

# MONITORING THE RIGHT TO FREE ASSEMBLY



В РОСТАВ,  
В ГААГУ!

ЗАХАРЕНКО КО  
ГОНЧАР ЗАВА  
ВСЕГДА С Н

## BELARUS 2020

ПОИ  
ЗАКАЗЧЕНА  
!!!



European Center for  
Not-for-Profit Law

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#right2freeassembly



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# I. Introduction

Historically freedom of assembly and opinion has been severely restricted in Belarus both de jure and de facto. Every day one of the fundamental human rights is being interfered with and restricted. The Presidential election campaign, which started in May 2020, was held in the atmosphere of fear, repression and violation of human rights. Some of Lukashenka's opponents had been thrown in jails even before the start of elections, others were forced to leave Belarus right after.

Since 2012, the Belarusian Helsinki Committee and Human Rights Center "Viasna" have been conducting systematic observation of peaceful assemblies in Belarus based on a structured monitoring methodology. Monitoring data is published in the public domain; it is in great demand and trusted by independent media, experts and other people: <https://spring96.org/en/civilian-control>. During the year 2020 monitoring was conducted in relation to 10 peaceful gatherings: all of them peaceful and used for the realization of freedom of expression. The decrease in the amount of monitoring work is due to the COVID-19 pandemic, as well as to the actions of law enforcement agencies aimed at the termination of gatherings.

Volunteer observers were not detained in 2020. However, this is most likely due to the fact that monitoring in person largely stopped. But at 3 out of 10 observed gatherings we noted improper behaviour (statements) from the police authorities. Several observers evaluate such behaviour of the police as threats towards their human rights activism. Just as before, there is no contact person from the side of law enforcement (police) authorities for communications with participants, media and observers.

The last monitoring in person was conducted on the evening of August 9, the day of the Presidential election. Since then, due to

mass arrests, the use of non-lethal weapons (flash-bang grenades, rubber bullets, water cannons, tear gas), as well as threats towards the observers, it has been decided to terminate observation in person and continue analysing information from the media and social networks.

During the massive protests from August 9 to 12, and in the months following, violence by the authorities was widely reported and identified, including baton charge and usage of tear gas, water jets, flash grenades and rubber bullets. Authorities initiated hundreds of criminal cases on the grounds of alleged accusations of people participating in riotous disturbances. For the first time in the history of Belarus, thousands of arrested peaceful demonstrators were tortured by law enforcements nationwide. Those criticizing the deeds of Lukashenka, law enforcements and the authorities were criminally prosecuted, while human rights activists and journalists faced extra prosecution. The rights of minors and the elderly, women, medical workers and other vulnerable groups were violated. The human rights situation is in deep crisis and getting worse.

This report is based on information collected and analysed about peaceful protests in Belarus throughout 2020. The data on the number of protests, their subject and special aspects as well as specifics of participation in protests of different social groups has been gathered from public resources, such as information in the mass media and on social networks, but also from personal communications of individuals or as a result of contact with human rights organizations.

In each of the next three sections (III. – V.), which focus on assemblies from January to July 2020 (section III); assemblies in August 2020 (section IV) and assemblies from September to December 2020 (section V) we analyse the

following data:

- the number of mass events that were held;
- their nature;
- the locations of the mass events;
- their thematic scope;
- fundamental differences from the mass events in 2019.

The section VI looks at the role of special interest groups in the protests following the election in August 2020s, including older people, women, students and children and how the state responded to their assemblies, or their involvement in the wider protest movement. This section also includes a discussion of the treatment of the media during the protests.

The report then reviews the responses of different state actors, including through the implementation of the law, the policing of the assemblies and the treatment of people arrested by the judicial system. The report concludes with a brief discussion of some of the more prominent court cases against people who have been involved in different assemblies and protest activities.

The purpose of this report is to provide information to the general public and promote freedom of assembly in Belarus. The fulfilment of the recommendations will contribute to restoration of compromised human rights associated with participations in peaceful assemblies.

The authors express their deep gratitude to volunteers for their help in collection and processing information for this report, and also note the contribution of partnership organizations.

## II. Recommendations

### To the Government of Belarus:

1. Respect and ensure the realization of the right of peaceful assembly to all people without discrimination of any kind.
2. In close consultation with civil society and other concerned parties, develop and adopt national legislation on peaceful assemblies that meets international standards, providing, *inter alia*, for a notification procedure for holding any assembly as well as guaranteeing the holding of spontaneous assemblies.
3. Provide all the victims of disproportionate and illegal actions of police officers with effective remedies, take measures to restore violated rights and pay adequate compensation.

### To the Investigative Committee of Belarus:

1. Initiate criminal cases and conduct full-fledged investigations into murder by police officers of protesters Aliaksandr Taraikouski and Henadz Shutau, as well as the death of Aliaksandr Vikhor, who was detained by the police and subsequently punished with administrative detention, in order to identify those responsible for their deaths and bring them to responsibility under the law.
2. Conduct an investigation into all the facts of the use of riot gear and weapons against individuals who took part in the demonstrations, as well as all the facts of injuries and mutilation as a result of the use of weapons by officers of the Ministry of Internal Affairs.
3. Immediately initiate criminal proceedings based on the acts of torture and cruel, inhuman, degrading treatment.

### To law enforcement agencies:

1. Provide reliable information on the number of people killed and wounded during attempts to forcibly disperse the assemblies by law-enforcement officers during the period from August 9 to 12, 2020.
2. Abandon the practice of using weapons and other means to suppress riots against peaceful unarmed protesters.
3. Stop the practice of keeping people in detention in the places not intended for these purposes, as well as of keeping those detained and arrested in detention in violation of the established rules.
4. Abandon the practice of persecution of activists for participation in peaceful assemblies simply for the absence of a permit to hold the meeting.
5. Prevent the detention and prosecution of media professionals engaged in legitimate activities of covering peaceful assemblies, since they have a pre-eminent role and perform essential functions in providing the public with objective information about the assemblies.
6. Police officers should wear official uniform while enforcing public order during public assemblies. Officers should also wear a means of individual identification (for example, name tags or badges), to help build trust in the police and so that participants can address police officers without obstruction.
7. Ensure strict compliance with the requirements of national legislation and international standards regarding arresting children, including notification of legal representatives about the detention, granting the right to protection, as well as full separation from adults until children can be handed over to parents.

8. Abandon the practice of expelling foreign nationals only because of their participation in peaceful assemblies, take into account personal ties with Belarus, and introduce a judicial procedure for expulsion.

### To the International Community:

1. Continue to monitor adherence to international standards in Belarus, particularly in relation to the right to peaceful assembly.



# III. Peaceful Assembly Trends in Belarus from January to July 2020

## Quantity

For the period from January 1 to July 31, 2020 we identified 85 peaceful assemblies in Belarus. The activity by month is as follows:

Dynamics of mass events by months in 2020

January	8
February	6
March	9
April	7
May	17
June	22
July	16

It is worth noting that the number of assemblies was relatively low in the period from January to April inclusive and they were held in fewer cities, too. All this is linked to the absence of any considerable political events on a country level, as well as an unfavourable epidemiological situation, which at the first stages brought panic to the society.

Protest activity increased slightly in March due to the outbreak of the COVID-19 coronavirus pandemic on the territory of the Republic of Belarus and, according to the majority of civil society, the state's ineffective methods of combating it. At the same time, many annual mass assemblies that usually attract a large number of participants (such as Freedom Day) did not take place in public, which caused the number of actions to decrease this month nearly twice compared to 2019.

In May, due to the nomination of candidates for the 2020 presidential election, as well as the general beginning of the pre-election period, the number of peaceful assemblies began to increase rapidly again. The days

on which the largest number of assemblies took place were linked to specific political events. In May, the most widespread protests were associated with the detention of Sergei Tikhanovsky (opposition blogger who intended to become a candidate for president of the Republic of Belarus) on May 6, in support of whom at least 5 assemblies were held throughout the country between May 6 and 9 with a total of more than 200 participants.<sup>1</sup>

In June, the peak of the protests was on June 19, the day after the arrest of Viktor Babariko (banker and, at that time, the most popular opposition candidate for president of the Republic of Belarus): protests took place in solidarity with him as well as with detained journalists, activists, and bloggers.<sup>2</sup> Demonstrations in the format of solidarity chains were held in at least 16 cities of Belarus and gathered several thousand people as participants, including about 1,500 in Minsk.

July was marked by the historical high number of mass peaceful events on July 14 because of the refusal to register Viktor Babariko and Valery Tsepka as presidential candidates. Assemblies took place in at least 8 cities of Belarus and were attended by thousands.<sup>3</sup> During the assemblies, people actively formed human barricades in retaliation against police attacks and there were clashes in response to the use of physical force.

## Geography

It is interesting to note that in this period of the year, the largest number of assemblies took place in Brest (28). Here every Sunday for almost 2 years, local residents have been holding a protest march opposing the construction of a battery plant on the outskirts of the city that creates lead pollution. The second place, contrary to the "tradition", was taken by Minsk with 27 peaceful assemblies held, and the third place was taken by Gomel

1 <https://news.tut.by/economics/683511.html>

2 <https://news.tut.by/elections/689563.html>

3 <https://news.tut.by/society/692771.html>



with 6 assemblies. Then there were Grodno (4), Bobruisk, and Mogilev (each having 3). In total, the actions took place in 16 cities during the survey period. It is worth noting that not only the capital and regional cities but also smaller ones, mainly district centres, began to participate in the assemblies.

### Peaceful assemblies by settlements in January-July 2020

Brest	28
Minsk	26
Gomel	6
Grodno	4
Bobruisk	3
Mogilev	3
Lida	2
Pinsk	2
Pruzhany	2
Stolbcy	2
Baranovichi	1
Molodechno	1
Novopolotsk	1
Polotsk	1
Soligorsk	1
Vitebsk	1

### Types of actions

In the period from January to July, assemblies took different forms. For instance, there was a performance of wrapping trees with scarves in Grushevsky Square, Minsk on January 12, to show concern about the possible destruction of the park.<sup>4</sup> Or when students distributed medical masks to encourage universities to go to quarantine. On February 14, a dance flash mob was held in Minsk to draw attention to domestic violence.<sup>5</sup> However, during this period, assemblies in their traditional forms, like rallies and solidarity chains, ceased to take place, except in Brest.

May was marked mostly by traditional forms of protest actions: picketing, rallies, and a few marches. This month also already saw solidarity actions with the blogger, Tikhanovsky, but this form of protest gained more in popularity in the coming months.

In June, the trend for solidarity actions in the form of human chains, which were also the main form of protest towards the end of 2019, was revived. Rallies were also held, usually flowing into processions in Brest – a form that has almost remained unchanged in this city since 2018.

In July, a number of bicycle races involving protests were held. The authorities put a quick end to these with detentions, as well as fines for the lack of rear-view mirrors on bicycles or for honking a car horn in support of cyclists in situations not provided for by the law. Bicycle races were held against the detentions of activists and other illegal actions of the authorities on June 27, as well as July 3, 8, 10, 20, 22, and 29 in Minsk.

Factors that increased civil society activity after May include: the decrease in the number of cases COVID-19 and a slowing of the spread of this disease; the appearance of new prominent figures in support of whom people were ready to go out to attend peaceful assemblies; various illegal actions by the authorities (violation of election legislation, illegal detentions, etc.), which caused a resonance in society; extension of the opposition agenda in regional and district centres and even in smaller towns.

<sup>4</sup> <https://realt.onliner.by/2020/01/12/skver-12>

<sup>5</sup> <https://minsknews.by/art-aktivizm-spaset-mir-minchane-ustroili-fleshmob-protiv-gendernogo-nasiliya-nad-zhenshhinami/>

Types of actions	Amount
Rally	38
Solidarity chain	17
Picket	12
Bicycle race	8
Performance	4
Handing out leaflets	2
Flash mob	1
Handing out medical face masks	1
Online picket	1
Protest action with the use of vehicles	1

### Subject matter of the assemblies

In 2020, similarly to 2019, intensive protest activity continued against the construction and operation of the battery plant in Brest, which, according to the protesters, will emit harmful chemical compounds into the atmosphere. This movement carried on even despite the sporadic detentions of activists and the authorities suspending the operation of the plant. Demonstrations with up to 250 people were held on a weekly basis, with the largest number of participants attending on April 26.

Actions related to various political issues were usually marked by several dozen participants in the regions and several hundred participants in regional centres. The relatively small number of participants in peaceful assemblies were associated with the coronavirus epidemic, as well as the cancelation of the celebration of Freedom Day, which usually attracts thousands. The decrease in the number of participants in various peaceful assemblies at the beginning of 2020 is also connected to the fact that many of the resonant processes that caused the protests last year diminished. For example, the issue of integration with Russia disappeared from the causes of the protests since there were no more

public statements on this issue, while students stopped taking action against changes in the provisions on army service deferrals, and the number of assemblies related to the enforcement of the “drug” Article 328 of the Criminal Code was also practically reduced to zero.

Some assemblies carried a blurred political context. For the first time in many years, the traditional actions of commemorating and celebrating national holidays did not take place. Nevertheless, isolated memorial events did: on January 22, the action in memory of the deceased activist Mikhail Zhyzneuski, who was killed in 2014 in the days of confrontations in Kyiv, took place in Gomel. The organizers cancelled a march in Minsk on April 26, the traditional date for marking the Chernobyl disaster, but the assembly took place with the participation of opposition leaders. On May 8, Nikolai Statkevich laid flowers at the mass grave of the Soviet soldiers in Minsk, to commemorate the victims of WWII.<sup>678</sup> Also, 2 assemblies focused on economic issues: on February 25, a peaceful rally was held in Minsk owing to the rise in gasoline prices (Belneftekhim enterprise), and on April 22, an action was also held in Minsk in connection with the rise in the price of lease agreements in the Expobel shopping centre.<sup>910</sup>

We are also aware of 4 performances during this period: on March 26 a political satire was organised by Youth Block (an independent student organization), involving the laying flowers to the cow monument at the Komarovskiy market in Minsk in honour of the anniversary of Alexander Lukashenka’s visit to farms in the Mogilev region and his criticism of livestock management.<sup>11</sup> Activists of the Youth Bloc also carried a coffin along Independence Avenue in Minsk on May 8 in protest against the military parade on May 9.<sup>12</sup> Also, an individual painted the hands of the Pushkin monument red for political reasons on May 16.

During the period of May to July most of the assemblies were classified as politically oppositionist, but their diversity has

6 <https://naviny.media/new/20200122/1579714771-pod-gomelem-proshla-akciya-pamyati-geroya-ukrainy-mihaila-zhiznevskog>  
7 <https://naviny.media/new/20200420/1587370911-chernobylskiy-shlyah-2020-kakoy-budet-akciya-oppozicii-v-usloviyah-pandemii>  
8 <https://naviny.media/new/20200524/1590327604-statkevicha-mogut-oshtrafovat-za-vozlozhenie-cvetov-k-bratskoy-mogile>  
9 <https://auto.tut.by/news/offtop/674006.html>  
10 <https://finance.tut.by/news681847.html>  
11 <https://kaktutzhit.by/news/korova-pamyat>  
12 <https://news.tut.by/society/683835.html>

significant meaning: peaceful rallies were held against the detention of bloggers, politicians, journalists, as well as against the non-admission of candidates to the elections. These assemblies were marked by the largest number of cities engaging, as well as by the large number of participants, which was greater than at assemblies on any other issues.

This period was key in the context of spreading the political agenda throughout the country, which resulted in an increase in assemblies on political issues and in the number of participants at an exponential rate. Assemblies held on the day of the arrest of Viktor Babariko, which in total gathered several thousand participants across the country (June 18) and on the day of non-registration of Victor Babariko and Valery Tsepikalo as presidential candidates (July 14) attracted several thousand people in Minsk and in the regions. The largest rally organised by Svetlana Tikhanovskaya was attended by more than 60,000 people.

## Assemblies subject matter in January – July 2020

Protests against battery plant in Brest	28
Actions of solidarity in relation to the arrest of Viktor Babariko (the most popular opposition candidate for president)	15
Other actions having an opposition background	14
Non-admission of Tsepikalo and Babariko as candidates for the presidential elections	8
Actions of solidarity with Tikhanovsky	4
Coronavirus / quarantine	3
Remembrance day	3
Article 328	1
Destruction of the park	1
Domestic violence	1
Independence	1
Ineffectiveness of the actions of the authorities	1
Lease terms	1
Political satire	1
Rise in gasoline prices	1
Resignation of Lukashenka	1
Victory Day parade on May 9	1

## Limitations

Almost all peaceful actions took place without following the legal permit or notification procedure and as a result were considered “unauthorized” under Belarusian legislation. Only pre-election pickets and meetings with voters, and which also may be used to convey specific messages, were allowed. Most attempts to negotiate the organization of the event with the authorities were made by human rights activists in Brest, who made more than 50 such attempts,<sup>13</sup> but almost all of them were rejected for reasons of epidemiological situation, non-compliance with the legislation, and other reasons. We have not been able to obtain any data on

13 <https://naviny.media/new/20200404/1586006033-v-breste-podany-zayavki-na-provedenie-11-mitingov-protiv-akkumulyatornogo>; <https://naviny.media/new/20200306/1583519522-vlasti-bresta-poluchili-ovedomleniya-o-provedenii-25-mitingov-protiv>; <https://naviny.media/new/20200229/1582964640-podano-eshche-sem-zayavok-na-mitingi-protiv-akkumulyatornogo-zavoda-pod>



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the successful authorization of peaceful assemblies by the competent authorities, so we have assumed that all the oppositionist assemblies have the status of “unauthorized”. Data on pre-election pickets has not been included in our statistics due to their vague status and the huge number of such actions.

Despite the introduction in 2019 of a formal notification procedure for holding mass events in certain places, citizens continue to face biased restrictions. The authorities reported the impossibility of holding almost all events with an opposition agenda, referring to the fact that they had previously received notifications from other applicants willing to organize an action in the same place and at the same time. For example, on August 6, a rally in support of Svetlana Tikhanovskaya in Minsk was cancelled, which, as planned, could gather about 100,000 people present. The reason for the cancellation was an event devoted to the celebration of the Day of Railway Troops, but such troops do not even exist in Belarus, and this event had not been planned at all until the

announcement of Tikhanovskaya’s intention to hold her event.<sup>14</sup>

The Regulation of the Council of Ministers No. 196 of April 3, 2020 significantly complicated the procedure for holding public events. With this document, the government adjusted Regulation No. 49 of January 24, 2019 “On approval of the regulations on the procedure for payment for public order services provided by the internal affairs bodies, expenses related to medical care, cleaning of the territory after holding a public event on it”.<sup>15</sup> Whereas previously the organizers of public events and other peaceful assemblies had been obliged to conclude contracts with the police, medical, municipal, and other services only after the local executive and administrative body allowed the organization of a public event, according to the new regulations the organizers are now obliged to conclude the above-mentioned contracts even before submitting an application (notification) to the competent authorities. Due to the high cost of paying for these services, this resolution made

14 <https://meduza.io/news/2020/08/06/svetlana-tikhanovskaya-otmenila-miting-v-svoyu-podderzhku-v-minske-vlasti-reshili-provesti-tam-prazdnovanie-dnya-zheleznodorozhnyh-voysk>

15 <https://naviny.media/article/20200406/1586175876-ne-posle-do-vnov-uzhestochen-poryadok-organizacii-massovyh-meropriyatiy>

it almost impossible to successfully authorize peaceful assemblies.

Participants of “unauthorized” protest actions in the period between January and April were only warned about their responsibilities but were not massively repressed. The actions were not dispersed, only individual activists who regularly and actively participated in such actions were detained. Participants who did not have an explicitly political background were not prosecuted at all. However, the situation changed with the beginning of the electoral period: all assemblies were accompanied by dispersals and detentions, as well as the use of force against participants.

The detainees were subjected to administrative penalties in the form of fines or administrative detentions. It should be noted that in the period between May 6 and 9 protest actions in support of detained opposition blogger Sergei Tikhanovsky in Minsk, Mogilev, Gomel and Bobruisk resulted in more than 19 individuals detained. More than 210 individuals were detained across the country during the protests in solidarity with the arrested presidential candidate Viktor Babariko on June 18. On July 14, after the actions of solidarity with candidates who were not admitted to elections, more than 300 people were detained across Belarus.<sup>161718</sup> Various spontaneous actions were also dispersed.

## The Impact of COVID-19 on Assemblies in Belarus

The emerging epidemiological situation related to the COVID-19 pandemic also impacted on the right to peaceful assembly. When it comes to assemblies on measures to combat coronavirus infection, which were implemented in almost all European countries, this topic did not become a reason for mass actions due to the obvious contradiction between the fight against the pandemic and conducting mass actions without social distancing that in their essence can contribute to a greater spread of infection; so actions on this issue were not significant. Only three actions related to this issue

were held in Belarus, but sporadic actions have come to our notice where participants protested against the government’s response to the coronavirus. Some forms of action have also changed: in order to encourage people to pay more attention to public health, some activists handed out medical masks to students, others called on students to boycott lectures with the aim of encouraging universities to introduce quarantine. Such actions were held only in Minsk.

This, in turn, was followed by the tightened legal restrictions imposed by the authorities as part of their response to COVID-19. So, at a special meeting of the Council of Ministers on March 12, it was decided to limit the holding of all cultural, sports and scientific events with international participation in the country until April 6 due to the unfavourable epidemiological situation. Permission to conduct other public events (including peaceful assemblies) was to be issued after the assessment of the proper conditions for their conduct, i.e. the absence of the risk of infection for the audience. This factor also had a negative impact on the number of peaceful assemblies in the period under consideration, due to the fact that the above-mentioned regulation of the Council of Ministers was often used for refusal to authorize various actions.<sup>19</sup> On April 8, by the relevant Decision of the Minsk City Executive Committee No. 1069, the holding of almost all public events was suspended due to the persistence of the unfavourable situation connected with the coronavirus pandemic in Belarus.<sup>20</sup>

These restrictions reduced the number of physical assemblies, but in turn, encouraged some people to organize assemblies online. 2 traditional annual marches in Minsk that were cancelled (Freedom Day on March 25 and “Chernobyl’s Road” on April 26) and instead assemblies took place online. The celebration of Freedom Day was organised as an online concert, but which, due to some inexplicable technical issues, could not be held successfully. “Chernobyl’s Road” was also mainly an online assembly (although there was a march by a small group of opposition leaders). Moreover,

16 <https://rus.azattyq.org/a/30682258.html>

17 <https://afn.by/news/i/275752>

18 <https://www.golosameriki.com/a/amnesty-international-belarus/5503999.html>

19 <https://naviny.media/new/20200312/1584038106-akcii-na-den-voli-ne-budet-v-belarusi-do-6-aprelya-ogranicheno-provedenie>

20 <https://naviny.media/new/20200408/1586354770-mingorispolkom-utverdil-plan-meropriyatiy-po-profilaktike-koronavirusa>

the first online rally in Belarus was organized on May 1 by the former chairman of the United Civil Party, Anatoly Lyabedzka. The action lasted for half an hour, at its peak it was simultaneously watched by 632 people. At 14:00pm on May 1, the total number of views exceeded 10,000.<sup>21</sup>

## Activity in connection with the election period

The Central Election Commission (CEC) reported a huge number of events related to the election period in this plan, but they are not included in our statistics due to an inability to determine whether such actions were carried out according to plan. Also, some did not take place in public and were thus beyond the scope of this study.

It is worth noting that a large number of participants gathered at election-related pickets (including united ones) even at the stage of collecting signatures for alternative candidates (mainly Tikhanovskaya, Babariko, Tsepka). The peak of attendance was in May: on May 24 and May 31n pickets gathered lines of about 3,000 and 2,100 participants, respectively.

As of July 30, the most street pickets were organized by Svetlana Tikhanovskaya's team, the most popular opposition presidential candidate, with 1,928 such events recorded, mostly in the Vitebsk and Gomel regions (465 and 344, respectively). It is important to note that the candidate encountered many technical and legislative restrictions in holding these events, especially at the end of the election cycle, and therefore many events were cancelled (for example, in Soligorsk, Slutsk and the big concert in Kiev square in Minsk).

Some 1,241 pickets were organised in support of the then President Alexander Lukashenka, most in the Gomel (549) and Mogilev (432) regions. However, voters could not find publicly available information about most of these events, and their mass character, described in the CEC data, was also not observed. Moreover, in the last days of the election cycle, the number of actions was

announced in such a way that it would have meant that Lukashenka's team held 46 events a day throughout Belarus, which is hardly true. Andrei Dmitriev, another presidential candidate and his proxies planned 357 pickets (mainly in the Brest and Gomel regions, due to the large number of "Tell the truth" volunteers in these regions). Representatives of another presidential candidates Sergei Cherechen held 140 such events, Anna Kanopatskaya held none.<sup>22</sup>

The largest number of meetings with voters, as of July 30, was announced by Alexander Lukashenka's proxies, with 423 meetings: most planned for the Vitebsk, Mogilev and Grodno regions. Representatives of Tikhanovskaya announced about 25 such meetings, while Dmitriev held 9, and Anna Konopackaya held 1. However, many such meetings are presumed not to have taken place due to obstacles from authorities against holding rallies by Svetlana Tikhanovskaya, and the cancellation of events by some candidates in support of Svetlana Tikhanovskaya. Moreover, most of these events were not attended by the afore-mentioned candidates, but only by their representatives. There is also information about the coercion of citizens to participate in events in support of Alexander Lukashenka, as such these events cease to meet the criteria for a peaceful assembly and cannot be included in our statistics.

The most massive meeting with voters was the event held by Svetlana Tikhanovskaya in the Peoples' Friendship Park, which gathered more than 60,000 people.<sup>23</sup> Continuing the topic of mass character, it is worth noting that in the ratio of the population of the city and the participants of the event, the meeting of Svetlana Tikhanovskaya is probably also leading: on July 24 in the city of Glubokoe, with a population of about 18,000 inhabitants, more than a thousand people attended the meeting (it should be noted that not only residents of the city were present, but also of Braslav, Postavi, Miori, Sharkovshchina, Dokshitsi). The rest of the pickets gathered mainly from several dozen to hundreds of participants.

21 <https://naviny.media/new/20200501/1588333067-v-pervom-belorusskom-onlayn-mitinge-uchastvovali-632-cheloveka>

22 <https://sputnik.by/elections2020/20200730/1045297998/Ot-0-do-1928-skolko-piketov-zaplanirovano-v-podderzhku-kandidatov-v-prezidenty.html>

23 <https://naviny.media/new/20200730/1596141773-miting-svetlany-tihanovskoy-v-parke-druzhby-narodov-sobral-63-tysyachi>

# IV. Trends of peaceful assemblies in Belarus in August 2020

## Quantity

This period saw unique protest activity in Belarus since election day on August 9. The total of 196 assemblies in this period is a record in the entire history of the Republic of Belarus both in terms of the number of peaceful assemblies themselves and the number of their participants. During August 2020, the number of peaceful assemblies held was more than the number of peaceful assemblies for 2017–2019 years combined. Many demonstrations also took place in certain districts of cities without public coverage in the media, so it is impossible to calculate the exact number of such actions.

Between August 9 and 12, a record number of people took part in street protests: tens of thousands in more than 40 cities across Belarus. After the forceful dispersal of these actions, the number of protesters at the actions increased to hundreds of thousands: the March for Freedom, on August 16 was attended by number of 200–300,000 people in 30 cities across the country; at the March of a New Belarus (on August, 23) 250,000 gathered in Minsk and tens of thousands in regional cities; and the March for Peace and Independence (on August, 30) attracted more than 300,000 of people throughout Belarus.<sup>24,25,26</sup> Thus, it can be concluded that the brutal dispersal of protesters on August 9–12 caused a surge of solidarity and further rallied the ranks of the opposition, as well as became the main reason for the increase in the number of protesters at subsequent protests.

Almost all assemblies took place without a permit or notification procedure, which is considered as “unauthorized” under Belarusian law. As in the previous period, only pre-election pickets and meetings with voters were allowed. There are only isolated data on the permission of the competent authorities to

conduct other peaceful assemblies, all of them – in the first days after the end of the severe dispersal of the action between August 9 and 12 (for example, on August 16 in Grodno).<sup>27</sup> The authorities allowed all actions in support of Lukashenka.

## Geography

Analysing the geography of the protests, it can be concluded that the number of cities holding assemblies increased almost threefold compared to the period of January–July 2020. Moreover, a lot of individual assemblies took place in smaller localities, but due to the greater focus of the media on assemblies with a greater number of participants, it is not possible to describe all of them.

In this period, Minsk returned to be where the most actions were held, with at least 70 assemblies. After Minsk the most assemblies took place in Grodno, with at least 17. Then Brest, Gomel, Mogilev, with 10 assemblies each, and then Vitebsk (8) and Molodechno (5), while there were 4 assemblies in each of Bereza, Bobruisk, Kobrin, Zhodino. In total, we noted assemblies in 41 localities.

In Minsk assemblies took place not only in the city centre, but also in residential districts – most protest places were Pobediteley Avenue (near the shopping centre “Gallery”, Stella “Minsk – Hero City”); the Dzerzinski Avenue (Grushevka and Petrovshchina metro stations, “Statue of Bison”); the area of the shopping centre “Riga” and the Victory square; Serebryanka district; Pushkinskaya and Sportivnaya metro stations; Calvaryskaya st.; Partizansky Avenue; East district (shopping centre “Dana Mall”, Nezavisimosti Avenue (the second half of August); Novaya Borovaya and the Uruchye district, etc. Interestingly, Brest has lost its leading position in comparison with the period of

24 <https://mediazona.by/online/2020/08/23/belvybary-15>

25 <https://meduza.io/feature/2020/08/16/pryamo-seychas-v-tsentre-minska-idet-samaya-bolshaya-aktsiya-protesta-v-istorii-sovremen-noy-belarusi-v-ney-uchastvuyut-200-tysyach-chelovek>

26 <https://mediazona.by/online/2020/08/30/mira-i-nezavisimosti>

27 <https://meduza.io/feature/2020/08/19/grodno-stal-odnim-iz-tsentrov-protestov-v-belarusi-vlasti-poshli-na-ustupki-demonstrantam>



January-July due in part to the change of the opposition agenda to a national one and, possibly, the promise to the opposition leaders of President. Lukashenka to hold a local referendum on the battery plant (which was the main focus of protests there).

In Grodno, a large number of actions took place at companies - "GrodnoAzot", "Grodnopromstroy", "Khimvolokno", "BelCard". Moreover, Grodno is the leader in the number of companies where protests took place, after Minsk, where actions were held at least 11 companies. The third place is taken, unexpectedly, by Novopolotsk (2 companies). It is worth noting that, despite the fact that Brest, Vitebsk and Gomel workers participated in various mass protests, there were practically no assemblies at the level of the companies themselves.

#### Peaceful assemblies by settlements in August 2020

Minsk	70	Borisov	2
Grodno	17	Fanipol	2
Brest	10	Lyninec	2

Gomel	10	Osipovochi	2
Mogilev	10	Polotsk	2
Vitebsk	8	Soligorsk	2
Molodechno	5	Svetlogorsk	2
Novopolotsk	5	Volozin	2
Bereza	4	Braslav	1
Bobryisk	4	Drogichin	1
Kobrin	4	Gorki	1
Zodino	4	Ivacevichi	1
Glybokoe	3	Ivanovo	1
Stolbci	3	Kopil	1
Zlobin	3	Kostykovichi	1
Baranovichi	2	Lida	1
Logoysk	1	Nesviz	1
Novogrydok	1	Oshmani	1
Pryzani	1	Radoshkovichi	1
Rakov	1	Rechica	1
Zabinka	1	Zaslavl	1



## Forms of actions

The beginning of August was characterized by mixed forms of protest: at the beginning of the month it was spontaneous rallies, including with the participation of cars and bicycles. After brutal dispersals, solidarity chains gained popularity, and then mass actions continued to increase again. In the second half of August, the focus was on mass marches and processions with thousands of people. It is also important to note that after the elections, one of the fundamental types of demonstration by workers appeared: strikes, which for the first time in the history of observations gained a mass scale.

There were also actions of solidarity by footballers: on August 27 the players of FC Molodechno (from the city of the same name) went out onto the football field before the start of their Belarusian football championship match wearing t-shirts with a photo of Nikita Krivtsov on their chest as a tribute to the memory of the deceased demonstrator (on the evening of August 22, 28-year-old Nikita Krivtsov, who had been missing since the fourth day of protests against Alexander Lukashenka, was found dead in Belarus. The police reported that Krivtsov was found hanged in a forest on the outskirts of Minsk and claimed that it was a suicide, but the opposition representatives claim that the man was killed by police officers).<sup>28</sup> A similar action was made by the players of FC Krumkachy: on August 23, the players came to the match in t-shirts with the inscription of solidarity “We are with the people” (in order to support the protesters).<sup>29</sup> The Belarusian Football Federation subsequently issued a warning to “Krumkachy for “changing the ceremony of the match, without coordinating it with the officials”.

Types of actions	Amount (not less than)
Rally	133
Solidarity chain	33
Stoppage (strike) actions	21
Picket	3
Auto rally	2
Bike ride	2
Demonstration of specific T-shirts	2

## Subject matter of the assemblies

Speaking about the topics of the actions in August, their diversity should be noted: election fraud; violence against protesters; calls for the release of political prisoners and investigations of illegal actions of security forces, and many others. Nevertheless, these topics were intertwined in one big opposition agenda. One of the components of this agenda was solidarity with protesters who died at the protests, the case, which happened for the first time during the repression of participants of peaceful assemblies in Belarus. Human rights activists claim at least 5 dead, although some media outlets claim that at least ten people have been killed.<sup>30</sup> The most mass assemblies of memory were held in memory of Alexander Tarajkovski, who in the first days of the protests was shot with a shotgun by staff of SPBT “Almaz” for unknown reasons, although he was unarmed and presented no danger.

It is important to mention that on August 29, a Women’s March was held in Minsk, for the first time gathering about 10,000 people.<sup>31</sup> The event was directed against violence by law enforcement agencies, as well as with demands to release political prisoners and launch investigations of illegal actions of law enforcement agencies. This event was the starting point for the assemblies by diverse social groups, which continued through the September to December period.

It is interesting to note that in August the peaceful assemblies organised by the

28 <https://naviny.media/new/20200827/1598535787-fotofakt-futbolisty-molodechno-2018-vyshli-na-match-v-futbolkah-s-portretom>  
29 <https://sport.tut.by/news/football/698570.html>  
30 <https://hromadske.ua/ru/posts/pravozashitniki-zayavili-o-pyati-pogibshih-na-protestah-v-belarusi-vlasti-priznayut-tolko-dvuh>  
31 <https://news.tut.by/society/698598.html>

opposition were counterbalanced by more than dozen events in support of Lukashenka. These actions were held in Minsk (August 16, 19, 25 and 26), Gomel, Mogilev, Borisov, Bobruisk (August 19), Vitebsk, Rechitsa, Volozhin (August 20), Stolbtsy, Logoisk, Luninets, Gorki, Brest (August 21), Grodno (August 22). Almost all of these actions were accompanied by forced participation of workers of state organizations, as well as incentive payments and salary surcharges. Nevertheless, a certain number of people took part in these peaceful gatherings willingly, “at the call of their heart”. Therefore, we include these actions in our statistics, although we must remember that such assemblies should be voluntary in order for them to be considered as peaceful assembly in essence.

Assemblies subject matter	Amount
Against the current government (before the election)	3
Against the current government (after the election)	176
In support of the current government	17

## Limitations

August was the real pinnacle of the protests after the population’s discontent with the falsification of elections. The most massive peaceful actions on August 9 and 10 were accompanied by unprecedented aggression on the part of the police and the use of special means, many of which were not previously practiced. On August 10, Belarusian human rights organizations issued a statement condemning “the disproportionate use of force by law enforcement and military personnel on August 9 and 10, the use of military equipment, stun grenades and rubber bullets against peaceful demonstrators”.<sup>32</sup> A report by the International Committee For Investigation Of Torture In Belarus stated that “the Authorities responded to peaceful protest with a wave of massive repression, unprecedented, brutal and mass violations of human rights: tortures, violence, enforced disappearances, rapes, destruction of participants of protests’ property and even killings of protesters”.<sup>33</sup>

Most detentions, arrests and fines for participating in assemblies were imposed in August, however, the month is very diverse. Between August 9 and 12, a record number of 7,000 people were detained across the country. Then, until the march on August 23, the authorities carried out single and on-the-spot detentions, fewer than a couple of dozen people throughout the country, and then even this number was practically reduced to zero (mostly men were detained). Then, in the last week of August, the authorities resumed detentions, the scale of which increased as the days passed and amounted to a maximum of about 200 detainees during Sunday’s marches on August 30.

The 7,000 people detained between August 9 and 12 included random citizens who did not take part in the actions, as well as journalists, medical workers, observers, human rights defenders, who performed their professional and public duties. Human rights organizations note that almost every detainee reported the disproportionate and illegal use of force by law enforcement officers, the unjustified use of weapons and ammunition, the use of torture and ill-treatment in places of detention, the lack of opportunities to report their whereabouts to relatives and lawyers.

As a result of the actions of law enforcement agencies, at least 5 people were killed, thousands of detainees received physical and psychological injuries and were forced to medical treatment, physical and psychological rehabilitation. More than 1,000 affected citizens have applied to the territorial departments of the Investigative Committee of the Republic of Belarus and the Prosecutor’s office with a request to initiate criminal proceedings on the facts of torture, abuse of power and official authority against law enforcement officers, temporary detention centres, detention centres for offenders and other places of detention of detainees. However, so far, no criminal cases have been instituted in relation to the above-mentioned acts of law enforcement agencies, but there have been some refusals to initiate criminal cases.<sup>34</sup>

32 <http://www.legin.by/posts/253>

33 <http://www.legin.by/uploads/FirstReport2020.pdf>

34 <http://www.legin.by/posts/298>

## V. Trends in peaceful assemblies in Belarus from September to December 12, 2020

Other actions by the authorities to limit the right to peaceful assembly during this period included closing several metro stations in Minsk “in order to ensure the safety of passengers” and this also included closing entire lines to prevent people from coming into the city.<sup>35</sup> Furthermore, access to the internet was also limited, for example on June 19 during a protest the country’s largest provider completely turned off mobile Internet for several hours. Between August 9 and 12, the Internet was almost completely shut down across the country. After this, we saw similar actions from all mobile operators every Sunday during protests. On August 23, for the first time, mobile operator A1 publicly admitted that this happens “at the request of state bodies in connection with ensuring national security.”<sup>36</sup> One response to the closures was that information about the protests and assemblies began to appear on Telegram channels.

During this period, state media and television channels paid very little attention to the events taking place, and information about the protesters was almost always presented negatively: they tried to present them as immoral elements (alcoholics, drug addicts, prostitutes and criminals), whose goal was to destabilize the situation in a calm country. According to the state media, the presence of protesters at the rallies is paid for from abroad. The violent detentions that took place were presented as a necessary response by law enforcement agencies to the destructive, violent actions of the protesters and were characterized as mass riots.<sup>37</sup>

During this period large, unauthorized marches were held throughout Belarus every Sunday. On November 22 and 29, they mostly took place in the form of local assemblies without organizing a single large march. Women’s marches were held on Saturdays throughout the autumn, while pensioners’

marches were held on Mondays and people with disabilities gathered for peaceful protests once a week. These meetings were announced in various Telegram channels: both in chats with a huge subscriber count and in “courtyard” chats. Major protests were announced a day before their start, and the exact place of the protesters’ gathering and the plan of moving around were announced an hour or two before the start of the assemblies in order to disorient security forces. Local assemblies were regularly held in the form of “solidarity chains”, banner placements and an uncountable number of performances. All actions were met by detentions, beatings and the use of special means by the police.

### Quantity

For the period from September 1 to December 12, we know of at least 1960 assemblies, taking into account that we counted several assemblies in the same city on Sundays as one. Moreover, it is impossible to count the exact number of courtyard actions and student protest actions, since they took place in large numbers on a daily basis.

#### Protests dynamics by month in 2020

September	534
October	893
November	436
December (until 12.12)	97

Despite the harsh detentions and repressions in the form of arrests or initiating criminal cases for participating in peaceful assemblies, people continued to participate in the protests, although the number of participants decreased towards the end of the year compared to August 2020. On September 13, about 100,000 participants were counted at the March of Heroes<sup>38</sup> in Minsk, with an increase of up to 200,000 people for the “People’s Ultimatum”

35 Сообщение в официальном Telegram-канале Минского метрополитена <https://t.me/minskoemetro/55>

36 <https://www.a1.by/ru/company/news/o-rabote-mobilnogo-interneta-3g-v-minske/p/rabota-mobilnogo-interneta-3g>

37 <http://www.legin.by/uploads/FirstReport2020.pdf>

38 <https://naviny.media/article/20200913/1600014628-sto-tysyach-geroev-vyshli-v-minske-na-marsh-protesta>

march on October 25.<sup>39</sup> But after this, assemblies attracted ‘only’ several tens of thousands of people.

During this period, at least 9,500 participants were detained during and after the 13 large peaceful Sunday assemblies. Among those detained were bystanders and journalists performing their professional duties. During almost every march police officers beat people, both barehanded and with batons, used pepper gas and firearms with rubber bullets. As of November 22, security forces detained more than 30,300 people for participating in protests across the country after the elections.<sup>40</sup>

Moreover, according to the data published by the Mediazona portal, during the protests in August–September 2020 alone, at least 1,373 people (1,316 men and 57 women) suffered from the actions of law enforcement officers in Minsk, and about 500 people were beaten during the rallies, one third received moderate injuries and wounds<sup>41</sup>. In the post-election period, 9,311 charges were made against the protesters, claiming citizens guilty of committing administrative offenses<sup>42</sup>, and more than 900 criminal cases<sup>43</sup> were initiated against protesters.

It is also important to note that a large number of the most active opposition figures in various fields of activity (sports, medical care, education, industry, as well as various categories of the Coordination Council members – an opposition body established to resolve the conflict in Belarus) had to leave Belarus and go abroad due to the risks of being held criminally liable or subject to extremely tough, biased and disproportionate administrative and other liability (constantly prolonged administrative arrest; daily detention of activists for identification, etc.).

## Geography

During this period, various news sources (TUT.by, Naviny.by, Onliner, SB Belarus Segodnya, ONT, ATN; telegram channels Zhieltye Slivi (pro-government channel), Radio Svaboda and Nexta (opposition channels)) reported actions

from 81 cities and other locations.

Minsk took the leading place again, where 1,447 actions were counted (without taking into account the fact that local courtyard actions with dozens of people take place almost every day and on Sundays). The next “protest centre” cities are Grodno (62), Brest (46), Novopolotsk (38), Vitebsk (35), Gomel (29). 19 actions were held in Lida and Mogilev, 17 actions were held in Zhodino, 16 in Dzerzhinsk and 15 in Soligorsk. It is important to note that many small towns began to take part in the actions. The reasons for the increase in the number of peaceful assemblies outside the regional cities and Minsk were the spread of the opposition agenda to regional cities and smaller settlements, as well as the fact that the final destination of many car rallies in support of the current government were various memorials, which are just located in small settlements.

### Peaceful assemblies by settlements for autumn 2020

Minsk	1447	Rakov	2
Grodno	62	Raybichi	2
Brest	46	Zamastochie	2
Novopolotsk	38	Bereza	1
Vitebsk	35	Bolshoe Stiklevo	1
Gomel	29	Chachkovo	1
Lida	19	Chist	1
Mogilev	19	Degtyarovka	1
Zodino	17	Dokshici	1
Dzerzhinsk	16	Elnitsa	1
Soligorsk	15	Glybokoe	1
Baranovichi	14	Gorodishe	1
Berezovka	13	Ivenets	1
Hatezino	13	Korelichi	1
Bobruisk	11	Korobchitsy	1
Polotsk	8	Kuchkuni	1
Volkovisk	8	Lepel	1

39 <https://www.dw.com/ru/narodnyj-ultimatum-poslednij-marsh-pered-zabastovkoj/a-55393624>

40 Второй промежуточный отчет Международного комитета по расследованию пыток в Беларуси (сентябрь-ноябрь).

41 <https://mediazona.by/article/2020/10/13/minsk-beaten>

42 <https://zubr.cc/>

43 <https://naviny.media/new/20201117/1605603646-glava-pa-obse-sdelal-zhestkoezayavlenie-po-belarusi>

Borisov	7	Lyaskovka	1
Rechica	7	Medvezino	1
Molodechno	6	Myadel	1
Svetlogorsk	6	Novaya Veska	1
Fanipol	5	Novie Zasimovichi	1
Logoisk	5	Osipovichi	1
Mozur	5	Ozerco	1
Novogrudok	5	Ozeri	1
Pinsk	5	Postavi	1
Stolbci	5	Priluki	1
Zaslavl	5	Samohvalovichi	1
Liakhovichi	4	Solnichni	1
Orsha	4	Slonim	1
Semkovo	4	Staroe selo	1
Smolevichi	4	Tarasovo	1
Smorgon	4	Trostenec	1
Zhlobin	4	Volozin	1
Kobrin	3	Zapolie	1
Pryzani	3	Zirovichi	1
Smilovichi	3		
Zabinka	3		
Bolshevik	2		
Gatovo	2		
Ivie	2		
Kolodoshi	2		
Novodvorsk vil- lage council	2		
Novoe pole	2		
Radashkovichi	2		



## Types of actions

It is important to note that due to the increased severity of suppression by the security forces, by the middle of the period (for example, at the marches on November 8 and 15) the protests in the regions began to gradually fade, because even the smallest crowd provoked instant arrests in many regional centres. Under such circumstances, only a couple of dozen women and pensioners could gather in these cities and not be detained for unknown reasons. This was due to the fact that the Ministry of Internal Affairs forces in the regions transferred free soldiers to the capital in order to suppress protest activity there. This factor, along with rather inconvenient gathering points (for example, during a march to Kurapaty on Sunday, people were asked to gather on the outskirts of the city and leave it), as well as an increase in the level of training of security officials to disperse popular collection points (monument “Stella”, Kalvariyskaya st., Nemiga metro station, Pushkinskaya metro station, etc.) resulted in a rather significant reduction in the number of protesters.<sup>444546</sup>

In connection with this situation, the Golos platform (the Golos platform was created by Belarusian programmers to monitor the integrity of elections and alternative vote counting. After the evidence of electoral fraud, the platform’s functions were expanded to

44 <https://news.tut.by/society/706187.html>

45 <https://www.dw.com/ru/belarus-pravozashhitniki-soobshhajut-o-bolee-300-zaderzhannyh/a-55533198>

46 <https://www.svoboda.org/a/30887265.html>

allow counting the number of people coming out to protest peacefully) conducted a survey on the preferable form of protest actions. It identified a new choice of tactics, where people gather in their own courtyards, regroup at district gathering points and connect with the groups of other courtyards and districts. This tactic partly disorientated the limited number of security forces, so they could not disperse the actions in every district. On Sunday December 6, for example, it was noted that numerous units of security officials tried hard to “clean up” specific areas, while relatively smaller forces were sent to other areas. According to our observations, these areas change every Sunday for unknown reasons. On Sunday, December 6 the areas were Uruchye, Vostok-1 and Vostok-2, where special forces tried to disperse people 5 times.

The courtyard actions trend started alongside the massive Sunday marches, and intensified on weekdays. In the evenings, opposition representatives held courtyard marches, musical concerts with songs with different political contexts, fire shows, nightly tournaments, group tea parties, exercises, lectures on political and other topics and even tours. New forms of protest have also included the simultaneous switching of lanterns by residents of courtyards and placing white sheets on their windows. These actions have continued to take place almost daily in many districts of dozens of cities all over Belarus, which makes their counting almost impossible. This period was also a turning point for student protests. Although there were isolated actions by students at their universities in August, September and October became a real peak for forms of student activity. On September 1, a huge student march took place, with several hundred participants.<sup>47</sup> An even greater reason for the protests was the appearance of police officers at one of the protests on September 4 in the Minsk State Linguistic University, where they carried out arrests.<sup>48</sup> In the following days, especially on September 5<sup>49</sup>, many solidarity actions with students of the Minsk State Linguistic University took place, which ended in brutal detentions as soon as the students left the territory of their universities.

Until the beginning of November, when students of Belarusian State University (November 11) and many other universities began to switch to remote learning, protests took place almost daily. The forms of protests were group singing of songs, round dances, chanting slogans, “sit-down” protests. Most often, the actions took place inside the buildings or near them. There is information among students that university rectors have “gentlemen’s agreements” according to which the police security forces cannot appear within the walls of universities. Many students were repressed for expressing their opinion: they were subject to disciplinary sanctions, expulsions and arrests right in the classrooms.

Students’ actions were celebrated at almost all faculties of Belarusian State University, as well as Belarusian State Economic University, Minsk State Linguistic University, Belarusian State University of Informatics and Radioelectronics, Belarusian State University of Culture and Arts, Belarusian State Medical University, Belarusian National Technical University, Belarusian State Technological University, Belarusian State Pedagogic (Maxim Tank) University, Brest State Technical University, Hrodna State (Yanka Kupala) University, Pavel Sukhoi State Technical University of Gomel, Vitsebsk State Medical University, International Institute of Labour and Social Relations and others.

The peak of the protest activity was the support of the “people’s ultimatum” by Svetlana Tikhanovskaya by students<sup>50</sup>, which resulted in a strike and holding rallies outside the walls of the university. The largest action that day gathered several hundred students near the courtyard of the Belarusian State University. It is interesting that while the actions of all universities that took place outside the buildings ended in mass arrests, but the security forces did not detain the Belarusian State University students, but only pushed them out of the roadway, and even allowed them to join the joint march with pensioners.

Also, during this period, for the first time protests started with the participation of

47 <https://www.currenttime.tv/a/belarus-studenty/30814693.html>

48 <https://news.tut.by/society/699316.html>

49 <https://nv.ua/world/countries/protesty-v-belarusi-zaderzhaniya-studentov-v-minske-5-sentyabrya-video-poslednie-novosti-50110328.html>

50 <https://news.tut.by/society/705364.html>



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school students and their parents.<sup>5152</sup> Protests were observed in Lyceum number 2 in Minsk, Minsk Gymnasiums number 4 and 6, as well as in Gymnasium number 1 in Zhodino. Students of secondary education institutions were not punished – only in some cases there were constructive dialogues with the administration. However, parents of students who supported students in the form of single pickets near institutions were most often detained. For example, the father of one of the students who came with a poster to support students of Gymnasium No. 4 was detained and subsequently punished with 15 days of administrative arrest.<sup>53</sup>

It is important to note that over time in this period, the repression of the marches of women, pensioners and disabled people intensified. Accordingly, in September, most of these events were only accompanied by special equipment of security forces, then closer to October, targeted detentions of

protesters who did not belong to these groups began (for example, men on a women's march, young people on a pensioners' march). Also, by October, police officers began to brutally detain participants in women's marches. This led to a new form of protests from women – demarches, when women walk alone or in small groups with flowers, leaves or coloured umbrellas. Towards the end of November – early December, pensioners started to be blocked and sometimes even detained. Also, security forces prevented the disabled from gathering in order to demonstrate their political position.

Also, in the context of this period, it is worth mentioning the Internet disconnection, which began with the global state shutdown between August 9 – 12 and continued almost every Sunday thereafter. Every Sunday, Belarusian authorities require operators to turn off mobile data transmission in order to prevent people from staying in touch during peaceful street

51 <https://newgrodno.by/vybory-2020/na-etoj-nedele-shkolniki-prisoedinilis-k-protestam-kakie-sanktsii-posledovali/>  
52 <https://news.tut.by/society/705592.html>  
53 <https://nn.by/?c=ar&i=262362&lang=ru>

actions. In addition, they continue to use the Deep Packet Inspection (DPI) technology (advanced method for checking and managing network traffic). From time to time authorities try to slow down Telegram traffic (shaping), so that users cannot download and upload media files. VPN and proxy technologies remain popular and help Belarusian users overcome Internet censorship, but they do not work every time. On average, mobile internet is not available from 12:00 to 18:00. However, it is important to note that unlike the August blackouts, landline home Internet (WI-FI) works almost without interruption even on Sundays,<sup>54</sup> It is important to state that due to the decrease in the number of protest activity, during the last courtyard march (December 6), the Internet worked without interruption, however, there were attempts to block Telegram. The record for internet disconnection is 8 hours (November 15, according to Onliner).<sup>55</sup>

During the analysed period (for example, on October 1), the Ministry of Internal Affairs of Belarus massively sent SMS-messages to the mobile numbers of all telecom operators with the same text – saying that their recipients were allegedly noticed at protest actions. The text of the messages says that the subscribers “were identified as violators of the order on holding mass events” then the message outlines that “these events were organized by people accused of a crime under Art. 342 of the Criminal Code of the Republic of Belarus”. This was followed by a warning about the inadmissibility of participation in unauthorized mass events, which will cause responsibility in accordance with the law. Nevertheless, according to the available information, this distribution was carried out in random order: these messages were also received by people who did not participate in any events or even participated in authorized pro-government events.<sup>56</sup>

Types of actions	Amount (not less than)
Various types of courtyard protests	1009
Picketing/solidarity chains	463
March	457
Floral tribute/symbolic actions	20
Car rally	7
A demarch	4

### Subject matter of the assemblies

Each Sunday march was dedicated to some virtue or value: the topics of actions were Heroism (September 13), Justice (September 20), March of the People’s Inauguration (September 27), the release of political prisoners (October 4), Pride (October 11), Partisan march (October 18), Democracy (November 8), Antifascism (November 22), Neighbourhood (November 29). In addition, there were a number of solidarity actions with specific groups (students, teachers, doctors, women, people with disabilities and others). On October 25, all actions were in support of the demands of the “People’s Ultimatum” (Lukashenka’s departure, stop the violence and release of political prisoners) at the initiative of exiled Svetlana Tikhanovskaya.<sup>57</sup>

The secret inauguration of Lukashenka on September 23 was also a huge push for the protests: hundreds of spontaneous protests took place in all districts of Minsk and in many cities of Belarus.<sup>58</sup> The actions were brutally dispersed with the use of water cannon with coloured water, flashbang grenades and other special equipment. This day was also marked by one of the most massive road closures in the history of Belarus, when literally the entire capital got stuck in traffic jams: roads were actively blocked by peaceful protesters. As a result, the security forces could not disperse all courtyard actions in time.

Another huge trigger for protests was the murder of Roman Bondarenko, a resident of the Minsk courtyard on Chervyakova Street (“Square of Changes”). The activist tragically

54 <https://netobservatory.by/belarus-shutdown-2020/>

55 <https://netobservatory.by/belarus-shutdown-2020/>

56 <https://42.tut.by/702512>

57 <https://ultimatum2020.org/>

58 <https://news.tut.by/society/701573.html>



died while trying to prevent unknown people from destroying the opposition decorations in his courtyard. On November 12–13, thousands laid flowers and lamps at the site of Roman’s death, and on November 13, tens of thousands of people went out to the streets to join the solidarity chain in his memory.<sup>59</sup>

Despite numerous and crowded opposition protests, it is worth noting that during the period pro-government rallies also continued. However, not all of them can be included in the number of peaceful assemblies, since this definition implies voluntary participation. Nevertheless, excluding the actions, which in our opinion cannot be called voluntary, practically all actions took place in the format of the auto rallies “For Belarus” to the regions in cars with the use of official state symbols. On average, about 100 cars were there at such rallies, which finished most often in memorials of the victims of fascism etc.

It is also important to mention that the opposition practically stopped protesting using the format of bicycle and auto rallies, due to the brutal detentions of drivers, most often with the vehicle being confiscated for participating in such events.

At the end of November and beginning of December there were cases of actions to support police forces and other special units. Large groups of people met special forces vehicles at the time of their departure to disperse opposition rallies and upon their return. These actions along with the auto rallies were not dispersed and their participants were not brought to court, even though it has not been confirmed that they had obtained permission from the authorities.

Assemblies subject matter	Amount
In the memory of Roman Bondarenko and other victims	53
Expiration of the Lukashenka’s office	49
Rights of the disabled people and pensioners	40
Women marches	30
Neighbourhood	20
Fair elections	15
In support of Lukashenka	15
Against Lukashenka’s inauguration	10
Sunday Partizan March	10
Pride	9
Rights of students, workers, solidarity with workers on strike, the repressed and the fired	9
Against fascism	8
Heroism	7
National ultimatum	7
Release of political prisoners	5
The rule of the nation	5
Justice	3
Unity	3
Against lawless actions	1
Against police brutality towards journalists	1
Against authorities in general	Around 1660

## Limitations

As before, all these actions took place without obtaining permission from authorities, therefore they were severely persecuted – people were detained both during the actions and were identified by video or through the publication of photos in social networks. These videos or photos also served as reasons for bringing citizens to administrative and even criminal liability for participating in various protest actions.

It is important to note that on November 19, the Minsk City Executive Committee approved a plan for additional measures to ensure public

59 <https://news.tut.by/economics/707708.html>

order and security, which was enacted in 44 urban areas.<sup>60</sup> According to the chairman of the Committee, the plan was necessitated by some citizens applying to the City Executive Committee with a request to ensure public safety. The main reasons for these requests are "unauthorized peaceful assemblies which are very disturbing to ordinary people and do not allow them to have a rest". Nevertheless, in our opinion, these appeals of "concerned citizens to restore order" were most likely of an isolated nature, and these measures were introduced to repress freedom of assembly and freedom of expression in the courtyards where people are most actively protesting.

The plan consists of about 20 points, which include the organization of territorial patrols of the city by members of voluntary teams; organization of actions to promote and place state symbols (in practice, this was marked by the forcible removal of opposition symbols by employees of the Housing and Communal Services or employees of the Ministry of Emergency Situations and the replacement of these symbols with the official, state ones); actions to improve video surveillance systems in key public places (in some courtyards, additional surveillance cameras have appeared); monitoring of signboards, shop windows, billboards and other facilities for information that damages the state image (again-fighting with oppositional symbols, graffiti and other means of supporting protesters); monitoring of school, parental and courtyard online chats in order to gather information about facts and/or signs of offenses (employees of certain Internal Affairs bodies are engaged in viewing correspondence in public Telegram chats and help identify and bring to justice users who organize local protests, as well as speak unkindly about the current government) and much more.

Speaking about the 44 urban areas in more detail, it is important that they represent the places where the largest number of locals have been involved in the protests.<sup>61</sup> The responsibility for identifying these zones fell on the district officials. Officials from different districts approached this issue in different ways. In some districts specific areas

are designated, such as the monument to the bison in Malinovka, and in some cases entire districts (Serebryanka, Slepianka, Stepyanka, Loshitsa, Drazhnya, etc.) are recognized as "unfavourable". Nevertheless, the logic of identifying these areas is rather contradictory, since this list did not include such prominent sites as metro station Pushkinskaya (including Olshevsky, Serdich, Zhudro, Matusevicha streets, Pushkin ave.), Tivali, Vostok-1, Vostok-2, Novaya Borovaya, Kamennaya Gorka, metro station Sportivnaya, Sennitsa, Grushevka and other districts where protests are held almost daily.

Nevertheless, despite the introduction of these de jure measures, in practice no detachments of "voluntary teams" were noted. However, the elimination of the white-red-white symbols (in 1991-1995 the national flag of the Republic of Belarus was white-red-white; it is actively used by the opposition to express their protest), the coat of arms "Pogona" (The State emblem of the Republic of Belarus in 1991-1995; the symbol is also actively used by the Belarusian opposition) and anti-government graffiti was intensified.

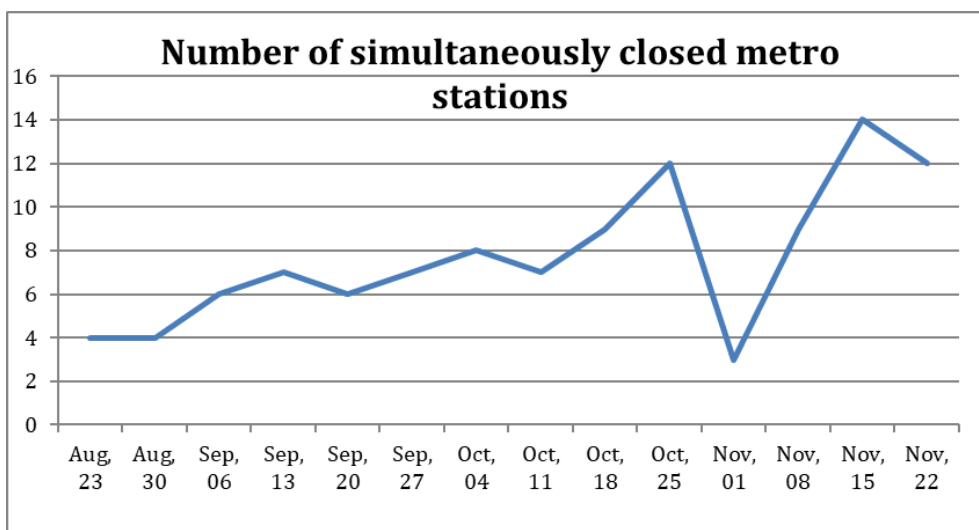
Also, December was marked by new restrictions on freedom of expression, which is closely related to freedom of peaceful assembly. On December 10, the deputy head of the Pervomaisky District Internal Affairs Directorate announced that placing unregistered symbols on windows and on balconies would equal with picketing which causes administrative liability.<sup>62</sup> It is interesting that the placement of symbols in its essence is not equated with a picket either by the norms of national legislation or international law. Moreover, the majority of Belarusian laws do not qualify a balcony as a public place. Nevertheless, more than a dozen people have already been prosecuted for these acts, and some of them have even been brought to administrative arrest. Moreover, after this statement, media representatives (in particular - TUT.by) turned to the Central Internal Affairs Directorate for clarification on whether citizens who put New Year's decorations on their windows in white-red-white colours on holidays will be prosecuted.

60 [https://sputnik.by/defense\\_safety/20201117/1046167889/V-Minske-khoyat-vvesti-dopolnitelnye-mery-po-obespecheniyu-poryadka.html](https://sputnik.by/defense_safety/20201117/1046167889/V-Minske-khoyat-vvesti-dopolnitelnye-mery-po-obespecheniyu-poryadka.html)  
61 <https://realt.onliner.by/2020/11/19/chto-pridumali-chinovniki-dlya-navedeniya-pordyaka-v-minske>  
62 <https://news.tut.by/society/710963.html>

Representative of the press service of the Central Internal Affairs Directorate of the Minsk City Executive Committee Roman Lashkevich replied that there is no information for journalists whether the garlands or other New Year's decorations put on the window are reasons for bringing them to administrative liability so far.

The metro has continued to be regularly shut down on orders from the authorities during mass protests on Sundays. Metro stations located in or near to the city centre are usually closed, for example, on Sunday afternoon, the metro stations "Lenin Square", "Oktyabrskaya", "Victory Square", "Yakub Kolas Square", "Nemiga", "Kupalovskaya" are usually closed for entry and exit. Other stations are also closed if they are located near the gathering place of protesters, and specific stations can be closed if a column of protesters begins to approach the area near it.

Usually, the press service of the Minsk metro explains that such a decision is made for security reasons, and also apologizes for the inconvenience. It is also important to note that due to the relocation of protests to courtyards and the decrease in the number of participants, the number of metro stations that have been closed for passenger traffic in order to prevent protesters' movement somehow decreased for unknown reasons. In fact, these actions of the authorities began to decline only at the end of November and reached a low point on December 6, when only 2 metro stations were closed for the first time for a short period of time only. On average, over the studied period, the stations (mainly stations located in the centre of Minsk, as well as stations located near the march route of protesters) were closed from 13:00 to 18:00.<sup>63</sup>



## VI. Realization of the right of peaceful assembly by distinct groups

### Seniors and retired people

In general, older people are more likely to have conservative views: they tend to be more supportive of the current government and more critical of the protest movements. For a long time in Belarus seniors were seen as a group that is most sympathetic to Lukashenka's rule. The TV and printed media controlled by the state propaganda are the main information sources for the retired. The seniors are more prone to the way of thinking and the rhetoric of the government, whose main values are stability and the absence of war. That is why there was a storm of awe and excitement in the public when retired people first went on to street in an anti-Lukashenka protest of their own. The officials' reaction to the protest of seniors was one of bewilderment and aggression. No doubt the seniors had shown their support of the protests before by taking part in the traditional Sunday marches, women's marches on Saturdays and other rallies. It is interesting that one of the symbols of the Belarusian protest recently has been a 74-year-old Minsk resident Nina Baginskaya, who can be seen at marches and rallies with her hand-sewn white-red-white flag.

	women	men	total
Repressed people over 55	222	358	595
Cases of repression			614

The court's decision	No data	women	men	total
arrest	1	56	134	191
for revision		10	4	14
fine	7	60	58	125
Total	8	126	196	330

The first separate march of the pensioners took place on October 5 without many detentions. The protesters, who were mostly seniors or retired people, met at the square next to the House of the government and then marched along Nezavisimosci avenue. They

voiced the slogans in support of the repressed or detained students, they rallied for free elections and against police violence. The march ended at Yakub Kolas square when the protesters put flowers in front of a monument to the famed Belarusian author. During the upcoming marches the route would stay the same: from Nezavisimosci avenue to Yakub Kolas square.

By the next march of the pensioners the government has formed a specific strategy to deal with them. During the march of the seniors on October 12 the riot police used specialized less-than-lethal weapons on the elderly protesters for the first time. The seniors formed a crowd that moved along Nezavisimosci avenue in the direction of Belarusian National Technical University. Next to the university the protesters were voicing their support of the protesting students. The riot police were there, trying to stop the students from joining the crowd of the pensioners by blocking their way. Across the street medical staff from the clinical hospital expressed their support for the protest of the elderly. The riot police began to detain the medical staff and the students while the seniors tried to stand up for those arrested. The police then deployed stun grenades and tear gas. The journalists who were around the place were also detained there - Svyatoslav Zorkiy of "Komsomolskaya Pravda" and Natallia Fedosenko of TASS.

The march of the pensioners that took place on October 19 went on in Minsk and Grodno with close to zero arrests, although later the facts of workplace repressions against the participants came to light. Many were asked in for interrogations. One example was the participant of the march, a pensioner from Minsk, Irina Haritonovich, who was later requested to visit the police station to summon a protocol. Then a court hearing ended in her receiving a punishment of 15 days of arrest. The march of October 19 was different due to a change in the officials tactics of repressing the

protest - next to the opposition crowd there was also a pro-Lukashenka gathering at the same time. For a while the two crowds were walking side by side along the Nezavisimosci avenue with small arguments happening here and there.

The next day after the National Ultimatum and a national strike were declared to begin on October 25, students joined the rally of the elderly. The joint march of the students and the elderly gathered around 5,000 participants. Those detained were predominantly students. The following marches, on November 2 and November 9, went on in a similar manner. During the 6th march of the seniors on November 9 the medical workers also joined in. The government officials blocked the avenue to stop the passing cars from expressing their support of the protest. The riot police carried out some detentions of the younger participants.

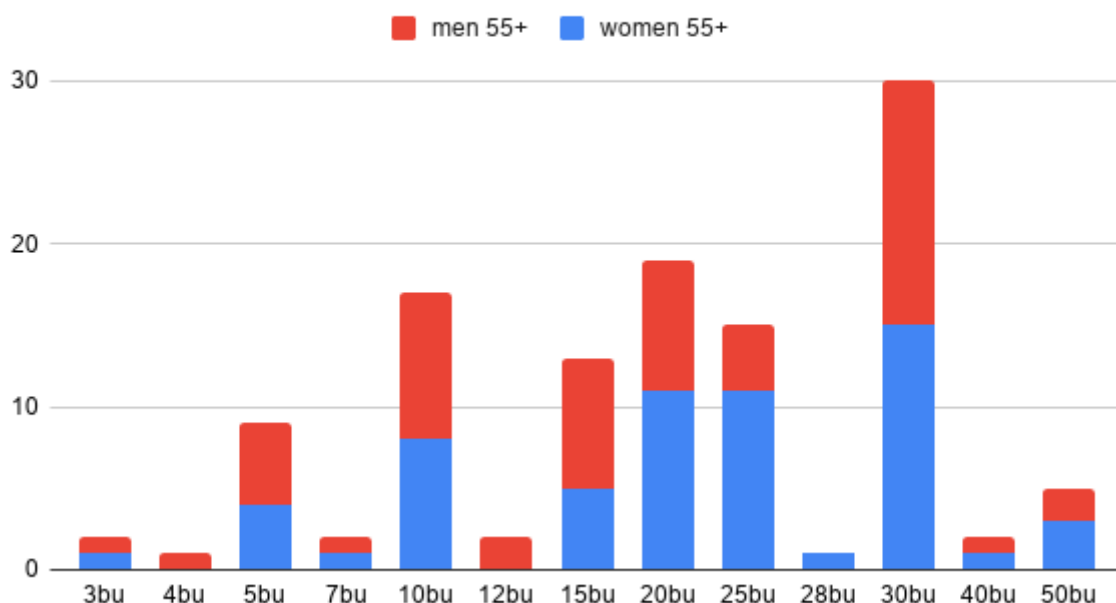
Nevertheless, about a thousand people gathered for a traditional march and reached Yakub Kolas Square. On November 23, law enforcement officers tried to hinder as much as possible the gathering people in one place. If earlier, mainly young people expressing support for the march of pensioners were detained and the elderly themselves were often left alone, then on this march the situation changed and degree of violence rose sharply.

The security forces divided the column into two parts. The first part headed towards Victory Square. The second part went along Yanka Kupala Street to the Opera House, where it was divided into two more parts. Only a small part of pensioners managed to get to Yakub Kolas Square, some pensioners were detained.

On November 30, the difficulties with collecting pensioners in one place were repeated. The column was not allowed to pass even 300 meters, immediately dividing it into two parts. In fact, as a result of the careful work of the security forces, two marches of pensioners took place in Minsk that day. Several elderly people were detained. On December 7, the pensioners decided to change the meeting place of the march to Yakub Kolas Square. The authorities reacted instantly: by blocking the roads in the new location, blocking the exit from the Yakub Kolas square. Among the detained were Belsat journalist Lyubov Luneva and cameraman Ivan Kurakevich.

December 14 saw the peak of the suppression of the march of pensioners. As soon as the pensioners gathered near the Red Church, they were surrounded by security forces. Then almost all the participants of the march (about 100) were detained. At that time, Nezalezhnosti Avenue was blocked for public

the amount of the fine for people over 55



transport, and the exit to Nezavisimosti Square was closed, metro cars followed without stopping at the Lenina Square station. People over 80 were detained. It should be noted that the detainees were kept in the temporary detention facility or the police station on Akrestsin Street until the trial, although there was no need for this. Pensioners could be released and in the future notified of the trial. Keeping elderly people in temporary detention facilities during a pandemic should be considered an additional form of pressure or irresponsibility on the part of law enforcement agencies. As a result of the trial, many were awarded fines of about 30 b.u., which at that time amounted to 810 rubles (more than \$ 300). For comparison, the average pension in Belarus from 07/01/2020 is about 470.60 rubles (\$ 188). Therefore, the fine as a measure of administrative punishment is not proportional to the solvency of the repressed people.

The next Monday fewer people gathered near the Red Church. Nina Baginskaya appeared on Independence Square with a flag. Several dozen people joined her and marched along Independence Avenue towards Yakub Kolas Square. The last march of pensioners in 2020 was held in a more hidden form - several dozen people gathered near the Western Market. There were no arrests.

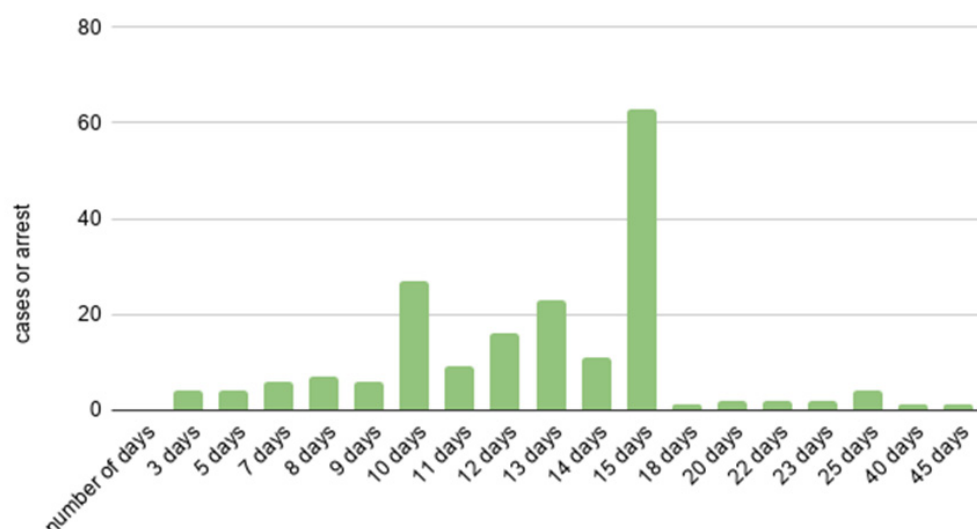
In general, one can observe a tendency: the reaction of the authorities to peaceful meetings of pensioners has changed several

times. It is noticeable that initially the pensioners' march was an unexpected turn of events: the first march passed without detention, while on the second special means were actively used. The unjustified use of violence by law enforcement officials provoked a response: the next few marches were numerous, enjoyed support, and no special equipment was used on them. A new tactic, a pro-government march of retired pensioners, was used. After the events of November 15, the level of repression increased again. But now efforts were directed at separating the convoy and pinpointing them. The peak of pressure is the detention of almost all pensioners who took part in the peaceful assembly. Through such actions, the authorities unjustifiably restrict the freedom of assembly and expression of older people.

### People with disabilities

Every Thursday, starting from October 15, people with disabilities have conducted their own march against violence and dictatorship. On October 15, a lawyer of the Office for the Rights of Persons with Disabilities Oleg Grablevsky was detained during the march. At the trial, he received an administrative arrest for a period of 15 days for participating in the action, although he stated that he monitored the assembly as a human rights defender. On October 22, the rally took place under the supervision of security officials, but ended without detention. On November 5, there were pinpoint detentions. However, already starting

administrative arrest for people over 55





from November 12, the security forces began to actively oppose the collection of citizens. On Thursday, November 19, a new gathering point, Kalinin Square, was chosen for the march of people with disabilities. However, at the new gathering point the security forces did not allow the participants to gather.

On December 3, the International Day of Persons with Disabilities, the participants of the “March of People with Unlimited Opportunities” also tried to gather in the area of Kalinin Square. However, the security forces again prevented this. According to Belsat, several participants in the march were detained, but soon released. The initiative of people with disabilities to realize their right to peaceful assembly and support the protest was suppressed by the state in an unacceptable form.

## Women

From August 9 to 12, the most massive arrests took place in Minsk, which were also characterized by special cruelty on the part of the security forces. More than 6,000 people were detained these days. Many of them were severely tortured and beaten by law enforcement officials. On August 12 women took to the streets in several cities of Belarus at once to express their protest and support the protesters detained on August 9-11. In the morning, near the Komarovskiy market, about 200 women in white clothes with flowers lined up in a living chain of solidarity. The same actions took place that day in Minsk on Victory Square, as well as in the area of the Pushkinskaya metro station, where the previous evening violent attempts were made by the security forces to suppress the protest. Also, in the regions, Smolevichi, Mogilev and Vitebsk joined the women’s protest, where the protests ended in detentions. Thus, a new form of protest with a woman’s face appeared

in Belarus. The participation of women in the protests and the markedly peaceful nature of the protest halted police violence for a while. The next day, August 13, such chains of solidarity began to appear throughout the country. From that moment on, the mass character of the women's protest grew, and there were no arrests at such protests. The form of protest: white clothes and flowers remained. Over the next 2 weeks, women gathered for daily processions of solidarity with the detainees.

On Saturday, August 29, the first Women's Solidarity March was held in Minsk. It was one of the most massive and longest women's marches. It brought together about 10,000 people. Security officials, in view of the fact that women's marches are gaining momentum and becoming more widespread, began to attempt to suppress protest actions. On this day, the participants of the march met at Victory Square, from where they were moving towards the Academy of Sciences. OMON officers tried to interfere with the march by blocking the passage to the city centre. Protesters changed their route and headed towards Bangalore Square. Maria Kolesnikova, one of the members of the Presidium of

the Coordination Council, also joined the action. The protesters chanted the slogans "Tribunal", "Go away". This "Women's Solidarity March" took place without mass arrests.

The next mass protest took place on August 31. Several dozen women lined up in a chain of solidarity near the Red Church on Independence Square. Participants of the action danced round dances and sang symbolic songs. The police urged the women to disperse. This action also took place without mass arrests.

Along with the beginning of the autumn protests, massive repressions began. On September 5, 2-3,000 people took part in the women's march. During the event, mass arrests of participants took place. On this day, at least 90 people were detained. 34 of them were sent to a temporary detention centre pending a court decision.

Then something happened that angered the protesters even more and became the next reason to meet again on Saturday: on the morning of September 7, unknown persons





kidnapped Maria Kolesnikova, a member of the Presidium of the Coordination Council. The next day, state television channels reported that Maria was detained at the Ukrainian border, where she allegedly tried to break through. Kolesnikova was taken into custody. Independent media published their version, in which the authorities tried to take Maria out of the country by force, but at the border she tore up her passport in order to stay in Belarus. On September 8 actions in support of Maria Kolesnikova were held in Minsk. In the districts of Komarovsky market and Masherov avenue, arrests took place during the action. Several people were taken to the ROVD.

By mid-September, women's marches were gaining momentum. Along with Sunday marches, women's protests began to take place regularly on Saturdays throughout Belarus. The protests were also massive, as were the detentions of peaceful protesters. On September 12, about 70 people were detained at the march, including the journalists of Belsat: Yekaterina Andreeva and Maksim Kalitovsky. A separate characteristic of this march was the words "we are walking", which were used by the protesters to avoid arrests. It is also characteristic that during the arrests the women tried several times to rip off the masks and balaclavas from the security forces who brutally detained the protesters.

The next march, September 19, was dedicated to the Day of the White-Red-White Flag. Hundreds of participants marched through the city centre, carrying flags and posters with the words SOS. In their slogans, the women showed solidarity with the detained journalists. This time, the participants also tried to remove the masks from the security forces who were detaining peaceful protesters. At the moment, a criminal case has been opened against a citizen of Belarus and Switzerland for resisting arrest and removing the mask from an OMON officer.

The traditional women's marches continued. On September 26, after the secret inauguration of Lukashenka, women gathered for a procession. The security forces tried to interfere with the event by blocking part of the pre-planned route. This time, the participants gathered in the Komarovsky market area chanting "Light" in support

of their presidential candidate Svetlana Tikhanovskaya.

The next Saturday, the women's march gathered its participants at the Dana Mol shopping centre. A column of demonstrators moved along Independence Avenue with flowers, flags and white-red-white umbrellas. On October 24, women protesters marched in the centre along Independence Avenue. On this day, 11 participants of the march and 3 journalists were detained. October ended with the traditional women's march, which this time united with the march of "people with unlimited possibilities". Together they walked along Independence Avenue. Repression of women intensified in November.

Since August 12, for 3 months, women's solidarity actions have been held in almost every city of Belarus. And despite the fact that during these actions in the regions there were practically no detentions on the spot - in fact, it turned out that the participants received subpoenas, followed by arrests and fines. Video recordings of the protests were used. In Minsk, hundreds of detained women served administrative arrests, dozens - criminal sentences. Some of the women were illegally punished twice: the legislation of Belarus states that women with children under 14 cannot serve administrative arrest, but despite this, many of them spent the first 72 hours before the trial in custody, after which they received fines for participation in unauthorized activities. Thus, the women not only received a fine as punishment, but also illegally spent 3 days in custody.

By the end of autumn, the women's marches merged with the marches of others. Due to massive repressions, women's marches, as such, ceased to exist. Their participants began to join Sunday and other protests against election fraud and massive repression.

## Students

Students are a traditional social group inclined to protest and civic engagement. Since August, students have taken part in peaceful actions, demonstrations and Sunday marches, including organized by the student block. Since the August demonstrations, a number of the country's leading universities, such as BSU,

BSUIR, BNTU united and came out on behalf of the entire student community with traditional protest demands. Students and many teachers created separate chats on social networks, where they discussed possible actions and attempts to dialogue with the administration and the Ministry of Education. Various groups and organizations have been created, such as the Student Working Group. Such an attempt at dialogue can be called the March of Students on September 1, where about 5,000 students tried to go to the Ministry of Education. OMON and police officers interfered with the march, created live barriers and detained the participants.

Many students also began to express their position by quitting state public organizations and trade unions, as they did not protect the rights of students in any way and ignored their demands. Further, students actively expressed their position and disagreement with the administration's ignorance of the events taking place by organizing various actions. For example: sedentary actions on the steps of the university; posters with acute questions from the administration: "Who will protect the students?", "What is the rector for?"; sang various songs near the walls of the university; recorded video messages with their teachers; carried out actions of solidarity with detained students / teachers.

Despite these peaceful and calm actions, there was no reaction from the current government or the university administration, and repression was not far away. The administrations of the universities called the police and harsh detentions of students took place right in the educational buildings. The most famous arrests were in the Moscow State Linguistic University and BSUIR. Also, new rectors were appointed in such universities as MSLU, BGUKI, BrSTU. Many universities have introduced access control.

On October 26, many students took part in the strike and called on others to join, for which there was a rather aggressive reaction from the faculty and deans of faculties, including detentions of students. However, despite this, in many institutions there were meetings held between students and rectors, but this did not lead to anything. As a result, after that day, the repression against students only intensified, and the (former) President

said that such students should be expelled: "Please send them as I said: some to the army and some to the street. Let them walk down the street, but they must be expelled from the university." After that, many students were indeed expelled or deprived of scholarships (a decree was issued on skipping 10 hours, which allows students who were serving arrest to be deprived of scholarships).

More than 20 students were expelled from the Belarusian State Medical University, including undergraduate students. Those students who left the country or submitted documents to another foreign university experience difficulties when leaving Belarus, and many young men who were expelled received summons to the army directly at the dean's office.

On November 12, searches and arrests took place in the homes of students who were involved in the activities of the Youth Bloc and the student democratic organization ZBS. 12 activists were charged under Article 342 of the Criminal Code of the Republic of Belarus and are in jail awaiting trial.

It follows from all this that the students made a significant contribution to the protest movement and took shape in an independent group that is capable of influencing what is happening in the country. Unfortunately, the repression of students and the blocking of the work of student democratic organizations led to the fading of protest activity, at least in the form of peaceful gatherings.

## Children

Belarus ratified the Convention on the Rights of the Child and thus recognized the right of children of peaceful assembly and guaranteed its realization. At the same time, events that took place in August 2020 and in subsequent months showed that the Belarusian authority completely ignored values of this right.

Firstly, children participating in the assemblies were detained on an equal basis with adults, despite the fact that some of them were easily visually distinguishable from adults. When children were detained, law enforcement agencies violated the procedures established by the national legislation. Under

paragraph 3 of Article 8.2 of the Procedural and Executive Code on Administrative Offences, notification of parents or persons replacing them is mandatory in case of the detention of a minor. The notification must be made within 3 hours. This rule was widely violated. In addition, the right of children to protection was violated as well. Many of the detained children were interviewed without a lawyer and in the absence of a psychologist or a parent.

In total, according to the data from human rights centre “Viasna” from August 8 to December 31, about 140 children were detained at peaceful protests; about 240 persons born in 2002, whose exact date of birth is unknown but some of whom could be considered as children, were detained as well.

There are numerous examples of beatings of children by police officers during detention for the participation in unauthorized meetings, during transportation and directly in police stations, despite the obvious perception that it is a child who is being beaten<sup>64</sup>.

There is strong evidence of various injuries to children caused by the use of physical force and special equipment by the law-enforcement forces against protesters. Thus, from the document received anonymously from the Minsk City Emergency Medical Service on the nature and severity of bodily injuries received by citizens from August 9 to 21 during street events in Minsk, it follows that during this period, 15 children aged 5 to 18, as well as 17 people born in 2002 (the border age between an adult and a child) sought medical treatment because of various injuries. The main diagnosis was contusions, bruises of soft tissues of the head and body (mainly the back and buttocks) and limbs, craniocerebral injuries of various degrees, broken limbs (and, in two cases – a nose and a jaw). A 17-year-old boy had his rectal mucous membrane damaged.

Children who took part in peaceful assemblies have been subjected to pressure and intimidation by school administrations, which consisted of the following: calls to school-based councils for prevention, disciplinary proceedings, registration as offenders, threats

of expulsion and real expulsions. In addition, parents whose children were detained during peaceful assemblies were brought to justice for failing to fulfil their responsibilities for raising children (Article 9.4 of the Code of Administrative Offences).

## Medical workers

With the start of coronavirus pandemic in Belarus (March 2020) the medical profession has gained a special public image and respect in the society. Medical workers stand on the frontlines of the battle with the new and barely explored virus. In situations like this one, governments usually tend to develop support programs for the medics: they increase labour remuneration and make efforts to supply the hospitals with all necessary equipment and protection tools.

Numerous projects on cooperation and provision of aid to medical workers during the pandemic became one of the steps towards active organization of civil society in Belarus. While the state happened to be incapable of solving such extraordinary issues efficiently, solidarity and social responsibility started forming in the civil society.

Medical workers themselves actively took part in the protests. Their participation had different forms. During the protests of August 9-12, medics were organizing themselves into ambulance units and helping people injured at the protests.

On August 12, the healthcare minister (at that time) V. Karanik visited Belarusian State Medical University to meet the medics. Medical students and teachers of the university refused to talk to the minister and instead, went out to “Petrovshina” metro station on a peaceful demonstration against violence, wearing white coats.

On August 13, medical workers of the Scientific and Practical Center “Cardiology” went out on a peaceful action with picket signs. On the same day more than 100 medics formed a solidarity chain in Soligorsk.

On August 14, around 10 am medical workers

64 “Belarus after Election” – Report on the human rights situation in Belarus in the post-election period: [https://belhelcom.org/sites/default/files/belarus\\_after\\_election\\_report\\_2020\\_en.pdf](https://belhelcom.org/sites/default/files/belarus_after_election_report_2020_en.pdf), page #46

of Minsk hospital No 10 also went on a peaceful demonstration against violence. They demanded release of their detained colleagues and all other Belarusians.

Peaceful actions by medics took place in other medical facilities as well. Even at that time, the medics became subjects of prosecution. For example, emergency doctor Bogdan Shilnikovskiy, who joined solidarity demonstration, was detained and brought to Okrestina on August 12. He was released from there in an ambulance, to go into intensive care as he suffers from diabetes, and he had not received insulin in the detention center.

After mass releases of people who had been detained during peaceful protests on August 9–12, more complete information about the scale of violence used by police officers against protestors, was disclosed. A large number of private medical centers announced their willingness to provide free medical services to people who were injured during the protests. Doctors let journalists into hospitals and assisted with publishing information about violent treatment and tortures at Okrestina. On August 14, TUT.BY published an article with

shocking pictures and stories of people, who were arrested during the protests of August 9–12 (there were even ordinary people just passing by), who were at that time staying at the emergency care hospital.

Medical workers repeatedly set forth their demands in open letters to the authorities, which collected hundreds and thousands of signatures. For instance, an open letter of medical workers of the Republic of Belarus to stop the violence and comply with the Constitution was published online back on August 14.

On August 17, medics gathered near the building of the Healthcare Ministry in order to address their claims directly to the minister. The claims were the following: release of prisoners, provision of necessary medical help to them, access of medics to detention centers. The Minister, V. Karanik stepped out to the medics; however, the dialogue failed to happen.

On August 27, employees of the Scientific and Practical Center “Cardiology” went on a picket, protesting against the dismissal



of the head of the center, Doctor of Medical Sciences, Alexander Mrochek. The employees are sure that the dismissal is connected with the protest activity of the doctors of the RSPC “Cardiology”, thus the cohesion within the teams of medical workers was manifested.

In September, professional communities tried to formalize their demands to the authorities in various ways. One of the important tools, in addition to peaceful gatherings, were video messages from representatives of various professions and communities. Medics repeatedly filmed video messages expressing their protest against the violence. The first video message was published on September 20. Previously, a Telegram channel “White Coats” was created, where doctors tried to coordinate their activities. BSMU teachers recorded their video messages as well.

Starting from October 5, every Monday pensioner marches started taking place. Medics actively supported this initiative and repeatedly joined the marches. On October 12, when pensioners and elderly were moving towards Belarusian National Technical University via Independence avenue, medics of the 1st clinical hospital supported them by forming a solidarity chain.

On October 27, the morning before work, doctors of the RSPC “Cardiology” (about 25 people) went out to the solidarity chain on Dzerzhinskiy Avenue. Eleven medics were detained. As a result of the detentions, the work of the department of X-ray endosvascular surgery, which is engaged in providing assistance to emergency patients with myocardial infarction, was blocked. The possibility of emergency diagnosis and treatment of critical situations of postoperative complications was also suspended.

The marches of pensioners were gradually suppressed more and more actively by the police forces, and in the same way, severe measures were applied against doctors. On November 7, a march of medical workers was announced. The gathering point was near the building of the 1st clinical hospital in Minsk. As soon as the doctors began to gather, the detentions began. About 20 doctors were detained. Many received an administrative

arrest or a large monetary penalty. The use of such measures against peacefully protesting doctors set against the background of the coronavirus pandemic caused a wide response in society.

On November 18, it became known that the Telegram channel “White Coats” had been hacked and controlled by officers of the Ministry of Internal Affairs. As it turned out, the administrator of the channel was detained, and the officers of GUBOPiK of the Ministry of Internal Affairs thus gained access to the channel. Vladislav Martinovich was detained and charged under Article 342 of the Criminal Code of the Republic of Belarus; he is currently recognized as a political prisoner.

According to the authorities, the death of Roman Bondarenko was the result of an ordinary domestic fight and the deceased was in a state of alcoholic intoxication. Artem Sorokin, an anesthesiologist at the emergency care hospital, submitted medical documents confirming that no alcohol had been found in Roman Bondarenko’s blood. The Prosecutor General’s Office opened a criminal case under section 3 of Article 178 of the Criminal Code against Artem Sorokin and Ekaterina Borisevich, a TUT.BY journalist who published the information received. Both of them were detained on November 19 within the frame of a criminal case and recognized as political prisoners. The detention of Artyom Sorokin caused a new wave of solidarity in the medical community. Doctors of the emergency care hospital held a rally of solidarity with Artem Sorokin. The action was captured on video and was called “o per mille”. On the recording, the doctors are facing the wall and holding sheets with the inscription “0 ‰”. The idea of the action was widely taken up by doctors of other medical institutions, as well as other groups of protestors.

The authorities persistently continue to use repressions and violate the right of medical workers to peaceful assembly.

## Foreigners

As of December 2020, we know about more than 170 detentions and administrative prosecutions of foreigners from more than 17 countries owing to their actual or alleged

participation in peaceful demonstrations in Belarus. The majority of detainees are Russian nationals. Citizens of other countries, such as Cuba, Israel, Turkey and Vietnam were also repressed.<sup>65</sup>

## Mass-media

As stated in the ODIHR Guidelines on Freedom of Peaceful Assembly, “the media has a pre-eminent role and performs essential functions in any state governed by the rule of law”. The role of the media, as a ‘public watchdog’, is to gather and impart information and ideas on matters of public interest – information which the public has a right to receive. Media professionals therefore have an important role to play in providing independent coverage of public assemblies. Media reports are an important factor in ensuring accountability of both assemblies organizers and law enforcement officials. For this reason, the media must be given full access by the authorities to all forms of public assembly and to the policing operations mounted to facilitate them.<sup>66</sup>”

The year 2020 was a serious test for media professionals who covered assemblies in Belarus. Although there have been constant attacks on journalists, the period since the beginning of the presidential election campaign, as well as post-election events, have shown the absolute vulnerability and insecurity of media professionals.

Since the beginning of the presidential election campaign and in the post-election period, the Belarusian authorities have dramatically increased pressure on media professionals and bloggers. From the beginning of the year 2020 until May 8 (the day of appointment of the date of the presidential elections), the Belarusian Association of Journalists recorded 23 violations of the rights of media professionals. In contrast, after May 8 more than 400 cases of violations of the rights of journalists have been recorded<sup>67</sup>.

Journalists actively covered pickets to collect signatures for the nomination of alternative

presidential candidates and for the nomination of the current head of state – A. Lukashenka. Meanwhile, many pickets were covered live and media professionals interviewed voters who were standing in long lines to give their signatures in support of alternative candidates. Voters talked live about problems that concerned them and reasons for supporting alternative presidential candidates. These streams were very popular, the number of views was growing rapidly, and the authorities perceived this as a great danger.

Journalists covering pickets to collect signatures of voters on the air were exposed to detentions. In particular, on June 4, Elena Dubovik (Belsat journalist) and cameraman Alexander Borozenko were detained after streaming from pickets in Bobruisk. Their car was stopped on the way out of the city. The journalists were detained and taken to one of the police stations in Bobruisk. The flash drive and the camera were seized from the cameraman. The detention was justified by a violation of the law on mass media (Article 22.9 of the Code of Administrative Offences), namely, activities without accreditation.

On June 17, after the stream from the picket to collect signatures in Soligorsk Galina Abakunchik and Alexander Borozenko (Belsat journalists) were detained.

On June 19, during the coverage of the last picket to collect signatures, a number of media professionals were detained, including journalists from “Radio Svoboda”, Reuters, TUT.BY, Onliner.by and other media.

A campaign to discredit predominantly journalists of “Radio Svoboda” was launched. Minister of Internal Affairs Yuri Karaev during his speech in the House of Representatives (the lower chamber of the Belarusian Parliament) stated that “protests in Belarus are very well organized”. It was also stressed that “people who want to make a street revolution are very well organized”. The Minister took the stream of “Radio Svoboda” from June 18 as an example. Yuri Karaev put emphasis on the fact that these streams replaced the streams

65 According to the information of the human rights organization Human Constanta, report Non grata: foreign citizens’ rights in Belarus after August 2020

66 Guidelines on Freedom of Peaceful Assembly, para. 206-207

67 As of October 25, 2020. For more details, see. E-Newsletter Massmedia in Belarus, # 3(62), 2020: <https://baj.by/sites/default/files/analyt-ics/files/2020/smi-03622020-en.pdf>



TUT.BY

of Tikhanovskiy. “In a running line, with comments protesters were organizing and self-organizing with someone: ‘move right’, ‘move left’, ‘break a human chain’.”<sup>68</sup>

Media professionals faced the most serious violations of their rights in the post-election period while covering protests. Between August 9 and October 25 the Belarusian Association of Journalists recorded more than 300 detentions of media professionals for performing their duties. In 57 cases the use of violence against journalists during detention and torture after detention were noted. The geography of detentions covers Minsk as well as almost all regions of Belarus<sup>69</sup>.

In many cases, the police intentionally chased journalists. For instance, on August 27, at least 47 journalists, including foreign ones, were detained and taken to district police stations. Law enforcement officials destroyed the footage, threatening to damage or destroy the professional equipment of journalists as well<sup>70</sup>.

At least 3 cases were recorded of the use of

firearms against journalists while covering protests. As a result, media professionals were injured, some of them were even in need of long-term treatment in hospital<sup>71</sup>.

Administrative arrest of 3 to 15 days was imposed by the courts 48 times as a punishment for journalists in the post-election period. Almost all court rulings were made on the basis of the police officers’ testimony, whose data were often classified and faces were hidden. Their testimony often contradicted the submitted documents on the status of a journalist, video materials, and eyewitness statements.

Katerina Andreeva (Bakhvalova) and Daria Chultsova (journalists of the Belsat TV channel) were involved in the criminal case regarding the organization of actions that flagrantly violate public order. It happened after a live broadcast from the scene of a tough crackdown of protesters by law enforcement officials at the “Square of Changes” in Minsk on November 15.

68 <https://baj.by/ru/content/karaev-zayavil-cto-akcii-protesta-upravlyayutsya-cherez-telegram-kanaly-i-cherez-strimy>

69 E-Newsletter Massmedia in Belarus, # 3(62), 2020: <https://baj.by/sites/default/files/analytics/files/2020/smi-03622020-en.pdf>

70 E-Newsletter Massmedia in Belarus, # 3(62), 2020: <https://baj.by/sites/default/files/analytics/files/2020/smi-03622020-en.pdf>

71 E-Newsletter Massmedia in Belarus, # 3(62), 2020: <https://baj.by/sites/default/files/analytics/files/2020/smi-03622020-en.pdf>

Despite the fact that journalists, as mentioned above, play an extremely important role in a democratic society, including in covering peaceful assemblies, the events of 2020 in Belarus showed that the Belarusian authorities, on the contrary, saw them as a serious threat. They considered journalists as one of the organizers of mass protests.

The repressive measures directed against journalists were essentially intended to intimidate the journalist community, to force them to refuse to cover peaceful protests, and in some cases to avenge the surge of popular discontent. And if the vest with the inscription “Press” in democratic countries protects journalists from “accidental” detention during peaceful assemblies, then in Belarus in 2020, this vest, in fact, became a target.



## VII. Analysis of law enforcement agencies actions

This section focuses on the actions of law enforcement agencies during peaceful assemblies in Belarus in 2020, including the causes and consequences of such actions, as well as their compliance with both national legislation and international standards. Special attention will be paid to the actions of law enforcement agencies, connected with violent suppression of peaceful protests on August 9-12 and in the following days.

### Notification of assemblies

Historically, Belarusian law enforcement agencies have acted in the spirit of preventing any unauthorized mass events, regardless of their nature. As mentioned in previous reports on the exercise of the right to freedom of assembly in Belarus, holding mass events that are not on the agenda of the authorities is extremely difficult. This applies not only to spontaneous meetings, but also to any others that are claimed as a means of collective expression of opinion. Therefore, in the vast majority of cases, citizens deliberately refuse to submit applications to local authorities to hold mass events.

The lack of permission from local authorities to hold a mass event provides law enforcement officers with 'legal' grounds for dispersing meetings and detaining their participants, including by using physical force and special means.

Thus, according to part 1 of Article 12 Of the Law "On mass events", a mass event, as well as preparations for it, must be stopped at the request of the head (his Deputy) of the relevant local executive and administrative body, internal affairs body, organizer(s) of the specified event or the person(s) responsible for organizing and holding a mass event, in the following cases:

- if the application (notification) was not submitted, it was withdrawn by the organizer(s) of the mass event or a decision was made to prohibit the holding of the

mass event;

- if the provisions of Articles 9-11 of this Law are violated (place and time, procedure for holding a mass event -auth.);
- if there is a danger to the life and health of citizens.

In addition, part 2 of Art. 12 of the Law, in essence, obliges law enforcement agencies to take measures (in accordance with the legislation of the Republic of Belarus) to stop a mass event if the participants of a mass event refuse to comply with the requirements of the head (his Deputy) of the relevant local executive and administrative body, internal affairs body, organizer(s) or person(s) responsible for organizing and holding a mass event to terminate a mass event.

However, the termination of an assembly that is held peacefully, only due to the lack of permission from local authorities, is problematic from the point of view of international human rights standards, and in particular the right to peaceful assembly. For example, as noted in the Guidelines on freedom of assembly prepared by the OSCE ODIHR experts as a follow-up to the provisions of international human rights treaties, in particular the International Covenant on Civil and Political Rights (hereafter ODIHR Guidelines), "the power to interfere in the conduct of an assembly should not always be used. If the police (or other law enforcement agencies) have the power to intervene and disperse an illegal assembly or to use force, this does not mean that such powers should always be used. In the case of a peaceful assembly organized in violation of the law, non-interference or active promotion of such an assembly may sometimes be the best way to ensure its peaceful outcome."<sup>72</sup>

Thus, the situation is a vicious circle: on the one hand there is the need to fulfil international standards, which state it is inadmissible to resort to dispersal of meetings held peacefully, and especially to the use of



force towards participants, based on the lack of permission for the holding of the meeting. On the other hand, there is the wording of the Law “On mass events”, which, essentially, instructs the bodies of Internal Affairs to take necessary measures to stop the unauthorized mass events.

**The way out of this situation may be to make appropriate changes to the Law “On mass events” or adopt a new version in accordance with international standards in the field of human rights.**

### **Spontaneous assemblies**

In 2020, the tendency of suppressing unauthorized mass events continued. The internal affairs agencies violently suppressed any people coming out on the streets. Most of such actions in the summer of 2020 were spontaneous, they were held in response to significant events during the election campaign: for example, the last day to collect signatures for the nomination of Presidential candidates, the refusal to register Viktor Babariko as one, etc.

Since national legislation does not specifically

regulate the holding of spontaneous meetings, all assemblies are required to follow the same procedure: by submitting formal application no later than 15 days before the expected date of its holding, or by submitting notifications no later than 10 days in advance if the mass event is to be held in permanent places for their holding, and if it will be static – picket, rally, etc. The lack of specific acknowledgement of spontaneous assemblies means they will always be illegal and the application of the measures already mentioned in relation to participants in such meetings, and, consequently, to the violation of the right to peaceful assembly.

### **Lack of uniform on police officers**

Contrary to best practices regarding police actions during meetings, Belarusian internal affairs officers participated in dispersal of peaceful assemblies, detention and use of physical force and special means in civilian clothing, as well as in uniforms that indicate their membership in security forces, but without insignia indicating their affiliation to the relevant units. They actively used masks, respirators, balaclavas and other means of hiding the face.

Such actions obviously run counter to the standards of proper law enforcement agencies actions in peaceful assemblies. For example, the ODIHR Guidelines contains a separate chapter describing general principles of good practice in relation to the protection of order during peaceful assemblies and law enforcement agencies actions. In particular, they indicate the need for police officers to be easily distinguished (including by personal identification marks). When law enforcement officers are in uniform, their uniforms and/or hats must have personal identification marks (such as their name or number). They may not remove or conceal such identification marks or prevent others from reading this information<sup>73</sup>.

It is important to note that national legislation also prescribes, at the level of general principles, the wearing of uniforms by police officers during public events, especially when it comes to the use of their powers to stop meetings and detain participants. Thus, according to Article 5 of the Law of the Republic of Belarus of July 17, 2007 No. 263-Z “On internal affairs bodies of the Republic of Belarus”, the activities of internal affairs bodies are public. In addition, according to part 4 of art. 23 of the above- mentioned Law, an employee of the internal affairs bodies is obliged in all cases of restriction of the rights and freedoms of a citizen to explain the grounds for such restriction, as well as the rights and obligations arising in this regard.

At the same time, the position of the Ministry of Internal Affairs regarding the legality of police officers performing their duties to protect public order is as follows: “Employees of the internal affairs bodies, when performing their assigned tasks, can protect public order both in uniform and in civilian clothing. This is regulated by internal regulatory legal acts of the Ministry of Internal Affairs”<sup>74</sup>.

In our view, situations where the detentions of participants in peaceful assemblies and the use of force are carried out by people in civilian clothing, who also do not introduce themselves, can lead to conflict and to the legitimate use of force against them by

citizens for the purpose of self-defence. This was the case in some situations during the summer protests in Belarus. In accordance with Article 34 of the Criminal Code of the Republic of Belarus, every citizen has the right to protection from socially dangerous attacks. This right belongs to a person regardless of whether it is possible to avoid assault or to seek help from other people or authorities.

**To avoid such situations, employees of the internal affairs bodies who protect an order during mass events, especially those who participate in detentions, must be in uniform and have distinctive signs.**

### **Actions of law enforcement agencies during peaceful assemblies August, 9-12**

We should also highlight the actions of law enforcement agencies in the context of peaceful assemblies during the street protests of August 9-12. During these days law enforcement agencies acted particularly violently against peaceful demonstrators. Such actions led to a wave of mass civil unrest, increased protest activity in the following weeks, including the use of street meetings.

As already noted, between August 9 and 12, peaceful demonstrations were held against the actions of the authorities during the presidential election of the Republic of Belarus campaign, which from the very beginning represented an atmosphere of fear and intimidation, the unfairness of the elections, as well as the announced results of exit polls, according to which A. Lukashenka won the election with a large margin.

Law enforcement agencies began to prepare for mass protests after the elections long before the voting day on August 9. The day before numerous units of the internal troops, including soldier of compulsory military service, OMON and other police units, as well as special equipment were brought to Minsk from other cities of the country.

In the evening of August 9 people began to gather at the Minsk Hero City Obelisk. OMON officers, who were almost immediately thrown against them, began to detain people with

73 Guidelines on Freedom of Peaceful Assembly, para. 153

74 Response of representatives of the Ministry of Internal Affairs to the request of TUT.BY: <https://news.tut.by/society/689978.html>

the use of physical force despite the fact that demonstrators did not commit any active actions.

Numerous photos and videos of what happened on the night of August 9–10 showed that the demonstrators did not commit any actions that could be grounds for forcibly stopping a peaceful assembly, for using force and special means against the protesters. Despite this, law enforcement agencies resorted to inadequate usage of the entire arsenal of special means that can be used by law enforcement agencies to suppress disorders. Water cannons, stun grenades, and rubber bullets were used for the first time in Belarusian history.

The brutality shown by law enforcement agencies on the first night after the elections led to a response from the people. There were some incidents when plastic bottles with water, paving stones and other objects were thrown at the police officers, some roads were blocked by crowds. Also, an isolated case of using Molotov cocktails is known. At the same time, the response of law enforcement agencies was disproportionate. Instead of taking action against specific individuals, the power of law enforcement agencies was used against all people on the streets, including ordinary passers-by. As stated in the ODIHR Guidelines, "neither isolated acts of violence nor the violent actions of some participants during an Assembly are in themselves sufficient grounds for the automatic imposition of restrictions on peaceful participants in an Assembly. Therefore, during the detention of participants or dispersal of the meeting (which is an extreme measure), law enforcement officers should not treat the crowd of people as a homogeneous mass".

Initially, the actions of law enforcement agencies were aimed at dispersing any crowd of people in the city centre during the declared protest actions. The ODIHR Guidelines states: "So long as assemblies remain peaceful, they should not be dispersed by law-enforcement officials. Indeed, the dispersal of assemblies should be a measure of last resort and should

be governed by prospective rules informed by international standards. Dispersal should not occur unless law-enforcement officials have taken all reasonable measures to facilitate and protect the assembly from harm (including by, for example, quieting hostile onlookers who threaten violence) and unless there is an imminent threat of violence. Dispersal should not, therefore, result where a small number of participants in an assembly act in a violent manner. In such instances, action should be taken against those particular individuals"<sup>75</sup>.

It is necessary to analyse separately the legality, necessity and proportionality of the use of weapons by law enforcement officers to disperse peaceful demonstrations.

From August 9 onwards the police use of non-lethal weapons (rubber bullets and flash-bang grenades) posed a threat to the life and health of demonstrators and led to a large number of injuries. At least 2 demonstrators were killed as a result of the use of weapons by law enforcement officials. These actions clearly run counter to international standards regarding the use of force by law enforcement officials. As stated in the United Nations Basic Principles on the Use of Force and Firearms by Law Enforcement Officials<sup>76</sup>, "Law enforcement officials, in carrying out their duty, shall, as far as possible, apply non-violent means before resorting to the use of force and firearms. They may use force and firearms only if other means remain ineffective or without any promise of achieving the intended result"<sup>77</sup>. These principles provide that "in the dispersal of assemblies that are unlawful but non-violent, law enforcement officials shall avoid the use of force or, where that is not practicable, shall restrict such force to the minimum extent necessary"<sup>78</sup>.

According to Article 1 of the Law of the Republic of Belarus # 61-3 of November 13, 2001 "On Weapons", flash bang grenades and rubber bullets belong to the category of weapons. The Law of the Republic of Belarus # 263-3 of July 17, 2007 "On Bodies of Internal Affairs" stipulates the grounds and procedure

75 Guidelines on Freedom of Peaceful Assembly, para. 165-167

76 Adopted by the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Havana, Cuba, 27 August to 7 September 1990

77 The Basic Principles on the Use of Force and Firearms by Law Enforcement Officials, para. 4

78 The Basic Principles on the Use of Force and Firearms by Law Enforcement Officials, para. 13



for the use of physical force, special equipment and weapons by the law-enforcement bodies. According to Article 26 of this Law, a law-enforcement officer, when performing the tasks of protecting life, health, honour, dignity, rights, freedoms and legitimate interests of citizens, as well as the interests of the state, from criminal and other illegal infringements, may use physical force, special tools, weapons, military and special equipment only if there is no opportunity to perform these tasks otherwise. Physical force, special tools, weapons, military and special equipment are used with regard to the circumstances at the discretion of a law-enforcement officer in cases stipulated by the Law. Clearly expressed and obvious warnings about intended use of physical force, special tools, weapons, military and special equipment should be given to a person subject to their use, except cases, where delay in their use could create an immediate danger to the lives of citizens or may entail other serious consequences. In all cases, where the use of physical force, special tools, weapons, military and special equipment cannot be avoided, a law-enforcement officer must strive to cause the least damage to

life, health, honour, dignity and property of citizens, as well as to take measures in order to immediately provide medical and other necessary assistance to the victims.

At the same time, the Law prohibits to apply or use weapons: in a significant crowd of people, when this may cause damage to bystanders; in the direction of warehouses (storage facilities) that contain flammable, explosive, and highly toxic substances, and means of transportation of these substances; against women, persons with manifest signs of disability, minors, when their age is obvious or known, with the exception of cases when these persons commit an armed or group attack or other actions that threaten the life or health of citizens.

Thus, the use of weapons requires law-enforcement officers to take into account a number of factors. The prerequisite for the use of weapons is obvious violent actions that are dangerous to the life and health of citizens and police officers and involve violence or the threat of its use. The law prohibits the use of weapons in a large crowd of people, when it may cause injury to bystanders, as well as

against women and minors (except cases of armed or group attacks that are dangerous to life and health).

As the events of August 9 and the following days showed, law-enforcement forces actively used weapons (stun grenades, rubber bullets) precisely in conditions of a large crowd of overwhelmingly non-violent individuals, which led to numerous injuries of citizens who directly took part in the protests, and those who did not take part in them and were in the area of their conduct.

Regarding the legality and validity of the use of weapons and other special means against the participants of the rally, it is important to point out that in most cases, with the exception of certain episodes of counter-violence against the police, the protesters did not commit any violent actions against other citizens, property or against law-enforcement officers. Judging by the actions of police officers, their main task was to disperse the demonstrators, to forcibly stop the assemblies, which, in their opinion, were held illegally, by preventing the participants from gathering in one place of the city. In order to forcibly stop the assemblies, police officers shot at the crowd and launched stun grenades at them without any prior warning. With such indiscriminate use of weapons, it was almost impossible to avoid a large number of victims.

In some cases, weapons were used at close range, when the police officers who used them could clearly see that the demonstrators did not pose any threat to their life or health and did not commit any illegal violent actions.

At least 2 participants in meetings in various cities of the country were killed by direct police actions related to the use of weapons. Especially significant from the point of view of violation of international standards and norms of national legislation concerning the use of weapons by law enforcement officers is the death of a participant in a peaceful assembly Alexander Taraykovski on August 10. On August 15 a video of Taraykovski's death was published<sup>79</sup> and clearly shows how he approaches the ranks of the police,

he has nothing in his hands, he is alone and clearly does not pose any threat, does not commit any violent or illegal actions. The police officers were able to clearly see that the person approaching them did not pose any threat to them. However, one of them shoots supposedly with a rubber bullet from a firearm into his chest area. The demonstrator fell to the ground from the shot. The video shows a huge bloodstain on his shirt in the chest area. As it later became known, Alexander Taraykovski died as a result of open wounds to the thorax and extensive blood loss. According to Interior Minister Karaev, Taraykovski 'could be fired at with non-lethal weapons'<sup>80</sup>.

Later the Chairman of the State Security Committee of the Republic of Belarus commented on this resonant case answering questions from employees of Grodno-Azot at a meeting held on December 17. According to Nasha Niva, he says: 'around the behaviour of law enforcement agencies there are quite a lot of myths, fakes, the situation is escalated specifically. Among you, perhaps, there are friends who have suffered apparently, there are such moments. Comrade Taravnowski or Traykovski died in Minsk. But who saw these pictures also saw that the person is standing in front of OMON, went out and brazenly and purposefully stands in front of the police. Excuse me, who was in the United States? The car is stopped, what should you do? Put your hands on the steering wheel. If you don't put your hands on the steering wheel what will they do to you? They'll shoot you on the spot. Look at the actions which are held in Berlin. Everything is quite legal'<sup>81</sup>.

The police officers could have arrested Taraykovski if there were legal grounds for that, without the use of riot gear and, moreover, weapons. However, one of the police officers fired a shot at Taraykovski from close range, which resulted in his death.

When using traumatic weapons at close range, police officers could not but realize that they were thus creating a threat to life. There are serious doubts that the police officers possessed the experience and the necessary skills to use traumatic firearms

79 <https://t.me/euroradio/5296>

80 <https://news.tut.by/economics/696888.html>

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

and rubber bullets in the conditions of a mass gathering. In addition, it is not known whether the equipment had undergone necessary certification or whether the degree of its impact on people had been researched, etc.

In general it can be concluded that members of the security forces used weapons arbitrarily and without sufficient grounds and not adequately to the current situation and which led to numerous cases of injury to protesters, and to the death of at least two of them.

A resident of Homel, Aliaksandr Vikhor, was detained by police officers for participating in an unauthorised assembly on August 9 and, in accordance with a court ruling, was brought to administrative responsibility in the form of detention for 10 days under Art. 23.34 of the Code of Administrative Offences (organization of or participation in an unauthorised mass event). On August 12, he was sent to serve the sentence in the temporary detention facility, but collapsed during transportation in a police van. According to the official version, he was hospitalized and died in the hospital.

There is a different version of what happened. Due to overcrowding of the temporary detention facility, it took hours to unload the transport vehicles and the detainees were forced to stay inside for hours, without access to fresh air. Aliaksandr Vikhor was in one of the police vehicles, and eventually collapsed due to a heart problem. He started screaming and asking for help, but police officers believed that he needed psychiatric help and took him to a psychiatric hospital, where a doctor, realising that Aliaksandr needed different assistance, called an ambulance. Aliaksandr Vikhor was taken to the nearest hospital, where, despite the measures taken, he died. His mother was not allowed to see her son's body. She suspects that Aliaksandr was beaten. The Investigative Committee has launched a probe into the death of Aliaksandr Vikhor and links it to the latter's alleged drug addiction.

It should be noted that police officers are obliged to take measures to provide the necessary medical assistance<sup>82</sup>. The police officers did not take any urgent necessary measures to provide medical assistance to the administratively arrested Aliaksandr Vikhor, and instead of calling an ambulance, they took him to a psychiatric hospital. Taking timely medical measures could have saved Aliaksandr's life. No full-fledged investigation of all the circumstances of Vikhor's death has been carried out and no criminal case has been opened.

### **Use of violence and ill-treatment of detainees for participating in unauthorized meetings<sup>83</sup>**

There is ample evidence of ill-treatment, violence and torture of detained peaceful demonstrators. Many participants in the protests, including those who did not attack police officers and did not offer them any resistance, were beaten during the detentions. Bystanders who were identified by law enforcement agencies as participants in unauthorized mass events were also detained with the use of physical force and special means. Beatings usually began immediately upon arrest, continued in police tracks during transportation to the place of detention and also occurred in places of detention, including in the Department of Internal Affairs or in the courtyards of detention centres.

Surveys of participants in peaceful assemblies conducted by human rights organizations after their release indicate that from August 9 to 12 mass torture of detainees for participating in unauthorized gatherings took place in Belarus<sup>84</sup>. On the merits it was an act of intimidation to prevent citizens from participating in mass gatherings.

The use of physical force, special means, as well as ill-treatment and torture against peaceful demonstrators became the general

82 Law enforcement officials shall ensure the full protection of the health of persons in their custody and, in particular, shall take immediate action to secure medical attention whenever required. Code of Conduct for Law Enforcement Officials. Adopted by UN General Assembly resolution 34/169 of 17 December 1979.

83 For more information on the treatment of detainees for participating in unauthorized public events, including torture, see 1) OSCE Rapporteur's Report under the Moscow Mechanism on Alleged Human Rights Violations related to the Presidential Elections of 9 August 2020 in Belarus, <https://www.osce.org/files/f/documents/2/b/469539.pdf>, 2) "Belarus after Election" – Report on the human rights situation in Belarus in the post-election period: [https://belhelcom.org/sites/default/files/belarus\\_after\\_election\\_report\\_2020\\_en.pdf](https://belhelcom.org/sites/default/files/belarus_after_election_report_2020_en.pdf), Mass Torture in Belarus 2020, Second interim report of International Committee for The Investigation of Torture in Belarus: detention, conditions of detention and treatment of detainees in September-November 2020: [https://drive.google.com/file/d/1O7KmY9QIJNT3dIUZOYJHOWIHB\\_IHrikk/view](https://drive.google.com/file/d/1O7KmY9QIJNT3dIUZOYJHOWIHB_IHrikk/view)

84 For more details, see "Belarus after Election" – Report on the human rights situation in Belarus in the post-election period: <https://belhel>

rule in August and in the following months. According to the information published by the project 23.34.net, about 30 percent of those detained for participating in unauthorized mass events (1,250 people) reported being subjected to violence during detention<sup>85</sup>. At the same time no criminal proceedings have been initiated so far on the fact of the use of disproportionate force as well as torture of detainees for participating in peaceful protest actions, despite the fact that at least 1,000 applications have been submitted to the Investigative Committee units to date.

There has not been any report about the application of disciplinary measures against law enforcement officers who clearly exceeded their authority by resorting to the inadequate use of physical force and special means. As noted in the ODIHR Guidelines “if the force used is not authorized by law, or more force was used than necessary in the circumstances, law-enforcement personnel should face civil and/or criminal liability, as well as disciplinary action. Law-enforcement personnel should also be held liable for failing to intervene where such intervention might have prevented other officers from using excessive force. Where it is alleged that a person is physically injured by law-enforcement personnel or is deprived of his or her life, an effective, independent and prompt investigation must be conducted”<sup>86</sup>. In addition, “where a complaint is received regarding the conduct of law-enforcement officials or where a person is seriously injured or is deprived of his or her life as a result of the actions of law-enforcement officers, an “effective official investigation” must be conducted. The core purpose of any investigation should be to secure the effective implementation of domestic laws that protect the right to life and bodily integrity, and in those cases involving state agents or entities, to ensure their accountability for deaths or physical injuries occurring under their responsibility. The particular form of investigation required to achieve those purposes may vary according to the circumstances”<sup>87</sup>.

Impunity of law enforcement officers who used violence, ill-treatment and torture against peaceful demonstrators was a clear

signal for the continuation of such practices in the following months.

## Administrative harassment

The Belarusian authorities continue to widely use legal opportunities to repress peaceful demonstrators. For example, the Code of Administrative Offenses allows a person to be detained for 3 hours in order to establish an identity and draw up a protocol on an administrative offense. It is also possible to be detained for 72 hours before trial. At the same time, there are frequent cases when a person spends 72 hours in a temporary detention facility, and then receives an administrative fine in court and, thus, is subjected to double punishment: a fine and detention for the same offense. Numerous cases of seizure of property (jewellery, smartphones, expensive equipment) were also recorded in order to ensure payment of a fine. This imposes additional restrictions on people, prevents the appeal of the court decision.

The names and surnames of 25,326 people are reliably known, who were repressed in various forms (detention, fines, arrests) in 26,577 cases for participating in peaceful assemblies from August 8 to December 31, 2020. From January 1 to August 7, 2020, 1,582 cases were recorded. Thus, the total number of cases in 2020 is no less 28,159. Of these, at least 7,232 were subject to administrative arrest and at least 4,331 cases of fines. The share of women among those repressed was about 26% of the total.

The number of legal repression cases against people involved in peaceful assemblies in 2020 represents a considerable increase on similar cases in previous years. For example:

- In 2019, there were 757 cases of reprisals: 418 cases of fines, 32 cases of arrests; 40% of whom were women;
- In 2018, there were 184 cases of reprisals: 163 cases of fines, 21 cases of arrests; and
- In 2017, there were more than 600 cases of reprisals were recorded, of which in 250 cases judges ordered administrative arrest.

[com.org/sites/default/files/belarus\\_after\\_election\\_report\\_2020\\_en.pdf](https://www.23-34.net/physical-violence)

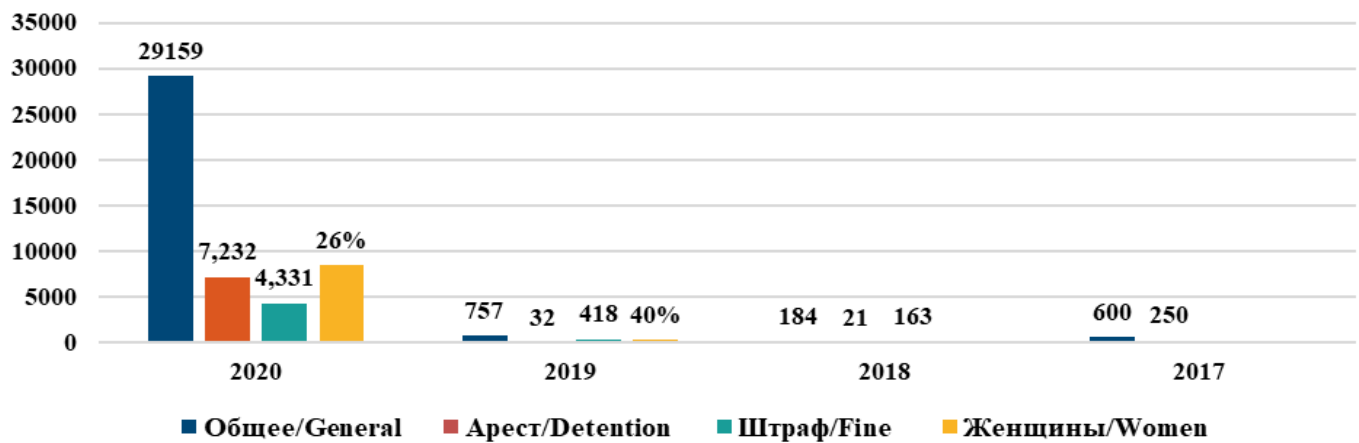
85 <https://www.23-34.net/physical-violence>

86 Guidelines on Freedom of Peaceful Assembly, para. 5.6

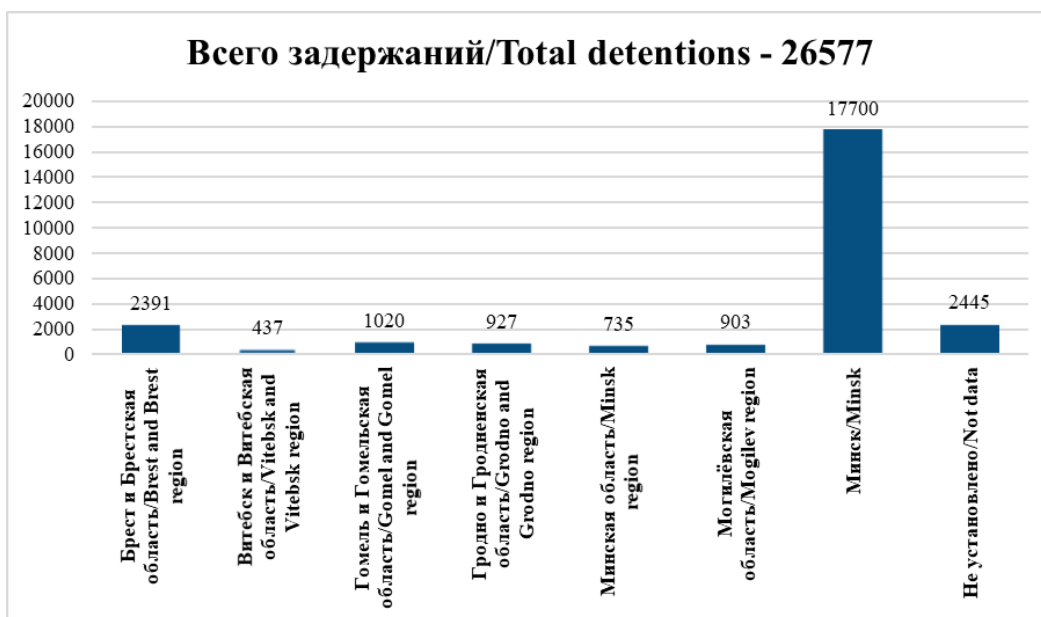
87 Guidelines on Freedom of Peaceful Assembly, para. 181



## Количество репрессий за год/Number of repressions per year



## Всего задержаний/Total detentions - 26577

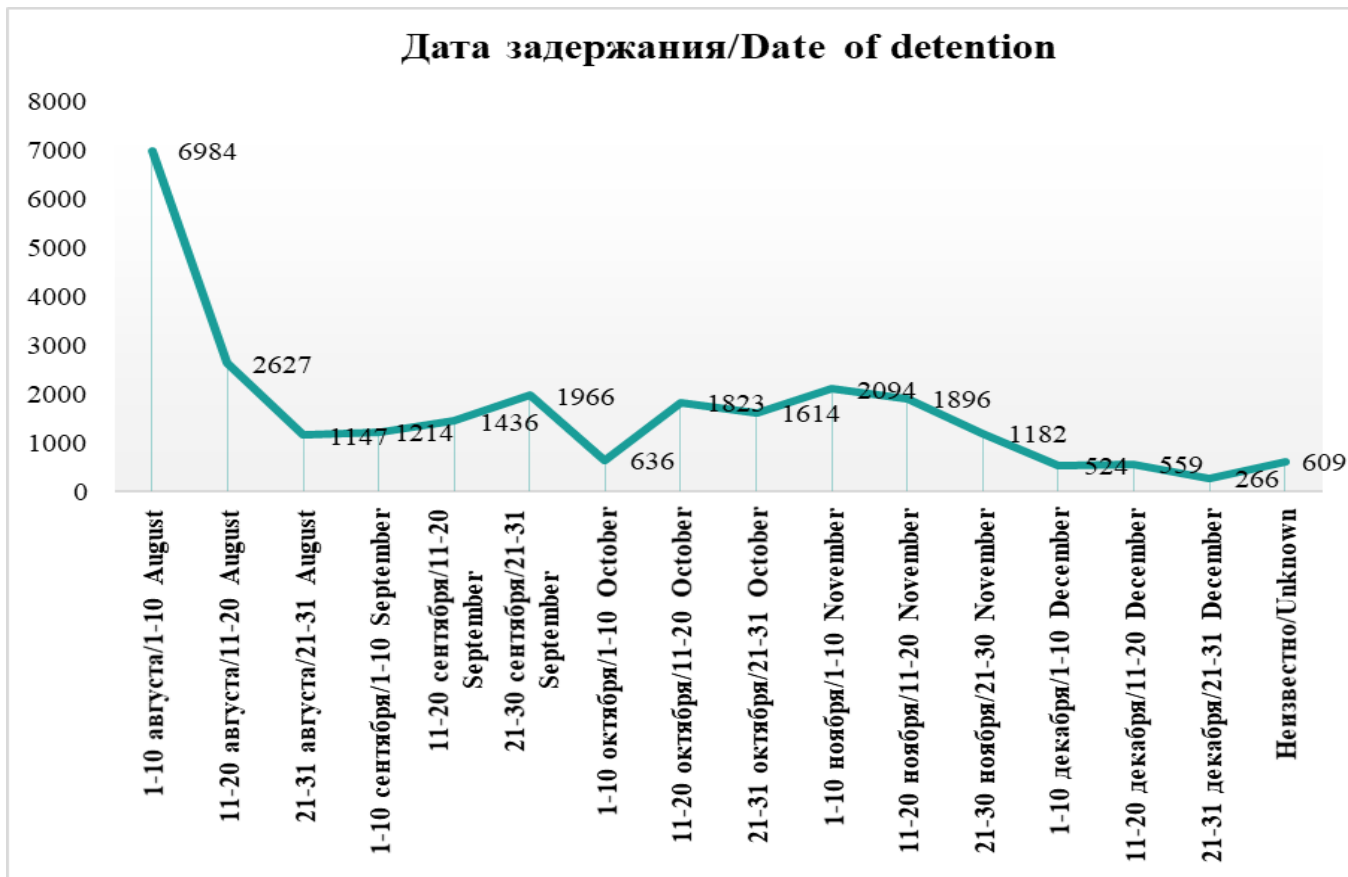


An analysis of the age and sex structure of the repressed shows that people of all ages take part in the protests. And they are subjected to repression in the same way, despite their age. The number of arrests by region shows that protests and repressions are taking place throughout the country.

## Age and sex of repressed people

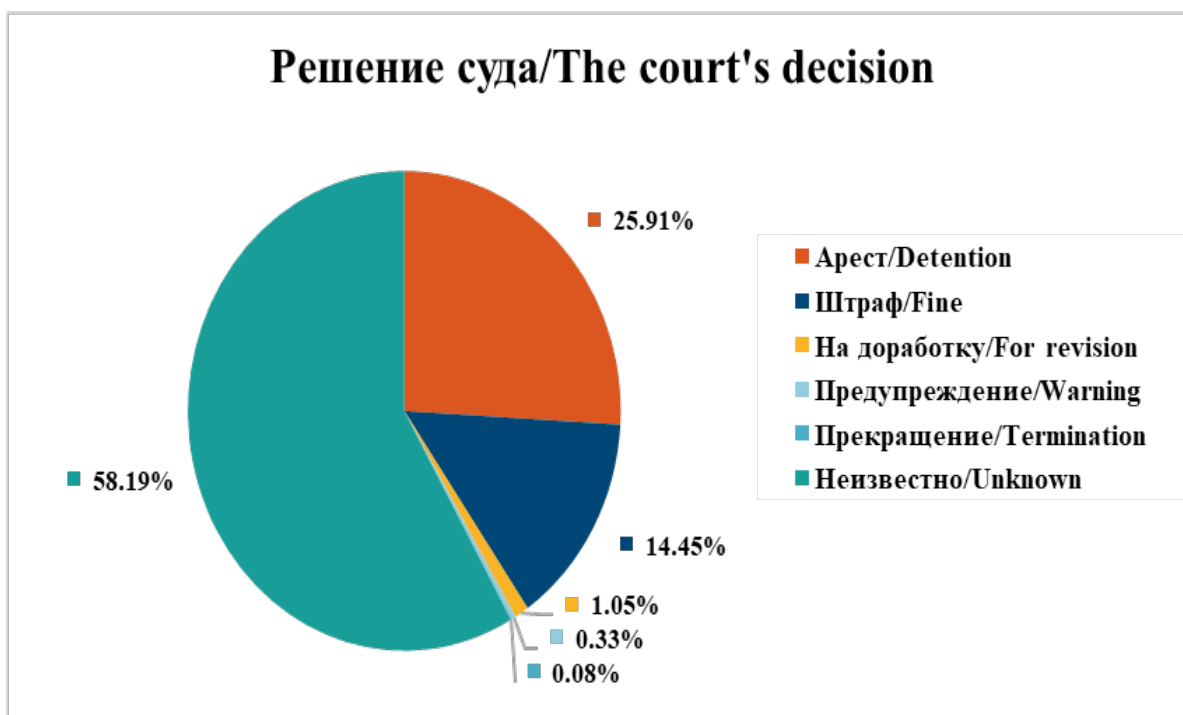
	No data	women	men	Total
18	7	47	240	294
under 18	2	21	117	140
19-25	69	537	2662	3268
25-30	52	342	1733	2127
30-35	53	368	2449	2870
35-40	53	234	1775	2062
40-45	25	182	935	1142
45-50	16	145	621	782
50-55	10	93	352	455
55-60	7	91	211	309
60-65	6	65	94	165
65+	2	66	53	121
Total	302	2191	11242	13735
Total repressed				25326
No data				11591

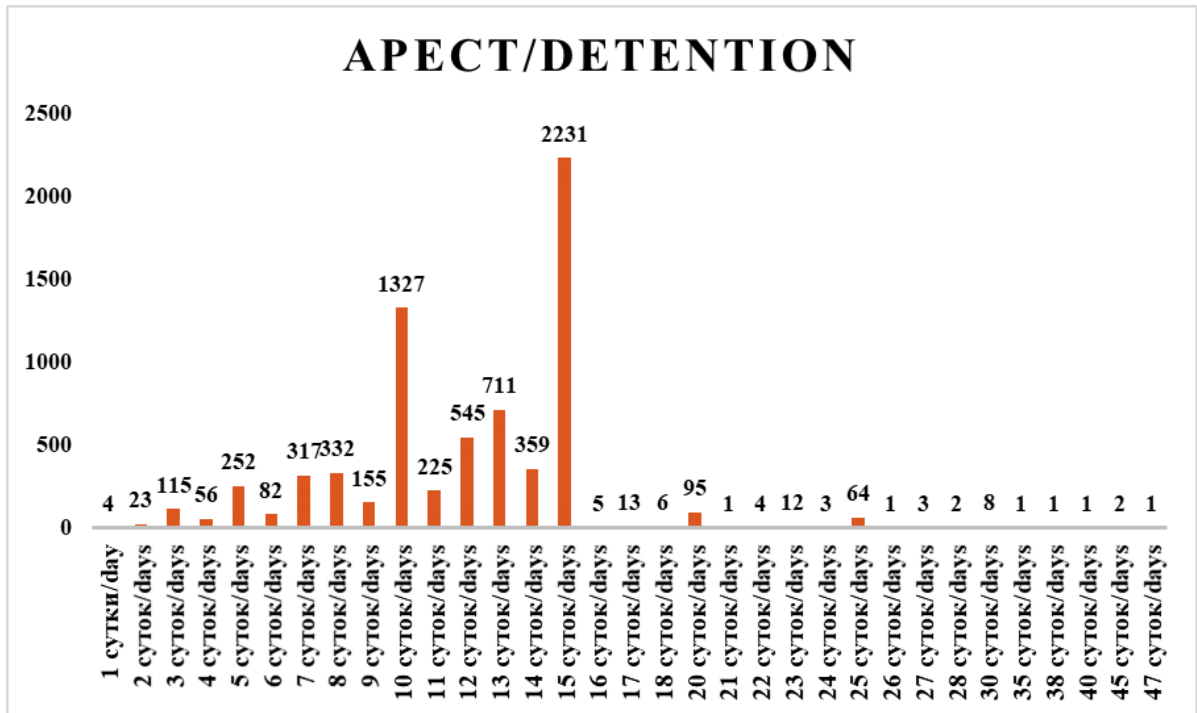
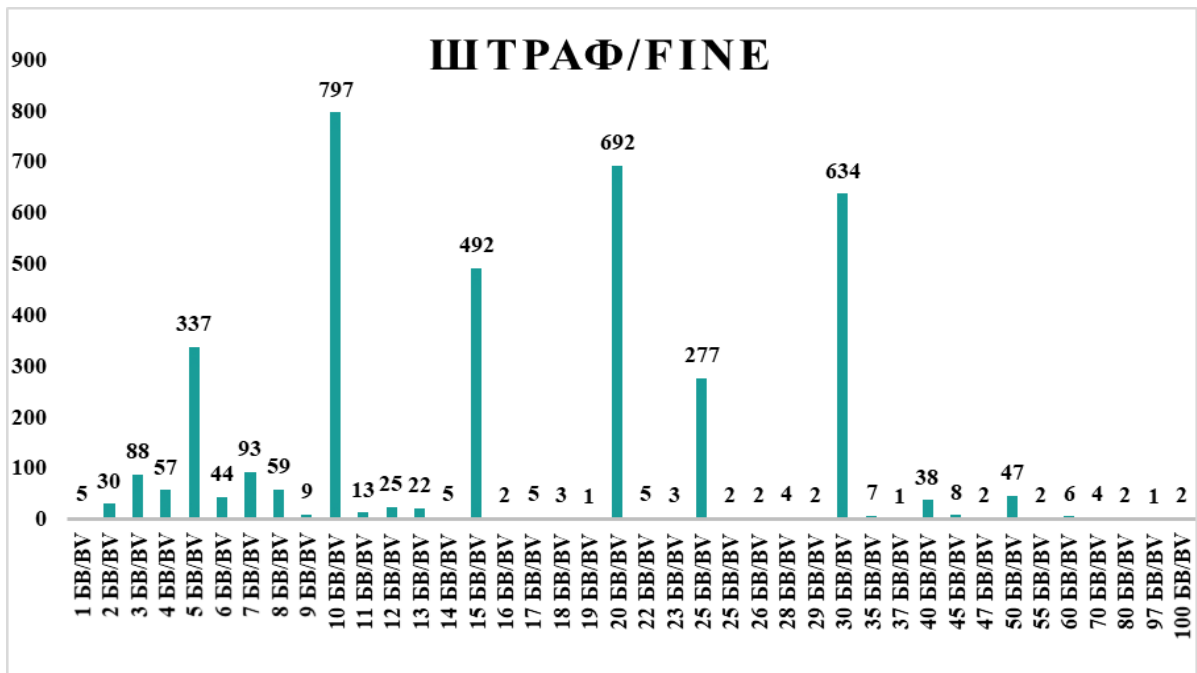
### Дата задержания/Date of detention



The main forms of reprisals imposed for participating in protests, as described earlier, have been heavy fines or administrative detentions. In almost all cases that come before the trial, people are found guilty and are punished. Most often, a decision was made to punish through 15 days of arrest – 2,231 cases, while fines were more often punished through 10, 20 and 30 basic units – 797, 692 and 634 cases, respectively.

### Решение суда/The court's decision





## VIII. Criminal prosecution for participating in peaceful assemblies

In the year of 2020 criminal prosecution was widely used as a form of repressions for participating in peaceful assemblies. From the beginning of the election campaign in May of 2020 there were more than 900 initiations of criminal cases against the participants of the presidential race, active members of their organizations and people involved in peaceful demonstrations that started right after the end of the election campaign.

The Criminal Code articles, that have been most frequently applied, are:

- Article 293 of the Criminal Code of the Republic of Belarus (Riotous disturbances) - about 180 figurants.
- Article 342 of the Criminal Code of the Republic of Belarus (Organization or active participation in group actions that violate public order) - was widely used against activists in May and July (“Tikhanovsky Case” or “Hrodnensky Case”, “14th of July Case”). Also, after the Dziady Rally in Minsk about 231 participants were recognised as suspects under Article 342 of the Criminal Code of the Republic of Belarus as told by The Investigation Committee.
- Article 363 of the Criminal Code of the Republic of Belarus (Resistance to a police officer or other person protecting public order)
- Article 243 of the Criminal Code of the Republic of Belarus (Tax avoidance) - was used for arresting campaigners of Victor Babariko’s office and campaigners of other offices or people who helped other offices or victims of protests. <http://spring96.org/be/news/99638>

The section below discusses the main criminal cases related to peaceful assemblies in 2020.

### “Tikhanovsky Case”

On May 29 in Hrodno a small demonstration was held for gathering signatures supporting the candidacy of Svetlana Tikhanovskaya. As told by the journalists who were broadcasting

it online the gathering was peaceful without any riotous disturbances as it is prescribed in Article 45.1 of the Elections Code of the Republic of Belarus. The police officers arrested the head of the initiative group, blogger and author of the popular YouTube channel “Strana dlia gizni” Sergei Tikhanovsky and about 15 other participants. The detention took place after the obviously unlawful interference of the police members in the citizens’ communication with Sergei Tikhanovsky.

On May 30, a press secretary of the Ministry of Internal Affairs of the Republic of Belarus announced the initiation of a criminal case on the fact of violence against employees of the Ministry of Internal Affairs, in which S. Tikhanovsky and other detainees allegedly participated. The events that precede the arrest, such as A. Lukashenka’s public statements about Tikhanovsky; an attempt to interfere and create a conflict situation at the small protest by several women; unlawful interference and detention of Sergei Tikhanovsky by the members of police; the demonstrative fall of a policeman to the ground and the subsequent reaction to the incident by the state media allow us to conclude that a provocation could have been committed against S. Tikhanovsky. The analysis of video recordings of events and eyewitness accounts allowed activists to make a conclusion about the lack of evidence needed for the detention of S. Tikhanovsky as listed in the Criminal Procedure Code of the Republic of Belarus. The above mentioned can only indicate the arbitrary and unlawful detention of S. Tikhanovsky. <http://spring96.org/ru/news/97268>

### “Molodechno Case”

On June 19, in Molodechno (a city in the Minsk region), during a rally of solidarity, people tried to recapture one of the detainees from the riot police. The video of the scuffle that took place near the police minibus caused a great public outcry, as at some moment of the

scuffle one of the members of Special Police Force had a combat pistol in their hands. The Investigative Committee of Belarus opened a criminal case under Article 363 of the Criminal Code “Resistance to an officer of The Ministry of Internal Affairs or another person protecting public order”.

For this criminal case, 25-year-old Vladislav Evstigneev and 31-year-old Pavel Peskov were arrested. On September 16, the Molodechno District Court began considering a criminal case against them and on September 29 delivered a verdict. Judge Victoria Poleshchuk found both guilty and punished them with imprisonment in a in a standard regime penal colony. Pavel Peskov is imprisoned for three years and three months and Vladislav Evstegneev is imprisoned for three years according to the request of a prosecutor.

The punishment goes beyond the usual practice in such cases, being excessively harsh in both type and proportion because neither arrestee had been convicted in the past nor did they deny the actions of which they were accused. Also, the sanction of Part 2 of Art. 363 of the Criminal Code allows the application of punishment not related to imprisonment. The qualification of the actions of the accused, proposed by the prosecutor and supported by the court are considered doubtful. All these facts allow us to conclude the political motives i persecution of Evstigneev and Peskov and recognize them as political prisoners. <https://spring96.org/ru/news/99756>

### “14th of July Case”

On July 14, the registration of presidential candidates took place. Victor Babariko and Valery Tsepkalo were refused for registration. It caused spontaneous protests in many cities: Minsk, Brest, Gomel, Grodno, Mogilev. Most of the action began at 7 p.m. and took place in the city’s centres, but, for example, in Minsk people gathered in the suburbs: in Malinovka, Kamennaya Gorka, Novaya Borova. The participants lined up in a “chain of solidarity”, passing cars were honking, and people were clapping their hands in response. The demonstrations were accompanied by arrests with the use of force. Conflict situations and the use of violence were noted from both sides. According to the HRC Viasna, at least

215 people were detained with 150 at Minsk. <https://news.tut.by/society/692771.html?c>

About 20 participants were arrested on suspicion of using violence against the members of police. Some of them were charged and taken into custody before trial with court sentences being disproportionately harsh and clearly political in nature. For example, a 20-years old citizen of Minsk named Gleb Hotovko was charged by the Oktyabrsky District Court on December 31 with 4 criminal cases simultaneously. He was accused of participating in a spontaneous rally after the registration of presidential candidates, where he pushed a Minsk Special Police Force member in the flank and disobeyed the senior lieutenant of the Special Police Force. He was also charged with dodging conscription. He was found guilty under all four articles of the Criminal Code and sentenced to 4 years in prison in a standard regime penal colony. The court also held to collect 3,000 rubles from the accused in favour of the victim for the Special Police Force. <https://news.tut.by/society/713593.html>

On November 18, the Tsentralny District Court convicted 21-year-old Anton Lakishik for attacking a member of the Special Police Force named Yevgeny Dudkin on July 14 at Nemiga. Judge Viktoria Shabunya found Anton guilty under the Article 364 of the Criminal Code of the Republic of Belarus (Violence or threat of violence against an employee of The Ministry of Internal Affairs). After the scuffle, the member of the Minsk Special Police Force was not injured and did seek medical treatment. Anton Lakishik fully admitted his fault and compensated the member of the Special Police Force 1,000 rubles or about \$400 for non-pecuniary damage. Despite this, the court sentenced Anton to 3 years in prison in a standard regime penal colony. <https://news.tut.by/society/708333.html>

### Peaceful assemblies of August 9-12

From August 9 to 12, mass protests and numerous arrests of citizens took place in many cities of Belarus, some of the detainees were charged with a criminal case initiated on August 9 under Article 293 of the Criminal Code (riots). The events of August 9-12 in Minsk are unequivocally regarded by human

rights defenders as peaceful assemblies (since the organizers were having peaceful intentions and the assembly was non-violent). <http://spring96.org/ru/news/99146>

It also should be recalled that freedom of peaceful assembly is not subject to any restrictions other than those established by law and is necessary in democratic countries for the purpose of national and public security together with public order, health and morality of the population, or the protection of the rights and freedoms of others. According to the testimony of ControlBY observers who monitored the peaceful assembly on August 9 in different parts of the city (including near the Stela and Prospekt Pobediteley), the assemblies were peaceful and did not pose a threat to either national or public security. Despite the above listed, the demonstrators were attacked by special forces of the Ministry of Internal Affairs with a disproportionate use of physical force, special equipment and weapons.

Moreover, all the reasons for the use of weapons by the members of the Ministry of Internal Affairs are established by Art. 29 of the Law of the Republic of Belarus “On law enforcement agencies”. In particular, this article prohibits the use of weapons with a significant gathering of people, if external publics may suffer from this, as well as against women, people with obvious signs of disability, minors, if their age is obvious or known, with the exception of the assault in concert by these people or other actions that threaten the life or health of citizens. The use of weapons by representatives of the Ministry of Internal Affairs on August 9–12 does not comply with the law above.

It should also be noted that such forms of protest as the blocking of carriageways (including the construction of barricades) does not mean that the assembly has ceased to be peaceful. The participants in the meetings did not commit armed attacks on the members of police or other group actions that threatened the life and health of citizens, including the members of police. The protesters did not commit actions that are covered by the disposition of Art. 293 of the Criminal Code and, accordingly, cannot be qualified as riots. The demonstrators did not commit arson, bashings, did not destroy property and did not

put up armed resistance to law enforcement agencies. Certain cases of violent actions against members of the police by protesters require separate legal qualifications, taking into account the context and circumstances of the use of violence, including in the context of self-defence against knowingly disproportionate actions of members of police.

In their [announcement](#) from August 10, the Belarusian human rights community condemned the actions of law enforcement agencies and made the authorities of the Republic of Belarus all responsible for what happened on August 9 and 10. The persecution of citizens who took part in the above-mentioned protests under Art. 293 of the Criminal Code, is assessed as politically motivated persecution in connection with the exercise of freedom of peaceful assembly and expression of their opinion regarding the announced results of the elections of the President of the Republic of Belarus.

At the end of December 2020, information began to appear in the media about the re-qualification of the charges from Article 293 of the Criminal Code to 342 in relation to individual accused and the transfer of cases to courts.

### **“The first of November march”**

On November 1, a traditional Sunday protest march took place in Minsk. It coincided with the Commemoration day or Dzyady. Dozens of thousands of people took part in the peaceful assembly. During the march, people occupied the roadway, since the crowd did not physically fit on the sidewalks. The Ministry of Internal Affairs interpreted the peaceful assembly on November 1 as an unauthorized mass event, and reported that several hundred citizens were detained during the event for grossly violating public order. Their actions were associated with disobedience to the demands of the authorities and entailed disruption to the work of transport and organizations. The objects of urban infrastructure and the car of the Ministry of Internal Affairs were damaged according to the statement of the Ministry. Several criminal cases were initiated on the fact of organizing actions that violate public order, and active participation in them under Part 1 of Art. 342 of the Criminal Code. In total

231 people were recognized as suspects and were interrogated about the circumstances of the unlawful activity. <https://news.tut.by/society/706261.html>

Some of the suspects were charged with a criminal case. According to the information presented in the media, it can be concluded that the meeting was peaceful, the participants had the goal of expressing a protest, the blocking of the roadway was temporary and was necessary for the passage of the column to the Kurapaty where the final point of the march route was.

On January 4 2021, the Pervomaisky District Court of Minsk began to consider a criminal case under Art. 342 of the Criminal Code of the Republic of Belarus against Mikhail Glukhovsky. <https://news.tut.by/society/713714.html>

According to the prosecution, on the first of November Glukhovsky violated public order by participating in an unauthorized event on Prospekt Nezavisimosty near house No. 95a-111. It was expressed by “public shouting of slogans, loud claps of hands, massive long-term persistent unrelenting disruption of public peace while being in the forefront of a mass event, blocking transport communications by creating obstacles in the form of a group exit to the roadway.” According to the state prosecution, about 30 public transport routes were blocked in the area from the Chelyuskintsev Park, Zeleny Lug and to the Minsk Ring Road. These actions caused damage to “Minsktrans” and were evaluated in more than 10,000 rubles (about \$ 4,000).

## Conclusions

With the above mentioned it became clear that criminal indictment is used by the Government as a form of repressions toward the participants of peaceful assemblies.

Massive initiation of criminal cases, disproportionately harsh court sentences, violation of the presumption of innocence show that cases became political. Criminal prosecution is also used for the sake of protest cooldown, intimidating civil society, and creating an atmosphere of fear and

hopelessness. At the same time, criminal cases against members of law enforcement about the use of torture and abuse have not been initiated, and effective inspections are not carried out.



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