



## **Monitoring the situation of freedom of association and civil society organisations in the Republic of Belarus**

**March 2023**

In March 2023, the repression of Belarusian citizens, including leaders and members of civil society organisations, continues in Belarus. Decisions on the forced liquidation of public associations and submission of new liquidation suits to courts continue. As of the end of March 2023, at least 809 non-commercial organizations are in the process of forced liquidation, including suits on forced liquidation submitted to courts, or have been forcibly removed from the Unified State Register of Legal Entities and Individual Entrepreneurs (USR). The number of organisations that have opted for self-liquidation is 440 as of the end of March. Thus, the losses in the public sector of Belarus, starting from the post-election period of 2020, are already at least 1249 institutionalized forms of non-commercial organizations (public associations, trade unions, foundations, non-governmental institutions and associations). One of the most authoritative and largest Belarusian civil society organizations – the Belarusian Association of Journalists - is recognized as an extremist formation. Representatives of civil society organizations are sentenced to long terms of imprisonment (for instance, Tatsiana Kuzina and Valerya Kasciuhova, representatives of the expert community, were sentenced to 10 years of jail each). The practice of administrative proceedings in court concerning violations of the legislation on foreign donations has been recorded.

As of 31 March 2023, 1,474 people in Belarus are recognised as political prisoners and are held in places of detention.

### **Forced liquidation of non-commercial organisations<sup>1</sup>**

As of 31 March 2023, according to the monitoring conducted by Lawtrend, 809 non-commercial organisations were recorded as being in the process of forced liquidation, including suits on liquidation filed by registration bodies to court, or forcibly excluded from the Unified State Register of Legal Entities and Individual Entrepreneurs (USR). During the monitoring period, both court decisions on the forced liquidation of public associations were taken and new suits on forced liquidation were submitted; a suit on the forced liquidation of the foundation was also filed. The majority of suits were filed by the Ministry of Justice for the liquidation of national and international NCOs. There were also registered facts of suits on forced liquidation filed by the main justice departments of the Minsk city executive committee, Hrodna, Viciebsk,

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<sup>1</sup> The monitoring only records cases of forced liquidation and self-liquidation of non-governmental NCOs; state institutions and republican state and public organizations are not counted in the quantitative indicators. Religious organizations, consumer cooperatives and other organizational and legal forms of NCOs other than public associations, foundations, private institutions and associations are also not taken into account.

and Homiel regional executive committees. The number of forced liquidation suits decreased slightly in comparison to the previous monitoring periods.

### **Decisions by non-profit organisations to dissolve themselves**

The process of decision-making by non-profit organisations to liquidate themselves has not stopped. As of 31 March 2023, according to the monitoring conducted by Lawtrend, 440 non-commercial organisations (public associations, foundations and institutions) to which the statutory authority or founders have decided to liquidate have been recorded.

As in the past, the decision to self-liquidate is made primarily due to pressure on NCO members, staff, an unfavourable legal environment, the general socio-political situation in the country, and often under pressure from the authorities on the NCO to make the decision.

Thus, the analysis of the total statistics of forced liquidation (liquidation) of NCOs and NCOs that have decided to liquidate themselves, shows that from September 2020 to the end of March 2023, there are at least 1,249 fewer (or soon to be as a result of court proceedings) non-profit organisations (public associations, including trade unions, foundations, institutions, associations) in Belarus.

### **Ministry of Justice statistics.**

According to information from the Ministry of Justice, as of 1 January 2023 there were 15 registered political parties and 1 172 party organizations, 20 trade unions (15 republican, 1 territorial and 4 organization-based trade unions) and 28 272 trade union organizations, 2 544 public associations (213 international, 668 national and 1 663 local) and 45 706 organization-based public associations, 44 union-based public associations and 7 national public associations.

Compared to the previous year, according to official statistics, there are 434 fewer public associations (as of 1 January 2022, 2 978 public associations were registered, according to the Ministry of Justice).

It is important to note that the official statistics do not reflect the full picture regarding the number of registered public associations in the country. Last year not only associations, in respect of which decisions on liquidation were taken during the last year or two, but also associations whose decisions on liquidation were taken several years ago, were excluded from the Unified State Register of Legal Entities and Individual Entrepreneurs (which is necessary for a legal entity to be considered liquidated). At the same time, most of the associations to which liquidation decisions were passed in 2021-2022 have still not been excluded from the Unified State Register.

There are also five fewer trade unions (the number of national trade unions was reduced from 20 to 15 due to the liquidation of all independent trade unions).

The number of political parties has remained unchanged. There has been no increase in the number of registration of the organisational structures of political parties (which is necessary to pass the re-registration procedure according to the amendments to the law on political parties), based on the statistics so far. So according to the figures presented only two pro-state parties still meet the criteria for re-registration. Obviously, such criteria will also be

met by the party of "Aliaksandr Lukashenka's supporters" Belaya Rus, the founding congress of which was held in Minsk on 18 March.

Unlike in previous years, the statistics do not provide information on the number of registered foundations (foundations were also subject to mass liquidation in 2021-2022), nor on the total number of public associations registered in 2022.

Information about the number of non-state institutions and associations of legal entities registered in the country is not provided in the statistics of the Ministry of Justice. It has not been available in Belarus for many years.

### **Other pressures on civil society organisations and activists.**

The following human rights defenders remain in the pre-trial detention facility in connection with their professional activities: Ales Bialiatski, chairman of HRC Viasna and Nobel laureate; Valiantsin Stefanovich, member of the HRC Viasna Council and vice-president of the International Federation for Human Rights (FIDH); Uladzimir Labkovich, a lawyer and coordinator of the campaign "Human Rights Defenders for Free Elections"; human rights activist Nasta Loika.

On March 3rd, 2023 Leninski District Court of Minsk sentenced Ales Bialiatski to 10 years in a strict regime colony, Valiantsin Stefanovich to 9 years in a strict regime colony, Uladzimir Labkovich to 7 years in a strict regime colony and the human rights defender of Viasna Zmitser Salauyou to 8 years in absentia on the charges of part 4 of article 228 of the Criminal Code (smuggling - the illegal transportation of large amounts of cash across the customs border of the Eurasian Economic Union by an organised group) and part 2 of Article 342 of the Criminal Code (financing of group activities that grossly violate public order).

All except Ales Bialiatski were also fined three thousand basic units (111 000 Belarusian rubles), while Ales Bialiatski was fined five thousand basic units of fine (Br 185 000). They also ordered to jointly recover from Bialiatski, Stefanovich, Labkovich and Solovyov the sum of Br 752 438,62 (that is almost \$297 650), which they had allegedly "gained by criminal means" through "smuggling by an organized criminal group". The same amount appeared in the charge under Part 4 of Article 228 of the Criminal Code, which had previously been charged, and subsequently dropped, to the human rights defenders.

Oleg Orlov, co-chairman of the Russian human rights organisation Memorial, who wanted to fly to Minsk to attend the trial of human rights defenders in the Viasna case, has been banned from entering Belarus.

An appeal against the court ruling in the Viasna case was filed by the prosecutor, who initially asked for even longer sentences for the human rights defenders (the case will be heard in the Minsk City Court on 21 April).

Leonid Sudalenka, chairman of the Homel branch of the Human Rights Center "Viasna" (listed as involved in extremist activities, sentenced to 3 years in a penal colony under the general regime), is serving a prison sentence, Viasna coordinator Marfa Rabkova (sentenced to 14 years and 9 months in a medium-security penal colony) and Viasna volunteer Andrey Chiapiuk (sentenced to 5 years and 9 months in a medium-security penal colony). In March, the State Security Committee once again updated the list of "persons involved in terrorist activities" and put Marfa Rabkova and Andrey Chiapiuk on it. According to the decision of the

Supreme Court as a result of appeals, Marfa Rabkova and Andrey Chiapiuk had their prison terms reduced by three months: from 15 years to 14 years and 9 months and from 6 years to 5 years and 9 months to Andrei.

Other representatives of civil society organisations, such as Coordination Council members [Maksim Znak](#) (listed as involved in terrorist activities, sentenced to 10 years imprisonment), [Maryja Kalesnikava](#) (listed as involved in terrorist activities, sentenced to 11 years imprisonment), Poles Union member [Andrey Pachobut](#) (listed as involved in terrorist activities, sentenced to 8 years imprisonment), cultural figure and Symbal.by founder [Pavel Belavus](#), Hrodna life activist who founded the Center for Urban Tourism [Pavel Mazheika](#), director of the liquidated Vartanne Foundation [Siarhei Makarevich](#), former deputy chairman of the Public Association "Belarusian Voluntary Society for the Protection of Historical and Cultural Monuments" Yuri Meliashkevich, representative of the Green Watch initiative [Pavel Nazdra](#) (included in the list of those involved in extremist activities, sentenced to 2 years in prison), co-chairman of Tell the Truth [Andrey Dzmitryeu](#), deputy director of the Minsk Bicycle Society [Maksim Puchynsky](#), former head of the Public Association "Akhova Ptushak Batskaushchyny" [Viktar Fianchuk](#) (included in the list of those involved in extremist activities, sentenced to 2 years and 6 months in prison), public figure, founder of the Flying University [Uladzimir Matskevich](#) (included in the list of those involved in extremist activities, sentenced to 5 years in prison, expert of the analytical groups of Agents of Humanitarian Technologies, coordinator of the "Flying University", senior analyst of the Center for General Transformation [Tatsiana Vadalazhskaya](#) (included in the list of private individuals for extremist activities, sentenced to 2 years and 6 months of detection of freedom with direction to an open-type correctional facility ("chemistry").

On March 9th, the Tsantralny District court of Minsk sentenced Maksim Puchynski, deputy director of Minsk Cycling Society, to 2 years and 6 months of restricting freedom without sending to an open institution ("home correctional facility") under part 1 of article 342 of the Criminal Code (active participation in group actions that grossly violate the public order). Puchinsky was put on the list of persons involved in extremist activities.

On 14 March Maskouski District Court of Minsk sentenced the etiquette expert, culture expert, and member of the main staff of the Coordination Council [Aksana Zareckaya](#) to a year and a half imprisonment in a general regime colony under Article 342 of the Criminal Code (organization and preparation of actions that grossly violate public order or active participation in them).

On 17 March, Minsk City Court sentenced in private the Council member and co-founder of the Sympa School for young managers of public administration, expert of the bipart research project [Tatsiana Kuzina](#), founder and editor of the expert community website "Our opinion", head of the expert group for monitoring "Belarus in Focus" [Valeria Kastyuhova](#) to 10 years of imprisonment in a medium-security penal colony under Art. 357, part 1 (aiding and abetting actions aimed at seizing power), Art. 361, part 3 (calling for actions aimed at harming national security) and Art. 130, part 3 (inciting other social hatred and discord).

On 24 March, the Supreme Court upheld the conviction of Sports Solidarity Fund representatives Aliaksandra Gerasimenia and Aliaksandr Apeikin - 12 years in prison each (convicted in absentia in "special proceedings").

The criminal case against co-chair of the public association "Tell the Truth" Andrey Dzmitryeu, charged under part 1 of article 342 of the Criminal Code (organization and preparation of actions that grossly violate public order or active participation in them) will be heard by Maskouski District Court of Minsk on 5 April.

According to the Belarusian Independent Trade Union, almost four dozen trade union activists and leaders of democratic trade unions are currently imprisoned in Belarus. Thus, leaders and activists of Belarusian independent trade unions are kept in places of detention: Chairman of the Belarusian Congress of Democratic Trade Unions Aliaksandr Yarashuk (sentenced to four years in prison), his deputy Siarhei Antusevich (sentenced to two years in prison) and accountant Iryna But-Husaim (sentenced to 1.5 years in prison), Chairman of the primary organization of the Belarusian Independent Trade Union of employees of Hrodna Azot OJSC Andrey Khanevich (listed as involved in extremist activities, sentenced to five years' imprisonment), chairman of the Independent Trade Union at Belaruskali, Aliaksandr Mishuk (listed as involved in extremist activities, sentenced to two years and six months' imprisonment), activist of the Free Trade Union of Metal Workers, Yanina Malash (listed as involved in extremist activities, sentenced to one and a half years in prison); leader of the Independent Trade Union of Radioelectronics Industry Workers - REP Hienadz Fiadynich (sentenced to nine years in a reinforced regime); leader of Orsha Independent Trade Union of REP, Vasily Berasniou, acting chairman of trade union REP (sentenced to 9 years' imprisonment in a reinforced regime); Vatslau Areshka, activist of trade union REP (sentenced to 8 years' imprisonment); Arciom Zhernak, chairman of the primary trade union organization of Free Trade Union of Metal Workers at MAZ (included in the list of those involved in terrorist activities and sentenced to four years' imprisonment). Mikhail Hromau, secretary of the Free trade union of metal workers, liquidated by the authorities, was sentenced to two years and six months of restriction of freedom without sending to an open type institution ("home chemistry"). Vitaly Chychmarou, head of the primary organization of the Free Trade Union of Metalworkers, was sentenced to three years of restriction of freedom without sending to an open type institution ("home chemistry") under Article 342 part 1 of the Criminal Code (organization and preparation of actions that grossly violate public order or active participation in them) and was listed as a person involved in extremist activities.

In Polack, law enforcers detained Mikalai Sharakh, chairman of the Free Trade Union of Belarusians, who was sentenced to 15 days of administrative arrest.

The website of the Commission for the Review of Applications of Citizens of the Republic of Belarus Abroad on Offences Committed by them - komissia-dom.by - has been launched.

According to Deputy Interior Minister Hiennadz Kazakevich, about a thousand Belarusians are officially wanted for committing criminal acts on the territory of Belarus in 2020, 2021 and some in 2022.

According to the head of the State Border Committee Anatol Lappo, 52 persons with signs of involvement in extremist activity were detected when trying to enter Belarus in 2022. According to the information of PC "Viasna," in 2022 and early 2023, at least 58 Belarusians were detained for "extremist activity" at the entrance to Belarus, and some of them were tried for participation in actions of solidarity abroad. Detentions were recorded, including in the "diaspora community".

The practice of recognition of information products as "extremist materials", expansion of lists of citizens, organizations, formations, and individual entrepreneurs involved in extremist activity, initiation of criminal cases for the creation of "extremist formations" and participation in them does not stop. Thus, the Telegram channel with the name "Vitsebskaya Viasna", the Internet resource "Berastseyskaya Viasna", the Vkontakte community "Center for New Ideas", the Instagram page "Antifond. Assistance to political prisoners in Belarus. Help to political prisoners in Belarus" have been recognised as extremist. One of the most authoritative and largest Belarusian civil society organisations, the Belarusian Association of Journalists, which was forcibly liquidated back in August 2021, was recognised as an extremist formation.

People continue to be summoned to "interviews" with KGB departments for donations made by them via Facebook to "solidarity funds". This practice of summoning concerns both IT employees and people from other professions and activities. People who come to these conversations are told that they may be held criminally liable for facilitating extremist activities, and forced to write confessions about donations to "extremist foundations" (although at the time of the donation the foundation may not have been recognised as an extremist formation or is still not recognised as such) and obliged to transfer large amounts of money mainly to support state social institutions.

"SB.BY Belarus Today" Telegram channel posted a video from the search of "Game Stream" LLC employee Kseniya Alkenova and posted information that Kseniya made 9 payments to extremist formations in 2020 - 2021 through Facebook donations for the total amount of \$425. A criminal case was launched against her under the article "Financing of extremist activity". In March, a member of the Belarusian community for free software, the founder of the popular science self-published magazine "Pamyłka" Yury Adamov was detained. He is suspected of funding "extremist activities". EPAM employee Andrey Baranau was detained for transferring donations after a search at his home. According to preliminary information, he is charged with a violation of Article 290<sup>1</sup> of the Criminal Code (financing of terrorist activity).

On 31 March, a trial began in Minsk City Court against IT specialist Ruslan Zavadzich, detained in October 2020 and charged under Article 361(2)<sup>2</sup> of the Criminal Code (financing extremist activities) for two donations (donations) to BY\_help in August 2020 worth about \$50, and a donation to Valery Tsapkala worth about \$25.

According to Vasil Herasimau, chairman of the State Control Committee, 11 criminal cases on financing "extremism and terrorism" were launched in Belarus last year. Eighteen people were found suspected or guilty of them.

On 31 March, the Tsantralny District Court of Minsk considered an administrative case against Arciom Tkachenka, who was charged with violation of the legislation on foreign donations.

From April 1, Belarusian banks will require corporate clients (except for IEs), to deposit current accounts in Belarusian rubles in the amount of 50 or more basic units (Br 1850, or about \$730), to present proof of identity. When depositing a current bank account in a foreign currency through a cashier's office, it will be necessary to present an identity document regardless of the amount.

### **Discrediting civil society organisations.**

The practice of discrediting civil society organisations in the pro-government media continues unabated. Discrediting civil society organisations in the pro-governmental media and TG-channels is a permanent tool of pressure on them along with "legal mechanisms": forced liquidation, forcing to liquidation, checks, summons for talks and interrogations, administrative and criminal charges against members of organisations, searches, confiscation of documentation and equipment, seizure of accounts, etc. In the administration's newspaper "Belarus. Today", the Telegram channel of this resource continues to publish articles discrediting human rights organizations, this time the main focus was on the activities of Belarusian human rights defenders.