



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

April 2023

In April 2023 the repression of Belarusian citizens, including leaders and members of civil society organizations, continues in Belarus. The campaign of "cleansing" of civil society organizations in Belarus doesn't stop. There are constantly registered facts of passing the decisions concerning forced liquidation of public associations and filing new liquidation suits in courts. As of the end of April 2023 at least 824 non-commercial organizations are in the process of forced liquidation, including suits for 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 organizations that have opted for self-liquidation is at least 459 organizations as of the end of April. Thus, the losses in the public sector of Belarus since the post-election period of 2020 are already at least 1283 institutionalized forms of non-commercial organizations (public associations, trade unions, foundations, non-governmental institutions and associations). The prosecution of citizens for funding allegedly extremist formations continues. According to the results of the appeal hearing in the case of human rights defenders Ales Bialiatski, Valiantsin Stefanovich, Uladzimir Labkovich their sentences were left unchanged.

As of 30 April 2023, 1499 people in Belarus have been recognized as political prisoners and are being held in places of detention.

Forced liquidation of non-commercial organizations¹

The practice of a slight decrease in the number of lawsuits filed for forced liquidation of public associations and foundations, which started in the previous monitoring period, has not developed.

As of 30 April 2023, according to the [monitoring](#) conducted by Lawtrend, there were 824 non-commercial organizations, which are in the process of forced liquidation, including suits for 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 forced liquidation of public associations were taken and new suits on forced

¹ 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 NGOs other than public associations, foundations, private institutions and associations are also not counted.

liquidation were filed. Also, the Main Department of Justice of Minsk city executive committee filed several suits on forced liquidation of foundations. During the reporting period the majority of liquidation suits were filed at the regional level (mainly by the main justice department of Hrodna Regional Executive Committee and the main justice department of Vicebsk Regional Executive Committee). There were also registered facts of filing suits on forced liquidation by the Ministry of Justice. According to the amendments to the law on public associations, suits on forced liquidation of national and international public associations are excluded from the competence of the Supreme Court as the first instance, and transferred to the competence of Minsk city and regional courts.

Decisions by non-commercial organizations to self-liquidate

The process of decision-making by non-commercial organizations to self-liquidate hasn't stopped. As of 30 April 2023, according to [the monitoring](#) conducted by Lawtrend, there were 459 non-commercial organizations (public associations, foundations and institutions) for which the statutory authority or the founders have decided to liquidate (previously the amount was 440).

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

Thus, the analysis of the overall statistics of forced liquidation (liquidated) NCOs and NCOs that have decided to self-liquidate shows that from September 2020 to the end of April 2023, there are at least 1283 fewer (or soon will be due to court proceedings) non-commercial organizations (public associations, including trade unions, foundations, institutions, associations) in Belarus.

Other pressure 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 21 April 2023, a prosecutor's appeal against the verdict in the Viasna case was heard. The sentences of the human rights defenders: Ales Bialiatski - 10 years in a reinforced regime colony, Valiantsin Stefanovich - 9 years in a reinforced regime colony, Uladzimir Labkovich - 7 years in a reinforced regime colony were left unchanged.

[Leamid Sudalenka](#), head of Homiel branch of Human Rights Centre Viasna (listed as involved in extremist activities and sentenced to 3 years of imprisonment in a general regime colony), coordinator of Viasna Volunteer Service [Marfa Rabkova](#) (sentenced to 14 years and 9 months of imprisonment in a general regime colony), Viasna volunteer [Andrey Chapiuk](#) (sentenced to 5 years and 9 months in a strict regime colony, listed as a terrorist).

On 7 April human rights defender Viktor Sazonau (previously a suspect in the Viasna case, charges were dropped) was detained. After serving three days in custody, he was sentenced under Article 19.11 of the Code of Administrative Offences (distribution of extremist materials) to 25 basic units of fine and released.

Other representatives of civil society organisations, such as Coordination Council members [Maxim Znak](#) (listed as involved in terrorist activities, sentenced to 10 years imprisonment), [Marya Kalesnikava](#) (listed as involved in terrorist activities, sentenced to 11 years imprisonment), Pole Union member [Andrey Pachobut](#) (listed as involved in terrorist activities, sentenced to 8 years imprisonment), cultural activist and Symbal.by founder Pavel Belavus, Hrodna activist and head of the Center for Urban Life [Pavel Mazheika](#), representative of the "Green Watch" initiative [Pavel Nazdra](#) (listed as involved in extremist activities and sentenced to 2 years imprisonment), former head of the public association Akhova ptushak Batskaushchyny [Viktar Fianchuk](#) (listed as involved in extremist activities, sentenced to 2,5 years imprisonment), the civil society activist and founder of the Flying University [Uladzimir Matskevich](#) (listed as extremist and sentenced to 5 years imprisonment); expert of the Analytical Group of the Agency for Humanitarian Technologies, coordinator of the "Flying University", senior analyst at the Center for European Transformation [Tatsiana Vadalazhskaya](#) (listed as involved in extremist activities, sentenced to 2 years and 6 months' imprisonment and sentenced to open prison ("chemistry")), participant of the Council and co-founder of the Sympa School for Young Managers of Public Administration, expert of the bipart research project Tatyana Kuzina (sentenced to 10 years of imprisonment); founder and editor of the expert community website Nashe Mnenie (Our opinion) and head of the Belarus in Focus monitoring team [Valeryia Kastsyuhova](#) (sentenced to 10 years of imprisonment).

[Maksim Puchynski](#), deputy director of the Minsk Cycling Society (listed as a person involved in extremist activities), is confined without being sent to an open-type correctional facility ("house-chemistry").

On 6 April Minsk Maskouski Borough Court considered the criminal case against the co-chair of the association "Tell the Truth" and former presidential candidate [Andrey Dzmitryeu](#). Dzmitryeu was sentenced to 1.5 years of imprisonment 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).

The head of the Belarusian Union of Poles Anzhalika Borys, detained on 23 March 2021 on charges of incitement of hatred and rehabilitation of Nazism by a group of persons, was released from house arrest. She spent more than a year in a detention centre and then was transferred to house arrest. The criminal case against her was dropped "due to lack of corpus delicti".

[Siarhei Makarevich](#), director of the liquidated Viartanne Foundation, and Yury Meliashkevich, former deputy chairman of the public association Belarusian Voluntary Society for Protection of Monuments of History and Culture, were released from prison on bail. Meliashkevich and Makarevich (as well as the estate's financial director Zmitser Karabach) are charged in the case of the estate "Padarosk" ("Majontak Padarosk") - an initiative to upgrade the old estate near Vaukavysk (Hrodna region). It is known that the charges in the case were part 2 of Article 243 of

the Criminal Code for failure to pay large-scale (400 thousand rubles) taxes and insurance contributions from the salaries of employees.

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, listed as involved in extremist activities), his deputy [Siarhei Antusevich](#) (sentenced to two years in prison, listed as involved in extremist activities) and accountant [Irina But-Husaim](#) (sentenced to 1.5 years in prison, listed as involved in extremist activities) [Andrey Khanevich](#), chairman of the primary organization of the Belarusian Independent Trade Union of Hrodna Azot employees (listed as involved in extremist activities, sentenced to five years' imprisonment), [Aliaksandr Mishuk](#), chairman of the Independent Trade Union at Belaruskali (listed as involved in terrorist 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' imprisonment); leader of the Independent Trade Union of Radioelectronics Industry Workers - REP [Henadz Fiadynich](#) (sentenced to nine years' imprisonment under a strengthened regime); leader of the Orsha Independent Trade Union of REP, [Vasil Berasnieu](#), acting chairman of trade union REP (sentenced to 9 years' imprisonment in a strengthened regime); [Vatslau Areshka](#), activist of trade union REP (sentenced to 8 years' imprisonment); [Artsiom Zharnak](#), 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 imprisonment without sending to an open institution ("home chemistry"). Vital Chychmarou, head of the primary organization of the Free Trade Union of Metalworkers, was sentenced to three years of restricted freedom without referral to an open prison ("house 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.

On 3 April, the court of appeal decided to leave the sentences of Vasil Berasnieu, Henadz Fiadynich and Vatslau Areshka unchanged.

On 22 April the former deputy head of the United Civil Party Antonina Kavalioua was released on the grounds of serving the full term - 1 year in prison. Antonina Kavalioua was detained on 27 July 2022 together with the party chairperson Mikalai Kazlou (sentenced to 2.5 years in prison) and the head of Minsk city organization [Aksana Aliakseyeva](#) (sentenced to 1.5 years in prison).

The practice of recognising information products as "extremist materials", expanding the lists of citizens, organisations, formations and individual entrepreneurs involved in extremist activities, and initiating criminal proceedings for setting up and participating in "extremist formations" continues unabated.

The prosecution of citizens for allegedly financing extremist activities - donations to extremist formations - continues. Thus, the deputy director of the watch factory "Luch" Aliaksei

Salanenka was detained on this charge. Minsk city court held a trial under article 361² (financing of extremist activity) against Dzmitry Seliadtsou.

Rulemaking.

In connection with the amendments to the Law of the Republic of Belarus, a number of normative acts affecting the activities of public associations and political parties have been amended and supplemented. In particular, the deadline for submission to the registering body and publication of reports by public associations has been changed: public associations are now obliged to report publicly not by 1 March of the year following the reporting year, but by 31 March.

It is typical that according to the presidential decree "On the plan of preparation of the draft legislative acts for 2023", in February a decree correcting the norms of the presidential decree of July 1st, 2005 #300 "On providing and using of gratuitous (sponsorship) aid" should have been introduced to the president. However, to date, no public information on the activities to amend this decree has been posted.