

From:
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To the attention of:
Mr Miklós HARASZTI
UN Special Rapporteur on the situation of
human rights in Belarus

Mr Juan MÉNDEZ
UN Special Rapporteur on torture and other
cruel, inhuman or degrading treatment or
punishment

Sanaka SAMARASINHA
UN Resident Coordinator in Belarus
UNDP Resident Representative;

Mrs Maira MORA
Ambassador,
Head of European Union Delegation to Belarus

Mr Andrea RIGONI
PACE Rapporteur on the situation in Belarus;

2 July 2015
Minsk, Belarus

Urgent appeal

Information about the continuing pressure on the political prisoner Mikalay Dziadok, which can be regarded as torture and other forms of cruel, inhuman or degrading treatment or punishment.

The Belarusian political prisoner **Mikalay Dziadok** spent 42 days out of total 1.5 months in solitary confinement after he was transferred to a new penitentiary. After the transfer, his health and life is at risk; he had to protest by cutting his wrists and stomach; his right to communicate with lawyer has been restricted; and he was to perform forced labor.

Facts

February 27, 2015. Four days before the end of the prison term, Mikalay Dziadok was sentenced to an additional year of imprisonment in a penal colony under Art. 411 of the Criminal Code "Deliberate disobedience to the administration of penitentiary institution carrying out the sentence of imprisonment."

May 12. According to the decision of the Leninsky district court of Mogilev, Mikalay Dziadok was transferred from prison №4 Mogilev to penal colony №9 Gorki, Mogilev region (the head of the colony is **Alexander Lopatko**). During the transfer procedures, for two days Mikalay had not been able to sleep normally. So he fell asleep in a cell an hour before allowed time (22:00). It was considered by the prison administration as a violation of the regime.

May 13. Mikalay Dziadok was punished by the extraordinary duty: he was to wash premises of the colony. It should be noted that, according to the unwritten "prison rules", such work may be performed

only by people with "low status", which endangers the safety of a prisoner. Such requirements are used by the colony administration as a measure of pressure on the prisoner. Mikalay Dziadok refused to fulfill this order. On the same day, he was punished being put into a "ШИЗО" punishment cell (solitary confinement) for 5 days.

May 17. Mikalay was released from the punishment cell, not at 19:00, as it followed from the time of arrest, but at 21:00, one hour before the regime obligatory bedtime. He did not have enough time after the punishment cell, where there is no possibility of maintaining basic hygiene: to wash, brush the teeth etc. At 22:05 Mikalay was still awake, and the colony administration has recorded it as a new violation of the regime. This method of pressure by administration is also commonly used in Belarusian prisons.

May 18. The head of the colony Alexander Lopatko authorized the placement of Mikalay Dziadok in a punishment cell for 7 days. It was the coldest cell without any heating. Those days, night and day temperature in Gorki was 6-9 degrees above zero. The punishment cell inmates are not given blankets or bedding, they sleep on bare metal folding beds. Mikalay Dziadok was in his summer uniform. All day, he asked to be transferred to another, warmer cell, but his request was ignored.

May 19. As a protest against the pressure from the administration Mikalay Dziadok cut his hands and stomach to draw attention to the situation. On the same day, after receiving medical care, he was placed in the same cell, where he continued to be until the end of the term of the penalty. As a punishment for "mutilation" on May 26, he got 3 days more in the punishment cell.

June 2. Mikalay Dziadok appealed to the head of the colony to get work according to his qualification and paid in accordance with the law. Instead of this, he was ordered to assemble together wooden pallets six days a week with a monthly payment of 5,000 Belarusian rubles (equivalent to approximately \$0.34 per month). On the same day Mikalay Dziadok refused to work and was placed in a punishment cell for 7 days.

June 9. He came out of the punishment cell and again refused to perform forced labor. He was sent back to the punishment cell for 10 days.

June 22. The situation repeated. At the exit of the punishment cell, he was again sentenced to 10 days in the punishment cell for refusing to work. That day Mikalay Dziadok was placed in a punishment cell almost immediately after the release, so he could not even wash and dry his clothes, and got back to the cell in wet clothes.

Refusal of the right to legal defense

The prison administration also violates the right to the legal protection of Mikalay Dziadok. On **June 10** his meeting with a lawyer was limited to 25 minutes. Next time, on **June 25** Mikalay Dziadok was allowed to communicate with the lawyer only 15 minutes.

July 2, the lawyer of Mikalai Dziadok didn't manage to meet with him. However, Mikalai Dziadok and his lawyer planned to meet that day. Meanwhile, the lawyer was told that his client had been placed in the punishment cell this week. The colony staff refused neither to issue him any documents related to the penalty, nor explain the reasons for the punishment, nor tell when his client would be released from the cell. Previously they refused to give answers to the lawyer's earlier inquiries.

Assessment of the situation

Repeated incarceration of Mikalay Dziadok in the solitary cell deprives him of the possibility to meet the minimum needs for food and hygiene and correspondence with the family, as all this is forbidden in the solitary cell. There have been numerous attempts to appeal against the actions of the colony administration through national legal remedies, but they turned ineffective. Moreover, there is evidence of threats to prosecute Mikalay Dziadok under Art. 411 of the Criminal Code.

Call to Action

We consider that the actions of the prison administration in relation to the political prisoner Mikalay Dziadok can be regarded as torture and other forms of cruel, inhuman or degrading treatment or punishment against Mikalay Dziadok. In our view, the current system of assigning work to prisoners can be estimated as forced labor under threat of punishment. The lack of effective remedies at the national level force us to appeal to the international mechanisms of human rights protection within the UN, and to inform the EU institutions and the Council of Europe, the agenda of which includes issues of human rights in Belarus.

We call on representatives of the **Special Procedures of the Human Rights Council** of the United Nations to take all possible measures within their mandates, including, but not limited to the following:

- Pay attention to the increasing pressure on the political prisoner Mikalay Dziadok and start communication with the Government of the Republic of Belarus with a view to bringing a halt to the illegal actions of the administration of the colony No 9;
- Continue efforts to visit Belarus to assess the fulfillment of the obligations to prohibit torture and other forms of cruel, inhuman or degrading treatment or punishment.

With the help of the **EU Delegation to Belarus**, as well as the **PACE Rapporteur on the situation in Belarus**, we also call on the institutions of the European Union and the Council of Europe, the agenda of which includes issues of human rights in Belarus:

- Pay attention to the increasing pressure on the political prisoner Mikalay Dziadok and apply available mechanisms to bring an end to such pressure;
- Continue the efforts aiming to achieve the release of all political prisoners in Belarus.

Note: The information above is provided by **Alexander Dziadok** the father of Mikalay Dziadok. He gave his consent to use the UN HRC Special procedures, as well as to use the information for other actions to stop the pressure.

Elena Tonkacheva

Chairperson of Legal Transformation Center

Alexey Kozliuk

Legal and Research Officer of Legal Transformation Center

Maryna Adamovich

Civic initiative “Freedom to Mikalay Statkevich and all political prisoners”