

**Mandates of the Working Group on Arbitrary Detention; the Special Rapporteur on the situation of human rights in Belarus; the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; the Special Rapporteur on the independence of judges and lawyers and the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism**

Ref.: AL BLR 12/2025

(Please use this reference in your reply)

18 November 2025

Excellency,

We have the honour to address you in our capacities as Working Group on Arbitrary Detention; Special Rapporteur on the situation of human rights in Belarus; Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; Special Rapporteur on the independence of judges and lawyers and Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism, pursuant to Human Rights Council resolutions 60/8, 58/19, 52/9, 53/12 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 arbitrary convictions of Mr. Siarhei Dziatsuk, Mr. Mikalai Dziadok, Mr. Dzmitry Kazlou and Mr. Zmitser Dashkevich to imprisonment for "malicious disobedience" to penitentiary authorities under Article 411 of the Criminal Code.**

According to the information received:

Article 411 of the Criminal Code criminalizes "malicious disobedience" by inmates to penitentiary administrations. The first paragraph of this provision foresees the punishment of up to one year of imprisonment for "malicious disobedience to lawful demands" of a penitentiary administration or for "other opposition to the performance by the administration of its functions" committed by an inmate, provided that, over the past year, he or she has been subjected to certain disciplinary sanctions for the violation of penitentiary rules, such as transferal to cell-type spaces (PKT) or placement in solitary confinement. The second paragraph of article 411 provides for the punishment of up to two years of imprisonment for malicious disobedience to the penitentiary administration by inmates convicted for grave crimes or those who have reoffended in a particularly dangerous way.

In practice, article 411 allows for indefinite imprisonment because the same individual can be repeatedly convicted, for an unlimited number of times, to imprisonment while still serving an initial prison term or immediately upon its termination.

Following the large-scale protests around the 2020 presidential elections, at least 66 persons recognized by Belarusian human rights defenders as political prisoners have been convicted to additional prison terms under article 411 of the Criminal Code, including **Mr. Siarhei Dziatsuk, Mr. Mikalai Dziadok, Mr. Dzmitry Kazlou and Mr. Zmitser Dashkevich.** Whereas some of these

individuals have been released, others remain in detention. Several persons are currently deprived of liberty exclusively on the basis of article 411 and some have seen their imprisonment repeatedly extended on the basis of this provision.

Mr. **Siarhei Dziatsuk** was initially convicted to three years of imprisonment under article 364 of the Criminal Code (violence or threat of violence against an officer of internal affairs bodies) for attempting to defend his mother against a policeman during a search in her apartment. The search was related to a picket held by several women who had held the outlawed white-red-white flags, used by the political opposition. On the day of his release, he was apprehended and charged under article 411 of the Criminal Code. He was convicted to another year of imprisonment and was finally released on 20 March 2025.

Mr. **Mikalai Dziadok**, Mr. **Dzmitry Kazlou** and Mr. **Zmitser Dashkevich** were among 52 prisoners pardoned and expelled to Lithuania on 11 September 2025.

Mr. **Mikalai Dziadok**, a political blogger and an anarchist activist, was apprehended on 11 November 2020. He was initially convicted to 5 years of imprisonment based on articles 342 (gross violation of public order), 361 (calls for actions aimed at causing harm to national security) and 295-3 (illegal activities involving firearms, ammunition, and explosives) of the Criminal Code. His term was coming to an end on 25 April 2025. However, due to his conviction under article 411 of the Criminal Code, he remained in detention until his expulsion to Lithuania on 11 September 2025. His name is included by the Ministry of Interior on the list of individuals involved in extremist activities. On 29 May 2025, the Central District Court of Minsk designated his social media accounts as “extremist”.

Mr. **Dzmitry Kazlou** is a blogger. He was apprehended on 10 June 2020 and sentenced to five years of imprisonment under articles 13 (1) and 293 of the Criminal Code for preparing mass riots. His prison term ended on 28 November 2024. Yet, upon his release, he was immediately transferred to a pre-trial detention facility and convicted to another year and five days of imprisonment under article 411 of the Criminal Code. He remained in detention until his expulsion to Lithuania on 11 September 2025. His name is included by the Ministry of Interior on the list of individuals involved in extremist activities. In 2025, his Youtube channels were designated by the authorities as “extremist”.

Mr. **Zmitser Dashkevich**, a political activist and the leader of Malady Front (“Young Front”) youth movement, was apprehended on 23 March 2022. He was initially convicted to 18 months of imprisonment under article 342 of the Criminal Code (gross violation of public order) due to his participation in protests around the presidential elections in August 2020. In 2022, his name was included by the Ministry of Internal Affairs on the list of individuals involved in extremist activities. His prison term came to an end on 11 July 2023. Yet, he received an additional prison term under article 411 of the Criminal Code and remained in detention until his expulsion to Lithuania on 11 September 2025.

Without prejudging the accuracy of these allegations, we would like to voice our utmost concern about **the reported arbitrary extensions of prison terms of Mr. Siarhei Dziatsuk, Mr. Mikalai Dziadok, Mr. Dzmitry Kazlou and Mr. Zmitser Dashkevich under article 411 of the Criminal Code. We are also gravely concerned at the reports that several individuals remain imprisoned exclusively on the basis of this broad and vague provision.**

We would like to recall that we have repeatedly raised with your Excellency's Government our concerns about the alleged instrumentalization of article 411 of the Criminal Code to arbitrarily prolong the imprisonment of individuals recognized by Belarusian human rights defenders as political prisoners, who appear to have been convicted in retaliation for their actual or perceived political dissent ([BLR 8/2023](#); [BLR 5/2024](#); [BLR 6/2024](#); [BLR 2/2025](#); [BLR 3/2025](#)). We have informed your Excellency's Government about consistent allegations according to which convictions under article 411 of the Criminal Code rely on accusations of disciplinary misconduct advanced by the very penitentiary administrations which arbitrarily use unjust or disproportionately harsh disciplinary punishments as a form of intentional cruel, inhuman and degrading treatment of inmates.

In this regard, we would like to recall multiple communications addressed to your Excellency's Government regarding alleged inhuman detention conditions in punishment isolation cells (SHIZO) and cell-type spaces (PKT), frequent arbitrary use of these disciplinary sanctions by penitentiary administrations and lack of proper legal safeguards and effective remedies which would allow for preventing and challenging abusive resort to such measures (see, among others, [BLR 5/2024](#), [BLR 6/2024](#), [BLR 7/2024](#), [BLR 2/2025](#), [BLR 3/2025](#)). We would like to stress that placements in SHIZO and PKT may amount to arbitrary detention under article 9(1) of the International Covenant on Civil and Political Rights (ICCPR), ratified by Belarus on 12 November 1973, and, should the allegations brought to our attention be true, constitute a form of cruel, inhuman and degrading treatment or punishment incompatible with articles 7 and 10 of the ICCPR and article 16 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, ratified by Belarus on 13 March 1987.

We would like to emphasize that criminal convictions issued under article 411, based solely on prior disciplinary punishments decided arbitrarily by penitentiary administrations, inherently fail to meet the requirements of fairness, impartiality of trial and the presumption of innocence under article 14 of the ICCPR. Sentences handed down under article 411 endorse ill-treatment practices which appear to be pervasive in Belarusian penitentiary institutions, and amount to additional ill-treatment in the form of unjust imprisonment imposed on the victims, while the perpetrators are afforded impunity.

We are gravely concerned that domestic legislation allows for repeated convictions under article 411, thereby permitting indefinite deprivations of liberty. This punishment is shocking in its disproportionality to the gravity of the disciplinary misconduct which it purports to sanction. Even assuming that the initial prison sentence is not arbitrary, the unnecessary and disproportionate convictions to additional prison terms under article 411 render the deprivation of liberty unlawful under article 9 of the ICCPR. They also *de facto* amount to repeated and unconstrained aggravation of the

punishment for the offences for which the inmates were initially tried and convicted, in violation of articles 14 (7) and 15 (1) of the ICCPR.

Due to the above considerations, we urge your Excellency's Government to repeal article 411 of the Criminal Code and to provide rehabilitation and compensation to the individuals convicted under this provision. We also call on your Excellency's Government to launch independent and transparent investigations into the allegations of massive ill-treatment of inmates by penitentiary staff brought to your attention in communications of Special Procedures and in reports of the Special Rapporteur on the Situation of Human Rights in Belarus and of the Group of Independent Experts on the Human Rights Situation in Belarus. In particular, we call on your Excellency's Government to investigate, in each case of conviction under article 411 of the Criminal Code, whether the individual concerned had been subjected to intentional ill-treatment under the guise of disciplinary sanctions.

**Of additional concern is the fact that convictions of Mr. Mikalai Dziadok, Mr. Dzmitry Kazlou and Mr. Zmitser Dashkevich on the basis of article 411 of the Criminal Code, which permitted their continuing detention upon the termination of their initial prison terms, were used as the grounds for their “release by pardon” and expulsion from the Republic of Belarus.** We recall that a communication has recently been addressed to your Excellency's Government about the incompatibility of these expulsions of Belarusian citizens with the obligations assumed by the Republic of Belarus under international human rights law and about the ensuing risk of statelessness (BLR 11/2025).

Finally, we are concerned about the designations of Mr. Mikalai Dziadok, Mr. Dzmitry Kazlou and Mr. Zmitser Dashkevich as individuals involved in extremist activities and about the labelling as “extremist” of social media accounts of Mr. Mikalai Dziadok and Mr. Dzmitry Kazlou. 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 into 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; [A/78/327](#)). We are concerned that the designations as “extremist” in the cases at hand may amount to retaliation for the legitimate exercise of human rights, including, in the cases of Mr. **Mikalai Dziadok** and Mr. **Dzmitry Kazlou**, for their exercising the freedom of expression in the context of their vlogging and blogging activities. We urge once again your Excellency's Government to take immediate steps to bring its national counterterrorism and security-related provisions, the Belarusian legislation on countering terrorism and extremism, and the related Criminal Code provisions into compliance with international law, including international human rights law standards.

In 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 grounds for the convictions of Mr. Siarhei Dziatsuk, Mr. Mikalai Dziadok, Mr. Dzmitry Kazlou and Mr. Zmitser Dashkevich under article 411 of the Criminal Code and explain how these convictions fulfil the requirements of necessity and proportionality under article 9 of the International Covenant on Civil and Political Rights.
3. Please explain how guarantees of fair trial rights under article 14 of the International Covenant on Civil and Political Rights are ensured in trials under article 411 of the Criminal Code.
4. Please share statistics about convictions and acquittals under article 411 of the Criminal Code over the past five years.
5. Please provide information about the factual and legal grounds for the inclusion of Mr. Mikalai Dziadok, Mr. Dzmitry Kazlou and Mr. Zmitser Dashkevich on the list of individuals involved in extremist activities and for the designation as extremist of social media accounts of Mr. Mikalai Dziadok and Mr. Dzmitry Kazlou.
6. 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.

This communication and any response received from your Excellency’s Government will be made public via the communications reporting [website](#) within 60 days. They will also subsequently be made available in the usual report to be presented to the Human Rights Council.

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.

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.

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.

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

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

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

Irene Khan  
Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression

Margaret Satterthwaite  
Special Rapporteur on the independence of judges and lawyers

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 refer your Excellency's Government to the following standards of international human rights law.

#### *Prohibition of torture and other ill-treatment of inmates*

We would like to recall 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, ratified by Belarus on 13 March 1987. Under article 10 of the ICCPR, all persons deprived of their liberty shall be treated humanely and with respect for the inherent dignity of the human person.

Articles 7 and 10 of the ICCPR require that “persons deprived of their liberty must not be subjected to any hardship or constraint other than that resulting from the deprivation of liberty” (Human Rights Committee, *Dafnis v. Greece*, Views of 19 July 2022, CCPR/C/135/D/3740/2020, para. 8.5; Human Rights Committee, *Pichugina v. Belarus*, Views of 7 July 2021, CCPR/C/132/D/2711/2015, para. 6.3).

The Basic Principles for the Treatment of Prisoners, adopted without vote by the General Assembly Resolution 45/111 on 14 December 1990, provide that all prisoners shall be treated with respect due to their inherent dignity and value as human beings (principle 1). Prisoners shall have access to health services available in the country without discrimination on the grounds of their legal situation (principle 9).

Under rule 1 of the United Nations Standard Minimum Rules for the Treatment of Prisoners (Nelson Mandela Rules), all prisoners shall be treated with 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. 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.

We would like to draw your Excellency's Government attention to rule 39(2) of the Nelson Mandela Rules, which requires proportionality between a disciplinary sanction and the offence for which it is established and requires that prison administrations keep a proper record of all disciplinary sanctions imposed. Under rule 43, in no circumstances may restrictions or disciplinary sanctions amount to torture or other cruel, inhuman or degrading treatment or punishment, including prolonged and indefinite solitary confinement. As per rule 41, any allegation of a disciplinary offence by a prisoner shall be reported promptly to the competent authority, which shall investigate it without undue delay. Prisoners shall be informed without delay of the nature of the accusations against them and shall be given adequate time and facilities

for the preparation of their defense. Prisoners shall be allowed to defend themselves in person, or through legal assistance when the interests of justice so require, particularly in cases involving serious disciplinary charges. Prisoners shall have an opportunity to seek judicial review of disciplinary sanctions imposed against them.

States must recognize in their domestic law the right to lodge complaints against torture or cruel, inhuman and degrading treatment or punishment 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).

#### *Prohibition of arbitrary detention*

We would like to recall that under article 9 of the ICCPR, everyone has the right to liberty and security of person. No one shall be subjected to arbitrary arrest or detention. No one shall be deprived of their liberty except on such grounds and in accordance with such procedure as are established by law. Arrest or detention as punishment for the legitimate exercise of the rights as guaranteed by the Covenant is arbitrary, including freedom of opinion and expression (art. 19), freedom of assembly (art. 21) and freedom of association (art. 22) (Human Rights Committee, general comment No. 35, [CCPR/C/GC/35](#), para. 17).

Under article 9 of the ICCPR, detention may be authorized by domestic law and nonetheless be arbitrary if it includes elements of inappropriateness, injustice, lack of predictability and due process of law, as well as elements of reasonableness, necessity and proportionality ([CCPR/C/GC/35](#), para. 12). The Human Rights Committee emphasized that “[u]nlawful detention includes detention that was lawful at its inception but has become unlawful because the individual has completed serving a sentence of imprisonment or the circumstances that justify the detention have change” (*Ibid.*, para. 43). “‘Unlawful detention includes both detention that violates domestic law and detention that is incompatible with the requirements of article 9, paragraph 1, or with any other relevant provision of the Covenant’” (*Ibid.*, para. 44).

#### *Right to a fair trial and presumption of innocence*

We recall that according to article 14 (1) of the ICCPR, “[a]ll persons shall be equal before the courts and tribunals. In the determination of any criminal charge against him, or of his rights and obligations in a suit at law, everyone shall be entitled to a fair and public hearing by a competent, independent and impartial tribunal established by law.”

Under article 14 (2) of the ICCPR, “[e]veryone charged with a criminal offence shall have the right to be presumed innocent until proved guilty according to law.”

#### *Non bis in idem*

We would like to recall that under article 14 (7) of the ICCPR, “[n]o one shall be liable to be tried or punished again for an offence for which he has already been finally convicted or acquitted in accordance with the law and penal procedure of each country.”

### *Nulla poena sine lege*

We recall that article 15(1) of the ICCPR enshrines the principle according to which no one can be imposed a heavier penalty than the one that was applicable at the time when the criminal offence was committed.

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

### *Misuse of anti-extremism legislation*

We remind your Excellency’s Government that any measures taken to combat terrorism or violent extremism must comply with the obligations of States under international law, in particular international human rights law, refugee law and international humanitarian law.<sup>1</sup> Further, according to the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering

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<sup>1</sup> 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.

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](#)).