

Mandates of the Special Rapporteur on the situation of human rights in Belarus; the Special Rapporteur on the situation of human rights defenders; the Special Rapporteur on the right to privacy and the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism

Ref.: AL BLR 3/2026

(Please use this reference in your reply)

3 June 2026

Excellency,

We have the honour to address you in our capacities as Special Rapporteur on the situation of human rights in Belarus; Special Rapporteur on the situation of human rights defenders; Special Rapporteur on the right to privacy and Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism, pursuant to Human Rights Council resolutions 58/19, 61/22, 55/3 and 58/14.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning the alleged arbitrary invalidation of passports of eight Belarusian citizens: Mr. **Ales Bialiatski**, Mr. **Uladzimir Labkovich**, Mr. **Maksim Senik**, Mr. **Pavel Nikitsenka**, Ms. **Hanna Kurys**, Mr. **Dzmitry Kazlou**, Mr. **Aliaksei Krasnahir** and Mr. **Ihar Satsiuk**, who were all recognized by Belarusian human rights defenders as political prisoners and who were all forcibly expelled from the territory of Belarus to Lithuania and Ukraine on 13 December 2025 after they had been released from detention. We would also like to once again bring your attention to the situation of Mr. **Leanid Sudalenka**, a Belarusian human rights defender who is currently forced to live in exile due to his 2024 *in absentia* conviction under "special proceedings" (article 468-27 of the Criminal Procedure Code of Belarus) and three new criminal cases for "extremist" offences initiated against him in May 2025, as well as regarding the lasting human rights violations experienced by him, including his inability to reunite with his family in Belarus.

According to the information received:

Invalidations of passports

Eight Belarusian citizens - namely Mr. **Ales Bialiatski**, Mr. **Uladzimir Labkovich**, Mr. **Maksim Senik**, Mr. **Pavel Nikitsenka**, Ms. **Hanna Kurys**, Mr. **Dzmitry Kazlou**, Mr. **Aliaksei Krasnahir** and Mr. **Ihar Satsiuk** were previously detained on politically motivated grounds and subsequently, after their release was negotiated with the United States, were arbitrarily expelled on 13 December 2025 from Belarus to Lithuania or Ukraine.

The passports of these individuals had been seized and held by penitentiary authorities of Belarus while they were serving their politically motivated sentences. During their imprisonment they were all subjected to inhumane conditions of detention and most of them went through periods of solitary confinement in punitive isolation cells ("SHIZO").

Upon expulsion, six of these individuals were given their passports at the border checkpoints with Lithuania or Ukraine. Mr. Labkovich did not receive his actual passport but was only provided with a scanned copy. Reportedly, at the moment of their forcible expulsion, their passports remained formally valid, with expiration dates extending up to 2032.

While staying in their current host countries, in early 2026, all eight of them discovered that their passports had been unilaterally declared invalid by the Belarusian authorities. This information was received through the official public online electronic system of the Ministry of Internal Affairs of Belarus. None of these persons received any formal decisions, justifications, or notifications in this regard from the Belarusian authorities.

The invalidation of passports appears to have been carried out without due process or accessible remedies, effectively depriving the individuals of valid identity documents abroad.

Lasting human rights violations against Mr. Leanid Sudalenka due to his in absentia conviction and pending new criminal investigations

Mr. **Leanid Sudalenka** is a Belarusian human rights defender who was the head of the Gomel office of the Human Rights Centre “Viasna”. On 21 July 2023, Mr. Sudalenka was released after serving a three-year sentence for politically motivated charges under article 342, parts 1 and 2 of the Criminal Code of Belarus (“Organization and preparation of actions gravely violating the public order, or participation therein”). Since 14 January 2022 his name was included by the Ministry of Internal Affairs of Belarus on the “List of individuals involved in extremist activities”. On 2 August 2023, he left Belarus due to continued political repression.

On 1 November 2023, the Homyel District Department of the Investigative Committee of the Republic of Belarus initiated special proceedings (*in absentia*) against Mr. **Sudalenka** under article 361-4, parts 1 and 2 (“Recidivism in recruitment, in other involvement of a person in extremist activities, training, and other facilitation of extremist activities”) ordering his pre-trial detention. On 13 February 2024, he was declared wanted in Belarus and was also included into the federal database of wanted people of the Russian Federation.

On 17 June 2024, Mr. **Sudalenka** was convicted *in absentia* and sentenced to five years’ imprisonment in a strict-regime colony and a fine of 26,000 Belarusian rubles.

During these “*special proceedings*” Mr. **Sudalenka** reportedly was subjected to a series of fair trial violations. These violations, inter alia, included the following: unlike in regular criminal proceedings, under the “special proceedings”, no notifications are served to the accused or to their relatives. The accused are considered notified of the trial once their summons is published online. Since early 2022, Belarusian authorities have blocked access to the website of the Supreme Court from abroad, purportedly to counter cyber-attacks. Domestic legislation does not provide for remote participation in the

“special proceedings”, even though remote participation in investigations and trials is possible, under certain circumstances, under general provisions of the Criminal Procedure Code of Belarus. Copies of trial procedure documents and notifications affecting the rights or interests of the accused are not provided directly to the accused but are shared only with their State-appointed defence attorneys who often fail to provide effective defense.

On 17 September 2024, the Supreme Court rejected Mr. **Sudalenka**’s appeal against his *in absentia* conviction. On 27 December 2024, Mr. **Sudalenka** exhausted all domestic remedies to challenge his guilty verdict after the Supreme Court dismissed his motion for a supervisory review.

According to the latest information received, on 10 April 2025 Mr. **Sudalenka** submitted a request to the Homyel District Department of the Investigative Committee of the Republic of Belarus seeking copies of procedural documents relating to newly initiated criminal proceedings against him and requesting that any questioning be conducted through videoconferencing. In a written reply dated 10 April 2025, signed by investigator [REDACTED] the Investigative Committee informed Mr. Sudalenka that three new criminal cases had been initiated against him under article 361-4 part 2 (“Recidivism in recruitment, in other involvement of a person in extremist activities, training, and other facilitation of extremist activities”) of the Criminal Code of Belarus, under which he had been previously convicted *in absentia*.

According to this reply, a criminal case against Mr. **Sudalenka** was initiated on 20 February 2025 in connection with his alleged participation on 8 October 2024 in the programme “PALI TBAMOND” broadcast on the YouTube channel “6TV Bielarus”, which Belarusian authorities had designated as an “extremist formation”. The Investigative Committee further stated that two additional criminal cases had been initiated against him on 24 February 2025 and 9 April 2025 on analogous grounds, namely for his participation on 20 September 2023 in another episode of the same programme on “6TV Bielarus”, and for the creation and publication on 28 May 2024 of the video material entitled “Viasna will come” on the YouTube channel “Viasna96”, likewise designated by the authorities as an “extremist formation”.

The authorities informed Mr. Sudalenka that copies of the decisions instituting the criminal proceedings were thereby provided to him pursuant to article 41 of the Criminal Procedure Code of Belarus. The Investigative Committee further rejected Mr. **Sudalenka**’s request to participate in investigative actions through videoconferencing, stating that article 224-1 part 1 of the Criminal Procedure Code of Belarus does not provide for remote questioning of suspects through web-conferencing systems. The authorities additionally informed him that, pursuant to article 41 part 4 of the Criminal Procedure Code, he was obliged to appear upon summons before the criminal prosecution authorities. He was ordered to appear in person before the Homyel District Department of the Investigative Committee in Homyel by 5 May 2025 for investigative and other procedural actions. Reportedly, after this initial notification, all further repeated written requests of Mr. **Sudalenka** to receive information about criminal investigations against him remained unanswered. Mr. **Sudalenka** is not

represented by a defense attorney, as, reportedly, there are no lawyers who are willing to work on his politically motivated cases.

Mr. **Sudalenka** remains outside Belarus and fears that returning to Belarus in response to the summons would expose him to immediate arrest, detention and further politically motivated prosecution in the context of the ongoing pattern of criminal proceedings initiated against him in retaliation for his legitimate human rights activities and public criticism of human rights violations in Belarus. Moreover, under the existing domestic legislation Mr. **Sudalenka** remains at risk of losing his Belarusian citizenship. As a result, Mr. **Sudalenka** is deprived of the ability to reside in his country with his family, raise his minor son, visit his elderly mother aged over 85, or access the burial sites of close relatives. This situation interferes with his family life and his cultural and religious practices.

Without prejudging the accuracy of these allegations, we would like to voice our grave concern about the reported invalidations of the passports of Mr. **Ales Bialiatski**, Mr. **Uladzimir Labkovich**, Mr. **Maksim Senik**, Mr. **Pavel Nikitsenka**, Ms. **Hanna Kurys**, Mr. **Dzmitry Kazlou**, Mr. **Aliaksei Krasnahir** and Mr. **Ihar Satsiuk**, that appear to have been carried out without due process or effective legal remedies, including judicial safeguards. These invalidations, together with the risk of Mr. **Sudalenka** losing his Belarusian citizenship, as a result of his *in absentia* conviction for extremism related offences, appear to form part of a pattern of acts undertaken by Belarusian authorities in recent years which increase **the risk of statelessness**. Generally, we remind your Excellency's Government that arbitrary deprivation of citizenship violates article 15 of the Universal Declaration of Human Rights.

We would also like to reiterate our concerns raised in our communication [BLR 11/2025](#) that the annulment of identity documents may constitute a violation of several human rights protected by the International Covenant on Civil and Political Rights (ICCPR) ratified by Belarus on 12 November 1973. We remain seriously concerned that, should the above allegations be confirmed, the arbitrary invalidation of passports of former political prisoners who were forcibly expelled from Belarus may amount to a continuing form of transnational repression and may result in multiple violations of international human rights law.

In particular, we are concerned that the deprivation of valid identity documents, reportedly without prior notification, legal justification, judicial oversight or access to an effective remedy, may constitute an arbitrary interference with the right to an effective remedy under article 2 of the ICCPR and with the right to freedom of movement under article 12 of the ICCPR, including the right to leave any country and the right not to be arbitrarily deprived of the possibility to enter one's own country.

We further note with concern that, although the affected individuals may formally retain Belarusian citizenship, the invalidation of passports while they remain abroad may amount to a functional deprivation of rights associated with nationality and legal identity, exposing them to heightened risks of statelessness, legal uncertainty, social exclusion and inability to access essential services, employment, residence procedures, banking services, healthcare or consular protection and other rights

protected under the International Covenant on Economic, Social and Cultural Rights (ICESCR), ratified by Belarus on 12 November 1973.

We are additionally concerned that invalidating identity documents without notification or due process may undermine the affected persons' recognition before the law under article 16 of the ICCPR and may constitute arbitrary interference with their privacy and personal status under article 17 of the ICCPR. In so far as the individuals may be separated from their family due to their inability to return, their right under articles 17 and 23 of the ICCPR to be protected against arbitrary and unlawful interferences with their family may also be violated.

In light of the reported sequence of politically motivated detention, forced expulsion and subsequent deprivation of valid identity documents, we are concerned that these measures may amount to retaliation for the legitimate exercise of fundamental freedoms, including freedom of expression, association and participation in public affairs, and may constitute a form of collective punishment and coercion directed against political opponents and former political prisoners living in exile, and may constitute a violation of the right to equality and non-discrimination under articles 2 and 26 of the ICCPR. Furthermore, the absence of transparent legal grounds, procedural safeguards and effective remedies further raises serious concerns regarding compatibility of these measures with the principles of legality, due process and effective protection of rights, as well as with the right to an effective remedy under article 2(3) of the ICCPR.

We take this opportunity to remind your Excellency's Government that States have an obligation to protect their nationals and to ensure that any administrative measures affecting their rights are consistent with both domestic and international law. The invalidation of passports, while within the sovereign prerogative of States, constitutes a legal violation when such action is arbitrary, discriminatory, disproportionate, or lacks a clear legal basis or due process. We refer your Excellency's Government to the report of the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism setting out a rights-compliant framework for the use of administrative measures ([A/80/284](#)). In particular, Practice 1 sets out necessary grounds and safeguards to ensure that administrative measures are compliant with international human rights law, while practices 2 and 3 set out best practices concerning procedural rights and remedies, and oversight and accountability.

On 8 September 2025, Special Procedures mandate holders, [denounced](#) deportation to Lithuania of Belarussian prisoners released from jail, including opposition politicians, media workers and trade unionists, and noted with concern that many had their Belarusian identity documents confiscated. In that news release we stressed to your Excellency's Government that "the expulsion of the country's own citizens and the arbitrary confiscation of their identity documents violate several human rights, including **the right to a nationality, freedom of movement, and the right not to be subjected to arbitrary or unlawful interference with one's privacy**".

On 27 November 2025, the Governing Body under article 33 of the ILO Constitution on Belarus noted the release of one of the trade unionists and urged the

Government, without further delay, to return his passport and restore the payment of his pension ([GB.355/INS/8\(Rev.1\)/Decision](#), para. (c)).

On 27 February 2026, the Group of Independent Experts on the Human Rights Situation in Belarus (GIEB), while welcoming the release political prisoners and human rights defenders over the previous year, [warned](#) the authorities of Belarus in their [report \(A/HRC/61/57, para. 55\)](#) that forced expulsion abroad from a home country (including of the Human Rights Center's "Viasna" Chairperson Mr. Ales Bialiatski and other Viasna staff), constitute a clear violation of international human rights standards. The GIEB urged the international community to "ensure the protection for all Belarusians - including those in exile - and initiate proceedings against alleged perpetrators." The GIEB stated that "authorities utilized forced expulsions of Belarusian citizens, the arbitrary deprivation of identity documents, and the arbitrary deportation of foreign nationals as conditions of release." The Group also reported that Belarusians are not safe even after fleeing abroad, documenting how State authorities have targeted those in exile by weaponizing administrative procedures, effectively stripping citizens of their legal status and security when they are outside Belarusian territory.

We would also like to recall that on 20 April 2026, the Group of Independent Experts on Belarus (GIEB) strongly [condemned](#) your Excellency's Government's decision to invalidate the passports of persons formerly detained on political grounds who were forcibly expelled from the country following their release in 2025 and 2026. The GIEB stressed that the affected "individuals face significant legal and practical consequences, including restrictions on their freedom of movement, preventing them from re-entering their own country and separating them from their families, barriers to accessing legal status, employment, healthcare, and essential services, as well as heightened risks of statelessness or prolonged legal uncertainty".

Generally, we remain gravely concerned that the risk of statelessness of the former political prisoners as a result of the invalidation of their passports or "*in absentia*" convictions on extremist charges is aggravated by the 2022 constitutional amendments and the 2023 legislative amendments to the Law "On Citizenship of the Republic of Belarus" (No. 242-Z), which permitted the revocation or loss of citizenship for individuals convicted for "extremist" activities or for causing "severe damage to the interests of Belarus", including in cases when the citizenship was acquired by birth, provided that the affected individuals find themselves outside Belarus ([A/HRC/52/68, para. 51](#); [A/HRC/53/53, para. 29](#)). We also recall that several mandate holders have also expressed concerns about the adoption of the 2023 [Presidential Decree](#) on consular services, which put an end to the issuance and extension of identity documents in Belarusian consular services.

We would like to respectfully remind your Excellency's Government that during the fourth and the third UPR cycles in 2025 and in 2020, Belarus accepted recommendations to "ratify and to continue working on the draft laws to accede to the 1954 Convention relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness" (2025: [A/HRC/61/4, A/HRC/61/4/Add.](#), recommendations 145.2, 146.29, 146.30; and in 2020: [A/HRC/46/5, A/HRC/46/5/Add.1](#), recommendation 138.19).

With reference to the above reminders of our past concerns, we reiterate to your Excellency's Government our call to repeal the 2022 and 2023 legislative amendments, as well as the 2023 Presidential Decree on consular services, and refrain from any further measures that could increase the risk of statelessness among Belarusian citizens.

Additionally, we would also like to articulate our serious preoccupation over continuing restrictions on the human rights of Mr. **Sudalenka** as a result of his *in absentia* conviction during "special proceedings" and the ongoing new investigations into three criminal cases against him. We would like to recall that we have earlier raised our utmost concerns regarding the 2022 amendments to the Criminal Procedure Code of Belarus that allowed for convicting *in absentia* Belarusian citizens abroad on "extremist" charges under "special proceedings", without basic fair trial guarantees ([BLR 8/2024](#)), lengthy prison sentences handed down under these proceedings, going up to 20 years of imprisonment, and expropriations of properties belonging to the accused ([A/HRC/53/53](#), para. 33-39; [A/HRC/56/65](#), paras. 28, 51, 55-56; [A/HRC/59/59](#), paras. 3,6,42-44,54,72,74).

We also remind your Excellency's Government that in the recent years, Special Procedures mandate-holders have sent three communications - [BLR 4/2021](#), [BLR 1/2022](#), [BLR 8/2024](#) - raising concerns about the criminal conviction of Mr. **Sudalenka** as a possible reprisal for his human rights work. In these communications we have expressed concerns that his conviction was part of a broader and ongoing pattern of intimidation, harassment and repression of Belarusian civil society and human rights defenders, including those operating in exile, attempting to silence them and halt their legitimate human rights work, raising concerns about respect of his freedom of expression under article 19 of the ICCPR and his freedom of association under article 22 of the ICCPR, as well as articles 5, 6, 9, 11 and 12 of the 1998 Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms (also known as the [UN Declaration on human rights defenders](#)).

We reiterate our previously raised concerns in [BLR 8/2024](#) that "special proceedings" preclude defendants from effectively exercising their right to have their convictions and sentences reviewed by a higher tribunal according to law, under article 14(5) of the ICCPR, insofar as they are unable to consult the verdicts handed down against them by first-tier tribunals and to examine trial transcripts. These reported practices violate the right to an effective remedy (ICCPR, article 2), the prohibition of arbitrary detentions (ICCPR, article 9), and the right to a fair trial (ICCPR, article 14), and they bear a systematic nature due to inherent shortcomings of relevant legislative provisions.

On 12 February 2025, in response to communication [BLR 8/2024](#), your Excellency's Government stated that the institution of "special proceedings" had been introduced in response to alleged threats to national security and the refusal of certain States to extradite Belarusian nationals accused of "extremist" and other offences. The authorities asserted that the procedure was based on comparative international practice and complied with articles 9 and 14 of the ICCPR, arguing that defendants are considered duly informed through online publication of summonses and that mandatory State-appointed legal representation, ordinary appellate procedures and the possibility of requesting renewed proceedings upon return to Belarus constituted sufficient

safeguards. At the same time, the authorities confirmed that access to criminal case materials, trial transcripts and audiovisual recordings is possible only physically within court premises in Belarus and asserted that residence abroad and refusal to return to Belarus cannot constitute valid grounds for participation in proceedings via videoconferencing. The State party further maintained that participation via videoconferencing was not envisaged under domestic legislation.

While thanking your Excellency's Government for its reply and taking note of it, we regret that your Excellency's Government did not meaningfully address the detailed concerns raised by Special Procedures mandate holders in communication BLR 8/2024 regarding the systematic incompatibility of "special proceedings" with international human rights law, including the absence of effective notification, denial of access to case materials and verdicts, inability to communicate effectively with State-appointed counsel, impossibility of remote participation in proceedings, restrictions on the right to defend oneself through legal counsel of one's choosing, and the resulting inequality of arms and denial of effective appeal rights. We remain convinced that the current legislative framework and practice governing "special proceedings" are incompatible with articles 2, 9 and 14 of the ICCPR, and therefore continue to raise serious concerns.

We would also like to stress that the *in absentia* conviction of Mr. **Sudalenka** and ensuing measures against him, including his inability to travel back to Belarus to be reunited with his family, may constitute a continuing interference not only with his right to liberty and security of a person under article 9 of the ICCPR, but also result in violations of his right to an effective remedy under article 2 of the ICCPR, his right to privacy, family and home under article 17 of the ICCPR, and his right to an adequate standard of living under article 11 of the ICESCR.

In light of the information that Mr. **Sudalenka's** personal data have reportedly been entered into national and Russian Federation databases of wanted persons, we believe that Mr. **Sudalenka** is a target of transnational repression that creates a foreseeable risk of immediate arrest, extradition, and imprisonment should he return to Belarus or travel outside the European Union to the countries that have legal assistance agreements with Belarus and the Russian Federation. This seriously undermines his right to liberty and security under article 9 of the ICCPR and his freedom of movement under article 12 of the ICCPR.

Finally, we would also like to note our concerns that the persons mentioned in this communication appear to have been persecuted on political grounds for the legitimate exercise of their fundamental freedoms. We remain extremely preoccupied with the fact that almost all of them have been included by the Ministry of Internal Affairs of Belarus into the official "List of individuals involved in extremist activities" as a result of their criminal convictions for "extremist" offences.

With regard to such enlisting, we would like to remind your Excellency's Government that Special Procedures mandate holders have on multiple occasions expressed concerns about the incompatibility of the Belarusian counter-terrorism and anti-extremism legal framework and law-enforcement practice with international human rights standards, and have repeatedly called on your Excellency's Government to bring domestic legislation in compliance with Belarus's international obligations

([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](#), [A/HRC/59/59](#)).

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

We would like to reiterate our consistent calls on your Excellency's Government to take immediate steps to bring its counter-terrorism and counter-extremism legislation and practice, and the related legislation mentioned above as well as the provisions of the Criminal Code and the Criminal Procedure Code of Belarus into compliance with international law, including international human rights law.

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

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

1. Please provide any additional information and/or comment(s) you may have on the above-mentioned allegations.
2. Please provide information about the factual and legal grounds under domestic legislation of Belarus that justify the invalidation of passports of the above-mentioned eight individuals, including whether any formal decisions were adopted. Please explain how the invalidation of passports is compatible with Presidential Decree No. 294, in particular the requirement that loss of the right to use a passport is linked exclusively to loss of citizenship. Please detail how these invalidations are compatible with your Excellency's Government's obligations under international law.
3. Please clarify whether the individuals concerned were notified of the decisions affecting their passports and whether they have access to judicial or administrative remedies to challenge such measures.

¹ A/HRC/49/71, paras. 62–68.

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.

4. Please also explain what legal remedies and administrative procedures are available to them for restoring their rights, including re-obtaining their personal documents confirming their identity and their Belarusian nationality. Please provide information on measures taken to ensure that affected individuals can exercise their rights to freedom of movement, legal identity, and access to documentation while abroad.
5. Please provide information about the measures taken or envisaged by your Excellency's Government regarding accession to the 1954 Convention relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness in line with the supported recommendations of the last cycle of the UPR, and about the measures taken to combat statelessness among Belarusian citizens abroad.
6. Please clarify whether your Government plans to amend the provisions of the Criminal Procedure Code governing "special proceedings" to ensure full compliance with international human rights standards, in particular the guarantees of fair trial, equality of arms, access to case materials, effective legal representation, and the right to appeal under article 14 of the ICCPR, as previously raised by Special Procedures mandate holders in their communication [BLR 8/2024](#).
7. Please indicate whether your Government intends to review, repeal or amend national legislation referred to in this communication, with a view to bringing it into compliance with international human rights law and ensuring that Belarusian citizens are not exposed to a risk of arbitrary deprivation of liberty and nationality as a result of *in absentia* convictions for "extremist" related offences.
8. Please provide information about the steps taken to repeal the category of "extremism" in national law and bring its national counterterrorism and extremism-related legal framework in line with international law.

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.

While awaiting a reply, we urge that all necessary interim measures be taken to halt the alleged violations and prevent their re-occurrence and in the event that the

investigations support or suggest the allegations to be correct, to ensure the accountability of any person(s) responsible for the alleged violations.

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

Please be informed that a copy of this letter has also been sent to the Republic of Lithuania and the United States of America.

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

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

Andrea Bolaños Vargas
Special Rapporteur on the situation of human rights defenders

Ana Brian Nougrères
Special Rapporteur on the right to privacy

Ben Saul
Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism

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 and recommendations.

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 (...).
- (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 (...).
- (n) To withdraw and prevent measures that undermine the enjoyment of any human rights, including those of Belarusians living abroad, and to refrain from acts of transnational repression that is intended to harm, silence and intimidate individuals outside the territory of Belarus, such as the Presidential Decree adopted in September 2023 ordering the consulates of Belarus to stop renewing or extending passports and limiting other consular services essential for such persons to fully exercise their rights, and to cease criminal persecution, including trials in absentia and

arbitrary seizure of properties of those living abroad, and crackdowns against their relatives in Belarus.

Noting the recent release of some political prisoners and expressing serious concern at reports of their release being followed by forced expulsion or deportation to third countries, as reported by the Group of Independent Experts and the Special Rapporteur, including many without valid identity documents, which may result in further violation of their human rights, paragraph 2 the Resolution [A/HRC/61/26](#) “strongly condemned the widespread and systematic violations of international human rights law, among them (...) violations of the rights to liberty of movement and freedom to choose one’s residence, arbitrary denial of the right to enter one’s own country (...)”

In April 2025, in his report to the 59th Human Rights Council’s session ([A/HRC/59/59](#)), the Special Rapporteur on the situation of human rights in Belarus mentioned that “the political motivation of in absentia trials appears to have been confirmed by President Aliaksandr Lukashenka in April 2024, when he publicly threatened citizens living abroad who were “hatching plans against the motherland” with the expropriation of their property”. He recommended your Excellency’s Government to “repeal the 2022 legislative amendments, which introduced in absentia criminal proceedings (“special proceedings”) or amend the legislation and law enforcement practices to bring them into full compliance with article 14 of the International Covenant on Civil and Political Rights, as interpreted in general comment No. 32 of the Human Rights Committee; given the current absence of fair trial guarantees under these proceedings, overturn all criminal convictions imposed in absentia and provide effective reparation to persons targeted by such convictions”.

Right to a nationality

Under article 15 of the Universal Declaration of Human Rights, everyone has the right to a nationality and no one shall be arbitrarily deprived of his or her nationality. As noted by the United Nations Secretary General, interferences with the enjoyment of nationality have a significant impact on the enjoyment of multiple rights ([A/HRC/25/28](#); [A/HRC/19/43](#)). Any loss or deprivation of nationality must thus meet certain conditions to comply with the prohibition of arbitrary deprivation of nationality, namely it must serve a legitimate purpose, be the least intrusive means to achieve the desired result, and be proportional to the interest to be protected ([A/HRC/13/34](#)).

In its [resolution 53/16](#) of 13 July 2023, the Human Rights Council called on States to “review their laws, policies and practices that may cause statelessness, and directly engage with affected individuals to identify challenges and find solutions” and to “ensure that effective and appropriate remedies are available to all persons [...] whose rights related to nationality have been violated, including restoration of nationality and expedient provision of documentary proof of nationality by the State responsible for the violation” (paras. 10-11).

Liberty of movement and freedom to choose one’s residence

According to article 13(2) of the Universal Declaration of Human Rights, everyone has the right to leave any country, including their own, and to return to their country. Under article 12(1) of the ICCPR, everyone lawfully within the territory of a

State shall, within that territory, have the right to liberty of movement and freedom to choose their residence. The Human Rights Committee has also noted that the right to enter one's own country implies the right to remain in one's country (Human Rights Committee, [general comment No. 27](#), para. 19). Article 12(4) of the ICCPR prohibits arbitrary deprivation of the right to enter one's own country, which means that a State party must not, by depriving individuals of their nationality or expelling them to other countries, arbitrarily prevent those individuals from returning to their own countries (Human Rights Committee, [general comment No. 27](#)).

Furthermore, we would like to stress that acts contrary to article 12(4) of the ICCPR may under certain conditions amount to international crimes. In this regard, we refer to the launched [investigation](#) by the Office of the Prosecutor of the International Criminal Court into the crimes against humanity of deportation and persecution on political grounds allegedly committed in Belarus since 2020.

Right to privacy

Article 17(1) of the ICCPR prohibits arbitrary or unlawful interferences with a person's privacy, family, home or correspondence, and unlawful attacks on a person's honour and reputation. Article 17(2) provides that "[e]veryone has the right to the protection of the law against such interference or attacks." Any interference with the right protected under article 17 must be strictly necessary and proportionate in pursuit of a legitimate aim.

The Human Rights Committee has emphasized the duty of States "not to engage in interferences inconsistent with article 17 of the Covenant and to provide the legislative framework prohibiting such acts by natural or legal persons" (Human Rights Committee, [general comment No. 16](#), para. 9).

Misuse of anti-extremism legislation

Measures taken to combat terrorism or violent extremism must comply with the obligations of States under international law³, in particular international human rights law, refugee law and international humanitarian law. According to the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism, "the term 'extremism' has no purchase in binding international legal standards and, when operative as a criminal legal category, is irreconcilable with the principle of legal certainty; it is therefore per se incompatible with the exercise of certain fundamental human rights" ([A/HRC/43/46](#), para. 14).

The requirement of legal certainty under article 15(1) of the ICCPR requires that criminal laws are sufficiently precise so that it is clear what types of behaviour and conduct constitute a criminal offence and what would be the legal consequences of committing such an offence. This principle recognizes and seeks to prevent ill-defined and/or overly broad laws which are open to arbitrary application and abuse, including to target 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](#)).

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.

Use of administrative measures to counter terrorism or violent extremism

We refer your Excellency's Government to the report ([A/80/284](#)) of the Special Rapporteur on the protection and promotion of human rights and fundamental freedoms while countering terrorism which sets out best practices to protect human rights while using administrative measures to prevent terrorism and violent extremism. In his report, the Special Rapporteur emphasized that administrative measures are especially prone to abuse and "should be enacted and applied exceptionally and sparingly" (para. 4).

In particular, best practice international law requires that administrative measures conform with the principles of legality, necessity, proportionality and non-discrimination, and that they not rest on vague and overbroad definitions of terrorism, extremism, radicalization and associated terms (practice 1). Persons subjected to administrative measures "must be afforded due process, including notice and written reasons, sufficient disclosure of evidence, an opportunity to be heard and be present at a hearing, adequate time and facilities to prepare [their] defence, legal representation and legal aid, and interpretation" (practice 2). They must also have a right to an effective, independent and impartial judicial review of the measure and be informed of such right, as well as a right to prompt and effective remedies (ibid).

Arbitrary arrest or detention

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.

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.

Right to a fair trial

Article 14 of the ICCPR guarantees the right to a fair trial and due process. We remind your Excellency's Government that the provisions of article 14 apply to all courts and tribunals whether ordinary or specialized, civilian or military and trials of civilians in military or special courts must fully conform with the requirements of article 14 (general comment No. 32, para. 22). The Human Rights Committee has raised concern that trials of civilians before such courts may not comply with the equitable, impartial and independent administration of justice and should therefore be exceptional, limited to cases where it can be shown that "resorting to such trials is necessary and justified by objective and serious reasons, and where with regard to the specific class of individuals and offences at issue the regular civilian courts are unable to undertake the trials" (para. 22).

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". This right 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. The right to freedom of expression includes "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" (Human Rights Committee, general comment No. 34, [CCPR/C/GC/34](#), para. 11).

Offences such as "encouragement of terrorism" and "extremist activity" as well as offences of "praising", "glorifying", or "justifying" terrorism, should be clearly defined to ensure that they do not lead to unnecessary or disproportionate interference with freedom of expression ([CCPR/C/GC/34](#), paras. 11, 46).

Any restrictions imposed on this right must (i) be provided by law; (ii) pursue one of the legitimate aims for restrictions 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).

The Committee further asserts that there is a duty of States to put in place effective measures to protect against attacks aimed at silencing those exercising their right to freedom of expression. Recognizing how journalists and persons who engage in the gathering and analysis of information on the human rights situation and who publish human rights-related reports, including judges and lawyers, are frequently subjected to threats, intimidation and attacks because of their activities, the Committee stresses that "all such attacks should be vigorously investigated in a timely fashion, and the perpetrators prosecuted, and the victims be in receipt of appropriate forms of redress" ([CCPR/C/GC/34](#), para. 23).

Freedom of association

We would like to refer your Excellency's Government to article 22 of ICCPR, which guarantees everyone's right to freedom of association with others. Article 22(2) provides that no restrictions may be placed on the exercise of this right 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. The Human Rights Committee explained the scope of article 22(2) in *Aleksander Belyatsky et al. v. Belarus* (CCPR/C/90/D/1296/2004, paragraph 7.3). It clarified that restrictions on the right to freedom of association must meet the following three requirements: (1) it must be provided by law; (2) may only be imposed to protect national security or public safety, public order (*ordre public*), public health or morals, or the rights and freedoms of others; and (3) must be 'necessary in a democratic society' for achieving one of these purposes. The reference to the notion of 'democratic society' indicates, in the Human Rights Committee's opinion, that the existence and operation of associations, including those which peacefully promote ideas not necessarily favourably received by the government or the majority of the population, is a cornerstone of a democratic society.

The State party must demonstrate that the prohibition of an association is necessary to avert a real and not only hypothetical danger to national security or democratic order, and that less intrusive measures would be insufficient to achieve the same purpose.

Equality and non-discrimination

Article 2 of the ICCPR requires that States respect and ensure to all individuals within their territory and jurisdiction the rights protected under the Covenant without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status. Article 26 of the ICCPR further provides that all persons are equal before the law and are entitled without any discrimination to the equal protection of the law. It requires that the law "prohibit any discrimination and guarantee to all persons equal and effective protection against discrimination on any ground such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status."

Right to an effective remedy

Article 2(3) of the ICCPR enshrines the right to an effective remedy. It provides that States parties have the obligations to ensure that: (a) any person whose rights or freedoms are violated have an effective remedy, notwithstanding that the violation has been committed by persons acting in an official capacity; (b) any person claiming such a remedy has such right determined by competent judicial, administrative or legislative authorities, or by any other competent authority provided for by the legal system of the State, and to develop the possibilities of judicial remedy; and (c) the competent authorities enforce such remedies. The right to an effective remedy is a key element of the full enjoyment of human rights. Without access to an effective remedy, human rights violations go unpunished, and victims may be deprived of justice, compensation and their human dignity.

Human rights defenders

We refer your Excellency's Government to the fundamental principles set forth in the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms, also known as the UN Declaration on Human Rights Defenders. In particular, articles 1 and 2 of the Declaration state that everyone has the right to promote and to strive for the protection and realization of human rights and fundamental freedoms at the national and international levels and that each State has a prime responsibility and duty to protect, promote and implement all human rights and fundamental freedoms. In addition,

- article 5(b) provides for the right to form, join and participate in non-governmental organizations, associations or groups.
- article 6(a) provides for the right, individually and in association with others, to “know, seek, obtain, receive and hold information about all human rights and fundamental freedoms”;
- article 6(b) provides for the right “to publish, impart or disseminate to others views, information and knowledge on all human rights and fundamental freedoms”;
- article 9(1) provides for the right to benefit from an effective remedy and to be protected in the event of the violation of those rights;
- article 11 provides for the right to the lawful exercise of an occupation or profession; and
- article 12(2)-(3) provide that the State shall take all necessary measures to ensure the protection of everyone against any violence, threats, retaliation, de facto or de jure adverse discrimination, pressure or any other arbitrary action as a consequence of his or her legitimate exercise of the rights referred to in the Declaration.