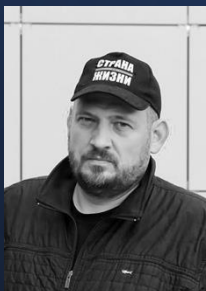


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# **New illegal instruments of persecution of political opponents by the Lukashenka regime: incommunicado detention, repeated convictions, trials in absentia and other forms of transborder repression**



## ***Recent amnesties: is it a regime mitigation?***

- From July 3 to September, at least 116 people were released
- This is only about 5 percent of all political prisoners held in captivity
- There are no well-known political figures among them
- Leaders will be released only at the very last turn and only in exchange for the complete lifting of sanctions
- Many of the released had their prison terms coming to an end
- They are under police supervision
- The KGB en masse and forcibly recruits them

# ***Intensification of repression***

Repression continues to intensify:

- In the first half of this year, 1,500 people have been detained in criminal cases for political reasons.
- More than 1,000 political cases have been considered in courts in 2024.
- Dozens of people are detained and convicted for political reasons every week – a continuous pipeline of repression.
- As of today, 1,279 political prisoners remain behind bars. This is more than 50 times higher than in summer of 2020, when the number was 25.
- Hundreds of thousands of people were forced to flee the country.

The tools of repression are expanding.

## ***The main articles of the Criminal Code for which people are convicted in political trials***

- group actions that grossly violate public order
- organizing or participating in extremist activities
- financing extremist activities
- inciting social discord
- insulting the president and other officials
- slandering the President
- conspiracy to seize state power by unconstitutional means
- high treason

## ***Reasons for the intensification of repression***

- Lukashenka was very afraid of losing power in 2020 and wants to eliminate any threats to his rule. He is preparing for his re-election in 2025 and is ramping up repression.
- People inside Belarus continue to struggle, despite the most severe repression. Political prisoners do not give in. This bold behavior provokes an angry and cruel response.
- The activity of the democratic forces in exile and their international recognition, along with isolation of Lukashenka, stimulate the active use of transnational repression.



# ***Instruments of repression***

## **Internal repression:**

1. Torture, inhuman conditions of detention, denial of medical services
2. Incommunicado detention **(new)**
3. Repeated convictions **(new)**
4. Arrests of those returning from abroad **(new)**
5. Persecution for supporting political prisoners and their families **(new)**

## **Trans-border repression:**

1. Threats of physical attacks
2. Abuse of the Interpol system, cooperation with Russia for extradition
3. Persecution of relatives of exiled activists **(new)**
4. Trials in absentia **(new)**
5. Denial of consular services **(new)**
6. Confiscation of property **(new)**

## ***Torture, inhuman conditions of detention, and denial of medical services***

Report of the UN Special Rapporteur on Belarus Anaïs Marin, July 2024:

“Multiple allegations have emerged about particularly harsh treatment of detainees deprived of liberty on political grounds. <...> detention is taking an important toll on the health of most of those persons, in extreme cases leading to hospitalizations and even deaths. <...> testimonies from former inmates about serious, possibly irreversible, degradation of the health of many political prisoners, such as losing sight and teeth, allegedly as a result of deliberately imposed malnutrition and ill-treatment, and inappropriate or untimely health care.”

## ***Humanitarian list***

- 231 prisoners
- 13 people with disabilities
- 94 people in serious health condition
- 47 of people over the age of 60
- 11 people with mental disorders

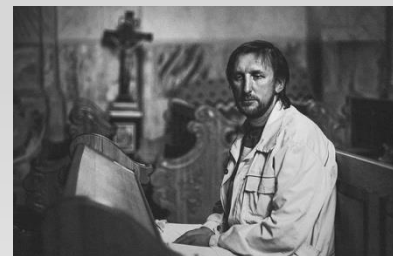


## ***Deaths in detention***

**Aliaksandr Kulinich, Ihar Lednik, Vadzim Khrasko,  
Ales Pushkin, Mikalai Klimavich, Witold Ashurak**

“OHCHR notes that while investigations were purportedly carried out, they were not conducted in accordance with international standards according to information available to OHCHR. International human rights law sets out the obligation of States to investigate potentially unlawful deprivations of life and, where appropriate, to prosecute the perpetrators.”

Report of the UN High Commissioner for Human Rights, April 2024



## ***Incommunicado detention***

- **Viktar Babaryka**, presidential candidate, banker and public figure
- **Ihar Losik**, journalist, blogger
- **Maryja Kalesnikava**, head of Viktor Babaryka's election campaign
- **Maxim Znak**, lawyer of Babaryka's election campaign, member of the Coordinating Council of the Belarusian opposition
- **Mikalai Statkevich**, former presidential candidate, 2020 Sakharov Prize laureate
- **Siarhei Tsikhanouski**, presidential candidate, leading opposition activist
- **Uladzimir Hundar**, an activist, historian, has a disability
- **Yauhen Afnabel**, coordinator of *European Belarus*
- **Palina Sharenda-Panasyuk**, a civic activist

## ***Repeated convictions***

The practice of keeping political prisoners in custody when their sentences end by bringing charges of “malicious disobedience to the demands of the prison administration” (Article 411 of the Criminal Code)

- Provides for imprisonment for up to one year, and if the act was committed by a person "convicted of a serious or especially serious crime or who committed a particularly dangerous relapse" - imprisonment for up to two years.
- Was first applied in 2012
- Became a widespread practice in 2024
- Has been applied to at least 45 prisoners since 2020

## ***Arrests of those returning from abroad***

- At least 66 people have been detained since the beginning of 2024.
- Detention takes place immediately at the border or later at home.
- Reasons for arrest:
  - The person was in the police database of protests participants, created with the use of photographs and video screenshots.
  - "Extremist information" such as subscription to forbidden media was found during the phone check at the border.
- Many of those who returned to Belarus are prohibited from leaving it.

# ***Persecution for supporting political prisoners and their families***

- “Solidarity raid” on 23-24 January 2024:
  - 229 people were detained
  - 24 people are being charged in criminal cases
  - 44 people were convicted on administrative charges
  - two people were taken to hospitals
- Recent sentences for solidarity actions – three years of imprisonment
- Individual persecution of relatives of political prisoners and former political prisoners

# ***Transnational repression***

- Dramatic growth since 2020
- Belarus is among the top ten states practicing transnational repression
- 31% of the transnational repression incidents recorded in the world in 2021
- A variety of instruments are used by the regime
- The problem is underestimated by the international community and is not addressed as a key problem in country reports

## ***Trials in absentia***

- Legislative framework since July 2022.
- Applies to charges of an act of terrorism, genocide, mercenary activities, treason, sabotage, creation of an extremist formation or participation in it, as well as charges related to mass riots and calls for sanctions.
- Became a wide-spread practice in 2024.
- "Individual" as well as "group" trials.
- Not only well-known opposition politicians and activists, but also non-public persons are often among the accused.

## ***Denial of consular services***

- Decree by Lukashenka No. 278 of 4 September 2023.
- Belarusian consulates abroad no longer issue new passports, other personal documents, and a power of attorney. Belarussians are required to return to Belarus to obtain these documents.
- This is not an option for many of them due to a high risk of persecution.
- When passports expire, legal status of Belarusians and their access to basic public services in the new countries of residence can be lost. Many states do not issue replacement travel documents.
- Affects 200,000 – 500,000 Belarusians in exile.



## ***Confiscation of property***

- Orders to seize the property are issued *en masse*.
- Persons convicted in absentia or included in the “terrorist list” are at particular risk.
- Videos and photographs of the arrested apartments are used as intimidation and propaganda tool.
- Cancellation of the existing property sale agreements.
- Seizure of a person’s only housing.

***Abuse of international agreements on cooperation in criminal matters, including the Interpol system, to obtain extradition of exiled critics of the regime***

- Use of red notices” and “diffusions” on fabricated criminal charges through the National Central Bureau of Interpol of Belarus
- Case of Andrei Gnet in Serbia – at least a partial success of the regime
- Cooperation with Russia based on a bilateral agreement. Russia satisfies more than 80% of extradition requests

## ***Persecution of relatives of exiled activists***

- Threats: “Forget about your property, but do not put your relatives at risk” (A. Lukashenka)
- Administrative arrests
- Criminal cases
- Relatives are pressured to persuade emigrants to return home where many of them are arrested

# ***Recommendations***

## **For actions by states at the international level:**

- Build up pressure, including progressive application of sanctions.
- Ensure accountability:
  - Make more referrals to the ICC
  - File inter-state lawsuits in the International Court of Justice
  - Initiate investigation in the framework of universal jurisdiction
- Support documentation efforts:
  - Cooperate with the UN independent expert mechanism and the new UN Special Rapporteur on Belarus
  - Launch a new Moscow Mechanism with a focus on new forms of repression by the Lukashenka regime, including transnational repression
- Pursue further reform of the Interpol.

## **To intergovernmental organisations, including the OSCE:**

- put the issue of TNR, including by Belarus, high on the agenda and treat it as a multi-dimensional problem and a threat to human rights and security;
- review and revise relevant documents to include additional guarantees against TNR or adopt new instruments; e.g., the Council of Europe should develop and adopt a convention to prevent, combat and eradicate TNR;
- establish special bodies with the mandate to research TNR on the regional/global level, establish contacts with diaspora communities and NGOs, systematically monitor manifestations of TNR, including by Belarus, react to concrete cases, and develop guidelines to states on combating, preventing, and eradicating TNR, e.g., guidelines by OSCE/ODIHR;
- take into consideration TNR practices by Belarus while considering Belarus' involvement and initiatives in the work of international bodies.

## **For actions by states at the national level:**

- deny requests for extradition of Belarusians under risk of political persecution;
- review asylum processes and include details on TNR in the information about Belarus that is consulted during reviews of asylum applications;
- develop a comprehensive definition of TNR and pass legislation to address gaps in their respective governments' response to TNR;
- ensure that government officials who may encounter victims of TNR receive the training necessary to recognize and respond to the problem;
- facilitate the acquisition of alternative travel and identity documents guaranteeing Belarusians who cannot return safely to their home country, access to essential services and the freedom of movement;
- produce national guidelines and hold trainings for the police, prosecutors, judges, intelligence services, and officials working with Belarus nationals on dealing with cases of TNR and providing protection to its targets.

**Transnational repression in Belarus:  
A multifaceted instrument to silence  
the dissent**

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***Working paper by iSANS***

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Thank you