

Mandates of the Special Rapporteur on the situation of human rights in Belarus; the Working Group on Arbitrary Detention; the Special Rapporteur on the rights to freedom of peaceful assembly and of association; 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

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14 May 2026

Excellency,

We have the honour to address you in our capacities as Special Rapporteur on the situation of human rights in Belarus; Working Group on Arbitrary Detention; Special Rapporteur on the rights to freedom of peaceful assembly and of association; 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 58/19, 60/8, 59/4, 60/11, 58/14, 52/7 and 59/14.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning alleged violations of human rights of persons deprived of their liberty under politically motivated charges, including of terrorism and extremism. Namely, we are extremely concerned with allegations about the continued **arbitrary detention, including during extended periods of incommunicado and solitary confinement, ill-treatment and restrictions of their basic prisoners' rights (as disciplinary measures and due to their status of persons incriminated for "extremism" and "terrorism" related offences)**, as well as reports about violations of due process and fair trial guarantees in relation to six individuals **Ms. Aliaksandra Pulinovich (initially detained when she was still a minor), Ms. Volha Mayorava, Mr. Yahor Volkau, Mr. Stsiapan Latypau, Mr. Viachaslau (Vatslau) Areshka and Mr. Serhei Salash.**

We have also received reports about the **severe and potentially irreversible deterioration of the physical health of Ms. Volha Mayorava, Mr. Yahor Volkau and Mr. Viachaslau (Vatslau) Areshka, and of the poor mental and physical condition of Mr. Stsiapan Latypau – due to their alleged prolonged ill-treatment and the continuing failure to provide them with urgently needed medical examinations and treatment - that may result in irreversible and drastic deterioration of their health.**

His Excellency
Mr. Maksim Ryzhenkov
Minister for Foreign Affairs

Additionally, we would like to share with you our observations on the incompatibility of several provisions of the Criminal Executive Code of the Republic of Belarus – namely, **article 112 (“penalties applicable to persons sentenced to deprivation of liberty”)**, and **article 114 (“conditions of detention of convicted persons in punishment cells, cell-type premises and solitary confinement”)** of the **Criminal Executive Code of Belarus** – with international human rights norms and standards. These articles allow for extensive and potentially indefinite restrictions on fundamental prisoners’ rights, including contact with the outside world and access to basic necessities, and fail to provide protection from harmful conditions of detention, inter alia, prolonged solitary confinement.

We also take this opportunity to reiterate our past concerns, inter alia from [BLR 12/2025](#), regarding the arbitrary nature of **article 411 of the Criminal Code of Belarus** that allows for indefinite extension of imprisonment on spurious grounds of “malicious disobedience to the demands of the administration of the correctional institution”.

According to the information received:

Ms. Aliaksandra Pulinovich

Ms. Aliaksandra Pulinovich has been detained since 12 January 2024 - when she was only 16 years old (she turned 18 years old in February 2025) - in connection to the so-called “Black Nightingales” case. This case concerns a group of six individuals, including five minors, penalized for anti-war graffiti protesting the military aggression against Ukraine. The graffiti made by the group included signs such as “Stop the War,” “No to the War,” “Glory to Ukraine,” “Žyve Belarus,” as well as the anarchist symbol “A.”

According to the information received, Ms. Pulinovich was detained on the morning of 12 January 2024 when she was at her School No. 53 in Minsk. She was reportedly summoned to the office of the school director, where she was questioned by law enforcement officials. It is alleged that during her arrest she was handcuffed and that physical force was used. Her legal guardians were reportedly not informed of the reasons for her daughter’s arrest and were initially told that Ms. Pulinovich was not a suspect and would be released after providing testimony concerning other individuals. However, later that same day, the family was informed by telephone that Ms. Pulinovich would remain in detention and would be formally charged.

Immediately following her detention, Ms. Pulinovich was taken by law enforcement officers to her home, where her personal electronic devices, including a mobile phone and a laptop, were seized. It is reported that it was not a formal search and that a duly sanctioned search of the premises by officers of the Minsk Office of the State Security Committee (KGB) was carried out approximately two months later, in March 2024.

It is further reported that, following her arrest, Ms. Pulinovich was transported to the Leninsky District Department of Internal Affairs (ROVD) in the town of Brest, where she was assigned a State-appointed lawyer. It remains unclear

whether she was afforded effective legal assistance, particularly in light of allegations that a number of violations were not raised by the appointed legal counsel, including the fact that her parents were not permitted to be present during interrogation although she was a minor at the time, and that during her interrogation she was subjected to ill-treatment and coercion, including through beatings and threats with firearms to extract confessions.

Access to a lawyer of her own choosing was reportedly granted only after her placement in the Temporary Detention Facility (IVS) of the Leninsky ROVD in Brest. While national law limits detention in IVS to 48 hours, Ms. Pulinovich was allegedly held in IVS for approximately 10 days, including in solitary confinement. During this period, she was reportedly denied contact with her family, and it remains unclear whether she had access to her privately retained defense attorney.

Allegations have also been received that the conditions of detention in the IVS were inhumane. It is reported that the temperature in the cell was low, that no bedding was provided, and that Ms. Pulinovich was required to sleep on a bare bench using her jacket as a cover. There is no information to indicate that she was granted access to outdoor exercise, reading materials or other basic activities. Available accounts suggest that she was held in solitary confinement under highly restrictive conditions, without access to the minimum elements of a normal detention regime.

Ms. Pulinovich could meet her mother only after she was transferred to Pre-Trial Detention Center No. 7 (SIZO-7) in Brest. During investigative activities Ms. Pulinovich stayed at SIZO-6 in Baranovichi. In SIZO-7 in Brest, Ms. Pulinovich was reportedly kept in solitary confinement. It is unclear what were the reasons for her isolation.

During investigative activities in the towns of Brest and Baranovichi, the legal guardian of Ms. Pulinovich was allowed to be present only during five of the conducted investigative activities.

On 30 April 2024, a segment aired on the state TV channel ONT a video material portraying the “Black Nightingales” case. The video referred to all five detained persons under the case, including four minors, in an accusatory manner, even if investigative action were still ongoing.

Eventually, pretrial investigation lasted almost 12 months – until December 2024. It means that prior to her conviction, Ms. Pulinovich was deprived of her liberty for approximately 21 months, from January 2024 until the verdict in October 2025.

Ms. Pulinovich’s preliminary detention was renewed by court decisions, regardless of her minor age, her gender and other factors that must be considered by courts in line with international human rights law. Reportedly, there is no available record of the reasoning provided in court decisions justifying the use of pretrial detention instead of alternative, non-custodial measures. It is also

unclear whether remand hearings were open to the public or were held behind closed doors, similarly to the main trial sessions that were all held in camera.

The first court hearing took place in March 2025. By then, Ms. Pulinovich had reached 18 years of age and during the trial, that was held behind closed doors, her mother was already not allowed to be present as her legal representative. The reasons for a closed trial are unclear. The case was subsequently returned for additional investigation. The investigation resumed during the summer of 2025, and court proceedings restarted in September 2025.

The verdict was rendered in October 2025. Ms. Pulinovich was sentenced to 10 years and 3 months of imprisonment under Articles 356 (“high treason”), 289 (“act of terrorism”), and 361-1 (“participation in an extremist formation”) of the Criminal Code of Belarus. She was also included in the official “List of persons involved in terrorist activities”. Information about the case became public only on 30 December 2025. The imposed punishment is alleged to be disproportionate and politically motivated. On 6 February 2026, the appeal court upheld the guilty verdict.

Currently, Ms. Pulinovich is serving her sentence at Correctional Colony No. 4 in Gomel. As a designated “terrorist”, she is allegedly placed on a preventive watch list within the penitentiary, designated as “prone to extremism” and is reportedly forced to wear identification mark indicating her “terrorist” status, which exposes her to stigmatization and discrimination within the institution.

Under the legislation of Belarus, “designated terrorists” and inmates designated as “prone to extremism” face severe restrictions of their basic rights in the colony, including restrictions on correspondence (only letters from close relatives are allowed, resulting in exacerbated social and psychological isolation), on family visits and parcels (only four parcels per year and only from close relatives are allowed, which restricts access to essential goods), on financial transfers (which significantly restricts access to basic necessities inside the colony), and on labour, education and social activities.

Ms. Volha Mayorava

Ms. Volha Mayorava, is a public activist and former active member of the United Civic Party. According to the information received, she was prosecuted in the context of the so-called “Nikolai Avtukhovich case,” in which a number of individuals were grouped together and accused of terrorism-related offences, including an alleged conspiracy to seize state power. In February 2021, Ms. Mayorava was included by the KGB in the “List of persons involved in terrorist activities”.

On 17 October 2022, the Grodno Regional Court found Ms. Mayorava guilty under multiple provisions of the Criminal Code, including article 361 (“calls for actions aimed at causing harm to the national security of the Republic of Belarus”), article 295 (“unlawful acts concerning firearms, ammunition and explosives”), article 285 (2) (“participation in a criminal organization”), article 130 (“incitement to hatred”), and articles 14 (1) and 357 (2) (“attempted

conspiracy to seize State power by unconstitutional means”). She was sentenced to 20 years of imprisonment in a general regime correctional colony and a fine of 25,600 Belarusian rubles. The prosecution and trial were reportedly politically motivated.

On 12 May 2023, the Ministry of Internal Affairs added her to the “List of citizens of Belarus, foreign citizens and stateless persons involved in extremist activities”. Her communication with her family is severely restricted, and she is reportedly denied access to financial transfers due to her prior designation as a “terrorist.” In mid-May 2023, it was reported that Ms. Mayorava had been transferred to Correctional Colony No. 4.

On 5 March 2024, Ms. Mayorava was tried in the Zheleznodorozhny District Court of Gomel under article 411 of the Criminal Code (“malicious disobedience to the demands of administration of the correctional institution”). The court found Ms. Mayorava guilty and sentenced her to an additional 1 year and 6 months of imprisonment. Since this trial, Ms. Mayorava has been serving her sentence in Correctional Colony No. 24.

According to the latest information received, Ms. Mayorava, despite her serious diagnosed [REDACTED] allegedly continues to be denied adequate medical treatment in Correctional Colony No. 24. This failure to provide her with urgent and effective medical assistance risks leading to irreversible harm, including [REDACTED].

Mr. Yahor Volkau

Mr. Yahor Volkau is a Belarusian entrepreneur and businessman specializing in road haulage. On 18 September 2023, he was detained following his return from Poland, where he had been residing with his family since January 2023. He was eventually convicted under article 361-2 (“financing of extremist activities”) of the Criminal Code of Belarus for participating in a peaceful protest in 2020 and for making a donation to an organization that provided assistance to victims of police violence (subsequently, this organization was designated as an “extremist formation”). On 23 August 2024, Mr. Volkau was recognized by Belarusian human rights defenders as a [political prisoner](#).

On 6 May 2024, the Minsk City Court sentenced him to three years of imprisonment under articles 342 (“organisation and preparation of actions that grossly violate public order, or active participation in them”) and 361-2 (“financing of extremist activities”) of the Criminal Code. On 9 August 2024, he was included in the “List of citizens of Belarus, foreign citizens, and stateless persons involved in extremist activities.”

In August 2024, Mr. Volkau was transferred to Correctional Colony No. 17, where he was reportedly subjected to repeated disciplinary measures. He allegedly spent at least 172 days in a punishment cell (“SHIZO”) for minor violations, in conditions described as cold and unheated, with temperatures ranging between +5 to +10°C, high humidity, and mold, and without bedding or means to keep warm. In addition, he was repeatedly placed in cell-type premises

(“PKT”), including once for a period of two months and, on 13 October 2025, for a period of six months. Although bedding is reportedly permitted in the PKT, conditions are described as similarly cold and isolated. Mr. Volkau was scheduled to be released upon completion of his sentence on 14 April 2026; however, he has not been released.

In the autumn of 2024, additional criminal charges were reportedly brought against him [REDACTED] of the Criminal Code of Belarus. These charges related to the financial support Mr. Volkau provided to the Kastus Kalinoŭski Regiment that was recognized as a “terrorist organization” in Belarus.

On 2 April 2025, the State-owned television channel ONT broadcast a film titled “Shadows. The Price of Terror,” in which Mr. Volkau was named as an individual who allegedly made donations totaling USD 11,100 to support the Kastus Kalinoŭski Regiment. In connection with these proceedings, the bank accounts of “Belspecagrotrans” LLC, of which Mr. Volkau is a beneficiary, were frozen and an audit of the company was initiated. Following the audit, in August 2025, he was reportedly charged with an additional offence under [REDACTED]

[REDACTED] These measures reportedly resulted in the suspension of the company’s operations, affecting more than 100 employees. As a result of the new criminal proceedings, Mr. Volkau was not released upon completion of his sentence and was transferred to a pre-trial detention facility (SIZO) in Kolyadichi, where he remains detained. Mr. Volkau suffers from several chronic medical conditions, including [REDACTED] that create serious risks to his well-being in detention.

According to the latest information received, Mr. Volkau’s health has deteriorated significantly during detention. He has allegedly not received adequate medical care, including necessary diagnostic examinations such as an MRI since 2023, and has been denied access to prescribed medication for [REDACTED]. Mr. Volkau is reported to experience severe and persistent pain, including [REDACTED]. The absence of adequate medical treatment and severe conditions of detention are reported to pose serious risks to his health, including potential [REDACTED]

Mr. Stsiapan Latypau

Mr. Stsiapan Latypau was arrested by a special police squad (“OMON”) on 15 September 2020 in connection with his participation in the 2020 post-election protests, including in the area of Minsk known as the “Square of Change”. He was tried under article 293 of the Criminal Code (“mass disorder”), article 342 parts 1 and 2 (“organizing and participating in group actions that grossly violate public order”), article 363 part 2 (“resisting a law enforcement officer”), and article 209 part 4 (“fraud on a particularly large

scale”). Mr. Latypau denied all accusations. The prosecution was allegedly politically motivated.

According to the information received, on 1 June 2021, the Savetski District Court of Minsk commenced the examination of the criminal case against Mr. Latypau. He was reportedly brought to the first hearing with visible signs of physical ill-treatment and stated during the proceedings that he had been subjected to physical abuse, including placement in a so-called “pressure cell” by the penitentiary administration in order to extract a confession.

During the hearing, while held in a cage in the courtroom, Mr. Latypau reportedly attempted to take his own life by inflicting [REDACTED]. The hearing was interrupted and he was transferred to a hospital where he underwent surgery. It is further alleged that during the night of 1-2 June 2021, immediately following the surgery, law enforcement officials removed him from the hospital and returned him to Pretrial Detention Centre No. 1 in Minsk, after which the court proceedings resumed despite his surgery and his distressed mental and physical state. On 16 August 2021, the Savetski District Court of Minsk found Mr. Latypau guilty on all charges and sentenced him to 8 years and 6 months of imprisonment in a high-security correctional facility. All of his allegations of ill-treatment were reportedly disregarded by the court.

On 22 November 2021, Mr. Latypau was reportedly transferred to Correctional Colony No. 22 in Ivatsevichy. He was allegedly placed in solitary confinement in SHIZO for 27 days under harsh conditions, followed by approximately five months in PKT, which also implies a regime of isolation. Inmates held in SHIZO and PKT are reportedly not allowed visits of relatives or lawyers and held in conditions amounting to incommunicado detention. It is further alleged that, while in Correctional Colony No.22, Mr. Latypau again engaged in acts of self-harm, including [REDACTED], reportedly in protest against pressure exerted by the penitentiary administration.

Since 26 January 2022, Mr. Latypau has been designated as “willfully violating the established rules of serving the sentence” (i.e., the prison's internal rules). Such designation entails a risk of additional conviction under article 411 of the Criminal Code (“malicious disobedience to the demands of administration of the correctional institution”) at any point of his imprisonment. It is also alleged that the penitentiary authorities placed Mr. Latypau on a preventive watch list as a person “prone to extremism,” a designation reportedly applied consistently to the convicted persons recognized by human rights defenders as political prisoners and which entails serious restrictions on basic prisoners’ rights and heightened surveillance inside penitentiary facilities.

On 15 September 2022, the Ivatsevichy District Court, reportedly acting upon a request from Correctional Colony’s No. 22 administration, ordered that Mr. Latypau be transferred to a prison for a period of two years, citing the need to increase the level of his detention regime. The court ordered his transfer to Prison No. 4 in Mahiliou.

Later in 2024, Mr. Latypau was transferred back to Correctional Colony No. 22, where he was again immediately placed in SHIZO and subsequently in PKT. It is further alleged that his cell lacked an electrical outlet and that he was provided with boiling water only twice per day. During this period of detention in a punitive isolation regime, Mr. Latypau reportedly attempted [REDACTED]. While he is said to have received emergency medical assistance, it is alleged that he was not hospitalized thereafter. According to the available information, shortly after this incident, his family received information from Correctional Colony No. 22 that visits to Mr. Latypau were not allowed, and that Mr. Latypau was in good health. Allegedly, during this period, Mr. Latypau did not have access to a defense lawyer as his family was unable to secure services of any lawyer who would agree to represent him.

According to the eyewitness testimony, during his transfer from Prison No. 4 to Correctional Colony No. 22 in autumn 2024, Mr. Latypau was observed with visible signs of sustained physical injuries - [REDACTED].

According to the information received, Mr. Latypau spent one year and a half in solitary confinement at Prison No. 4. During his detention there, he allegedly faced harassment [REDACTED].

[REDACTED] Mr. Latypau, [REDACTED], declined to accept food given to him in dishes [REDACTED]. As a result, for an extended period Mr. Latypau sustained himself only on bread and boiled eggs. Reportedly in March 2024, as a result of prolonged deficient nutrition, Mr. Latypau was diagnosed [REDACTED] and [REDACTED]. The prison doctor allegedly provided him with vitamins that helped him recover.

In September 2025, the Ivatsevichy District Court, reportedly acting upon a renewed request from Correctional Colony's No. 22 administration, again ordered that Mr. Latypau be transferred to prison – based on the ruling to tighten security measures for Mr. Latypau's imprisonment. According to our information, a defense lawyer represented Mr. Latypau during these court hearings. This was the last time Mr. Latypau received legal assistance. Reportedly, after he had been transferred to Prison No. 4, the defense lawyer was no longer allowed to see him. Since September 2025, Mr. Latypau has been serving his sentence in Prison No. 4 in Mahiliou. Reportedly, in late 2025 Mr. Latypau committed a third suicide attempt.

In September 2025, despite repeated concerns raised by his relatives with the Department of Corrections of the Ministry of Internal Affairs, the authorities reportedly failed to provide detailed substantive information on Mr. Latypau's health condition and the medical care provided to him. Relatives of Mr. Latypau are allegedly left without reliable information on his fate and well-being, while he appears to be prevented from receiving family visits and allegedly, may not have access to his legal counsel.

The only information provided by the administration of Prison No. 4 in Mahiliou in March 2026 was that Mr. Latypau is on the strict regime in line with article 124 of the Criminal Executive Code of Belarus, and that pursuant to article 125 part 5 of this Code, inmates under a strict regime are allowed to be sent only one parcel of maximum 2 kilograms per year, and that such parcel cannot contain any food. According to the administration, Mr. Latypau received two non-food parcels in June and July 2025 and will only be allowed to receive a parcel from relatives after mid-July 2026.

Reportedly, relatives of Mr. Latypau have not received any telephone calls from him since October 2025 and have not had any correspondence with him for more than a year. There are therefore legitimate concerns that this lack of communication is a result of restrictions imposed on Mr. Latypau, possibly as a disciplinary measure. There is no clarity whether he is currently under prolonged isolation regime in Prison No.4 and whether he has been subjected to the restrictions for family visits, phone calls and correspondence with relatives and on which legal grounds.

According to the administration of Prison No. 4, inmates are allowed to send letters and telegrams without any limitations. Mr. Latypau, in line with article 86 part 1 of the Criminal Executive Code, has reportedly been allowed to call his relatives once per month. Allegedly, after the last call Mr. Latypau did not submit any new written requests to make phone calls. According to the administration, upon arrival at Prison No. 4, he received a full medical examination determining that his health condition was satisfactory and that he did not require medical treatment. Reportedly, the prison administration held “talks” with Mr. Latypau regarding a need for him to maintain social contacts with his close relatives through correspondence and phone calls.

According to the latest information, Mr. Latypau is in a very poor emotional state that is manifested, inter alia, through his last suicide attempt. Reportedly deteriorated health condition, [REDACTED], have been caused by his prolonged incommunicado detention in inhumane conditions, including the denial of adequate medical, including psychological, examinations and care that are warranted by his physical and mental state.

Mr. Viachaslau (Vatslau) Areshka

Mr. Viachaslau (Vatslau) Areshka is a 71-year-old political scientist and public figure, the activist of the independent trade union “REM” (Belarusian Radio-Electrical Manufacturing Workers’ Trade Union) and the editor of the REM trade union’s newspaper. He was detained on 19 April 2022 in relation to the criminal case against members of the REM trade union that on 7 April 2022 was designated by the KGB as an “extremist group”. On 13 May 2022 Mr. Areshka was [recognized](#) by Belarusian human rights defenders as a political prisoner.

On 5 January 2023, Mr. Areshka was sentenced to eight years of imprisonment in a medium-security correctional colony for his support to the protests following the 2020 presidential election. The verdict against him was based on article 361(3) (“acts aimed at harming the national security of the Republic of

Belarus”), article 130(3) (“incitement to social discord”), and article 361-1(1) and (3) (“creation of an extremist formation or participation therein”) of the Criminal Code. He is currently serving his sentence in Correctional Colony No. 22 in Ivatsevichi, Brest Region, with an estimated release date of 26 October 2029.

According to the latest information received, Mr. Areshka’s current medical condition poses a serious threat to his life and physical integrity and raises grave concerns of possible inhuman or degrading treatment. He has reportedly been diagnosed [REDACTED]

Despite his serious medical condition and advanced age, it is alleged that Mr. Areshka remains detained under a medium-security regime without adequate accommodation [REDACTED], and that he did not receive adequate medical examination [REDACTED].

Mr. Sergei Salash

Mr. Sergei Salash is associated with the informal initiative known as the art space “Bottles ’Warehouse” (“Sklad butelok”), which operated in the city of Barysaw, Minsk region, for several years as an informal and independent cultural and art space.

It served as a platform for independent and alternative artistic expression and cultural activities by artists, chamber concerts by musicians and soloists, as well as rehearsals and performances by dance groups from Borisov, Zhodino and Minsk. The art space also hosted lectures on contemporary art and nonconformism, painting and abstraction workshops, street art events, poetry gatherings, intellectual competitions on culture, history and politics, film and theatre screenings. During his involvement with this initiative, Mr. Salash actively used the Belarusian language in everyday communication and during events held in the space.

On 12 November 2025, the KGB designated the “Bottles Warehouse” as an “[extremist formation](#)” by decision No. 4/41-54 “On recognizing a group of citizens as an extremist formation and prohibiting its activities,” identifying a number of individuals, including Mr. Salash, as participants.

On the same day, in the city of Barysaw, Minsk Region, Mr. Salash was detained by KGB officers at the premises of the Bottles’ Warehouse, where a search was carried out. A search was also conducted at his place of residence during which a computer, a mobile phone and documentation related to the activities of the art space were seized.

Following his initial detention, Mr. Salash was subjected to two consecutive administrative detentions of 15 days each, on charges of alleged disobedience to lawful orders of internal affairs officers. The first administrative detention was imposed on 12 November 2025, and upon its expiration, on 27 November

2025, a second 15-day administrative detention was ordered on the same grounds.

After approximately one month in detention, upon completion of the second administrative detention period, Mr. Salash became a subject of criminal investigation. He is believed to have been charged under articles [REDACTED]

[REDACTED] of the Criminal Code, including for his alleged [REDACTED].

The latest available information indicates that his correspondence is effectively limited to communication with close relatives. It is reported that, in the current context in Belarus, attempts by third parties to provide support to individuals detained on politically motivated charges, including those accused of involvement in so-called “extremist formations,” may lead to criminal prosecution, including in relation to correspondence with detainees.

Following his arrest, his wife and minor child were reportedly compelled to leave Belarus due to a well-founded fear of politically motivated persecution.

[REDACTED] Mr. Salash continues to be held in pre-trial detention and it is unclear when his trial will take place.

Concerns regarding incompatibility of several articles of the Criminal Executive Code of Belarus related incompatibility of their application with international human rights law

The systematic use of disciplinary sanctions involving solitary confinement and other forms of punitive isolation in penitentiary facilities against individuals who are convicted on politically motivated grounds is exacerbated by the incompatibility of **article 112 (“penalties applicable to persons sentenced to deprivation of liberty”)**, and **article 114 (“conditions of detention of convicted persons in punishment cells, cell-type premises and solitary confinement”)** of the Criminal Executive Code of Belarus with international human rights law standards.

Furthermore, the detailed procedures governing placement in punishment cells (“SHIZO”), in cell-type premises (“PKT”) and solitary confinement in colonies and prisons are regulated through internal penitentiary regulations that are not publicly accessible, thereby raising issues of legal certainty, transparency and accountability.

Article 112(1), paragraph 7 of the Criminal Executive Code provides that persons deprived of liberty in correctional colonies deemed to be “grossly violating the established procedure for serving sentences” may be transferred to PKT for up to six months, and in certain regimes of colonies - from PKT to solitary confinement for up to six months, and, inside prisons – persons can be placed under a strict regime for a duration of two to six months. **Article 112(1),**

paragraphs 3 and 4 of the same Code provides for the forfeiture of the right of prisoners to receive parcels and the cancellation of long or short family visits as disciplinary penalties.

The provision contained in **article 112(1), paragraph 6** of the Criminal Executive Code, which allows for the placement of convicted persons in SHIZO “*with or without release for work or study for up to fifteen days*,” also raises concerns regarding compliance with the principles of legality, necessity and proportionality. The apparent lack of clarity in the provision as to whether access to work or study may be withheld, and under what criteria, may give rise to arbitrary application at the discretion of penitentiary authorities, without sufficient safeguards or clarity required under international standards.

Furthermore, **article 114(1)** (conditions of detention for prisoners in SHIZO, PKT and solitary confinement) provides, inter alia, that prisoners placed in SHIZO are prohibited from long and short-term visits, telephone conversations (including via video communication), the purchase of food and essential items, receipt of packages and parcels, and sending and receiving correspondence; it is further reported that bedding is not provided and that prisoners are denied outdoor exercise.

Article 114(2-1) states that only “*in exceptional circumstances, the head of a penitentiary facility may grant a short-term visit to a convict placed in SHIZO, PKT or solitary confinement*”. These limited exceptions are left at the discretion of the head of the penitentiary facility and appear to be confined to narrowly defined circumstances such as serious illness or death of a close relative or natural disasters.

In addition, **article 114(5) precludes early release from PKT** in colonies or **solitary confinement** in prisons, except on medical grounds, and there appears to be no provision for periodic review of such measures.

Consistent concerns regarding misuse of article 411 of the Criminal Code

According to the information received the extension of Ms. **Mayorava’s** imprisonment was made on the basis of article 411 (“malicious disobedience to the demands of administration of the correctional institution”) of the Criminal Code of Belarus. It is also reported that the heightened risk of sentence extension that Mr. **Latypau** allegedly faces as a person designated as “prone to extremism” is also premised on the possibility of invoking article 411 vis-à-vis him. It appears that due to its arbitrariness and vagueness and the fact that it allows for a convicted person’s imprisonment to be extended for an indefinite number of times, article 411 is incompatible with the human rights obligations of Belarus.

According to multiple consistent reports, penitentiary administrations frequently impose disciplinary punishments for petty or fabricated violations of strict prison rules as a form of intentional ill-treatment of inmates, deliberately targeting certain individuals to secure additional prison sentences against them for “malicious disobedience”.

Without prejudging the accuracy of the above allegations, we would like to express our utmost concern with the received reports about the continued seemingly arbitrary detention of **Ms. Aliaksandra Pulinovich (initially detained when she was still a minor), Ms. Volha Mayorava, Mr. Yahor Volkau, Mr. Stsiapan Latypau, Mr. Viachaslau (Vatslau) Areshka and Mr. Serhei Salash**, the unwarranted disciplinary measures applied against them, and their ill-treatment and denial of adequate medical care that is causing their health to seriously deteriorate. We are also concerned that their basic rights in detention appear to be restricted due to their convictions on extremism or terrorism related charges and related designations and linked restrictions in prison, including stricter control over their movement, communication, and access to various activities inside Correctional Colonies. It appears that internal regulations of correctional colonies are not publicly available, and we are concerned whether due process is ensured during imposition of the reported discriminatory restrictions on their basic rights in detention.

We are further concerned by allegations that **Ms. Aliaksandra Pulinovich, Mr. Yahor Volkau and Mr. Stsiapan Latypau** have been subjected to incommunicado detention and solitary confinement in inhumane conditions. In this context, we recall that, under international human rights law, prolonged incommunicado detention may amount to torture or other cruel, inhuman or degrading treatment or punishment and, in certain circumstances, to enforced disappearance. We would also like to remind your Excellency's Government that similar concerns have been repeatedly raised by Special Procedures mandate holders in a number of previous communications to your Excellency's Government (see below).

It is of serious concern that both - the legislative provisions regulating the application of disciplinary sanctions as well as regular reports about their systematic arbitrary and disproportionate application against persons recognized by Belarusian human rights defenders as political prisoners - directly contradict international human rights standards.

Firstly, **the Nelson Mandela Rules** require that disciplinary measures be strictly regulated by law and not applied arbitrarily (rule 39), and that prisoners be informed of charges and allowed to defend themselves (rule 41). Secondly, the possibility under **article 112 of the Criminal Executive Code of the Republic of Belarus** to impose solitary confinement or similar regimes of isolation for periods of up to six months appears *prima facie* incompatible with **the Nelson Mandela Rules** that set clear and binding minimum standards on the use of solitary confinement. In particular, rule 43 *explicitly prohibits prolonged solitary confinement, defined in rule 44 as confinement for more than 15 consecutive days*, as well as its use where it would exacerbate the mental or physical condition of the prisoner. In this regard, we emphasize that prolonged or abusive solitary confinement may amount to torture or other cruel, inhuman or degrading treatment or punishment, particularly where it results in serious mental or physical harm.

Thirdly, rules 45 and 46 of **the Nelson Mandela Rules** require that solitary confinement be imposed only in exceptional circumstances, as a measure of last resort, for the shortest possible time, and subject to authorization and independent review by a competent authority, with continuous monitoring by health-care professionals.

Fourthly, rule 41 guarantees the right of prisoners to challenge disciplinary sanctions before a competent authority. This procedural safeguard appears to be undermined by the existing practice in Belarus that decisions are left to the broad discretion of penitentiary authorities as there is no clarity whether such decisions are guided by transparent criteria, legally certain procedures. The apparent lack of effective legal remedies, the absence of periodic review and the prohibition of early release from isolation regimes, except on medical grounds, are also the reasons of our serious concern.

Furthermore, the potential denial of access to work or educational activities as part of disciplinary sanctions appears inconsistent with the rehabilitative purpose of imprisonment as reflected in **the Nelson Mandela Rules**, notably rules 96, 98 and 104, which emphasize that work, vocational training and education constitute essential components of prisoners' rehabilitation and social reintegration. The legislatively foreseen denial of bedding and outdoor exercise for persons placed in SHIZO equally raises grave concerns under rules 13 and 21 of **the Nelson Mandela Rules**, which require that accommodation meets basic health requirements and that prisoners be provided with at least one hour of daily outdoor exercise. Additionally, the legislatively foreseen blanket restrictions on communication, visits, parcels and correspondence for prisoners held in SHIZO, PKT or solitary confinement also appear *prima facie* incompatible with **the Nelson Mandela Rules** and other international human rights law standards.

With the view to the above listed concerns, the combined effect of **articles 112 and 114 of the Criminal Executive Code of Belarus** appears to allow for extensive and potentially indefinite restrictions on fundamental prisoners' rights, including freedom from inhumane treatment, the right to have contact with the outside world and access to basic necessities. In effect, disciplinary measures prescribed by the Criminal Executive Code of Belarus sanction inhumane conditions of detention, undermine the rehabilitative purpose of imprisonment and, particularly when applied cumulatively or for prolonged periods, may amount to cruel, inhuman or degrading treatment.

With regard to our consistent concerns regarding **the use of article 411 of the Criminal Code** to extend prison terms, we would like to refer to our past communications [BLR 8/2023](#), [BLR 5/2024](#), [BLR 6/2024](#), [BLR 2/2025](#), [BLR 3/2025](#) and [BLR 12/2025](#). We remain seriously preoccupied with information that this article continues to be misused against persons convicted for the legitimate exercise of their fundamental freedoms. Convictions under this article rely solely on reports provided by penitentiary administrations and are based on spurious charges. We remain convinced that extension of prison terms under article 411 of the Criminal Code are adopted 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. We would like to stress that the Special Rapporteur on the situation of human rights in Belarus in his last report to the Human Rights Council has called on your Excellency's Government **to repeal article 411 of the Criminal Code** and free and rehabilitate all individuals convicted under this provision ([A/HRC/59/59](#), para. 88(i)).

Alleged violations of Ms. Pulinovich's rights as a child

We are deeply concerned at the allegations of Ms. **Pulinovich's** prolonged pre-trial detention for approximately 21 months. Given that she was a 16-year-old minor at the time of her arrest and for over a year during her pretrial detention, the apparent failure to order alternative non-custodial measures raises serious human rights concerns.

We are further concerned at allegations that while Ms. **Pulinovich** was still a child (16 years old), she was held in solitary confinement for extended periods of time, both in IVS and in SHIZO. We are also extremely preoccupied with information that during her detention in IVS for 10 days (more than allowed by national legislation) she was subjected to inhumane conditions with low temperatures, and no bedding or mattress provided. While we note that children should be held separately from adult detainees, the conditions and duration of her solitary confinement appear to indicate that it went beyond protective separation. Her prolonged solitary confinement, combined with inhumane detention conditions and the lack of meaningful human contact, including to her parents during her 10 day detention in the IVS, may constitute inhumane and degrading treatment and may amount to violations of her rights as a child, including her right to liberty and security and to be free from torture and other ill-treatment.

We are also concerned that Ms. **Pulinovich** may not have had access to effective legal defence, initially from the State-appointed lawyer and subsequently by her privately retained counsel who could not access their client. Moreover, it is alarming that her parents were reportedly not permitted to be present during her arrest and the investigation, including her initial interrogation. This raises serious concerns of violations of her rights as a child, including her right to due process.

Due process and fair trial rights

We are also alarmed by allegations of significant delays in the investigation against Ms. **Pulinovich**, and that she and her co-defendants were publicly portrayed in State media in a manner potentially undermining their presumption of innocence while the case was still being investigated. We are therefore concerned that the authorities failed to exercise the restraint that article 14(2) of the ICCPR requires of them and thus that Ms. Pulinovich's right to a fair trial may have been violated.

Reports that the court proceedings in the case of Ms. **Pulinovich** (after she had reached the age of 18 years old) were conducted in closed session without public and individualized justification raise further concerns regarding compliance with fair trial guarantees under article 14(1) of the ICCPR, which provides that trials shall be public except in strictly limited circumstances that are necessary and proportionate. The Human Rights Committee in its **general comment No. 32** ([CCPR/C/GC/32](#)) has emphasized that any restriction on the public nature of proceedings must be exceptional, clearly justified, and subject to judicial scrutiny.

Freedom of expression

Regarding the allegations that all these six individuals are being persecuted for their legitimate exercise of freedom of expression, we would like to recall that article 19 of the ICCPR guarantees the right to freedom of expression, which includes the right “to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice”. In accordance with the Human Rights Committee’s **general comment No. 35** ([CCPR/C/GC/35](#), para. 17) and the jurisprudence of the Working Group on Arbitrary Detention, deprivation of liberty as punishment for the legitimate exercise of the freedom of expression is arbitrary.

Designations as “terrorists” and “extremists”

In relation to the above allegations of designations as “terrorists” and “extremists” and convictions on terrorism or extremism-related charges, we recall that Special Procedures have consistently expressed concern about the misuse of counter-terrorism and anti-extremism legislation in Belarus, as well as about the treatment of persons deprived of liberty under such charges or included in terrorist or extremist lists.

We yet again reiterate that in several of our past communications listed below we informed your Excellency’s Government that the designation of individuals or groups as terrorist must satisfy the minimum grounds for listing, and ensure 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 (A/HRC/16/51, para. 35 and A/80/284, paras. 17-39; see Annex to this letter). Further, we reiterate that the “term” extremism has no meaning under international law and should be avoided in the context of administrative restrictions or criminal liabilities.

We would like to recall our past repeated 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](#); [BLR 8/2025](#); [BLR 9/2025](#); [BLR 11/2025](#); [BLR 12/2025](#); BLR 1/2026; [A/78/327](#)).

In addition, we would also like to recall that in its previous jurisprudence on Belarus, the Working Group on Arbitrary Detention took note of reports¹ indicating that the legislation on countering extremism contained unclear definitions and imprecise procedures for determining what was considered to be extremist, as well as the use of such legislation against individuals seeking to exercise their rights to freedom of expression, peaceful assembly and association and their right to participate in public affairs. The Working Group found that the basis for the arrest and detention of individuals pursuant to that legislation was effectively their exercise of freedom of

¹ A/HRC/49/71, paras. 62–68.

expression and freedom of association; and concluded that it was arbitrary and fell under category II.²

Women in detention

We wish to draw your attention to the United Nations **Rules for the Treatment of Women Prisoners and Non-Custodial Measures for Women Offenders (the Bangkok Rules)** that inter alia state that “*alternative ways of managing women who commit offences, such as diversionary measures and pretrial and sentencing alternatives, shall be implemented wherever appropriate and possible*”.

Right to access adequate medical care in detention

Regarding the alleged denial of adequate medical care to Ms. **Mayorava**, we would like to recall that multiple communications have been addressed to your Excellency’s Government about widespread ill-treatment of women detainees in Correctional Colonies Nos. 4 and 24. and about the lack of accountability for these abuses ([BLR 3/2023](#); [BLR 12/2023](#); [BLR 11/2023](#); [BLR 10/2023](#); [BLR 5/2024](#); [BLR 7/2024](#); [BLR 2/2025](#); [BLR 3/2025](#); [BLR 5/2025](#); [BLR 7/2025](#)). We would like to draw your Excellency’s Government’s attention to the requests made in these communications and echo the call on Belarus of **the Committee on the Elimination of Discrimination against Women** to bring the conditions of detention for women in line with international standards ([CEDAW/C/BLR/CO/9](#), para. 54(a)).

In relation to the latest allegations received related to Ms. **Mayorava**, we remain extremely concerned about her facing an imminent risk of sustaining serious and irreversible harm [REDACTED] and health in general. We remind your Excellency’s Government that over the past years Special Procedures mandate holders have addressed several communications to your Excellency’s Government on the situation of Ms. **Mayorava**: [BLR 5/2024](#) of 13 June 2024, [BLR 6/2024](#) of 23 October 2024, [BLR 7/2024](#) of 24 October 2024, [BLR 2/2025](#) of 19 March 2025, and [BLR 5/2025](#) of 5 August 2025.

In these communications we raised concerns about the alleged deterioration of health of Ms. **Mayorava** in detention; denial of proper medical care and access to products for her basic needs, such as warm clothes, nutritious food and personal hygiene products; ill-treatment, including repeated solitary confinement in dire conditions and prolonged incommunicado detention; and severe restrictions on communication with her family. Information was requested about the factual grounds for the convictions of Ms. **Mayorava** and for her designation as “extremist” and “terrorist”. Your Excellency’s Government was also urged to ensure prompt, effective, independent, impartial and thorough investigation into the alleged ill-treatment of Ms. **Mayorava** in detention and to provide information about her state of health.

In a recent communication of 5 August 2025, [BLR 5/2025](#), mandate holders reiterated their previous concerns about Ms. **Mayorava** health diagnosis for which she was allegedly still not receiving medical treatment, noting that without proper care, this condition could lead to her complete and irreversible [REDACTED] Mandate holders were

² Opinion No. 54/2024, para. 83-86. See also: opinion No. 33/2025, para. 110-114, opinion No. 64/2023 para. 78-81; opinion No. 2022/24, paras. 89-94; and opinion No. 50/2021, para. 80-84.

also concerned that Ms. **Mayorava** continued to be prevented from receiving money transfers and packages, having family visits or dispatching letters to her family. She was able to make calls to her family only rarely and for five minutes.

We acknowledge your Excellency's Government [reply](#) dated 25 September 2025 to [BLR 5/2025](#) in which you referred to the existing legislative norms regulating the provision of medical care to the convicted persons, namely article 96 of the Criminal Executive Code of Belarus. The reply stated that medical care in penitentiary facilities complies with the healthcare legislation and is regulated by the Ministry of Internal Affairs together with the Ministry of Health. Your Excellency's Government's reply also made broad assertions that medical care and medicines are provided to inmates free of charge in line with the existing legislation, and that those diagnosed with bodily impairments that limit their daily life are referred to medical and social assessment for the determination of their disability status. We regret that the provided reply highlighted that prosecutorial authorities did not identify any violations raised in our communication during their regular inspections of penitentiary facilities. We also regret that your Government's reply did not address specific allegations raised in our communication, nor did it provide substantive information regarding Ms. **Mayorava's** individual medical condition or the treatment she was receiving. We are concerned that the above allegations appear to demonstrate that your Excellency's Government has taken no measure to remedy the situation of Ms. **Mayorava** and the reported violations of her rights.

We are equally concerned that the allegations of denial of access to medical care despite Ms. **Mayorava's**, Mr. **Volkau's**, Mr. **Latypau's** and Mr. **Areshka's** deteriorating health, may violate their right to health under article 12 of the ICESCR, the prohibition of torture and other ill-treatment under article 7 of the ICCPR, the requirement of humane treatment in detention under article 10 of the ICCPR, the Nelson Mandela Rules, and the State's duty to ensure reasonable accommodation for persons with disabilities.

In light of the recent information received, we urge your Excellency's Government, to consider an immediate release from detention on humanitarian grounds of Ms. **Mayorava**, Mr. **Volkau**, Mr. **Latypau** and Mr. **Areshka** – in line with **the United Nations Standard Minimum Rules for Noncustodial Measures (Tokyo Rules)**. We also call on relevant authorities to provide urgent access to impartial medical professionals and independent human rights monitors to assess their health condition to ensure that they are provided with adequate medical treatment and accommodation for their serious health conditions.

With regard to broader concerns about access of detainees to adequate health care in the penitentiary facilities of Belarus, we bring your Excellency's Government's attention to past communications (see, among others, [UA BLR 3/2023](#), [UA BLR 4/2023](#), [BLR 5/2024](#), [BLR 6/2024](#), [BLR 7/2024](#), [UA BLR 2/2025](#), [UA BLR 3/2025](#), [BLR 4/2025](#), [BLR 5/2025](#), [UA BLR 7/2025](#), [BLR 12/2025](#), [BLR 1/2026](#)). These concerned similar allegations that inmates sentenced on politically motivated grounds, including female inmates and persons with serious health diagnosis, faced targeted and discriminatory physical mistreatment and psychological pressure through humiliating practices, including inter alia, the denial of proper medical evaluation and adequate medical and psychological care, as well as restrictions on the receipt of parcels

of food, medicines and money from relatives and on contacts with the outside world, and exposure to deliberately created poor detention conditions.

We recall 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 ([CCPR/C/BLR/CO/5](#), para. 36(b)) and that 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/C/BLR/CO/5](#), para. 22(f)).

Generally, we reiterate our past concerns about the use against inmates convicted on politically motivated charges of punitive and arbitrary solitary confinement exceeding 15 consecutive days (up to six months) in the so-called “*cell-type premises*” (PKT) or “*punitive isolation*” (SHIZO). Such disciplinary sanctions may amount to incommunicado detention, torture and ill-treatment prohibited under international law.

As we have already consistently highlighted, inmates placed in “punitive isolation” are reported to be “starved and cold all the time”. These two regimes in SHIZO and in PKT also involve deprivation of access to personal belongings and denial of correspondence and visits, which may amount to psychological pressure. Inmates under disciplinary measures are denied access to their lawyers, which deprives them of any avenues for effectively raising complaints. Inmates have reportedly had to have recourse to hunger strikes to protest the use of physical force and ill-treatment by colony staff, leading to the irreversible and sometimes life-threatening deterioration of their physical and mental health.

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 additionally 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 any comment you may have on the above-mentioned allegations.
2. Please provide information about the factual and legal grounds for the imprisonment of Ms. **Pulinovich**, Ms. **Mayorava**, Mr. **Volkau**, Mr. **Latypau** and Mr. **Areshka**, and extended pretrial detention of Mr. **Salash**, and explain how their deprivation of liberty complies with article 9 of the ICCPR.
3. Please clarify what continued and adequate medical care is being provided to Ms. **Pulinovich**, Ms. **Mayorava**, Mr. **Volkau**, Mr. **Latypau**, Mr. **Areshka** and Mr. **Salash** to prevent their health deterioration. Please specify whether independent medical, including

psychological, examinations were conducted, whether these individuals were provided access to psychological/psychiatric counseling as required under international law, whether they are allowed to receive medical packages without any restrictions, whether an assessment of their disabilities has been conducted, and whether reasonable accommodation was ensured for any established disabilities.

4. In particular, please provide information on whether Ms. **Mayorava**, Mr. **Volkau**, Mr. **Latypau** and Mr. **Areshka** have prompt access to required treatment and doctors of their choice, including internationally licensed medical practitioners.
5. Please detail the safeguards in place to ensure compliance with Belarus' obligations under international law prohibiting torture and ill-treatment, including in relation to children. Please indicate whether any prompt, independent and impartial investigations have been conducted into the alleged denial of adequate medical care, and ill-treatment in detention. Please provide information on any accountability measures taken in this regard. If no investigation has been conducted, please explain why.
6. Please provide information about the steps taken to repeal the category of "extremism" in national law and bring the national counterterrorism and extremism-related legal framework of Belarus in line with international law.
7. Please provide detailed information on the factual and legal grounds for Ms. **Pulinovich's** and Ms. **Mayorava's** respective inclusions on the lists of persons involved in "terrorist" and "extremist" activities, including the criteria applied, procedural safeguards in place, and avenues available to challenge such designations in accordance with international human rights standards.
8. Please provide clarifications as to the measures taken to ensure that Ms. **Pulinovich's** and Ms. **Mayorava's** rights, following their designations as "terrorists" and "extremists" are fully respected, including access to due process safeguards, humane conditions of detention, basic prisoners' rights (inter alia, the right to contacts with the outside world, including a legal counsel and a defense lawyer, correspondence, parcels, financial transfers, access to education and social activities) and protection from ill-treatment, discrimination and stigmatization inside the penitentiary facilities.
9. Please clarify which legal acts regulate imposition of restrictions on inmates designated as "**terrorists**" and "**extremists**" and how these restrictions comply with the principles of dignity, non-discrimination and equality that must be afforded to all inmates. Please clarify how the deprivation of basic rights of individuals designated as "terrorists" and "extremists" is compatible with international standards as well as with the rehabilitative purpose of imprisonment. Please indicate whether the legal category of "extremism" under national law will be repealed.

Questions related to Ms. Pulinovich

10. Please provide clarification on the legal and factual grounds for the arrest of Ms. **Pulinovich** at the age of 16 at her school premises and with the immediate use of handcuffs, as well as on the allegations of ill-treatment, inter alia beatings, threats with firearms and coercion during interrogations, including during the initial interrogation conducted without presence of a lawyer, legal representative or guardian. Please detail all safeguards put in place to prevent the forced self-incrimination and coerced testimony of Ms. Pulinovich. Please clarify whether alleged violations of Ms. **Pulinovich's** rights as a minor at the time of her arrest, were independently and impartially reviewed?
11. Please clarify the legal basis and justification for the prolonged detention of Ms. **Pulinovich** in the IVS (approximately 10 days, exceeding the legal limit of 48 hours), and pretrial detention (approximately 21 months) in solitary confinement. Please detail the measures taken to ensure that non-custodial measures were considered as a priority and the requirement that detention of minors be used as a measure of last resort and for the shortest appropriate period of time.
12. Please clarify the compliance of the IVS conditions of detention with basic international standards (including hygiene, access to bedding, medical care, food and adequate temperature inside cells) on the treatment of children deprived of liberty. Please clarify whether Ms. **Pulinovich** was provided with access to a legal representative immediately upon her arrest?
13. Please provide information on whether authorities upheld fair trial rights and due process guarantees of Ms. **Pulinovich**, including the right to be presumed innocent, the principle of equality of arms, the right to effective legal defense and a public trial? Did authorities conduct investigation into the state channel's broadcast that named Ms. **Pulinovich** and several others detained as guilty, even before the trial began.
14. Please explain what evidence supported the serious charges of high treason, terrorism, and participation in an extremist formation brought against Ms. **Pulinovich**, and how her conviction and sentencing comply with the requirements of legality, necessity, proportionality and non-discrimination, as well as the right to freedom of expression.

Questions related to Ms. Mayorava

15. In light of Ms. **Mayorava's** reported deteriorating health condition, please indicate whether the authorities have considered replacing her custodial sentence with a non-custodial measure or granting her pardon or remission of sentence. Please also provide information on the legal framework and criteria governing such decisions, and how these are

applied in practice in a manner consistent with international standards, including the Nelson Mandela Rules, the United Nations Standard Minimum Rules for Non-custodial Measures (the Tokyo Rules) and the United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (the Bangkok Rules).

Questions related to Mr. Volkau

16. Please clarify reasons for placing Mr. **Volkau** into extended solitary confinement at PKT and what safeguards are upheld to ensure that the imposed disciplinary measures do not deny his access to the urgently required healthcare in light of the reported risks to his life and health, including [REDACTED].
17. Please indicate whether the penitentiary authorities are considering the immediate release of Mr. **Volkau** on humanitarian grounds, in light of his reportedly critical and deteriorating health condition, and clarify what steps are being taken to ensure his urgent hospitalization in a specialized medical facility where he can receive the necessary medical examinations and treatment.

Questions related to Mr. Latypau

18. Please clarify whether Mr. **Latypau's** right to communicate with the outside world through telephone calls, correspondence and both short and extended family visits, is being upheld and if there are any restrictions imposed on him. If yes, please clarify on which grounds and for what period.
19. Please provide information on whether any consideration has been given to the humanitarian release of Mr. **Latypau** given his physical and mental health condition.

Questions related to Mr. Areshka

20. Please clarify whether Mr. **Areshka** has undergone an independent medical and social assessment for the recognition of his disability and indicate what measures have been taken to ensure reasonable accommodation of his condition.
21. In light of Mr. **Areshka's** advanced age and his reported serious and irreversible health condition, including complete [REDACTED], please indicate whether the competent authorities have considered replacing his custodial sentence with a non-custodial measure or granting him pardon or early release on humanitarian grounds. Please also provide information on the legal framework and criteria governing such decisions, and how they are applied in practice in accordance with international human rights standards.

Questions related to Mr. Salash

22. Please provide the legal basis and justification for the imposition of two consecutive administrative detention of 15 days each on Mr. **Salash** on charges of alleged disobedience to lawful orders of internal affairs officers and for his criminal prosecution in relation to the activities of the informal art space “Bottles’ Warehouse”, and clarify whether he has access to effective legal counsel and other safeguards to ensure fairness of pretrial investigation and ensuing trial.
23. Please indicate the safeguards in place to prevent the use of administrative detention as a precursor to criminal prosecution.
24. Please provide detailed information on the legal grounds for Mr. **Salash’s** continued pretrial detention, including the duration of such detention, and the criteria used to assess its necessity, conditions of detention, including any restrictions on his correspondence with the third parties, apart from close relatives, and Mr. **Salash** protection against any form of coercion or pressure.

Questions related to articles of the Criminal Executive Code and the Criminal Code

25. Please clarify how **articles 112 and 114 of the Criminal Executive Code of the Republic of Belarus** comply with the Nelson Mandela Rules, particularly the prohibition of prolonged solitary confinement, the requirement that it be used only as a measure of last resort, and the requirement that detainees have regular contact with the outside world.
26. Please provide information on what procedural safeguards are in place in legislation and practice, including in publicly accessible regulations, to ensure clear criteria, independent oversight, periodic review, and access to effective remedies with the aim of ensuring that disciplinary measures under **article 112 of the Criminal Executive Code** - such as placement in SHIZO and solitary confinement, denial of work or education, and restrictions on visits and parcels - are applied in accordance with the principles of legality, necessity, proportionality, and non-discrimination, and are not imposed arbitrarily, in line with the Nelson Mandela Rules.
27. Please indicate whether your Excellency’s Government plans to review **article 112 of the Criminal Executive Code** with the view bringing them into compliance with the human rights obligations of Belarus.
28. Please explain how the Government ensures that the application of **article 411 of the Criminal Code** (“malicious disobedience to the demands of administration of the correctional institution”), which allows repeated extensions of imprisonment based on alleged disciplinary violations, complies with Belarus’s obligations under article 14(7) of the ICCPR, in particular the prohibition of double jeopardy. Please explain

what measures are being considered to address concerns regarding the vagueness, arbitrariness, and potential misuse of this provision.

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.

This communication, and any response received from your Excellency's Government, will be made public via the communications reporting [website](#) at the 60 days mark. Should your Excellency's Government respond within 60 days, both the communication and the response, may be published before the 60 days mark. The communications and responses will also be made available in the subsequent periodic report to be presented to the Human Rights Council. Please note that only the main document will be published, the annexes if any will be kept internally for the mandate holders' review.

While awaiting a reply, we urge that all necessary interim measures be taken to halt the alleged violations and prevent life risks and irreversible health deterioration of the alleged victims. We also urge your Excellency's Government to bring its national legislation and practice on countering terrorism and extremism, and related criminal legislation into compliance with international law, including international human rights law standards.

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.

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

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

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

Zvezdan Pirošek
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

Claudia Flores
Chair-Rapporteur of the Working Group on discrimination against women and girls

Annex

Reference to international human rights law

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

The Human Rights Council's Resolution [A/HRC/61/26](#) "On Situation of human rights in Belarus", adopted on 31 March 2026 in paragraph 4 strongly urged "the Belarusian authorities to comply fully with all their obligations under international human rights law and (...):

- (a) to immediately and unconditionally release and effectively rehabilitate all those persons arbitrarily or unlawfully detained, arrested, charged or sentenced on politically motivated grounds or for exercising their human rights, to ensure the resolution of judicial proceedings upon their release and to end all forms of harassment or pressure that may result in their forced departure, deportation or deprivation of consular services;
- (b) to cease the use of force against peaceful demonstrators, of torture and other cruel, inhuman or degrading treatment or punishment, prosecution, harassment, intimidation, repression and forced exile of individuals solely for exercising their human rights or for performing their duties, and to ensure equal protection of and by the law;
- (c) to ensure timely and adequate medical assistance and humane conditions of detention for all persons deprived of their liberty, and to guarantee their access to independent legal assistance of their own choosing and to legal protection throughout all proceedings;
- (d) to provide substantive replies concerning claims of enforced disappearances and make available transparent, full and timely information about the fate and whereabouts of the disappeared persons;
- (e) to ensure prompt, effective, thorough, transparent, independent, **impartial and gender- and age-responsive investigations**, addressing the full chain of command relevant to individual criminal responsibility with a view to ensuring accountability and effective remedy in all cases of human rights violations and abuses, including through restitution, compensation, rehabilitation, satisfaction and guarantees of non-repetition for victims and survivors, as appropriate;
- (f) to take all measures necessary to ensure the full independence and impartiality of the judiciary, free from executive control and undue political interference, and protection for and the independence of the legal profession, and to uphold due process and fair trial guarantees under international human rights law for all persons in order to restore and uphold the rule of law;
- (g) to carry out a comprehensive review of national legislation to ensure that it is consistent with the international human rights obligations of Belarus and that it

does not allow for arbitrary limitations or derogations, in contravention of international human rights law;

- (h) to stop the misuse of “counter-terrorism” and “counter-extremism” policies, including by immediately abolishing the lists of extremist content and of persons and organizations allegedly engaged in extremist activity, and to ensure that all aspects of State national security practice, including when aimed at preventing and countering terrorism and violent extremism, comply with international human rights law and do not serve as a basis for prosecuting civil society representatives and individuals engaged in non-violent expression and advocacy of dissident opinion (...).

Freedom of expression

Freedom of expression applies online as well as offline and 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 in relation to article 19 ICCPR, 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*” and can embrace “*even expression that may be regarded as deeply offensive*” (para. 11). It further asserted 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 restrictions imposed on freedom of expression must (i) be provided by law; (ii) pursue one of the legitimate aims for restriction listed in paragraph 3 of article 19; and (iii) be necessary and proportionate for those objectives. The State has the burden of proof to demonstrate in an individualized fashion 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](#), paras. 34 and 35).

Conviction of persons on incitement offences may fail to meet international standards if the high threshold set out in the **Rabat Plan of Action**, which establishes a [six-part test](#) for determining when expression may be legitimately restricted under criminal law, is not complied with. This test requires a careful assessment of: **(1) the social and political context, (2) the status and influence of the speaker, (3) the intent to incite discrimination, hostility or violence, (4) the content and form of the expression, (5) the extent of its dissemination, and (6) the likelihood, including imminence, of resulting harm.**

Freedom of peaceful assembly and of association

Articles 21 and 22 ICCPR protect the rights to freedom of peaceful assembly and of association, respectively. Article 21 ICCPR protects peaceful assemblies wherever they take place: outdoors, indoors and online; in public and private spaces; or a combination thereof. Such assemblies may take many forms, including demonstrations, protests, meetings, processions, rallies, sit-ins, candlelit vigils and flash

mobs. They are protected under article 21 whether they are stationary, such as pickets, or mobile, such as processions or marches" (CCPR/C/GC/37, para. 6).

The recognition of the right of peaceful assembly imposes a corresponding obligation on States parties to respect and ensure its exercise without discrimination [ICCPR, art. 2 (1)]. This requires States to allow such assemblies to take place without unwarranted interference and to facilitate the exercise of the right and to protect the participants (CCPR/C/GC/37, para. 8). States therefore not only have a negative obligation to abstain from unduly interfering with the rights of peaceful assembly and of association but also have a positive obligation to facilitate and protect these rights in accordance with international human rights standards (A/HRC/17/27, para. 66; and A/HRC/29/25/Add.1). This means ensuring that the rights to freedom of peaceful assembly and of association are enjoyed by everyone, without discrimination on the basis of race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status (A/HRC/41/41, para. 13).

No restrictions may be placed on the exercise of these rights other than those which are prescribed by law and which are necessary in a democratic society in the interests of national security or public safety, public order (*ordre public*), the protection of public health or morals or the protection of the rights and freedoms of others. This article shall not prevent the imposition of lawful restrictions on members of the armed forces and of the police in their exercise of this right (ICCPR, art. 22 (2)).

Respect for international law while countering terrorism

Many resolutions of the United Nations General Assembly, Security Council and Human Rights Council reaffirm that any measures taken to combat terrorism and violent extremism must comply with the obligations of States under international law, in particular international human rights law, refugee law and international humanitarian law.³ Counter-terrorism measures must conform to fundamental requirements of legality, legitimate aim, necessity, proportionality, and non-discrimination. Disregard for these principles can have exceptionally harmful effects on the protection of fundamental rights, particularly for minorities, historically marginalized communities, and civil society. States must ensure that measures to combat terrorism do not hinder the work and safety of individuals, groups and organs of society engaged in promoting and defending human rights (A/HRC/RES/22/6, para. 10(a)).

The principle of legality under article 15(1) of the ICCPR requires that criminal laws are sufficiently precise so that it is clear what types of behaviour constitute a criminal offence and what would be the legal consequences. This principle seeks to prevent ill-defined and/or overly broad laws which are open to arbitrary application and abuse, including targeting civil society on political or other unjustified grounds (A/70/371, para. 46(b)) and suppress the exercise of fundamental rights and freedoms (A/HRC/40/52).

Although no universal treaty generally defines “terrorism”, States should ensure that counter-terrorism legislation is limited to criminalizing conduct which is properly

³ 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.

and precisely defined on the basis of the international counter-terrorism instruments,⁴ the General Assembly’s Declaration on Measures to Eliminate International Terrorism (1994), and Security Council resolution 1566 (2004). Based on these authoritative sources, the 2026 revised model definition of terrorism advanced by the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism provides clear, “best practice” guidance, by identifying conduct that is genuinely terrorist in nature and precisely defining the elements (A/HRC/61/52 and A/HRC/16/51, para. 28). The model definition is as follows:

1. Any person commits a terrorist offence if that person, by any serious criminal act, intentionally causes death, serious bodily injury, or hostage-taking, where:
 - (a) the purpose of the conduct, by its nature or context, is:
 - (i) to provoke a state of terror in the public or a group of persons; or
 - (ii) to unduly compel a Government or an international organization to do or to abstain from doing any act;
 - (b) the conduct is intended to advance a political or ideological purpose, which must be a substantial purpose; and
 - (c) the conduct, given its nature or context, intentionally causes serious damage to a country or an international organization.
2. A terrorist offence does not include:
 - (a) an act of advocacy, protest, dissent or industrial action that does not intentionally cause death or serious bodily injury;
 - (b) conduct committed in armed conflict that does not violate international humanitarian law;
 - (c) the provision of humanitarian activities by impartial humanitarian organizations in accordance with international humanitarian law;
 - (d) the activities of State military forces in the exercise of their official duties, inasmuch as they are accordance with international law; and
 - (e) an act intended to establish or re-establish democracy, constitutional Government or the rule of law, or to exercise or safeguard human rights.

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).

⁴ See https://treaties.un.org/Pages/DB.aspx?path=DB/studies/page2_en.xml.

Designations and listings

The designation of “terrorist” individuals or organizations must satisfy the grounds for listing, and ensure 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 (A/HRC/16/51, para. 35 and A/80/284, paras. 17-39). Specifically, the criteria for listing must be clearly established by law and publicized. There must be reasonable grounds to believe, based on credible and convincing evidence, that the individual or entity: (a) has knowingly carried out, participated in or facilitated a terrorist act; (b) intends to engage further in terrorism; and (c) is capable of so engaging. A higher standard of proof, such as the balance of probabilities, is recommended. The definition of terrorism must be limited to conduct that is genuinely terrorist in accordance with best practice international standards. To list an organization, it must have the substantial purpose of engaging in terrorist offences. Even where an individual or entity meets the formal criteria, listing must still be necessary and proportionate in the circumstances, including by demonstrating that less invasive means, such as surveillance and criminal investigation, would be ineffective.

Any restriction of rights resulting from listing, including financial and criminal law measures, must be necessary and proportionate in pursuit of the counter-terrorism aim and be non-discriminatory. Measures must be applied individually and not automatically or en masse. The protracted or indefinite maintenance of restrictive measures, including asset freezes and travel bans, may become disproportionate and quasi-punitive over time. Protracted listings should also be more intensively scrutinized because they will likely have reduced the threat over time.

The following minimum due process rights should apply to listings: (a) A right to be promptly informed of the listing (ordinarily ex ante, exceptionally ex post facto) and its factual grounds, the consequences of listing and the procedural rights. There must be sufficient disclosure of the information supporting the listing to enable the person to effectively challenge it, instruct their lawyer and enjoy equality of arms in proceedings; (b) A right to apply to the decision maker for delisting or non-implementation of the measures, and a subsequent right to re-apply for such relief where there is a material change of circumstances or new evidence; (c) A right to judicial review of the listing, affording due process, legal assistance and legal aid as required. The court must have the power to suspend the listing pending final decision. Judicial review should be prompt and automatic, not only on application; (d) The listing should be regularly reviewed, at least every six months, to determine whether the listing and the measures are still lawful, necessary and proportionate; (e) The listing should lapse automatically after 12 months, unless renewed afresh; (f) Reparation, including compensation, must be available for wrongful listing, including for affected third parties.

Due process and the right to a fair trial

We respectfully recall that article 14(1) of the ICCPR sets out a general guarantee of equality before courts and tribunals and the right of every person to a fair and public hearing by a competent, independent and impartial tribunal established by law. In its **general comment No. 32** ([CCPR/C/GC/32](#)), the Human Rights Committee

found that “[t]he requirement of competence, independence and impartiality of a tribunal in the sense of article 14, paragraph 1, is an absolute right that is not subject to any exception”.

Article 14 of the ICCPR provides a set of procedural guarantees that must be made available to persons charged with a criminal offence, including the right of accused persons to have access to, and communicate with, a counsel of their own choosing. These guarantees provide that lawyers are entitled to perform their professional functions without any threat, intimidation, harassment or interference, and without suffering, or being threatened with, prosecution or any administrative or disciplinary sanctions for actions undertaken in accordance with professional duties and ethical standards (see principle 16 of the [Basic Principles on the Role of Lawyers](#), adopted by the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders (Havana, 1990)).

Article 14 also states that no one shall be liable to be tried or punished again for an offence of which they have already been finally convicted or acquitted in accordance with the law and penal procedure of each country.

Regarding the right to a fair and public hearing, **general comment No. 32** ([CCPR/C/GC/32](#)) states that “*all trials in criminal matters or related to a suit at law must in principle be conducted orally and publicly. The publicity of hearings ensures the transparency of proceedings 5 and thus provides an important safeguard for the interest of the individual and of society at large.*” While article 14 of the ICCPR provides that “*the press and the public may be excluded from all or part of a trial for reasons of morals, public order (ordre public) or national security in a democratic society, or when the interest of the private lives of the parties so requires, or to the extent strictly necessary in the opinion of the court in special circumstances where publicity would prejudice the interests of justice*”, these should be exceptional circumstances.

In relation to the right to be presumed innocent under article 14 of the ICCPR, we recall that the Human Rights Committee has emphasized that this right “requires that public authorities refrain from prejudging the outcome of a trial, e.g. by abstaining from making public statements affirming the guilt of the accused,” and that media portrayals influenced by the State authorities must not present a suspect “in a manner that suggests that he or she is guilty before a court has made a final determination,” (see **general comment No. 13**, and **general comment No. 32** o, para. 30, [CCPR/C/GC/32](#); see also *Gridin v. Russian Federation*, [CCPR/C/69/D/770/1997](#)).

The Human Rights Committee has also clarified in its jurisprudence that any testimony must be given freely and that no one can be compelled to confess guilt or provide evidence obtained through coercion (see *Gridin v. Russian Federation* ([CCPR/C/69/D/770/1997](#)), where the Committee found a violation of article 14(3)(g) due to the use of coerced testimony).

Right to liberty and security

Article 9 of the ICCPR provides that no one shall be subjected to arbitrary arrest or detention or deprived of their liberty except on such grounds and in accordance with such procedure as are established by law. As interpreted by the Human Rights

Committee in **its general comment No. 35 (CCPR/C/GC/35)**, the notion of “arbitrariness” is not to be equated with “against the law” but must be interpreted more broadly to include elements of inappropriateness, injustice, lack of predictability and due process of law, as well as elements of reasonableness, necessity, and proportionality (paragraph 12).

According to the same General Comment (paragraph 17) and the jurisprudence of the Working Group on Arbitrary Detention, arrest or detention of an individual as punishment for the legitimate exercise of the rights guaranteed by the ICCPR, including freedom of opinion and expression under article 19, is arbitrary. Further, the Working Group on Arbitrary Detention has reiterated that a deprivation of liberty is arbitrary when it constitutes a violation of international law on the grounds of discrimination based on birth, national, ethnic or social origin, language, religion, economic condition, political or other opinion, gender, sexual orientation, disability, or any other status, that aims towards or can result in ignoring the equality of human beings.

Article 9(3) of the ICCPR, as interpreted by the Human Rights Committee in its **general comment No. 35 (CCPR/C/GC/35)**, provides that pretrial detention must be an exceptional measure based on an individualized assessment, and not imposed automatically on the basis of the gravity of the alleged offence.

In addition, article 9 (4) of the ICCPR states that 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 the individual’s release if the detention is not lawful.

The **Working Group on Arbitrary Detention** has established in its jurisprudence that even if the arrest of an individual has been carried out in accordance with the provisions of article 9 of the ICCPR, it does not automatically mean that the continued deprivation of liberty also complies with that provision. In other words, it is not only the initial fact of detention that must be in accordance with article 9 of the ICCPR, but it is also the duty of the authorities to ensure that continued detention respects that provision.

The United Nations Standard Minimum Rules for Non-custodial Measures (the Tokyo Rules) require States to prioritize non-custodial measures, ensure individualized assessment of offenders’ personal circumstances, and avoid unnecessary imprisonment, particularly where detention would be disproportionate or detrimental to the individual’s health and well-being:

- **Rule 2.3:** *“In order to provide greater flexibility consistent with the nature and gravity of the offence, the personality and background of the offender... the criminal justice system should provide a wide range of non-custodial measures.”* - emphasizes preference for alternatives to imprisonment.
- **Rule 3.2:** *“The development of new non-custodial measures should be encouraged and closely monitored... taking into account... the need to avoid unnecessary use of imprisonment.”* - supports reduction of incarceration, especially relevant for vulnerable groups.

- **Rule 5.1:** *“Where appropriate and compatible with the legal system, the police, the prosecution service or other agencies dealing with criminal cases should be empowered to discharge the offender if they consider that it is not necessary to proceed with the case.”* - encourages diversion away from formal prosecution.
- **Rule 8.2:** *“Judicial authorities shall have at their disposal a range of non-custodial measures... in order to avoid unnecessary use of imprisonment.”* - requires courts to actively consider alternatives.
- **Rule 9.2:** *“Selection of a non-custodial measure shall be based on an assessment of established criteria... with due regard to the needs of the offender.”* - requires individualized assessment (important for women with health issues).
- **Rule 10.3:** *“The offender’s personal circumstances shall be taken into account in the decision-making process.”* - includes health, gender-specific vulnerabilities, and caregiving roles.
- **Rule 14.2:** *“Non-custodial measures should be used in accordance with the principle of minimum intervention.”* - reinforces that imprisonment should be avoided wherever possible.

Incommunicado detention and enforced disappearance

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/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; see also Human Rights Committee, general comment [No. 20](#), para 11).

The General Assembly has repeatedly affirmed that “prolonged incommunicado detention (...) 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 (...) 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 that 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).

The Declaration on the Protection of all Persons from Enforced Disappearance, adopted by the General Assembly [resolution 47/133](#) on 18 December 1992, in its article 7, states that 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.

Ill-treatment and conditions of detention

We remind your Excellency’s Government that torture and cruel, inhuman or degrading treatment or punishment are prohibited under article 5 of the Universal Declaration of Human Rights, article 7 of the **International Covenant on Civil and Political Rights** ([ICCPR](#)), ratified by Belarus on 12 November 1973; and articles 1, 2 and 16 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment ([CAT](#)), ratified by Belarus on 13 March 1987.

We recall that 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). 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 (...) (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), and articles 1 and 16 of CAT.

We further recall that detention conditions and treatment should always comply with the United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules, [A/RES/70/175](#)), taking into account any personal vulnerability due to factors such as medical condition, among others.

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.

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.

Under rule 24(1), “the provision of health care for prisoners is a State responsibility. Prisoners should enjoy the same standards of health care that are available in the community, and should have access to necessary health-care services free of charge without discrimination on the grounds of their legal status”.

Rule 27 provides that prisoners requiring specialized treatment or surgery shall be transferred to specialized institutions or to civil hospitals.

Rule 30 states that clinical decisions must be taken by medical professionals and may not be overruled by non-medical prison staff. In accordance with this rule, 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 their admission and thereafter as necessary. 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 to 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.

Rule 39(2) 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.

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 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. We also draw the attention that under the Mandela Rules solitary confinement of longer than 22 hours per day, or continuously for 15 days constitutes prohibited conduct per the absolute prohibition against torture and other cruel, inhuman or degrading treatment or punishment, even when applied as disciplinary sanctions or restrictive measures.

Rule 43(2) explicitly prohibits disciplinary sanctions that entail the prohibition of contact with family.

Rule 46 stresses that health-care personnel shall “*pay particular attention to the health of prisoners held under any form of involuntary separation, including by visiting such prisoners on a daily basis and providing prompt medical assistance and treatment at the request of such prisoners or prison staff*” and that “[h]ealth-care personnel shall report to the prison director, without delay, any adverse effect of disciplinary sanctions or other restrictive measures on the physical or mental health of a prisoner subjected to such sanctions or measures and shall advise the director if they consider it necessary to terminate or alter them for physical or mental health reasons.”

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. Rule 69 provides that individuals designated by a prisoner to receive his or her information shall be notified by the director of the prisoner’s serious illness or transfer to a health institution, among others.

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 (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 ‘*improve 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*’ (Concluding observations on the fifth periodic report of Belarus (2018), [CAT/C/BLR/CO/5](#), para. 22(f)).

Right to health

We would also like to recall Belarus’s obligations under article 12 of the International Covenant on Economic Social and Cultural Rights (CESCR), 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 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. Thus, it establishes an obligation to respect the right to health, *inter alia*, by providing prompt access to an independent and confidential medical examination to all persons deprived of liberty.

The Committee on Economic, Social and Cultural Rights (CESCR) interprets the right to health as an inclusive right 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, [E/C.12/2000/4](#), para. 11). Denying or limiting equal access for all persons, including prisoners or detainees to preventive, curative and palliative health services may amount to the violation of articles 12 and 2.2. of the ICESCR (Ibid, para. 34, [E/C.12/2000/4](#)).

The United Nations [Standard Minimum Rules for the Treatment of Prisoners](#) (the Nelson Mandela Rules) establish States' responsibility to treat all prisoners with the respect due to their inherent dignity and value as human beings (rule 1), without any discrimination, including on the grounds of political or other opinion (rule 2); to provide prisoners with accommodation which meets all requirements of health (rule 13); and to provide prisoners with appropriate healthcare services (rules 24 to 35).

Juvenile justice

We would like to draw your attention to the [Convention on the Rights of the Child](#) (CRC) ratified by Belarus on 1 October 1990. Article 37(b) of the CRC provides that *"the arrest, detention or imprisonment of a child... shall be used only as a measure of last resort and for the shortest appropriate period of time,"* while article 37(c) further requires that every child deprived of liberty *"shall be treated with humanity and respect for the inherent dignity of the human person"* and in a manner that takes into account their age and needs, including the right to maintain contact with their family.

Article 40(1) of the CRC establishes that children alleged as, accused of, or recognized as having infringed the law must be treated in a manner consistent with the promotion of their sense of dignity and worth, reinforcing their reintegration and assuming a constructive role in society. Article 37 of the CRC prohibits the unlawful or arbitrary detention of children and provides that detention of children should be used only as a measure of last resort and for the shortest appropriate period of time. Paragraph (c) provides that children deprived of liberty must be treated with humanity and respect for the inherent dignity of the human person, and in a manner which takes into account the needs of persons of their age. In particular, children must be detained separately from adults unless it is considered in the child's best interest not to do so and must be able to maintain contact with their family through correspondence and visits, save in exceptional circumstances. Paragraph (d) provides that children deprived of liberty have the right to challenge the legality of their detention before a court or other

competent, independent and impartial authority, and are entitled to a prompt decision on any such action.

Similarly, article 10(2)(b) of the ICCPR requires that accused juvenile persons be separated from adults and brought as speedily as possible for adjudication, and article 14(4) mandates that criminal procedures for juveniles take into account their age and the desirability of promoting their rehabilitation. Articles 2 and 16 of CAT oblige States to prevent acts of torture and other cruel, inhuman or degrading treatment or punishment, which includes conditions and treatment in detention, particularly where children are involved.

Paragraph 87 of the CRC general comment No. 24 (2019) ([CRC/C/GC/24](#)) on children's rights in the child justice system reiterates that pretrial detention of children "should not be used except in the most serious cases, and even then only for the shortest possible period of time," while paragraph 95 states that "solitary confinement of a child... constitutes a violation of article 37 of the Convention and may amount to torture or other cruel, inhuman or degrading treatment." Paragraphs 95–97 further emphasize that children must have prompt access to legal assistance and be able to maintain contact with their family from the outset of detention. Paragraph 18 of the Human Rights Committee's general comment No. 35 ([CCPR/C/GC/35](#)) on liberty and security of person affirms that "detention of minors should be avoided to the extent possible and... must be limited to exceptional circumstances and for the shortest appropriate period of time."

Rule 45(2) of the United Nations **Standard Minimum Rules for the Treatment of Prisoners** ([the Mandela Rules, A/RES/70/175](#)) explicitly prohibits the use of solitary confinement for children, while rules 43 and 44 prohibit prolonged solitary confinement and define it as confinement exceeding 15 consecutive days.

Rule 1 of the United Nations **Rules for the Protection of Juveniles Deprived of their Liberty** ([Havana Rules](#)) establishes that juveniles deprived of liberty shall be treated "*in a manner which upholds their dignity and sustains their self-respect,*" while rule 59 provides that they "*shall have the right to communicate with their family... through correspondence and visits,*" and rules 38–46 guarantee access to education, vocational training, and development activities as essential components of rehabilitation.

Rule 13.1 of the United Nations **Standard Minimum Rules for the Administration of Juvenile Justice** ([Beijing Rules, A/RES/40/33](#)) states that detention pending trial "*shall be used only as a measure of last resort and for the shortest possible period of time,*" and rule 26.1 emphasizes that the objective of institutional treatment shall be the care, protection, education and vocational skills of juveniles to assist their reintegration.

Principle 5 of the United Nations **Guidelines for the Prevention of Juvenile Delinquency** ([Riyadh Guidelines](#), adopted by [GA res.45/112](#)) stresses that youth policies should prioritize the well-being and development of young persons and avoid criminalization of conduct that does not cause serious harm.

Rule 2.3 of the United Nations **Standard Minimum Rules for Non-custodial Measures** ([the Tokyo Rules](#), GA RES 45/110) requires that the criminal justice system provide “a wide range of non-custodial measures” to reduce the use of imprisonment, particularly relevant in the case of children. Collectively, these standards establish that any deprivation of liberty of children must be exceptional, strictly necessary and proportionate, subject to robust procedural safeguards and regular review, and implemented in conditions that fully respect their dignity, development and reintegration, while prohibiting practices such as prolonged or solitary confinement and undue restrictions on family contact.

Treatment of Women Prisoners

The United Nations **Rules for the Treatment of Women Prisoners and Non-Custodial Measures for Women Offenders** ([the Bangkok Rules](#)), which address specific needs of women in detention and article 4(c) of the [Declaration on the Elimination of Violence against Women](#) provide that States should exercise due diligence to prevent, investigate and, in accordance with national legislation, punish acts of violence against women.

Moreover, rule 23 of [the Bangkok Rules](#) states that “[d]isciplinary sanctions for women prisoners shall not include a prohibition of family contact (...)”. Under rule 26, “[w]omen prisoners’ contact with their families, (...) shall be encouraged and facilitated by all reasonable means. Where possible, measures shall be taken to counterbalance disadvantages faced by women detained in institutions located far from their homes”. Under rule 58, “women offenders shall not be separated from their families and communities without due consideration being given to their backgrounds and family ties. **Alternative ways of managing women who commit offences, such as diversionary measures and pretrial and sentencing alternatives, shall be implemented wherever appropriate and possible**”.

In particular, we wish to emphasize the obligations of your Excellency’s Government, under article 22 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. Gender-based violence is a form of discrimination against women which includes “acts that inflict physical, mental or sexual harm or suffering, threats of such acts, coercion and **other deprivations of liberty**” (CEDAW, [general recommendations](#) Nos. 19 and 35).

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. The Working Group highlighted 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). It has recommended that measures addressing 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 ([A/HRC/41/33](#), para. 82(b)).

Older persons in detention

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

We would like to stress that older persons may be disproportionately affected by inhumane conditions of detention. According to the United Nations Principles for Older Persons, adopted by the General Assembly resolution 46/91 on 16 December 1991, older persons should be able to live in dignity and security and should have access to health care to help them to maintain or regain the optimum level of physical, mental and emotional well-being and to prevent or delay the onset of illness (paras. 11 and 17).

In a 2022 report on older persons deprived of liberty, the Independent Expert on the enjoyment of all human rights by older persons called on States to pay special attention to applying the principles of necessity and proportionality when the deprivation of liberty is imposed upon older persons in the context of criminal justice, considering the severity of the offence and whether the dignity of older persons is being protected based on their age and intersectional factors (A/HRC/51/27, para. 17). States must treat older persons with dignity during the entire duration of their detention and must take into consideration their specific needs with respect to their age, health and disability status. Those considerations are especially critical at every stage of the criminal justice process, i.e. pretrial, trial, sentencing, appeal and post-sentencing detention (para. 15). The same report found that older persons face heightened risks of discrimination, abuse and violence at all stages of their incarceration (para. 41).