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BELARUS: WHISTLE-BLOWER DOCTOR AND JOURNALIST WHO EXPOSED DISINFORMATION BOTH PROSECUTED

The authorities in Belarus have arrested and opened criminal proceedings against medical doctor Artsyom Sarokin and journalist Katsyaryna Barysevich who published information about the recent death of a peaceful protester, and exposed what appears to be an official cover-up of his killing. They are both prisoners of conscience, detained solely for the exercise of their right to freedom of expression, and must be immediately and unconditionally released and the criminal proceedings against them ended.

On the night of 11 November, several men and women in plainclothes and face masks came to a neighbourhood informally known as the Square of Changes, in the capital Minsk, to remove white-red-white ribbons hung there by local residents in protest against ongoing human rights violations and police violence. When one individual from the neighbourhood, Raman Bandarenka, confronted them verbally, the individuals severely beat him and forced him into an unmarked van. Video footage recorded by bystanders and several CCTV cameras captured much of this incident.

It later transpired that he was driven to the Central District Police Station, and then taken by an ambulance to the City Emergency Hospital several hours later. Raman Bandarenka was badly injured and unconscious when he was admitted to hospital that same night, and died there on 12 November from severe head injuries.¹

Since the overwhelmingly peaceful protests against widely alleged electoral fraud and human rights violations began on 9 August, the authorities have widely used groups of plain-clothed individuals to target with violence and otherwise harass government critics in Minsk and across the country. Often, these individuals in plainclothes have been later confirmed as police officers who abduct peaceful protesters in the streets and take them to prison, often using brutal force.

The killing of Raman Bandarenka has prompted a further wave of protest across Belarus. The authorities have denied any involvement or responsibility in his death, and have instead made statements purporting that Raman Bandarenka was responsible for his own death. According to various official statements, he had been violent and provoked this incident, and police were not involved until after the violence occurred.

On 13 November, the Investigative Committee (a stand-alone government agency for investigation of serious crimes) claimed that Raman Bandarenka had been in a state of “alcoholic intoxication”. Alyaksandr Lukashenka repeated this claim on the same day in a televised statement in which he was referring to Raman Bandarenka:

This one was either injured or something... In a drunken state. It is confirmed. The Investigative Committee provided the conclusion; they published it all: he was drunk. Of course, they [the police] took him and brought him to the [police] department. He felt bad on the way, as I was told.

However, on the same day, the popular Belarusian online news outlet Tut.by published medical reports that showed there had been no alcohol in Raman Bandarenka’s blood.² The article showed a picture of a computer screen with a text describing a patient’s diagnosis and treatment at the hospital, including a numbered blood test showing no alcohol content. The other published document was a scan of a hospital record which clearly stated Raman Bandarenka’s name and details of his admission to the hospital and the treatment he received, including a reference to the test showing 0% of ethanol in his blood. The article also featured a comment by a doctor from the hospital who confirmed that Raman Bandarenka had not been intoxicated when admitted to the hospital.

¹ <https://www.amnesty.org/en/latest/news/2020/11/belarus-peaceful-protester-held-by-police-after-beating-dies-in-hospital/>

² <https://news.tut.by/society/707715.html>

The authenticity of the published medical documents has not been disputed. On 19 November, another independent media outlet, Nasha Niva, published a picture of a medical blood test result, bearing the same number as the test described above, provided by Raman Bandarenka's mother. Similarly, it showed that there was no alcohol in his blood at the time of his admission to the hospital.

These publications clearly exposed the attempt by the highest level authorities to shift the blame of Raman Bandarenka's death and provide a cover-up for these crimes. After these stories were published, the Belarusian authorities opened criminal proceedings against those who exposed them.

On 19 November, the Office of Prosecutor General reported that a doctor from the City Emergency Hospital had been arrested. According to its report, the doctor had "conspired with a representative of Tut.by" and "disclosed confidential medical information while also providing false information". The doctor's name has not been publicly disclosed, but Amnesty International has learned that his name is Artsyom Sarokin. On the same day, the authorities arrested Katsyaryna Barysevich, the journalist from Tut.by who wrote the original article, and searched her home.

They have both been remanded in custody, charged under article 178(3) of the Criminal Code of Belarus for "disclosure of confidential medical information causing grave consequences" and are facing up to three years' imprisonment.

According to international human rights law and standards, whistle-blowers that disclose information indicating wrongdoing, including about human rights violations and abuses, must be protected from retaliation. While article 178(3) is intended to protect the right to privacy and prevent disclosure of an individuals' medical records without their consent, the information that was disclosed was limited to what was reasonably necessary to bring to light wrongdoing and the public interest of this disclosure outweighs any potential harm from it. Moreover, journalists that publish information disclosed by whistle-blowers are also protected under the right to freedom of expression and should not be prosecuted for further disseminating such information.

Amnesty International is seriously concerned that the prosecution of the doctor and the journalist is solely intended to punish them for exposing misinformation spread by officials at the highest level, and in this way in the public interest. Therefore, the organization considers them to be prisoners of conscience that must be released immediately and unconditionally as they are being held simply for exercising their right to freedom of expression.

Amnesty International is further concerned that, while the journalist and the doctor were promptly arrested and remanded in detention at the Committee for State Security (KDB), no criminal investigation into the killing of Raman Bandarenka has started.

Medical doctors in Belarus that have contradicted the authorities and published information about human rights violations have long faced reprisals. The ongoing targeting and prosecution of those who disclose information in the public interest is having a chilling effect and increasing pressure on medical workers who are playing a crucial role in assisting victims of human rights abuses in the country and documenting torture and other ill-treatment. Doctors and other health professionals have bravely stood up to defend the rights of peaceful protesters whose rights have constantly been violated since the protests began in August 2020, and now it appears they are also being targeted by the authorities. These include ambulance teams who have been frequently called to detention centres across Belarus to deal with life-threatening injuries of torture survivors; hospital staff that have been treating peaceful protesters injured in the streets by police; and employees of medical institutions that joined volunteers to help former detainees overcome physical and psychological trauma.

Amnesty International urges the Belarusian authorities to:

- Immediately and unconditionally release Katsyaryna Barisevich and Artsyom Sarokin detained for disclosing information relating to Raman Bandarenka's death, and put an end to their criminal prosecution;
- Initiate a prompt, thorough, effective and impartial investigation into the killing of Raman Bandarenka, and ensure that anyone suspected of criminal responsibility is brought to justice in fair trials without recourse to the death penalty;
- Put an end to the use of masked plain-clothed police or police proxies, and of unmarked vehicles, to abduct, arrest and detain peaceful protesters;

- Protect journalists, whistleblowers, medics and any individual who exercises their right to freedom of expression by publishing or disseminating information in the public interest, including information about ongoing human rights violations;
- End all reprisals against individuals peacefully exercising their rights to freedom of expression and peaceful assembly and guarantee full respect for these rights.