

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 Special Rapporteur on the rights to freedom of peaceful assembly and of association; the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health; 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 3/2025
(Please use this reference in your reply)

17 April 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; Special Rapporteur on the rights to freedom of peaceful assembly and of association; Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health; 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, 50/17, 51/21, 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 **ongoing arbitrary deprivation of liberty of persons assigned to coercive psychiatric treatment as a result of their criminal prosecution for expressing dissent with the authorities, including Mr. Michail Liapiejka**. We would also like to share with your Excellency's Government information we have received regarding **ongoing ill-treatment in detention of Mr. Andrei Navitski, Mr. Dzianis Salmanovich, including denial of medical care and exposure to conditions incompatible with their disabilities and health situation**. Finally, we would like to bring to the attention of your Excellency's Government information we have received about **ill-treatment and deprivation of medical care of women prisoners, which lead to significant health deterioration and trauma, like in the case of Ms. Natallia Hersche, and, in extreme cases, lead to disabilities**.

According to the information received:

Persons assigned to coercive psychiatric treatment

At least 33 persons have been transferred by court decisions for coercive psychiatric treatment as a result of their criminal prosecution for expressing dissent with the authorities, e.g. for participation in protests (article 342 of the Criminal Code), insulting the President (article 368 of the Criminal Code) and

insulting a representative of the authorities (article 369 of the Criminal Code). These individuals have been tried behind closed doors because they are considered as persons ‘who have committed a socially dangerous act’ under article 6(13) of the Criminal Procedure Code. The eldest among them is Mr. **Michail Liapiejka**, aged 77, apprehended on 18 June 2021, prosecuted under article 368 of the Criminal Code for insulting the President and currently detained incommunicado. Eight out of 33 persons assigned to coercive psychiatric treatment have been released. At least 25 others, including Mr. **Maichail Liapiejka**, have no contacts with the outside world, and no information is available about their fate, whereabouts and the state of health, raising concerns about their possible enforced disappearance.

There are strong grounds to believe that the assignment to coercive treatment is used by courts as a punishment alternative to imprisonment and it is unknown how many, if any, of the persons transferred to such treatment experience genuine mental health issues. Persons assigned to psychiatric treatment are held incommunicado in a hospital. They are not given paper and pen and cannot send any correspondence. Unlike prisoners in penitentiary institutions, they are held for indefinite periods of time, cannot benefit from amnesties, presidential pardons or release on parole. The hospital’s head physician is the only person who may decide whether such persons can see their families. Because of the stigma around mental illnesses, their families refrain from seeking help from human rights defenders.

Prisoners with disabilities, chronic and acute diseases

In March 2025, there were at least seven persons with disabilities in Belarus recognized by human rights defenders as political prisoners. According to broader estimates, 78 inmates recognized by human rights defenders as political prisoners could be considered as persons with disabilities due to chronic and grave acute diseases. These individuals do not benefit from appropriate medical care and detention conditions and are subjected to intentional ill-treatment with potential grave and irreversible impact on their health. Some inmates have developed disabilities or serious health issues during imprisonment due to ill-treatment and lack of proper medical care. Places of detention are not made accessible for persons with disabilities and the penitentiary staff does not receive necessary training for assisting them.

Mr. **Andrei Navitski**, born in 1981, has been deprived of liberty since 2021. Since late 2023, he has been imprisoned in correctional colony No. 20, Homyel region. He was initially sentenced to five years of imprisonment under articles 368, 342 and 295 of the Criminal Code for participating in a peaceful assembly, insulting the President and possessing 33 grams of gunpowder. His imprisonment has since then been extended at least twice based on article 411 of the Criminal Code (‘malicious disobedience to the penitentiary administration’).

In 2015, he suffered [REDACTED]
[REDACTED] Due to this trauma, from which he
has never fully recovered, [REDACTED]

[REDACTED]. To prevent severe health complications, he must avoid another head trauma. Yet, law enforcement officers repeatedly struck him on the head during his apprehensions. He also suffers from [REDACTED]. Furthermore, since his imprisonment, he has been complaining of dental issues and may have lost nearly all his teeth. He is not provided with proper medical care and diet for these numerous medical conditions. Neither is he allowed to receive packages with food, clothes or medicine.

Since his imprisonment, he has been frequently placed in solitary confinement in the punishment isolation cell ('SHIZO'), for up to 40 days. He has also been forced to share cells with violent cellmates.

For almost a year, between 1 April 2024 and 6 March 2025, his family was unable to establish communication with him and had no information about his fate and whereabouts. During this time, they submitted four queries to the administration of correctional colony No. 20 and complained to the Penal Execution Department of the Ministry of Interior. The colony initially explained the lack of communication with reference to Mr. Navitski's disciplinary isolation in a 'SHIZO' (response dated 22 July 2024) but later refused to provide information, justifying this by protection concerns for Mr. Navitski's personal data (responses dated 25 November 2024, 10 January 2025, and 29 January 2025). The Penal Execution Department responded that the absence of communication was due to Mr. Navitski's isolation in a 'SHIZO' and that no violations had been identified in the actions of the correctional colony (response dated 13 February 2025).

On 6 March 2025, Mr. Navitski's family received a letter from him, but communication was not fully restored as he was detained in a 'cell-type space' ('PKT'). Mr. Navitski's family has hired a lawyer but, due to the absence of proper communication, they cannot ensure that Mr. Navitski is aware of the lawyer's identity and can submit a written request for the lawyer's visit. In the absence of such a request, under domestic legislation, the lawyer's visit cannot take place.

Mr. Dzianis Salmanovich, born in 1991, has been deprived of liberty since 4 October 2021. Following his conviction on several charges, including terrorism and extremism, he was initially transferred to correctional colony No. 3 in Vičba, Viciebsk Region, on January 2023, and subsequently to the maximum-security prison No. 4 in Mahiliow on 27 March 2025. His conviction is related to the fact that he filmed videos for the Cyber Partisans civic initiative, recognized by the State Security Committee (KGB) as a terrorist organization.

He suffers from [REDACTED]. His [REDACTED] and risk further deteriorating in case of overcooling, lifting heavy objects or inappropriate diet. Until the age of 18, Mr. Salmanovich had a certified disability and, therefore, was not recognized fit for military service. In order to avoid stigmatization and discrimination in the labour market because of his disability, he later refrained from extending his disability certificate.

Mr. Salmanovich has been repeatedly placed in a 'SHIZO'. Most recently, he spent two months in a 'SHIZO' from 25 November 2024 to 4 February 2025 before being transferred to solitary confinement in a 'PKT' for three months. The conditions of detention in both 'SHIZO' and 'PKT' are dire, particularly in the 'SHIZO', which is reportedly extremely cold and, therefore, particularly dangerous for Mr. Salmanovich, due to his health condition. Prisoners held in 'SHIZO' or 'PKT' are not allowed to walk outside, receive parcels or have phone calls. Half of the letters addressed to Mr. Salmanovich by his family while he was in 'SHIZO' were not delivered.

On 30 July 2024, Mr. Salmanovich underwent [REDACTED]. His family was not notified about his transfer to the hospital and the surgery. On 30 July 2024, his mother called the correctional colony to enquire about his whereabouts. The head of the colony replied that Mr. Salmanovich was not there and hung up.

Following his transfer to maximum-security prison No.4 on 27 March 2025, Mr. Salmanovich is only entitled, under article 125 (5) of the Penal Execution Code, to having one short meeting, receiving one parcel and one small package per year.

Mr. Salmanovich's family members are outside Belarus and cannot travel to the country. They have been unable to contact Mr. Salmanovich for several months.

Ms. **Natallia Hersche**, born in 1969, was deprived of liberty between 19 September 2020 and 18 February 2022. She was convicted to a 2.5-year prison sentence under article 363 of the Criminal Code (resistance to a police officer or another person protecting public order) because of her having resisted a special police squad (OMON) officer's demand to enter a police bus during the September 2020 public protests and her having grabbed an OMON officer by the face, scratched it and torn off his *baclava*.

She was held in four different places of detention. The worst conditions were in women's correctional colony No. 4 in Homyel, where Ms. Hersche and other inmates were subjected to intentional ill-treatment.

When Ms. Hersche and other women arrived at the colony, their warm clothes were taken away and they were handed prison clothes, including cold shoes without insoles. They spent two weeks in a quarantine facility. Every two hours, in any weather, they had to go outside for a roll call, for up to 30-40 minutes. Ms. Hersche started experiencing severe knee pain but was told she could not access medical assistance until the end of the quarantine.

Renovation works were conducted in the colony workshop where Ms. Hersche and other inmates had to sew. The walls were being covered with oily paints which released a strong smell. An inmate lost consciousness and was taken outside to allow her to regain consciousness but was then immediately returned to her working place at a sewing machine. She fainted again and was hospitalized with a brain hemorrhage which caused her to become disabled.

Because Ms. Hersche refused to sew prison uniforms, she was punished with 18-day detention in a ‘SHIZO’. The prison doctor authorized this punishment despite Ms. Hersche still complaining of knee pain. The ‘SHIZO’ cell was extremely cold and there was no bedding. Ms. Hersche was only allowed to wear a thin robe. Because of the cold, she was unable to sleep. To keep warm, she jogged in place and fractured a bone in her foot. On the fifth day, she fell asleep due to exhaustion, fell on the floor and hit her head. The penitentiary authorities treated her wound and locked her up in the ‘SHIZO’ again. On the ninth day, she felt severe pain in her knees. She requested a doctor but was told that she would not be able to see one until the end of her punishment, nine days later. Even after leaving the ‘SHIZO’, she was not provided with medical assistance. She again refused to sew prison uniforms and was again punished with ten days of ‘SHIZO’. Despite her knee pain and inability to walk properly, the doctor recognized her fit for the punishment. Once out of the ‘SHIZO’, she had to lie that she had a medical appointment in order to access a doctor. She had a fever and burst capillary vessels on her feet. She was given three days of medical leave. Overall, she spent 46 days in the ‘SHIZO’ in women’s colony No. 4.

She was then transferred to Mahiliow high-security prison. During the five weeks spent there, she was again denied medical assistance. The cell was very cold. She had to wear a hat and a jail jacket. For several days, the radio was playing at full volume. Food was of bad quality. She lost six kilograms of muscle mass. Only her release from prison prevented irreversible damage to her health.

Without prejudging the accuracy of these allegations, we would like to express our **utmost concern about the alleged arbitrary and incommunicado detention for an indefinite term and without effective remedies to challenge the detention of Mr. Michail Liapiejka and other persons assigned to coercive psychiatric treatment as a result of their criminal prosecution for expressing dissent with the authorities, which exposes them to the risk of enforced disappearance.** We would like to recall that article 9 of the International Covenant on Civil and Political Rights (ICCPR), ratified by Belarus on 12 November 1973, provides that no one shall be subjected to arbitrary detention (para. 1). Anyone who is deprived of his or her liberty by arrest or detention shall be entitled to take proceedings before a court, in order that that court may decide without delay on the lawfulness of the detention and order his or her release if the detention is not lawful (para. 4). We remind your Excellency’s Government that article 10 of the ICCPR protects the right of all persons deprived of their liberty to be treated with humanity and with respect for the inherent dignity of the human person. We further emphasize that rule 43(b) of the Mandela Rules prohibits prolonged solitary confinement, defined under rule 44 as solitary confinement in excess of 15 consecutive days.

We would also like to refer to articles 12 and 13 of the Convention on the Rights of Persons with Disabilities, ratified by Belarus on 29 November 2016, which provide for an obligation for States parties to ensure the recognition of legal capacity and effective access to justice to all persons with disabilities. Furthermore, we would like to refer to the [International Principles and Guidelines on Access to Justice for Persons with Disabilities](#), which provide that constructs such as “cognitive incapacity” and “mental incapacity” should not be used to restrict a person’s right to legal capacity, and

call on States to repeal or amend laws, regulations, policies, guidelines and practices, including court orders, that subject defendants with disabilities to detention in a prison, a mental health facility or other institution for a definite or indefinite term based on perceived dangerousness or need for care.

We further recall Belarus's obligations under article 12 of the International Covenant on Economic Social and Cultural Rights, ratified by Belarus on 12 November 1973, which guarantees the right of everyone to the enjoyment of the highest attainable standard of physical and mental health. The CESCR interprets the right to health as "an inclusive with extending not only to timely and appropriate health care but also to the underlying determinants of health, such as access to safe and potable water and adequate sanitation, an adequate supply of safe food, nutrition and housing, healthy occupational and environmental conditions" among others (general comment No. 14, para. 11). Accordingly, States have the obligation to refrain from denying or limiting equal access for all persons, including prisoners or detainees, to health services (*ibid.*, para. 34).

Further, the UN Standard Minimum Rules for the Treatment of Prisoners (Mandela Rules), adopted unanimously by the UN General Assembly (A/RES/70/175), establish States' responsibility to provide healthcare for prisoners (rules 24 to 35) and to particularly ensure continuity of treatment and care (rule 24(2)).

In relation to the coercive psychiatric treatment of the persons mentioned above, as a result of their criminal prosecution for expressing dissent with the authorities, we would like to stress that "[i]nformed consent is not mere acceptance of a medical intervention, but a voluntary and sufficiently informed decision, protecting the right of the patient to be involved in medical decision-making, and assigning associated duties and obligations to health-care providers" and that "[i]nformed consent is valid only when documented prior to a medical procedure and provided voluntarily, meaning without coercion, undue influence or misrepresentation" (A/64/272, paras. 9 and 13).

We would like to recall that articles 19, 21 and 22 of the ICCPR guarantee the **rights to freedom of expression, freedom of peaceful assembly and freedom of association**, and that any restrictions imposed on these rights must (i) be provided by law; (ii) pursue one of the legitimate aims for restriction listed in articles 19(3) and 22 of ICCPR; and (iii) be necessary and proportionate for those objectives. We recall 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.

We further emphasize that the right to freedom of expression includes not only the exchange of information that is favourable, but also that which may criticize, shock, or offend, and that States have a duty not only to guarantee this right, 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" but also to put in place effective measures to protect against any attacks aimed at silencing those exercising their right to freedom of expression (CCPR/C/GC/34, paras. 11 and 23). Offences such as "encouragement of terrorism" and "extremist activity" as well as offences of "praising", "glorifying", or "justifying"

terrorism, should be clearly defined to ensure that they do not lead to unnecessary or disproportionate interference with freedom of expression” (CCPR/C/GC/34, para. 46).

In view of Mr. Liapiejka’s advanced age, we would like to reiterate that **older persons** require special protection in detention. We recall that we have repeatedly raised concerns with your Excellency’s Government about alleged ill-treatment of older detainees ([BLR 5/2024](#) of 13 June 2024; BLR 2/2025 of 19 March 2025).

We would like to express our deep concern about the alleged ill-treatment in detention of persons with disabilities, chronic and acute diseases. In particular, we are extremely concerned at **the alleged ongoing ill-treatment in detention of Mr. Andrei Navitski and Mr. Dzianis Salmanovich**, including frequent and repeated prolonged placement in dire conditions in solitary confinement, exposure to cold temperatures and violent cellmates and denial of adequate medical care and diet. We are concerned that this ill-treatment may be exposing Mr. Navitski and Mr. Salmanovich to a serious risk of irreparable harm, particularly in view of the specific vulnerabilities related to their disabilities and health conditions. We would like to recall that torture and cruel, inhuman or degrading treatment or punishment of prisoners are prohibited under article 5 of the Universal Declaration of Human Rights, articles 7 and 10 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.

We are also concerned about the **alleged frequent and prolonged incommunicado detention of Mr. Andrei Navitski and Mr. Dzianis Salmanovich**. We would like to recall 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/C/51/D/376/2009, para. 6.4; CAT/C/61/D/654/2015, para. 7.6), and article 7 of the ICCPR (CCPR/C/135/D/3321/2019, para. 8.6; general comment No. 20 (1992)). Furthermore, in some cases incommunicado detention may amount to enforced disappearance, which violates 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) of the ICCPR (general comment No. 35, para. 17; general comment No. 36, paras. 57-58). In this regard, we would like to reiterate our utmost concern about **the ongoing prolonged incommunicado detention, for over two years, of Mr. Viktor Babaryka, Ms. Maryia Kalesnikava, Mr. Mikalai Statkevich, Mr. Siarhei Tsikhanouski and Mr. Maksim Znak** (see, among others [BLR 6/2024](#)).

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.

We are further concerned regarding the conviction of Mr. Dzianis Salmanovich on terrorism and extremism-related charges. We have repeatedly expressed 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](#); [BLR 2/2025](#); [A/78/327](#)). We reiterate our call to your Excellency's Government to bring national counterterrorism and 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.

We further remind your Excellency's Government that 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.

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).

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).

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 therefore per se incompatible with the exercise of certain fundamental human rights” (A/HRC/43/46, para. 14). We are **preoccupied about the alleged extensions of the prison term of Mr. Andrei Navitski under article 411 of the Criminal Code, based on accusations of ‘malicious disobedience’ put forward by the very penitentiary administration which allegedly submits him to intentional ill-treatment.** We recall that we have previously raised concerns with your Excellency’s Government about prison term extensions based on article 411 of the Criminal Code, which appear to be in violation of article 14(7) of the ICCPR, which prohibits repeated trial and punishment for an offence for which the person has been finally convicted ([BLR 8/2023](#) of 14 September 2023; [BLR 5/2024](#) of 13 June 2024; [BLR 6/2024](#) of 23 October 2024; [BLR 2/2025](#) of 19 March 2025).

Finally, we are extremely concerned about the alleged **systematic exposure to health-threatening conditions and denial of medical care to women prisoners, including coercion to labour in dangerous conditions and imposition of inhumane disciplinary measures notwithstanding health conditions, as reported with regard to Ms. Natallia Hersche.** We would like to recall that multiple communications have been addressed to your Excellency’s Government about ill-treatment of women in detention, including in **women’s correctional colony No. 4, where human rights violations appear to be particularly egregious** ([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; [BLR 2/2025](#) of 19 March 2025). 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 record of the detainees and do not address the allegations of their ill-treatment. We respectfully recall that we await your Excellency’s response to the communication [BLR 2/2025](#) of 19 March 2025 and hope to receive responses to all the queries made therein.

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 (CEDAW), 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” (CEDAW Committee, general recommendations 19 and 35). Women deprived of their liberty are particularly vulnerable to discrimination through civil and penal laws, regulations and customary law and practices (CEDAW Committee, general recommendation No. 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 (general recommendation No. 35, para. 14). Article 3 of CEDAW 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 echo the call of the Committee on the Elimination of Discrimination against Women to bring the conditions of detention for women in line with international standards, including the Bangkok Rules (CEDAW/C/BLR/CO/9, para. 54(a)).

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 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 that 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)). 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.

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 provide information about the legal and factual grounds for the conviction and the ongoing detention of Mr. Michail Liapiejka, Mr. Andrei Navitski and Mr. Dzianis Salmanovich. Please, explain how the charges of terrorism and extremism against Mr. Dzianis Salmanovich comply with the principles of legality, necessity, proportionality and non-discrimination.
3. Please provide information about the fate and whereabouts of Mr. Michail Liapiejka. Please share information about the legal and factual grounds for his assignment to coercive psychiatric treatment and about legal remedies available to him to challenge his assignment to psychiatric treatment.
4. Please provide information about the measures taken in order to ensure accessibility and adequate medical care for prisoners with disabilities. Please provide information about the health condition of Mr. Andrei Navitski and Mr. Dzianis Salmanovich, the medical assistance and diet available to them in detention with regard to their disabilities and other health conditions.
5. Please provide information about the reasons behind the repeated impositions of disciplinary measures on Mr. Andrei Navitski and Mr. Dzianis Salmanovich and about the factual grounds for Mr. Navitski's convictions under article 411 of the Criminal Code. Please ensure their unrestricted communication with their families and legal counsel by means of their choice (in person, phone or correspondence) and the possibility for them to receive packages with food, medicine and clothes.
6. Please ensure prompt, effective, independent, impartial and thorough investigations into the alleged ill-treatment in detention of Mr. Andrei Navitski, Mr. Dzianis Salmanovich and Ms. Natallia Hersche. 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.
7. In view of the vulnerabilities related to the disabilities and other health conditions of Mr. Andrei Navitski and Mr. Dzianis Salmanovich, please consider granting them pardon or remission of sentence, in accordance with the United Nations Standard Minimum Rules for Noncustodial Measures (Tokyo Rules).
8. Please provide information on steps taken to repeal the category of "extremism" in national law and amend the definition of "terrorism" to comply with international law.

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.

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.

While awaiting a reply, we urge that all necessary interim measures be taken to prevent any irreparable damage to the life and personal integrity of Mr. Michail Liapiejka, Mr. Andrei Navitski and Mr. Dzianis Salmanovich, 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 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 under its humanitarian mandate. The Government is required to respond separately for the present communication and 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.

Matthew Gillett
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

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

Tlaleng Mofokeng
Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health

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