

**Mandates of the Working Group on Arbitrary Detention; the Special Rapporteur on the situation of human rights in Belarus; the Working Group on Enforced or Involuntary Disappearances; the Special Rapporteur on the situation of human rights defenders; the Special Rapporteur on the independence of judges and lawyers; the Independent Expert on the enjoyment of all human rights by older persons and the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism**

Ref.: UA BLR 6/2024  
(Please use this reference in your reply)

23 October 2024

Excellency,

We have the honour to address you in our capacity as Working Group on Arbitrary Detention; Special Rapporteur on the situation of human rights in Belarus; Working Group on Enforced or Involuntary Disappearances; Special Rapporteur on the situation of human rights defenders; Special Rapporteur on the independence of judges and lawyers; Independent Expert on the enjoyment of all human rights by older persons and Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism, pursuant to Human Rights Council resolutions 51/8, 55/27, 54/14, 52/4, 53/12, 51/4 and 49/10.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning **alleged violations of human rights of persons deprived of liberty on criminal and administrative charges in Belarus, including ill-treatment in detention and unnecessary and disproportionate restrictions of the enjoyment of human rights of former convicts. In particular, we have received allegations of ill-treatment of the following prisoners: Mr. [REDACTED], Mr. Viktor Babaryka, Mr. [REDACTED], Ms. Alena Hnauk, Ms. Maria Kalesnikava (Kalesnikova), Ms. Viktoriya Kulsha, Ms. Alena Lazarchyk, Mr. Ihar Losik, Ms. Volha Mayorava, Mr. Uladzimir (Vladimir) Matskevich, Ms. Iryna Melkher, Ms. Palina Sharenda-Panasiuk, Ms. [REDACTED], Mr. Mikalai (Nikolay) Statkevich, Mr. Valiantsin Stefanovic, Mr. Siarhei Tsikhanouski (Sergey Tihanovski) and Mr. Maksim Znak.**

We welcome the fact that the amnesty law No. 19-Z of 2 June 2024 and the subsequent pardons by the President of the Republic of Belarus have reportedly resulted in the liberation of at least 115 persons convicted for acts related to actual or perceived political opposition, including several individuals whose situations have been brought to the attention of your Excellency's Government by Special Procedures of the Human Rights Council.

We also note with appreciation the recent improvement in the rate of responses of your Excellency's Government to communications by Special Procedures raising concerns about the situation of persons deprived of liberty and the alleged violations of the fundamental rights, including, most recently, your note verbale of 8 August 2024 related to the communication [BLR 5/2024](#). We commend this display of renewed engagement of the Republic of Belarus with the experts appointed by the Human Rights Council and call on your Excellency's Government to further demonstrate its commitment to collaboration with the system of Special Procedures by addressing all outstanding issues raised in our communications.

While welcoming these positive developments, we are concerned that, according to allegations received, the above-mentioned recent amnesty and the presidential pardons have not led to the liberation of all individuals convicted without fair trial guarantees for acts which could be regarded as legitimate exercise of their civil and political rights. Many of those released were either approaching the end of their prison terms or suffered a sharp deterioration of their health in detention. We also note with concern that reports continue emerging about new administrative and criminal convictions for acts which can be regarded as legitimate exercise of civil and political rights, issued without full respect of fair trial guarantees and transparency of the trials. Furthermore, **we would like to share with your Excellency's Government persisting concerns – spelled out in detail in the paragraphs below – about the situation of persons deprived of liberty in Belarus, particularly those convicted on criminal and administrative charges for acts related to their demonstrated or perceived political opposition, and about alleged undue restrictions of human rights of former inmates.**

According to the information received:

*Ill-treatment of inmates subjected to criminal prosecution*

Reports continue emerging about ill-treatment in pre-trial detention centres, correctional colonies and prisons, including overcrowding, prolonged placements in solitary confinement, *incommunicado* detentions, lack of prompt and adequate medical care, physical and verbal violence by members of penitentiary administrations, inter-prisoner violence incited and tolerated by members of penitentiary administrations, lack of proper hygiene, as well as forced physical labour imposed on prisoners notwithstanding their age, gender and health situations, sometimes in hazardous conditions.

According to reports received on 11 September 2024, among the persons deprived of liberty and criminally prosecuted in Belarus for acts related to their actual or perceived political opposition, there were 224 individuals whose release would be justified on humanitarian grounds. Among those, there were 13 persons with disabilities, 49 older persons aged over 60, 17 minors and 86 persons with severe health conditions. Furthermore, 42 inmates found themselves in difficult family circumstances, including parents of three or more children, single mothers, as well as mothers and fathers of children whose parents were both deprived of liberty.

Among the inmates whose situations are of particular concern, there are the following individuals.

Mr. [REDACTED], aged 62, is [REDACTED]. He has been deprived of liberty since 14 July 2021. He was prosecuted under articles 223 (smuggling) and 342(2) (funding group actions that grossly violate public order) of the Criminal Code and convicted to 10 years of imprisonment.

On 24 March 2023, Special Procedures mandate holders addressed a communication ([REDACTED]) to your Excellency's Government, expressing concerns about the conduct of his trial and the charges pressed against him, which seemed to target Mr. [REDACTED] legitimate work for the protection and

promotion of human rights. On 18 March 2024, the Working Group on Arbitrary Detention issued an opinion ( [REDACTED] ), finding his deprivation of liberty arbitrary in nature.

According to new information received, Mr. [REDACTED] is serving his sentence in the correctional colony No. 8 in Horki, Mahiliou region under reinforced regime. His communication with his family is restricted. He has no phone calls with his wife, and she receives a letter from him every two or three months. Since his transfer to the colony in May 2023, he has not been allowed to receive any packages with food, and most of packages with medicines addressed to him have been returned. In addition to prior chronic diseases, since his deprivation of liberty, [REDACTED]

[REDACTED] Despite this, he is subjected to forced labour six days a week, without a possibility to rest during the day. Due to hard physical labour and poor nutrition in the colony (insufficient amount of meat and vegetables, no fruits) he has lost weight. Between November 2023 and May 2024, he was placed into “cell-type spaces” (PKT) as a disciplinary punishment. He has also spent periods of time in a “punitive isolation cell” (SHIZO). He is reportedly precluded from communicating with other inmates.

Mr. **Viktar Babaryka**, aged 61, is a banker, philanthropist and a political opposition leader who intended to run for the presidential election in 2020. He has been deprived of liberty since 18 June 2020. He was charged under articles 243 (tax evasion on a large scale), 235 (money laundering), 210 (theft on a particularly large scale), 209 (fraud), 430 (receiving a bribe) and 431 (bribing) of the Criminal Code. On 6 June 2021, he was sentenced to 14 years in a medium-security penal colony. On 24-25 April 2023, he was reportedly taken to the surgery department of the hospital in Novopolatsk, allegedly due to heavy beatings.

On 25 May 2023, Special Procedures mandate holders sent a communication ([BLR 4/2023](#)) to your Excellency’s Government, bringing to its attention allegations about Mr. Babaryka’s arbitrary detention, the harassment of his lawyers, lack of fair trial guarantees during his trial, as well as his *incommunicado* detention since February 2023, which placed him in danger of being subjected to enforced disappearance, and his emergency hospitalization. We regret that no response has been provided to this communication. On 31 October 2023, the Human Rights Committee found that procedural shortcomings during Mr. Babaryka’s arrest resulted in a violation of his right not to be detained arbitrarily under article 9 of the International Covenant on Civil and Political Rights ([CCPR/C/139/D/3788/2020](#)).

According to new information received, Mr. Babaryka has been held *incommunicado* since 6 February 2023, the day of his last phone call and meeting with his lawyer. Prior to that, he had maintained regular communication with his family and counsel and had always emphasized its importance for him. All the multiple letters addressed to Mr. Babaryka by his family since May 2023 have remained without response. Mr. Babaryka thus remains at risk of being subjected to enforced disappearance.

Mr. [REDACTED], aged 67, is [REDACTED] He has been deprived

of liberty since 19 April 2022. He was prosecuted under articles 130 (incitement to hatred), 361 (calls for actions aimed at causing harm to the national security) and 361-1 (creation of an extremist formation or participation therein) of the Criminal Code.

On 10 November 2022, Special Procedures mandate holders addressed a communication (██████████) to your Excellency's Government raising concerns about his lengthy pre-trial detention without judicial oversight and that his prosecution related to facts which could amount to legitimate exercise of his rights to freedom of association, peaceful assembly and expression. We regret that no response has been received to this communication.

According to new information received, on 5 January 2023, Mr. ██████████ was convicted to 9 years of imprisonment in a medium-security correctional colony. He is currently serving his sentence in the correctional colony No. 2 in Bobruisk. He is experiencing serious health issues, including ██████████

██████████ The latter is causing him difficulties when walking. His treatment in detention is funded by his family.

Ms. **Alena Hnauk**, an activist aged 67, is serving a prison sentence in the correctional colony No. 24 (Zarechye, Homyel region).

On 13 June 2024, Special Procedures mandate holders addressed a communication ([BLR 5/2024](#)) to your Excellency's Government requesting clarifications about the factual and legal grounds for the criminal prosecution of Ms. Hnauk and the inclusion of her name in the list of persons involved in extremist activities, as well as about her state of health and medical assistance available to her. The communication also asked your Excellency's Government to take measures to ensure that she was treated humanely and, in view of her advanced age, to consider granting her pardon or remission of sentence, in accordance with the United Nations Standard Minimum Rules for Noncustodial Measures (Tokyo Rules).

We appreciate the [response](#) provided by your Excellency's Government on 8 August 2024. According to the information shared, Ms. Hnauk has been convicted under articles 342(1) (participating in group activities in flagrant breach of the public order), 368(1) (public insult of the President), 367(1) (calumny against the President), 369-1 (discrediting the Republic of Belarus) and 411 (malicious disobedience to penitentiary administration) of the Criminal Code. While no information has regrettably been disclosed about the factual grounds for her convictions and about each specific sentence, your Excellency's Government's response refers to four guilty verdicts handed down by Moskovsky District Court of Brest on 7 May 2021, by Leninsky District Court of Brest on 3 September 2021, by Pruzhansky District Court on 17 June 2022 and by Zheleznodorozhny District of Homyel on an unidentified date. Your response also mentions three different sentences. First, an aggregated sentence of 3 years and 6 months of deprivation of liberty in an ordinary-regime correctional colony and a fine of 3,200 Belarusian rubles. Second, a conviction to deprivation of liberty of 3 years and 6 months in an ordinary-regime correctional colony and a fine of 3,200 Belarusian rubles, in addition to the unserved part of the sentence handed down by the Leninsky

District Court of Brest. Third, a conviction to deprivation of liberty of 2 years and 11 months in an ordinary-regime correctional colony, by way of partial addition of the unserved part of the sentence and full addition of the unserved part of the additional sentence imposed by the Pruzhany District Court. This latter sentence appears to have been handed down by Zheleznodorozhny Court of Homyel under articles 43(1), 411, 73(1) and 73(6) of the Criminal Code. No details were shared about the factual and legal grounds for the inclusion of Ms. Hnauk's name onto the list of persons involved in extremist activities.

The response of your Excellency's Government also referred to a medical examination of Ms. Hnauk and her treatment from 27 February 2024 to 7 March 2024 in the medical unit of the correctional colony No. 24. No details were disclosed about the outcome of the medical examination and the nature of the treatment provided.

The response also indicated that over the time spent in the colony, Ms. Hnauk had sent 15 letters and received 25 letters and two small packages.

According to new information received, there has been no communication between Ms. Hnauk and her family since June 2024, when the last letter was delivered from her. The attorney who represented Ms. Hnauk's interests has stopped responding to her family's e-mails and calls. A new attorney has been hired by the family, but they do not know how to make sure that the attorney's name is communicated to Ms. Hnauk. Without communication with her, the family of Ms. Hnauk cannot verify information concerning her fate and whereabouts, and therefore she is in danger of being subjected to enforced disappearance.

Ms. **Maria Kalesnikava (Kalesnikova)**, a musician who took part in the presidential campaign of political opposition leaders in 2020, has been deprived of liberty since 7 September 2020. She is serving an 11-year sentence under articles 361 (calls for actions aimed at causing harm to national security), 357 (conspiracy to seize power by unconstitutional means) and 361-1 (creation of an extremist formation or participation therein) of the Criminal Code in the correctional colony No. 4 in Homyel.

Over the past four years, Special Procedures mandate holders have addressed four communications to your Excellency's Government on the situation of Ms. Kalesnikava. We appreciate the responses provided by your Excellency's Government to the communications of 16 September 2020 (**BLR 7/2020**) about her alleged enforced disappearance and of 2 December 2022 (**BLR 8/2022**) about her alleged emergency hospitalization and denial of access to information about her health condition and visits from her family and lawyer. We regret however that no response has been provided by your Excellency's Government to our communications of 27 April 2023 (**BLR 3/2023**) and of 22 December 2023 (**BLR 13/2023**) about her alleged *incommunicado* detention, solitary confinement and lack of access to proper medical treatment and diet required for her medical condition in the correctional colony No. 4.

According to new information received, Ms. Kalesnikava has been held *incommunicado* since mid-February 2023. Her relatives' and lawyers'

endeavors to meet her or contact her otherwise since then have not been successful, due to restrictions imposed by the prison administration, which makes her case amount to enforced disappearance. She is constantly held in “cell-type spaces” (PKT) and “punitive isolation cells” (SHIZO), notorious for their dire conditions. She is taken for a walk for half an hour every morning in a 1.5 by 1.5-meter glass cell. SHIZO and PKT cells have folding bunk beds. There is a hole in the floor instead of a toilet, separated from the rest of the cell by a minimal partition. Currently, the 175 cm tall Kalesnikava weighs only 45 kg. Most of the food served in the correctional colony is not appropriate for her medical condition. She can buy food in the colony’s shop only every 10 days and her expenditures are limited to 40-80 Belarusian rubles (10-20 euros). This amount is only sufficient for buying tea, oatmeal and minimal hygiene products. According to rumors, she is occasionally taken to the medical unit and has been taken to the city hospital too. Martial law has reportedly been declared in the correctional colony on some of the occasions when she was taken out of the facility. Letters written to Ms. Kalesnikava have been reportedly torn to pieces in her presence. A duty officer was heard telling her that “everyone ha[d] forgotten about her”.

Ms. **Viktoriya Kulsha**, a human rights defender and former administrator of the “Drivers 97%” Telegram channel and chat room, critical of the President’s 2020 re-election, has been deprived of liberty since 4 November 2020. She was initially convicted to 2 and a half years of imprisonment under article 342 (organization and preparation of actions that grossly violation public order or participation therein) of the Criminal Code. She was later again convicted on 13 June 2022 and 7 April 2023 to an additional amount of two years of imprisonment in total under article 411 of the Criminal Code (malicious disobedience to the penitentiary administration).

On 27 April 2023 and 14 September 2023, Special Procedures mandate holders addressed communications to your Excellency’s Government ([BLR 3/2023](#), [BLR 8/2023](#)), bringing to your attention allegations about Ms. Kulsha’s repeated arbitrary convictions under article 411 of the Criminal Code on minor factual grounds, and about her ill-treatment in detention, which had caused deterioration of her health condition. We regret that no response has been provided to these communications.

According to new information received, during Ms. Kulsha’s manual medical examination while in detention, [REDACTED] was noted. Her gynecologic health has deteriorated. Despite her requests, she has not been referred to a specialist for further medical evaluation.

Whereas her original prison term ended on 13 June 2022, her imprisonment was extended, under article 411 of the Criminal Code, first to 6 April 2023, then to 5 August 2024. Currently, she continues being deprived of liberty as she is being prosecuted, for the third time, under article 411 of the Criminal Code.

Ms. **Alena Lazarchyk**, deprived of liberty since 30 December 2021, is serving an 8-year sentence in the correctional colony No. 4 (Homyel). She was prosecuted under articles 130 (incitement to hatred), 342 (organization and preparation of actions that grossly violate public order or active participation

therein), 361-1 (creation of an extremist formation or participation therein) and 368 (insulting the President) of the Criminal Code. While in pre-trial detention in Mahiliou, she reportedly had a tooth knocked out.

Since her transferral into the correctional colony, she has been denied calls and meetings with her family. None of her letters has reached its addressees and not all the letters written by the family have been delivered to her. Packages sent by her family have only been accepted by the colony on two occasions, in March 2023 and July 2024. She has allegedly dramatically lost weight and has been described by eyewitnesses as looking like a “prisoner of Auschwitz”. She has reportedly [REDACTED] and is suffering dental health issues without any access to dental care. She has spent a lot of time in a “punitive isolation cell” (SHIZO), notorious for its dire conditions, and has been deprived of a possibility to see a lawyer.

Mr. **Ihar Losik** is a blogger and former administrator of the “Belarus Golovnogo Mozga” Telegram channel. He has been deprived of liberty since 25 June 2020. He was charged under articles 130 (incitement to hatred) and 293(1) (organization of riots) of the Criminal Code. On 14 December 2021, he was sentenced to 15 years of imprisonment in a maximum-security correctional colony, a sentence he is serving in correctional colony No. 1 (Novopolatsk, Vitsebsk oblast). On 30 August 2023, the Working Group on Arbitrary Detentions issued an opinion ([A/HRC/WGAD/2023/45](#)) finding that Mr. Losik was arbitrarily detained.

Since March 2023, Mr. Losik has been held *incommunicado* without access to family or legal counsel. In May 2024, his parents sent him a food parcel, but there has been no confirmation that it has been delivered to him. Neither is his family aware whether he receives their letters. All attempts to send him money transfers, which would allow him to purchase essential goods and food in the colony, have failed, the funds being returned each time. His relatives’ and lawyers’ endeavors to meet him or contact him otherwise since then have not been successful, due to restrictions imposed by the prison administration, which makes his case amount to enforced disappearance.

Ms. **Volha Mayorava** is a political activist aged 58. She has been deprived of liberty since 4 January 2021 and is currently serving a prison sentence in the correctional colony No. 24. She was previously detained in the correctional colony No. 4 in Homyel.

On 13 June 2024, Special Procedures mandate holders addressed a communication ([BLR 5/2024](#)) to your Excellency’s Government bringing to its attention allegations about ill-treatment of Ms. Mayorava in the correctional colony No. 4, including her repeated placements in a “punitive isolation cell” (SHIZO) and “cell-type space” (PKT), notorious for their dire conditions; failure to provide appropriate food and clothing; and denial of medical assistance notwithstanding deteriorating health condition. The communication requested clarifications about the factual and legal grounds for the criminal prosecution of Ms. Mayorava and for her inclusion onto the lists of persons involved in terrorist and extremist activities, about her current state of health and medical assistance available to her. The communication also asked your Excellency’s Government to take measures to ensure that she was treated

humanely and, in view of her age and health condition, to consider granting her pardon or remission of sentence, in accordance with the United Nations Standard Minimum Rules for Noncustodial Measures (Tokyo Rules).

We appreciate the [response](#) provided by your Excellency's Government on 8 August 2024. According to the information shared, Ms. Mayorava was initially convicted under articles 285(2), 14(1), 357(2) (attempt at seizing State power by unconstitutional means), 130(3), 361(3) (dissemination of materials containing public calls for action aimed at harming the national security of Belarus) and 295(4) (illegal acts with regard to firearms, ammunition and explosives) of the Criminal Code. The response referred to a guilty verdict handed down by Hrodna Regional Court on 17 October 2022. She was later convicted, on 6 March 2024, by Zheleznodorozhny Regional Court under articles 43(1), 411 (malicious disobedience to penitentiary administration) and 73(1) of the Criminal Code. The response mentioned two sentences: first, a sentence of 20 years of deprivation of liberty in an ordinary-regime correctional colony and a fine of 25,600 Belarusian rubles and, second, a sentence of 16 years and 6 months of deprivation of liberty in an ordinary-regime correctional colony and a fine of 25,572 Belarusian rubles by way of partial addition of the unserved part of the sentence and the additional sentence imposed by the Hrodna Regional Court. No information was provided as to the factual grounds for Ms. Mayorava's conviction nor the factual and legal grounds for her inclusion onto the lists of persons involved in terrorist and extremist activities.

Your Excellency's Government also informed us that Ms. Mayorava had been examined by the medical unit of the correctional colony No. 24 and did not require emergency health care or hospitalization and that during her stay in the correctional colony No. 24, she had sent one letter and had not received any letter or package. We regret that no information was provided about the nature of the medical examinations and her state of health and about investigations launched into her alleged ill-treatment in the correctional colony No. 4.

According to new information received, during her stay in the correctional colony No. 4, Ms. Mayorava submitted a dozen requests for phone calls, videocalls and meetings with her son, but none of her requests was signed for approval by the penitentiary administration. Packages addressed to her were not delivered.

Upon her imprisonment, Ms. Mayorava suffered from a chronic respiratory disease. Because all her personal belongings were taken away by the administration of the correctional colony No. 4 and no warm clothes were provided to her, she was reportedly serving her sentence barely dressed, with naked legs, even in winter. She was repeatedly transferred to a "punitive isolation cell" (SHIZO), notorious for its dire conditions, including very cold temperatures. She had a strong cough and her complexion became earthy. Rumors have been spreading among former inmates that she may be suffering from [REDACTED].

**Mr. Uladzimir (Vladimir) Matskevich**, aged 68, is a philosopher. He has been deprived of liberty since 4 August 2021. He is serving a 5-year sentence in prison No. 4 in Mahiliou under articles 342 (organization and preparation of

acts that grossly violate public order, or active participation therein), 368 (insulting the President) and 361-1 (creation of an extremist formation or participation therein).

On 25 February 2022, Special Procedures mandate holders addressed a communication to your Excellency's Government, bringing to its attention allegations about the arbitrary nature of Mr. Matskevich's detention in retaliation for his public criticism of the authorities, about pressure exercised over his lawyers, impossibility for him to see a protestant priest as well as about his hunger strike while in pre-trial detention ([BLR 2/2022](#)). Regrettably, no response has been provided to this communication.

According to new information received, Mr. Matskevich has undergone two surgeries in the prison hospital in Kolyadichi, possibly due to [REDACTED], and has lost 20 kg since the beginning of his imprisonment.

Ms. **Iryna Melkher**, aged 69, has been deprived of liberty since 8 December 2020. She is serving her prison sentence in correctional colony No. 4 (Homyel).

On 5 December 2023, Special Procedures mandate holders addressed a communication ([BLR 12/2023](#)) to your Excellency's Government drawing your attention to allegations about ill-treatment of Ms. Melkher in detention, including her repeated placements in a "punitive isolation cell" (SHIZO) in dire conditions, illegal restrictions imposed on the length of her telephone conversations with her family, her deteriorating health condition and lack of access to proper medical care. We regret that no response has been provided to this communication.

On 13 June 2024, Special Procedures mandate holders addressed a communication ([BLR 5/2024](#)) to your Excellency's Government requesting clarifications about the factual and legal grounds for the criminal prosecution of Ms. Melkher and for her inclusion onto the list of persons involved in terrorist and extremist activities, as well as about her current state of health and medical assistance available to her. The communication also asked your Excellency's Government to take measures to ensure that she was treated humanely and, in view of her advanced age and health condition, to consider granting her pardon or remission of sentence, in accordance with the United Nations Standard Minimum Rules for Noncustodial Measures (Tokyo Rules).

We appreciate the [response](#) provided, on 8 August 2024, by your Excellency's Government. According to the information shared, Ms. Melkher was convicted under articles 285 (2), 14(1), 357, 13(1), 289(3) (preparation to commit an act of terrorism), 342(1) (participating in group activities in flagrant breach of the peace) and 72(3) and (6), 74(2), 46-1, and 75(1) (2) of the Criminal Code to 17 years of deprivation of liberty in a correctional colony under ordinary regime. We regret that no information has been shared about the factual grounds for her conviction and about factual and legal grounds for her inclusion on the lists of persons involved in terrorist and extremist activities.

Your Excellency's Government also informed us that Ms. Melkher had been repeatedly examined by the medical unit and was receiving appropriate care.

According to the information shared, during her detention, she had sent 96 pieces of correspondence and received 113 pieces of correspondence, 5 parcels, 12 small packages, including with medicines, and made 24 telephone calls. While welcoming this information, we regret that no information has been provided with regard to the alleged repeated placements of Ms. Melkher in SHIZO and the illegal restrictions on the length of her telephone calls. No details have been shared about her health condition, the outcomes of her medical examinations and the nature of healthcare available to her.

According to new information received, Ms. Melkher has suffered ██████████ ██████████ in detention. Even though she received some treatment, she spent half a year suffering pain. Her overall state of health is poor. According to some sources, she may be suffering from ██████████

**Ms. Palina Sharenda-Panasiuk** has been deprived of liberty since 3 January 2021. She was first convicted under article 364 (violence or threat of violence against an employee of the internal affairs bodies), 368 (insulting the President) and 369 (insulting a public official) of the Criminal Code to two years of imprisonment. On 7 April 2022, she was convicted by Zheleznodorozhny District Court of Homyel to 1 year and 5 months of imprisonment under article 411 of the Criminal Code (malicious disobedience to the penitentiary administration). On 8 June 2022, the sentence was upheld by Homyel Regional Court.

On 14 September 2023, Special Procedures mandate holders addressed a communication to your Excellency's Government ([BLR 8/2023](#)), expressing concerns that the use of article 411 of the Criminal Code in this case may constitute a violation of the right not to be tried or punished twice for the same offence. We regret that no response has been provided to this communication.

According to new information received, on 9 October 2023, Ms. Sharenda-Panasiuk was again convicted under article 411 of the Criminal Code to 1 year and 2 days of imprisonment by Rechitsky District Court, Homyel region. The sentence was upheld on 15 December 2023 by Homyel Regional Court. In March 2024, State television aired an interview with Ms. Sharenda-Panasiuk, in which she said she repented her prior political activism, accused neighboring countries of having trained and funded 2020 protesters and said she had written a request for pardon. Under her latest sentence, she was supposed to be freed on 21 May 2024. However, two days prior to her expected liberation, a new criminal case was initiated against her under article 411 of the Criminal Code and she continued being deprived of liberty. The investigation under this fourth--in-a-row criminal case was completed on 9 September 2024. Her new trial in Rechitsky District Court is expected in early November 2024.

For almost 4 years of her deprivation of liberty, Ms. Sharenda-Panasiuk has spent 350 days in solitary confinement in punitive isolation cells ("karzer" in pre-trial detention and "SHIZO" in correctional colonies) and 300 days in "cell-type spaces" (PKT). She has not had a single telephone or video call and has on many occasions been deprived of access to lawyers, staying *incommunicado* for up to several months. For almost four years, she has not

talked to her minor children. Without communication with her, the family of Ms. Sharenda-Panasiuk cannot verify information concerning her fate and whereabouts, and therefore she is in danger of being subjected to enforced disappearance.

She suffers a from a chronic disease (Gilbert's syndrome) and requires choleric treatment every six months. Over the past two years, attempts to transmit the necessary medicine to her have been unsuccessful. In June 2024, while in the female correctional colony No. 24, she was diagnosed with moderate chronic pancreatitis. It is difficult to treat this disease in detention.

Since her arrest, Ms. Sharenda-Panasiuk has reportedly been transferred among different places of detention 20 times, including 8 times in 2023 and 5 times in 2024 (from the correctional colony No. 24 in Rechitsy to SIZO-3 in Homiel; from SIZO-3 in Homiel to Minsk Republican Centre of Psychological Health in Novinky; from Minsk to SIZO-3 in Homiel; from SIZO-3 to Rechitsky temporary detention centre (IVS); and from Rechitsky IVS to SIZO-3). Some of her numerous transfers have lasted for up to 14 days and have allegedly negatively affected her state of health.

Currently, she is detained in SIZO No. 3 of Homiel. In September 2024, her state of health severely deteriorated. She reportedly suffers strong [REDACTED] pains. She does not receive any treatment and is only given painkillers.

She has not been included in the list of pardoned prisoners because she is considered as a persistent troublemaker due to the three criminal cases under article 411 of the Criminal Code against her.

Ms. [REDACTED] is a human rights defender and volunteer coordinator at [REDACTED]. She has been deprived of liberty since 17 September 2020, reportedly in connection with her participation in the monitoring of the 9 August 2020 presidential elections. The multiple charges retained against her included articles 218 (intentional destruction or damage to property in a dangerous manner or causing damage on large scale), 285(1) (creation of a criminal organization or its leadership), 293 (1) (organization of mass riots), 293(3) (training or other preparation of persons for participation in mass riots or funding this activity), 295-3 (illegal actions in relation to objects actioned by combustible substances), 339 (hooliganism), 341 (desecration of buildings and damage to property), 361 (calls for actions aimed at causing harm to national security) and 361-1 (creation of an extremist formation or participation therein) of the Criminal Code. She is serving a 14 year and 9 months-sentence in the correctional colony No. 4 in Homiel.

Special Procedures mandate holders have addressed several communications to your Excellency's Government about the situation of Ms. [REDACTED]. A communication dated 23 October 2020 ([REDACTED]) raised concerns about the fact that Ms. [REDACTED] indictment may have been related to her human rights work. A communication dated 12 March 2021 ([REDACTED]) brought to the attention of your Excellency's Government allegations about restrictions imposed on Ms. [REDACTED] communication with the outside world. A

communication dated 27 April 2023 ( [REDACTED] ) brought to your attention allegations about the deterioration of the health condition of Ms. [REDACTED] and her lack of access to timely and appropriate medical care, which may lead to irreversible and life-threatening consequences. We regret that no response has been provided to the latter two communications.

According to the information received, Ms. [REDACTED] health condition continues to deteriorate. She has lost consciousness several times, suffered [REDACTED] and [REDACTED]

Mr. **Mikalai (Nikolay) Statkevich**, aged 67 years, is a prominent opposition politician. He was arrested in 2020 and sentenced on 14 December 2021 to 14 years of imprisonment under article 293 of the Criminal Code (organization of mass riots). Special Procedures mandate holders have transmitted communications to your Excellency's Government on 22 December 2023 ([BLR 13/2023](#)) and on 13 June 2024 ([BLR 5/2023](#)) drawing your attention to the allegations that Mr. Statkevich was hospitalized in November 2022 due to a pneumonia, that the penitentiary administration refused to transmit him warm clothes provided by his family and that he had been held *incommunicado* since 9 February 2023. We regret that no response has been provided to the communication BLR 13/2023 and that in your [response](#) of 8 August 2024 to the communication BLR 5/2023, no information was provided about the fate and whereabouts of Mr. Statkevich.

According to the information received, Mr. Statkevich continues being held *incommunicado*, and no information is available to his family about his health, fate and whereabouts. His relatives' and lawyers' endeavors to meet him or contact him otherwise have not been successful, which makes his case amount to enforced disappearance.

Mr. **Valiantsin Stefanovic** is a member of Viasna Board and Deputy Chairperson, Vice-President of the International Federation for Human Rights (FIDH). He has been deprived of liberty since 14 July 2021. He was prosecuted under articles 228 (smuggling) and 342(2) (funding group actions that grossly violate public order) of the Criminal Code. He is serving a 9-year prison sentence in the correctional colony No. 15 in Mahiliou.

On 24 March 2023 and on 22 December 2023, Special Procedures mandate holders addressed communications ([BLR 1/2023](#), [REDACTED]) to your Excellency's Government drawing its attention to allegations of unfair trial of Mr. Stefanovic and of restrictions imposed on his communication with his family while in the correctional colony. We appreciate the [response](#) provided to the former communication but regret that no response has been provided to the latter communication, related to the conditions of detention of Mr. Stefanovic.

According to new information received, his communication with his mother and sister is regularly interrupted and he continues to be denied the possibility to communicate with his spouse.

Mr. **Siarhei Tsikhanouski (Sergey Tihanovski)**, a blogger and an intended candidate for 2020 presidential elections, has been deprived of liberty since 29 May 2020. He was charged under articles 130 (incitement to social hatred), 191 (obstruction of the exercise of electoral rights), 293(1) (organization of mass riots) and 342 (organization and preparation of acts that grossly violate public order or active participation therein) of the Criminal Code. He was sentenced to 18 years in a medium-security penal colony on 14 December 2021. On 27 February 2023, he was sentenced to additional 18 months of imprisonment under article 411 of the Criminal Code (malicious disobedience to penitentiary administration). He is serving his sentence in Zhodino prison No. 8.

On 6 September 2021, the Working Group on Arbitrary Detention adopted an opinion ([A/HRC/WGAD/2021/23](#)) finding that Mr. Tsikhanouski was arbitrarily detained. On 25 May 2023, Special Procedures mandate holders addressed a communication ([BLR 4/2023](#)) to your Excellency's Government bringing to its attention allegations of violations of fair trial guarantees during Mr. Tsikhanouski's trials, denial of contacts with his family and lawyer and the lawyer's disbarment. We regret that no response has been provided to this communication.

According to new information received, Mr. Tsikhanouski has been held *incommunicado* since 9 March 2023, when the last letter was received from him. His family and lawyers have been unable to establish contact with him or to receive information about his fate. Under article 125(5) of the Penal Enforcement Code, Mr. Tsikhanouski is entitled to receive packages weighing up to two kilograms. Such a package can be sent through the online store of Zhodino prison No. 8. Since 4 September 2024, Mr. Tsikhanouski's spouse and mother have been making daily attempts to send a package through the online store, but these requests have been disregarded by the prison administration. Bearing in mind the conditions of his deprivation of liberty, the circumstances here described, and his profile, there are substantial grounds to believe that he is subjected to enforced disappearance.

Mr. **Maksim Znak**, a former electoral campaign lawyer of an opposition candidate during 2020 presidential elections, has been deprived of liberty since 9 September 2020. He is serving a 10-year sentence in the correctional colony No. 3 near Vitskiebsk under articles 361(1) (calls for acts aimed at harming national security), 357(1) (conspiracy aimed at seizing power by unconstitutional means) and 361-1(1) (creation of an extremist formation or participation therein) of the Criminal Code.

On 4 April 2022, the Working Group on Arbitrary Detention concluded that Mr. Znak was arbitrarily deprived of liberty in retaliation for his activism ([A/HRC/WGAD/2022/24](#)). On 25 May 2023, Special Procedures mandate holders addressed a communication ([BLR 4/2023](#)) to your Excellency's Government, bringing to its attention allegations about the lack of fair trial guarantees during Mr. Znak's trial, his ill-treatment in the pre-trial detention facility No. 1 in Minsk and in the correctional colony No. 3, including repeated placements in a punishment cell. We regret that no response has been provided to this communication.

According to new information received, Mr. Znak has been held *incommunicado* since 9 February 2023, the date of his last letter received from the correctional colony. He has not been allowed to see his lawyer since January 2023. His lawyer attempted but was not allowed to visit him in February 2023 and was arrested in March 2023. Bearing in mind the conditions of his deprivation of liberty, the circumstances here described, and his profile, there are substantial grounds to believe that he is subjected to enforced disappearance.

#### *Administrative prosecution*

There are reports about deteriorating conditions of detention of individuals convicted under the Code of Administrative Offences in detention centres across the country, including overcrowding, absence of beddings, deprivation of packages and denial of access to lawyers. Information about court hearings on trials under administrative charges have stopped being included into the public court schedules, which makes it impossible to assess the scale of administrative prosecutions.

#### *Restrictions of human rights of former inmates*

Once released from detention, individuals convicted under criminal charges for acts related to actual or perceived political opposition reportedly remain under tight supervision and see their human rights restricted. They may undergo control by police officers at any moment of day or night and have to report to the local police office on a weekly or, in some cases, on a daily basis. Some of them are imposed a travel ban. They are forced to find employment in order to avoid being added into an official database of unemployed persons. Inclusion into this database for 3 months results in higher utility costs and creates a risk of having one's children placed with social services. Former inmates included into the official list of "extremists" are precluded from obtaining qualified jobs upon release and are only offered unqualified physical labour.

While we do not wish to prejudge the accuracy of the information made available to us, we would like to express our concern about the alleged violations of human rights of inmates and former inmates.

We are deeply alarmed about the reports according to which among those still deprived of liberty, there are persons who are experiencing serious health issues due to dire detention conditions and inappropriate medical care and even those who may be finding themselves in life-threatening situations. In this respect, we are gravely concerned about continuing reports of ill-treatment of inmates in pre-trial detention centres, correctional colonies and prisons, including frequent or prolonged solitary confinements and *incommunicado* detentions. The reported restrictions on inmates' access to appropriate medical treatment and medicines, on their communication with family members, friends and lawyers, and on receiving correspondence, parcels and money transfers further increase their isolation. Most of these concerns are also relevant to human rights defenders in detention, who appear to be targeted in retaliation for their legitimate human rights work and often face forms of intimidation and humiliation that further intensify psychological pressure on them. The dire detention conditions of persons deprived of liberty, including human rights defenders,

result in silencing others and discouraging them from exercising their rights in Belarus.

We are particularly concerned about the alleged **prolonged *incommunicado* detentions, which could in some cases amount to enforced disappearances** (Mr. Viktor Babaryka, Ms. Alena Hnauk, Ms. Maria Kalesnikava, Mr. Ihar Losik, Ms. Palina Sharenda-Panasiuk, Mr. Mikalai Statkevich, Mr. Siarhei Tsikhanouski and Mr. Maxim Znak). Of particular concern are the reports about **hospitalizations of some of those inmates (Mr. Babaryka, Ms. Kalesnikava, Mr. Statkevich)** prior to the cessation of contact with them.

We are also concerned that **some inmates are reportedly experiencing unjustified restrictions on their communication with their families** (Mr. ██████████ Ms. Alena Lazarchyk, Ms. Iryna Melkher, Mr. Valiantsin Stefanovic). We are preoccupied about the reported **frequent placements of inmates into “punitive isolation cell” (SHIZO) and cell-type space (PKT), described by eyewitnesses as “prisons within prisons” and notorious for their dire detention conditions** (Mr. ██████████, Ms. Maria Kalesnikava, Ms. Volha Mayorava, Ms. Alena Lazarchyk, Ms. Iryna Melkher).

We are also deeply alarmed at reports about **hospitalizations and serious health conditions of some inmates among older persons and women** (Mr. Viktor Babaryka, Mr. ██████████, Mr. ██████████, Ms. Maria Kalesnikava, Ms. Viktoriya Kulsha, Ms. Alena Lazarchyk, Mr. Uladzimir Matskevich, Ms. Volha Mayorava, Ms. Iryna Melkher, Ms. Palina Sharenda-Panasiuk, Ms. ██████████ Mikalai Statkevich), about **denial to some inmates of proper medical evaluations (Ms. Viktoriya Kulsha) and medical care (Ms. Palina Sharenda-Panasiuk, Ms. Iryna Melkher, Ms. ██████████)** and about **non-exemption of some inmates from compulsory physical labour notwithstanding their age and health condition** (Mr. ██████████). We reiterate our concerns that some inmates (Ms. Alena Hnauk, Ms. Viktoriya Kulsha, Ms. Volha Mayorava, Ms. Palina Sharenda-Panasiuk) are reportedly seeing their prison sentences arbitrarily prolonged on the basis of article 411 of the Criminal Code, which allows for imposing on prisoners additional sentences of deprivation of liberty for “malicious disobedience” to penitentiary administrations ([BLR 8/2023](#)). This provision appears to allow for arbitrary extensions of prison sentences in case of disagreements between inmates and members of penitentiary administrations. This practice is of particular concern against the background of various consistent reports about abusive behaviour of members of penitentiary administrations, who submit inmates to disciplinary sanctions for minor transgressions or based on fabricated accusations, and about the absence of effective monitoring and complaints mechanisms.

We are deeply concerned that previous communications addressed by Special Procedures mandate holders to your Excellency’s Government in relation to the human rights of the above-mentioned individuals have either not received any response or have received selective responses.

Finally, we would like to express concerns about the reports which indicate that, upon their liberation, former inmates convicted on criminal charges for their actual or perceived political opposition are subjected to systematic unnecessary and disproportionate restrictions of their human rights. In her recent report to the Human Rights Council, the Special Rapporteur on the situation of human rights in Belarus

indicated, for example, that police harassment of former inmates may amount to a violation of their right to privacy (A/HRC/56/65, para. 69). We are issuing this appeal in order to safeguard the rights of the above-mentioned individuals from irreparable harm and without prejudicing any eventual legal determination.

With regard to the allegations received, we would like to recall your Excellency's Government the following applicable international standards.

*Prohibition of arbitrary detention*

We would like to recall that under article 9 paragraph 1 of the International Covenant on Civil and Political Rights (ICCPR), ratified by Belarus on 12 November 1973, everyone has the right to liberty and security of person. No one shall be subjected to arbitrary arrest or detention. No one shall be deprived of his liberty except on such grounds and in accordance with such procedure as are established by law. According to paragraph 3 of this provision, anyone arrested or detained on a criminal charge 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. It shall not be the general rule that persons awaiting trial shall be detained in custody, but release may be subject to guarantees to appear for trial, at any other stage of the judicial proceedings, and, should occasion arise, for execution of the judgement.

*Prohibition of torture, inhuman and degrading treatment and access to healthcare in detention*

We recall that torture and cruel, inhuman, or degrading treatment or punishment are prohibited under article 5 of the Universal Declaration of Human Rights, article 7 of the ICCPR, and articles 1, 2 and 16 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, ratified by Belarus on 13 March 1987. Under article 10 of the ICCPR, all persons deprived of their liberty shall be treated humanely and with respect for the inherent dignity of the human person. Articles 7 and 10 of the ICCPR require that "persons deprived of their liberty must not be subjected to any hardship or constraint other than that resulting from the deprivation of liberty". (*Human Rights Committee, Dafnis v. Greece, Views of 19 July 2022, CCPR/C/135/D/3740/2020, para. 8.5*).

Failure by a State party to provide medical treatment and care in detention adequate to the condition of the detainee constitutes a violation of the right to be treated with humanity and with respect for the inherent dignity of the human person under article 10(1) of the ICCPR (*Human Rights Committee, Views of 21 March 2017, CCPR/C/119/D/2146/2012, para. 8.7*), whereas lack of medical assistance and refusal of hospitalization of a detainee in critical condition "can be characterized as severe pain and suffering inflicted intentionally by an official," in violation of articles 1 and 2 of the Convention against Torture (*CAT, Decision of 31 July 2017, CAT/C/61/D/661/2015, paras. 8.2, 8.3*). Under the revised Manual on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, denial of medical care and treatment should be considered as a potential method of inflicting torture or ill-treatment (*Istanbul Protocol, 2002, para. 372(o)*).

As per article 12 of the International Covenant on Economic Social and Cultural Rights, ratified by Belarus on 12 November 1973, States parties recognize the right of everyone to the enjoyment of the highest attainable standard of physical and mental health and take steps to achieve the full realization of this right, including those necessary for improvement of all aspects of environmental hygiene and the creation of conditions which would assure to all medical service and medical attention in the event of sickness. In particular, States are under the obligation to respect the right to health by refraining from denying or limiting equal access for all persons, including prisoners (*CESCR, general comment no. 14 (2000), para. 34*).

The Basic Principles for the Treatment of Prisoners, adopted without vote by the General Assembly resolution 45/111 on 14 December 1990, provide that all prisoners shall be treated with the respect due to their inherent dignity and value as human beings (principle 1). Prisoners shall have access to health services available in the country without discrimination on the grounds of their legal situation (principle 9).

Rule 1 of the United Nations Standard Minimum Rules for the Treatment of Prisoners (Nelson Mandela Rules) provides that all prisoners shall be treated with the respect due to their inherent dignity and value as human beings. Under the rule 24(f), the provision of health care for prisoners is a State's responsibility, free of charge, without discrimination and at the same level as the health care services provided in the community. Rule 27 provides that prisoners requiring specialized treatment or surgery shall be transferred to specialized institutions or to civil hospitals.

We would like to remind your Excellency's Government that the Human Rights Committee has recommended that Belarus strengthen its efforts to improve conditions of detention and the provision of adequate and timely medical care, in accordance with the ICCPR and the Nelson Mandela Rules (*Human Rights Committee, Concluding observations on the fifth periodic report of Belarus (2018), CCPR/C/BLR/CO/5, para. 36(b)*). The Committee against Torture has recommended that Belarus "[i]mprove access to and the quality of health care, including psychiatric care, for prisoners in all places of deprivation of liberty" and "increase the number of professional medical staff in all detention facilities and ensure their independence and impartiality" (*CAT, Concluding observations on the fifth periodic report of Belarus (2018), CAT/C/BLR/CO/5, para. 22(f)*).

Furthermore, we recall that during its Universal Periodic Review in 2020, Belarus accepted as implemented a recommendation to improve access to and the quality of health care, including psychiatric care, for prisoners, and increase the number of professional medical staff in all detention facilities (recommendation 138.228, A/HRC/46/5 and A/HRC/46/5/Add.1).

#### *Older persons in detention*

We would like to recall that under rule 2(2) of the Nelson Mandela Rules, in order for the principle of non-discrimination to be put into practice, prison administrations shall take account of the individual needs of prisoners, in particular the most vulnerable categories in prison settings.

We would like to stress that older persons may be disproportionately affected by inhumane conditions of detention. According to the United Nations Principles for Older Persons, adopted by the General Assembly resolution 46/91 on 16 December

1991, older persons should be able to live in dignity and security and should have access to health care to help them to maintain or regain the optimum level of physical, mental and emotional well-being and to prevent or delay the onset of illness (paras. 11 and 17).

In her report on older persons deprived of liberty, the Independent Expert on the enjoyment of all human rights by older persons calls on paying special attention to applying the principles of necessity and proportionality when the deprivation of liberty is decided against older persons in the context of criminal justice, considering the severity of the offence, and whether the dignity of older persons is being protected based on their age and intersectional factors (A/HRC/51/27, para. 17). States must treat older persons with dignity during the entire duration of their detention and must take into consideration their specific needs with respect to their age, health and disability status. Those considerations are especially critical at every stage of the criminal justice process (especially pretrial, trial, sentencing, appeal and post-sentencing detention) (para. 15). The expert warned that older persons face heightened risk of discrimination, abuse and violence at all stages of their incarceration (para. 41).

In the context of criminal detention, the Independent Expert makes the following recommendations: (a) States must adopt age-sensitive policies and strategies in the criminal justice context to ensure respect for and protection of the human rights of older persons, in line with international and regional human rights standards regulating the deprivation of liberty; (b) Age-friendly detention environments, including appropriate infrastructure, accommodations and living conditions, and age-sensitive training for custodial staff to foster respectful communication and informed decision-making should be ensured; older persons should have access to age-appropriate services and activities, including opportunities for lifelong learning and vocational training; (c) Appropriate health-care services for older persons should be provided to meet their individual needs, according to the principle of equality in health care; screening upon admission, transition and throughout the period of detention must be in place to identify the risks and specific needs of older detainees; (d) States should ensure that, when released, older persons have benefited from individualized pre-release programmes designed for their specific needs and wishes, including access to medical and mental health care for longstanding, undertreated health conditions, housing solutions, access to pensions and financial support; (e) Intersectional factors should be given due consideration throughout all stages of the criminal justice process, especially when older persons have other intersecting bases for discrimination, such as gender, disability, indigenous or ethnic identities; individual care plans should be created to ensure that older persons at higher risk of violence, ill-treatment and persecution are provided with security in detention, including older women, older lesbian, gay, bisexual, transgender and intersex persons and older persons belonging to ethnic, religious or indigenous groups; (f) States, through their judicial systems, should consider the necessity and proportionality of detaining older persons with complex health conditions and in need of palliative care; States should also examine the possibility of non-custodial alternatives at all stages of detention, including serving sentences in facilities where the needs of older persons would be addressed through or benefit from humanitarian or compassionate release (para. 88).

### *Women in detention*

We would like to refer to the United Nations Rules for the Treatment of Women Prisoner and Noncustodial Measures for Women Offenders (the Bangkok Rules) and particularly to its rule 1, which states that in order for the principle of non-discrimination embodied in rule 6 of the Standard Minimum Rules for the Treatment of Prisoners to be put into practice, account shall be taken of the distinctive needs of women prisoners in the application of the Rules. We would like to recall that the Committee on the Elimination of Discrimination against Women has recommended that Belarus improve the conditions of detention for women, in line with the Bangkok Rules (CEDAW/C/BLR/CO/8, para. 45).

In particular, rule 6 requires comprehensive health screening of women prisoners, including: a) The presence of sexually transmitted diseases or blood-borne diseases; and, depending on risk factors, women prisoners may also be offered testing for HIV, with pre- and post-test counselling; b) Mental health-care needs, including post-traumatic stress disorder and risk of suicide and self-harm; c) The reproductive health history of the woman prisoner, including current or recent pregnancies, childbirth and any related reproductive health issues; d) The existence of drug dependency; and e) Sexual abuse and other forms of violence that may have been suffered prior to admission.

Under rule 10.1, gender-specific health-care services at least equivalent to those available in the community shall be provided to women prisoners. Under rule 18, preventive health-care measures of particular relevance to women, such as Papanicolaou tests and screening for breast and gynecological cancer, shall be offered to women prisoners on an equal basis with women of the same age in the community.

According to rule 23, disciplinary sanctions for women prisoners shall not include a prohibition of family contact, especially with children.

We wish to draw your attention to the 2019 report on women deprived of liberty of the Working Group on discrimination against women and girls, which highlights devastating consequences of deprivation of liberty on women's lives and the heightened risk of human rights violations faced in detention by women who experience intersectional forms of discrimination, such as older women (A/HRC/41/33, paras. 74 and 78). The Working Group underlined that stereotypes about a woman's "proper" role dictate not only how she should (not) behave within the home but also in public, and defying those standards in public may put women at risk of deprivation of liberty. In particular, negative stereotypes about female ageing mean that elderly women are perceived as dangerous and in need of control in some societies.

Furthermore, the Working Group noted that measures to combat terrorism and national security measures sometimes profile and target women, in particular those from certain groups, and sometimes even women human rights defenders (A/HRC/41/33, para. 73). It has recommended States ensure that measures addressing conflict, crisis, terrorism, and national security incorporate a women's human rights focus and do not instrumentalize women's deprivation of liberty for the purposes of pursuing government aims (para. 82(b)).

In her 2022 report on older persons deprived of liberty, the Independent Expert on the enjoyment of all human rights by older persons has noted that incarcerated older women have special requirements for protection against violence and specific gynecological, hygiene and other gender-sensitive healthcare needs. Failure to provide for those needs may amount to ill-treatment. Furthermore, detention facilities are often not designed to accommodate older persons or to respond to their needs (paras. 43-45).

### *Human rights defenders in detention*

We would 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, adopted on 9 December 1998 (the UN Declaration on Human Rights Defenders). Articles 1 and 2 of the Declaration 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.

In particular, we would like to bring to the attention of your Excellency's Government the following provisions of the UN Declaration on Human Rights Defenders:

- Article 9(1), which establishes that in the exercise of human rights and fundamental freedoms, including the promotion and protection of human rights, everyone has the right to benefit from an effective remedy and to be protected in the event of the violation of those rights.
- Article 12(2) and (3), which provides that the State shall take all necessary measures to ensure the protection of everyone against any violence, threats, retaliation, de facto or de jure adverse discrimination, pressure, or any other arbitrary action as a consequence of their legitimate exercise of the rights referred to in the Declaration. In this connection, everyone is entitled, individually and in association with others, 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, and acts of violence perpetrated by groups or individuals that affect the enjoyment of human rights and fundamental freedoms.

Furthermore, we would like to refer your Excellency's Government to recommendations in the report of the Special Rapporteur on the situation of human rights defenders focusing on the long-term detention of human rights defenders (A/76/143), in which the Special Rapporteur emphasized that States should immediately and unconditionally release all detained human rights defenders and cease jailing them for their legitimate work (paragraph 158 (a), (b)). States should also stop subjecting them to unfair trials, torture, or cruel, inhuman, or degrading treatment, and ensure their legal rights, including prompt access to their lawyers (paragraph 158 (c)-(e)). Furthermore, adequate care should be provided to detained defenders, including ensuring that they have access to: family (especially regular access to children when a defender is a parent), phone calls, and medical treatment

(paragraph 158 (j)).

*Disciplinary measures imposed on prisoners*

We would like to draw your Excellency's Government attention to rule 39(2) of the Nelson Mandela Rules, which requires proportionality between a disciplinary sanction and the offence for which it is established and requires that prison administrations keep a proper record of all disciplinary sanctions imposed. Under rule 43, in no circumstances may restrictions or disciplinary sanctions amount to torture or other cruel, inhuman or degrading treatment or punishment, including prolonged and indefinite solitary confinement. As per rule 41, any allegation of a disciplinary offence by a prisoner shall be reported promptly to the competent authority, which shall investigate it without undue delay. Prisoners shall be informed without delay of the nature of the accusations against them and shall be given adequate time and facilities for the preparation of their defense. Prisoners shall be allowed to defend themselves in person, or through legal assistance when the interests of justice so require, particularly in cases involving serious disciplinary charges. Prisoners shall have an opportunity to seek judicial review of disciplinary sanctions imposed against them.

*Incommunicado detentions and enforced disappearances*

We would like to draw the attention of your Excellency's Government to the fact that prolonged *incommunicado* detention is incompatible with article 2(1) of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (*CAT, decision of 8 November 2013, CAT/C/51/D/376/2009, para. 6.4; CAT, decision of 11 August 2017, CAT/C/61/D/654/2015, para. 7.6*), and with article 7 of the ICCPR (*Human Rights Committee, views of 8 July 2022, CCPR/C/135/D/3321/2019, para. 8.6; Human Rights Committee, general comment No. 20 (1992)*).

The General Assembly has repeatedly affirmed that "prolonged *incommunicado* detention or detention in secret places can facilitate the perpetration of torture and other cruel, inhuman or degrading treatment or punishment and can in itself constitute a form of such treatment" and urged "all States to respect the safeguards concerning the liberty, security and dignity of the person and to ensure that prolonged *incommunicado* detention and secret places of detention and interrogation are abolished" (*GA, Resolutions of 15 December 2022 (A/RES/77/209, para. 18), 18 December 2019 (A/RES/74/143, para. 17), 19 December 2017 (A/RES/72/163, para. 16), 17 December 2015 (A/RES/70/146, para. 13), 18 December 2013 (A/RES/68/156), para. 27), 19 December 2011 (A/RES/66/150, para. 22), 18 December 2009 (A/RES/64/153, para. 20)*).

We would like to recall the Declaration on the Protection of all Persons from Enforced Disappearance, adopted by the General Assembly resolution 47/133 on 18 December 1992.

Pursuant to article 7 of the Declaration, no circumstances whatsoever, whether a threat of war, a state of war, internal political instability or any other public emergency, may be invoked to justify enforced disappearance. The prohibition of enforced disappearance has attained the status of *jus cogens*.

Notably, the failure to acknowledge the deprivation of liberty of an individual by State agents constitutes an enforced disappearance even if it is of a short duration,

Moreover, articles 9-12 of the Declaration establish the guarantees to be afforded to any person deprived of liberty. In this connection, we stress that a failure to acknowledge deprivation of liberty by state agents and refusal to acknowledge detention constitute an enforced disappearance, even if it is of a short duration. Article 13 of the Declaration sets forth the State's obligation to investigate promptly, thoroughly and impartially any complaints of enforced disappearance. Article 19 of the Declaration requires that victims of acts of enforced disappearance and their family obtain redress and integral reparation for the harm suffered. The Declaration also proclaims that each State shall take effective legislative, administrative, judicial or other measures to prevent and terminate acts of enforced disappearance in any territory under its jurisdiction.

Enforced disappearances amount to violations of article 6 (right to life), article 7 (prohibition of torture or cruel, inhuman or degrading treatment or punishment), article 9 (liberty and security of person), article 10 (right to be treated with humanity and dignity) and article 16 (right to recognition as a person before the law), read alone and in conjunction with article 2 3 (right to an effective remedy), of the ICCPR (*Human Rights Committee, general comment No. 35, CCPR/C/GC/35, para. 17; general comment No. 36, CCPR/C/GC/36, paras. 57-58*).

We would like to remind your Excellency's Government that enforced disappearance has different impact depending on whom it targets. For instance, according to the Study on enforced or involuntary disappearances and economic, social and cultural rights by the Working Group on Enforced or Involuntary Disappearances (A/HRC/30/38/Add.5), human rights defenders are also targeted to intimidate and prevent others from claiming and exercising their rights. Due to collective character of certain economic, social and cultural rights, the disappearance of one person may have a negative effect on the larger community. Similarly, the General comment on women affected by enforced disappearances adopted by the Working Group on Enforced or Involuntary Disappearances (A/HRC/WGEID/98/2) stresses, *inter alia*, the differentiated effects of enforced disappearances in women and girls. In particular, States must acknowledge disappeared women, and recognize the particular types of harm they suffer based on their gender, including instances of sexual violence, and the resulting psychological damage and social stigma as well as the disruption of family structures.

We would also like to bring to your attention the report of the Working Group on Enforced or Involuntary Disappearances on Enforced disappearances and elections (A/HRC/57/54/Add.4), which among others reflects on the situation in Belarus.

On a separate note, we would like to stress that the anguish and distress caused to family members of the disappeared persons due to lack of information about the fate of their loved ones amounts to cruel, inhuman and degrading treatment, prohibited by article 7 read alone and in conjunction with article 2.3 of the ICCPR, and article 16 of the Convention against torture (*Human Rights Committee, Quinteros v. Uruguay, CCPR/C/19/D/107/1981, para. 14, Sarma v. Sri Lanka, CCPR/C/78/D/950/2000, paras. 9.5 and 9.6; CAT, Francisco Dionel Guerrero Larez v. Bolivarian Republic of Venezuela, decision of 15 May 2015, CAT/C/54/D/456/2011, para. 6.10*).

*Misuse of counter-terrorism and anti-extremism legislation*

We would like to note that, according to the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism, "the term 'extremism' has no place in binding international legal standards and, when operating as a criminal legal category, is irreconcilable with the principle of legal certainty; it is therefore per se incompatible with the exercise of certain fundamental human rights" (A/HRC/43/46, para. 14).

The definitions of terrorism under domestic legislation must be consistent with international law, including the United Nations Security Council resolution 1566 or be otherwise consistent with international law. The principle of legal certainty, enshrined in article 15 of the ICCPR and article 11 of the Universal Declaration of Human Rights, requires that criminal laws are sufficiently precise so it is clear what types of behavior and conduct constitute a criminal offense and what would be the consequence of committing such an offense. States must ensure that counter-terrorism legislation is limited to criminalizing properly and precisely defined conduct based on the provisions of international counter-terrorism instruments and is strictly guided by the principles of legality, necessity, and proportionality.

We would like to remind your Excellency's Government that over the past three years, the counter-terrorism and anti-extremist legal framework of Belarus has been the subject of several communications sent by Special Procedures mandate-holders (BLR 2/2021, BLR 3/2022, BLR 3/2023, BLR 4/2023, BLR 9/2023, BLR 12/2023, BLR 10/2023), which raised concerns about the vague definition and discriminatory application of the relevant criminal provisions, targeting citizens for the mere exercise of their human rights and freedoms, including the rights to freedom of opinion and expression, and freedom of peaceful assembly and association.

We would like to also draw your attention to the report presented by the Special Rapporteur on the situation of human rights in Belarus to the General Assembly in 2023 (A/78/327), which revealed a widespread practice of criminal prosecution on extremism and terrorism-related charges and of inclusion of persons' names into lists of individuals involved in extremist and terrorist activities as a way to restrict in an excessive manner the legitimate exercise of human rights, such as the rights to freedom of expression, peaceful assembly and association as well as all economic, social and cultural rights.

We would like to underline that any restriction on expression or information or peaceful assembly or association that a government seeks to justify on grounds of national security and counter-terrorism must have the genuine purpose and demonstrable effect of protecting a legitimate national security interest, and must be strictly necessary and proportionate in pursuit of that interest, as required by articles 19(3), 21 and 22 of the ICCPR, ratified by Belarus on 12 November 1973.

We recall that individuals or groups may only be placed on a terrorism list where it is necessary and proportionate in response to an actual, distinct, and measurable terrorist act or threat, following a fair and accountable legal process and subject to effective judicial safeguards (Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism, Human Rights Principles Applicable to Watchlisting 2000).

We wish to reiterate our call to your Excellency's Government to bring its counterterrorism and national security-related provisions, the Belarusian legislation on countering terrorism and extremism, and the related Criminal Code provisions into compliance with international law, including international human rights law standards.

While we welcome the adoption of the draft Amnesty Law in the first and second readings, we would like to encourage your Excellency's Government to extending the amnesty to also apply to, in light of our concerns expressed above, individuals listed in terrorist and extremist public lists. Amnesty is not, however, a substitute for the repeal of over-broad terrorism and extremism laws, which your Excellency's Government should pursue as a priority.

We wish to call on your Excellency's Government to bring the Belarusian legislation on countering terrorism and countering extremism and the related Criminal Code provisions into compliance with the international human rights law standards.

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 persons in compliance with international instruments and to prevent any irreparable damage to their life and personal integrity.

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 share statistical data about criminal and administrative convictions over the past year and about the number of inmates released under the recent amnesty and pardons.
3. Please provide information on the fate and whereabouts of Mr. Viktor Babaryka, Ms. Alena Hnauk, Ms. Maria Kalesnikava, Mr. Ihar Losik, Ms. Palina Sharenda-Panasiuk, Mr. Mikalai Statkevich, Mr. Siarhei Tsikhanouski and Mr. Maxim Znak and on the legal grounds for their alleged detention incommunicado. Please take urgent steps to ensure their communication with their families and legal counsel of their choosing.
4. Please ensure prompt, thorough, independent, impartial and transparent investigations into the above-mentioned allegations of ill-treatment of inmates, including human rights defenders, often entailing frequent and prolonged placements in solitary confinement, arbitrary restrictions on inmates' communication with their families and legal counsel, forced labour notwithstanding age and health conditions and denial of adequate medical care. Please provide information about the status and

outcome of these investigations and, where relevant, the measures taken to put an end to the abuses and to sanction those responsible.

5. Please ensure prompt independent medical examination of Mr. [REDACTED], Mr. Viktor Babaryka, Mr. [REDACTED], Ms. Alena Hnauk, Ms. Maria Kalesnikava, Ms. Viktoriya Kulsha, Ms. Alena Lazarchyk, Mr. Ihar Losik, Ms. Volha Mayorava, Mr. Uladzimir Matskevich, Ms. Iryna Melkher, Ms. Palina Sharenda-Panasiuk, Ms. [REDACTED], Mr. Mikalai Statkevich, Mr. Siarhei Tsikhanouski and Mr. Maksim Znak and provide them access to adequate medical care. Please share information about the outcomes of the examinations.
6. In addition to information shared in your notes verbales of 19 December 2022 (BLR 8/2022) and of 8 August 2024 (BLR 5/2024), please provide clarifications about both factual and legal grounds for the criminal prosecution and conviction of Mr. [REDACTED], Mr. Viktor Babaryka, Mr. [REDACTED], Ms. Alena Hnauk, Ms. Maria Kalesnikava, Ms. Viktoriya Kulsha, Ms. Alena Lazarchyk, Mr. Ihar Losik, Ms. Volha Mayorava, Mr. Uladzimir Matskevich, Ms. Iryna Melkher, Ms. Palina Sharenda-Panasiuk, Ms. [REDACTED], Mr. Mikalai Statkevich, Mr. Siarhei Tsikhanouski and Mr. Maksim Znak and about the sentences imposed on them. Where relevant, please provide information about factual and legal grounds for the inclusion of the inmates into the lists of persons involved in terrorist and extremist activities and for the imposition on them of disciplinary sanctions by penitentiary administrations.
7. Please provide information about factual grounds for the prosecutions of Ms. Alena Hnauk, Ms. Viktoriya Kulsha, Ms. Volha Mayorava, Ms. Palina Sharenda-Panasiuk and Mr. Siarhei Tsikhanouski under article 411 of the Criminal Code (malicious disobedience to the penitentiary administration). Please explain how the continuing deprivation of liberty of Ms. Viktoriya Kulsha and Ms. Palina Sharenda-Panasiuk, who have already served several consecutive prison sentences and are being prosecuted for the third time under article 411, is necessary and proportionate under article 9(3) of the International Covenant on Civil and Political Rights.
8. Please explain what measures have been taken to ensure that the detention conditions of persons deprived of liberty, including human rights defenders, meet your Excellency's Government's human rights obligations, including information on specific actions taken by your Excellency's Government to ensure that they are protected against ill-treatment, and arbitrary punishments; have access to appropriate health care, including medical treatment and medicines; can communicate with the outside world, including their families, friends, and lawyers, through unrestricted visits, correspondence, and calls; and can receive correspondence, parcels and money transfers.
9. Please provide information about the follow-up given to communications BLR 4/2021 (Ms. [REDACTED]), BLR 2/2022 (Mr. Uladzimir Matskevich), BLR 6/2022 (Mr. [REDACTED])

BLR 3/2023 (Ms. Maria Kalesnikava, Ms. Viktoriya Kulsha, Ms. [REDACTED]), BLR 4/2023 (Mr. Viktor Babaryka, Mr. Siarhei Tsikhanouski, Mr. Maksim Znak), BLR 8/2023 (Ms. Viktoriya Kulsha, Ms. Palina Sharenda-Panasiuk), BLR 12/2023 (Ms. Iryna Melkher) and BLR 13/2023 (Ms. Maria Kalesnikava, Mr. Mikalai Statkevich, Mr. [REDACTED]).

10. Please provide information about the follow-up given to opinions of the Working Group on Arbitrary Detention A/HRC/WGAD/2021/23 (Mr. Siarhei Tsikhanouski), A/HRC/WGAD/2022/24 (Mr. Maksim Znak), A/HRC/WGAD/2023/45 (Mr. Ihar Losik) and A/HRC/WGAD/2024/3 (Mr. Ales Beliatski), and to the views of the Human Rights Committee CCPR/C/139/D/3788/2020 (Mr. Viktor Babaryka).
11. In view of the specific vulnerabilities related to health condition, age, gender and family situations, please consider granting Mr. [REDACTED] Mr. Viktor Babaryka, Mr. [REDACTED], Ms. Alena Hnauk, Ms. Maria Kalesnikava, Ms. Viktoriya Kulsha, Ms. Alena Lazarchyk, Mr. Ihar Losik, Ms. Volha Mayorava, Mr. Uladzimir Matskevich, Ms. Iryna Melkher, Ms. Palina Sharenda-Panasiuk, Ms. [REDACTED], Mr. Mikalai Statkevich, Mr. Siarhei Tsikhanouski and Mr. Maksim Znak pardon or remission of sentence, in accordance with the United Nations Standard Minimum Rules for Noncustodial Measures (Tokyo Rules).
12. Please share information about legal grounds for the alleged restrictions of human rights of former inmates, particularly those included into the list of persons involved in extremist activities, upon their release.
13. Please indicate what measures have been taken to ensure that human rights defenders in Belarus are able to carry out their peaceful and legitimate work in a safe and enabling environment without discrimination, fear of threats or acts of intimidation and harassment of any sort.
14. Please provide information on steps taken to repeal the category of “extremism” in national law, amend the definition of “terrorism” to comply with international law, and amend the procedure for the listing and delisting of individuals and entities as “terrorist” to guarantee due process and independent judicial safeguards in accordance with international law.

While awaiting a reply, we urge that all necessary interim measures be taken to prevent any irreparable harm to the life and personal integrity of the persons mentioned 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.

We would also like to inform your Excellency's Government that given the allegations of enforced disappearance, the Working Group on Enforced or Involuntary Disappearances may decide to transmit relevant cases through its humanitarian procedure, should they be registered with the Working Group. In that case, your Excellency's Government will be required to respond separately for the present communication and the humanitarian procedure.

Further, we would like to inform your Excellency's Government that after having transmitted the information contained in the present communication to the Government, the Working Group on Arbitrary Detention may also transmit the case through its regular procedure in order to render an opinion on whether the deprivation of liberty was arbitrary or not. The present communication in no way prejudices any opinion the Working Group may render. The Government is required to respond separately to the allegation letter and the regular procedure.

We would appreciate receiving a response within 60 days. Past this delay, this communication and any response received from your Excellency's Government will be made public via the communications reporting [website](#). 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.

Ganna Yudkivska

Vice-Chair on communications of the Working Group on Arbitrary Detention

Anaïs Marin

Special Rapporteur on the situation of human rights in Belarus

Gabriella Citroni

Chair-Rapporteur of the Working Group on Enforced or Involuntary Disappearances

Mary Lawlor

Special Rapporteur on the situation of human rights defenders

Margaret Satterthwaite

Special Rapporteur on the independence of judges and lawyers

Claudia Mahler

Independent Expert on the enjoyment of all human rights by older persons

Ben Saul

Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism