



FIDH - International Federation for Human Rights Human Rights Center Viasna

Position note – October 2013

Political prisoners in critical situation and restricted freedom for 33 activists

Evidence gathered by FIDH and its member organisation in Belarus, Human Rights Centre Viasna, clearly contradicts the statement made at a press conference¹ on 14 February 2013 by the Belarusian Deputy Prosecutor, General Alyaksey Stuk, that the detention conditions of the 9 detainees currently identified by our organisations as political prisoners in Belarusian prisons and penal colonies are not different from the conditions of other prisoners. The 9 detainees (on 19 October 2013, Pavel Sieviaryniets was released after completing his full sentence) suffer regular punishments that sharply exacerbate the already difficult conditions of their detention by restricting their means of support and quality of food and medical assistance. Often deprived of meetings with relatives, and subject to limits on correspondence, and constant pressure to make them write petitions for pardon, the physical ordeal of these individuals is intensified by psychological ordeals, qualifying detention conditions as inhuman and degrading treatment, prohibited by the articles 7 and 10 of the International Covenant on Civil and Political Rights and article 16 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

FIDH and Viasna hereby note that in addition to these 9 political prisoners, a number of unimprisoned Belarusian citizens are currently subject to severe restrictions imposed following prosecution in politically motivated criminal cases. This number includes 33 former political prisoners at the time of this publication.

Two of them have been sentenced to what is popularly known as “house arrest with hazardous labor,” i. e. deprivation of liberty without being sent to a minimum security correctional institution.

In 2012, three activists were placed under preventive supervision by internal affairs agencies on the basis of administrative penalties imposed by courts in connection with their social activism. Two political prisoners who were released in August of 2013 (Zmitser Dashkevich and Aliaksandr Frantskevich) were also subject to preventive supervision which means they must stay at home during nighttime hours, are unable to leave their hometowns without permission from the authorities, and are subject to numerous bans that severely restrict their freedom, including visiting public places, etc.

¹The conditions of "political prisoners", "the same as all other prisoners" – PGO], Interfax.by, 14 February 2013, available at <http://www.interfax.by/news/belarus/125295>.

The preventive supervision imposed on Vasil Parfiankou was suspended while he is now committed to mandatory treatment at a Medical-Labour Center. Also, as of 1 October 2013, Uladzimir Yaromenak is no longer subjected to preventive supervision based on his wife's pregnancy, but in August of 2013 he was charged with violating the rules of preventive supervision (Article 421 of the Criminal Code) and Pervomaisky district court of Minsk sentenced him to 3 month imprisonment. Currently, the entry of this judgement into legal force is expected and Uladzimir will have to serve the sentence.

With respect to 27 political prisoners who were pardoned and released from prison, their convictions have not been expunged, which deprives them of numerous civil and political rights, including the right to run in elections or work as a government employee. Their names remain on "**preventive watch**" lists maintained by internal affairs agencies, making them vulnerable to regular police visits. If brought in on administrative charges three times in one year, they face "**preventive supervision**". Such supervision carries more serious restrictions and makes repeated criminal prosecution and deprivation of freedom possible.

Despite repeated appeals, no representative of any diplomatic mission has been able to visit the political prisoners. In late September 2012, Archbishop Claudio Gugerotti, the Apostolic Nuncio in Belarus, was able to visit Eduard Lobau, Mikalai Statkevich, Zmitser Dashkevich, Pavel Sieviarniets, and Ales Bialiatski.

I. Political Prisoners Serving Sentences in Belarusian Prisons

(in alphabetical order)

1. **Ihar Alinevich** – Social activist. Born 24 September 1983. In violation of all extradition rules established by bilateral treaties between the Russian Federation and the Republic of Belarus, Alinevich was kidnapped in Moscow on 28 November 2010. Unknown persons representing themselves as FSB agents drove him to the border with Belarus, where Belarusian KGB agents were waiting for him with a minibus. The agents immediately started threatening him and demanded that he confess to an entire list of crimes. On the evening of the same day, he was taken to a KGB pretrial detention facility, where agents again demanded that he take responsibility for a whole list of various crimes, without bringing any charges against him or giving him the chance to rest during the day or night. He was officially arrested only on 29 November 2010, and it was another three days before he was officially charged with attacking the temporary detention facility in Okrestina Str. – a charge that a court later dropped. During his stay at the KGB pretrial detention facility, Alinevich suffered physical and psychological torture. His attorney was not able to meet with him because the authorities at this facility regularly denied him this right. The temperature in his cell was very low, black mould was growing in its corners and it was overcrowded. Alinevich was taken to the bathroom twice a day, once in the morning and once in the evening. From 1 January 2011, Alinevich was prohibited from receiving packages containing products like nuts, chocolate, dry fruits, and cured fat, i.e. products that are recognized as maintaining the strength and health of prisoners. For over one month letters from one party or another never reached him. Meetings were

prohibited. After half a year in the KGB pretrial detention facility, Alinevich was allowed his first meeting in April 2011, though only with his father. He was given a second meeting with his relatives only after his trial in late 2011.

Alinevich was convicted on 27 May 2011 by the Zavodsky District Court in Minsk under Article 339(2) of the Criminal Code (malicious hooliganism), and Article 218(2) and (3) of the Criminal Code (causing harm to property in a dangerous manner and in an especially large amount). He was sentenced to eight years in a maximum security prison.²

Alinevich is being held in Penal Colony No. 10 in Navapolatsk, which is known for its location in an area dangerous to human health, being situated between the oil production enterprises Naftan and Polimir. For the entire summer of 2011 (he was sent to the colony in early June 2011), Alinevich was kept in the quarantine section, although the law states that prisoners are only to be kept there for two weeks.

In the fall of 2011, he was allowed his first short meetings, and then long meetings with relatives. Significant problems with correspondence (some letters never reached him, others were delayed for a very long time) and difficulties receiving medical assistance were recorded. According to information received, Alinevich's lawyer has had problems meeting with his client: when Alinevich was finally given the opportunity to meet with his attorney, the meeting took place through a glass partition and in the presence of guards.

In accordance with regulations specified for imprisonment, every year Alinevich is allowed three short meetings, two long meetings, two parcels, and three 30 kg packages. However, this prisoner was denied a medical package in 2012, even though his diagnosis with a medical condition was confirmed during his trial. Moreover, Alinevich's short and long stay meetings have been denied or restricted several times at the penal colony. On 28 June 2013, he had a long stay meeting with his relatives, but it lasted only one day instead of three, and took place in a room of about 10-12 square meters, from which permission to leave was denied, rendering the visit an ordeal due to the intense heat. Furthermore, according to information received by FIDH and HRC Viasna, people with whom Alinevich interacts are subsequently subjected to persecution.

During his time at the penal colony, many disciplinary punishments were inflicted on Alinevich. On 22 April 2013, it became known that he had spent 20 days in punishment isolation. He was first sentenced to ten days in the cell for refusing to clean the toilet (a job which is considered humiliating by prisoners) and then received several more days for unlawful talking. Furthermore, Ihar was placed in a punishment isolation cell on the day of his 30th birthday, right after a visit by his attorney.

2. Mikalai Autukhovich – Veteran of the war in Afghanistan, successful entrepreneur and democracy activist. Born 7 January 1963 in Vawkavysk. Sentenced on 7 July 2006 to three years and six months in prison with confiscation of property for tax evasion and damage to the state budget in an especially large amount. Released under a pardon on 18 January 2008. Arrested again on 8 February 2009, and convicted on 6 May 2010 by

² For analysis see, "Brief review of the process of Belarusian anarchists" Human Rights Center Viasna, 2 June 2011, available at: <http://spring96.org/en/news/43788>.

the Supreme Court of the Republic of Belarus under Article 295(3) of the Criminal Code (illegal actions in respect to firearms, ammunition, and explosive devices). Sentenced to five years and two months incarceration in a maximum security prison.³

During his time at Ivacevičy Prison, Mikalai Autukhovich received eight disciplinary punishments (mainly for “violation of the daily routine”) in 2011 alone. On 16 November 2011, he was transferred to a punishment isolation cell for 10 days for “failure to come to the eating hall with his group.” On 6 December 2011, he was again placed in the punishment isolation cell, this time for five days, for a similar reason. This was despite an agreement previously made with the prison administration that Autukhovich would not go to the eating hall with others due to his dietary habits and the state of his health. Later, in early December 2011, he spent one month in cell-type accommodations. A decision like this is taken by the prison administration when a prisoner commits a malicious violation of the established order for serving a sentence, with the goal of isolating the prisoner in question from other prisoners. In addition to these corrective actions, Autukhovich was regularly subjected to intense psychological pressure. In 2011, prison authorities summoned him over 20 times for “preventive discussions,” where direct and indirect threats were generally made. Clearly driven to desperation, Autukhovich attempted suicide on 11 December 2011. He cut open his veins, but was saved.

Under a judgment issued during an offsite session of the Ivacevičy Court on 17 January 2012, Autukhovich’s conditions for serving his sentence were replaced with harsher ones after the administration made an application to this effect under the pretext of multiple violations of regulations. In late January 2012, Autukhovich was transferred from Colony No. 5 in Ivacevičy to Prison No. 1 in Hrodna. There he is allowed only one 30 kg package a year.

According to information received in February 2013, in October 2012 Autukhovich was reprimanded for allegedly failing to respond to a guard’s admonitions. Autukhovich himself asserts that no one ever directed any such admonition at him. He learned of this punishment only in mid-January, when the public prosecutor for the Hrodna Region visited him in his cell. Since failure to inform a prisoner of a punishment is a violation of existing law, Autukhovich appealed this decision, though unsuccessfully.

On 4 September 2013, Autuhovich learned that he had been reprimanded again for supposedly failing to be in bed after the bedtime signal, just one month ahead of the expected lifting of all penalties from him. Although he said he had strictly observed the prison rules during that time, he was henceforth unable to receive parcels or meet with relatives to the same extent as other inmates. To protest against this disciplinary sanction imposed on him, Autukhovich cut his abdomen with a razor blade on 19 September 2013. Fortunately he was saved from death.

3. Ales Bialiatski – Chairman of the Viasna Human Rights Center, and FIDH Vice-President. Born 25 September 1962 in the village of Vyartsilya, Sortavalsky District, Karelia (Russian Federation). Arrested on 4 August 2011 and convicted on 24 November 2011 by Pervomaisk District Court in Minsk under Article 243(2) of the Criminal Code

³For an analysis of the case see: “Brief review of the process of Belarusian anarchists”, Human Rights Center Viasna, 3 June 2011, available at: <http://spring96.org/en/news/43788>.

(failure to disclose income in especially large amounts) and sentenced to 4.5 years in a maximum security prison with confiscation of property. He is currently at Penal Colony No. 2 in Babruysk.⁴

During his sentence to date, Bialiatski has been punished for violating regulations nine times. The first three punishments were imposed between March and June 2012, and included deprivation of one long meeting (of two allowed each year). In late June 2012, Bialiatski was found to be in flagrant violation of the established order for serving a sentence on the basis of these three punishments. This resulted in a decrease in the amount of money that he was allowed to withdraw from his personal account every month for food and essential items, from five basic units to one basic unit (from 500,000 to 100,000 Belarusian rubles (approx. 10 Euros)). This status also excludes the possibility of his receiving either amnesty or early release.

Two more punishments were imposed on Bialiatski in August 2012: deprivation of his next food package (one of two allowed each year) and of his next short meeting (also one of two allowed each year).

In January and February 2013, Bialiatski was informed that he had been deprived of his next two meetings with his wife, one short and one long. Only on 21 August 2013 was he finally allowed a visit from his wife and sister for a two-hour meeting.

Ales Bialiatski works several shifts six days a week in the sewing department. This has had an adverse impact on his health.

One unique aspect of Ales Bialiatski's treatment is that the prison administration prohibits other prisoners from communicating with him. These inmates have been informed that if they do communicate with him, disciplinary action will be taken against them.

4. Mikalai Dziadok– Social activist, born 23 August 1988 in Bragina na Gomelshchine. Detained on 3 September 2010 and convicted on 27 May 2011 by the Zavodsky District Court in Minsk under Article 339(2) of the Criminal Code (malicious hooliganism). Sentenced to 4.5 years in a maximum security prison.⁵

Dziadok started serving his sentence at Penal Colony No. 15 in Mahiliou and stayed there until April 2012. During this time, he was subjected to seven disciplinary punishments (mainly for “violating the established form of dress for prisoners”). On 6 October 2012, Dziadok was deprived of the right to receive packages. He was placed in a punishment isolation cell for five days on 12 March 2012, and was again deprived of the right to receive packages or parcels on 20 March 2012. Dziadok asked the administration to allow

⁴ For an analysis of the case see “Statement by members of the Human Rights Center “Viasna” on the sentence to Ales Bialiatski”, Human Rights Center Viasna, 24 November 2011, available at: <http://spring96.org/en/news/47644>. See also details on the Freeales.fidh.net site.

⁵For analysis see, “Brief review of the process of Belarusian anarchists” Human Rights Center Viasna, 2 June 2011, available at: <http://spring96.org/en/news/43788>.

him to receive technical training at the penal colony many times, but this request was denied each time on the grounds that “secondary specialized education is enough.”

He was subsequently transferred to Penal Colony No. 17 in Škłoŭ on 6 April 2012, where he has been constantly subjected to different forms of pressure and had received several disciplinary punishments.

Under a judgment issued on 5 December 2012 during an offsite hearing conducted by Škłoŭ Court, at the recommendation of the administration, Dziadok’s conditions for serving his sentence were made harsher on the pretext that he had violated regulations numerous times. He was transferred from Penal Colony No. 17 in Škłoŭ to Prison No. 4 in Mahiliou. He is currently entitled to one small parcel each year, one short meeting with relatives, and two 2kg packages containing books. It does not appear that restrictions have been placed on his access to his attorney.

His last punishment took place during the first half of June 2013, when the prisoner was kept in a punishment isolation cell for ten days for an unknown reason.

5. Andrei Haidukou - Democratic activist, born in 1990. Arrested and held in custody at the KGB pretrial detention facility in Minsk on 13 November 2012. Sentenced to 1.5 years in a general security penal colony by the Vitsebsk Regional Court on 1 July 2013 for the attempted “establishment of cooperation with the security services of a foreign state” (Article 356.1 of the Belarusian Criminal Code).

While in custody, Haidukou was denied access to his lawyer numerous times and his relatives have not been given any information regarding the place where he is being held. Human rights defenders have noted on several occasions the lack of transparency and possible political motivation in this criminal case.

Originally detained in the Vitsebsk pre-trial detention center, Haidukou was transferred to the Mahiliou penal colony No. 19. in the beginning of September 2013. His family was not informed of this transfer and found out whilst trying to deliver a parcel to him at the remand prison on 5 September 2013.

6. Eduard Lobau – Activist with the organisation *Molodoy Front* (Young Front). Born in Vilnius on 1 December 1988. Arrested in Minsk with Zmitser Dashkevich in a heavy-handed provocation arranged by special forces with the aim of securing his preventive arrest ahead of protest demonstrations regarding the presidential elections in Belarus. Arrested on 18 December 2010, convicted on 24 March 2011 by the Moscow District Court in Minsk under Article 339(3) of the Criminal Code (particularly malicious hooliganism), and sentenced to four years in a maximum security prison. Currently at Penal Colony No. 22 in Ivacevičy.⁶

The administration started recording “violations of regulations” on Lobau’s part sometime in November 2011. By May 2012, Lobau had received seven disciplinary punishments, as

⁶For an analysis of the case see, “Concise analytical review of the trial of Zmitser Dashkevich and Eduard Lobau: Concluding Part”, Human Rights Center Viasna, 25 March 2011, available at: <http://spring96.org/en/news/42074>.

a result of which he was given the status of “flagrant violator” with the resulting sanctions: the amount of money he was allowed to transfer to his personal account for purchases at the penal colony’s kiosk was reduced by five times, from 500,000 to 100,000 Belarusian rubles (approximately 10 Euros) and he was no longer able to apply for amnesty under the amnesty law announced on 10 July 2012.

In January 2012, Lobau was issued with his eighth violation of regulations and summoned for a “discussion” with the administration. The penal colony warden did not allow Lobau’s attorney to read Lobau’s personal file, which listed the alleged grounds on which punishments were issued. As such, specific grounds for issuing decisions about Lobau’s supposed “violations” are lacking. The total number of disciplinary punishments imposed on Lobau had reached ten by February 2013. On 22 March 2013, the term of Lobau’s punishments (namely the disciplinary sanctions imposed upon him while in penal colony) was coming to an end. However, the prison administration then recalled the violations alleged to have taken place at the beginning of the year and extended Lobau’s disciplinary punishments on that basis.

According to information obtained, Lobau has not had any problems accessing his lawyer, although some of these meetings took place in the presence of guards.

7. Artsiom Prakapenka – Social activist, born 27 July 1990 in Hrodna. Detained on 17 January 2011, convicted on 18 May 2011 by Babruysk District and Municipal Court under Article 339(2) (malicious hooliganism) and 218(3) (property damage in an especially large amount) and sentenced to seven years in a maximum security prison.

While Prakapenka was at Penal Colony No. 17 in Škłoŭ, no information was received about his punishment for violating regulations. Nevertheless, disciplinary punishments started as soon as he was transferred to Penal Colony No. 15 in Mahiliou in May 2012. By 14 June 2012, Prakapenka received his fourth punishment in being deprived of his next short meeting, and was given the status of “flagrant violator of regulations,” thus depriving him of the ability to qualify under the law “On Amnesty” or to have his term reduced. It also reduced the amount of money that he can spend on food and other essential items at the penal colony’s kiosk from 500,000 to 100,000 Belarusian rubles (approximately 10 Euros).

In accordance with the rules for serving his sentence, Prakapenka is entitled to two long meetings, three short meetings, and three 2kg parcels. The punishments he received led to restrictions on packages (he received only one 30kg package of the three allowed annually). There were also problems receiving medical packages, even though Prakapenka has a number of medical conditions and, as a vegetarian, has special dietary needs. His medication was not accepted from the start, and only the most primitive medications have been allowed.

According to information received by us, Prakapenka was deprived of a food parcel during a long stay meeting with his mother on 21 June 2013. At the end of September 2013, his parents learned that his long stay meeting with them, scheduled for December, had been cancelled and that Prakapenka still has “flagrant violator” status.

8. Mikalai Statkevich – Chairman of the Belarusian Social Democratic Party (*Narodnaya Gramada*). Born 12 August 1956. Previously sentenced in 2005 to three years in prison for organising a street action in Minsk against the official results of the parliamentary elections and a referendum in October 2004. Granted conditional early release in 2007.

Registered as a candidate in the 2010 Belarusian presidential election. Arrested on 20 December 2010. Went on a hunger strike on 19 December 2010 that lasted until 12 January 2011 at his KGB pretrial detention facility, where he faced physical and psychological pressure, and where his access to his lawyer was restricted.

Convicted on 26 May 2011 by the Partizansky District Court of Minsk under Article 293(1) of the Criminal Code (organising mass unrest accompanied by violence against individuals, pogroms, arson, destruction of property, and armed resistance to government representatives). He was sentenced to six years in a maximum security prison.⁷

Statkevich started serving his sentence at a penal colony in Škłoŭ, where he injured his hand while working at a saw mill in September 2011. The penal colony's administration kept quiet about this injury and denied him meetings with his relatives. He was also denied phone calls home and suffered emotional pressure.

Between 2010 and 2011, Statkevich was punished 11 times for “violating regulations for serving a sentence.” For example, on 26 October 2011 he was “at his work place wearing clothing that violated the dress code: his lapel badge was missing” and was thus deprived of his next long meeting (the first possible one). However, Statkevich was not issued the proper special clothing and footwear to work at the saw mill, which resulted in two injuries. Those guilty for this were not prosecuted. On 8 December 2011, Statkevich was sent to the punishment isolation cell for five days for “a discrepancy between his personal belongings and essential items and the inventory list” (scarf). On 9 December 2011, he was classified as a “flagrant violator of the established order for serving a sentence.” On 15 December 2011, he allegedly “created a conflict with prisoner Alsiyevich,” for which he was moved to cell-type accommodations for one month.

At a closed session on 12 January 2012, the Škłoŭ District Court changed the terms of Statkevich's sentence to the more severe term of three years imprisonment. This decision was based on the abovementioned “malicious violation of regulations.” Four days later our organisations learned that this politician was now at Prison No. 4 in Mahiliou, in much harsher conditions of detention. It turned out that one hour before his transfer, Statkevich was given a punishment of ten days in a punishment isolation cell, allegedly for “failure to clean his cell-type accommodation”. Statkevich “served” these ten days in Prison No. 4, right after his transfer. According to information we received, there was no window in the punishment isolation cell. In its place was a wooden door, which offered little protection from the cold and drafts (the outside temperature on those days ranged from -12°C and 22°C).

⁷ For an analysis of the case in English see, “The Human Rights Center Viasna's evaluation of the trials in the criminal cases on the events of December 19, 2010”, Human Rights Center Viasna, available at: <http://spring96.org/en/news/43495>.

It later became known that, in addition to everything else, the administration at the penal colony in Škłoŭ classified Statkevich as “prone to escape and assault”. This meant that he would be held especially strictly to account and subjected to regular searches and supervision.

During his time at Prison No. 4, Statkevich was subjected to disciplinary punishments many times. Moreover, since his imprisonment began, Statkevich has faced pressure, including demands to sign a petition for pardon. To achieve this goal, the administration has organised various provocations, including in the selection of the category of his cellmates.

Under his conditions of detention, Statkevich is currently allowed two short meetings a year, one food package, two small parcels, one and a half hours of walking a day, and two basic units a month for purchasing necessities (approximately 20 Euros).

For the duration of his sentence, the prison administration has exerted pressure on Statkevich and his correspondence has been repeatedly restricted. On 12 August 2013, more than 900 letters were sent to the political prisoner on his birthday. However, the administration of Mahiliou prison No.4 refused to pass him these postcards and greetings.

9. Yauhen Vaskovich – Social activist and member of the Belarusian Christian Democratic Party. Born on 26 February 1990 in Babruysk. Arrested on 17 January 2011 and convicted on 18 May 2011 by Babruysk District and Municipal Court under Article 339(2) of the Criminal Code (malicious hooliganism) and Article 218(2) of the Criminal Code (property damage in an especially large amount). Sentenced to seven years in a maximum security prison.

Since he began serving his sentence, Vaskovich has faced more than 40 disciplinary punishments, the details of which have so far been very hard to obtain, sometimes impossible. Eighteen of these punishments were imposed at Penal Colony No. 15 in Mahiliou. Four of these 18 involved confinement in a punishment isolation cell, and in accordance with an administration decision in 2012 Vaskovich was moved to cell-type accommodations for a month for the gross and systematic violation of internal regulations. In the fall of 2011, he was given the status of “flagrant violator of regulations.” Under a court decision issued 12 October 2011, the terms of Vaskovich’s sentence were made harsher and he was transferred to Prison No. 4 in Mahiliou. The last episode took place on 24 July 2013, when Vaskovich was placed again for 10 days in isolation cell, the reason of which remains unknown.

Whilst serving his prison sentence, Vaskovich received more than 20 disciplinary punishments. Half of these rendered him subject to confinement in a punishment isolation cell for 10 days (mainly for “violating isolation measures” and “hanging cloth to isolate his bunk”). As Vaskovich has been sentenced to a strict punishment regime, he is entitled to only two short meetings a year and one 2 kg parcel. As a “flagrant violator of regulations”, he can only make purchases from the prison kiosk once a month for 100,000 Belarusian rubles (approximately 10 Euros).

For the duration of his sentence, the prison administration has exerted pressure on Vaskovich and his correspondence has been repeatedly restricted.

II. Particularities of the Procedural Status of some Individuals Convicted for Political Reasons⁸

In addition to the 9 political prisoners referred to above, there is a group of people who have been convicted or prosecuted in politically motivated criminal cases, resulting in significant restrictions on their freedom. Among them, two are subjected to a punishment known as *domashnyaya khmiya*, which is a restriction on freedom without assignment to an open correctional facility. Both were subjected to this punishment in connection with their participation in the demonstration on 19 December 2010.⁹ Accordingly, they must be at home at an appointed time, they are regularly checked by the supervisory agency (the police) and are only allowed to travel to other cities or abroad with the permission of this agency:

Sviataslau Baranovich was sentenced to three years of restrictions on his freedom without assignment to an open correctional facility under a judgment issued by the Moscow District Court in Minsk on 12 October 2011.

Zmitser Miadzvedz was sentenced to three years of restrictions on his freedom without assignment to an open correctional facility under a judgment issued by the Moscow District Court in Minsk on 10 March 2011.

III. Preventive Supervision of Pardoned Individuals

As the convictions of political prisoners released under pardons since August 2011 have not been expunged, they continue to be subject to procedural measures that are applicable to individuals with a criminal record. All the 27 individuals released under pardons or after the term of their sentence have been placed on watch lists (or watch supervision), giving police officials the right to visit them. If they are brought into custody on administrative charges three times in one year, they face preventive supervision, which carries more serious restrictions.

Among these 27 (Artem Gribkov died), courts have placed five activists under preventive supervision for administrative violations connected with their social activism. Violation of this regime, which places significant restrictions on the freedom of these activists, may entail repeated arrest and imprisonment. Such individuals are required not to go to certain public places, not to leave their homes at a certain time, to attend the body of internal affairs for registration one to four times a month, and not to leave the Republic of Belarus.

⁸ For the updated list see: <http://palitviazni.info/vid/restriction-of-freedom?lang=en>.

⁹For an analysis of the case in English see, “The Human Rights Center Viasna’s evaluation of the trials in the criminal cases on the events of December 19, 2010”, Human Rights Center Viasna, available at: <http://spring96.org/en/news/43495>.

1) Zmitser Dashkevich – Leader of the *Molodoy Front* (Young Front organisation). On 13 August 2013, the court of Prison No. 1 in Hrodna placed Dashkevich under preventive supervision for six months starting from the moment of his release on 28 August 2013. The reason given by the Court was that Dashkevich was considered to have engaged in “bad behaviour” while in prison.

2) Aliaksandr Frantskevich – Social activist, born 6 May 1990 in Navapolatsk. On 30 August 2013, the court of penal colony No.22 in Ivatsevichy decided to place Frantskevich under preventive supervision for a period of six months starting from the moment of his release on 3 September 2013. He is alleged to have engaged in “bad behaviour” while in prison.

3) Pavel Vinahradau – Activist in the Zmena movement and placed under preventive supervision for a period of two years under a judgment issued by the Moscow District Court. This former political prisoner is prohibited from leaving Minsk without permission from the police. If Vinahradau violates his preventive supervision requirements three times, he may be prosecuted. On 28 February 2013, Vinahradau was condemned to 7 days of administrative detention for a second violation.

In the past, preventive supervision was ordered for:

- **Vasil Parfiankou** – Civil activist. On 5 January 2012, Pervomaisk District Court in Minsk placed Parfiankou under preventive supervision for a period of one year ; as part of the sentence, he had to report to the law enforcement authorities at the place of his residence for registration four times a month; he was forbidden from leaving his apartment between 8 pm and 6 am, except for going to his regular job; he could not leave town for personal reasons without permission by the law enforcement authority that was charged to conduct surveillance.

On 29 May 2012, the Court sentenced him to six months imprisonment under Article 421 of the Criminal Code for violating the terms of his preventive supervision. He served his sentence at a facility in Baranovichi from 9 August 2012 to 9 February 2013. After his release, he was placed under preventive supervision again for a period of seven months.

On 12 July 2013, Parfiankou was once more charged under Article 421 of the Criminal Code (violation of the conditions of preventive supervision) by an investigator of the Pervomaisk District Police Department. This case was initiated against him despite the fact that he had only been accused of two violations, where the law stipulates that a criminal case requires three violations to proceed. On 23 September 2013, Parfiankou was placed in Medical-Labor Center¹⁰ No.1 in the town of Svetlahorsk, after serving five days of arrest in Minsk.

¹⁰ For more information on Medical-Labour Centers, see article published on 24 September 2013, available at: <http://freeales.fidh.net/2013/09/stefanovich-medical-labour-centres/>

- **Uladzimir Yaromenak** – Activist with the *Molodoy Front*. On 15 March 2012, Pervomaisk District Court in Minsk placed Yaromenak under preventive supervision for a period of one year. On 20 August 2013, the same court sentenced Yaromenak to three months for an alleged violation of the rules of preventive supervision (Article 421 of the Criminal Code). The verdict has not yet entered into force and will be appealed by the activist. On 28 August 2013, despite this criminal case for a violation of preventive supervision, Pervomaisk district court also considered an administrative case against the activist under Article 24.12, part 2 of the Code of Administrative Offenses. In doing so, it sentenced him to a 1 million ruble fine. On 16 September 2013, Yaromenak served five days of administrative detention pursuant to a decision by Minsk's Pervomaisky District Court, again on charges of disobeying the terms of his preventive supervision. On 1 October, the corrections inspectorate of Pervomaysky District of Minsk stopped supervision on account of his wife's pregnancy. **At the moment, his sentence is about to become effective, and he is expected to have to report to a correctional facility soon.**

IV. Limitations Imposed on Previously Released Persons

As to the 27 former prisoners that were pardoned or paroled in 2011-2013, their criminal records have not been expunged, for which reason they are still deprived of many civil and political rights, such as the right to run for a public office or be employed by the government (those convicted of inciting mass riots – for a period of 8 years; of taking part in mass riots – for a period of 5 years; of disorderly conduct as part of a group – for a period of 2 years from the moment of being released, whether early or upon serving the entire sentence. This applies to all of the above categories of prisoners and those still serving their sentences. Their names remain on **preventive watch** lists maintained by internal affairs agencies, making them vulnerable to regular police visits. Should they be charged with three administrative violations within a year, they may be subjected to even stricter **preventive supervision** that would limit their rights and freedom of movement even further.

1. Alexander Otroshchenkov
2. Dmitry Bondarenko
3. Dmitriy Bulanov
4. Ilya Vasilevich
5. Oleg Gnedchik
6. Dmitry Doronin
7. Oleg Fedorkevich
8. Dmitry Drozd

9. Serguey Kazakov
10. Aliaksandr Kviatkevich
11. Ales Kirkevich
12. Alexander Klaskousky
13. Nikita Likhovid
14. Andrei Poznyak
15. Vladimir Loban
16. Alexander Molchanov
17. Fedor Mirzoyanov
18. Zmitser Novik
19. Andrei Protasenya
20. Vitali Matsukevich
21. Yevgeny Secret
22. Andrei Sannikov
23. Dmitry Uss
24. Vladimir Khomichenko
25. Uladzimir Yaromenak
26. Pavel Syromolotov – “Bobruisk case”, pardoned.
27. Pavel Sieviaryniets