



Actions for which Belarusian citizens can be held criminally liable

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Most of the materials in this document are taken from the website of the Human Rights Center Viasna, which carefully and scrupulously records human rights violations in Belarus.

Viasna was founded in 1996 by Ales Bialatski who was awarded the Nobel Peace Prize in 2022.

The publication approved by Viasna's lawyers.

1. Participating in peaceful protests in 2020 and later	2
1.1. Peaceful manifestations	2
1.2. Strikes	2
1.3. Donations to solidarity funds	3
1.4. Possession or displaying of the Belarusian national flag (also abroad or in social media)	3
1.5. Calls for an end to aggression against Ukraine	4
2. Social media reactions (“likes”), comments, and images (incl. acts committed abroad)	4
2.1. Publications and interviews	4
2.2. Commenting on social media	4
2.3. Re-posts	5
2.4. Reactions (“likes”)	5
2.5. Social media avatars or photos with Belarusian national flag and other national symbols	6
3. Participation in protests against the regime abroad	6
4. Persecution for actions that were committed before they were criminalized by the regime	7
4.1. “Distribution of extremist materials”	8
4.2. “Creation of an extremist formation or participation in it”	8
4.3. Donations to solidarity funds recognized as “extremist formations”	8
5. Persecution for political activities disguised as persecution for economic crimes	8
6. Persecution of relatives of political prisoners and emigrants	10



1. Participating in peaceful protests in 2020 and later

1.1. Peaceful manifestations

Up to 1 million Belarusian participated in the peaceful manifestations, 2020. After the crackdown on the protests, the regime started to identify as many as he could by using the AI face recognition system Kipod. Apparently, the regime has no intention to arrest one million people, but the threat of being arrested and tortured for participating in the 2020 protests should hang like a sword of Damocles and deter Belarusians from participating in any activity may attract the attention of special services. For example, people can be detained for a like under a critical post on Facebook, but convicted for participating in demonstrations. The most common accusation is 'organization and preparation of actions that grossly violate public order' (Part 2 of Article 342 of the Criminal Code, **2–5 years imprisonment**), it's often combined with Art. 368 of the Criminal Code — Insulting the President of the Republic of Belarus (**up to 4 years imprisonment**), Art. 293 of the Criminal Code — Participation in riots (**2–5 years' imprisonment**); Art. 218 of the Criminal Code — Intentional destruction or damage to property (**up to 4 years imprisonment**)

- [Alena Maushuk](#) participated in the peaceful rallies in Pinsk. She was arrested together with her husband, tortured in jail and her five years old daughter was taken away and sent to the orphanage. She was sentenced to **6 years in prison**, according to the Article 293 of the Criminal Code — Participation in riots
- [Yauhen Liulkovich](#) participated in peaceful rallies in Mahiliou. After having served numerous administrative arrests, he was detained again on 21 November 2021 in a criminal case. He was charged under the Article 342 of the Criminal Code: Organization or active participation in group actions that grossly violate public order and sentenced to **8 years in prison**.

1.2. Strikes

Any organized civil activity in Belarus incurs much harsher penalties than those an individual might expect to receive. Non-state-operated trade unions and organizations declared in Belarus "extremist formations" and their cooperation with international organizations is regarded as treason. Strikers are often convicted of "Creation of an extremist formation or participation in it" (article 361-1 of the Criminal Code, **3–7 years imprisonment**) or '*high treason*' (Article 356 of the Criminal Code, **7–20 years imprisonment or death penalty**)

- [Aliaksandr Kapshul](#) is a former legal adviser at the Naftan and Polymir oil refineries. He is married and has two minor children. Kapshul was charged with '*high treason*' (Article 356 of the Criminal Code) in the case involving several employees of the Belarusian major enterprises who supported the local strikes and were members of the *Rabochy Rukh* (*Labor movement*) labor rights group in 2020. That initiative was labeled as "extremist" on September 21, 2021. Sentence: **15 years of imprisonment**.
- [Siarhei Shelest](#) , [Uladzimir Zhurauka](#) , [Andrei Paheryla](#) are former workers at Hrodna Azot. They were convicted of "defamation", "high treason", and "creation of an extremist group and participation in it" for participating and support of local strikes and for be a part of the *Rabochy Rukh* labor rights group. They were sentenced to **14, 15, and 15 years of imprisonment respectively**.



People's Embassies of Belarus

- [Hanna Ablab](#) is an employee of the Belarusian Railway. She was detained on September 22, 2021. The woman was held as part of a criminal investigation into “high treason” (Article 356 of the Criminal Code) involving several employees of Belarusian factories who supported local strikes and were part of the Rabochy Rukh (Labor movement) labor rights group. Sentence: **11 years**

1.3. Donations to solidarity funds

Most of the solidarity funds which are helping political prisoners were declared to be extremist or terrorist organizations in Belarus. People who send money to those organizations can be convicted for Art. 361-2 of the Criminal Code — Financing the activities of an extremist group (**up to 8 years in prison**); or Art. 290-1 – financing of terrorism (**up to 12 years in prison**),

- [Aliaksandr Ziyazetdzinau](#) was charged under Art. 361-2 of the Criminal Code (*financing the activities of an extremist group*) for the transfer of 0.2 ether (about USD 800) to the [BYPOL](#) (The Association of Security Forces of Belarus) crypto wallet in May 2021. He was sentenced to three years of imprisonment in a penal colony.
- [Anastasiya Petrachenka](#) was detained for transferring money to the Kastuś Kalinoŭski Regiment (Belarusians fighting in the Ukrainian army). For this, a criminal case was opened against her (Art. 361-2 of the Criminal Code — Financing the activities of an extremist group), and she was placed in a pre-trial detention center.

1.4. Possession or displaying of the Belarusian national flag (also abroad or in social media)

- [Hanna Šurdziakova](#) was detained for possession of the Belarusian national flag in her home. The political police GUBOPiK published a humiliation video with her, on which she “confessed”. The sentence is unknown.
- [Artur Zhvirydouski](#) is a resident of Astraviec sentenced by the Astraviec District Court to **three years of imprisonment** in a penal colony under part 1 of Art. 339 (hooliganism) and Art. 370 of the Criminal Code (insulting state symbols). Zhvirydouski was convicted of allegedly hanging a white-red-white flag on a school building in June 2021, and also painting white-red-white stripes on a stone.
- [Tatsiana Matveeva](#) was sentenced to **8 days in prison** according to Art. 24.23 for “illegal picketing”: for an archived picture on her Facebook account decorated with an inscription in white and red colors. At the moment of arrest, this picture was archived for more than a year, but the police found it among the archived photos.

1.5. Calls for an end to aggression against Ukraine

- [Iryna Abdukeryna](#), a 49-year-old former teacher from Chojniki, was detained at her summer house on the morning of April 5. The reason for the arrest was that the woman had allegedly



People's Embassies of Belarus

recorded the movement of a Russian military convoy and forwarded the video to the Telegram channel “Bielaruski hajun”. This is stated in the “repentant” video of her.

- [Ivan Korobelnikov](#) from Minsk was sentenced to three months in prison for the inscription “NO WAR” on the fence in March 2022.
- [Liudmila Kohan](#) (69 years old) was detained on November 24, 2022 for the graffiti “No to War” and “Long Live Belarus”. She was placed under house arrest pending the trial.

2. Social media reactions (“likes”), comments, and images (incl. acts committed abroad)

Łukašenka’s regime has one of the most developed and sophisticated systems of digital surveillance of the citizen’s social activities in the social media. People can be arrested for subscription to wrong pages, image of the avatar, reposts, and reactions/likes. In Belarus, there’s no digital privacy: any person can be stopped and under the threat of torture forced to show their correspondence of social media.

2.1. Publications and interviews

The majority of the people arrested for publications in social media are accused of: Art. 361-4 of the Criminal Code — Promoting extremist activities (**up to 12 years in prison**); Art. 369 of the Criminal Code — Insulting a government official (**up to 3 years in prison**), Art. 130 of the Criminal Code — Incitement to hatred (**up to 12 years in prison**), Art. 368 of the Criminal Code — Insulting the President of the Republic of Belarus (**up to 5 years in prison**), Art. 361 of the Criminal Code — Calls for actions aimed at causing harm to the national security of the Republic of Belarus (**up to 10 years in prison**).

- Nov 30, 2022, the political police GUBOPiK has detained 20 Belarusians for “disrespectful” comments about the late “foreign minister” of Łukašenka’s regime Uladzimir Makei. GUBOPiK also reported that they have identified *over 50 Belarusians abroad*, who will be arrested upon arrival to Belarus
- [Darya Losik](#), the wife of jailed RFE/RL journalist Ihar Losik, was sentenced to two years in prison on a charge of “promoting extremist activity” for an interview for the TV channel BeLSAT.

2.2. Commenting on social media

- [Volha Barushka](#), [Natallia Piatrovich](#), [Andrei Stsepaniuk](#), [Aliaksei Ushakou](#), [Piotr Staratsitarau](#) were sentenced to **1,5-3 years of imprisonment** for “insulting the president of Belarus” for comments in social media
- [Aliaksei Aliakseichyk](#) was convicted of “calling for restrictive measures (sanctions)” and sentenced to **two and a half years of imprisonment** in a penal colony.
- [Mikalai Dzemchanka](#) was arrested in Homieĺ and remanded in pre-trial detention for commenting on social media on the deaths of Andrei Zeltser and a KGB officer on September 28, 2021. On September 2, 2022, Dzemchanka was convicted of *‘discrediting*



People's Embassies of Belarus

the Republic of Belarus' (Article 369-1 of the Criminal Code) and sentenced to **two years of imprisonment** in a general-security penal colony.

2.3. Re-posts

Re-ports are often qualified as:

Art. 361 of the Criminal Code — Calls for actions aimed at causing harm to the national security of the Republic of Belarus (**up to 12 years imprisonment**)

Art. 368 of the Criminal Code — Insulting the President of the Republic of Belarus (**up to 5 years imprisonment**)

- [Danuta Peradnia](#) is an honor student. She studied Roman-Germanic philology at the Mahiliou State A. Kuleshov University, from which she was expelled after her detention on February 28, 2022. She was accused of re-posting a text in one of the local chats, which harshly criticized the actions of Vladimir Putin and Aliaksandr Łukašenka in unleashing war in Ukraine. She may face **up to 12 year imprisonment**.
- [Iryna Vikkholm](#) was arrested on May 28, 2021 for a Tweet written on May 23. The Tweet led to publication on LiveJournal with a re-post of a publication by BBC's Russian Service about the incident with the Ryanair plane (which resulted in the arrest of Raman Pratasevich). Vikkholm added her headline to the re-post: "Another crime of Łukašenka: an act of state aviation piracy". Vikkholm was sentenced to **18 months' imprisonment** a general-security penal colony

2.4. Reactions ("likes")

The majority of the people arrested for "likes" are accused of: Art. 369 of the Criminal Code — Insulting a government official (**up to 3 years in prison**), Art. 130 of the Criminal Code — Incitement to hatred (**up to 12 years in prison**), Art. 368 of the Criminal Code — Insulting the President of the Republic of Belarus (**up to 5 years in prison**), Art. 361 of the Criminal Code — Calls for actions aimed at causing harm to the national security of the Republic of Belarus (**up to 10 years in prison**).

- [Aliaksandar Kurhanski](#) was detained for a like on Facebook by six people in bulletproof vests and with weapons who broke into his apartment and pointed machine guns to him and his wife. He was sentenced to **18 months imprisonment**. KGB put Aliaksandr on the list of persons involved in terrorist activities.
- [Siarhei Tsyhib](#) was **sentenced to 3 years of imprisonment** of 'illegal actions with respect to information about private life and personal data', 'insulting Mr. Łukašenka', and 'insulting a government official' under Articles 203-1, 368, and 369 of the Criminal Code for **liking a video** on a social network.

2.5. Social media avatars or photos with Belarusian national flag and other national symbols

- [Maxim Poznyakov](#) (Chairman of the Belarusian Independent Trade Union) was arrested for 15 days. So he was punished for the avatar on Facebook: the flag of Ukraine and the expression "I am for independence"
- [Dmitry Cherepovich](#) from Novopolotsk was convicted for posting a photo with a white-red-white flag on his Instagram page and sentenced to 15 days of arrest.



People's Embassies of Belarus

- [Tatyana Matveeva](#) was sentenced to eight days of arrest for “unauthorized picketing” for a profile picture on Facebook with the words of the national poet Yanka Kupala "[To be called human](#)" against the background of stripes of white and red colors.

3. Participation in protests against the regime abroad

A frequent article on which people are tried for actions abroad is related to defamation, that is, insulting representatives of the government or the president in comments on the Internet. The maximum penalty for infringing these articles is 3 and 5 years of imprisonment, respectively (and a fine). People are also tried for participating in protests after 2020, this is Article 342 of the Criminal Code.

- [Aleh Kanavalau](#), the creator of the YouTube channel "Third Region of Belarus", was arrested on January 10, 2022, when he returned from Ukraine to Belarus for the holidays. He was accused of de-anonymizing the security forces and “posting anti-government information on the social network, promote resistance to the authorities.” Kanavalau uploaded videos from Belarusian solidarity rallies in Kyiv to his channel. He is also accused of “cynical comments” about the deceased KGB officer Dzmitryi Fedasiuk.

Kanavalau was charged with several articles of the Criminal Code:

- Art. 342 of the Criminal Code — Organization and preparation of actions that grossly violate public order, or active participation in them
- Art. 369 of the Criminal Code — Insulting a government official
- Art. 368 of the Criminal Code — Insulting the President of the Republic of Belarus
- Art. 361-1 of the Criminal Code — Creation of an extremist formation, or participation in it
- Art. 130 of the Criminal Code — Incitement to hatred

On September 7, 2022, the Homiel Regional Court sentenced the political prisoner. He received **five years of imprisonment in a medium-security penal colony**. The judge also ordered a fine of 3,200 Belarusian rubles (\$1,300) and compensation for moral damage in favor of the injured policeman in the amount of 5,000 Belarusian rubles (\$2,000).

- [Dzmitryi Yanushkevich](#) was detained on July 5, 2022 for comments against Łukašenka and the state flag (that was introduced in 1995 when Łukašenka abolished democracy). According to the case materials, the man, *while in Poland*, posted negative publications about Łukašenka and the state flag of Belarus in a social network. Dzmitryi Yanushkevich was convicted of ‘desecrating state symbols’ and ‘insulting the president’ and sentenced to **12 months of imprisonment in a penal colony** under Article 370 and Part 1 of Article 368 of the Criminal Code.
- [Valery Tumilevich](#) was in Poland for a long time, and upon his return he was detained just at the border. At first, he was sentenced to 10 days of administrative arrest, but he was never released. A criminal case was opened against Valery for insulting Łukašenka - he allegedly insulted him when he was abroad. On September 27, 2022, the Lida District Court sentenced him to **18 months of imprisonment** in a general-security penal colony.

4. Persecution for actions that were committed before they were criminalized by the regime



The practice of mass retroactive application of legislation against ‘extremism’ is described in detail in the report of the human rights organization Human Constanta "Retroactivity of anti-extremist legislation in Belarus" ([Russian](#)).

4.1. “Distribution of extremist materials”

Any publication can be declared an extremist material. That is to say, anyone who reposted, quoted and sent this publication to a friend, can retroactively be accused of “distribution of extremist materials”, even if the “distribution” has happened before the publication was designated as “extremist” (article 361-3 of the Criminal Code, penalty **2–7 years imprisonment**)

4.2. “Creation of an extremist formation/group or participation in it”

Many NGO, media outlet music band etc. in Belarus are declared “an extremist formation”. At the moment of declaring any organization as extremist formations, all its current or former members immediately becoming guilty of participating in an extremist formation/group. This can prompt an immediate arrest for “Creation of an extremist formation or participation in it” (article 361-1 of the Criminal Code, **3–7 years imprisonment**)

4.3. Donations to solidarity funds recognized as “extremist formations”

Support for citizens who took part in the pro-democracy movement was carried out through the so-called Solidarity Funds. Hundreds of thousands of Belarusians donated to these funds to support their persecuted fellow citizens. In 2021-2022, all Solidarity foundations were declared extremist or terrorist organizations. Accordingly, all Belarusians who donated to these funds became retroactively “guilty” of supporting extremist or terrorist activities and can be convicted for Art. 361-2 of the Criminal Code — Financing the activities of an extremist group (**up to 8 years in prison**); or Art. 290-1 – financing of terrorism (**up to 12 years in prison**),

5. Persecution for political activities disguised as persecution for economic crimes

5.1. Charges of economic crimes against political opponents of the regime in Belarus

The regime uses allegations of economic crimes to convict political opponents, journalists, and human rights activists. More than 15 political prisoners in Belarus are accused of smuggling, taking bribes, money laundering along with setting up extremist groups, organizing riots and inciting hatred.

Part 4 of Art. 228 of the Criminal Code — **Smuggling** (penalty 7–12 years imprisonment, with or without a fine)

Article 235 of the Criminal Code – Money **Laundering** (penalty up to 3 years imprisonment with or without a fine)



People's Embassies of Belarus

Article 430 of the Criminal Code – **Bribery** (penalty up to 15 years imprisonment with a fine)

Article 243 of the Criminal Code – **Evasion of payment of taxes and fees** (penalty up to 12 years imprisonment with a fine)

Part 4 of Art. 209 of the Criminal Code — **Fraud committed by an organized group or on a large scale** (penalty up to 12 years imprisonment with a fine)

Persecution under these charges not only involves a blatant substitution of concepts and fabrication of evidence for economic crimes but also results in exorbitant fines. For example, Bialiatski, Stefanovich, Labkovich, and Salauyou have been ordered to pay a fine of almost \$300 000 in equivalent, which they allegedly obtained through criminal means by smuggling, organized by a criminal group. Initially, this amount was mentioned in the charges against them for tax evasion, and later became the basis for their criminal prosecution for illegally transferring the funds across the border. Since Human Rights Center “Viasna” was deprived of registration by the authorities, its activities were recognized as illegal, and human rights defence is considered criminal.

Alongside economic offenses, political prisoners are also being charged with financing protests or providing financial aid to protesters. In fact, their actions were aimed at helping to pay fines imposed by judges in repressive decisions.

Part 2 of Article 342 of the Criminal Code – **Financing of group actions that grossly violate public order** (penalty up to 3 years imprisonment)

Part 3 of Article 293 of the Criminal Code – Training or other preparation of individuals for participation in mass disorders, **as well as financing or other material support for such activities** (penalty up to 3 years imprisonment with or without a fine)

- [Dударau Uladzimir](#) - Coordinator of Viktor Babaryka's nomination group in Mahiliou region, sentenced to 7 1/2 years in prison
- [Latypau Stsiapan](#) - Arborist, entrepreneur, sentenced to 8 1/2 years in prison. Tried to commit suicide during the trial. Art. 216 of the Criminal Code - **Infliction of property damage without signs of theft**
- [Martsinovich Yavor](#) - Editor-in-chief at opposition media Nasha Niva, sentenced to 2 1/2 years
- [Skurko Andrei](#) - Head of advertising and marketing department at Nasha Niva, sentenced to 2 1/2 years
- Art. 235 of the Criminal Code — **Legalization ("laundering") of proceeds from crime;**
- [Babaryka Viktor](#) Belarusian banker and public figure, presidential candidate, sentenced to 14 years in prison
- Art. 430 of the Criminal Code — **Taking a bribe**
- [Satsuk Siarhei](#) - Editor-in-chief of "Ezhednevnik" media, sentenced to 8 years in prison. Art. 243 of the Criminal Code — **Evasion of taxes and fees**
- [Babaryka Eduard](#) Head of Viktor Babaryka's nomination group



People's Embassies of Belarus

- [Bialiatski Ales](#) the founder and chairman of the Human Rights Center "Viasna", former vice-president of the International Federation for Human Rights, a Nobel Prize winner 2022 and laureate of the Andrei Sakharov Freedom Prize, sentenced to **10** years in prison and a fine of almost \$44,000 in equivalent – **Smuggling, Financing of group actions that grossly violate public order**
- [Labkovich Uladzimir](#) - Lawyer at "Viasna" and coordinator of the campaign "Human Rights Defenders for Free Elections", sentenced to 7 years in prison – **Smuggling, Financing of group actions that grossly violate public order**
- [Stefanovich Valiantsin](#) - Member of Viasna Board, vice-president of International Federation for Human Rights (FIDH), sentenced to 9 years in prison – **Smuggling, Financing of group actions that grossly violate public order**
- [Chekina Liudmila](#) - Director general in TUT.BY, largest Belarusian media portal, sentenced to 12 years in prison
- [Talkachova Alena](#) - TUT.BY journalist
- [Zolatava Maryna](#) - TUT.BY editor-in-chief, sentenced to 12 years in prison
- [Navazhylau Dzmitry](#) - Ex-director of BelaPAN news agency, sentenced to 6 years in prison
- [Aliaksandrau Andrei](#) - Journalist and media manager, sentenced to 14 years in prison – **Evasion of payment of taxes and fees** and others political in conjunction with other political charges

5.2. Using Interpol to prosecute activists abroad

The regime uses the Interpol query mechanism to gather information on activists and harass political opponents. On October 11, 2020, ByPol (Belarusian opposition policemen's organization) published an analysis of officials' telephone conversations, which revealed that Belarusian security forces [tried](#) to put **Sviatlana Tsikhanouskaya, Pavel Latushko and Olga Kovalkova** on Interpol's wanted list. But the request was rejected, and Interpol even issued a warning to the Łukašenka regime for political persecution of opponents.

After receiving a warning, the regime began to disguise "political" articles with "economic" crimes. criminal cases were filed against activists for taking and giving bribes, fraud, and failure to pay alimony.

- In the spring of 2021, **Olga Velichko** was detained in Ukraine, but she was released after an investigation and intervention by Belarusian activists in Ukraine. The Belarusian authorities [included](#) Olga Velichko, founder of the children's hospice from Hrodna, in the Interpol lists. On December 1, 2020, a criminal case was opened against her for **embezzlement of property of a public organization**. Olga Velichko was a member of the initiative group of presidential candidate Viktor Babarika and an independent observer. After the elections she and her associates tried to create a council of people's trust in Hrodna.
- **Valentin Vlasik** was [detained](#) on 30 July 2021 at the Hungarian-Croatian border and taken to the Budapest detention centre. According to the Hungarian police, Valentin Vlasic is wanted for allegedly **failing to pay alimony**, but he has paid all the alimony and his ex-wife has no claims against him. After the events in August 2020, when Valentin Vlasik helped detainees on Okrestina and their relatives, an administrative case was filed against him. In September 2020, he left for Poland.
- On 29 April 2022, **Dzmitry Gleizer**, was detained in Slovenia. The Brest Region Prosecutor's Office put him on an international wanted list, accusing him of **taking a bribe**. After two months in jail, the court ruled that the accusations of the Belarusian prosecutor's office were unproven, the prosecution was politically motivated, and the high risk of torture



and human rights violations in Belarus was a valid reason to refuse the extradition. It is worth mentioning that the Slovenian National Bureau of Interpol and the judicial authorities ignored the resolution of the Council of Ministers of the Interior and Justice of the EU on March 5 and 6, 2022, the recommendations of the Ministry of Justice of Slovenia, the Embassy of the People's Embassy and the European Parliament resolution 2021/2741. The Interpol General Secretariat did not refuse to place an application despite good reasons: the crime is not considered as such in most countries of the world, political motivation of prosecution, risk of human rights violations, location of the person is established.

6. Persecution of relatives of political prisoners and emigrants

Pressure on political prisoners' relatives is executed in various ways:

- apartment searches,
- detentions,
- several consecutive administrative arrests
- criminal prosecution.

Family members may be searched during the so-called investigative actions regarding political prisoners, political emigrants and soldiers fighting for Ukraine. Searches are similar to pogroms, the whole apartments are trashed, search warrants are not issued, people often say that after such searches, security forces ask to “say hello” to their relatives.

Typical administrative articles for political persecution are Art. 23.4 (Failure to comply with the lawful demands of law enforcement officers) and less commonly 19.11 (Dissemination of extremist material) when finding materials listed as extremist material on gadgets or public pages on the Internet.

A person can be held under several administrative arrests in a row, as was the case, for example, with Vadzim Žaromski, the husband of political prisoner Marfa Rabkova, or Volha Aniščuk, the wife of political prisoner Aleś Aniščuk.

It is also known about the criminal prosecution of relatives. Often this is Article 361-4 of the Criminal Code – facilitating extremist activities. The maximum penalty is **6 years of imprisonment with a fine**. For example, Darja Losik literally received **2 years** for giving an interview as the wife of a political prisoner to the media, which was designated as “extremist”. Also, for an interview on the same article, a criminal case was initiated against Natalla Susłova, the mother of the fallen soldier of the [Kastuś Kalinoŭski Regiment](#), Belarusians fighting in the Ukrainian Army.

For political persecution, the authorities also use Article 342 of the Criminal Code – actions that grossly violate public order, or active participation in them. The maximum punishment under this article is **4 years of imprisonment**. So, for example, [Viktoryja Navickaja](#) (sister of the volunteer of the Kastuś Kalinoŭski Regiment Jan Mielnikaŭ) was deprived of liberty for **1 year and 6 months**. [Siarhiej Frančuk](#), a cousin of Vadzim Kabančuk, the deputy head of the Regiment, is currently being held in a pre-trial detention center and awaiting trial on multiple charges, including insulting the president, insulting a representative of the government and inciting enmity.