NEW YORK CITY BAR

# STATEMENT ON SYSTEMATIC HUMAN RIGHTS VIOLATIONS AGAINST POLITICAL PRISONERS IN BELARUS

The New York City Bar Association expresses grave concern over ongoing human rights abuses in Belarus, particularly the systematic mistreatment of political prisoners under the regime of Alexander Lukashenko.

Since 1994, Belarus has been ruled by authoritarian president Alexander Lukashenko, who is the longest serving ruler in Europe.[1] Since the widely disputed 2020 presidential election, the Belarusian government has intensified repression against opposition activists, human rights defenders, journalists, and citizens demanding democratic reform. This includes harassment, arbitrary arrests, torture, and politically motivated prosecutions.

## I. THE RISE IN POLITICAL PRISONERS

The number of political prisoners has surged from 25 in August 2020 to over 1,384 in August 2024 - an increase of over 5,500% according to the Viasna Human Rights Centre.[2] These prisoners include prominent figures and opposition leaders such as Ales Bialiatski, Nobel Peace Prize laureate;[3] Siarhei Tsikhanouski, opposition figure and blogger;[4] Maksim Znak, lawyer;[5] Viktar Babaryka, presidential candidate;[6] Mikalai Statkevich, Sakharov Prize laureate;[7] Maryia Kalesnikava, public figure;[8] Ihar Losik, journalist;[9] and many others. Since May 1, 2020, over 5,500 individuals, including at least 55 children, have been arbitrarily detained and criminally convicted in unfair trials on

[1] "Belarus President Alexander Lukashenko Under Fire," BBC, Sept. 11, 2020, https://www.bbc.com/news/world-europe-53637365; see also Freedom House, *Belarus*, https://freedomhouse.org/country/belarus (All websites last accessed on Nov. 18, 2024).

[2] *1384 persons unfairly imprisoned*, Human Rights Center "Viasna" (Aug. 15, 2024), https://prisoners.spring96.org/en.

[3] *ALES BIALIATSKI*, Human Rights Center "Viasna", https://prisoners.spring96.org/en/person/ales-bjaljackiy.

[4] *SIARHEI TSIKHANOUSKI*, Human Rights Center "Viasna", https://prisoners.spring96.org/en/person/siarhiej-cichanouski.

[5] *MAKSIM ZNAK*, Human Rights Center "Viasna", https://prisoners.spring96.org/en/person/maksim-znak.

[6] *VIKTAR BABARYKA*, Human Rights Center "Viasna", https://prisoners.spring96.org/en/person/victar-babaryka.

[7] *MIKALAI STATKEVICH*, Human Rights Center "Viasna", https://prisoners.spring96.org/en/person/mikalaj-statkievich.

[8] *MARYIA KALESNIKAVA*, Human Rights Center "Viasna", https://prisoners.spring96.org/en/person/maryja-kalesnikava.

[9] *IHAR LOSIK*, Human Rights Center "Viasna", https://prisoners.spring96.org/en/person/ihar-losik.

**About the Association**
*The mission of the New York City Bar Association, which was founded in 1870 and has 23,000 members, is to equip and mobilize a diverse legal profession to practice with excellence, promote reform of the law, and uphold the rule of law and access to justice in support of a fair society and the public interest in our community, our nation, and throughout the world.*

politically motivated charges, according to the United Nations Office of High Commissioner of Human Rights (OHCHR).[10]

Despite being a UN member state and signatory to the UN Convention against Torture (CAT)[11] and the International Covenant on Civil and Political Rights (ICCPR),[12] Belarus has systematically disregarded its international obligations. Notably, the regime's withdrawal from the ICCPR's First Optional Protocol in 2022 further isolates Belarusian citizens from international human rights protections.

Over the past four years, the UN Working Group on Arbitrary Detention has issued seven opinions deeming the detention of political prisoners in Belarus unlawful and calling for their immediate and unconditional release.[13]

On June 20, 2024, the Belarusian parliament adopted an amnesty law for elderly detainees, excluding those convicted on politically motivated charges (which are often used to silence dissent).[14] Lukashenko's July 2024 release of only a few severely ill prisoners, mostly cancer patients, appeared as a token gesture rather than a genuine commitment to human rights and the rule of law.[15] Senior political prisoners like Ales Bialiatski, aged 62, and Mikalai Statkevich, aged 68, remain isolated and in deteriorating health as authorities cut off all outside contact to further suppress their voices.[16]

## II. INCOMMUNICADO DETENTION AND ISOLATION

In recent years, Lukashenko's regime has intensified the use of incommunicado detention against political prisoners, denying them legal representation, family visits, correspondence and medical care.[17]

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[10] *A/HRC/55/61: Situation of human rights in Belarus in the run-up to the 2020 presidential election and in its aftermath*, Human Rights Council (Mar. 25, 2024), https://documents.un.org/doc/undoc/gen/g24/045/29/pdf/g2404529.pdf.

[11] *Status of Treaties: Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment,* United Nations Treaty Collection (Aug. 16, 2024), https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=IV-9&chapter=4&clang=_en.

[12] *International Covenant on Civil and Political Rights,* United Nations Treaty Collection (Aug. 16, 2024), https://treaties.un.org/Pages/ViewDetails.aspx?chapter=4&clang=_en&mtdsg_no=IV-4&src=IND.

[13] *"The number of appeals will show the real level of persecution in the country, "We recall what decisions the UN Working Group has taken since 2020,* Human Rights Center "Viasna" (Jul. 31, 2024), https://spring96.org/en/news/115881.

[14] *Id.*

[15] *More than 15 political prisoners were amnestied and pardoned, among them Ryhor Kastusiou,* Human Rights Center "Viasna" (Jul. 8, 2024), https://spring96.org/en/news/115675.

[16] Editorial Board, *Gone but not forgotten: Political prisoners are being disappeared*, Washington Post (Jul. 5, 2024), https://www.washingtonpost.com/opinions/2024/07/05/dictators-disappear-political-prisoners-incommunicado-belarus/?utm_source=twitter&utm_medium=social&utm_campaign=wp_opinions.

[17] *World Report 2024: Belarus Events of 2023,* Human Rights Watch, https://www.hrw.org/world-report/2024/country-chapters/belarus.

As of December 31, 2023, several prominent opposition figures, including Viktar Babaryka, Maria Kalesnikava, Ihar Losik, Mikalai Statkevich, Siarhei Tsikhanouski, and Maxim Znak, were held incommunicado for up to 11 months, according to the UN High Commissioner for Human Rights.[18] Their families and lawyers were denied access, raising concerns of enforced disappearance.[19] The arrest and disbarment of lawyers representing these prisoners has deepened their isolation by limiting legal support.[20]

Belarusian law grants prisoners the right to unlimited correspondence and family phone calls, yet Lukashenko's regime routinely disregards these protections, violating national law and international human rights obligations.[21]

## III. DENIAL OF MEDICAL ASSISTANCE AND ESSENTIAL MEDICAL SUPPLIES

Reports from Viasna Human Rights Centre reveal that Belarusian political prisoners are routinely denied essential medical care, exacerbating existing health conditions and causing new health issues.[22] Without regular medical exams, severe illnesses often go undiagnosed and untreated, putting prisoners' lives at serious risk.[23] Viasna has documented numerous cases where detainees with chronic illnesses were deprived of essential medications, resulting in rapid health decline.[24]

Additionally, the lack of basic medical supplies and hygiene products amplifies their suffering. These actions violate international human rights standards, including the UN's Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules),[25] reflecting the Belarusian regime's use of health deprivation as a tool of repression and control.

There is an urgent need for accountability and international attention to address reports of torture, inhumane treatment, inadequate medical care, psychological abuse, and restricted access to family and legal representation faced by political prisoners in Belarus.

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[18] *A/HRC/55/61: Situation of human rights in Belarus in the run-up to the 2020 presidential election and in its aftermath,* Human Rights Council (Mar. 25, 2024), https://documents.un.org/doc/undoc/gen/g24/045/29/pdf/g2404529.pdf.

[19] *Id.*

[20] *Id.; see also Human rights situation in Belarus. September 2024*, Human Rights Center "Viasna" (Oct. 8, 2024), https://spring96.org/en/news/116420.

[21] Euronews*, Inside Belarus' Brutal Prison System*, Politico (Oct. 31, 2023), https://www.politico.eu/article/belarus-prisons-violence-alexander-lukashenko/.

[22] *"I'm probably just going to die here": The situation of political prisoners from vulnerable groups,* Human Rights Center "Viasna" (Sep. 20, 2024), https://spring96.org/en/news/111445.

[23] *Id.*

[24] *Id.*

[25] *Id.*

**The New York City Bar Association calls on the Belarusian government to:**

1. Take immediate action to release political prisoners on humanitarian grounds, prioritizing those with chronic and severe health issues, minors, elderly and individuals with disabilities. This includes ensuring their safe reintegration into society and access to necessary medical and psychological support.

2. Commit to treating all prisoners with dignity, ensuring they have access to communication with legal counsel, family members and essential healthcare. This includes lifting restrictions on contact with the outside world and guaranteeing access to adequate medical care for prisoners, particularly those with serious health issues.

3. Adhere to international human rights obligations and respect the fundamental rights of all individuals, ensuring that Belarus aligns with international human rights standards.

4. Facilitate independent investigations into credible reports of torture and mistreatment in detention facilities, enhancing transparency and accountability. Such measures are vital to restoring trust in Belarus's justice system and upholding the rights of all citizens.

5. End its practice of restricting detainees' communication and access to legal representation. This includes holding accountable those responsible for implementing and enforcing policies that violate prisoners' basic rights.

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November 2024

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