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Belarus: Activist Arbitrarily Convicted for Peaceful Protest

Amnesty International today condemned the arbitrary penalty against Pavel Vinahradau, who was sentenced to six months of “preventive supervision” on 7 June 2016, on the basis of his participation in peaceful, but unauthorized protests. Amnesty International calls on the Belarusian authorities to ensure that these measures are lifted.

The conditions of the “preventive supervision” to which Vinahradau was sentenced, include:

- He may not leave his home between 7pm and 7am, except for work.
- He must register with the authorities four times a month
- He may not leave the city of Minsk without the permission of the authorities.

Most worryingly, any violation of these rules can lead to imprisonment. These measures amount to an arbitrary restriction on Vinahradau’s rights to liberty and liberty of movement.

This punishment was imposed on the basis that Vinahradau has been convicted of administrative offenses four times in one year. Each of these convictions were for participation in peaceful, but unauthorized protests. Vinahradau believes that the six-month length of his supervision is designed to prevent him in participating in public events around the upcoming parliamentary elections, scheduled for September of this year.

The right to peaceful assembly is guaranteed by the International Covenant on Civil and Political Rights (ICCPR), to which Belarus is a state party. It is contrary to international law and standards to require authorization for peaceful assemblies, or to dissolve peaceful assemblies or subject participants to administrative or criminal sanctions for participating in peaceful assemblies without authorization. As the United Nations Special Rapporteur on the rights to freedom of peaceful assembly and of association, Maina Kiai, has stated “the exercise of fundamental freedoms should not be subject to previous authorization by the authorities.”¹

Vinahradau is an activist with the youth political movement Zmena (Change). He has faced numerous arrests and detentions, mostly for exercising his right to peaceful assembly.

Among these, he was sentenced to two years of house arrest in 2008 for his participation in a peaceful protests against tax and employment regulations for small businesses. At the time, Amnesty International considered him a prisoner of conscience and called for the sentence to be lifted.²

He was also arrested following the protests against the presidential election results in December 2010, and sentenced to 4 years of imprisonment (he was pardoned in September 2011).

¹ A/HRC/20/27, paras. 28.

² Belarus: Eleven Prisoners of Conscience,
<https://www.amnesty.org/download/Documents/48000/eur490052009en.pdf>

Vinahradau spent a total of 66 days in detention between 30 December 2011 and 12 December 2012 on eight separate administrative convictions, all for minor hooliganism or violation of the order for public meetings and pickets. For instance on 30 December 2011 he was called into the Moscow District police station in Minsk for an “educational preventative talk”, at the end of which he was sentenced by a judge under the administrative code to seven days for swearing. He spent the New Year holiday in detention. On 2 March 2012 he was sentenced to seven days for swearing, and on 25 April five days for swearing. On 7 September 2012, police detained him near his home and took him to the Moscow District police station in Minsk, where they accused him of swearing in public. He was subsequently sentenced to five days’ detention. In all cases the witnesses to his swearing in public were police officers.

Amnesty International calls on the Belarusian authorities to annul the “preventive supervision” imposed on Pavel Vinahradau, which is unlawful since it is based on his legitimate exercise of his right to freedom of peaceful assembly.

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