

Joint Statement from Belarus human rights defenders' community on the death in prison of artist Aleś Puškin

It became known on 11 July 2023 that the Belarusian [political prisoner](#), artist Aleś Puškin [Ales Pushkin] died in the hospital's intensive care unit. According to [reports](#), he developed peritonitis due to untimely medical care, resulting in a septic condition and multiple organ failure.

Convicted under Article 370 of the Criminal Code (desecration of state symbols) and Article 130 of the Criminal Code (incitement to hatred or discord), Puškin was sentenced to five years in a maximum-security penal colony. In August 2022, the correctional facility's administration placed the artist in a ward-type room for five months. According to human rights defenders, on 11 November 2022, Ivacevičy District Judge Aliaksandr Kirylovič [Aliaksandr Kirylovich] ruled to change the imprisonment routine for Aleś Puškin from the correctional colony regime to the prison regime for one and a half years. Shortly after, he was moved to prison No. 1 in Hrodna.

The criminal case against Aleś Puškin was based on his artistic works exhibited at the independent cultural space "Centre of Urban Life" on 19 March 2021. The prosecutor's office saw the "rehabilitation of Nazism" in the portraits of anti-Soviet partisans.

Aleś Puškin is a famous Belarusian artist, laureate of the 2019 Francišak Alachnovič Award for "Prison Album". For more than 30 years, he advocated for protecting the Belarusian language and held performances for freedom of expression in Belarus.

Aleś Puškin served numerous administrative arrest terms for artistic actions. Several times, police officers beat him during detention.

Aleś Puškin was detained for the first time in 1988 for participating in a rally on Dziady. Since then, the artist was repeatedly jailed for his actions and performances, including a [performance](#) act in support of the Belarusian language.

On 25 March 1989, Aleś Puškin organised the first performance in defence of the Belarusian language together with fellow students of the Theatre and Art Institute. Back then, he received two years of suspended sentence.

In 1999, Aleś Puškin again received two years of suspended sentence for his performance action "Thanks to the President". On 21 July 1999, when the term of Aliaksandr Lukašenka's presidency ended, the artist rolled a red wheelbarrow of manure containing Belarusian rouble banknotes, a portrait of Lukashenka, handcuffs and a copy of the 1996 amended Constitution of Belarus to the building of the presidential administration.

On 10 December 2000, on International Human Rights Day, Aleś Puškin and the human rights centre "Viasna" organised an exhibition of uncensored art titled "Not Allowed by Censorship".

In 2012, while serving his ten-day arrest in Smarhoń, he created a series of paintings called "The Artist Behind Bars".

The official cause of death and other circumstances that preceded this tragedy are unknown. But preliminary information indicates that the untimely provision of proper medical care could have caused Aleś Puškin's death.

In connection with another death of a political prisoner in Belarus, we declare the following:

Deprivation of liberty as punishment for the lawful exercise of the rights guaranteed by the International Covenant on Civil and Political Rights, together with the right to freedom of thought and expression (Article 19), is unlawful.

Article 6 of the International Covenant on Civil and Political Rights [stipulates](#) that every human being has the inherent right to life. In its General Comment No. 36 (Article 6: Right to Life), the UN Human Rights Committee [noted](#) that the right to life has crucial importance both for individuals and for society as a whole. It is most precious for its own sake as a right that inheres in every human being, but it also constitutes a fundamental right, the effective protection of which is the prerequisite for the enjoyment of all other human rights and the content of which can be informed by other human rights. The Committee also noted that the right to life is a right that should not be interpreted narrowly. It concerns the entitlement of individuals to be free from acts and omissions that are intended or may be expected to cause their unnatural or premature death, as well as to enjoy a life with dignity. Article 6 of the Covenant guarantees this right to all people without exception, including those suspected of or convicted of even the most severe crimes.

We note that this is not the first case of death in prisons. Every day, thousands of prisoners in Belarus suffer from inadequate conditions, which include violations of the constitutional right to health care. Moreover, prisoners die every year in jails due to a lack of proper medical care. Human rights defenders regularly report the lack of appropriate medical examination, qualified medical personnel, and assistance. Holding some political prisoners in incommunicado (without contact with relatives and lawyers) calls into question the satisfactory state of their health and is an unacceptable practice that violates human rights.

It is important to emphasize that serving a sentence in solitary confinement should not deprive prisoners of access to specialised high-tech medical care. In addition, we note the presence of reports on the introduction by the 29 April 2023 order of the Department of Corrections of a restriction (in fact, a ban) on the transfer of medicines to persons placed in custody, except for vitamins and foreign-made insulin.

In this regard, we recall that, as indicated by the UN Human Rights Committee in Comment No. 36, States parties also have a heightened duty of care to take any necessary measures to protect the lives of individuals deprived of their liberty by the State,⁸² since by arresting, detaining, imprisoning or otherwise depriving individuals of their liberty, States parties assume the responsibility to care for their lives and bodily integrity, and they may not rely on lack of financial resources or other logistical problems to reduce this responsibility.

We state that the Republic of Belarus does not fulfil its obligations to ensure that the right to life is adequately protected by law and provided in practice. Hence such tragedies.

Some Belarusian prisoners, including political prisoners, are more vulnerable due to their age and illnesses. There are many people from vulnerable social groups in Belarusian prisons for whom imprisonment is an even more significant challenge than for others. As of the end of 2022, the list of political prisoners included at least 25 pensioners and at least 74 persons with disabilities and serious illnesses. The oldest political prisoner – 75-year-old Natallia Taran – was sentenced to three and a half years in the colony. She has not been released yet.

We also wish to emphasise that the authorities use non-provision of medical care as a form of pressure on political prisoners, which is unacceptable and can be considered torture or other forms of cruel, inhuman or degrading treatment and punishment.

Based on the above, once again emphasising the importance of ensuring the human right to life and health, we, the representatives of the Belarusian human rights defenders' community, call on the General Prosecutor's Office of the Republic of Belarus and the Investigative Committee of the Republic of Belarus to initiate a criminal case based on the fact of the death of Aleś Puškin, to conduct an objective and comprehensive investigation to determine the causes of this tragedy and inform the public about its results.

We also demand an investigation into other violations of the conditions of detention and the right to health care in prisons, including the availability of qualified medical personnel and appropriate equipment.

We also demand from the employees of penitentiary institutions, other state institutions that carry out forced isolation (ICU, TIP, pre-trial detention centre, etc.), and their management to comply with the Constitution of the Republic of Belarus and its international obligations to ensure the protection of the life and health of persons deprived of their liberty and are in isolation.

These requirements do not cancel the statements of the Belarusian human rights defenders' community regarding the inadmissibility of persecution of citizens for exercising their civil and political rights, immediate release and review of criminal cases of all political prisoners in Belarus.

The Belarusian human rights defenders' community expresses condolences to the family, friends and the creative community in connection with the death of Aleś Puškin.

PEN Belarus
Belarusian Helsinki Committee
Lawtrend
Barys Zvozkau Belarusian Human Rights House
Human Rights Centre "Viasna"
Legal initiative
Human Constanta
Public institution "Doctors for Truth and Justice"
Medical Solidarity Fund of Belarus
Medical community "White Coats"

Also endorsed by:
Public association "Ekadom"
Belarusian National Platform