

Report of non-governmental organizations in anticipation of the adoption by the UN Committee against Torture of a list of issues to the Republic of Belarus.

The report was prepared by the Belarusian public initiative International Committee for the Investigation of Torture in Belarus-2020 in cooperation with the NGO “Legal Initiative”, the “Human Constanta”, the Public Institution “Belarusian Documentation Center”.

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<http://torture.tilda.ws/>

Introduction

1. In 2018, the UN Committee against Torture adopted Concluding Observations on the State. Almost completely the information submitted by human rights organizations to the Committee against Torture until 2018 remains relevant. According to human rights defenders for 2020, out of 67 recommendations, 3 are implemented, 2 are partially implemented, 62 are not implemented.¹
2. Implemented:
 - a. prohibit the conduct of personal searches by warders of the opposite sex.²
 - b. ensure effective protection, redress and rehabilitation for victims of trafficking in persons, including legal, medical and psychological assistance and rehabilitation, as well as adequate shelters and assistance in preparing and submitting reports to the police about cases of trafficking in persons; ensure that trafficking cases are thoroughly investigated, that perpetrators are prosecuted and, if convicted, punished; and provide the Committee with comprehensive disaggregated data on the number of investigations carried out, prosecutions and convictions for trafficking in persons and on the actual reparations provided to victims.³
 - c. in accordance with the commitment made during the dialogue with the Committee to immediately repeal article 193 of the Criminal Code, which currently criminalizes participation in the activities of unregistered organizations. Pending the abolition of this article, the State party's authorities should deter the police from using this article as a ground for arresting and prosecuting human rights defenders and journalists.⁴
3. Partially implemented:

¹ http://www.legin.by/uploads/20200621_5eefe4e291b76.pdf

² In accordance with Articles 47 and 73 of the Criminal Execution Code, body searches are carried out by persons of the same sex as convicted persons. In accordance with clause 18 of the Internal Regulations of Places of Serving Administrative Arrest, approved by Decree of the Ministry of Internal Affairs No. 313 dated October 20, 2015, a body search is carried out by a person of the same sex with the person being searched and is accompanied by a thorough examination of his body (during a full body search), clothing and shoes, as well as outwardly located prostheses. A similar norm is contained in paragraph 25 of the Rules for the detention of an individual, in respect of whom administrative detention has been applied, approved by the Resolution of the Council of Ministers of November 21, 2013 No. 996.

³ The Law "On Combating Trafficking in person" establishes measures for the protection and rehabilitation of victims of human trafficking, which include ensuring security; social protection and rehabilitation; suspension of expulsion and deportation; rendering assistance to diplomatic representations and consular offices of the Republic of Belarus. Social protection and rehabilitation of victims of trafficking in persons is carried out free of charge and includes the provision of temporary places of stay, including sleeping places and food, for victims of trafficking in persons, legal assistance, medical assistance, psychological assistance in the form of psychological counseling, psychological correction, psychological prevention, as well as socially educational assistance; identification of families of minor victims of trafficking in persons or their placement in other families, and in the absence of such an opportunity - in children's boarding institutions; assistance in finding a permanent job. In 2019, the internal affairs bodies detected 1,419 crimes in the field of combating human trafficking and related crimes (trafficking, trafficking in pornography, including child pornography, as well as crimes against sexual inviolability or sexual freedom of minors). 794 persons suspected of committing human trafficking and related crimes were identified (163 persons were arrested). The website of the Ministry of Internal Affairs of the Republic of Belarus has publicly available statistics on combating trafficking in persons and related crimes, the number of crimes related to trafficking in persons detected by law enforcement agencies for the period from 2000 to 2019, the number of victims of trafficking in persons identified by law enforcement authorities for the period from 2000 to 2019 years, and statistics in the field of identification of trafficked people.

⁴ On July 19, 2019, amendments to the Criminal Code entered into force, excluding Art. 193.1 (acting on behalf of an unregistered organization). At the same time, instead of criminal liability, administrative liability was introduced - Art. 23.88 of the Administrative Code, which provides for a fine of up to 50 base units for activities on behalf of an unregistered organization.

- a. continue to intensify efforts to further reduce the number of prisoners and reduce prison overcrowding in order to bring conditions of detention in line with international standards.⁵
- b. The State party should provide mandatory training on the provisions of the Convention and the total prohibition of torture for government officials performing the various functions listed in article 10 of the Convention; develop training programs on non-violent investigative techniques; and ensure that the Istanbul Protocol is studied as an essential part of the training of all medical professionals and other government officials working with persons deprived of their liberty. Such training should include case studies and should pay particular attention to the issue of sexual and gender-based violence and the development of methodologies for assessing the impact of such training programs.⁶

Articles 1 and 4.

Torture concept

4. Torture is still not defined as a separate crime in the Criminal Code (hereinafter - the CC).
5. Currently, there are two articles in the Criminal Code, mentioning torture, article "Crimes against the security of humanity" and part 3 of article 394 "Coercion to testify". A feature of the crime provided for in Article 128 of the Criminal Code is the commission of encroachments on many persons. Article 394 of the Criminal Code, in turn, extremely restricts the list of subjects of the crime, persons conducting preliminary investigation or administering justice, which does not correspond to the definition of the Convention against Torture. Thus, the above articles do not cover the entire spectrum of acts of torture and their purpose.
6. During the dialogue of Belarusian delegation with the Human Rights Committee during the consideration of the periodic report, the representative of The National Centre of Legislation and Legal Research of the Republic of Belarus Dmitriy Shilin noted that besides articles and depending on the circumstances of the object of the crime other qualification is also contemplated - the abuse of power or official authority, torture, infliction of bodily injuries of various degrees of severity.
7. However, the Committee against torture emphasized the difference between torture and ordinary assault or other crimes, therefore, the approach outlined by the Belarusian delegation in the Human Rights Committee does not correspond to the wide recognition of the particular gravity of torture. Such an approach does not allow the state to prosecute violations of the fundamental freedom from torture and assess the seriousness of violations and impose adequate penalties and use their preventive effect
8. The absence of the criminalization of torture, namely, the absence of a separate offence as torture entails not only a violation of the obligation to punish torture in accordance with the Convention against Torture, but also does not allow tracking the number of specific torture offences.
9. In addition, the requirement to establish universal jurisdiction over torture offences and non-application of statutes of limitations under Belarusian law applies only to articles of the Criminal Code. With regard to the rest of the list of crimes for which, in the opinion of the state, persons who used torture can be prosecuted, the Criminal Code of the Republic of Belarus establishes a limitation period from two to fifteen years, depending on the severity of the crime.

⁵ The amnesties of 2019 and 2020 can be considered one of the steps to reduce the number of prisoners and reduce prison overcrowding. In 2019, the amnesty affected about 9 thousand people, of which about 2.5 thousand were released. In 2020, according to preliminary data, 5,372 convicts will be released from various types of punishment, about 1,985 from places of detention.

⁶ A number of training courses contain questions on the prohibition of torture and other ill-treatment.

Article 2.

Condemnation and prevention of torture.

10. In 2020, mass detentions of peaceful protesters against election fraud were accompanied by massive, brutal and planned torture. On August 12-13, 2020, when the detained citizens began to be released from the places of detention, the facts of torture told by torture victims were made public. Photos and videos of bodily injuries, as well as gruesome stories of torture victims have appeared in the media.
11. On August 13, 2020, Minister of Internal Affairs Yuri Karaev commented on the situation. In particular, he emphasized that the citizens participating in the protests used violence against the militia officers.⁷ On August 16, 2020, Yuri Karaev again assessed the current events. He focused on the fact that actions of citizens were unauthorized, pitied the beaten, but most of all - the injured militia officers. There was not a word of the need to respond to torture and humiliation, as it is stipulated by the legislation.⁸
12. On September 9, 2020, Alexander Lukashenko, in an interview with Russian journalists, when asked about torture at Akrestsina detention center, suggested “turning the page”.⁹ Thus, at the highest level, a course was given to forget the mass torture and not investigate it.
13. On September 10, the position of Prosecutor General was taken by Andrei Shved (Chairman of the State Committee for Forensic Expertise), representing whom the President publicly stated in the Prosecutor General's Office that sometimes laws can be violated.¹⁰
14. On January 15, 2021, the BYPOL Initiative published an audio recording in which a man with a voice similar to the voice of the ex-head of the GUBOPiK, and now the Deputy Minister of Internal Affairs - the commander of the internal troops Nikolai Karpenkov says¹¹: Quotes: “Therefore, as the president said, if rushing at you, if rushing at you - use a weapon, if you can then non-lethal. Point-blank: legs, stomach, balls. So that he would understand what he has done when he regains consciousness. Well, apply something to him like this: either maim, or mutilate, or kill. Use the weapon directly on his forehead, right on the forehead, right in the face, right about there, after which he will never return to the state in which he was. Well, if they resuscitate so be it. He will not have half of his brain, well, there he deserves. The database is being created.¹² In this database, whoever gets there a second time should stay there. It was said to develop, make a camp, make a camp, well, not for prisoners of war, not even for internees, but a camp for especially sharp-hoofed ones, such for resettlement. And to put the barbed wire, it turns out, along the perimeter. To make two rooms: firebox - floor, food - floor, make them work. But keep them there until everything calms down. We are covered by the head of state from all sides in terms of the use of weapons. He says, right away, he says, of course, there is no need to shoot. It is necessary, he says, to give a person a chance in this situation so that he becomes aware. But, and if not, if not, then, it turns out, already hit very hard! Because it is such a time – not a color revolution - a hybrid war.”
15. As of January 25, 2021, neither the current president, nor the General Prosecutor's Office, nor the Ministry of Internal Affairs have made a single public and unequivocal statement condemning the use of all forms of torture, nor have they issued a clear warning that any person who participates in such actions will be personally criminally liable. All statements

⁷ https://www.youtube.com/watch?Time_continue=333&v=UKgSrGvDes&feature=emb_title

⁸ https://news.tut.by/economics/696888.html#ua:main_news~2

⁹ <https://news.tut.by/news/society/699864.html>

¹⁰ <https://www.belta.by/president/view/lukashenko-vlast-ne-dlja-togo-daetsja-chtoby-ee-vzjal-brosil-i-otdal-406208-2020>

¹¹ https://t.me/By_Pol/153

¹² <https://news.tut.by/society/712137.html>

of the latter were aimed exclusively at approving the actions of the law enforcement officers.

Article 3.

Issues of expulsion of foreign citizens

16. Many foreign citizens were active participants in peaceful protests in Belarus after the presidential elections on August 9, 2020. The wave of detentions and bringing to administrative or criminal liability was followed by a wave of expulsions of foreigners from the territory of Belarus. In fact, foreigners found themselves in a situation of dual liability for their actual or alleged participation in unauthorized peaceful assemblies.
17. The Belorussian law envisages several procedures for the expulsion of foreigners from Belarus, including deportation, expulsion, and rendition (extradition). Additionally, foreigners might be denied their residence permission, foreign journalists' accreditation may be withdrawn. Some foreigners had their passports stamped with a period of prohibition and were included in the list of persons, whose entry in the country is either prohibited or undesirable. The authorities eagerly apply these numerous instruments to expel foreigners from the territory of Belarus. The decisions on expulsion are taken automatically if a foreigner was brought to administrative responsibility. One's strong connection to Belarus and the impossibility to live in the country of nationality are ignored.
18. A Russian citizen was detained in Minsk on 9th August spent 14 days in Akrestsina detention facility, during which he was actually hidden from his family and employees of the Russian Consulate in Minsk, without giving any information about where and how he is being held¹³. After his release, he was handed a passport with a stamp of deportation and a ban on entering Belarus for a period of 5 years. At the same time, the Russian had to leave Belarus within 2.5 hours in order not to violate the law. Thus, he was effectively deprived of the right to appeal the deportation decision
19. In recent months, the Citizenship and Migration Departments across the country have been actively sending foreigners notifications about the consideration of the issue of their expulsion from Belarus in the interests of public order. Often such notifications are received by foreigners literally a day before consideration, which makes it impossible for them to prepare for the procedure and collect the necessary documents.
20. Thus, a Russian citizen received a notification that tomorrow the question of his expulsion from Belarus will be considered.¹⁴ The Citizenship and Migration Department decided to deport him on a voluntary basis with a ban on entry to Belarus for 10 years. This decision was made without taking into account the fact that the Russian have lived in Belarus from an early age with his family. He was educated in Belarus, entered the university. The Russian did not have any ties with the country of citizenship - economic, cultural, social, but this did not prevent the authorities from deciding to ban return to Belarus for 10 years.
21. The Law of the Republic of Belarus "On the Legal Status of Foreign Citizens and Stateless Persons in the Republic of Belarus", according to which a foreigner can be expelled from Belarus in the interests of public order, should be applied only on condition that there is a real threat to public order in the state in connection with his stay in Belarus, when other restrictive measures cannot be applied. Also, expulsion is a right of state bodies, not an obligation, in which the balance of the interests of society, on the one hand, and the rights of the individual and his family, on the other, must be observed.
22. As the events of recent months show, the Belarusian authorities neglect such a balance and expel foreigners from Belarus, who often have lived in Belarus for most of their lives, their families live here, their property is located here, cultural, social and economic ties are established. The expelled foreigners have no ties with their country of citizenship.

¹³ <https://nashaniva.by/?c=ar&i=257751&lang=ru>

¹⁴ <https://belsat.eu/news/ulady-departuyuts-zhyhara-belarusi-bo-toj-udzelnichau-u-pratestah/>

23. We know of a large number of such cases of expulsion of foreigners from Belarus since August 2020. Thus, on November 8, during a mass action, a citizen of Cuba was detained, who was supposed to be released after 15 days of administrative arrest, but he is still in the center of the isolation of offenders awaiting forced expulsion from Belarus.¹⁵ A citizen of Cuba has been living in Belarus for over 30 years on the basis of a residence permit; his children (citizens of Belarus) live here, one of whom is still a minor. The Cuban works in Belarus as a graphic designer, is a member of the Belarusian Union of Designers. Prolonged detention of a foreigner, who does not pose a threat to public order and other state interests, is an extremely cruel and unjustified measure. The conditions in the detention centre for administratively arrested are not designed for long-term detention of people, which negatively affects the physical and psychological health of the detainees, and the Cuban is also unable to contact his relatives. It is still unknown when the expulsion order will be executed.
24. In November 2020, a Russian citizen who has been living in Belarus since the age of five received a decision to expel her. She spent almost all of her life in Belarus, received a higher education, married a citizen of Belarus. At the time of the decision on expulsion, the Russian woman was obligatory working at the place she was sent to in connection with studying at the budget department at the university. Neither the fact of long-term residence in Belarus, the presence of a family, work, property, or even still unfulfilled obligations to the republican budget did not affect the decision of the migration services to expel a foreigner.
25. As it can be seen from the stories described above, the Belarusian authorities ignore the circumstances that should be taken as mitigating when making decisions on expulsion, namely: the length of residence on the territory of Belarus, the presence of close family members - citizens of Belarus (taking into account the right to a family and the prohibition of intentional severance of family ties), the protection of children's rights, etc. At the same time, according to the precedents of international law, as a result of long-term residence and the establishment of strong family and cultural ties, the country of permanent residence is considered native without reference to citizenship.

Article 12.

Investigation of facts of torture and ill-treatment

26. According to the official data of the Investigative Committee, on August 17, 2020, more than 600 citizens filed applications about bodily harm when detained by law enforcement officials, and about 100 people - about bodily harm in places of temporary detention.¹⁶ According to the head of the Leninsky District Department of Internal Affairs of Minsk, Vitaly Kapilevich, as of September 11, 2020, more than 1800 applications are officially considered by the Investigative Committee on bodily harm.¹⁷
27. As of January 25, 2021, there is no information from the Investigative Committee and the interviewed applicants about the initiation of criminal cases on the facts of torture.
28. Applicants receive only notice of extension of inspection time. Little is known about the progress of the inspections - the Investigative Committee does not inform either the applicants or the public about this.
29. In accordance with the Criminal Procedure Code, the inspection period was 3 months with the possibility of suspension for another 3 months. That is, a maximum of six months, after which the investigative committee had to decide to initiate a criminal case or refuse to initiate a criminal case.

¹⁵ <https://svobod1.azureedge.net/a/30987775.html>

¹⁶ <https://t.me/skgovby/2945>

¹⁷ <https://news.tut.by/society/700109.html>

30. Nevertheless, on January 13, 2021, the Law of the Republic of Belarus "On Amendments to Codes on Criminal Liability" was published.¹⁸ According to the updated Criminal Procedure Code, the total period of suspension of the inspection should not exceed three months. However, it provides for the possibility to suspend the inspection for a period exceeding three months, while there is no maximum period. Thus, the legislation now makes it possible to legally conduct an inspection for an indefinite period, without making any procedural decision.
31. On August 26, the General Prosecutor's Office announced that the subdivisions of the Investigative Committee continue to conduct pre-investigation checks on the applications of citizens about the use of physical force and special means during mass events. Each such check is taken under the control of the prosecutor's office. In order to coordinate and support the work for the study of the circumstances in the respective appeals, an interdepartmental commission under aegis of the General Prosecutor's Office was established. It included representatives of the Prosecutor General's Office, the Investigative Committee, the Ministry of Internal Affairs, and the State Committee for Forensic Expertise. Deputies of the House of Representatives from the National Assembly will also take part in the work of the commission.¹⁹ As of January 25, 2021, no information on the activities of this interdepartmental commission is publicly available, as well as information on the composition of the commission.
32. The above facts indicate that the current checks do not meet the standards for effective investigation of allegations of torture: speed, thoroughness, impartiality, victims' access to investigation and publicity.
33. Despite the fact that information about beatings and torture with the testimonies of the victims began to appear in the media as early as August 12, not a single criminal case has been initiated against the law enforcement officers so far.

Identification of law enforcement officers

34. In its concluding observations on the 5th periodic report CAT recommended that the state should strengthen the enforcement of legislation requiring all employees of law enforcement bodies, including riot police and the KGB, to wear clearly visible markings to ensure their personal responsibility and protect detainees from torture and ill-treatment.
35. However, no actions have been taken to implement this recommendation. Moreover, since the start of the 2020 election campaign, riot police officers began to detain people in civilian clothes and with medical masks on their faces. After the presidential elections, one can note the deliberate concealment of their identity by law enforcement officials. While on duty, they do not use uniforms with identification information and insignia, some are dressed in civilian clothes, do not introduce themselves and do not provide their documents. Faces are always covered with balaclavas, sometimes with masks. Civilian vehicles without registration plates are often used. Detentions are often held as abductions.
36. On September 14, 2020, Minister of Internal Affairs Yuri Karaev submitted to the Parliament a proposal to protect the interests of internal affairs officers and to introduce into the Procedural Code of Administrative Offenses (PIKoAP) provisions that would allow not disclosing personal information, release a witness from appearing in court, hold a closed session, prohibit the issuance of information about the witness.
37. Since August 2020, riot police officers with closed faces in balaclavas and under fictitious names have been witnesses in courts in cases of administrative offenses.
38. In January 2021, when considering the criminal case against the protesters Vladimir and Yuri Sedyanevsky, the victims - riot police officers - were interrogated in court from behind the doors of the deliberation room behind the judge's back so that they would not be visible.

¹⁸ <https://pravo.by/document/?guid=12551&p0=H12100085&p1=1>

¹⁹ <https://t.me/prokuraturabelarus/343>

Thus, the accused could not know who these people were, whether they were related to the episode alleged to them and, accordingly, could not effectively exercise their right to defense.²⁰

Enforced disappearances of political opponents of the authorities.

39. The authorities made no attempts to solve the cases of disappearances in 1999-2000 of political opponents of the regime of ex-Minister of Internal Affairs Yuri Zakharenko, former Vice-Speaker of the Supreme Soviet Viktor Gonchar, businessman Anatoly Krasovsky, journalist Dmitry Zavadsky, and recommendations of the concluding observations of the CAT to the state from 2011 (paragraph 9) were not fulfilled by Belarus in this part.²¹
40. On the facts of the disappearances of these persons and on the basis of information obtained during the conduct of operational-search measures by the KGB, MVD and the prosecutor's office, criminal cases were initiated on the grounds of a crime under Art. 101 of the Criminal Code (as amended in 1960) - premeditated murder: September 17, 1999 - in relation to the disappearance of Y. Zakharenko; September 20, 1999 - in relation to V. Gonchar, A. Krasovsky; July 8, 2000 - in relation to D. Zavadsky.
41. Currently, there is practically no proper investigation of criminal cases on the facts of disappearances of citizens and the identification of the perpetrators, but an imitation of the investigation is being carried out. The authorities impede the investigation of criminal cases in every possible way, while the mechanisms for restraining investigations include: termination of investigative actions; change of investigators; a ban on familiarization with the investigation materials; refusal to interrogate government officials suspected of involvement in disappearances, refusal to grant petitions or completely ignoring them, etc.
42. The validity of the suspicions put forward against the highest officials of the state in the manner prescribed by law has not been refuted, no confirmation of this has been provided to the victims, their proxies and the public.
43. In the Krasovsky case, the Human Rights Committee found Belarus guilty of violating the International Covenant on Civil and Political Rights, since it did not provide an effective remedy and did not ensure a thorough and effective investigation into the relevant facts, criminal prosecution and punishment of those responsible, and proper information about the results of the investigations carried out and adequate compensation (Communication No. 1820/2008, Irina Krasovskaya and Valeria Krasovskaya v. Belarus, CCPR / C / 104 / D / 1820/2008, 6 June 2012)²². Similar findings are contained in the Views of the Human Rights Committee dated 17 March 2017 in the case of Yuri Zakharenko (Communication No. 2586/2015, Ulyana Zakharenko and Elena Zakharenko v. Belarus). The decisions of the UN Human Rights Committee adopted in favor of the Krasovskys and Zakharenko have not yet been implemented by the Belarusian state.
44. On March 17, 2017, the UN Human Rights Committee adopted Views on the complaint of Ulyana Zakharenko and Elena Zakharenko, mother and daughter of the ex-minister of the Ministry of Internal Affairs, in defense of their rights violated by the authorities: the rights to life, freedom and security of person, the right not to be subjected to torture and ill-treatment and discrimination on political grounds. It was established that the state violated Articles 6, 7, 9 of the International Covenant on Civil and Political Rights. In response to U. Zakharenko 's appeals on the implementation of this decision at the national level, the Republic of Belarus refuses to comply with the decision of the UN HRC, arguing that the Committee's Views are advisory in nature.
45. In July 2014, the Investigative Committee refused to merge the criminal cases of Zakharenko and Krasovsky in one proceeding and to qualify the actions of persons

²⁰ <https://belaruspartisan.by/life/523112/>

²¹ https://www1.umn.edu/humanrts/russian/cat/Rbelarus_2011.html

²² <http://www1.umn.edu/humanrts/russian/hrcommittee/Rview1820sess104.html>

- involved in committing a crime against their relatives under Art. 128 of the Criminal Code of the Republic of Belarus.
46. In 2015-2016, lawyers of the Belarusian Documentation Center, on behalf of U. Zakharenko, three times appealed to the Prosecutor General A. Konyuk and the Chairman of the Investigative Committee I. Noskevich against the actions (inaction) of investigator Y. Varavko in terms of his preliminary investigation of the criminal case²³. All complaints of U. Zakharenko were denied²⁴.
 47. The General Prosecutor's Office declined to consider the complaint on the merits and by letter No. 1501-593-99 dated 18.12.2015 signed by the head of the department of Prosecutor General's Office I. G. Sevruk sent an appeal of U.G. Zakharenko for consideration to Y. Varavko, i.e. the same investigator, whose actions and inaction were appealed by Ulyana Zakharenko.
 48. On May 24, 2016, Ulyana filed an application with the Oktyabrsky District Court of Minsk to declare her son Yuri Zakharenko dead. The 92- year-old mother of the disappeared general substantiated her statement by the need to resolve issues with the inheritance, since for 17 years, being a pensioner, she has been experiencing financial difficulties paying for the maintenance of her son's property. At the same time, U. Zakharenko can neither dispose of this property, nor apply for a pension on the occasion of the loss of a breadwinner, since she needs a court decision to resolve these issues. On May 30, 2016, judge O. Birulya issued a ruling to initiate a civil case, after which, in violation of the law, she merged it with a civil case on wife's Olga Zakharenko application from 2003 and suspended the proceedings pending the resolution of the criminal case initiated by the prosecutor's office on September 17 1999, the investigation of which has not been conducted for a long time, but only an imitation of the investigation is carried out. The appeals against this decision were not satisfied.
 49. In the period 2009-2021, there is no information about the investigation of these criminal cases by the authorities. At the same time, the authorities are hiding the investigation materials from the public and relatives of the disappeared politicians, refusing to say what exactly they have done in 22 years to check the political version of their disappearance.
 50. On 18.12.2019, the suspended preliminary investigation in the criminal case of Zakharenko Y.N., Gonchar V.I. and Krasovsky A. was resumed in connection with an interview with former special forces officer Yuri Garavsky posted on December 16, 2019 on the website of the Deutsche Welle radio station.²⁵
 51. On March 18, 2020, the resumed preliminary investigation in criminal cases was suspended due to the failure to identify the person to be charged as an accused. The appeal of this decision to the General Prosecutor's Office and the Investigative Committee of the Republic of Belarus by relatives of the disappeared A. Krasovsky did not bring any results.
 52. According to the state, "despite the measures taken during the preliminary investigation to identify the persons involved in the disappearance of Y.N. Zakharenko, V.I. Gonchar. and Krasovsky A.S., as well as the location of the latter, was not possible".
 53. Additional information was not given to the relatives of disappeared persons or their representatives by the Investigative Committee from 07.01.2020.
 54. Thus, as of January 25, 2021, the preliminary investigation of the cases of Yu.Z Akharenko , V. Gonchar , A. Krasovsky was suspended.

²³ <https://bydc.info/news/224-ulyana-zakharenko-konyuku-i-shaevu-poboites-boga-eto-prestupleniya-protiv-chelovechnosti> ; <https://bydc.info/news/266-ulyana-zakharenko-trebuets-ot-sledstvennogo-komiteta-i-generalnogo-prokurora-%20onkretnykh-dejstvij>

²⁴ <https://bydc.info/images/news1/GEN.pdf>

²⁵ <https://www.dw.com/ru/%D1%8D%D0%BA%D1%81-%D0%B1%D0%BE%D0%B5%D1%86-%D1%8D%D1%81%D0%BA%D0%B0%D0%B4%D1%80%D0%BE%D0%BD%D0%B0-%D1%81%D0%BC%D0%B5%D1%80%D1%82%D0%B8-%D1%8F-%D1%83%D1%87%D0%B0%D1%81%D1%82%D0%B2%D0%BE%D0%B2%D0%B0%D0%BB-%D0%B2-%D1%83%D0%B1%D0%B8%D0%25B>

Article 16

Tortures and murdered in August 2020

55. On August 9-13, 2020, during the protest actions, riot police officers and other law enforcement agencies massively tortured the detainees. They beat people with truncheons, hands and feet, and used electric shockers. Torture was used in practically all police stations in Minsk, as well as in some regional centers.
56. A special place of mass torture was the Center for Isolation of Detainees (CIP) and the temporary detention facility (IVS), located on the Okrestina lane, 36 in Minsk.
57. In CIP and IVS, people who had already been detained, were purposefully beaten by riot police officers and some officers of the CIP and IVS. In cells in the open air and in cells with an area of 20 square meters, 80-100 people were held. People were kept in such conditions for 1-2 days, they were not given any food, sometimes they were given water. There was a bucket as a toilet. It was cold at night, very hot during the day. It was impossible for people to even sit down for everyone at the same time due to the overcrowding of these cells. In cells, which are designed for 8-10 people, up to 40-60 people was placed, they also did not feed them. People were suffocating, windows either did not open, or they were not allowed to open. At night, those brought to CIP and IVS were brutally beaten by riot police officers.
58. On August 10, at about 22:30, during the protests, Aleksandr Taraikovsky was shot dead. The official press service of the Ministry of Internal Affairs reported that he was killed by an explosive device in his hands. After that, a video appeared in the media, which clearly shows that a law enforcement officer shot him. Until today, no criminal case has been initiated on the fact of death.
59. On December 17, 2020, speaking at one of the Belarusian enterprises, the head of the KGB Ivan Tertel said about the death of Alexander Taraikovsky: "But whoever saw these pictures - saw that a man was standing in front of the OMON, went out - and brazenly stood in front of the militia. He stands purposefully." Thus, the head of the KGB justifies the killing of a person by the law enforcement.²⁶
60. On August 11, Gennady Shutov was seriously wounded in the back of the head in Brest. A militia officer made the shot. Eyewitnesses say that the shot was fired from the back at close range. Unconscious he was taken to hospital and died on 19 August.²⁷
61. On November 12, a 31-year-old resident of Minsk, Roman Bondarenko, was killed through the fault of law enforcement officers. He was badly beaten during his detention in Minsk by unknown persons, he was handed over by them to militia officers and taken to the militia department. An ambulance took him from the militia department and the next day he died in intensive care from injuries. A criminal case on the fact of death has not been initiated.²⁸

Treatment of detainees at militia departments

62. Practically all people detained at peaceful assemblies were taken by riot militia and other law enforcement to militia departments. In Minsk, this is the Department of Internal Affairs of the administrations of Zavodskoy, Leninsky, Moskovsky, Oktyabrsky, Partizansky, Pervomaisky, Sovetsky districts, as well as the Main Directorate for Combating Organized Crime and Corruption of the Ministry of Internal Affairs (GUBOPiK). On September 13,

²⁶ <https://nn.by/?c=ar&i=265467&lang=ru>

²⁷ <https://www.the-village.me/village/city/news-city/284751-shutov-video>

²⁸ <https://ex-press.by/rubrics/obshhestvo/2020/11/12/ne-pishite-cto-umer-ubili-izbityj-zhitel-ploshhadi-peremen-roman-bondarenko-skonchalsya-v-reanimacii>

those brought to the Moskovskiy District Department of Internal Affairs were kept in the assembly hall (according to the testimony of the detained V.). On September 26, as the victim explained, the detainees were placed in the garage of the Leninsky district militia department. It is a small room with stone walls, one of which is missing, it was cold there. The detainees were mostly girls. "We stayed there for several hours, it was very cold" (victim R.). On October 11, the detained Sergei, among 50 people, was taken to the Moskovskoe district militia department of Minsk, they were placed on the 4th floor in the assembly hall. On the same day, those brought to the Sovetsky District Department of Internal Affairs were placed in the basement, put on their knees and with their head resting on the floor. Later they were allowed to stand facing the wall. On October 18, those brought to the Leninskoe District Department of Internal Affairs were placed in an unheated garage, facing the wall. Detainees were also held in a nearby garage. There were over 60 people. They stood facing the wall, arms behind, legs apart. People stood like that from 15-16 p.m. until 1 a.m. On November 8, according to one of the victims, they were taken to the Zavodskoye District Department of Internal Affairs. People were standing along the building, hands behind their backs. The militia officers copied their data and transferred them to the hall, allowed to sit on chairs.

63. On November 8, the detainees at the Central District Department of Internal Affairs were in the corridor on the 1st floor, facing the wall. When there was not enough space in the corridor, the detainees who were brought in later stood outside for several hours. At that time, it was +8 ° C in Minsk. Both men and women stood in the street.
64. On November 8, at the Sovetskiy District Department of Internal Affairs, the detainees stood for several hours in the courtyard of the militia department, facing the fence, with their hands up. The victim Evgenia had to stand for several hours "stretching" (the same position at the fence, but with her arms raised up and her legs wide apart). This way the militia officer "punished" her for the speaking out loud²⁹. By the evening it became very cold, it started raining, people were shaking. On that day, there were 8 detained women in Sovetskiy district militia department. The detainees spent the entire time standing. Only a man with a broken leg and two girls who felt bad were allowed to sit down.
65. Many detainees on that day noted that they were forced to stand facing the wall in the courtyard of the Sovetsky District Department of Internal Affairs of Minsk with their hands raised up for 12 hours, which caused them severe suffering. A militia officer in a balaklava periodically walked near them and beat those standing with a truncheon on the legs³⁰.
66. All interviewees noted that they were taken to the toilet, they could drink water from the tap, and some were allowed to use the water they had. Despite the fact that many detainees were kept at the militia departments for up to ten hours or more, they were not provided with food. On November 8, Irina Markelova, after being arrested, was taken to the Zavodskoy District Department of Internal Affairs. "On the street, we stood facing the wall for 10-15 minutes, and then we were transferred to the assembly hall, where there were many beaten guys. Some had paint on their faces, their hair was cut, and they limped."³¹. Thus, in violation of the Rules of Detention of an Individual, in respect of whom administrative detention was applied, citizens brought to militia departments were often held in places that were not adapted for this, which caused them mental and physical suffering, it was inhuman, degrading treatment.
67. Delivery of detainees to police stations

²⁹ <https://lady.tut.by/news/mylife/708361.html>

³⁰ <https://www.youtube.com/watch?v=dxyzCSBbowl>

³¹ <https://news.tut.by/society/707274.html>

68. There were beatings in special vehicles after the detention and before the people were taken to the militia departments. The beatings were carried out by officers of the Riot Police (OMON). The level of violence and the severity of injuries varied depending on the specific group of OMON officers. The presumable reason is the mood of the riot police. For example, on October 12, riot militia officers beat detainees in the Kamennaya Gorka area in a minibus, and kicked them in the face for having a white-red-white flag. Many of the detainees were demanded to show and unblock their phones; they were beaten for insubordination. So, on September 27, at Independence Avenue, in a minibus, officers in black uniforms and balaclavas, presumably OMON officers, beat the detainee until he lost consciousness, beat him in the groin for refusing to provide the phone password. Medical assistance was not provided to him, he regained consciousness only at the militia department. There are cases of beatings during transfers from one special vehicle to another special vehicle (paddy wagon). The detainees were beaten on the legs with truncheons, urging them on. Some of the detainees had their hands fixed behind their backs with plastic construction cable ties, while the hands were squeezed very hard. Despite the moans of the detained people, the ties were not loosened. As a result, the hands quickly became numb, turned blue and sensitivity did not return for a long time. Some of the detainees - "active participants or organizers", according to the OMON, were marked with red paint (forehead or the outer side of the palm). This mark means that attitude to such people will be much tougher on the part of the law enforcement than towards the rest. Some were tagged only for speaking in Belarusian.³² When transporting people in minibuses, they were put on their knees on the floor and required to lower their heads to the seats or face down on the floor. In paddy wagons, detainees were either kneeled on the floor, or several people were locked up in special sections ("glasses") designed for one person: 5-6 people were kept in sections of approximately 1.5 m² each, in sections of 1 m² - 3-4 people. There was not enough oxygen in these departments, people were suffocating. During the COVID-19 pandemic, such actions pose a threat to the health and lives of detainees. During the transportation, some riot police officers behaved aggressively, swore obscene language towards the detainees, and threatened. In some paddy wagons, white-red-white flags were spread at the entrance, and the detainees were forced to step on them. This is part of the humiliation of protesters who respect their symbols. All requests of the detainees for medical assistance were ignored, even if the injuries threatened the health and life of the detainees, people were taken only to the militia departments
69. Arrested and detained persons are transported to other places of detention in two types of paddy wagons: with compartments of 1-1.5 m² ("glasses") and without compartments with benches on the sides. The overwhelming majority of the respondents said that these "glasses" were packed with people and they did not have enough oxygen, some literally fainted. In November, when it became cold, when people were being transported in stuffy paddy wagons, when they were literally all wet due to the lack of oxygen, riot militia officers opened the door of the paddy wagon - and people froze. It is known about cases when a paddy wagon, driving away from the militia department, stopped nearby, and riot militia officers beat the detainees inside. So, on October 11, a paddy wagon, having driven a little from the Pervomaisky District Department of Internal Affairs of Minsk, turned off the engine, and the riot policemen began to beat everyone. The guy with the tattoo on his neck was hit the most. They beat and insulted all the detainees because of their political views. There is evidence that they used an electric shocker, beat them with shields, pointed a weapon in the face and pulled the trigger, the weapon was unloaded. Some of the transfers

³² <https://www.the-village.me/village/city/whatsgoingon/285925-metki>

were particularly brutal. The arrested were transported in paddy wagons to other places of detention on their knees on the floor, face down, while their hands were tightly tied behind their backs with construction ties. For an hour and a half of driving, people's hands became purple, they suffered from pain. The guards did not loosen the ties. In particular, this was how they were convoyed to the IVS in Zhodino. Some of the detainees were beaten for political reasons and for reasons of hostile attitudes due to the difficulty of carrying out heavy duty.

Torture and cruel inhuman treatment in places of pre-trial detention of detainees and in places of serving administrative arrest

Temporary detention center at 36 Akrestsina Street (IVS)

70. Upon admission to the temporary detention facility, some of the detainees were put into narrow rooms with an area of 1 square meter ("glasses"), 4-5 people in each. People were left there for 1.5-2 hours.
71. Officers behave with the detainees in a rude manner, speak obscene words, humiliate, threaten with criminal prosecution. The mattresses and blankets are very dirty and smell very unpleasant. No security and sanitation measures were taken in connection with COVID-19.
72. There were cases when people who were beaten were immediately taken to a single punishment cell, even 4 people, and kept there for 10 days. At the same time, they were not given mattresses or other bedding. The punishment cell is a room with an area of 3.2 x 1.7 m², with a concrete tiled floor, concrete walls, a stool in the middle, a toilet, and a bed bolted to the wall. There are no windows and ventilation in the punishment cell. They did not take them out for a walk, did not provide medical assistance, and did not provide drinking water. People were forced to sleep on the floor. The staff did not respond to complaints and demands to call the head of the temporary detention facility and stated that the head knew about their situation. Obviously, this was done to hide the injuries of the detainees.
73. Sergei Maslovsky was detained in punishment cell No. 7 of the IVS for 24 days from 12.10.2020, despite the fact that the medical staff were informed about his poor health condition and heart problems. Already on October 13, 2020, he became very ill, his blood pressure increased, and they had to take him to the hospital. However, a few days later, when his condition stabilized a little, he was returned to the IVS and put in the same punishment cell. Such treatment can be described as torture, which was used as a punishment for a former employee of the internal affairs bodies. Activist Dmitry Dashkevich was together with him in the same punishment cell from 10/25/2020.
74. Absolutely all respondents say they have not been provided with drinking water. Many testify that the cells were stuffy, but the vents were not opened, people did not have enough oxygen. At the same time, when there was no heating yet, it was very cold in the cells, especially at night.

Center for Isolation of Offenders at 36 Akrestsina Street (CIP)

75. All respondents testify to a boorish attitude when they get there and further communication, people are insulted, they are called "insects". No safety and sanitation measures were taken in connection with COVID-19.

76. In September it was very cold in the cells, but the vents were not closed. Drinking water was not provided to the cells; they had to drink from the tap. People were not taken to the shower or for a walk.
77. Elena Levchenko testifies that on September 30 she was detained and taken to the CIP. On October 2, those in their cell were ordered to roll up their mats and carry them outside the cell. No more mattresses were returned to them.
78. People were forced to sleep on bare bunks for the rest of the 13 days, which made their back hurt. After that, the flush in the toilet and hot water were turned off in the cell. She also got lice. When she told the head of the CIP Yevgeny Shapetko about this, he said that this is done on purpose and he determines the conditions in which the prisoners are here: "This is all done so that you do not want to return here." Thus, the head of the CIP admitted that such inhuman conditions are being created deliberately.
79. People awaiting trials are placed facing the wall in the CIP and not are allowed to turn. People can stand so for 3-5 hours. Some testify to the overcrowding of the cells, for example, 8 beds for 10 people in the cell. On the day of the trial, when transferred to another institution, the detainees are not given breakfast.
80. Medical assistance is not provided, and there is no daily round by the health worker. Complaints about deteriorating health are mostly ignored. There is evidence that Olga Kovalkova, a member of the Presidium of the Coordinating Council, demanded medical assistance, but it was not provided.
81. There are facts when the employees of the CIP did not accept the parcels from the relatives due to the alleged absence of this person in the institution while he was there.
82. On January 7, 2021, reception of parcels at the CIP was prohibited, allegedly in order to prevent the spread of COVID-19 in Belarus. The expediency, legality and validity of such a decision is extremely controversial and rather looks like a deliberate deterioration of the situation of persons held in this institution.

Pre-trial prison in Zhodino (IVS Zhodino)

83. The respondents noted a boorish attitude towards detainees, insults, humiliation, and the use of torture.
84. People were forced to stand facing the wall for several hours, some with their hands up, while they beat them with a truncheon or rubber band on their legs and buttocks. They were led down long corridors, forced to squat a total of 300 times. Forced to go squatting. Some claim that they were required to crawl on all fours for some distance. For non-compliance with these requirements, guards shouted and could hit. All this was done in connection with the political convictions of the detainees. In one of the rooms, a white-red-white flag lay on the floor, and officers demanded to walk on it, thereby humiliating the dignity of the protesters. Some were insulted during registration, calling them "roosters", "goats", which is considered very offensive in places of detention.
85. Before the heating was turned on, it was very cold in the cells, people were freezing. All cells have no toilet doors, which does not provide privacy. There was a case when a guard prematurely entered the shower, where women were taking shower.
86. If the detainees were brought from the militia department, i.e. not yet arrested, then 16 people could be put in a cell for 8 people, there were not enough beds for them. At the same time, mattresses and other sleeping accessories were not provided.
87. Not fed before the trial. There was no toilet paper.

88. Some interviewees stated that the employees accepted a parcel for them from their relatives, but they did not give it to them, or things were missing from it. They take out for a walk very rarely - once every 5-7 days for 10-15 minutes. They took me to the shower for 7-9 minutes.
89. All interviewees stated that prisoners were distributing food. It is obvious that the prisoners do not have any kind of health book, and it is prohibited to involve them in the distribution of food.
90. Medical assistance is not provided, people with COVID-19 symptoms demanded a medical examination, but apart from paracetamol pills, they were not given anything. PCR test for COVID-19, fluorography or X-rays were not done to anyone. Many fell ill by whole cells: after their release, everyone tested positive for COVID-19, some developed pneumonia.³³ Thus, people's lives and health were purposefully endangered.

Pre-trial prison (SIZO Baranovich)

91. The cells are very cold and damp, which is why the detainees often fell ill. They give out old dirty and damp mattresses and dirty linens. Sanitary conditions are unsatisfactory, sanitary measures are not being taken as part of the COVID-19 epidemic. Some cells have three-tiered bunks, very high, difficult to climb and fearful to fall. The distance between the second and third tiers is 40 cm, it is very hard to get up, you have to bend unnaturally.
92. The very conditions of transportation and transfer of detainees, as well as the keeping of people in cells of all institutions, do not comply with sanitary standards and measures that need to be taken for safety in connection with the COVID-19 pandemic. It should be taken into account that these people did not commit criminal offenses and are not dangerous criminals, but only went to peaceful meetings. The state may not place these people in places of detention, thereby not putting their lives at risk in connection with the COVID-19 pandemic.
93. Everywhere in all institutions where detained protesters are serving their arrest, after October 8, they were forbidden to lie and sit on beds from 6 to 22 hours. The mattresses had to be rolled up and folded on the top bunk. It was only allowed to sit at the table on wooden benches or walk. The bright fluorescent lamps were no longer turned off at night. They banned the transfer of cigarettes, as well as pens and paper, which makes it impossible to appeal against administrative arrest in a timely manner. According to the staff, this was done after inspections from Minsk by order of the Ministry of Internal Affairs, in order to specifically worsen the conditions of detention of the protesters.
94. Courts considering cases of people detained for peaceful gatherings do not pay attention to beaten people and inhuman conditions of their detention, even when it is said in court about it. As state officials, judges are obliged to take measures to prevent torture, cruel and inhuman treatment.

³³ <https://health.tut.by/news/disease/709459.html>