonged hunger strike Syarhei Kavalenka required medical treatment, however for about two weeks he did not receive parcels from his wife containing necessary medicines and vitamins.

In June 2012 Syarhei Kavalenka spent 10 days in a punishment cell for allegedly having an argument with a fellow inmate. In July Syarhei Kavalenka was named a “malignant violator” of

the prison rules, which resulted in a reduction of the amount of money that can be transferred to him. Recently, Amnesty International became aware that Syarhei requested a presidential pardon after he was subjected to psychological pressure from prison personnel.

Eduard Lobau, who is serving his sentence in the penal colony No. 22 in Ivatsevichy, suffers from toothache and requires dental treatment. However the prison colony does not have the necessary medicines and when his mother tried to send a parcel, the prison authorities did not allow it. Later his mother was able to pass him vitamins, but prison authorities refused to take the medications necessary to treat his toothache saying that they have received necessary medical supplies. Nevertheless, Eduard's condition has still not been treated.

Background information

Case of Ales Bialiatski

Ales Bialiatski, chairperson of Human Rights Centre Viasna, and Vice-President of the International Federation for Human Rights was arrested in central Minsk on 4 August 2011. On 24 November 2011, he was sentenced to four and a half years on charges of "concealment of income on a large scale" (Article 243.2 of the Criminal Code of the Republic of Belarus).

His sentence relates to the use of personal bank accounts in Lithuania and Poland to support the work of Human Rights Centre Viasna in Belarus. He is currently serving his sentence in penal colony No. 2 in Mahiliou Region. Amnesty International considers him to be a prisoner of conscience whose detention is politically motivated and intended to obstruct his legitimate work as a human rights defender.

Viasna was derecognized by the Belarusian authorities in 2003 and as such was barred from opening a bank account in its name in Belarus. Since derecognition, the Belarusian authorities have repeatedly rejected the organization's applications for registration. Amnesty International has on several occasions raised concerns about denial of registration to Viasna. Viasna's members had no choice but to use bank accounts in neighbouring countries to fund their legitimate human rights work.

Ales Bialiatski's trial violated international fair trial standards in several respects. Belarus, being a state party to the International Covenant on Civil and Political Rights (ICCPR), has a duty to guarantee the right to a fair trial according to article 14. International observers noted that there were a number of procedural violations which point to the political nature of the trial. The questioning of witnesses frequently did not relate to the charges, but instead to the human rights activities of Ales Bialiatski and the witnesses themselves. Several prominent human rights activists and Viasna employees have been interrogated in relation to the case.

The evidence presented by the prosecution included copies of bank statements that were not authenticated, and some documents were presented as coming from anonymous informants, which is in violation of Belarusian trial procedures. Furthermore, state prosecutors in Belarus requested information from Polish and Lithuanian banks before the criminal case against Ales Bialiatski had been opened, in violation of the agreement between those countries regarding the exchange of information in criminal cases.

On 29 November Ales Bialiatski's lawyer filed an appeal against the sentence with the Minsk City Court. On 24 January 2012, the Court upheld the decision of the lower court and turned down the appeal.

Case of Mykalau Statkevich

Mykalau Statkevich, an opposition presidential candidate during the presidential election 2010, was sentenced to six years in prison on 26 May 2011 for "organization of mass disorder" (Article 293 Part 1 of the Criminal Code) for taking part in post-election demonstrations in December 2010. Amnesty International believes that the charges against

him were unfounded, and that he has been targeted for the peaceful exercise of his rights to freedom of assembly and expression.

In January the head of Mahiliou prison stated that Mykalau Statkevich has suicidal tendencies. However no evidence exists to support this claim, and his family fear that the prison authorities may be preparing to use this as an excuse if something happens to Mikalau Statkevich in prison. On 27 June, during a prison committee hearing the head of the prison repeated his opinion that Mykalau Statkevich had suicidal tendencies. On 4 July, when Mykalau Statkevich's wife talked to him on the phone, he was in good spirits. After the hearing, Mykalau Statkevich submitted a letter to the head of the prison asking him on what basis he reached this conclusion and whether he intended to use this conclusion if "something were to happen to him" in prison.

Case of Zmitser Dashkevich

Zmitser Dashkevich, a leader of the youth opposition movement Young Front, was sentenced to two years in a labour colony on 24 March 2011 under article 339 ("hooliganism") for alleged assault on 18 December 2010, the day before the election. Amnesty International believes the charges against him are unfounded and that the charges were fabricated in order to prevent him taking part in the demonstration on 19 December 2010. On 25 July 2012 his fiancée and a lawyer were able to see him, and they have learnt that Zmitser has pneumonia in one lung which may have been caused by the poor conditions in the punishment cells. On 24 July Zmitser was moved to the medical unit.

Case of Eduard Lobau

Eduard Lobau, an activist of the movement Young Front, was arrested together with Zmitser Dashkevich, the day before the presidential election in December 2010. Eduard Lobau was sentenced to four years on 24 March 2011 for allegedly assaulting a passer-by (article 339 "hooliganism"). Amnesty International believes that he was detained to prevent him taking part in the demonstration on 19 December. Zmitser Dashkevich and Eduard Lobau maintain that the security forces provoked the fight on 18 December 2010. Another Young Front activist present at the time told Amnesty International that the group had in fact been attacked. He said four men had asked them for directions and then punched Zmitser Dashkevich and Eduard Lobau. Police arrived within minutes in a police special forces minibus and detained the three activists and two of the attackers without asking any questions. Zmitser Dashkevich and Eduard Lobau were convicted on the basis of testimony from the two attackers detained with them.

In June 2012, Eduard Lobau informed his mother that the prison colony administration had lodged a report against him for violation of prison rules. As a result of his alleged misconduct he was named a "malignant violator" of the prison rules according to article 117 of the Criminal Executive Code (gross violations of prison rules by an inmate). The amount of money that his relatives can send him was reduced and he received a reprimand.

Case of Pavel Sevyarynets

Pavel Sevyarynets, an opposition activist and member of Vital Rymasheusky's campaign team during the December 2010 elections and the co-chairman of the organizing committee of the party "Belarusian Christian Democracy", was sentenced to three years in a correctional facility for "organizing, preparing or taking part in actions that breach public order" on 16 May 2011 (Article 342 of the Criminal Code). He is serving his term in open-type prison facility No. 7 in the village of Kuplin. Amnesty International believes that he is a prisoner of conscience, whose conviction is designed to punish him for his legitimate political activities.

Case of Syarhei Kavalenka

Syarhei Kavalenka was convicted in May 2010 on charges of violently resisting arrest in connection with an incident on 7 January 2010 when he had placed the previous Belarusian national flag on top of a 35 metre high New Year's tree on Peramohi Square in Vitebsk. There were no eye witnesses of his arrest apart from the police officers involved and he denies assaulting a police officer. He was handed a suspended sentence of three years by the

Oktyabrskij District Court of Vitebsk. On 24 February 2012, Syarhei Kavalenka was sentenced to two years and one month in prison under Article 415 of the Criminal Code for having violated the conditions of his suspended sentence. On 18 May 2012 Vitebsk Regional Court dismissed the appeal against the sentence of Syarhei Kavalenka and next day he was transferred to the prison colony No. 19 in Mahiliou.

End/