

Belarus

HOW SURVIVORS OF TORTURE AND/OR CRUEL TREATMENT PERCEIVE JUSTICE





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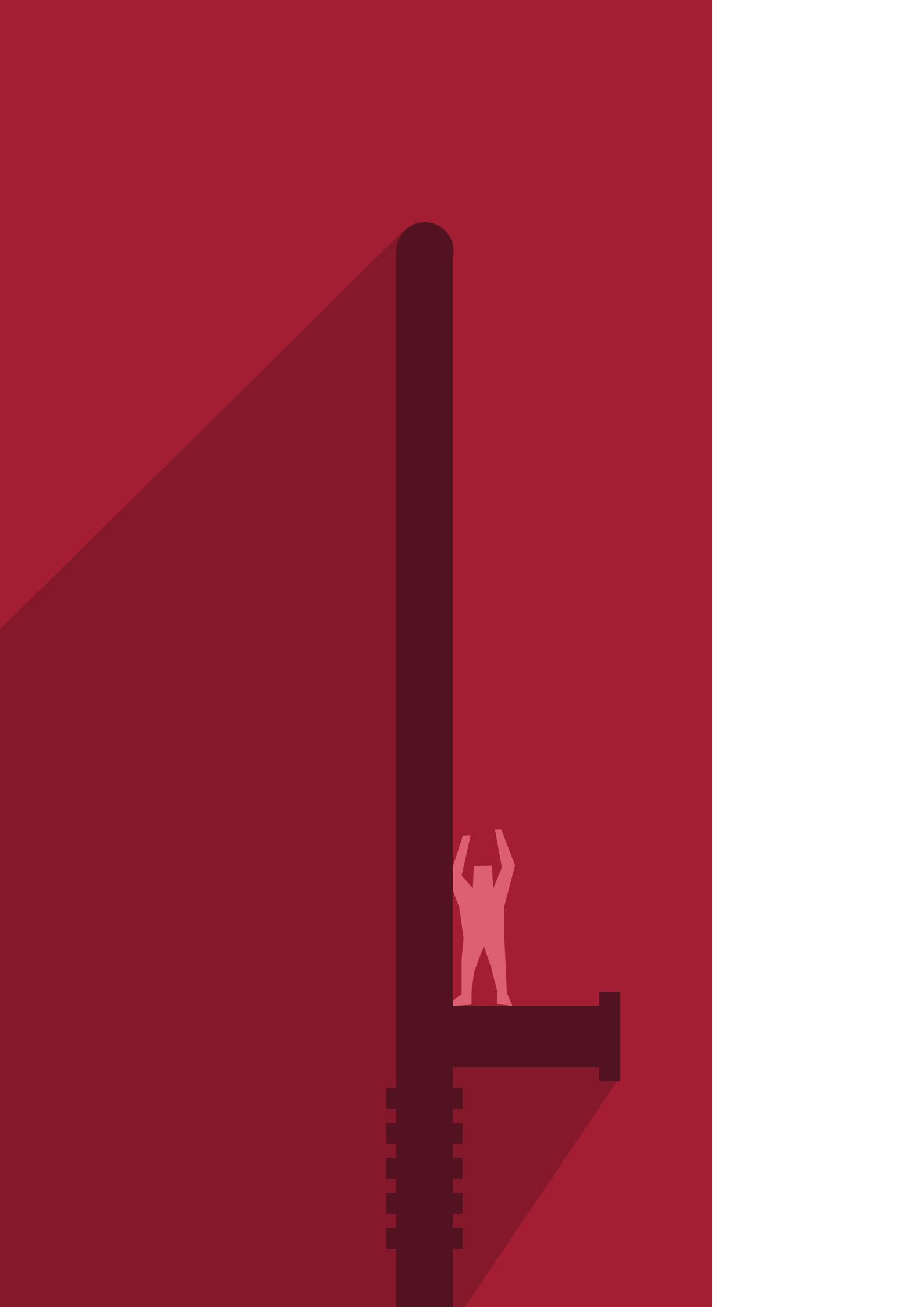
Comprehensive Mixed-Methods Study

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Introduction

The brutal suppression of protests in Belarus that erupted after the fraudulent presidential election in August 2020 shocked the entire world, as well as Belarusians. Contempt for the law, legal arbitrariness, unlimited violence and subsequent political crackdown were extraordinary events in contemporary history of Eastern Europe.

1 Korshunau, H., Kudrevich, M. (2022) *Коллективная травма белорусского народа: Масштабы и варианты проработки [Collective trauma of Belarusian society: scale and coping option]*. Center for New Ideas.

2 See, e.g., ICIT (2023) "You will die here." *Testimonies of the Prisoners of Akrestina. Public investigation of cases of mass torture in the Center for isolation of offenders in the city of Minsk on August 9–14, 2020*; ICIT (2022) "Frunzenskoye RUVI of Minsk. Torture of detainees in August 2020. Public Inquiry"; Viasna (2022) "Как пытали политзаключенных в Беларуси в 2022 году [How political prisoners were tortured in Belarus in 2022]"; Human Rights Watch (2024) «World Report 2024: Belarus.»

3 Henadz Korshunau, "The Belarus Barometer of Repression. First Quarter of 2024" (Center for New Ideas, April 2024).

Sociological surveys demonstrate that almost 100% of the pro-democratic or pro-protest minded part of society had some experience of being personally exposed to violence against protesters¹. The reason for this was the arbitrariness and violence of the law enforcers of the Lukashenko regime on the streets of Belarusian cities and in places of detention². Despite all the evidence of crimes committed by law enforcers, not a single criminal case has been opened against those guilty of torture and cruel treatment.

Moreover, we know that today the Lukashenko regime continues to keep prisoners in a cruel torture-like environment, deliberately worsening their situation and detention conditions. In this regard, it is indicative that "public" commissions that inspect places of detention never find violations in the detention conditions of prisoners³. It turns out that people who have experienced

torture and cruel treatment cannot count on justice from the Belarusian state.

A sociological survey on perception of justice among survivors of torture and cruel treatment in Belarus provides a deeper understanding of how victims view justice, fairness, and the restoration of their rights.

Torture and cruel treatment survivors often associate justice or fairness not only with punishing the perpetrators, but also with acknowledging victims' suffering, compensating, and supporting the survivors in their rehabilitation process. Understanding their perceptions of fairness helps design policies and programs that truly meet their needs and desires.

Focusing on the wishes and needs of survivors is a key aspect of the process of restoring justice and transitioning from dictatorship to democracy. Any efforts may prove insufficient or even harmful without taking into account

the views of survivors of torture, cruel treatment and other forms of physical and psychological violence perpetrated by government officials. By hearing the voices of those who suffered, the needed support can be provided and conditions can be created for a full recovery from the human rights crisis in Belarus.

Including the opinions and experiences of victims in the process of formulating legal and human rights measures is a key element in building a just and humane society. Their voices and stories serve as an important tool to ensure that justice is not only done, but also perceived as fair by those most affected.

Since the human rights crisis is extremely large-scale in Belarus, one can doubt that all victims will be able to make sure that their “offenders” are prosecuted. A survey of the expectations of Belarusian survivors to achieve justice will help ensure that existing mechanisms for restoring justice match the real needs of victims of torture and cruel treatment.

Belarus will face the transition from dictatorship to democracy eventually. This process requires careful prepara-

tion and a balanced approach to build a resilient and just society. The risk of justice being administered by the “winners” should be kept in mind. Thus, sometimes the transition period can become an arena exclusively for the voices of democratic leaders who have come to power, without taking into account the opinions of those who have survived torture and cruel treatment, who have directly suffered from the repressions of the dictatorial regime.

The authors are confident that such studies not only contribute to understanding the current situation, but also help develop long-term strategies for protecting human rights, shaping collective memory, working through trauma, and preventing similar violations in the future.

This study aims to analyze the perspective of survivors with regard to the concept of justice from both a psychological and a legal standpoint. It will examine survivors as subjects who have been targeted by wrongful conduct, situating them within the justice process and eliciting their opinions.

We are looking for an answer to the question: “How do these people perceive justice in their case?”

Justice for torture survivors

Psychological aspects⁴

Justice as an aspect of restoring justice has not been recognized sufficiently and has lacked theoretical understanding among health practitioners. As a result, psychological approaches to various forms of justice restoration are not clearly defined in their essence. Psychological literature on torture survivors focuses on the connection between justice and rehabilitation, and health restoration as several components of the concept of compensating damages to victims.

The psychosocial impact of torture is widely known and documented. This includes the emotional, cognitive, behavioral, existential, social and interpersonal impact on the survivor; as well as the social impact and influence on relationships within the family and couple, the parental relationship of the survivor with one's children; and the broader impact on the communities where survivors live, and on society as a whole⁵.

Torture survivors have the right to specialized and comprehensive rehabilitation as a form of compensation. At the same time, “access to rehabilitation programs should not depend on whether the victim seeks judicial protection.”⁶ Yet, many torture survivors around the world are unable to access justice or

⁴ The author of this is Nimisha Patel, Professor of Clinical Psychology Professional Doctorate in Clinical Psychology Programme, University of East London.

⁵ Patel, N. (2020) Psychological care for torture survivors, their families and communities. In M. Evans and J. Modvig (eds.), *Research Handbook on Torture*. Cheltenham: Edward Elgar; for reviews, see: Gurr, R. & Quiroga, J. (2001). Approaches to torture rehabilitation. *Torture*, 11(1) 1–35; Quiroga, J. & Jaranson, J.M. (2005). Politically-motivated torture and its survivors: A desk study review of the literature. *Torture*, 15(2-3), 1–112.

⁶ UN Committee against Torture, General Comment No. 3 (2012): *Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment: Implementation of Article 14 by States Parties*, CAT/C/GC/3, 19 November 2012, para. 15.

comprehensive and specialized rehabilitation. The psychological impact of no access to justice and the lack of justice itself on survivors of torture is key to understanding how torture victims continue suffering around the world. Many of them, however, describe the denial of justice as an “ongoing torture.”

Many organizations specializing in the rehabilitation of torture survivors emphasize the importance of justice for the rehabilitation and recovery of victims. Thus, medical rehabilitation professionals acknowledge that the lack of justice hinders psychological recovery. Psychiatrists working with torture survivors in the Philippines also argue that “denial of justice is a constant irritant to the psychological wounds of the torture survivor . . . the importance of restoration of justice should not and cannot be underestimated,” and that “preventing torture and political violence is an integral part of human rights work within a progressive movement for social change. . . . If the society where [torture survivors] live continues to generate, support or commit human rights violations, full rehabilitation will never be possible.”⁷

Criminal investigation and prosecution of those responsible for torture is not only an important aspect of the principle of reparation under international law, but it is also necessary for victims to be able to commence legal proceedings for redress and restoration of justice, and feel that they have received it⁸.

It has been argued that “prosecution and punishment serve as retribution and an expression of moral condemnation by society” and that “accountability also makes the suffering of victims meaningful and serves as partial reparation, preventing acts of revenge and promoting the rehabilitation of victims.”⁹

Ensuring justice—investigating, prosecuting, and punishing those re-

sponsible—is “contrary to the secret nature of torture as a repressive instrument of oppression: by publicly exposing, acknowledging, and condemning criminal acts, torture itself and its perpetrators are deprived of their power and legitimacy.”¹⁰ For survivors of torture, justice may be experienced as a public and official condemnation of the violent and harmful actions of state authorities seeking to silence them.

The impact of the lack of justice on torture survivors is often mediated by their perceptions of justice: what is it, is it realistic and achievable in their country’s context? For many torture survivors, the idea of justice is clear: “right the wrong,” ensure independent investigation, prosecution and punishment, and hold those responsible accountable for the harm they have caused. However, at the same time, for many victims, justice is an abstract idea, a legal formality, which is inaccessible and unattainable. This is particularly the case where there are no means to access justice, where criminals remain in power, and where the lack of protection against reprisals against themselves and their loved ones makes any desire to seek justice meaningless, given the threat to their own lives and the lives of their loved ones.

The lack of legal and fair mechanisms to seek justice and the lack of access to justice lead to victims not believing that justice is achievable or accessible. This means that many torture survivors carry the burden of deep suffering associated with torture for many years and, in addition, suffer from being denied justice (ongoing torture). Access to legal justice mechanisms is extremely important from a psychological perspective, as it facilitates the establishment of truth and justice, which are necessary for successful psychological closure¹¹.

At the same time, seeking justice and interacting with justice mecha-

10 Patel, N. (2011) *Justice and reparation for torture survivors*. *Journal of Critical Psychology, Counselling and Psychotherapy*, 11(3), 135-147.

7 Parong, A., Protacio-Marcelino, E., Estrada-Claudio, S., Pagaduan-Lopez, J. & Cabildo, V. (1992) *Rehabilitation of survivors of torture and political violence under a continuing stress situation: The Philippine Experience*. In M. Başoğlu (ed.), *Torture and its consequences: current treatment approaches*. Cambridge: Cambridge University Press. p. 505.

8 Ingelse, C. (2001) *The UN Committee against Torture: An assessment*. The Hague: Kluwer Law International.

9 Shelton, D. (2005) *Remedies in International Human Rights Law*, (2nd edition). Oxford: Oxford University Press. p. 396.

11 Roht-Arriaza, N. (ed.) (1995) *Impunity and human rights in international law and practice*. New York/Oxford: Oxford University Press.

nisms can also be a source of extreme stress for victims and their families. For some, legal mechanisms can be re-traumatizing, although many victims say their desire and determination to seek justice outweigh the trauma and pain experienced during the long and sometimes tortuous paths to justice.

For many torture survivors, not being able to tell the truth is like salt in their wounds. Silencing the history of caused harm seems to deny the victims their very existence, their humanity and their suffering, as if they do not exist and do not matter at all. For many torture survivors, their faith in a just world is shattered; their previous notions of trust, morality and what it means to be human are called into question¹², and efforts to seek justice seem futile.

This sometimes results in what is known as a conspiracy of silence between victims and society¹³. The truth never comes out, impunity continues to exist. The silence of society, perhaps driven by widespread fear of causing harm, is often experienced by victims as a conspiracy of silence, as society's complicity in state violence and the state's denial of its actions. This has a strong and profound psychological impact on victims: if they are not believed, their experiences are erased, ignored, and if they are denied justice, then for many this means a double denial of their humanity by the state and by society.

Impunity for torture perpetrators can exacerbate survivors' feelings of powerlessness, guilt and shame, affect their faith in the future and their vision of a just society; it "destroys the possibility of restoring ethical relationships between people in society."¹⁴

Prolonged lack of justice, sometimes for many years, can also be experienced as new and ongoing violence and trauma, which can lead to alienation from society, subsequent isolation, and loss of faith in humanity¹⁵.

¹² Shelton, D. (2005) *Remedies in International Human Rights Law*, (2nd edition). Oxford: Oxford University Press. p. 396.

¹³ Danieli, Y. (1981) *On the achievement of integration in aging survivors of the Nazi Holocaust*. *Journal of Geriatric Psychiatry*, 14, 191–210; Danieli, Y. (1992) *Preliminary reflections from a psychological perspective*. In T. van Boven, C. Flinterman, F. Grunfeld and I. Westendorp (eds.) *Seminar on the right to restitution, compensation and rehabilitation for victims of gross human rights and fundamental freedoms*. Netherlands Institute of Human Rights, Studeren Informatiecentrum Mensenrechten, SIM Special No. 12. Maastricht: University of Limburg; Danieli, Y. (2009) *Massive trauma and the healing role of reparative justice*. *Journal of Traumatic Stress*, 22(5), 351–357.

¹⁴ Shelton, D. (2005) *Remedies in International Human Rights Law*, (2nd edition). Oxford: Oxford University Press. p. 396.

¹⁵ Doru, C. and Patel, N. (2016) *"Justice fights like a dying man". Impunity and the process of survival: perspectives of Romanian torture survivors*. Bucharest: ICAR Foundation.

Denial of justice affects not only the victims, but their families, too. The impact of “waves of harm”¹⁶ extends not only to the person, but also to her/his family members, affecting the victim’s relationships with her/his loved ones: siblings, parents, children, and other relatives. Many families of survivors experience enormous stress, fear, conflict and secondary trauma, which in turn can affect how well they can support the survivor.

Many victims experience challenged parenting. They have difficulty coping with their own trauma and psychological suffering, making it challenging them to be emotionally and physically present to effectively support and nurture their children. This can also affect the victim’s children, their own psychological development, and affect subsequent generations, which is also known as intergenerational trauma.

“Waves of harm” also affect society by creating an environment of fear, heightened vigilance against any threats or real harm, fueling mutual suspicion and social distrust. This, in turn, contributes to the destruction of cohesion and harmony within communities, which then affects all families and, again, the victims¹⁷.

16 Patel, N. (2020) Psychological care for torture survivors, their families and communities. In M. Evans and J. Modvig (eds.) Research Handbook on Torture. Cheltenham: Edward Elgar; for reviews, see: Gurr, R. & Quiroga, J. (2001). Approaches to torture rehabilitation. Torture, 11(1) 1–35; Quiroga, J. & Jaranson, J.M. (2005). Politically-motivated torture and its survivors: A desk study review of the literature. Torture, 15(2–3), 1–112.

17 Patel, N. (2020) Psychological care for torture survivors, their families and communities. In M. Evans and J. Modvig (eds.) Research Handbook on Torture. Cheltenham: Edward Elgar; for reviews, see: Gurr, R. & Quiroga, J. (2001). Approaches to torture rehabilitation. Torture, 11(1) 1–35; Quiroga, J. & Jaranson, J.M. (2005). Politically-motivated torture and its survivors: A desk study review of the literature. Torture, 15(2–3), 1–112.

Therefore, denial of justice and subsequent impunity affect the health and well-being of individual victims, their families, and the future health of societies, social cohesion and the effective functioning of communities and societies for many years and generations ahead.

Justice for torture survivors

Legal aspects

One of the dimensions for restoring justice is the use of legal remedies. The very concept of “justice” and the mechanisms for achieving it are broader and more subjective than remedies. For example, for some people justice is achieved through revenge, reprimand, apologies, which does not relate to the legal sphere. We will briefly review the existing legal mechanisms for achieving justice, both at the national and international levels.

According to public international law, any unlawful act that constitutes a violation of a State’s obligations under international law entails an obligation to repair damages. The purpose of repairing damages is to eliminate the consequences of the violation to the maximum extent and to restore the situation that would have existed but for the violation.

Reparation of damage consists of restitution, compensation and satisfaction. These means can be applied independently or in combination.


Restitution is the restoration of the situation that had existed before the violation occurred. For example, the release of illegally detained persons, the return of illegally confiscated property, the cancellation of an illegal judicial measure.

Compensation is a monetary payment for quantifiable damages caused by wrongdoing. Compensation may be paid for material and/or moral damage, including lost profits.

Satisfaction is the action of the guilty state to acknowledge violations, express regret, and to make an official apology. Satisfaction may also include legal measures or punishments against those guilty.

National remedies

From the standpoint of the national legislation of the Republic of Belarus, there are material and procedural grounds and opportunities for restoring justice in these three areas, including in matters of cancellation of illegal judicial and administrative rulings, compensation for various types of damage, and bringing the guilty to justice. At the same time, various procedural rules on the timing and procedures for appealing rulings made in administrative cases and sentences in criminal cases establish broad discretionary powers for the prosecutor’s office and the leadership of the courts and make this process directly dependent on their discretion within the existing legal framework.



The situation is more complicated **with the return of illegally confiscated property**. For various procedural and substantive reasons, the most realistic option is to pay compensations.

The recovery of **compensation for moral damages**, including moral and physical suffering experienced by the victims, is not limited by the statute of limitations.

Damage caused to a citizen or legal entity as a result of illegal actions (in-action) of state bodies or officials of these bodies shall be subject to compensation from the Treasury of the Republic of Belarus¹⁸.

Damage caused to a citizen as a result of an unlawful conviction and other types of unlawful deprivation and restriction of freedom, restriction of professional rights shall be compensated at the expense of the Treasury of the Republic of Belarus, and in cases stipulated by law, at the expense of the treasury of the administrative-territorial unit in full, regardless of the guilt of officials of the criminal prosecution bodies and the court, in the manner established by legislative acts¹⁹.

According to existing rules, damage caused during the administration

of justice shall be compensated if the guilt of the judge has been established by a court verdict that has entered into legal force²⁰.

Statute of limitations

Criminal law provides for the possibility of prosecution without a statute of limitations for committing **crimes against the security of humanity**: this is how the actions of those guilty of torture and acts of cruelty in connection with political beliefs shall be classified. The Criminal Code of the Republic of Belarus stipulates this liability in **Article 128** (Crimes against the security of humankind): “Deportation, unlawful detention, delivering into slavery, mass or systematic punishment without a court hearing, kidnapping leading to the victims’ disappearance, **torture or acts of cruelty** committed on grounds of racial, national, or ethnic affiliation or the political beliefs or religious faith of the civil population are punishable by deprivation of liberty for 7 to 25 years or life imprisonment, or death penalty.”

In the case of a different classification of the actions of the guilty, their prosecution may be limited by the statute of limitations for prosecution: up to

²⁰ *Ibid.*

¹⁸ *Civil Code of the Republic of Belarus, Art. 938.*

¹⁹ *Civil Code of the Republic of Belarus, Art. 939.*

21 Criminal Code of the Republic of Belarus, Art. 83.

*22 Criminal Procedure Code of the Republic of Belarus, Art. 465;
Code of Procedure and Enforcement, Art. 15.4.*

10 years from the date of the crime, unless the commission of another crime interrupts the statute of limitations²¹.

The body conducting the criminal proceedings, at the request of a rehabilitated person who has the right to compensation for moral damage, shall make an official apology for the damage caused, and also “send to mass media a written instruction to refute the information defamatory of the person, if such information was disseminated in mass media during pre-trial or trial proceedings in a criminal case, as well as a message about the cancellation of illegal rulings to the place of employment, service, study or residence of this person.” Apologies shall be made in the same manner in the event of rehabilitation in the administrative process²².

International remedies

According to the Report of the United Nations High Commissioner for Human Rights “Situation of human rights in Belarus in the run-up to the 2020 presidential election and in its aftermath”: “Some of the violations [described in the Report] may also amount to crimes against humanity, as defined in international customary law, when

such acts are committed as part of a widespread or systematic attack directed against any civilian population, with knowledge of the attack.”²³

Crimes against humanity are among the most serious criminal offences not only under national criminal law but also under international criminal law. Such crimes combine violations of a whole range of human rights: the right to life, the right to freedom of assembly, association, movement, the right to privacy and nationality, and a number of other rights and freedoms. Consequently, remedies will include not only the prosecution of the persons who committed these crimes, but also a number of other mechanisms that protect a particular right violated when committing a crime.

Where the State denies citizens’ access to remedies (and in our case, the State denies that in the person of officials who illegally hold power in the country, and the State is the initiator and interested party in these crimes), citizens may only resort to international remedies.

Currently, perpetrators of crimes against humanity can be held accountable using the following mechanisms:

The International Criminal Court (ICC)²⁴ established by the Rome Statute on 17 July 1998. This Court is empowered to try crimes against humanity and war crimes committed in the territory of the States that have ratified the Rome Statute. Although Belarus is not a State Party to the ICC, the International Criminal Court has jurisdiction over crimes under the Rome Statute that occur, at least in part, in the territory of its neighbors: Lithuania, Latvia and Poland. Following the precedent set by the ICC in the Bangladesh/Myanmar case²⁵, the ICC may investigate and prosecute crimes against humanity, such as deportation and persecution, where civilians are forced to flee to the territory

²³ United Nations Human Rights Council (2023) *Situation of human rights in Belarus in the run-up to the 2020 presidential election and in its aftermath*. A/HRC/52/68.

²⁴ <https://www.icc-cpi.int/>

²⁵ Pre-Trial Chamber I of the Court, *Decision on the Prosecution’s Request for a Ruling on Jurisdiction under Article 19(3) of the Statute*, ICC-RoC46(3)-01/18, 6 September 2018.

26 https://www.europarl.europa.eu/doceo/document/TA-9-2023-0321_EN.html; https://pace.coe.int/en/files/31822/html#_TOC_d19e303; https://beroc.org/en/publications/working_papers/analysis-of-the-migrant-flow-from-belarus-to-the-eu-in-2021-2022/.

27 A/HRC/52/68, cl. 53–54.

28 <https://www.icj-cij.org>.

30 <https://www.icty.org/>.

31 <https://www.un.org/ru/low/ictcr/>.

32 http://www.icls.de/dokumente/imt_statute.pdf.

29 <https://icj-cij.org/case/188>.

33 https://www.un.org/ru/documents/bylaws/charter_sierra.pdf.

of a State Party. Based on the latest data²⁶, the Office of the United Nations High Commissioner for Human Rights estimates that up to 300,000 people have been forced to flee Belarus since 2020 as a result of a coordinated campaign of violence and repression deliberately targeting those who speak out (or perceived to speak out) against the government or express critical or independent opinions²⁷.

*The International Court of Justice (ICJ)*²⁸ is one of the organs of the United Nations. It resolves legal disputes between states under international law and provides advisory opinions on legal issues. According to Article 34 of the Statute of the International Court of Justice, only states may be parties to cases heard by this court. Since responsibility for criminal offences shall be placed on individuals who committed the crime, and not on the state, which cannot be the subject of criminal prosecution, leveraging this mechanism for committing crimes against humanity in Belarus seems impossible. However, this court may consider claims submitted by other states regarding other violations by Belarus of obligations arising from international treaties to which Belarus is a party and which allow to refer a dispute to the International Court, such as the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (hereinafter, the Convention against Torture) and the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW). Thus, for example, the Netherlands and Canada have filed a lawsuit against Syria for violating the Convention against Torture²⁹.

International tribunals established by the UN Security Council. International tribunals established by the UN Security Council prosecute persons responsible for serious crimes under international humanitarian law or in cases where the

Government requests the Council's assistance in investigation and prosecution. International tribunals are established by the decision of the UN Security Council. For example, such tribunals were established for the former Yugoslavia³⁰ and Rwanda³¹.

According to Article 27 of the UN Charter, decisions of the Security Council are considered adopted when they are made by an affirmative vote of nine Security Council members, including the concurring votes of all its permanent members. In accordance with Article 23 of the UN Charter, the People's Republic of China, France, the Union of Soviet Socialist Republics (the Russian Federation declared itself its successor), the United Kingdom of Great Britain and Northern Ireland, and the United States of America are permanent members of the Security Council. In the current political context, the establishment of a tribunal for Belarus is unlikely, since permanent Security Council members such as the Russian Federation and China are unlikely to support such an initiative.

International tribunals are established by the States under whose jurisdiction committed crimes fall. For example, such a tribunal was the International Military Tribunal in Nuremberg established under the agreement concluded between the Governments of the USSR, USA and Great Britain, and the Provisional Government of France³².

Blended, hybrid tribunals. These tribunals are national judicial bodies with an international element; their procedures and jurisdiction are determined by the totality of the norms of international and national laws. In addition to national judges, international judges work at such courts. One of the well-known hybrid tribunals is the Special Court for Sierra Leone established by the Agreement between the United Nations and the Government of Sierra Leone³³.

Universal jurisdiction. This mechanism is not essentially international, as it involves prosecution under the national criminal law of the State. However, in this case, justice takes place not in the country where the crime was committed, but in another state in which the norms of criminal law allow for prosecution for particularly serious crimes (including crimes against humanity), regardless of where the crimes were committed. At the same time, the legislation of various countries may contain additional conditions for the application of universal jurisdiction. For example, this can be the presence of a suspect (Switzerland) or a victim (France) in the territory of a given state. For example, the Argentine court has considered international crimes committed by the Myanmar authorities

against the Rohingya³⁴, and in early 2022, a German court sentenced Syrian Anwar R. to life imprisonment. This is how the world's first criminal trial on state torture in Syria ended³⁵.

A universal jurisdiction case on victims of the 2020 protests in Belarus has been initiated in Lithuania, whose legislation does not provide for any special conditions for the application of universal jurisdiction³⁶.

A criminal case on the events has also been opened in Poland; however, only citizens of this country have been recognized as victims. In November 2023, Poland suspended the investigation into the illegal detention and torture of three Poles detained in Minsk after the presidential election on August 9, 2020 due to the refusal of the Belarusian Government to cooperate³⁷.

34 <https://www.globaljusticecenter.net/ru/qa-the-universal-jurisdiction-case-against-myanmar/>.

35 <https://www.deutschland.de/ru/topic/politika/princip-universalnoy-yurisdikcii-v-germanii-delo-o-pytkakh-v-sirii>.

36 <https://www.prokuraturos.lt/lt/pre-trial-investigation-launched-into-possible-torture-of-a-person-in-a-foreign-state/7240>.

37 https://www.rmfm24.pl/fakty/polska/news-sledztwo-ws-pobitych-polakow-zawieszono-bialorus-odmowila-ws,nld,7121277#crp_state=1.



Survey methodology

The object of our survey have been Belarusians who survived torture and/or cruel treatment by law enforcers after the 2020 events.

We do not know the exact number of such people, nor their age, gender, or educational and professional structure. These people do not live compactly in certain localities, and usually they do not create separate communities. Some victims simply deny what has happened to them and want to forget their traumatic experience. These factors significantly complicate survey contacts with the target group and impose certain restrictions on the study of the research object.

On the other hand, we have an almost ideal situation. Human rights groups—the Viasna Human Rights Center (VHRC) and the International Committee for the Investigation of Torture in Belarus (ICIT)—have verified databases of individuals who are the subject of our study. These databases were established in 2020, and they have been replenishing since then; in total, the two databases contain over 3,000 records.

We consider the data collected by human rights defenders and combined into one database of victims of violence (torture and/or cruel treatment) as a

kind of—not ideal, but quite relevant—cross-section of our entire target group, that is Belarusians who survived torture and/or cruel treatment by law enforcers after the events of 2020–2021.

At the same time, we are aware and take into account the limitations that arise when trying to extrapolate the data obtained from this database to the entire general population of people who have experienced torture and cruel treatment in Belarus in recent years.

The subject of the study is the perception of justice as a measure of the correspondence of the existing reality to the proper reality, as the necessity of consequences for actions (as well as for the subjects of actions) that violate this measure.

In our case, the structural and procedural scheme of “justice” as a subject of research is as follows:

- **Stage 0:** a situation where the existing reality matches the should-be reality;
- **Stage 1:** disruption of balance by torture and cruel treatment of some people by others;
- **Stage 2:** attempts to restore the situation where the existing reality matches the should-be reality through certain actions.

We do not consider stage zero. Stage 1 and its key components—violence and those who have experienced it—were implemented earlier, which is recorded in the verified database. Here we will focus not on the violence itself, but on those who committed it and who should be held responsible for it.

At the same time, the basic stage for us is Stage 2: decisions on actions to restore justice (the fact of [non]decision, motivation), ideas about what is proper, and actions to achieve this proper (possible/desirable, subjects, obstacles).

Thus, the purpose of the study has been to identify and describe what justice should be in relation to situations of torture and/or cruel treatment in the optics of those who have experienced this.

To ensure this purpose, the following tasks have been accomplished:

- establishing a list of those guilty of injustice (torture and cruel treatment);
- determining what justice consists of (in relation to different subjects);
- exploring experiences, motivations and barriers to achieving justice.

An additional objective was to identify key challenges faced by individuals who have experienced torture and cruel treatment, and the methods and subjects to address them.



Technique

The study was comprehensive in nature and consisted of two research stages: qualitative and quantitative.

At the first stage, there was a series of in-depth interviews. The respondents were drawn randomly from both parts of the verified data-

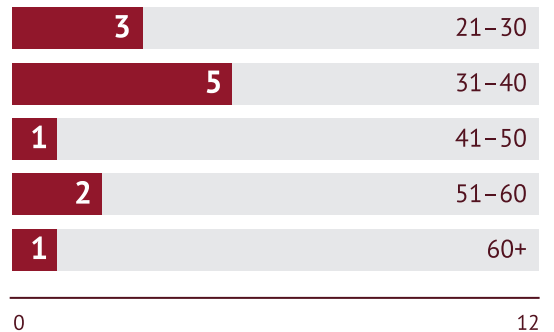
base of survivors of violence (torture and/or cruel treatment) compiled by VHRC and ICIT.

In-depth interviews were conducted in May using the CATI method; twelve people were interviewed in total. The sample design was as follows:

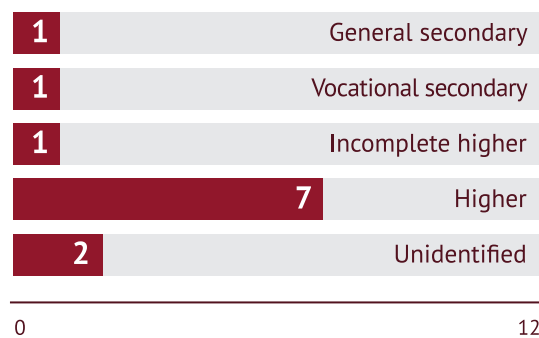
Gender



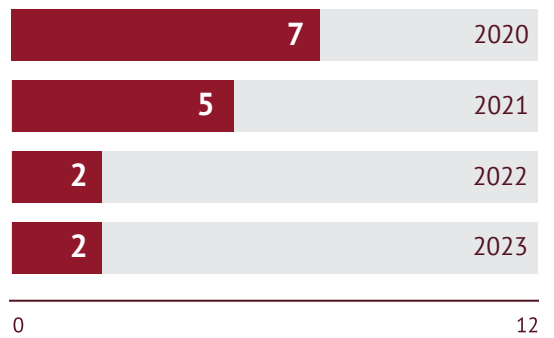
Age



Education



Torture period



(one respondent could repeatedly experience torture and/or cruel treatment)

At least two interviewees had the status of former political prisoners. There were people who had experienced “home chemistry” (restriction of liberty without serving the sentence in a correctional institution), pre-trial detention facilities, penal colonies, and people who had had no experience of being in places of restriction of freedom at all.

The report quotes anonymized in-depth interviews with respondents’ words attributed only by gender, age group, education, and year of departure from Belarus. In the body of the report, quotations are marked by “Respondent” and a serial number; respondents’ attributions are provided in the Appendix.

The key objective of the qualitative stage of the survey was to collect primary non-formalized information from

survivors of torture and/or cruel treatment about the fairness of their perception of their experiences for subsequent formalization and development of relevant quantitative research tools.

This objective was achieved, and additional information useful for the purposes of the study was obtained, which was included in the relevant part of the “Research Results” section.

The second stage of the project was a quantitative survey. As in case of the in-depth interviews, respondents were drawn randomly³⁸ from the databases of the VHRC and ICIT. The interviews took place from 19 June to 19 July 2024.

Data collection technique: a CAWI questionnaire³⁹. 580 people were surveyed in total. The sample design was as follows:

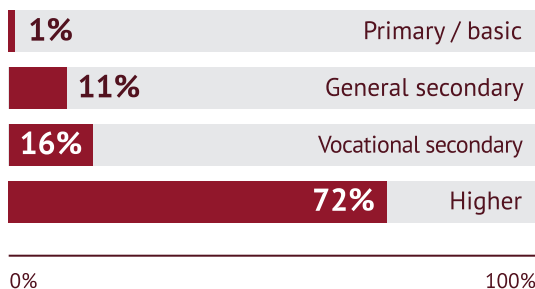
38 There were two full recruitment cycles with a shift in the selection stage for both parts of the database.

39 In some exceptional cases, the CATI interview was used instead of the CAWI questionnaire.

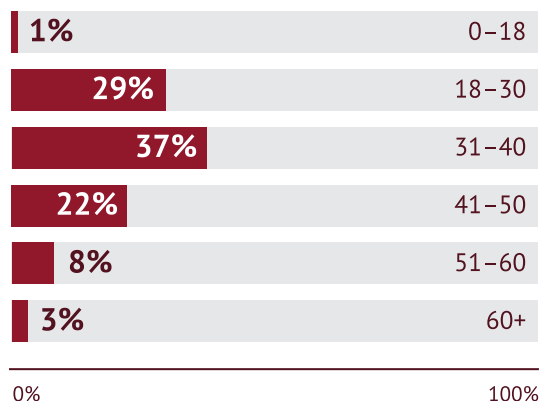
Gender Political prisoner status



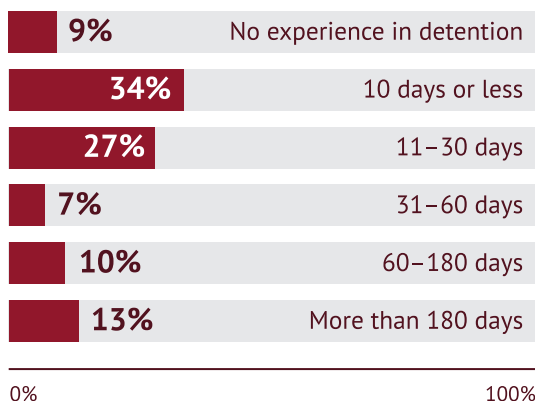
Education



Age

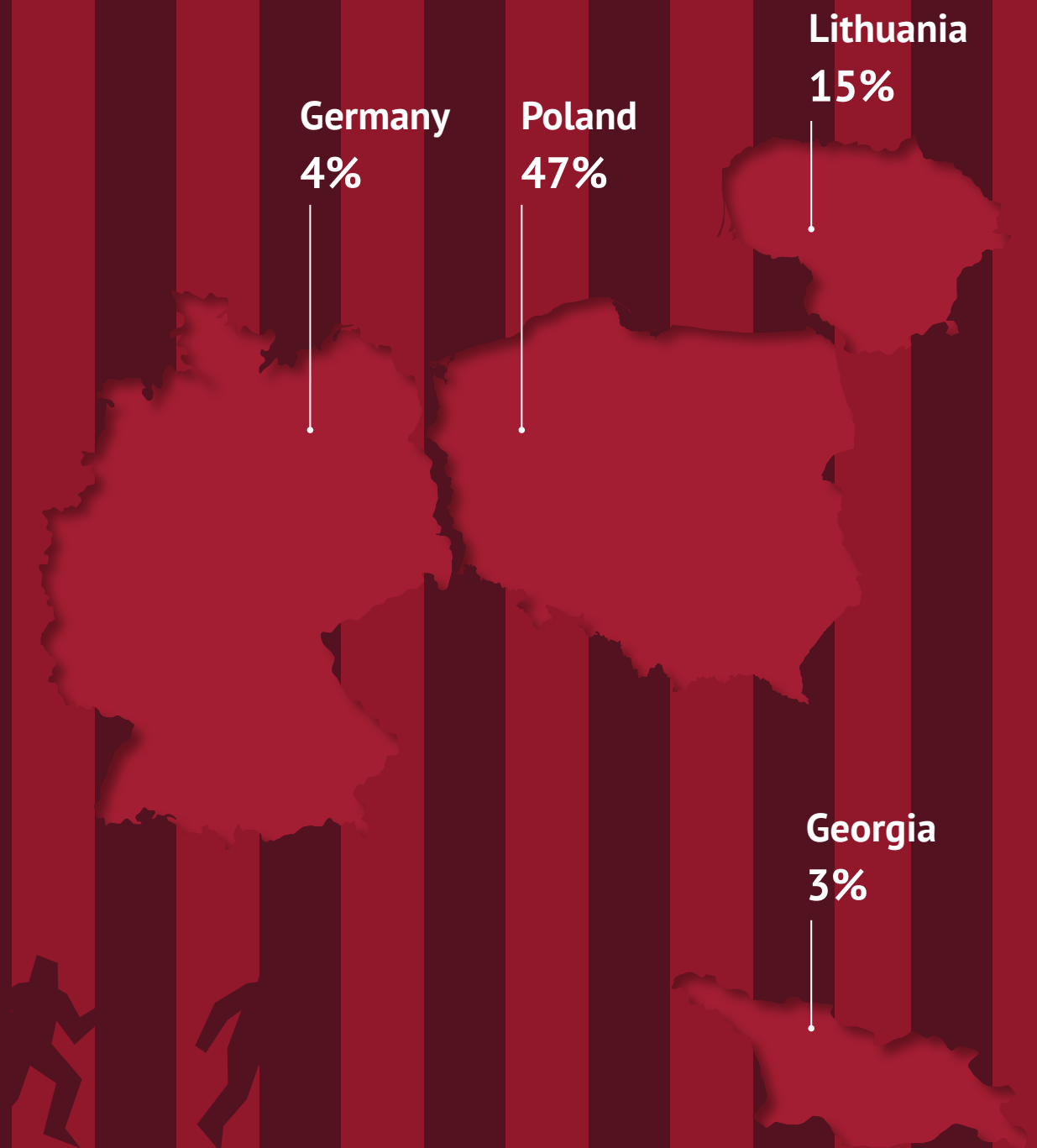


Time spent in detention



The geographical distribution of respondents was the widest, including 18% of respondents who stayed in Belarus. The main host countries where respondents resided: Poland – 47%, Lithuania – 15%, Germany – 4%, and Georgia – 3%.

Those who left Belarus mostly did so in 2021 or 2022 (24% and 31%, respectively). Additionally, 8% of respondents departed from Belarus in 2020; 13% of respondents departed from Belarus in 2023; 5% of respondents departed from Belarus in 2024.



Survey findings

This section presents data collected through both in-depth interviews and a quantitative survey. These methods differ: a) in in-depth interviews, the respondent independently reflects and answers the interviewer's questions without prompted answer options or any semantic clues; b) when answering questions from the quantitative survey questionnaire, the respondent selects answer options from an offered list, that is, a list with "hints" and limitations.

It should be noted that, based on the results of reviewing the in-depth interview data, the general impression is that the issue of restoring justice is far from being the top priority for respondents currently. This is because of both the period that has passed since the violence was committed and the need to somehow survive right now.

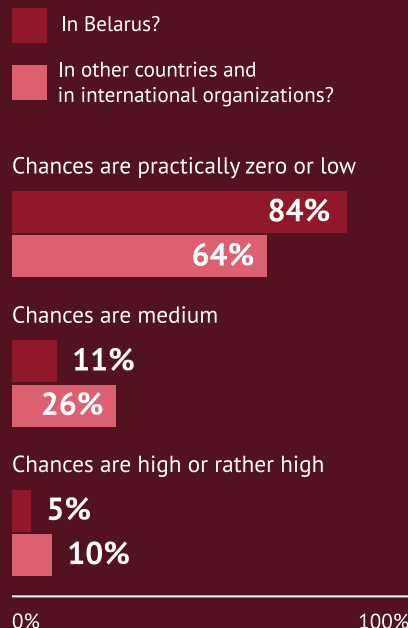
"Of course, I wanted it [justice to be restored]. But the longer this goes on, the less I believe in this to happen. I'm telling it like it is."

—Respondent 1

Another important factor that increasingly pushes the issue of restoring justice beyond the current focus of attention is the awareness of the lack

of opportunities to restore justice in the near future, both in Belarus and abroad. According to the quantitative survey, 84% of respondents believe that the chances of achieving justice in the near future in Belarus are zero or low. Similarly, 64% of respondents do not believe in achieving justice through other countries and organizations.

In your opinion, what are the chances of achieving justice in the near future?



“Right now, I think this is extremely unlikely. In some historical perspective, I don’t know, in ten years, or maybe in even more years, then yes, why not . . . I have a hard time imagining how any international organization can hold any specific people who are currently serving the regime in Belarus accountable in any way.”

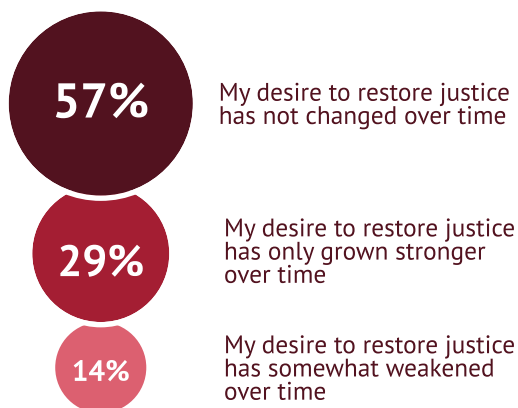
–Respondent 2

“To be honest, I don’t see any mechanisms that could influence everyone now. Maybe something will change, but right now I don’t see such an opportunity.”

–Respondent 3

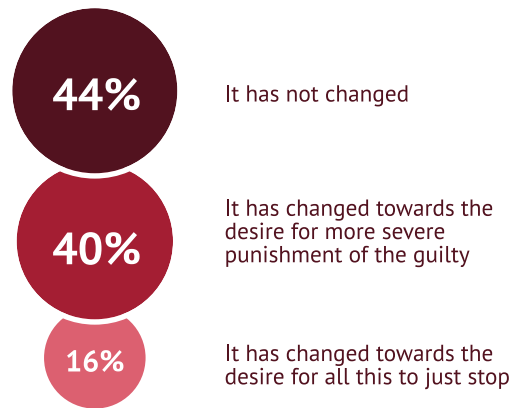
At the same time, the quantitative survey has reported the figures indicating that the issue of restoring justice is still relevant. The vast majority of respondents believe that their thirst for justice has not diminished, and 29% of respondents claim that it has even increased.

Which of the following statements suit you?



At that, according to the data, the share of respondents who are more proactive is 2–2.5 times larger than the share of respondents who want “all this to just somehow stop.”

Has your perception of justice changed since 2020? If it has changed, in what direction?



The main obstacle to restoring justice is that now people simply do not see any opportunities for justice to restore.

“If earlier it was possible to appeal to some legal norms, laws, and so on, then recently the very mention of the law can take you for eight years in prison.”

–Respondent 4

“Theoretically, I would like to hold these people accountable, but the practical mechanisms through which this can be achieved, are not known to me today.”

–Respondent 2

“As long as this situation continues, this [justice] is completely impossible. This is also impossible as long as there are ties with Russia. And even if, I don’t know, some current leadership changes there, if there are such [close] ties with Russia, then it will be more or less the same as today.”

–Respondent 5

In the free answers of respondents to the in-depth interview questions, the dominant opinion (this was fundamental for the respondents) is that

the basic space of justice and the basic subject in relation to which this justice must be restored is not an individual or a community of victims of violence in its various manifestations. **Such a space and such a collective whole is the country of Belarus.** This means that the restoration of justice and legality is not so much an individual issue as a collective matter, the task of overthrowing the regime and returning to the homeland (or at least the opportunity to travel there).

“This regime must be held accountable and brought to justice. Those people who did all this must be punished.”

—Respondent 10

“I would like this situation to resolve itself positively. So that we could come back, move freely, and not be afraid that you will be immediately put in jail. . . . Not to be afraid for your family, that they will be visited at home [by law enforcers] and. . . something might happen to them. So that there are no such provocations. To make sure everything is safe.”

—Respondent 6

At the individual level, the key objective for respondents now is “surviving”; in this logic, justice is a deferred luxury:

“I tried to leave Belarus as quickly as possible because it was a higher priority for me. I have not attempted to achieve justice other than telling my story as publicly as possible.”

—Respondent 2

At the same time, it cannot be said that justice has been discounted. It certainly exists as a goal and motive for ac-

tivity, but not “here and now.” Something along this line was done in the past, something is being done “for the future”: for actions in New Belarus, for punishment and lustration of the guilty.

“All this will end sooner or later, and there must be lustration. This is how I perceive it.”

—Respondent 1

“For every proposal I received, for example, Viasna’s proposal to participate in documenting, . . . proposals from UN representatives . . . someone was writing a book . . . Well, I agreed to these things right away. Because this is my personal contribution to at least document the injustice that has been occurring. Well, and hope that something might change someday, and maybe those people who have been doing all this will bear some responsibility one day.”

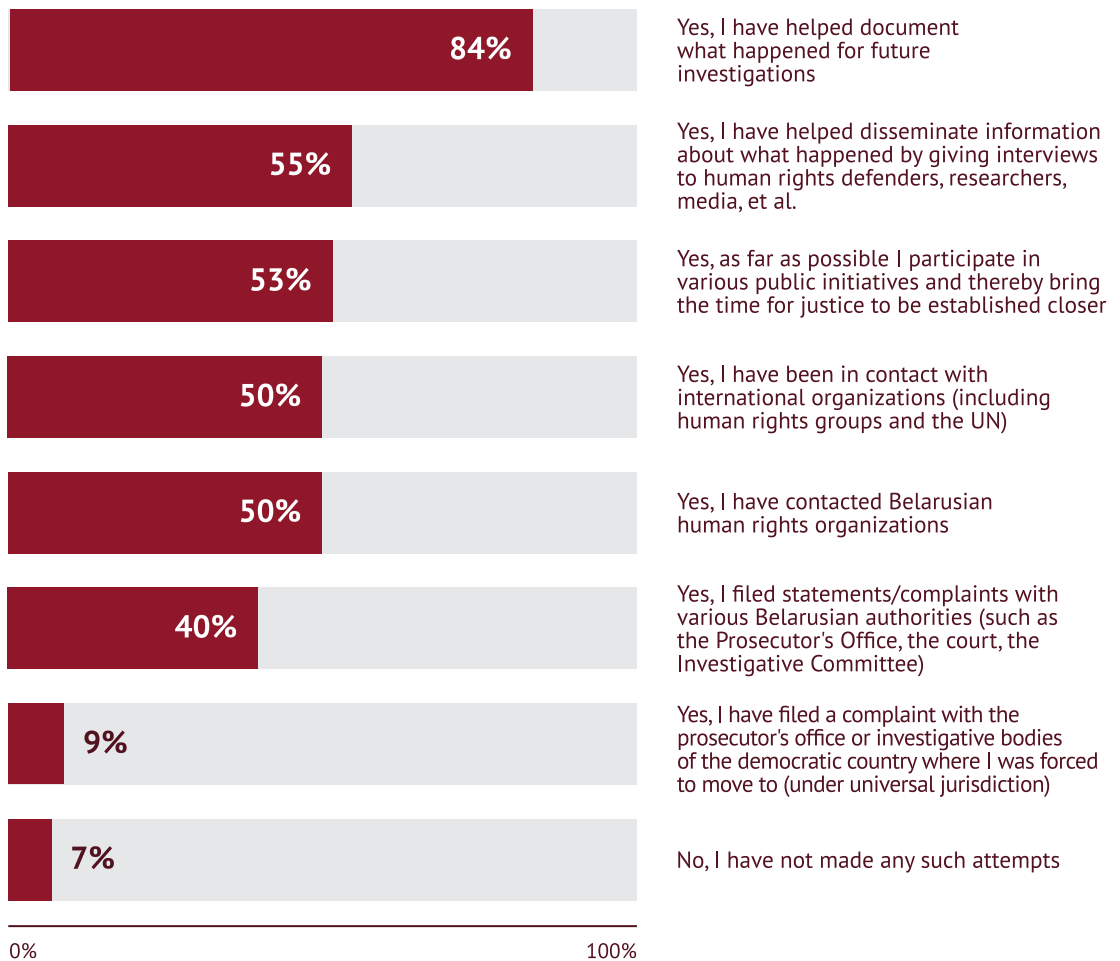
—Respondent 5

In terms of quantitative indicators, people who have experienced violence actually do quite a lot to restore justice (at least our survey respondents)⁴⁰.

Thus, in particular, the overwhelming majority of respondents documented what had happened to them for future investigations. People tried to do something both in Belarus and abroad: they disseminated information about violence and torture in Belarus by giving interviews to human rights defenders, researchers, and the media; they participated in various public initiatives and thus brought the time for justice to be established closer; they contacted international and Belarusian human rights organizations, and much more.

40 It is necessary to take into account the specificity of the sample, which was drawn from a verified database of people who had been subjected to torture and/or cruel treatment, i.e., who had already taken certain measures to restore justice.

Have you made any attempts to achieve justice?
(Respondents could select several answer options)



Only 7% of respondents reported that they had not attempted to restore justice. In fact, they did, too: for example, they documented everything that had happened to them in Belarus. This is the specificity of the survey sample. Here, we probably observe a kind of defense mechanism, where everything connected with unwanted memories is squeezed out of the memory. Optionally, this part of the respondents documented the facts of torture and/or cruel treatment simply out of a sense of duty, without hoping for justice to restore.

A pessimistic view of the prospects for restoring justice is not the only de-

motivator on this pathway. In a certain sense, the safety factor is more important. When asked a projective question about why people did not try to achieve justice, the overwhelming majority of respondents indicated that people feared for the safety of their families. This was the most critical factor reported by 85% of respondents. Personal safety emerged as the third most prevalent concern, with 62% of respondents indicating that they were fearful of potential retaliation from law enforcement. Additionally, 76% of respondents reported that there is “no point in seeking justice in Belarus.”

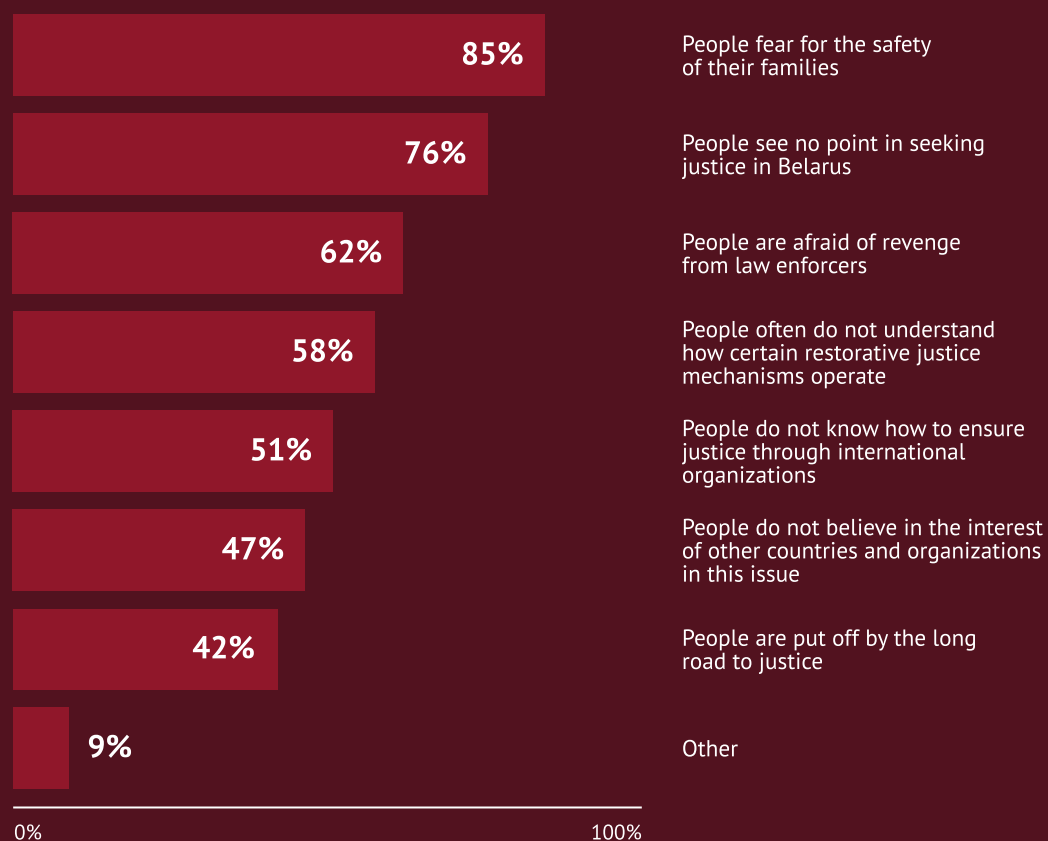
What is also important is that more than half of respondents reported the issue of lacking information about how certain justice restoration mechanisms would work (58% of respondents). In particular, people may not know how to seek justice through international organizations; 51% of respondents said this.

Almost half of respondents also

picked such a “pessimistic” answer option as the lack of real interest of other countries and international organizations in restoring justice for those Belarusians who suffered from torture and/or cruel treatment in Belarus. Furthermore, 42% of respondents reported that a long road to justice might put off people.

Why do you think some people who have been tortured and/or cruelly treated do not try to achieve justice?

(Respondents could select several answer options.)



Despite all this, there is still a belief or desire to restore justice in a conditionally “historical” sense:

“I was trying to do something at that moment. That failed. And all my subsequent actions. . . . In the end, I concluded that it wasn’t that I was trying to restore any kind of justice by doing this. Rather, from the point of view of some universal truth, I did something good. From the point of view of some personal situation, probably not. And I don’t really understand how this is possible in the current situation.”

—Respondent 7

The embodiment of such “historical justice” for those surveyed would be the overthrow of the regime of Alexander Lukashenko: the end of repression, democratization of the country, and the return to the homeland of all who wish to return.

“Thousands of those who are now behind bars. . . . Well, justice should be manifested in these people to be free first of all. Second, they should be somehow compensated for what this regime did to them. Third, of course, is that this regime must be held accountable and brought to justice. Those people who did all this must be punished in some way.”

—Respondent 5

Here, the generalized idea of the guilty dominates: it is the government, the system, Lukashenko’s regime.

“Those who made decisions, who enforced them, who killed, who beat people [are guilty]. This means state

officials, representatives of law enforcement agencies and various military structures who participated in all that. If we also revisit the election [2020 presidential election]: these are also those who participated in the fraud, this whole system.”

—Respondent 5

Respondents perceive those responsible for violence ambivalently. On the one hand, perpetrators are perceived in a depersonalized way (from the regime as a whole to ordinary law enforcers and members of precinct election commissions). On the other hand, this is a personalized perception in the person of the head of state.

“Those responsible for my having to flee the country are the people who abused their power and did not comply with the laws of the Republic of Belarus.”

—Respondent 11

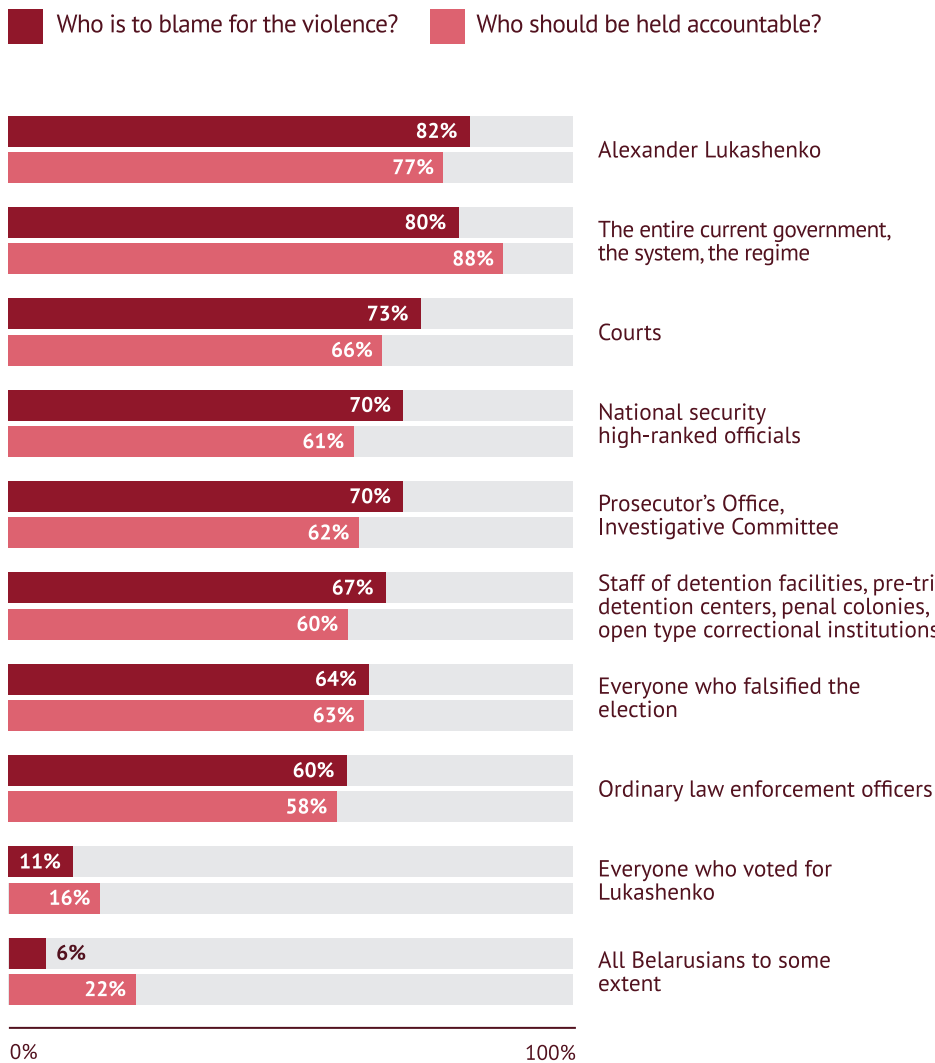
“Right down to the small city officials, they should also be sentenced.”

—Respondent 12

“Everyone who has committed crimes, torture, and helped Lukashenko’s illegal regime maintain power is guilty, as well as Lukashenko as the main culprit.”

—Respondent 9

If we single out a certain hierarchy of those guilty of violence and those who should bear responsibility for it, then the main culprit is the regime as a system, and the main one who should bear responsibility is Alexander Lukashenko.



In conditional third place are the Belarusian courts; national security leadership are in fourth place; and the Prosecutor's Office and the Investigative Committee are in fifth place. They are followed by the staff of the temporary detention facilities / pre-trial detention centers / penal colonies / open type correctional institutions⁴¹, followed by all those who falsified the 2020 presidential election, and ordinary law enforcement officers.

What is striking here is the high place of the courts in the hierarchy of those guilty of violence. Complaints against the judicial system, which should be the guarantor of the rule of law, are much more significant than the accountability demands against those who directly committed the violence. This seems to be critical: the demands

for justice are systemic in nature, with an emphasis on legality.

In this sense, the respondents' reasoning that the regime should also be punished in a systemic manner seems entirely logical: it should be deconstructed, and in such a way, that such treatment of citizens does not repeat in the future. This context means not only direct violence, but also a much broader concept: human rights violations.

⁴¹ Temporary Detention Facility (TDF); Pre-Trial Detention Facility (PTDF); Penal Colony (PC); Open-Type Correctional Institution (OTCI).

"Getting compensated is more of a private matter that concerns only me. And punishment is more of a social thing, it plays the role of affirming social justice or ensuring that this will not happen again."

—Respondent 9

“We need some kind of concrete example so that future generations will remember this: an understanding that this is definitely not the way to do things, that we need to have our own understanding and not sign up for all sorts of atrocities.”

–Respondent 6

“If we talk about justice, there should not be such a regime, there should not be such people, there should not be such authorities, persons in power, because it is all unfair, from the point of view that people may not express their thoughts, do things for the benefit of the state and society.”

–Respondent 4

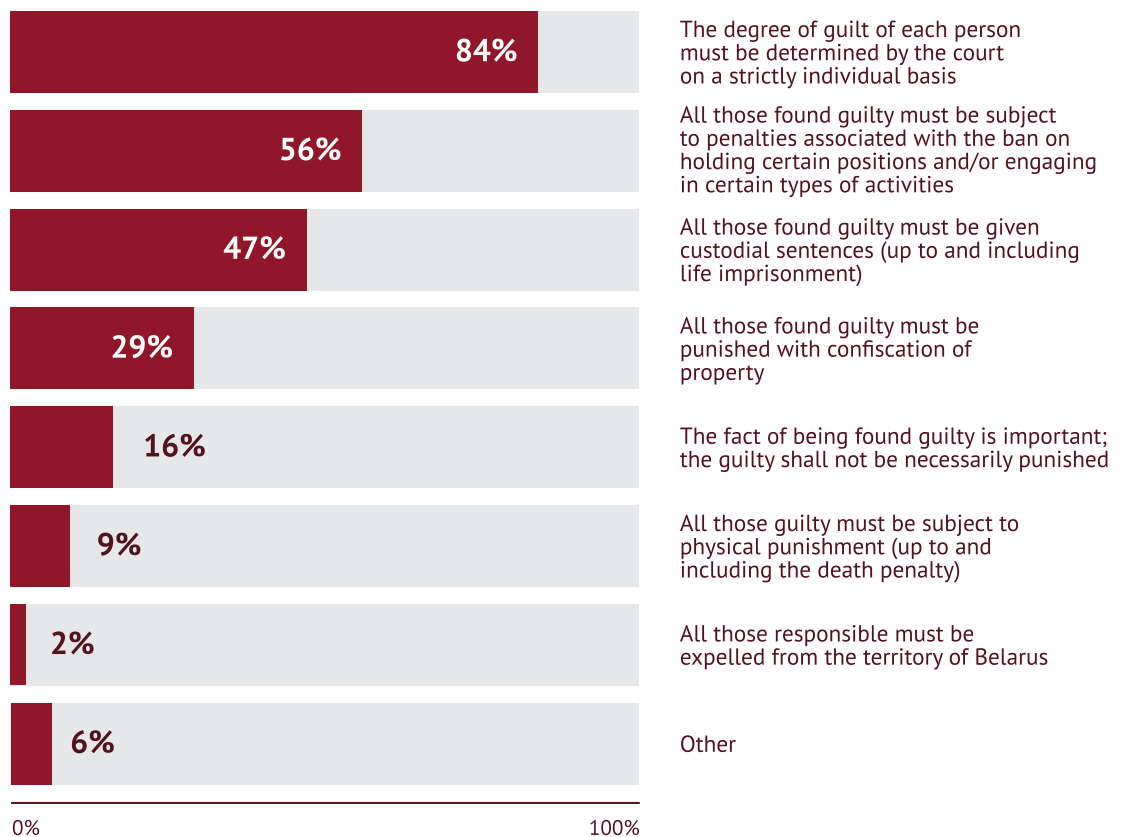
It is certainly considered important to punish not only the regime in gen-

eral, but also the specific individuals guilty of violence. Here again we can see a situation where legality is in focus. According to our data, the vast majority of respondents (i.e., people who have experienced violence and/or cruel treatment) say that there can be no general accusation. The degree of guilt of each person should be determined by the court on a strictly individual basis: this is the position of 84% of respondents. As a (mandatory) addition, it is necessary to consider the requirement for lustration as a ban on persons guilty of violence from holding certain positions and/or engaging in certain types of activities: this is the position of 56% of respondents.

Concurrently, 16% of respondents expressed the most humanistic position: in essence, this is the fact of finding guilty, possibly without severe punishment.

If we talk about what you have experienced, what does justice mean to you in relation to those responsible for what has happened?

(Respondents could select several answer options.)

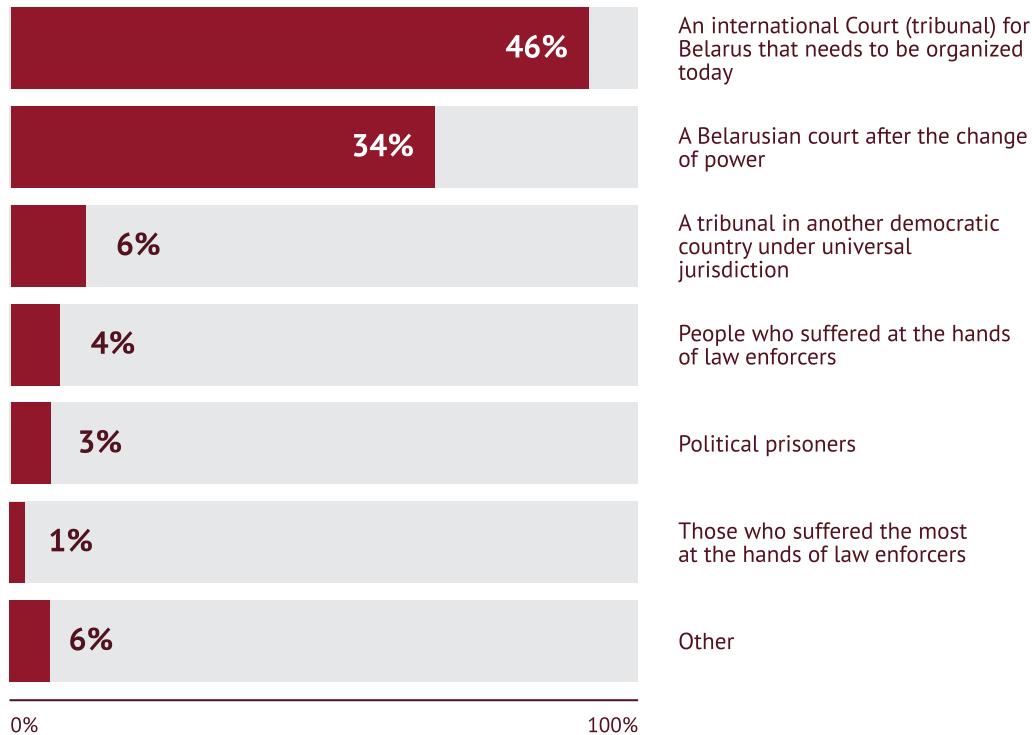


At the same time, there are supporters of harsher punishment options. Thus, 47% of respondents were in favor of the guilty being punished with imprisonment; 29% of respondents reported the

provision providing for punishment with deprivation of property; 9% of respondents indicated that all guilty persons should be subject to physical punishment, possibly even the death penalty.

Who should first determine the type and degree of responsibility of those guilty of what has happened?

(Respondents could select several answer options.)



If we ask about who should directly determine the degree of guilt of specific individuals, then respondents see only two options: either an International Tribunal, which needs to be organized today (46% of respondents say so), or wait for a change of power in Belarus and then conduct open trials in Belarusian courts (34% of respondents chose this option). Respondents hardly consider any other options, such as courts under universal jurisdiction.

The other side of justice is the measures taken against those who have experienced various kinds of violence. The situation is complicated because, on the one hand, it is difficult to imagine what can be the manifestations

of this justice, and on the other hand, people still talk more often about justice at the public level than at the individual level, at least in in-depth interviews.

“I think that we should start with the fact that people convicted for expressing their opinions and disagreement with what was happening, which they had the right to do under the Constitution, should be rehabilitated.”

—Respondent 5

“Well, it’s hard for me to imagine how this can be compensated. It’s hard.”

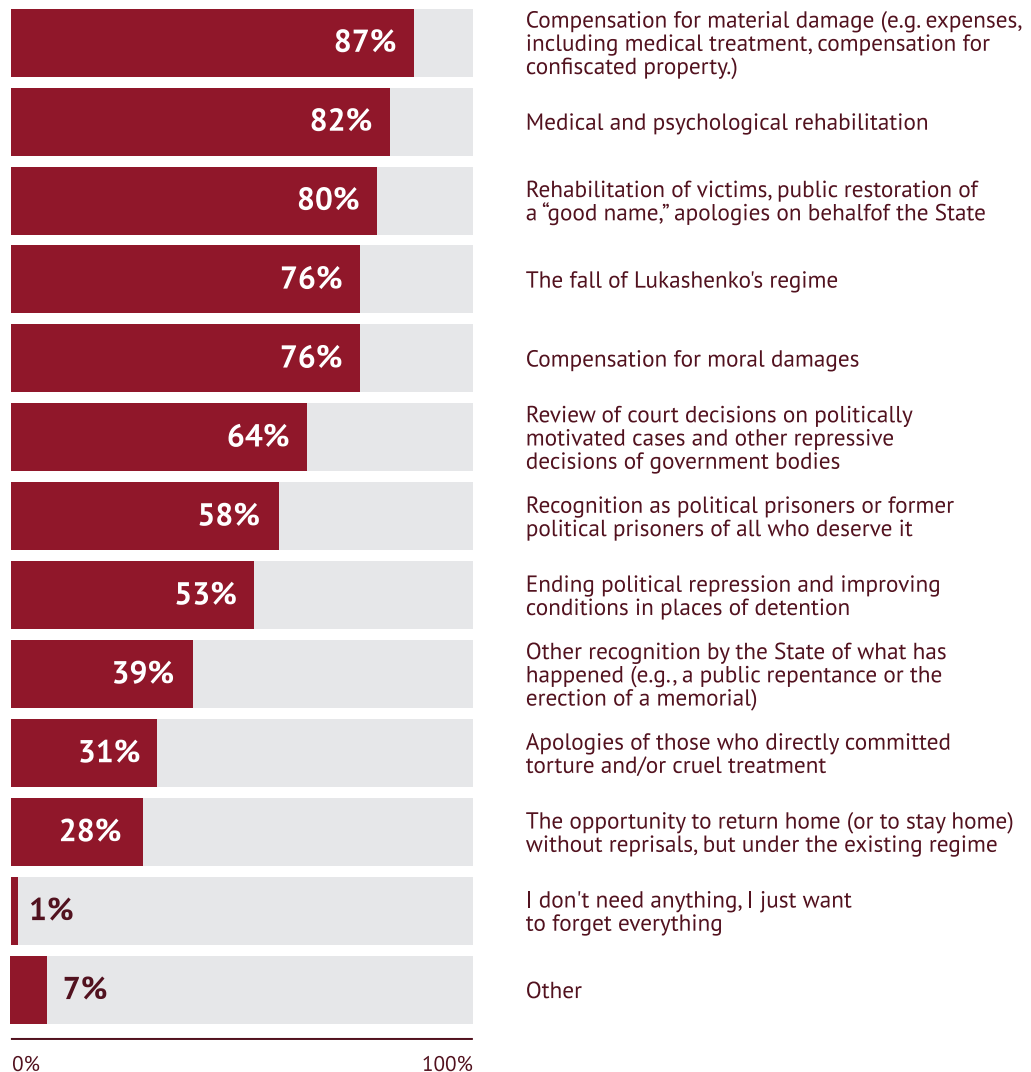
If they can compensate with money, that's good. They can do this through repentance, that's good. Not just repentance, to cry once and that's it. But for a person to actually do something for society."

–Respondent 1

In the quantitative survey, when respondents saw a range of options

for how justice might manifest itself for survivors of violence, the range of options selected was much wider. The undisputedly leading options chosen by more than 75% of respondents were compensation for material and moral damage, medical and psychological rehabilitation, public restoration of the “good name of the victims,” and the overthrow of Lukashenko’s regime.

When it comes to torture and cruel treatment of people in Belarus, what actions do you think should be taken towards those who have experienced this?
(Respondents could select several answer options.)



The second block of significant manifestations of justice is the review of court decisions on political cases, the recognition of all those who deserve it as political prisoners, and the end of reprisals

with the improvement of conditions in places of detention. More than half of the respondents chose these options.

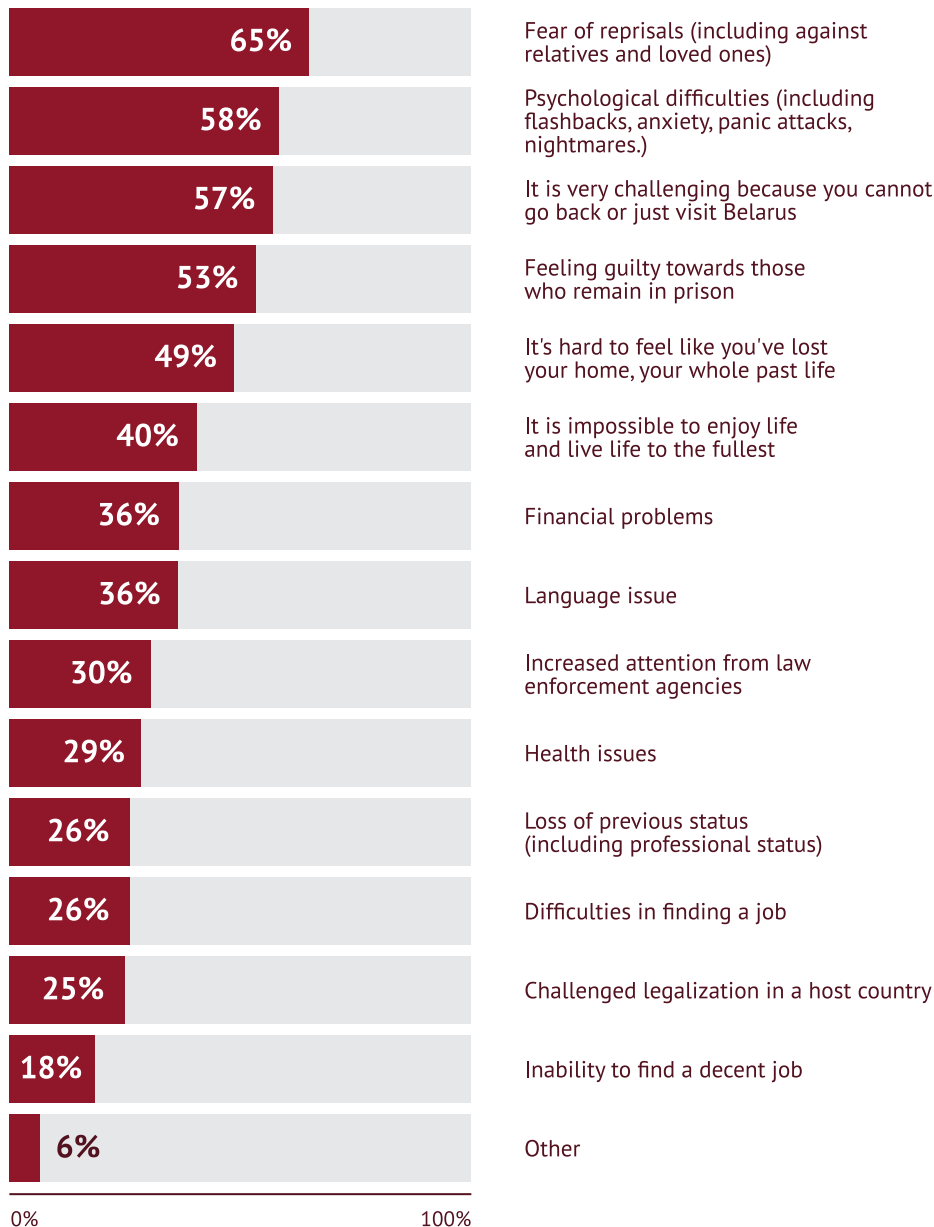
Among other positions, it is worth paying attention to this one: “The op-

portunity to return home (or to stay home) without reprisals, but under the existing regime.” 28% of respondents reported it as quite possible. That is, a large number of respondents could theoretically return to Belarus as soon as the intensity of reprisals subsides. Even

if the regime of Alexander Lukashenko remains in place.

If we continue analyzing at the individual level and focus on the problems of those who experienced violence and were forced to leave the country, then there are a number of painful issues.

What challenges have you encountered after torture and/or cruel treatment?
(Respondents could select several answer options.)



Firstly, it is the fear of reprisals, including concerns about their families and loved ones who stay in Belarus: almost two thirds of respondents report this.

“Fear. Very intense fear . . . Even when I was in Akrestina [detention facility] and in the pre-trial detention center, I had been less afraid than when I exited them. Because when I got there, I already understood where I was and what would happen to me. And when I came out, it was no longer clear. This is like you are waiting for death all the time.”

–Respondent 1

“This is a constant fear for your relatives who still live in the country.”

–Respondent 6

Next to this option, naturally, is the option of “increased attention from law enforcement agencies,” which is relevant in any case, whether you are inside or outside the country.

“Let us imagine I appeal with this statement to, say, the Human Rights Committee, and my sister will call me crying and saying: ‘Don’t file anything, because they [law enforcers] keep coming to us, they summon us.’ ”

–Respondent 8

The second is psychological problems and mental health issues reported by 58% of respondents. As a result, the inability to live “to the fullest” (to the maximum), to enjoy life is added to this (reported by 40% of respondents).

“[I had] panic attacks, and I had a sleep disorder, too. I constantly feel anger and anxiety.”

–Respondent 1

“My nightmares that bother me, I can’t get rid of them. It’s unlikely that anyone there can wipe them for us. My memories, flashbacks, so to speak, some kind of hang-ups, a heavy emotional background when I talk about this.”

–Respondent 6

A separate block, characteristic of those who were forced to flee persecution, is loneliness, the inability to return to Belarus, the loss of family, parents, and the homeland, and pain for what has been happening in Belarus:

“My challenges, for the most part, are that I lost my home and the fact that my mother was left home alone. She is many years old. These are all my challenges, because, well, I can provide the rest.”

–Respondent 3

“The biggest challenge is the inability to visit my parents. . . .The challenge is that my friends are behind bars.”

–Respondent 5

In addition, refugees have a specific set of challenges associated with their escape and changing their country of residence, such as language issues (36%), loss of previous status, including professional status (26%), challenges with legalization in a host country (25%).

“If we are talking about relocation, then any person moving faces approximately the same challenges, moral pressure, financial issues, and social adjustment . . . some language issues, barriers.”

–Respondent 6

“Challenges are mainly some kind of bureaucratic or everyday issues. What can be done is to perhaps ease some of the legalization issues for the people who suffered.”

—Respondent 9

There are general challenges regardless of which side of the border the person is on: financial problems (36%), medical issues (29%), job search challenges (26%), and inability to find a decent job (18%).

This raises the question: is there any need for help for those who have experienced torture and/or abuse? Almost all respondents have said in their in-depth interviews that help was needed.

An analysis of the responses to in-depth interview questions (i.e., without prompts) revealed three main components of such assistance: psychological support, medical rehabilitation, and assistance in legalization in a host country.

“Probably the hardest thing, or rather the hardest consequences, is health, and not only physical, but also mental.”

—Respondent 5

“If someone needs, say, some health resorts, health rehabilitation, psychological support, anyway.”

—Respondent 1

“Assistance in legalization, probably medical help, and secondly, and thirdly: continue and continue to document and collect this information, evidence of crimes.”

—Respondent 10

Financial assistance has been mentioned optionally, but only in an optional format (because they have “already receive something,” at least those who

have gone abroad; “asking for more is shameful”).

“Perhaps monetary compensation, even if small . . . Well, of course, everything should have its boundaries, not so that a person comes [to a host country] and enjoys “social benefits.”

—Respondent 1

“It seems to me that household or financial issues should not be resolved at the expense of the taxpayers of the [host] country or countries in which the victim resides. This may happen more through some private foundations.”

—Respondent 9

It is worth noting the following fundamental point: many respondents claim that they do not need help (they use such wording as “I am strong, so I can handle it,” “others need more,” “I have already received enough help”).

“I don’t think I have anything to complain about; I think they do everything to make me feel comfortable enough in this place.”

—Respondent 2

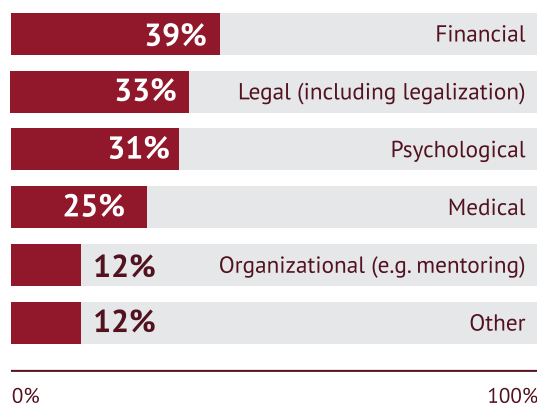
Almost the same thing happened in 2020, when people put forward similar arguments and refused help from solidarity funds. They turned to such initiatives only in extreme cases.

It seems that this is a manifestation of deeper reasons than, for example, confidence in one’s own strength or the attitude of not accepting help “from the outside.” The fact is that we, Belarusians, have no experience in lobbying our interests, advocating or even defending our rights, especially at the group level. Over the last decade, we have learned a little how to defend our rights on a personal level and on a mi-

cro level, that is, to protect our micro-cell: our family, friends, team. When it comes to something a bit higher, bigger and wider: we don't know, we don't know how, and we don't understand why it's necessary. We survive alone until the very end: "I'm strong, I don't need help," and then we burn out, become exhausted, and fall to the ground.

According to the quantitative survey, slightly less than two thirds of respondents (64%) have used one or another type of assistance. Another 26% of respondents have reported that they did not seek help because they coped with everything on their own; and 10% have reported that they lack information about where and what kind of help they could seek. More details types of the assistance received by the respondents: 39% of respondents have received financial assistance; 33% of respondents have received legal assistance; 31% of respondents have received psychological assistance; and 25% of respondents have received medical help. Assistance in solving organizational issues was received by 12% of respondents.

What type of help did you need?
(Respondents could select several answer options.)



When we asked respondents about what else the authorities of those host countries where survivors of torture and/or cruel treatment currently reside (except Belarus) could do, this question caused certain difficulties in in-depth interviews. It turns out that it is difficult for a Belarusian to talk about receiving assistance. Only two actual requests were articulated. One such request was directed towards local authorities:

"They could help us adapt to a new place . . . if we can't go back now. . . . They could at least help us feel more alive here."

—Respondent 6

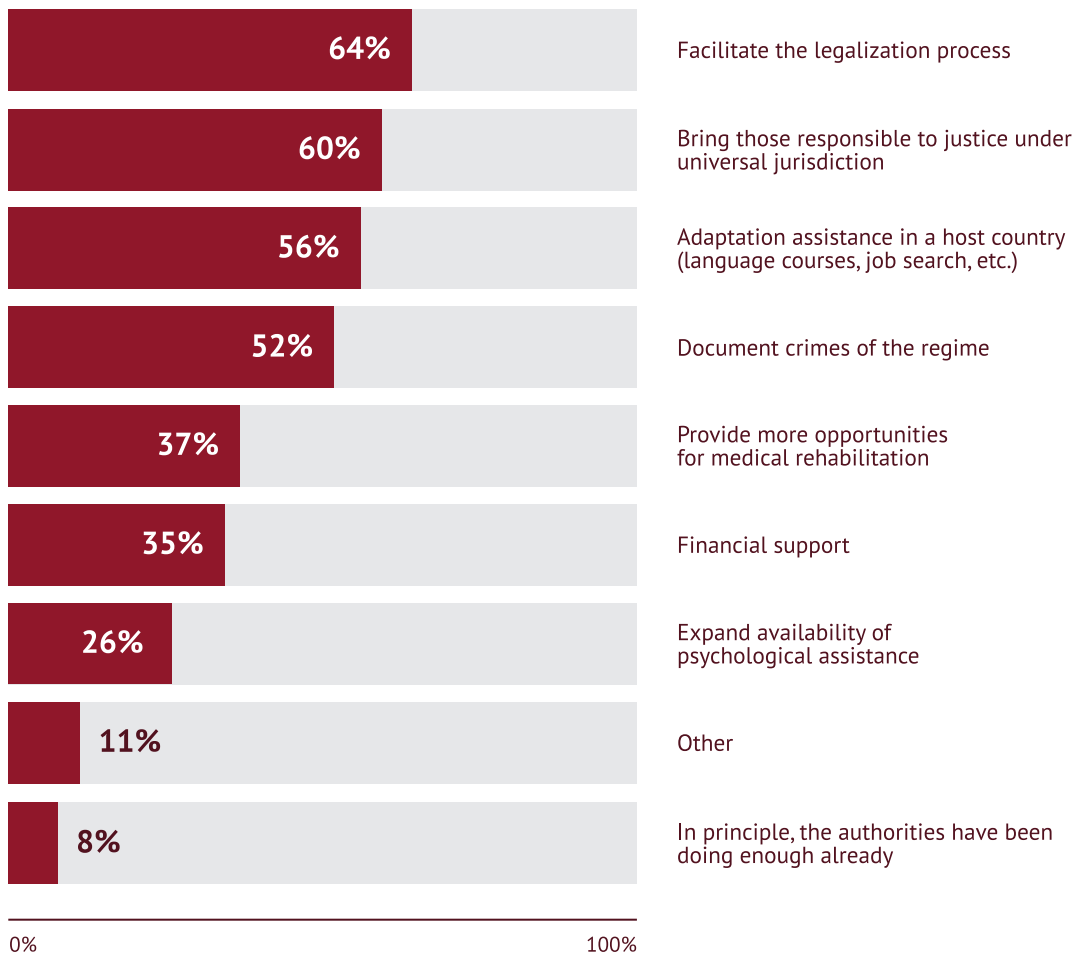
Another request was made towards international organizations and human rights activists:

"I can't give any advice to the international community and human rights defenders, but I would . . . work more purposefully with political prisoners: there are so many of them."

—Respondent 3

In the quantitative survey, where respondents had to choose from a range of reply options rather than reason independently, it was much easier for them to reply. As the table shows, the dominant positions generally coincide with what respondents said in the in-depth interviews: first, it is necessary to facilitate the process of legalization (64%) and adaptation in a host country (56%); second, it is necessary to hold the regime accountable (60%) and to document the regime's crimes (52%). In addition to this, there should be medical rehabilitation (37%), financial support (35%), and psychological assistance (26%).

What do you think the authorities in the host country where you reside today could do to help victims of torture and/or cruel treatment achieve justice or alleviate their situation? (Respondents could select several answer options.)



A stand-alone block of the survey included questions that concerned groups or communities that would unite Belarusians who had experienced torture and/or cruel treatment. It turned out that, at a hypothetical level, respondents are ready to discuss the necessity and benefits of such associations and communities.

“They [such communities] could support me with some contacts, some connections, some employment, some life hacks in a new place, in a new country.”

—Respondent 6

“Of course, it would be important for people to gather, for people to know about each other, for these organizations to do their meaningful things, to occupy certain niches and achieve results.”

—Respondent 4

In numerical terms, this looks as follows: only 27% of respondents take some part in such communities (and, judging by the answers to open questions, they take part in broader all-diaspora type communities) (9% of respondents participate regularly, 11% of respondents participate from time to time, and 7% of respondents participate rarely).

As for how useful such communities would be, only 23% of respondents reported hypothetical value of such communities specifically for themselves, while 32% of respondents expressed the opinion that, of course, in general, such communities were useful, but not for them personally (23% of respondents chose the answer option “It’s hard to say”).

“I personally don’t need such groups; therefore, this topic doesn’t interest me, well, not me personally.”

—Respondent 2

“Probably, I don’t need this urgently.”

—Respondent 1

Here are a few important points in conclusion:

A separate topic for Belarusians is the attitude towards violence in general. A 2019 survey found that Belarusians in general have a high degree of tolerance to state violence⁴². This thesis is also true in the context of assessing violence against oneself, especially after 2020, when violence became commonplace and routinized. The situation is made worse by comparing one’s situation with hypothetical others, especially those who are currently behind bars. The logic is, roughly speaking, “The bruises have gone away, well, that’s that.”

“Basically, everything that I have experienced, I have already fixed myself, so to say. Already.”

—Respondent 1

“I have not developed any permanent health issues. . . . I was beaten, but it’s gone now.”

—Respondent 9

As a result, people often see nothing extraordinary in torture and cruel conditions of detention. It turns out that violence is rather secondary; often the first place is taken by another crime of a “historical nature” again: the seizure and retention of power, the falsification of election results, and the displacement of people from their homeland (there are opinions that violence is stupidity, as it is much more painful to be chased away from one’s own homeland).

“There is nothing to worry about, life goes on, but they cut me off from my land.”

—Respondent 6

“I also have many acquaintances who were somehow punished, beaten, or found themselves in other situations. In general, the perception of this reality today, the feeling of what state Belarus is in. What is the condition of the people who stay there? It seems to me that these are the most . . . difficult things for me now.”

—Respondent 5

There is one other important issue. In their reasoning of justice, people are rarely guided by the Talionic Principle (“an eye for an eye,” retaliation).

“Let’s say, if you put thirty people in jail for fifteen days each, you also have to serve the same number of days [in detention]. . . . So that for every day [of detention] that he unfairly ruled to some person, he would serve the same number of days [in detention] for each one [that he sentenced].”

—Respondent 12

42 “Measuring the level of tolerance of Belarusians to State violence.” Survey findings report.

For the most part, people are still guided by something else: they demand the restoration of the rule of law and the punishment of those guilty of violence in court (for example, “let the court decide,” “victims cannot judge”).

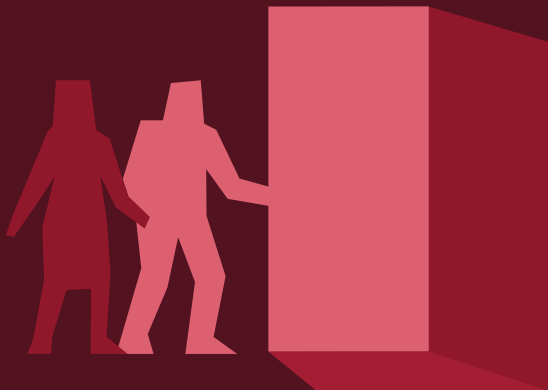
“Everything must comply with the law. There is law, and these people shall be judged by it. And this cannot be decided by those who were tortured . . . if this happens, then under the new government, I hope that this will be decided by the law, by the court.”

—Respondent 3

In general, the keynote is probably this: the minimum objective is for the reprisals to stop. The ultimate goal is to overthrow the regime and return to the homeland.

“I cannot imagine what can somehow sooth me in this regard. But when this situation is resolved, when people stop being detained, tortured, and repressed, then, perhaps, I will sigh in relief . . . from my point of view, it will be fair when the regime falls.”

—Respondent 7



Conclusions

History shows that successful transitions to democracy are based on the inclusion of all sectors of society, especially those most affected by the previous regime. Victims of repression must have the opportunity not only to be heard, but also to actively participate in the shaping of a new democratic order. The experiences of people who have suffered provide unique insight into the changes needed to restore justice. Ignoring their voices could lead to new forms of injustice and the reproduction of problems identical to those we are fighting against today.

International standards state that transitional justice processes should be victim-centered, recognizing their central role and special status in the design and implementation of these

processes. Beyond simply considering opinions, international law scholars say victims should not be seen as merely passive recipients of justice. Effective transitional justice should be tailored to the needs of each individual victim, ensuring their active participation in the transition from dictatorship to democracy, and this will help restore their trust in the legal system. Otherwise, there is a risk of losing the individual approach in the process of restoring rights.

We are convinced that through broad public dialogue and respect for the different opinions of all victims, it is possible to build a democratic society that will protect the rights of every citizen and prevent past mistakes from repeating.

Annex

Attribution of respondents in in-depth interviews

Respondent 1: male; aged 21–30;
vocational secondary education; 2020.

Respondent 2: male; aged 41–50;
incomplete higher education; 2022.

Respondent 3: female; aged 31–40; in-
complete higher education; 2020.

Respondent 4: male; aged over 60;
higher education; 2023.

Respondent 5: male; aged 31–40;
higher education; 2020.

Respondent 6: male; aged 31–40;
higher education; 2021.

Respondent 7: male; aged 21–30;
no data on education; 2022.

Respondent 8: female; aged 51–60;
higher education; 2023.

Respondent 9: male; aged 21–30;
secondary education; 2022.

Respondent 10: male; aged 31–40;
higher education; 2023.

Respondent 11: female; aged 51–60;
no data on education; 2021.

Respondent 12: male; aged 31–40;
higher education; 2023.



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