

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 Independent Expert on the enjoyment of all human rights by older persons and the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism

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(Please use this reference in your reply)

18 September 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; Independent Expert on the enjoyment of all human rights by older persons and Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism, pursuant to Human Rights Council resolutions 51/8, 58/19, 54/14, 51/4 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 alleged enforced disappearance of Mr. Mikalai Statkevich**.

According to the information received:

Mr. Mikalai (Nikolay) Statkevich, aged 69, is a prominent opposition politician. He was apprehended in 2020, in the run-up to the presidential elections, and sentenced on 14 December 2021 under article 293 of the Criminal Code (organization of mass riots) to 14 years of imprisonment in a high-security penal colony. On 20 June 2022, he was transferred to the correctional colony No. 13 in Glubokoye, Vitebsk Region. On 4 November 2022, the Ministry of Internal Affairs included his name on the list of persons involved in extremist activities.

Mr. Statkevich has not been allowed to meet his family since 1 June 2022 and has been held incommunicado since 9 February 2023. His lawyer made several attempts to visit him, but the penitentiary administration denied access claiming that Mr. Statkevich had not applied for legal assistance.

On 11 September 2025, Ms. Natallia Eismant, Press Secretary of the President of the Republic of Belarus, announced that the President had pardoned 52 prisoners based on humanitarian grounds, taking into account their ages, health conditions and family unity concerns. According to Ms. Eismant, those pardoned included 'leaders and members of extremist and terrorist organizations', 'participants of mass disturbances' and 'representatives of extremist and destructive mass media'. 'Today, all of them have left the territory of the Republic of Belarus', she affirmed.

On 11 September 2025, those pardoned, including 14 foreign individuals, were taken to the border with Lithuania. Mr. Statkevich, who was among them, got off the bus and refused to cross the border. According to witness statements, he

went back to Belarusian territory from the neutral zone and was followed by masked Belarusian police officers.

On 15 September 2025, some mass media reported that Mr. Statkevich had been returned to the penal colony No. 13. However, when his wife attempted visiting him in the colony No. 13, the penitentiary administration informed her that he was not there..

Without prejudging the accuracy of these allegations, we would like to express our **utmost concern about the alleged enforced disappearance of Mr. Mikalai Statkevich.**

We would like to emphasize that over the past two years, Special Procedures mandate holders have repeatedly attempted to engage with your Excellency's Government regarding the alleged ill-treatment of Mr. Statkevich in detention, including his prolonged incommunicado detention and alleged enforced disappearance ([BLR 13/2023](#), [BLR 5/2024](#), [BLR 6/2024](#), [BLR 3/2025](#)). We regret that no response has been provided by your Excellency's Government to those allegations, particularly in light of their gravity.

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, according to the Committee on Enforced Disappearances and the Working Group on Enforced or Involuntary Disappearances, 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 ([CED/C/11](#)). Furthermore, enforced disappearance 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), read alone and in conjunction with article 2.3 (right to effective remedy) of the International Covenant on Civil and Political Rights (ICCPR), ratified by Belarus on 12 November 1973 (Human Rights Committee, [general comment No. 35](#), para. 17; [general comment No. 36](#), paras. 57-58).

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, ratified by Belarus on 13 March 1987 ([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; Human Rights Committee, [general comment No. 20](#) (1992)). In some cases, incommunicado detention may amount to enforced disappearance.

We remind your Excellency's Government that article 12(4) of ICCPR prohibits arbitrary deprivation of the **right to enter one's own country**, which means that a State party must not, by depriving individuals of their nationality or expelling them to other countries, arbitrarily prevent those individuals from returning to their own countries

(Human Rights Committee, [general comment No. 27](#)). Furthermore, we would like to stress that acts contrary to article 12(4) of ICCPR may under certain conditions amount to international crimes. In this regard, we refer to the pending [referral](#) by the Republic of Lithuania to the Office of the Prosecutor of the International Criminal Court, which requests the Prosecutor to investigate the crimes against humanity of deportation and persecution on political grounds allegedly committed in Belarus since 2020.

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](#); [BLR 4/2025](#); [BLR 5/2025](#); [BLR 7/2025](#); [A/78/327](#)) and have recently **called on Belarus to end ill-treatment of prisoners convicted on terrorism and extremism charges**. We remind your Excellency's Government that 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 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 purchase in binding international legal standards and, when operative 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 reiterate our concerns that the procedure for designations as "extremist" and "terrorist" lacks due process and effective judicial safeguards. We urge once again your Excellency's Government to take immediate steps to bring its 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.

In view of Mr. Statkevich's advanced age, we would like to reiterate that **older persons** require special protection in detention. We recall that Special Procedures mandate holders have repeatedly raised concerns with your Excellency's Government about alleged ill-treatment of older detainees and the serious negative impact of poor detention conditions on their health ([BLR 5/2024](#); [BLR 2/2025](#); [BLR 3/2025](#)), and have [called](#) for the release of older political prisoners.

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 Mr. Statkevich 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 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.

1. Please provide any additional information and any comment you may have on the above-mentioned allegations.
2. Please provide information about the fate and whereabouts of Mr. Mikalai Statkevich and his state of health.
3. In the event that Mr. Stakevich is currently deprived of liberty, please explain the factual and legal grounds for his detention and the compatibility of his detention with international legal standards, particularly the right to liberty and security under article 9 of the ICCPR.
4. Please explain the legal grounds for the attempted transfer of Mr. Statkevich to the territory of the Republic of Lithuania.
5. 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 communication and the regular procedure and should be considered under separate correspondence.

The case referred to in this communication is without prejudice to its consideration under the humanitarian procedure of the Working Group on Enforced or Involuntary Disappearances . The Government is required to respond separately to the present communication and humanitarian procedure.

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

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

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