

Mandates of the Working Group on Arbitrary Detention; the Special Rapporteur on the situation of human rights in Belarus; the Special Rapporteur on extrajudicial, summary or arbitrary executions; the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression and the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism

Ref.: AL BLR 4/2025
(Please use this reference in your reply)

16 June 2025

Excellency,

We have the honour to address you in our capacities as Working Group on Arbitrary Detention; Special Rapporteur on the situation of human rights in Belarus; Special Rapporteur on extrajudicial, summary or arbitrary executions; Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression and Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism, pursuant to Human Rights Council resolutions 51/8, 58/19, 53/4, 52/9 and 58/14.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning **the deaths in the correctional colony No. 17 in Šklou of Mr. Vitold Ashurok and Mr. Valiantsin Shtermer**.

According to the information received:

Over the past four years, several individuals deprived of liberty in relation to the protests around the 2020 presidential elections and identified by human rights defenders as political prisoners, have died in custody or shortly after their release.

Two of them, Mr. Vitold Ashurok and Mr. Valiantsin Shtermer, died in the correctional colony No. 17 in Šklou. Other individuals died in Brest SIZO (April 2024) and while serving their sentences in the correctional colony No. 15 in Mahilyow (November 2024), the correction colony No. 2 in Bobruisk (February 2024), the correctional colony No. 3 in Vitebsk (May 2023 and January 2024) and in the prison no. 1 in Hrodna (July 2023). One person committed suicide in the open-type correctional facility (IUOT) No. 43 in Mahilyow (January 2022).

On 21 May 2021, Mr. **Vitold Ashurak**, an opposition activist and member of the Belarusian National Front party, aged 50, died in the correctional colony No. 17 in Šklou. He had been convicted on 18 January 2021 by judge [REDACTED] in a closed hearing to a five year prison sentence, after being charged under articles 342(1) (participation in group actions that grossly violate public order) and 364 (violence against a police officer) of the Criminal Code.

His death occurred shortly after he was transferred to the correctional colony No. 17, where he was immediately placed into a punishment isolation cell (SHIZO) upon completing the initial quarantine. While he was in SHIZO, witnesses heard screams and the voice of [REDACTED], chief of security, coming from SHIZO. Later, loud music was put on in order to conceal the

screams.

The penitentiary authorities claimed that Mr. Ashurak had died of a heart attack. However, he had never experienced any heart issues prior to detention and the death certificate included a code indicating that the reasons of death were not identified. His body presented injuries on the head and legs, which could be signs of torture. The body was also very thin because he had been starved in detention.

On 22 May 2025, it became known that Mr. **Valiantsin Shtermer**, a businessman aged 61, had died in the correctional colony No. 17 in Šklou earlier in the year. On 4 October 2023, he was sentenced by judge [REDACTED] to 5 years of imprisonment on the charges of incitement to national hatred, extremism and insulting the President (articles 130, 361-1 and 368 of the Criminal Code). According to information from state sources, he was convicted because of comments he had made criticizing the military invasion of Ukraine by the Russian Federation and insulting Russian citizens. In December 2023, his name was added to the list of individuals involved in extremist activities by the Ministry of Interior and to the list of individuals involved in terrorism by the State Security Committee (KGB).

Mr. Shtermer was transferred to the 13th squad in colony No. 17 in January 2024. His state of health was poor as he had previously suffered a stroke (time and circumstances unknown). He struggled to walk and talk. He initially worked in a woodworking shop, where he did not have to perform excessively hard labour. However, in Spring 2024, an indication arrived from Minsk to transfer all political prisoners to the hardest and most hazardous work. Following this, he had to perform chlorine treatments without any protective gear for his skin or respiratory system. At one point, he was transferred into a squad for retired persons and persons with disabilities who were not obliged to work. However, two weeks later, he was deemed capable of working and transferred to the sewing production.

In detention, Mr. Shtermer did not receive proper medical treatment. The penitentiary medical staff told the prisoners that if they could stand on their feet, they could work. The only medicines prescribed in the colony are painkillers and antipyretics. Even though, twice per year, an external medical commission visits the colony, unlike the other inmates, political prisoners (marked with a yellow label) are not allowed to request an appointment with the commission. In early 2024, Mr. Shtermer fell down and had his arm dislocated or broken. He was only given a few days of medical leave. When he requested a leave extension, he was told that it was impossible for someone with the yellow label.

Like other inmates with the yellow label, Mr. Shtermer was intentionally ill-treated by the penitentiary staff, including through arbitrary restrictions on communication with his family and deprivations of packages, as well as constant mockery because of his age and state of health. In late April 2024, major [REDACTED], the on-duty assistant warden, sent Mr. Shtermer to SHIZO for spurious reasons. Major [REDACTED], the duty assistant to the head of the colony, submitted Mr. Shtermer

to a disciplinary punishment only because Mr. Shtermer had rolled up the oversized trousers given to him in the colony. The systematic ill-treatment of political prisoners in the colony No. 17 is supported by the chief of colony, colonel [REDACTED].

Without prejudging the accuracy of these allegations, we would like to express our deep concern about the alleged **deaths of Mr. Vitold Ashurak and Mr. Valiantsin Shtermer in the correctional colony No. 17 in Šklou, under unclarified circumstances, following their alleged ill-treatment by penitentiary staff**. We are preoccupied that these deaths appear to form part of a general pattern of deaths in custody of persons deprived of liberty in relation to the 2020 protests. We recall that on 14 September 2023, special procedures mandate holders transmitted to your Excellency's Government allegations regarding the death of the artist **Alés Puškin** while he was serving a term in the prison no. 1 in Hrodna, due to denial of medical assistance ([BLR 6/2023](#)). We regret that no response has been provided by your Excellency's Government to that letter.

We recall that loss of life occurring in custody, in unnatural circumstances, creates a presumption of arbitrary deprivation of life by State authorities, which can only be rebutted on the basis of a proper investigation that establishes the State's compliance with its international obligations. Such investigations should be undertaken in accordance with relevant international standards, including the Minnesota Protocol on the Investigation of Potentially Unlawful Death, and must be aimed at ensuring that those responsible are brought to justice, at promoting accountability and preventing impunity, at avoiding denial of justice and at drawing necessary lessons for revising practices and policies with a view to avoiding repeated violations (CCPR/C/GC/36).

We are also concerned about the alleged **intentional ill-treatment by the leadership and staff of the correctional colony No. 17 of inmates identified as political prisoners** and marked by yellow labels on their uniform, **including discriminatory restrictions of access to healthcare; subjecting them to difficult or hazardous labour without protective gear and notwithstanding their health situation and age; and imposition of arbitrary disciplinary punishments for minor or made-up transgressions**.

We are also concerned about the allegations that **the convictions of Mr. Vitold Ashurak and Mr. Valiantsin Shtermer to imprisonment and the inclusion of Mr. Valiantsin Shtermer into the official lists of persons involved in extremist and terrorist activities may be related to their exercise of their civil and political rights, such as the rights to freedom of peaceful assembly and freedom of expression**. 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](#); BLR 3/2025; [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 also recall that the designation of “terrorist” individuals or organizations must meet the requirements of due process and judicial protection under international human rights law, as set out by the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism. Specifically: (a) there must be reasonable grounds to believe that the person or entity has knowingly engaged in terrorism, as properly defined according to international standards, including the requirement of legality; (b) the listed person or entity must be promptly informed of the listing and its factual grounds, the consequences of such listing and the applicable procedural rights; (c) there must be a right to apply for de-listing and to have it reviewed within a reasonable time, and a right to judicial review of any resulting decision, in both cases affording due process, including sufficient disclosure of evidence and access to a lawyer; (d) the listed individual or entity must be afforded the right to make a fresh application for de-listing or lifting of sanctions in the event of a material change of circumstances or the emergence of new evidence relevant to the listing; (e) listings must lapse automatically after 12 months unless renewed afresh; and (f) reparation, including compensation, must be available for any wrongful listing (A/HRC/16/51, para. 35).

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

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

1. Please provide any additional information and/or comment(s) you may have on the above-mentioned allegations.
2. Please detail the legal and factual grounds for the conviction of Mr. Vitold Ashurak and Mr. Valiantsin Shtermer and the reasons for the inclusion of Mr. Shtermer’s name into the official lists of individuals involved in extremist and terrorist activities. Please explain the procedures and evidentiary standards that must be satisfied before a person is included on these lists and what avenues are available for administrative and judicial appeal.
3. Please explain whether criminal investigations have been launched into the deaths of Mr. Vitold Ashurak and Mr. Valiantsin Shtermer and whether they have been compliant with international standards including the Minnesota Protocol on the Investigation of Potentially Unlawful Death. Please share the outcome of the investigations. If no investigations have been launched or if the investigations have been closed or suspended, please explain the reasons.
4. Please provide information about the number of deaths in custody since 2020, details on the investigations undertaken, their compliance with international standards and the outcome, including causes of death and any prosecutions where relevant.

5. Please ensure that the allegations contained in this letter about inhuman and discriminatory treatment of Mr. Vitold Ashurak, Mr. Valiantsin Shtermer and other persons identified as political prisoners by the leadership and staff of the correctional colony No. 17 are duly investigated, and the perpetrators are prosecuted and punished.
6. Please explain what complaint mechanisms are available to persons detained in correctional colonies and prisons in order to address grievances about their conditions of detention and ill-treatment by penitentiary administrations.
7. Please provide responses to the questions raised in the communication BLR 6/2023 regarding the death in custody of Mr. Alés Puškin
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.

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 halt the alleged violations and prevent their re-occurrence and in the event that the investigations support or suggest the allegations to be correct, to ensure the accountability of any person(s) responsible for the alleged violations.

We 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 issues in question.

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

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

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Annex

Reference to international human rights law

In connection with the above alleged facts and concerns, we would like to refer your Excellency's Government to the following relevant standards of international human rights law.

Right to life and death in custody

We wish to refer to article 6 of the International Covenant on Civil and Political Rights (ICCPR), ratified by Belarus on 12 November 1973, which guarantees the right to life. We would like to recall that States have a heightened duty of care to take any necessary measures to protect the lives of individuals deprived of their liberty by the State, since by arresting, detaining, imprisoning or otherwise depriving individuals of their liberty, States parties assume the responsibility to care for their lives and bodily integrity. The Human Rights Committee has pointed out that "loss of life occurring in custody, in unnatural circumstances, creates a presumption of arbitrary deprivation of life by State authorities, which can only be rebutted on the basis of a proper investigation that establishes the State's compliance with its obligations under article 6" (Human Rights Committee, general comment No. 36, [CCPR/C/GC/36](#), paras. 25, 29).

Investigations and prosecutions of potentially unlawful deprivations of life should be undertaken in accordance with relevant international standards, including the Minnesota Protocol on the Investigation of Potentially Unlawful Death (*ibid.*, para 27).

Under rule 71 of the United Nations Standard Minimum Rules for the Treatment of Prisoners (Nelson Mandela Rules):

"1. Notwithstanding the initiation of an internal investigation, the prison director shall report, without delay, any custodial death, disappearance or serious injury to a judicial or other competent authority that is independent of the prison administration and mandated to conduct prompt, impartial and effective investigations into the circumstances and causes of such cases. The prison administration shall fully cooperate with that authority and ensure that all evidence is preserved.

2. The obligation in paragraph 1 of this rule shall equally apply whenever there are reasonable grounds to believe that an act of torture or other cruel, inhuman or degrading treatment or punishment has been committed in prison, irrespective of whether a formal complaint has been received.

3. Whenever there are reasonable grounds to believe that an act referred to in paragraph 2 of this rule has been committed, steps shall be taken immediately to ensure that all potentially implicated persons have no involvement in the investigation and no contact with the witnesses, the victim or the victim's family."

Prohibition of torture and other ill-treatment

We would like to underline that torture and cruel, inhuman or degrading treatment or punishment are prohibited under article 5 of the Universal Declaration of Human Rights, article 7 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).

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).

Under rule 1 of the 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.

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).

Right to health

We would like to stress that as per article 12 of the International Covenant on Economic, Social and Cultural Rights (ICESCR), 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 shall 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, para. 34).

Under principle 9 of the Basic Principles for the Treatment of Prisoners, prisoners shall have access to health services available in the country without discrimination on the grounds of their legal situation.

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

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

Disciplinary sanctions in detention

We would like to draw your Excellency's Government's 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 through 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.

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.

Arrest or detention as punishment for the legitimate exercise of the rights as guaranteed by the ICCPR is arbitrary, including freedom of opinion and expression

(art. 19) and freedom of peaceful assembly (art. 21). Arrest or detention on discriminatory grounds in violation of article 2, paragraph 1, article 3 or article 26 of the ICCPR, including political or other opinion, is also in principle arbitrary (Human Rights Committee, general comment No. 35, [CCPR/C/GC/35](#), para. 17).

Prosecution on counter-terrorism and anti-extremism charges

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, including as provided in the 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 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 therefore per se incompatible with the exercise of certain fundamental human rights" ([A/HRC/43/46](#), para. 14).

Right to freedom of opinion and 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 applies online as well as offline and includes

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).

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). Recognizing how journalists and persons who engage in the gathering and analysis of information on the human rights situation and who publish human rights-related reports, including judges and lawyers, are frequently subjected to threats, intimidation and attacks because of their activities, the Committee stresses that “all such attacks should be vigorously investigated in a timely fashion, and the perpetrators prosecuted, and the victims, or, in the case of killings, their representatives, be in receipt of appropriate forms of redress” (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 any 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.