

# Digest of advocacy and human rights news in Belarus, November 1 - 27, 2022:

## 75 Days Behind Bars Without Warm Clothes & Medications for a Human Rights Activist; 8 Attorneys Disbarred, 2 Yet to Be

Note: The digest is brought to you by the "[Right to Defence](#)" project and is intended to inform those interested in what is happening in the Republic of Belarus in terms of human rights protection and professional lawyers' community. Open sources of information were used to prepare the digest.

### *What's been happening in Belarus?*

Denunciation of the Optional Protocol to the International Covenant on Civil and Political Rights has been a hot topic in Belarus. The UN Secretary General [registered](#) a note on denunciation by Belarus of the Optional Protocol on November 8, 2022. Accordingly, the **denunciation** will enter into force on February 8, 2023, in accordance with Article 12(1). Thus, the last day for Belarusians to submit complaints to the Human Rights Committee should be February 8, 2023: **in 3 months Belarusians will lose access to almost the only international mechanism** for protecting their rights.

*Context: On October 12, members of the House of Representatives of Belarusian Parliament [adopted](#) in the first reading a draft law "On Denunciation by the Republic of Belarus of the Optional Protocol to the International Covenant on Civil and Political Rights". The bill provided for the termination of Belarusian participation in the Optional Protocol to the International Covenant on Civil and Political Rights of December 16, 1966. The Protocol establishes a mechanism for the submission and consideration by the UN Human Rights Committee of complaints by individuals as to violations of their rights. Belarus is not a member of the Council of Europe, so appealing the state to the European Court of Human Rights has never been available. Accordingly, the efforts of human rights defenders and lawyers have been focused on the HRC. The flow of complaints to the HRC from Belarus has increased significantly since 2020, especially since the presidential elections: violations of the right to freedom of expression, freedom of peaceful assembly, the right to a fair trial, the right to participate in public affairs, arbitrary detentions, cruel inhuman treatment. In particular, there are complaints of a strategic nature that show a complex of violations that stems from general abusive practices and from legislation that is not in line with the Covenant. These complaints are almost impossible to reasonably object from the point of view of international law, and the decisions of the HRC will show the full scale of what is happening, starting from the spring of 2020.*

The Belarusian state creates all the conditions not only for depriving Belarusians of the possible complain mechanisms, but also for depriving them of legal defenders: the pressure on lawyers and human rights activists continues. News regularly appears on both detentions of lawyers and on arrests of human rights activists. On October 28, **human rights defender Nasta Loika** [was detained](#). A video featuring Nasta appeared on the law enforcement Telegram channel. On October 31, the Pervomaisky District Court considered her administrative case under Article 19.1 of the Administrative Code ("petty hooliganism"). Ultimately, the court imposed 15 days of administrative arrest as a punishment. The case was heard online, a lawyer was physically present in the courtroom, and Nasta participated in the proceedings via videoconference from the place of detention.

She was re-arrested after serving her sentence. At the next trial, **Nasta** [claimed](#) that during her last 15 days of arrest she was called for questioning with the Main Directorate for

Combating Organized Crime and Corruption (GUBOPiK) officers, where she was **tasered** once; on November, 11 a detention facility officer officer took her out into the courtyard and **left her without her outer clothing for eight hours**. Nasta fell seriously ill. None of Nasta and her attorney's motions were granted. During all this time, there was a possibility to transfer only medications to the detention center, however, there is information they were not handed over to Nasta. She is still in custody without warm clothes or personal hygiene products. She was supposed to serve the arrest time today, but it became known she has been **re-arrested for the 5<sup>th</sup>** time this autumn.

*Context: Nasta Loika has already been prosecuted for her human rights activities: since August 2021 she has been a suspect in a criminal case related to the human rights organization "Viasna". In September 2022, after attending a "Revolutionary Action" trial, Nasta was convicted twice for petty hooliganism and spent 30 days in detention. Three weeks after her release, Nasta was detained again allegedly for "assistance to extremism".*

But the state is also actively using other methods of pressure on lawyers. Human rights defenders have declared 6 more persons **political prisoners**, including attorney **Yulia Yurgilevich**, detained in August 2022. All in all, there are 1,357 political prisoners in Belarus.

*Context: Yulia Yurgilevich had worked as a lawyer for almost 18 years. She defended political prisoners Ales Pushkin, Artem Boyarsky, Igor Bantser, Andrei Osievich, and Andrei Sokolovsky. On February 23, 2022, she was expelled from the Grodno Regional Bar Association for "systematic violations of the law." After her license was revoked, the attorney left Belarus in February but has now returned.*

On November 3, 2022 the Qualification Commission on Advocacy conducted a regular certification of attorneys. As a result eight attorneys **were disbarred** at once, including the detained defenders in the "Revolutionary action" case: **Lyudmila Asievskaia, Vladimir Angelsky** (who was earlier subjected to administrative arrest; he defended Vitaly Braginets), **Viktoria Gulkova** (she was a defender in the "Revolutionary Action" case, and was detained with Mikhail Makarov), **Alexander Emelianenko, O. Zhukov, Mikhail Makarov** (he was detained; earlier he defended suspects in the "Revolutionary Action" case), **Anastasiya Saganovich** (she was detained), **E. Gribok, Sergei Kishenev, Dmitry Mironenko**.

The Right to Defense project has learned that two more lawyers involved in politically motivated trials have been called to the Qualification Commission on Advocacy under the Ministry of Justice to undergo an extraordinary recertification on December 1, 2022. The proposal for recertification was made by the Belarusian Republican Collegium of Lawyers. It addresses lawyers **Uladzimir Pylchanka** and **Viktar Matskevich**. Uladzimir Pylchanka has defended Maryia Kolesnikava, Eduard Babaryka, Iryna Slavnikava, Katsiaryna Bakhvalova, Levon Halvtryan and others. Viktar Matskevich is a lawyer of Siarhei Tikhanouski, Ihar Olinevich, Akikhiro Hayeuski-Hanada, Yauhen Yushkevich, Viktar Babaryko, Ales Bialiatski (the Nobel Prize winner).

*Context: The period before and after the 2020 Belarus presidential election was marked by unprecedented pressure on representatives of civil society. After the presidential elections in the Republic of Belarus, repressions have touched upon not only ordinary people, but also lawyers who participate in politically motivated cases, such as criminal cases being opened against them as well as re-certifications. Defenders of civil society activists, members of the political opposition, and protesting citizens were not only obstructed in their work but also subjected to arbitrary detention, criminal and administrative prosecution, deprivation of their legal status in violation of international advocacy standards, and the reports and recommendations of INGOs that provide legal assistance in Belarus.*

For the second day in a row, the administration of colony No 4 [refuses to respect Maria Kolesnikova's](#) right to see a lawyer. Her lawyer filed complaints about colony's personnel illegal actions to the prosecutor's office of Gomel and Directorate of the Department for the Execution of Punishments of the Gomel region. Also, the lawyer appealed a penalty in the form of **placement in a punishment cell**, a trial on the appeal will take place in the next 10 days. *“The reasons are unknown to me, but I can say for sure that there aren't and cannot be legal grounds for such refusal. Citizens have the right to use legal assistance at any time, and officials of state bodies - whether they want it or not - are obliged to ensure that the legitimate rights and interests of a citizen are respected ... I fear for Maria's condition”,* - the lawyer commented.

**“Thekameron”** by a detained attorney, **Maxim Znak**, was published in a printed form. *“The author is aware, but he has not seen the book yet. We hope he will receive it from his relatives with the New Year's holiday parcel,”* writes the head of the publishing house.

*Context: On September 6, 2021, the Minsk Regional Court, having considered the case in a closed session, sentenced Maria Kolesnikova to Maksim Znak to 10 years in prison and found him guilty of creating an “extremist formation” and plotting to seize power.*

## ***What about international attention to Belarusian realities?***

Another important event occurred: the **Venice Commission** has ended its October plenary session. As a result, it [adopted](#) a **Final Opinion on the Constitutional Reform in Belarus** and its non-compliance with the standards of the Council of Europe. This is not the first time the Venice Commission has given its expert opinion on the events and reforms taking place in Belarus.

On March 17, 2022, the Committee of Ministers of the **Council of Europe**, reiterating its condemnation of Belarus' active participation in the aggression of the Russian Federation against Ukraine, decided, among other things, to deprive Belarus of the right to participate in the Commission's work as an associate member. With the same decision, the Committee of Ministers decided to strengthen the relations of the Council of Europe with the Belarusian civil society and opposition in exile. On 7 September 2022, the Committee of Ministers agreed to hold regular exchanges with representatives of the **Belarusian democratic forces through the “Contact Group”** to be created within the Secretariat of the Council of Europe.

Also, the European Parliament voted for the resolution on human rights in Belarus **“On ongoing repression against the democratic opposition and civil society in Belarus.”** The resolution states that violations of human rights and persecution of political opponents in Belarus continue, lists the latest political processes in the country, and mentions the appointment of the first trial in absentia. The European Parliament expressed solidarity with the people of Belarus, the democratic opposition and civil society, which continue to advocate for a free, sovereign and democratic Belarus. MEPs remind that the EU and the states of the Union did not recognize the results of the 2020 presidential elections due to massive falsification and do not recognize Alexander Lukashenko as president, call for further support for democratic forces and civil society, condemn the verdicts in the Avtukhovich case, demand the release of political prisoners and an end to repression. The MEPs also welcome the awarding of the **Nobel Peace Prize to the human rights activist Ales Beliatzki** and call for his release before the award ceremony, and express their support for the other politically imprisoned human rights activists of the “Vyasna” HRC.

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