

Mandates of the Special Rapporteur on the situation of human rights defenders; the Working Group on Arbitrary Detention; the Special Rapporteur on the situation of human rights in Belarus; the Special Rapporteur on the rights of persons with disabilities; the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; the Special Rapporteur on the rights to freedom of peaceful assembly and of association; the Special Rapporteur on the independence of judges and lawyers; the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment

REFERENCE:
AL BLR 4/2021

12 March 2021

Excellency,

We have the honour to address you in our capacities as Special Rapporteur on the situation of human rights defenders; Working Group on Arbitrary Detention; Special Rapporteur on the situation of human rights in Belarus; Special Rapporteur on the rights of persons with disabilities; Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; Special Rapporteur on the rights to freedom of peaceful assembly and of association; Special Rapporteur on the independence of judges and lawyers; Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment; pursuant to Human Rights Council resolutions 43/16, 42/22, 44/19, 44/10, 43/4, 41/12, 44/8, and 43/20.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received regarding the continued criminalisation of human rights defenders and media workers in Belarus, many of whom are accused of economic crimes, or have had their right to freedom of expression restricted, in connection to their support, or their coverage of demonstrations that have taken place across the country since August 2020, or for providing assistance to peaceful demonstrators, civil society activists, or journalists, in the aftermath of the August 2020 elections.

Mr. **Sergey Drozdovskiy** is a human rights defender and the founder and director of the **Office for the Rights of People with Disabilities** (or 'the Office'). The Office conducts research and educational programmes on disability issues, advocating for legislative changes and facilitating consultations between people in power and those with disabilities in order to foster a more disability-friendly environment in Belarus. The Office is a UN implementing partner and cooperates with the Office of the High Commissioner for Human Rights (OHCHR) for the promotion and protection of the rights of peoples with disabilities. Mr. Drozdovskiy, a wheelchair user, also founded the Association of Wheelchair Users in Belarus in 1997 acting as its director from 2001.

Mr. **Oleg Grablevskiy** is a human rights lawyer who provides free legal aid at the Office of the Rights of People with Disabilities. He has spent more than 20 years providing legal support to civil society organisations and trade unions in Belarus.

His Excellency
Mr. Vladimir Makei,
Minister for Foreign Affairs

As part of International Association of Press Clubs, **Press Club Belarus** supports the principles of free press through educational training programmes, discussion platforms and monitoring compliance of Belarussian media with journalistic standards. Ms. **Yulia Slutskaya** (founder), Mr. **Sergey Olshevskiy** (director), Ms. **Alla Sharko** (Programme Director), Mr. **Sergey Yakupov** (Media Academy Programme Director) and Mr. **Petr Slutsky** (cameraman) are human rights defenders, journalists and media workers who are all members of Press Club Belarus. In the aftermath of the August 2020 presidential elections, they have worked with the Club to compile, and make publicly available, data on media restrictions and the repression of journalists in Belarus through a project called “Press Under Pressure”.

Mr. **Leanid Sudalenka** is a human rights lawyer and head of the Homiel branch of the Human Rights Centre (HRC) Viasna. A laureate of the “Liberty, Equality, Fraternity” prize of the French Republic, he is known predominantly for his work on the abolition of the death penalty in Belarus. Ms. **Maryia Tarasenska** is a woman human rights defender and volunteer at the Homiel branch of HRC Viasna and is outspoken on a number of human rights and labour issues in Belarus.

UN Special Procedures mandate holders have previously written three communications to your Excellency’s Government on the case of Mr. Leanid Sudalenka, respectively BLR 2/2015 sent on 12 November 2015; BLR 1/2015 sent on 12 April 2015; and BLR 2/2011 sent on 25 February 2011. We thank your Excellency’s Government for the reply received to BLR 1/2015.

Mr. **Andrey Aleksandrov** is a journalist and human rights defender. Mr Aleksandrov is the founder and editor-in-chief of the Belarussian Journal as well as the former deputy director of BelaPAN news agency. He has provided input in numerous trainings for journalists domestically and internationally and previously worked for international non-governmental organisations, Article 19 and Index on Censorship.

Ms. **Maria Rabkova** is a woman human rights defender and volunteer coordinator at HRC Viasna. The human rights organisation’s volunteer network has been monitoring respect for the right to peaceful assembly since mass protests began following the announcement of the results of the August 2020 presidential election. Ms. Rabkova, who has also been involved in documenting instances of torture and ill-treatment against detained protesters since the beginning of the demonstrations, is being detained since 17 September 2020.

UN Special Procedures mandate holders communicated concerns over the detention and indictment of Ms. Rabkova for “mass disorder” in communication BLR 8/2020, sent to your Excellency’s Government on 23 October 2020. We thank your Excellency’s Government for the reply received, providing further details on Ms. Rabkova’s case and place of detention. However, we remain concerned that the charges she faces appear to be in retaliation for her human rights work. We also regret to have received new information, as detailed below.

We previously wrote to your Excellency’s Government regarding the criminalisation of human rights defenders and lawyers in Belarus, in the aftermath of

the August 2020 Presidential elections. In BLR 6/2020, sent on 27 August 2020, and BLR 9/2020, sent on 6 November 2020, concerns were raised over what appears to be the targeted criminalisation of human rights defenders and lawyers for their exercise and defence of freedom of expression and peaceful assembly. We thank your Excellency's Government for the replies received to both communications, however we regret to write to you regarding new information that suggests that human rights defenders, journalists as well as media workers continue to be subject to criminalisation.

According to the information received:

Office for the Rights of People with Disabilities

On 21 January 2021, the Department of Financial Investigations (DFI) at the Committee of State Control announced on its official website that it would be opening an investigation into the activities of certain members of the Office for the Rights of People with Disabilities. Officers from the DFI carried out a search at the premises of the Office, confiscating computer equipment, phones and a significant number of documents. The director, Mr. Sergey Drozdovskiy, along with a lawyer for the organisation, Mr. Oleg Grablevskiy, were taken for questioning by the DFI. The questioning lasted from 10 a.m. until 5 p.m. and 6 p.m., respectively. The DFI also reportedly searched the homes and confiscated personal property of other members of the Office.

The Committee of State Control explained that the questioning of the two human rights defenders were part of an investigation into the work of the Office for possible misappropriation of charitable donations and international funding.

On 2 February 2021, at 9:30 a.m., Mr. Sergey Drozdovskiy and Mr. Oleg Grablevskiy arrived at the Department of Financial Investigations at the Committee of State Control. They were reportedly called in under the pretence that their office equipment would be returned. They were instead brought into a room for questioning, where they were held for seven hours and denied repeated requests for access to their lawyers. Mr. Grablevskiy was at one point forced to remove all of his clothes, while Mr. Drozdovskiy was required to remain still for the full seven hours, causing him significant pain as a wheelchair user.

During the interrogation, the officers reportedly threatened and insulted the two human rights defenders, calling them, among other things, 'criminals', 'hypocrites' and 'liars'. Although neither faced formal criminal charges at the time, both were threatened with detention and were reportedly told by officers that they were free to go "for today".

On 3 February 2021, at midday, Mr. Drozdovskiy and Mr. Grablevskiy were arrested and brought in for further questioning. Their lawyers were only informed later that night, at 9 p.m. for Mr. Grablevskiy and at 11 p.m. for Mr. Drozdovskiy. Both lawyers signed a non-disclosure agreement, preventing them from talking publicly about a number of details in their clients' case.

On 12 or 13 February, Mr. Grablevskiy was charged on suspicion of having committed "fraud" in breach of Article 209 of the Criminal Code of Belarus. At

the time of the sending of this communication, Mr. Grablevskiy is still being detained under these charges. He was initially held at Okrestina Street detention facility, and at the time of writing, Mr. Grablevskiy is detained in Sizo remand centre number 1 in Minsk.

Mr. Drozdovskiy has been placed under house arrest and has had his communication with the outside world restricted to just his lawyer. He was also charged on 11 February for the same charges.

It is reported that the investigation into the work of the Office and related charges against Mr. Drozdovskiy and Mr. Grablevskiy could be connected to the ongoing cooperation of the Office with the OHCHR aimed at providing legal advice and support to persons with disabilities for the promotion and protection of their human rights.

Press Club Belarus

On 22 December 2020, Ms. Yulia Slutskaya was arrested upon arrival to Minsk National Airport, as she returned from vacation. Mr. Sergey Olshevskiy, Ms. Alla Sharko, Mr. Sergey Yakupov and Mr. Petr Slutsky were also arrested on the same day in Minsk. The homes of Ms. Yulia Slutskaya, Mr. Sergey Olshevskiy, Ms. Alla Sharko and Mr. Sergey Yakupov and the offices of the Belarussian Press Club were searched after warrants were issued by the Deputy Director of the Department of Financial Investigations.

The five human rights defenders were questioned without the presence of their lawyers at the Department of Financial Investigations of the State Control Committee. On 24 December 2020, they were brought to the detention facility at Okrestina Street where they were questioned again, this time with their lawyers present.

On 30 December 2020 and 4 January 2021, the Partizansky District Court of Minsk heard the appeal of the detention of the human rights defenders, which it subsequently rejected. It ruled that they were to remain in detention as a preventive measure until 23 February 2021. This was subsequently extended until 23 April 2021. They are held in detention centre No.1 on Volodarskaya Street.

On 31 December 2020, Ms. Yulia Slutskaya was indicted with “tax evasion on an especially large scale” under part 2 of Article 243 of the Criminal Code. Mr. Sergey Olshevskiy, Ms. Alla Sharko and Mr. Petr Slutsky were handed indictments for complicity in the crimes allegedly committed by Ms. Slutskaya (part 6 of Article 16 and part 2 of Article 243 of the Criminal Code of Belarus).

Mr. Sergey Yakupov was released from pre-trial detention on 31 December 2020. He was deported to Russia and issued with a ten-year travel ban from re-entering Belarus. No charges have been brought against him.

Leanid Sudalenka and Maryia Tarasenko

On 5 January 2021, officers of the Main Department for Combating Organized Crime and Corruption of the Ministry of Internal Affairs (GUBOPiK) arrived at the premises of the Homiel Public Political Centre “Poleskaya, 52”, where the Homiel branch of HRC Viasna is located, with a warrant, to conduct a search. The search, which lasted just under ten hours, took place in relation to an ongoing criminal investigation concerning another individual, in which Mr. Leanid Sudalenka is acting as a witness. Office equipment, bank cards, and roughly 200 case files compiled by HRC Viasna on protesters facing criminal proceedings were confiscated.

Mr. Sudalenka, who was present for the entirety of the search, was subsequently taken to the GUBOPiK offices for questioning allegedly in relation to the aforementioned criminal investigation. However, during questioning, Mr. Sudalenka was interrogated about details falling out of the jurisdiction of that investigation, regarding legal assistance he had been providing to individuals facing criminal proceedings for their participation in protests in Belarus since August 2020.

Mr. Sudalenka was released that same day, however police obtained a warrant to conduct a search at his home, where his personal computer was confiscated.

On the morning of 18 January 2021, Mr. Sudalenka was arrested as he made his way to the office of HRC Viasna Homiel, and was taken to the city offices of the Investigative Committee of Belarus for questioning under allegations he breached part 1 and 2 of Article 342 of the Criminal Code, relating to organising and educating “group actions” that violate public order. If convicted, he could face between six months and three years in prison. Mr. Sudalenka’s lawyer was not permitted to meet with him until 17:30 on that day.

The district and regional courts of Homiel considered complaints on the preventive measures against Mr. Leanid Sudalenka but both courts upheld the preventive detention, charging him officially on 28 January 2021 for breach of part 1 and 2 of Article 342. The human rights defender is currently held at the temporary detention facility in the Department of Internal Affairs in Homiel.

On the evening of 18 January 2020, a search was conducted at the home of woman human rights defender Maryia Tarasenska. Following the search, Ms. Tarasenska was detained at the temporary detention facility of the Department of Internal Affairs of Gomel, where she was not permitted to meet her lawyer until the following day. She was released on 21 January 2020 without charge. Her lawyer has reportedly signed a non-disclosure agreement preventing further information to be revealed about the case.

Andrey Aleksandrov

On 12 January 2021, Mr. Andrey Aleksandrov and his partner Iryna Zlobina, were arrested by officers of the Department for Combating Economic Crimes of the Ministry of Internal Affairs in Minsk. They are subsequently charged under part 2 of Article 342 of the Criminal Code for “financing individuals to take part in group actions that breach public order”. Their charges relate to their

alleged payment of fines for individuals charged with public order offences since August 2020.

On 14 January 2021, over 10 officers from the Department for Combating Economic Crimes of the Ministry of Internal Affairs conducted a search on behalf of the Department of the Investigative Committee for Minsk of the offices of BelaPAN. Computer hard drives, a network server drive, two netbooks and a number of files were seized. The warrant for the search cited Article 342 and 293 of the Criminal Code of Belarus, related to the financing of breaches of public order and mass riots respectively.

According to one report, since 9 August 2020, fines imposed on protesters in Belarus have exceeded 530,000 EUR. As a result, some human rights defenders have sought to provide financial assistance to those with difficulties paying those fines. Mr. Aleksandrov is alleged to have paid the fines for 250 individuals between 22 August and 9 November 2020.

He and Ms. Zlobina have been placed in detention centre No. 1 on Volodarskaya street for a period of two months and, if convicted, face between six months and two years in prison.

On 15 January 2021, a video clip was published to the Minister of Internal Affairs' YouTube channel in which the Deputy Minister of the Ministry of Internal Affairs claimed that Mr. Aleksandrov had been receiving money from foreign sources to pay the fines of demonstrators who had received penalties during demonstrations contesting the presidential election results.

Ms. Maria Rabkova

Following her detention on 17 September 2020 related to alleged "training or otherwise preparing people for taking part in mass disorder", Ms. Maria Rabkova's lawyer filed a complaint against the preventive measure of detention imposed against his client. On 14 December 2020, the Partizansky District Court of Minsk rejected the complaint, resulting in her continued detention at detention centre no. 1 in Minsk.

From January 2021, members of the Ministry of Internal Affairs and Investigative Committee of Minsk began making public statements that a number of human rights defenders had been involved in criminal organisations that sought to carry out attacks on government institutions.

On 11 February 2021, Ms. Maria Rabkova was indicted under two further crimes, namely "involvement in a criminal organisation" (part 2 of Article 285 of the Criminal Code of Belarus) and "intentional actions aimed at inciting racial, national, religious or other social hatred or discord on the basis of racial, national, religious, linguistic or other social affiliation" (part 3 of Article 130 of the Criminal Code). The latter charge allegedly relates to her criticism of state institutions, due to the fact that civil servants and members of the police can reportedly be considered a social group in Belarus, thus liable to hate crimes.

Ms. Rabkova faces up to 12 years in prison and is prevented from discussing further details on her case after she signed a non-disclosure agreement.

According to information received, Ms. Rabkova's communication with the outside world has been restricted since her detention. Although she has been permitted unrestricted access to her lawyer, letters sent from prison often do not reach their intended addressee and she is not permitted to see her family.

While we do not wish to prejudge the accuracy of the allegations, we express our concern regarding the apparent criminalisation, through the use of economic crimes, of human rights defenders in Belarus in connection to their human rights work. It appears that in some of the cases the criminalization could be linked to the provision of legal, moral and financial support to individuals facing public order offences. In light of communications BLR 5/2020, BLR 6/2020, and BLR 8/2020, which raised concern over the criminalisation of peaceful protesters, and BLR 9/2020 which raised the issue of targeting of lawyers, we are concerned that Belarussian authorities are seeking to silence all forms of dissent, by both criminalising those who exercise their fundamental rights, and those who work to defend those rights. Such acts, when perpetrated against human rights defenders, lawyers and journalists, create an atmosphere detrimental to the enjoyment of human rights, where alleged violations go unchallenged and unpunished.

We also raise concern over instances of ill-treatment and violations of due process in the cases of the above-mentioned human rights defenders, journalists and media workers. In particular, we remind Your Excellency's Government of the absolute prohibition of arbitrary detention and of the need to provide timely access to legal assistance. In the case of Mr. Drozdovskiy and Mr. Grablevskiy, we are deeply concerned by their alleged ill-treatment while being questioned by officers of the DFI under misleading pretences. There are concerns that their criminalization and alleged ill treatment may be a reprisal for their cooperation with the United Nations in the field of human rights. We are also concerned by the lack of reasonable accommodation provided to Mr. Drozdovskiy, who uses a wheelchair, during his seven-hour interrogation, and by reports that Mr. Grablevskiy was forced to remove his clothes during questioning.

Furthermore, we are concerned by the apparent attempts by the Belarussian authorities to restrict freedom of expression in the country. In particular, we raise concerns over the increasing number of cases where human rights defenders find themselves bound by non-disclosure agreements. When used inappropriately, non-disclosure agreements restrict freedom of expression and the legitimate work of human rights defenders, journalists and media workers by preventing and criminalising the sharing of information and observations on human rights. We are furthermore concerned by the fresh charges filed against Ms. Maria Rabkova, which appear to be in retaliation for exercising her participation in civil society activities and legitimate exercise of her right to freedom of opinion and expression.

In connection with the above alleged facts and concerns, please refer to the **Annex on Reference to international human rights law** attached to this letter which cites international human rights instruments and standards relevant to these allegations.

As it is our responsibility, under the mandates provided to us by the Human Rights Council, to seek to clarify all cases brought to our attention, we would be grateful for your observations on the following matters:

1. Please provide any additional information and/or comment(s) you may have on the above-mentioned allegations
2. Please provide information on the legal and factual basis for which Mr. Drozdovskiy and Mr. Grablevskiy are facing charges of fraud under Article 209 of the Criminal Code of Belarus and explain how this are consistent with your obligations under international law.
3. Please provide information on the allegations that Mr. Drozdovskiy and Mr. Grablevskiy were threatened and ill-treated during a seven-hour long questioning on 2 February 2020.
4. Please elaborate on the measures being undertaken to ensure that all persons, including persons with disabilities, can fully exercise and defend their rights in Belarus, in line with international human rights standards, as well as steps taken to ensure that members of the authorities are trained in disability issues in order to ensure appropriate accommodations while in police custody.
5. Please provide information on the legal and factual basis for which Ms. Yulia Slutskaya Mr. Sergey Olshevskiy, Ms. Alla Sharko and Mr. Petr Slutsky are facing charges related to tax evasion, as well as the legal and factual basis for the deportation and entry ban imposed on Sergey Yakupov. Explain how this are consistent with your obligations under international law.
6. Please provide information on the legal and factual basis for which Mr. Sudalenka is accused of offences relating to part 1 and 2 of Article 342 of the Criminal Code of Belarus and explain how this are consistent with your obligations under international law.
7. Please provide information as to the reasons why Mr. Sudalenka, Ms. Yulia Slutskaya, Mr. Sergey Olshevskiy, Ms. Alla Sharko, Mr. Sergey Yakupov, Mr. Petr Slutsky, Mr. Drozdovskiy and Mr. Grablevskiy were not provided prompt access to their lawyers while undergoing questioning.
8. Please provide information on the legal and factual basis for the fresh charges filed against Ms. Maria Rabkova and explain how they are consistent with your obligations under international rights law.
9. Please indicate any measures taken to prevent the occurrence of acts of intimidation or reprisal, including where necessary, by adopting and implementing specific legislation and policies in order to effectively protect those who seek to cooperate or have cooperated with the United

Nations, its representatives, and mechanisms in the field of human rights.

In light of the allegations of possible acts of reprisals for cooperation with the United Nations on human rights, we reserve the right to share this communication –and any response received from Your Excellency’s Government -with other UN bodies or representatives addressing intimidation and reprisals for cooperation with the UN in the field of human rights, in particular the senior United Nations official designated by the Secretary General to lead the efforts within the United Nations system to address this issue.

While awaiting a reply, we urge that all necessary interim measures be taken to halt the alleged violations and prevent their re-occurrence and in the event that the investigations support or suggest the allegations to be correct, to ensure the accountability of any person(s) responsible for the alleged violations.

We would like to inform your Excellency’s Government that after having transmitted an allegation letter to the Government, the Working Group on Arbitrary Detention may transmit the case through its regular procedure in order to render an opinion on whether the deprivation of liberty was arbitrary or not. Such letters in no way prejudice any opinion the Working Group may render. The Government is required to respond separately to the allegation letter and the regular procedure.

We may publicly express our concerns in the near future as, in our view, the information upon which the press release will be based is sufficiently reliable to indicate a matter warranting immediate attention. We also believe that the wider public should be alerted to the potential implications of the above-mentioned allegations. The press release will indicate that we have been in contact with your Excellency’s Government’s to clarify the issue/s in question.

Please accept, Excellency, the assurances of our highest consideration.

Mary Lawlor

Special Rapporteur on the situation of human rights defenders

Elina Steinerte

Vice-Chair of the Working Group on Arbitrary Detention

Anais Marin

Special Rapporteur on the situation of human rights in Belarus

Gerard Quinn

Special Rapporteur on the rights of persons with disabilities

Irene Khan

Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression

Clement Nyaletsossi Voule

Special Rapporteur on the rights to freedom of peaceful assembly and of association

Diego García-Sayán
Special Rapporteur on the independence of judges and lawyers

Nils Melzer
Special Rapporteur on torture and other cruel, inhuman or degrading treatment or
punishment

Annex

Reference to international human rights law

In connection with the above alleged facts and concerns, we would like to refer to the obligations of your Excellency's Government under the International Covenant on Civil and Political Rights (ICCPR), which Belarus ratified on 12 November 1973. We would like to make particular reference to articles 7, 9, 14 and 19 of the Covenant, which guarantee the right to freedom from arbitrary arrest and detention, the right to a fair trial and freedom of expression.

We would like to refer to the absolute prohibition of arbitrary detention, as set forth in article 9 of the ICCPR. Article 9 establishes in particular that no one shall be deprived of his or her liberty except on such grounds and in accordance with such procedure as are established by law, and that anyone who is arrested shall be brought promptly before a judge or other officer authorized by law to exercise judicial power and shall be entitled to trial within a reasonable time or to release. Pre-trial detention should thus be the exception rather than the rule (CCPR/C/GC/35, para. 38). We further note that a person may only be deprived of liberty in accordance with national laws and procedural safeguards governing detention (including in relation to arrest and search warrants), and where the detention is not otherwise arbitrary. In this respect, we wish to highlight that deprivation of liberty resulting from the exercise of the rights or freedoms guaranteed by the ICCPR is considered arbitrary (CCPR/C/GC/35, para. 17).

Article 14 of the ICCPR provides a set of procedural guarantees that must be made available to persons charged with a criminal offence, including the right of accused persons to have access to, and communicate with, a counsel of their own choosing. In its General Comment No. 32 (2007), the Human Rights Committee explained that the right to communicate with counsel enshrined in article 14 (3) (b) requires that the accused is granted prompt access to counsel. Counsel should be able to meet their clients in private and to communicate with the accused in conditions that fully respect the confidentiality of their communications. She should also be able "to advise and to represent persons charged with a criminal offence in accordance with generally recognised professional ethics without restrictions, influence, pressure or undue interference from any quarter" (CCPR/C/GC/32, para. 34).

Article 19 of the ICCPR enshrines the rights to freedom of opinion and expression. The Human Rights Committee has recommended States to take "effective measures to protect against attacks aimed at silencing those exercising their right to freedom of expression" (General Comment 34 para. 23). In the same General Comment, the Human Rights Committee stated that States parties to the ICCPR are required to guarantee the right to freedoms of opinion and expression, including inter alia 'political discourse, commentary on one's own and on public affairs, canvassing, discussion of human rights, journalism', subject only to admissible restrictions as well as the prohibition of propaganda for hatred and incitement to hatred, violence and discrimination.

Restrictions on the right to freedom of expression must be compatible with the requirements set out in article 19 (3), that is, they must be provided by law, pursue a legitimate aim, and be necessary and proportionate. The State has the burden of proof

to demonstrate that any such restrictions are compatible with the Covenant. In this regard, we would also like to draw your Excellency's Government attention to the principles enunciated by Human Rights Council resolution 24/5, and in particular operative paragraph 2, which "reminds States of their obligation to respect and fully protect the [right] of all individuals to... associate freely, online as well as offline... including human rights defenders... seeking to exercise or to promote these rights, and to take all necessary measures to ensure that any restrictions on the free exercise of the [right] to freedom of... association are in accordance with their obligations under international human rights law".

Would also like to refer your Excellency's Government to the absolute and non-derogable prohibition of torture and other ill-treatment, as codified in article 7 of the ICCPR, and enshrined in articles 2 and 16 of the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (CAT).

In addition, we wish to bring to your Government's attention the provisions of the Convention on the Rights of Persons with Disabilities (CRPD), ratified by Belarus on 29 November 2016, and in particular article 5 on equality and non-discrimination, and article 14 (2), which sets forth the obligation of States to ensure that, if persons with disabilities are deprived of their liberty through any process, they are, on an equal basis with others, entitled to guarantees in accordance with international human rights law and shall be treated in compliance with the objectives and principles of the Convention, including by provision of reasonable accommodation.

We further wish to bring to your Excellency's attention the provisions of article 17 of the CRPD, which states that "every person with disabilities has a right to respect for his or her physical and mental integrity on an equal basis with others"; and of article 15 (2), articulating the State's obligation to take all effective measures to prevent persons with disabilities, on an equal basis with others, from being subjected to torture or cruel, inhuman or degrading treatment or punishment.

In its Guidelines on the right to liberty and security of persons with disabilities¹, the Committee on the Rights of Persons with Disabilities stressed that the denial of reasonable accommodation places persons with disabilities in substandard conditions of detention, that are incompatible with article 17 of the Convention and may constitute a breach of article 15 (2).

We would also like to refer to the United Nations Basic Principles and Guidelines on Remedies and Procedures on the Right to Anyone Deprived of their Liberty to Bring Procedures Before a Court (A/HRC/30/37), which provide for the right to legal assistance immediately after the moment of apprehension (principle 9). In a recent report to the Human Rights Council, the Working Group on Arbitrary Detention emphasized that the right to legal assistance applied across all settings of detention, including criminal justice, immigration detention, administrative detention, detention in health-care settings (including in the context of public health emergencies), and detention in the context of migration. This is essential to preserve the right of all those deprived of their liberty to challenge the legality of detention, which is a peremptory norm of international law (A/HRC/45/16, para. 51).

¹ See Annex to A/72/55, para. 18

We would further like to refer your Excellency's Government to the fundamental principles set forth in the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms, also known as the UN Declaration on Human Rights Defenders. In particular, we would like to refer to articles 1 and 2 of the Declaration which state that everyone has the right to promote and to strive for the protection and realization of human rights and fundamental freedoms at the national and international levels and that each State has a prime responsibility and duty to protect, promote and implement all human rights and fundamental freedoms.

We would also like to remind you of the following articles of the Declaration on Human Rights Defenders, which state that everyone has the right, individually and in association with others:

- Article 9 (1) “to benefit from an effective remedy and to be protected in the event of the violation of those rights”;
- Article 9 (3)(c) “[t]o offer and provide professionally qualified legal assistance or other relevant advice and assistance in defending human rights and fundamental freedoms”;
- Article 12 (c) “to be protected effectively under national law in reacting against or opposing, through peaceful means, activities and acts, including those by omission, attributable to States that result in violations of human rights and fundamental freedoms”.

Regarding allegations indicating that the violations could be an act of intimidation and reprisals against those who cooperate with the UN in the field of human rights, we would like to refer to Human Rights Council resolutions 12/2, 24/24, 36/21 and 42/28 reaffirming the right of everyone, individually or in association with other, to unhindered access to and communication with international bodies, in particular the United Nations, its representatives and mechanisms in the field of human rights. In these resolutions, States are urged to refrain from all acts of intimidation or reprisals, to take all appropriate measures to prevent the occurrence of such acts. The Human Rights Council also urges States to ensure accountability for reprisals by providing access to remedies for victims, and preventing any recurrence. It calls on States to combat impunity by conducting prompt, impartial and independent investigations, pursuing accountability, and publicly condemning all such acts.