

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 promotion and protection of the right to freedom of opinion and expression; the Independent Expert on the enjoyment of all human rights by older persons; the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism; the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment and the Working Group on discrimination against women and girls

Ref.: UA BLR 2/2025
(Please use this reference in your reply)

19 March 2025

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 promotion and protection of the right to freedom of opinion and expression; Independent Expert on the enjoyment of all human rights by older persons; Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism; Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment and Working Group on discrimination against women and girls, pursuant to Human Rights Council resolutions 51/8, 55/27, 54/14, 52/9, 51/4, 49/10, 52/7 and 50/18.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning **ill-treatment of women detained in the correctional colony No. 24 in Zarechye, Homyel (Gomel) region, including Ms. Alena Hnauk, Ms. Viktoriya Kulsha and Ms. Volha Mayorava, and about the life-threatening condition of Ms. Viktoriya Kulsha**. In addition, we would like to bring to your attention information we have received concerning **health issues experienced by Ms. Iryna Takarchuk, detained in the women's correctional colony No. 4 in Homyel (Gomel)**.

According to the information received:

Prisoners detained in the women's colony No. 24 for recidivist offenders in Zarechye are subjected to intentional ill-treatment by the penitentiary administration. Particularly targeted are those convicted in relation to protests around the 2020 presidential elections. The chief of operations, Mr. [REDACTED], is allegedly the main person behind the repressions against such prisoners, including subjecting them to disciplinary punishment based on trumped-up grounds or tearing up letters addressed to prisoners in front of them.

Between December 2024 and January 2025, the colony rearranged its punitive isolation cell (SHIZO), intentionally making conditions of detention therein more inhuman. The windows have been covered with bricks, wooden floors have been substituted with stone ones, and bunk beds have been installed instead of regular beds. There is now only a very narrow bench available to sit on during

the daytime. The cell is humid and lacks fresh air.

The following inmates are currently reportedly being subjected to ill-treatment in women's correctional colony No. 24.

Ms. **Alena Hnauk** is an activist aged 67. She 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 the penitentiary administration) of the Criminal Code.

On 13 June 2024, Special Procedures mandate holders addressed a communication ([BLR 5/2024](#)) to your Excellency's Government requesting clarifications about the grounds for her conviction and for her inclusion into the list of persons involved in extremist activities, and about her state of health. In the [response](#) of 7 August 2024, your Excellency's Government provided information about the legal grounds for the conviction, but did not disclose the factual grounds. Your response also briefly mentioned a medical examination of Ms. Hnauk and her medical treatment from 27 February 2024 to 7 March 2024 without further details. On 23 October 2024, Special Procedures mandate holders addressed another communication ([BLR 6/2024](#)) to your Excellency's Government about the alleged incommunicado detention of Ms. Hnauk since June 2024. Your [response](#) of 20 December 2024 did not address these allegations.

According to new information received, in January 2024, Ms. Hnauk was taken to the colony's medical unit on suspicion of poisoning, after she lost consciousness several times. She has remained incommunicado since June 2024, when the last letter from her was received by her family. Throughout her detention, the penitentiary administration has issued several formal agreements for her meetings with the family, but each time, she was either prevented from informing the family about the granted visits or was placed into a punitive isolation cell (SHIZO) shortly before the planned meeting. She has been frequently placed in a SHIZO. In late January 2025, she was transferred into a SHIZO for 20 days, then into a "cell-type space" (PKT) for 6 months. As Ms. Hnauk is approaching the end of her prison term in 2026, these harsh disciplinary punishments create a risk of new criminal charges under article 411 of the Criminal Code and, subsequently, of an extension of her imprisonment.

Ms. **Viktoriya Kulsha**, born in 1982, a former administrator of the "Drivers 97%" Telegram channel and chat room, critical of President Lukashenko's 2020 re-election, has been deprived of liberty since 4 November 2020. She was initially convicted to two and a half years of imprisonment under article 342 (gross violation of public order) of the Criminal Code. She was then convicted on 13 June 2022 and 7 April 2023 under article 411 of the Criminal Code (malicious disobedience to the penitentiary administration), each time to one year of imprisonment. She is currently being prosecuted under article 411 of the Criminal Code for the third time. This time, she risks being convicted to two additional years of imprisonment under article 411 (2) because she may be considered as a dangerous recidivist following her previous convictions.

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](#)) about Ms. Kulsha's alleged arbitrary convictions under article 411 of the Criminal Code and her ill-treatment in detention. No response has been provided. In their communications [BLR 6/2024](#) of 23 October 2024 and [BLR 7/2024](#) of 24 October 2024, Special Procedures mandate holders expressed concerns about the alleged deterioration of Ms. Kulsha's health and lack of proper medical evaluation, as well as about her third prosecution under article 411 of the Criminal Code. The responses to these communications provided by your Excellency's Government on 20 December 2024 do not contain any information about investigations launched into the alleged ill-treatment of Ms. Kulsha or about the factual grounds for her repeated prosecutions.

According to new information received, since 8 January 2025, Ms. Kulsha has been held in a SHIZO and a PKT. Over the past four years, she has been almost constantly deprived of fresh air due to her frequent placements into a SHIZO and a PKT in women's correctional colonies No. 4 and 24 and to her transfers into a pretrial detention centre (SIZO) for criminal proceedings under article 411 of the Criminal Code. In August 2023, [REDACTED]. Instead of offering her psychological and medical assistance, the penitentiary administration immediately transferred her into a SHIZO, where [REDACTED] in September 2023. She was not freed from the SHIZO notwithstanding [REDACTED]. She has undertaken several prolonged hunger strikes, for up to 46 days. In spring 2022, she was diagnosed with a [REDACTED] she denied treatment, stating that she wanted to die. She has [REDACTED], experiences [REDACTED], has significantly lost weight and has a bloated face. Despite her grave and possibly life-threatening condition, she has not been outside the colony to a hospital. In early January 2025, an ambulance was reportedly called for her for unknown reasons.

Ms. **Volha Mayorava** is a political activist aged 58. She has been deprived of liberty since 4 January 2021. She has been 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. In 2024, she was also convicted for malicious disobedience to the penitentiary administration under article 411 of the Criminal Code.

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 women's correctional colony No. 4, where she was held prior to her transfer to colony No. 24, and enquiring about the grounds for her convictions and for her inclusion into lists of persons involved in extremist and terrorist activities. In communications [BLR 6/2024](#) of 23 October 2024 and [BLR 7/2024](#) of 24 October 2024, Special Procedures mandate holders transmitted further

allegations about Ms. Mayorava's ill-treatment in the colony No. 4, including her placement in health-threatening conditions and denial of communication with her family. In the responses of [8 August 2024](#) and [20 December 2024](#), your Excellency's Government stated that Ms. Mayorava had been examined by the medical unit of the colony No. 24 and that during her stay in this colony, she had sent one letter and had not received any letter or package. 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. Neither did your Excellency's Government disclose the factual grounds for her convictions.

According to new information received, Ms. Mayorava has been held in the correctional colony No. 24 since the summer of 2024. Her health has considerably deteriorated during the years spent in detention. She has nearly lost eyesight and, despite the fact that she has been transferred to a hospital on one occasion, she is not receiving adequate medical assistance. The head of the medical unit, Ms. [REDACTED], reportedly refused to provide her with eyedrops. Due to her name being added to the list of persons involved in terrorist activities, she is prevented from receiving money transfers and packages, including food and medicine, and can therefore only consume food offered by the colony (exclusively porridge, potatoes and pasta), which does not include any fruits, vegetables or dairy products. Neither can she buy products for personal hygiene (soap, shampoo, toothbrush, toothpaste, deodorant) or clothes. She is wearing clothes provided by the colony, including a heavy coat and cold boots. She has been allowed to have one phone call with her son, but such phone calls are extremely short and are done in the presence of an officer.

Ms. **Iryna Takarchuk**, aged 64, has been deprived of liberty since 23 January 2024. On 14 August 2024, she was convicted by Minsk City Court (judge [REDACTED]) to three years of imprisonment for "facilitating extremist activities" under article 361-4 of the Criminal Code. On 15 October 2024, the Supreme Court (judge [REDACTED]) upheld her sentence. She was one of the individuals prosecuted for having used the humanitarian aid initiative for victims of political repressions and their families INeedHelpBY, recognized on 16 January 2024 by the State Security Committee (KGB) as an "extremist formation". INeedHelpBY allowed anyone to help a person facing politically motivated persecution in Belarus by purchasing a grocery basket for them in a delivery service.

Ms. Takarchuk is currently serving her sentence in the correctional colony No. 4 in Homyel. She suffers chronic health conditions, including chronic gastrointestinal disease, hypertension and hearing loss. Due to these conditions and her advanced age, she faces additional risks in detention.

Without prejudging the accuracy of these allegations, we would like to express our **deep concern about the alleged intentional ill-treatment of Ms. Alena Hnauk, Ms. Viktoriya Kulsha and Ms. Volha Mayorava by the administration and staff of the correctional colony No. 24 in Zarechye**, including frequent placements in solitary confinement in inhumane conditions; denial of adequate healthcare, food, clothes and hygiene; and restrictions on communication with the outside world. In particular, we

are **gravely concerned about the alleged life-threatening condition of Ms. Viktoriya Kulsha, the alleged significant deterioration of health of Ms. Volha Mayorava and the alleged prolonged incommunicado detention of Ms. Alena Hnauk, which increases the risk of enforced disappearance. On this note, we would like to bring to the attention of your Excellency's Government the [General Allegation](#) adopted by the Working Group on Enforced or Involuntary Disappearance. The Working Group found that when the incommunicado detention of prisoners for prolonged periods of time, during which neither their family members, nor lawyers are able to meet them or receive any information about their whereabouts, in practice leads to a concealment of the fate and whereabouts of the person, it may amount to enforced disappearance.**

We would like to recall that multiple communications have been addressed to your Excellency's Government about alleged **ill-treatment of women in detention** ([BLR 3/2023](#) of 27 April 2023; [BLR 12/2023](#) of 5 December 2023; [BLR 11/2023](#) of 6 December 2023; [BLR 10/2023](#) of 15 December 2023; [BLR 5/2024](#) of 13 June 2024; [BLR 7/2024](#) of 24 October 2024). We regret that to date, no response has been provided to communications BLR 3/2023, BLR 10/2023, BLR 11/2023 and BLR 12/2023 and that the responses provided to communication BLR 5/2024 [on 8 August 2024](#) and to communication BLR 7/2024 [on 20 December 2024](#) focus on the criminal track record of the detainees and do not address the allegations of their ill-treatment.

With regard to the situation of **Ms. Alena Hnauk, Ms. Volha Mayorava and Ms. Iryna Takarchuk**, we would also like to recall that we have previously expressed concerns about **alleged ill-treatment and inappropriate detention conditions of older prisoners**, who may be disproportionately affected by inhumane conditions of detention ([BLR 5/2024](#) of 13 June 2024). The situations of Ms. Alena Hnauk, Ms. Volha Mayorava have already been brought to the attention of your Excellency's Government.

We are **deeply concerned about extensions of prison terms of Ms. Alena Hnauk, Ms. Viktoriya Kulsha and Ms. Volha Mayorava under article 411 of the Criminal Code, based on accusations of "malicious disobedience" put forward by the very penitentiary administration which allegedly submits them to intentional ill-treatment.** Of particular concern is the ongoing **prosecution of Ms. Viktoriya Kulsha under article 411 of the Criminal Code for the third time.** We would like to recall that Special Procedures mandate holders have addressed to your Excellency's Government several communications expressing concerns about the prison term extensions based on article 411 of the Criminal Code and enquiring about the factual grounds for such convictions ([BLR 8/2023](#) of 14 September 2023; [BLR 5/2024](#) of 13 June 2024; [BLR 6/2024](#) of 23 October 2024). In the absence of clarifications from your Excellency's Government and against the background of consistent reports about the use of disciplinary measures as a form of intentional ill-treatment of prisoners convicted in relation to 2020 protests, who are reportedly frequently subjected to harsh disciplinary punishments for extremely minor or trumped-up transgressions, **there are serious reasons to believe that the prosecution of Ms. Alena Hnauk, Ms. Viktoriya Kulsha and Ms. Volha Mayorava under article 411 of the Criminal Code constitutes a violation of article 14 (7) of the International Covenant on Civil and Political Rights, ratified by Belarus on 12 November 1973, which prohibits repeated trial and punishment for an offence for which the person has been finally**

convicted.

Finally, with regard to the conviction of Ms. Iryna Takarchuk under extremist charges, for the inclusion of Ms. Alena Hnauk into the list of persons involved in extremist activities, and the alleged **deprivation of Ms. Volha Mayorava of money transfers and packages due to her addition into the list of individuals involved in terrorism**, we recall that Special Procedures have regularly raised concerns about the **incompatibility of the Belarusian counter-terrorism and anti-extremism legal framework and law-enforcement practice with international human rights standards** ([BLR 2/2021](#), [BLR 3/2022](#), [BLR 3/2023](#), [BLR 4/2023](#), [BLR 9/2023](#), [BLR 10/2023](#), [BLR 12/2023](#), [BLR 5/2024](#), [BLR 6/2024](#); [BLR 8/2024](#); [BLR 9/2024](#); [BLR 1/2025](#); [A/78/327](#)).

We urge, once again, your Excellency's Government to bring national counterterrorism and national security-related provisions, the legislation on countering terrorism and extremism and the related Criminal Code provisions into compliance with international law, including international human rights law standards.

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

Prohibition of torture and other ill-treatment

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 International Covenant on Civil and Political Rights (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”, such as lack of access to appropriate and timely medical care, overcrowded cells and lack of access to facilities for basic hygiene (*Human Rights Committee, Dafnis v. Greece, Views of 19 July 2022, CCPR/C/135/D/3740/2020, para. 8.5; Human Rights Committee, Pichugina v. Belarus, Views of 7 July 2021, CCPR/C/132/D/2711/2015, para. 6.3*).

States must recognize in their domestic law the right to lodge complaints against torture or cruel, inhuman and degrading treatment prohibited by article 7 of the ICCPR and must investigate promptly and impartially all the complaints lodged (*Human Rights Committee, general comment No. 20, para. 14*).

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. In this regard, we would like to refer to the Joint statement on so-called “short-term enforced disappearances” (CED/C/11) issued by the Committee on Enforced Disappearance and the Working Group on Enforced or Involuntary Disappearances.

Moreover, articles 9-12 of the Declaration establish the guarantees to be afforded to any person deprived of liberty. Article 13 of the Declaration sets forth the State’s obligation to investigate promptly, thoroughly, independently 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*).

Right to health

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 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*).

Basic Principles for the Treatment of Prisoners

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).

Under rule 1 of the United Nations Standard Minimum Rules for the Treatment of Prisoners (Nelson Mandela Rules), all prisoners shall be treated with the respect due to their inherent dignity and value as human beings. No prisoner shall be subjected to, and all prisoners shall be protected from, torture and other cruel, inhuman or degrading treatment or punishment, for which no circumstances whatsoever may be invoked as a justification. The safety and security of prisoners, staff, service providers and visitors

shall be ensured at all times.

Under rule 2, the Nelson Mandela Rules shall be applied impartially. There shall be no discrimination on the grounds of race, colour, sex, language, religion, political or other opinion.

According to rule 13, all accommodation provided for the use of prisoners, in particular all sleeping accommodation, shall meet all requirements of health, due regard being paid to climatic conditions and particularly to cubic content of air, minimum floor space, lighting, heating and ventilation. Under rule 21, every prisoner shall, in accordance with local or national standards, be provided with a separate bed and with separate and sufficient bedding which shall be clean when issued, kept in good order and changed often enough to ensure its cleanliness.

According to rule 19(1), every prisoner who is not allowed to wear his or her own clothing shall be provided with an outfit of clothing suitable for the climate and adequate to keep him or her in good health. Such clothing shall in no manner be degrading or humiliating.

Under rule 24(f), the provision of health care for prisoners is a State responsibility, free of charge, without discrimination and at the same level as the health care services provided in the community.

In accordance with rule 30, a physician or other qualified health-care professionals, whether or not they are required to report to the physician, shall see, talk with and examine every prisoner as soon as possible following his or her admission and thereafter as necessary. According to rule 3 para c, particular attention shall be paid to identifying any signs of psychological or other stress brought on by the fact of imprisonment, including, but not limited to, the risk of suicide or self-harm and withdrawal symptoms resulting from the use of drugs, medication or alcohol; and undertaking all appropriate individualized measures or treatment. Under rule 31, the physician or, where applicable, other qualified health-care professionals shall have daily access to all sick prisoners, all prisoners who complain of physical or mental health issues or injury and any prisoner to whom their attention is specially directed.

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.

Under rule 42, general living conditions addressed in the Nelson Mandela Rules, including those related to light, ventilation, temperature, sanitation, nutrition, drinking water, access to open air and physical exercise, personal hygiene, health care and adequate personal space, shall apply to all prisoners without exception.

Under rule 58(1), prisoners shall be allowed, under necessary supervision, to communicate with their family and friends at regular intervals by: (a) corresponding in writing and using, where available, telecommunication, electronic, digital and other means; and (b) receiving visits.

We would like to remind your Excellency's Government that the Human Rights Committee has recommended that Belarus strengthens 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)).

Women prisoners

We wish to emphasize the obligation of your Excellency's Government, under article 2 of the Convention on the Elimination of All Forms of Discrimination against Women, ratified by Belarus on 4 February 1981, to protect women against gender-based discrimination and violence as a manifestation of such discrimination, namely, "violence that is directed against a woman because she is a woman or violence that affects women disproportionately". Gender-based violence includes "acts that inflict physical, mental or sexual harm or suffering, threats of such acts, coercion and other deprivations of liberty". Women deprived of their liberty are particularly vulnerable to discrimination through civil and penal laws, regulations and customary law and practices (*CEDAW, general recommendation No. 28, CEDAW/C/GC/28, paras 19, 31*). Gender-based violence takes multiple forms, including acts or omissions intended or likely to cause or result in physical or psychological harm or suffering to women, threats of such acts, harassment, coercion and arbitrary deprivation of liberty (*CEDAW, general recommendation No. 35, CEDAW/C/GC/35, para. 14*). Article 3 of the Convention on the Elimination of All Forms of Discrimination against Women and rule 81 of the Nelson Mandela Rules require specific procedures for the monitoring and guarding of female prisoners and failure to provide special measures for female detainees may violate article 1 of the Convention (*CEDAW/C/49/D/23/2009*).

The United Nations Rules for the Treatment of Women Prisoners and Non-Custodial Measures for Women Offenders (the Bangkok Rules), complementary to the Nelson Mandela Rules, address specific needs of women in detention. We would like to recall that the Committee on the Elimination of Discrimination against Women has recommended that Belarus bring the conditions of detention for women in line with international standards, including the Bangkok Rules (*CEDAW/C/BLR/CO/9, para. 54 (a)*).

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 gynaecological cancer, shall be offered to women prisoners on an equal basis with women of the same age in the community.

Under rule 16, developing and implementing strategies, in consultation with mental health-care and social welfare services, to prevent suicide and self-harm among women prisoners and providing appropriate, gender-specific and specialized support to those at risk shall be part of a comprehensive policy of mental health care in women's prisons. Under rule 35, prison staff shall be trained to detect mental health-care needs and risk of self-harm and suicide among women prisoners and to offer assistance by providing support and referring such cases to specialists.

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

Furthermore, article 4(c) of the Declaration on the Elimination of Violence against Women holds that States should exercise due diligence to prevent, investigate and, in accordance with national legislation, punish acts of violence against women.

We would also like to highlight the findings of the Working Group on Discrimination against Women and Girls (*A/HRC/41/33*) that deprivation of liberty is deeply linked to gender. Against the backdrop of unequal power dynamics and systemic discrimination, women are deprived of their liberty, mostly arbitrarily and in a discriminatory fashion, and often in violation of the law and human rights standards. The Working Group highlights the 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*). 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)*).

Older women in detention

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 older 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).

Prohibition of arbitrary detention

We would like to recall that under article 9 paragraph 1 of the ICCPR, 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 liberty except on such grounds and in accordance with such procedure as are established by law. 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.

We further emphasize that, in accordance with the Human Rights Committee's general comment no. 35 and the jurisprudence of the Working Group on Arbitrary Detention, deprivation of liberty resulting from the exercise of the rights or freedoms guaranteed by the ICCPR is considered arbitrary.

According to the Human Rights Committee, "*Detention pending trial must be based on an individualized determination that it is reasonable and necessary taking into account all the circumstances, for such purposes as to prevent flight, interference with evidence or the recurrence of crime. The relevant factors should be specified in law and should not include vague and expansive standards such as 'public security'. Pretrial detention should not be mandatory for all defendants charged with a particular crime, without regard to individual circumstances. Neither should pretrial detention be*

ordered for a period based on the potential sentence for the crime charged, rather than on a determination of necessity. Courts must examine whether alternatives to pretrial detention, such as bail, electronic bracelets or other conditions, would render detention unnecessary in the particular case. (...) After an initial determination has been made that pretrial detention is necessary, there should be periodic re-examination of whether it continues to be reasonable and necessary in the light of possible alternatives” (general comment No. 35, CCPR/C/GC/35, para. 38).

Right not to be convicted twice for the same offence

Under paragraph 7 of article 14 of the ICCPR, “[n]o one shall be liable to be tried or punished again for an offence for which he has already been finally convicted or acquitted in accordance with the law and penal procedure of each country”.

Misuse of counter-terrorism and anti-extremism legislation

We remind your Excellency’s Government that the definitions of terrorism under domestic legislation must be consistent with international law and best practice international standards in United Nations Security Council resolution 1566 and the model definition of the Special Rapporteur on the Promotion and Protection of Human Rights and Fundamental Freedoms while Countering Terrorism (A/HRC/16/51, para. 28). 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, for example based on the provisions of international counter-terrorism instruments and is strictly guided by the principles of legality, necessity, and proportionality.

Any measures taken to combat terrorism or violent extremism must comply with the obligations of States under international law, in particular international human rights law, refugee law and international humanitarian law.¹ We would like to stress that counter-terrorism legislation with penal sanctions should not be misused against individuals exercising their rights protected under international law. States must ensure that measures to combat terrorism and preserve national security do not hinder the work and safety of individuals, groups and organs of society engaged in promoting and defending human rights.² We remind your Excellency’s Government that the General Assembly has unanimously recognized that effectively combatting terrorism and ensuring respect for human rights are not competing but complementary and mutually reinforcing goals in the Global Counter-Terrorism Strategy (A/HRC/60/288).

Further, 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

¹ Security Council resolutions 1373 (2001), 1456 (2003), 1566 (2004), 1624 (2005), 2178 (2014), 2242 (2015), 2341 (2017), 2354 (2017), 2368 (2017), 2370 (2017), 2395 (2017) and 2396 (2017); Human Rights Council resolution 35/34; and General Assembly resolutions 49/60, 51/210, 72/123 and 72/180, among others.

² See [A/HRC/RES/22/6](#), para. 10(a).

therefore per se incompatible with the exercise of certain fundamental human rights” (A/HRC/43/46, para. 14).

We also 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).

Freedom of expression

Article 19 of the ICCPR guarantees the right to freedom of opinion and the right to freedom of expression, which includes the right “to seek, receive and impart information and ideas of all kinds, either orally, in writing or in print, in the form of art, or through any other media”. This right includes not only the exchange of information that is favourable, but also that which may criticize, shock, or offend. In its general comment No. 34, the Human Rights Committee stated that States parties to the ICCPR are required to guarantee the right to freedom of expression, including “political discourse, commentary on one's own and on public affairs, canvassing, discussion of human rights, journalism, cultural and artistic expression, teaching, and religious discourse” (CCPR/C/GC/34, para. 11). The Committee further asserts that there is a duty of States to put in place effective measures to protect against attacks aimed at silencing those exercising their right to freedom of expression (para. 23).

Any restriction on the right to freedom of expression must be compatible with the requirements set out in article 19(3) ICCPR. Under these requirements, restrictions must (i) be provided by law; (ii) pursue one of the legitimate aims for restriction, which are the respect of the rights or reputations of others and the protection of national security or of public order (*ordre public*), or of public health or morals; and (iii) be necessary and proportionate for those objectives. The State has the burden of proof to demonstrate that any such restrictions are compatible with the Covenant, and the restrictions must be “the least intrusive instrument among those which might achieve their protective function” (CCPR/C/GC/34, para. 34).

The full texts of the human rights instruments and standards recalled above are available on www.ohchr.org or can be provided upon request.

In view of the urgency of the matter, we would appreciate a response as soon as possible on the initial steps taken by your Excellency's Government to safeguard the rights of the above-mentioned persons 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 also 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 ensure prompt, effective, independent, impartial and thorough investigations into the alleged ill-treatment of detainees in the women's correctional colony No. 24, including the alleged ill-treatment of Ms. Alena Hnauk, Ms. Viktoriya Kulsha and Ms. Volha Mayorava and the alleged intentional deterioration of detention conditions in the punitive isolation cell (SHIZO). Please share information about the outcomes of these investigations and, if relevant, about the measures taken to put an end to the abuses and sanction the perpetrators.
3. Please provide information about the state of physical and mental health of Ms. Alena Hnauk, Ms. Viktoriya Kulsha, Ms. Volha Mayorava and Ms. Iryna Takarchuk. Given the alleged life-threatening condition of Ms. Viktoriya Kulsha and serious deterioration of health of Ms. Volha Mayorava, please ensure their immediate access to comprehensive medical examination and adequate medical assistance.
4. Please provide information about the psychological support offered to women detainees, including the measures taken to detect mental health-care needs and risk of self-harm and suicide among women prisoners. Please explain which measures have been taken in response to Ms. Viktoriya Kulsha's repeated suicide attempts and suicidal statements. Please ensure her immediate access to proper psychological evaluation and care.
5. Please comment on the alleged prolonged incommunicado detention of Ms. Alena Hnauk and persisting restrictions on communication of Ms. Volha Mayorava with her family. Please provide detailed information on the measures undertaken to ensure unrestricted communication of Ms. Alena Hnauk, Ms. Viktoriya Kulsha and Ms. Volha Mayorava with their families and legal counsel of their choice.
6. Please provide information about the factual grounds for the prosecutions and convictions of Ms. Alena Hnauk, Ms. Viktoriya Kulsha and Ms. Volha Mayorava under article 411 of the Criminal Code. Please explain why their pretrial detention and convictions to prison terms in these proceedings are necessary and proportionate and why alternatives to the deprivation of liberty cannot be applied.
7. Please provide information about the factual grounds for the conviction of Ms. Iryna Takarchuk under extremist charges, for the inclusion of Ms. Alena Hnauk into the list of persons involved in extremist activities and for the inclusion of Ms. Volha Mayorava into the lists of persons involved in extremist and terrorist activities. Please provide information about the legal consequences thereof. Please explain how these convictions and inclusions respect the principles of legality, necessity, proportionality and non-discrimination. Please provide clarifications about the necessity and the proportionality of the deprivation of Ms. Volha Mayorava of money transfers and packages due to her inclusion into the list of individuals involved in terrorism.

8. 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.
9. In view of their vulnerabilities related to age and health condition, please consider immediately granting Ms. Alena Hnauk, Ms. Viktoriya Kulsha, Ms. Volha Mayorava and Ms. Iryna Takarchuk pardon or remission of sentence, in accordance with the United Nations Standard Minimum Rules for Noncustodial Measures (Tokyo Rules).

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.

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 Ms. Alena Hnauk, Ms. Viktoriya Kulsha and Ms. Volha Mayorava, and Ms. Iryna Takarchuk, 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.

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 present communication and the regular procedure.

We would also like to inform your Excellency’s Government that given the risks of enforced disappearance, the Working Group on Enforced or Involuntary Disappearances may decide to transmit relevant cases through its humanitarian procedure. The Government is required to respond separately for the present communication and the humanitarian procedure.

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

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

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

Nils Muižnieks
Special Rapporteur on the situation of human rights in Belarus

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

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

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

Alice Jill Edwards
Special Rapporteur on torture and other cruel, inhuman or degrading treatment or
punishment

Laura Nyirinkindi
Chair-Rapporteur of the Working Group on discrimination against women and girls