

Belarus: 100 days of ongoing human rights crisis - Facts & Figures

BRIEFING

Ongoing protests and violent crackdown

In the aftermath of the presidential elections in Belarus on August 9, 2020, a human rights crisis unfolded as peaceful protests were met with violent and widespread repression by the Belarusian authorities. Around 3000 protesters were arrested during the first two days of the protest action alone.^[1] The crisis in Belarus is ongoing and in its first 100 days, according to figures from our partners at the Human Rights Center Viasna, 25.000 protesters have been arrested and more than 1200 criminal cases have been initiated, as authorities continue to press trumped-up charges against the detainees.

Despite the ongoing crackdown, Belarusian citizens continue to take to the streets every weekend. Peaceful demonstrators throughout the country are confronted with violent repression, but according to our sources, protests in downtown Minsk are particularly targeted, as police forces have been largely concentrated in the capital city. The magnitude of the ongoing repression in Minsk can be illustrated by the fact that on November 15, 1045 citizens were arrested in the capital alone.

In recent weeks, after receiving assurances of support from the president of the Russian Federation, and despite EU sanctions, the human rights situation has continued to deteriorate, as the Belarusian authorities have become even more ruthless and have issued orders to the police force to use live ammunition against protesters whenever they see fit.

The use of excessive force against protesters, along with the politically motivated persecution of civil society, particularly human rights defenders, creates an atmosphere of further violence and impunity in the country. In recent weeks, several human rights organisations have faced open threats and have reported arbitrary arrests of their volunteers and staff members (censorship by detention). In addition to the use of arbitrary arrest and ill-treatment of protesters, the evidence collected shows a variety of actions aimed at intimidating Belarusian citizens by even targeting their families. In several cases, the state childcare authority has been called in to deprive parents of their custodial rights, due to their participation in demonstrations and because they had allegedly left their children without proper care.

Systematic patterns of torture following arrest amounting to crimes against humanity

A deliberate policy of cruelty and torture started right after the voting on 9 August. Special police units, especially OMON, used excessive force against the protesters in the streets, arresting thousands of protesters. Deliberate physical and mental abuse were part of the arrest, followed by beatings and further abuse during transfer in police vans, ostensibly employed to punish and to set an example. Widespread torture and ill-treatment, including sexual violence, occurred in the

detention facilities, especially in the ill-famed Okrestina preliminary detention center. On the basis of all evidence available to the OMCT, torture and abuse were planned, organized and employed to punish and intimidate, rather than for the purpose of information gathering or confessions.

While the scale of torture and ill-treatment diminished after the first days and the nature of repression shifted to detention, criminalization and other forms of intimidation, it has never fully stopped and we are seeing clear indications that the level of police violence, including torture, is on the rise again. The photos of a number of those detained do raise concerns of cruel, inhuman or degrading treatment and there are reports of physical violence.

The Belarusian human rights center Viasna, with support from the OMCT, documented more than 500 torture cases, primarily recorded during the first two weeks after the election. In addition, the OMCT and its SOS-Torture Network members documented in-depth a series of cases of torture committed by Belarusian police during the period starting from August 9.

Several common patterns can be identified after the first 100 days of repression:

- o Indiscriminate, arbitrary and violent arrests and intimidation during the apprehension with no respect for due process;
- o Further severe beatings and ill-treatment inside the police vehicles, with systematic use of chlorine and pepper spray in closed spaces;
- o Severe beatings and degrading treatment inside the police stations and detention facilities, which included torture and sexual violence or threats of sexual violence;
- o Creation of so-called "corridors" by the riot police: when arrestees were transferred from the police car, they needed to go through that corridor, where they were beaten by truncheons as they walked through; those who fell were beaten with even more cruelty;
- o Deprivation of water, food and medicine;
- o Placement of 30-40 people in a cell for four persons during several days;
- o Forcing people to sing the national anthem and shout loudly that they love the president and police as part of the degrading treatment;
- o Cases contain numerous witness testimonies of broken arms and legs and absolute deprivation of access to medical care. Even when the ambulance arrived, in the majority of cases the doctors were not allowed to take the wounded to hospital. Only first aid was allowed;
- o Many victims of torture were not able to access forensic examination to have their wounds recorded. Those victims who have managed to get their wounds documented by a forensic doctor are facing threats and intimidation by law enforcement bodies, with the aim to silence them.

All the documentation available confirms beyond any reasonable doubt that the patterns of gross human rights violations following the presidential election included torture as its central 'signature' to deter further protest. All these patterns also speak about the fact that this was a carefully planned and executed policy. In many instances, and in addition to the elements identified above, we have received consistent reports on the use of color sprays (codes) used to identify detainees 'for special' torturous treatment.

An intentional policy to prevent accountability

The planned and widespread targeting of protesters and those perceived as contesting the authorities is matched by the unwillingness to investigate allegations of torture. Not only was not a single proper investigation opened - despite the authorities' positive obligation to do so - but there has also been no acknowledgment, no apology, no disciplinary action, no indication of any victim support, no recognition of any violation towards international processes.

Complete impunity extends to the most serious cases, including the killing of 31-year-old Roman Bondarenko on November 12. Mr. Bondarenko was beaten up by two police officers in balaclavas and was later taken to the hospital, where he underwent surgery and where he later died from his injuries. The investigation of the murder case is under the prosecutor general's personal control and there are little hopes for this killing to escape the general policy of complete impunity.

To the contrary, the evidence collected by civil society actors confirms the existence of a deliberate policy to foster impunity. Riot police and other police units involved in repressive actions are systematically hiding their identity behind balaclavas and face masks. The forces involved in grave human rights violations have received the highest honors.

There is an active pattern of intimidation against victims' lawyers, human rights defenders and medical institutions. Available evidence confirms that doctors have been ordered to keep paper-based medical records of those beaten in detention, so that the records cannot be included in the hospital electronic database, thus keeping documentation of brutality off the internet.

In conclusion, the active policy of torture is complemented by a deliberate and intentional policy to prevent accountability.

Conclusion

The central finding is that torture of peaceful citizens was intentional, systematic and widespread, with the State unwilling to investigate it. Torture is the emblematic feature of the present human rights crisis in Belarus -qualifying as crime against humanity. The central call for accountability has to concern the full chain of command and those who accepted such a policy.

The international community must recognize the systematic and coordinated nature of the abuses and torture cases as crimes against humanity and support accountability for those responsible. Given the unwillingness of local authorities to ensure accountability, the international community must secure relevant evidence as a basis for legal action, including in third countries, in line with the possibilities under the UN Convention Against Torture.

The use of excessive force and torture against protesters to deter, punish and intimidate them and the politically motivated persecution of thousands of citizens, together with the growing repression of civil society actors and in particular of human rights defenders, create an atmosphere of fear and terror.

Impunity is more than the lack of effective investigations. It is a wanted state of affairs (State policy) as no credible investigation is conducted in relation to any of the cases of torture, compounded by the intimidation of victims, witnesses and their representatives, and an official recognition of those responsible for torture.

The primary institution of repression is the special forces OMON, who are responsible in various locations around the country for torture and other abuses. The legal system does not offer protection to their victims but acts in complicity of those violating rights, and as a willful tool for legal repression.

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[1] <https://www.omct.org/human-rights-defenders/statements/belarus/2020/08/d26017/>
