

**Mandates of the Special Rapporteur on the situation of human rights in Belarus and the Special Rapporteur on the independence of judges and lawyers**

Ref.: UA BLR 4/2022

(Please use this reference in your reply)

8 August 2022

Excellency,

We have the honour to address you in our capacity as Special Rapporteur on the situation of human rights in Belarus and Special Rapporteur on the independence of judges and lawyers, pursuant to Human Rights Council resolutions 50/20 and 44/8.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning the case of Mr. Autukhovich, who is protesting on hunger strike against his complete deprivation of access to correspondence and access to outside information.

In addition to the underlying reasons for the hunger strike, we wish to note our distress at serious human rights concerns arising from his arrest and detention on terrorism charges, together with 11 other defendants. Several mandate holders have previously expressed concerns about the incompatibility of the criminal provisions on terrorism and their arbitrary implementation with Belarus's international human rights obligations, arbitrary detention on politically motivated charges of people exercising their civil and political rights, as well as violations of fair trial rights which worsened in the run-up to and after the 9 August 2020 presidential election.

According to the information received:

Mr. Autukhovich is a 59-year-old Belarussian currently on trial in Hrodna prison №1. On 8 December 2020, he was arrested and placed in pre-trial detention on criminal charges under part 2 of article 218 of the Criminal Code "Intentional damage to property committed in a way that is dangerous to the general public". Reportedly, Mr. Autukhovich together with other defendants that are being tried under the same case, conducted several arson attacks against vehicles belonging to police officers and planned attacks on their property.

However, later the Prosecutor General's Office requalified the case under part 1 of article 289 of the Criminal Code "Act of terrorism", as well as other charges of high treason, creating a criminal group and participating in its activities, attempting to seize power, inciting social hatred, and numerous other charges. Mr. Autukhovich has rejected all the charges.

In November 2021, Mr Autukhovich was transferred from Minsk to pretrial detention in the Hrodna prison №1, where he was held in a solitary cell until May 2022 with very limited access to any external information. The trial began on 18 May 2022 and is conducted by the judge of the Hrodna Regional

Court, Maksim Filatov. If convicted, Mr. Autukhovich faces the death penalty or life in prison.

Since January 2022, when Mr. Autukhovich received access to his court files, all correspondence with friends and other people was stopped completely, only the letters from his 83-year-old mother were given to him. In addition to the absence of letters, he was not allowed access to newspapers.

On 11 July 2022, Mr. Autukhovich started a dry hunger strike in prison to contest complete deprivation of correspondence and access to outside information. Human rights monitors say that on the eighth day of his hunger strike Mr. Autukhovich was again placed into a solitary cell. Then he was seen by a doctor but no medical tests or health checks were performed. After this, even the letters from his 83-year-old mother stopped coming.

By 26 July (16 days into his hunger strike), Mr. Autukhovich's health has seriously deteriorated. As he was being taken to the court hearing, Mr. Autukhovich fell due to weakness. However, the judge refused to call an ambulance, saying that Mr Autukhovich "just needs to eat." The lawyer's request for Mr. Autukhovich's examination by external doctors was rejected.

On 29 July it was reported that Mr. Autukhovich has lost significant weight and was unable to be present in the courtroom due to his health condition, which significantly worsened. Eyewitness report that Mr Autukhovich has lost some 20 kg, but his weight was not monitored by the prison doctor. On 2 August, the administration of the pre-trial detention centre of Hrodna Prison No. 1 reported that Mr. Autukhovich was put on a drip the day before. However, Mr. Autukhovich is continuing his strike until he is allowed access to correspondence and external information.

We are dismayed at Mr. Autukhovich's deprivation of access to correspondence and external information, including letters from his mother and newspapers, which appear to have had the intention to place him under strong psychological pressure that forced him to start a hunger strike as a measure of last resort. As a result of the responsible authorities' refusal to address the underlying causes of his hunger strike, Mr. Autukhovich was forced to a prolonged time without water and food and adequate access to healthcare, which led to a significant deterioration of his mental and physical health.

We are also seriously concerned about infringements of Mr. Autukhovich's right to a fair trial, including the ability to avail himself of a fair and public hearing by an independent judiciary. Although the trial on the case of Mr. Autukhovich was open to the public, only a few relatives and selected representatives of state media were allowed to attend it. Independent monitors are excluded from the hearing and thus raising concerns about procedural violations. This is even more concerning given the deeply rooted, systemic deficiencies of the judiciary, including the excessive control of the executive branch over the judiciary and prosecution which has significantly tightened in the run-up to and after the 9 August presidential election.

Moreover, we express concern at allegations of Mr. Autukhovich's inhuman and degrading treatment, including his detention in the punishment cell at the pre-trial detention centre of Hrodna Prison No. 1 and placement in a cramped metal cell during his hearings.

Without expressing, at this stage, an opinion on the facts of the case and on whether the detention of Mr. Autukhovich and the other defendants in the case is arbitrary or not, we would like to appeal to your Government to respond to the hunger strike by addressing the reported underlying human rights violations that are the basis of Mr. Autukhovich's protest. Authorities have a duty to look for solutions to extreme situations created by a hunger strike, including through good faith dialogue about the grievances, and always respecting the rights of those who use this form of protest.

We also wish to urge your Government to take all necessary measures to guarantee their right not to be deprived arbitrarily of their liberty and to fair and public proceedings before an independent and impartial tribunal, in accordance with articles 9 and 10 of the Universal Declaration of Human Rights and articles 9 and 14 of the International Covenant on Civil and Political Rights (ICCPR), binding on Belarus since 12 November 1973.

Furthermore, the above-mentioned allegations appear to be in contravention of the right to be free from torture or cruel, inhuman or degrading treatment or punishment, which is prohibited under article 5 of the Universal Declaration of Human Rights, article 7 of the ICCPR, and articles 2 and 16 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, ratified by Belarus on 13 March 1987. They also raise concerns regarding the right to life guaranteed under article 6 of the ICCPR. Similarly, these allegations seem to contravene article 12 of the ICESCR, also ratified on 12 November 1973, which establishes the right to the highest attainable standard of physical and mental health.

In addition, we would like to underline the Basic Principles for the Treatment of Prisoners, adopted by the General Assembly in resolution 45/111, according to which prisoners should have access to health services available in the country without discrimination on the grounds of their legal situation (Principle 9).

We draw the attention to the Government to the updated **United Nations Standard Minimum Rules for the Treatment of Prisoners (the Mandela Rules, 2015)** which lay out generally accepted principles and practice in the treatment of prisoners and prison management. In particular, we would like to refer to rules 43.1(b), 43.3, 44, 45 and 46 which refer to the use of disciplinary sanctions or restrictive measures, including solitary confinement, and the role of health-care personnel regarding any adverse effect of disciplinary sanctions or other restrictive measures on the physical or mental health of prisoners subjected to such sanctions or measures.

We also wish to recall that acts or threats of forced feeding as well as other types of physical or psychological coercion against individuals who have opted for the extreme recourse of a hunger strike may constitute cruel, inhuman or degrading treatment, which in turn may amount to torture.

The full texts of the human rights instruments and standards recalled above are available on [www.ohchr.org](http://www.ohchr.org) or can be provided upon request.

In view of the urgency of the matter, we would appreciate a response on the initial steps taken by your Excellency's Government to safeguard the rights of the above-mentioned person(s) in compliance with international instruments.

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 any comment you may have on the above-mentioned allegations.
2. Please confirm the legal basis for the arrest and detention of Mr. Autukhovich, as well as the charges brought against him and compatibility with Belarus's obligations under international human rights law.
3. Please indicate what measures have been taken to guarantee the physical and psychological integrity of all persons who are deprived of liberty by State authorities, so as to ensure that they are protected against any form of abuse of power that may amount to torture or other cruel, inhumane, degrading treatment or punishment.
4. Please explain why access to hearing is only allowed to state media.

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 responsible of the alleged violations.

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.

This communication and any response received from your Excellency's Government will be made public via the communications reporting [website](#) within 60 days. They will also subsequently be made available in the usual report to be presented to the Human Rights Council.

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

Anaïs Marin  
Special Rapporteur on the situation of human rights in Belarus

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