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The involvement of Belarusian State institutions in human rights violations in the criminal justice process***Group of Independent Experts on the Situation of Human Rights in Belarus***Summary*

The present conference room paper analyses the human rights violations committed by Belarusian State institutions since 1 May 2020 against individuals who oppose or are perceived to oppose the Government throughout the criminal justice process.

In this paper, the Group of Independent Experts on the Situation of Human Rights in Belarus examines the human rights violations perpetrated at each stage of the criminal justice process and identifies the roles and responsibilities of State institutions in their commission. The paper demonstrates how close cooperation and coordination among State institutions enable the Government to systematically repress fundamental human rights and freedoms in Belarus. The paper further shows how the persistent denial of accountability, remedies and reparations has itself constituted an ongoing violation and has reinforced existing violations.

The Group of Independent Experts finds that Belarus is responsible for violating multiple provisions of the International Covenant on Civil and Political Rights, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the Convention on the Elimination of All Forms of Discrimination against Women, as well as the Convention on the Rights of the Child, and makes recommendations to Belarus and the international community aimed at ensuring the respect, protection and fulfilment of the fundamental human rights of the Belarusian people.

* The information contained in the present document should be read in conjunction with the oral update of the Group of Independent Experts on the Situation of Human Rights in Belarus submitted to the Human Rights Council at its 63rd session, pursuant to Council resolution 61/26.

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I. Introduction

A. Mandate and scope of the conference room paper

1. The Group of Independent Experts on the Situation of Human Rights in Belarus (Group of Independent Experts) submits the present conference room paper pursuant to Human Rights Council resolution 61/26. The resolution requested the Group of Independent Experts to provide an oral update to the Human Rights Council at its sixty-third session.

2. Established through Human Rights Council resolution 55/27 of 4 April 2024, the Group of Independent Experts is composed of three members: Karinna Moskalenko, Chair (Russian Federation); Susan Bazilli (Canada); and Monika Stanisława Płatek (Poland). It is supported by a secretariat whose capacity remains reduced by approximately 40 per cent owing to the United Nations liquidity crisis. Its mandate includes investigation and fact-finding, collection, preservation and sharing of evidence, and the formulation of recommendations on accountability.¹

3. This conference room paper examines the role and responsibility of Belarusian State institutions in the commission of systematic human rights violations across the different phases of the criminal justice process since 1 May 2020. It follows the trajectory of individuals targeted for their real or perceived opposition to the Government from their arrest and interrogation, to their detention in temporary detention centres and subsequently in pre-trial detention facilities, to their trial and imprisonment, and to the imposition of supervision regimes following their release. The paper analyses the human rights violations perpetrated at each stage of the criminal justice process and identifies the roles and responsibilities of State institutions in their commission. It demonstrates how the close cooperation and coordination among State institutions enable the Government to systematically repress civil and political rights in Belarus. The conference room paper focuses on the criminal justice process and does not examine administrative proceedings.

4. The paper first describes, in section II, the role, functions and chain of command of the main State institutions involved in the commission of human rights violations across the criminal justice process, namely the principal institutions operating under the authority of the Ministry of Internal Affairs (the Main Directorate for Combating Organised Crime and Corruption, the police, the Department of Corrections), the Committee for State Security, the Investigative Committee, the Office of the Prosecutor General and the judiciary. In section III it analyses the perpetration of human rights violations by these institutions at each of stage of the criminal justice process: arrest and initial confinement in temporary detention centres, investigation and detention in pre-trial detention facilities, trial, imprisonment and imposition of post-release measures. In section IV, the paper presents six emblematic cases which illustrate the journey of victims and the egregious human rights violations that they endure from their arrest to their release from prison. Section V then addresses the failure of the competent authorities to investigate, prosecute and remedy human rights violations committed throughout the criminal justice process, and the resulting lack of accountability for perpetrators. It highlights how such omissions constitute violations of international human rights law in themselves and contribute to the perpetuation of further violations and impunity. Finally, section VI draws conclusions and formulates recommendations aimed at ensuring accountability for those responsible for such violations.

B. Methodology

5. Employing a “reasonable grounds to believe” standard of proof, the Group of Independent Experts assesses gathered information and considers it verified when an objective and ordinarily prudent observer would have reasonable grounds to believe that the facts took place as described, and, where legal conclusions are drawn, that these facts meet

¹ For more details on the mandate, see the terms of reference of the Group of Independent Experts on the Situation of Human Rights in Belarus, available at www.ohchr.org/en/hr-bodies/hrc/gie-belarus/index.

all the elements of a human rights violation. In applying the standard of proof, the Group of Independent Experts considered the reliability and credibility of sources and the validity of information, and corroborated information it received or collected by verifying each allegation through multiple independent and reliable sources.

6. The Group of Independent Experts applied a victim-centred approach, strictly adhered to the “do no harm” principle and took all appropriate measures to ensure the confidentiality of its sources and preserve the information provided. The information contained in the present conference room paper was used with the informed consent of the sources.²

7. The paper is based on interviews and materials gathered by the Group of Independent Experts since the inception of its mandate in 2024.³ It also builds on the findings included in its previous reports and conference room paper,⁴ as well as on findings of the Office of the High Commissioner for Human Rights examination of the situation of human rights in Belarus mandated by resolution 46/20 of 24 March 2021 and renewed annually until April 2024.⁵

8. The Group of Independent Experts expresses its sincere gratitude to all the victims and witnesses of human rights violations who have had the courage to come forward and share their testimonies and pays tribute to their courage and to their commitment to truth and accountability.

9. In preparing the present conference room paper, the Group of Independent Experts held consultations with and received submissions from a number of non-governmental organizations and is particularly grateful to the International Accountability Platform for Belarus for its cooperation and support.

10. It also notes the continued non-cooperation of Belarusian authorities. On 8 June 2026 the Group of Independent Experts sent a note verbale to the Permanent Mission of the Republic of Belarus to the United Nations Office and other international organizations in Geneva renewing its request to visit the country and meet with the authorities. On 8 September 2026, it shared a draft of this conference room paper with the permanent mission. Both communications went unanswered as of the date of this publication.

C. Legal framework

11. The Group of Independent Experts made legal determinations based on international human rights law and other international customary law norms, including international law on State responsibility and international criminal law.⁶ While the paper focuses on the involvement of State institutions in human rights violations in the criminal justice process, it is important to note that concerned officials can also incur individual criminal responsibility under international criminal law, particularly in cases of torture, whether as direct perpetrators, accomplices, or on the basis of command or superior responsibility.

12. Because this paper examines human rights violations and the responsibility of Belarus under international law for those violations, it is necessary to briefly recall the main rules governing State responsibility for internationally wrongful acts as codified by the International Law Commission in its “Articles on Responsibility of States for Internationally Wrongful Acts”, and referred to in the United Nations General Assembly Resolution 56/83 of 12 December 2001.⁷ In this regard, article 2 specifies two conditions: first the conduct must be “attributable to the State under international law”, and second this conduct must

² For more information on the methodology, see the terms of reference of the Group of Independent Experts on the Situation of Human Rights in Belarus, available at [GIEB-Terms-of-Reference_EN.pdf](#).

³ This paper is based on the information gathered through 58 individual interviews with victims, 14 of them women.

⁴ A/HRC/58/68; A/HRC/61/57; A/HRC/60/CRP.1.

⁵ A/HRC/49/71; A/HRC/52/68; /HRC/55/61.

⁶ A/HRC/61/57, para. 15; A/HRC/49/71, paras. 11-15.

⁷ A/RES/56/83.

“constitute a breach of an international obligation of the State”. The article also clarifies that such conduct can consist of “an action or omission”.

13. The present paper documents violations of international obligations binding on Belarus in the context of the criminal justice process, arising primarily from the international human rights treaties to which Belarus is a party. It is important to note that breaches of international law can take different forms. They may result from law enforcement and judicial authorities relying on and enforcing domestic laws that are themselves incompatible with Belarus' international human rights obligations. For example, the application of certain provisions of the Belarusian criminal code may constitute a violation of international law, where vague or overly broad definitions of offences result in the criminalization of the legitimate and peaceful exercise of fundamental freedoms.⁸ Violations may also stem from specific acts and practices, including the ill-treatment of detainees. Finally, breaches may occur through omissions by State authorities, such as the failure to take adequate measures to investigate and, where appropriate, prosecute perpetrators of possible crimes under international law committed on the territory of Belarus.

14. Crucially, as this paper focuses on State institutions involved in the criminal justice process and on their role in the commission of violations, the first condition requiring the conduct to be attributable to Belarus warrants particular attention. As part of the different grounds on which a conduct can be attributable to a State, the case of “organs of the State” is specifically relevant here, as all institutions concerned and identified in this paper are State organs. In this respect, article 4 of the International Law Commission “Articles on Responsibility of States for Internationally Wrongful Acts” stipulates that “the conduct of any State organ shall be considered an act of that State under international law, whether the organ exercises legislative, executive, judicial or any other functions, whatever position it holds in the organization of the State, and whatever its character as an organ of the central government or of a territorial unit of the State.” It further specifies that such “organ includes any person or entity which has that status in accordance with the internal law of the State”, which is the case of all institutions involved in human rights violations associated to the criminal justice process considered in this paper. In that regard, there is no additional requirement that such *de jure* organ acted under the instructions or under the effective direction or control of the State.

15. Importantly, article 7 of the Articles on Responsibility of States for Internationally Wrongful Acts provides that “the conduct of an organ of a State or of a person or entity empowered to exercise elements of the governmental authority shall be considered an act of the State under international law if the organ, person or entity acts in that capacity, even if it exceeds its authority or contravenes instructions.” Based on international jurisprudence and State practice, the Commentary of the International Law Commission stresses that “the question of unauthorized or *ultra vires* acts of State organs or entities” is critical and that a “State cannot take refuge behind the notion that, according to the provisions of its internal law or to instructions which may have been given to its organs or agents, their actions or omissions ought not to have occurred or ought to have taken a different form.”⁹

16. Finally, the Group of Independent Experts observes that, as commonly recognized under international law, the conduct by an organ of the State, which triggers State responsibility, does not preclude individual criminal responsibility for the exact same act.¹⁰

⁸ See below at paras. 89-90.

⁹ United Nations Legislative Series, Materials on the Responsibility of States for Internationally Wrongful Acts, Second edition (United Nations Publication 2023), p. 124.

¹⁰ See for example: *Ibid.*, pp. 544-546; article 25(4) of the Rome Statute of the International Criminal Court; Thomas Weatherall, *Duality of Responsibility in International Law - The Individual, the State, and International Crimes*, Brill | Nijhoff, 2022.

II. Role and functions of the main institutions involved in human rights violations in the criminal justice process

17. The departments, services and directorates of the Ministry of Internal Affairs, namely the Main Directorate for Combating Organised Crime and Corruption, the police, and the Department for Corrections, as well as the Committee for State Security, the Investigative Committee, the Office of the Prosecutor General and the judiciary, are the main State institutions which play a key role in the criminal justice process of Belarus and have been responsible for systematic human rights violations since 1 May 2020. While not all these entities form part of the criminal justice system in the strict institutional sense, each exercises powers that have enabled it to influence or participate in one or more stages of the criminal justice process. Moreover, since 1 May 2020, other State institutions have also been involved to varying degrees in the commission of human rights violations. The present conference room paper focuses on the principal institutions involved in the criminal justice process and does not seek to provide an exhaustive analysis of all State entities implicated in such violations.

18. This section describes the role, responsibilities chain of command and the widespread presence across the country of each of these institutions.

19. These State entities operate within a highly centralized system that functions under the overall direction and control of the President of the Republic of Belarus, who retains extensive powers, including the authority to appoint their leadership. The institutions described below operate in a coordinated manner, acting in unison to sustain a repressive system targeting individuals who oppose, or are perceived to oppose the Government, as shown in section III.

A. Principal entities of the Ministry of Internal Affairs

20. The Ministry of Internal Affairs of Belarus is responsible for combating crime, maintaining public order and ensuring public safety.¹¹

21. It is comprised of several entities and specialized units that report directly to and operate under the authority of its Minister.¹² Outlined below are the principal entities within the criminal justice process involved in human rights violations from the Ministry.

22. Operating at both the regional and local (city and district) levels, the Ministry maintains regional branches in Minsk city and the six regions; while each district has a local directorate or division of internal affairs with a similar structure, consisting of units for public safety police and criminal police.

23. The President of the Republic of Belarus exercises extensive authority over the Ministry of Internal Affairs, including overall leadership of the internal affairs bodies, approval of their regulatory framework, structure, staffing levels, and material support. The President also establishes, reorganizes, and dissolves internal affairs entities, appoints and dismisses the Minister of Internal Affairs, his four deputies and other senior officials, including the heads of the regional branches, determines senior ranks and equipment standards, and may deploy internal affairs bodies to maintain public order or implement states of emergency and martial law.¹³

¹¹ Belarus, Decree of the President of the Republic of Belarus No. 611 of 4 December 2007, art. 1, available at <https://pravo.by/document/?guid=3871&p0=P30700611>; Belarus, Law on the internal affairs bodies of the Republic of Belarus No. 263-Z of 17 July 2007, art. 12, available at <https://pravo.by/document/?guid=3871&p0=h10700263>.

¹² See Organigram II - MIA and its departments involved in human rights violations, available at <https://www.ohchr.org/sites/default/files/documents/hrbodies/hrcouncil/ohchrbelarus/gie-belarus-organigram-II-en.pdf>.

¹³ Belarus, Law on the internal affairs bodies of the Republic of Belarus No. 263-Z of 17 July 2007, art. 8.

1. Main Directorate for Combating Organised Crime and Corruption

24. The Main Directorate for Combating Organised Crime and Corruption (GUBOPiK) is tasked with, inter alia, combating organized crime; preventing and solving serious criminal and economic offenses committed by organized groups; preventing terrorist and extremist activities; identifying and dismantling channels of illegal migration.¹⁴

25. Located in Minsk, its headquarters serves as a central hub for operational coordination. GUBOPiK operates regional departments in Vitebsk, Mogilev, Gomel, Grodno, Brest and Minsk (where both the headquarters and the regional offices are located).

2. The police

26. Within the Ministry of Internal Affairs, the police are a law enforcement service consisting of criminal police, public safety police and other units.¹⁵

27. Public safety police are responsible for ensuring the safety of citizens and their property, maintaining public order, preventing, detecting, and suppressing crimes and administrative offences, as well as for overseeing temporary detention centres.¹⁶

28. Criminal police are tasked with, inter alia, preventing, detecting, and suppressing crimes, identifying individuals who have committed crimes, searching for accused persons whose whereabouts are unknown, locating individuals evading law enforcement during criminal proceedings and arresting those evading punishment and other criminal sanctions.¹⁷

29. When referring to the police in the conference room paper, the Group of Independent Experts uses the term to encompass both the public safety police and the criminal police.

30. The organizational structure of the police mirrors that of the Ministry of Internal Affairs, with corresponding structures and units established at the regional and district levels. Two of the four Deputy Ministers of Internal Affairs, appointed by the President of Belarus, serve as the heads of the public safety police and the criminal police, respectively. At the regional and local levels, police functions are organized through the territorial departments of Internal Affairs. There are six regional departments of Internal Affairs in Belarus, one in each region, and one Main Directorate of Internal Affairs in Minsk. The heads of the regional departments of Internal Affairs and the Main Directorate of Internal Affairs in Minsk are appointed by the President of the Republic of Belarus upon the proposal of the Minister of Internal Affairs and report to the Minister.¹⁸ The Main Directorate of Internal Affairs in Minsk oversees nine district departments of internal affairs. Across Belarus, local policing is carried out by district departments and units of internal affairs operating under the authority of the respective regional departments of Internal Affairs or, in the city of Minsk, under the Main Directorate of Internal Affairs.

31. Regional and district departments and units of internal affairs manage temporary detention centres. The Okrestina temporary detention centre in Minsk falls under the authority of the Main Directorate of Internal Affairs of the Minsk City Executive Committee.

3. Department of Corrections

32. The Department of Corrections, which operates under the Ministry of Internal Affairs, is responsible for the administration of the execution of criminal sentences and pre-trial detention and oversees penal and detention institutions throughout the country.¹⁹ It supervises

¹⁴ <https://mvd.gov.by/ru/page/glavnoe-upravlenie-po-bor-be-s-organizovannoj-prestupnost-yu-i-korrupciej>.

¹⁵ Belarus, Law on the internal affairs bodies of the Republic of Belarus No. 263-Z of 17 July 2007, art. 14.

¹⁶ Ibid., art. 16.

¹⁷ Ibid., art. 15.

¹⁸ Ibid., art. 8; Belarus, Decree of the President of the Republic of Belarus No. 611 of 4 December 2007, art. 11(10).

¹⁹ Belarus, Regulations on the Department of Corrections of the Ministry of Internal Affairs approved by Edict of the President No. 268 "Issues of the internal affairs bodies" of 4 June 2004, paragraph 1, 7-8, available at <https://pravo.by/document/?guid=3871&p0=P30400268>.

pre-trial detention facilities, prisons and correctional colonies.²⁰ The Heads of these institutions are appointed by and subordinated to the Department of Corrections. The Department's headquarters are in Minsk with offices located in all regional capitals, each tasked with the management of detention facilities within its area of jurisdiction. The head of Department is appointed by the President of Belarus on the proposal of the Minister and reports directly to the Minister.²¹

B. Committee for State Security

33. The Committee for State Security (KGB) is the national intelligence service of Belarus. It has four main areas of activity: counterintelligence, foreign intelligence, combating crime and overseeing governmental and operational communications.²² The KGB is responsible for safeguarding national security, including through counterintelligence and foreign intelligence activities. It assesses and labels threats to national security and reports its findings to the President and other competent State authorities. The KGB also undertakes measures to prevent, detect and counter terrorism, extremism, organized crime, corruption and other threats to national security.²³

34. The KGB is the only law-enforcement body, apart from the Investigative Committee, that possesses its own investigative apparatus and is authorized to conduct preliminary investigations in criminal cases. It is also empowered to carry out operational-search activities.²⁴ As a general rule, the KGB investigates a limited category of offences relating to national security, including treason against the State, espionage, sabotage, terrorism and certain other crimes against the State.²⁵ However, upon the instructions of the Prosecutor General, the KGB may also investigate other criminal cases.²⁶ Furthermore, the chairman of the KGB is authorized, under the Criminal Procedure Code, to order pre-trial detention.²⁷

35. The KGB headquarters are in Minsk and serve as a key site for operational coordination within the State security system. The KGB also operates regional offices in all regional capitals. The KGB runs a pre-trial detention facility in Minsk, commonly referred to as "Amerikanka".

36. The KGB reports directly to the President of the Republic of Belarus, who is responsible for appointing and dismissing its Chairperson and Deputy Chairpersons.²⁸ Orders are issued by the KGB Head and transmitted to regional directors and field operatives.

C. Investigative Committee

37. The Investigative Committee is a preliminary investigation body responsible for investigating crimes, including the verification of crime reports, the initiation of criminal

²⁰ Belarus, Law on the internal affairs bodies of the Republic of Belarus No. 263-Z of 17 July 2007, art. 21.

²¹ Belarus, Regulations on the Department of Corrections of the Ministry of Internal Affairs approved by Edict of the President No. 268 "Issues of the internal affairs bodies" of 4 June 2004, paragraph 12.

²² Belarus, Law on the State Security Agencies of the Republic of Belarus No. 390-Z of 10 July 2012, arts. 9-12, available at <https://pravo.by/document/?guid=3871&p0=H11200390>.

²³ Ibid., art. 2.

²⁴ Ibid., art. 17; Belarus, Law on operational and detective activities No. 307-Z of 15 July 2015, article 12, available at <https://pravo.by/document/?guid=3871&p0=H11500307>; Belarus, Code of Criminal Procedure of the Republic of Belarus No. 295-Z of 16 July 1999, art. 180, available at <https://pravo.by/document/?guid=3871&p0=hk9900295>.

²⁵ Belarus, Code of Criminal Procedure of the Republic of Belarus No. 295-Z of 16 July 1999, art. 182(2).

²⁶ Ibid., art. 182(5).

²⁷ Ibid., art. 126(6).

²⁸ Belarus, Law on the State Security Agencies of the Republic of Belarus No. 390-Z of 10 July 2012, arts. 7, 40.

cases and the conduct of preliminary investigations.²⁹ It also exercises certain powers in relation to pre-trial detention, as its chairman may order the placement of suspects in pre-trial detention.³⁰

38. The Investigative Committee comprises central headquarters in Minsk (the Central Office), directorates for the regions and the city of Minsk, as well as subordinate district, inter-district and city-level investigative units across the country.³¹

39. The Central Office of the Investigative Committee heads the work of the Committees at the regional level and in Minsk.³² The Investigative Committee's regional and Minsk city departments manage and oversee the activities of the district (inter-district), city, and city district departments.³³

40. The Investigative Committee reports to the President of the Republic of Belarus who exercises broad oversight over it, including approving its regulations and structure, establishing staffing levels and overseeing its logistical framework. The President also appoints and dismisses the Committee's leadership, including its chairman, his/her deputies, the heads of regional departments and of the city of Minsk, assigns senior ranks, and grants state awards to its personnel.³⁴

D. The Office of the Prosecutor General

41. The Prosecutor General exercises comprehensive supervisory and procedural authority across the criminal justice process. In particular, the prosecutor supervises the legality in criminal proceedings³⁵ and has broad powers to direct, oversee and correct investigations, including issuing binding instructions, reviewing case files, and annulling unlawful decisions.³⁶ The prosecutor authorises, during the pre-trial phase, a range of coercive preventive measures, including detention and house arrest, and exercises oversight over investigative actions such as searches, seizures, interception of communications, and other intrusive measures.³⁷ Pursuant to article 127 of the criminal procedure code, the extension of pre-trial detention is authorized by prosecutorial authorities. Depending on the duration of the extension, the competent authority is a district or city prosecutor, a regional prosecutor or the prosecutor of Minsk City, a deputy prosecutor general, or the Prosecutor General. In addition, the prosecutor participates in court proceedings as public accuser and may support, modify or withdraw charges, as well as challenge judicial decisions.³⁸

42. The Prosecutor General is located in Minsk and it has regional, district and city-level offices

43. The Prosecutor General directs a vertically organised system in which lower prosecutors are subordinate to higher ones, ensuring unified prosecutorial policy and binding instructions.³⁹

44. The Prosecutor General is appointed by the President of the Republic of Belarus, with the prior consent of the Council of the Republic of the National Assembly of the Republic of

²⁹ Belarus, Law on the Investigative Committee of the Republic of Belarus

No. 403-Z of 13 July 2012, arts. 4, 10, available at

<https://pravo.by/document/?guid=3871&p0=H11200403>; Belarus, Code of Criminal Procedure of the Republic of Belarus No. 295-Z of 16 July 1999, art. 180.

³⁰ Belarus, Criminal Procedure Code of the Republic of Belarus No. 295-Z of 16 July 1999, art.126(6).

³¹ Belarus, Law on the Investigative Committee of the Republic of Belarus No. 403-Z of 13 July 2012, art. 6.

³² *Ibid.*, art. 7.

³³ *Ibid.*, art. 8.

³⁴ *Ibid.*, arts. 1, 12, 35.

³⁵ Belarus, Criminal Procedure Code of the Republic of Belarus No. 295-Z of 16 July 1999, art. 25.

³⁶ *Ibid.*, art. 34.

³⁷ *Ibid.*, art. 34(5)(14).

³⁸ *Ibid.*, art. 34(6).

³⁹ Belarus, Law on the Prosecutor's Office of the Republic of Belarus No. 220-Z of 8 May 2007, art. 1, 8(2), available at <https://pravo.by/document/?guid=3871&p0=H10700220>.

Belarus, may be dismissed by the President, and is accountable to the President in the exercise of his or her functions.⁴⁰ The Prosecutor General appoints his or her deputies and regional (including Minsk City) prosecutors with the agreement of the President, while prosecutors, heads of structural subdivisions of the Prosecutor General's Office, and their deputies are appointed at the Prosecutor General's discretion.⁴¹

E. The judiciary

45. The judicial system of the Republic of Belarus consists of the Constitutional Court and courts of general jurisdiction.⁴² The system of courts of general jurisdiction includes, among others, district (and city) courts, regional (and Minsk city) courts and the Supreme Court.⁴³

46. District (and city) courts hear criminal cases as courts of first instance.⁴⁴ Regional and Minsk City Courts have jurisdiction over particularly serious cases—such as crimes against the State, those punishable by death, or involving State secrets— as courts of first instance and also hear criminal cases in appeal.⁴⁵ The Supreme Court hears, as a court of first instance, the categories of cases assigned to it by article 269 of the criminal procedure code, including cases involving senior State officials, members of parliament and judges, as well as certain cases transferred to ensure the objectivity of judicial proceedings, and exercises other powers established by law.

47. Furthermore, courts exercise judicial review over decisions concerning pre-trial detention. Under Articles 143 and 144 of the Criminal Procedure Code, individuals may challenge the legality and validity of decisions imposing or extending pre-trial detention before a court, which may order their release, revoke the measure, apply another preventive measure, or uphold it.

48. The President of the Republic of Belarus exercises extensive authority over the structure and leadership of courts at all levels and establishes, reorganizes and liquidates district (and city) courts, determines their composition, and appoints their chairpersons and deputies.⁴⁶ At the regional and Minsk City level, the President similarly appoints court leadership, determines the number of judges and deputy chairpersons.⁴⁷ Furthermore, the Chairman, the First Deputy Chairman and the Deputy Chairmen of the Supreme Court of the Republic of Belarus are elected by the All-Belarusian People's Assembly, upon the proposal of the President of the Republic of Belarus.⁴⁸

49. These powers place the President at the centre of shaping the organization and functioning of the judiciary and pose serious concerns on the independence of the judiciary, thereby violating article 14(1) of the International Covenant on Civil and Political Rights (ICCPR).⁴⁹

⁴⁰ Belarus, Constitution of the Republic of Belarus, art. 84(9), available at <https://pravo.by/pravovaya-informatsiya/normativnye-dokumenty/konstitutsiya-respubliki-belarus/>; Belarus, Law on the Prosecutor's Office of the Republic of Belarus No. 220-Z of 8 May 2007, art. 18.

⁴¹ Belarus, Law on the Prosecutor's Office of the Republic of Belarus No. 220-Z of 8 May 2007, art. 23(2).

⁴² Belarus, Code of the Republic of Belarus on the Judicial System and the Status of Judges No. 139-Z of 29 June 2006, art. 5, available at <https://pravo.by/document/?guid=3871&p0=hk0600139>.

⁴³ *Ibid.*, art. 28.

⁴⁴ *Ibid.* art. 31; Belarus, Criminal Procedure Code of the Republic of Belarus No. 295-Z of 16 July 1999, art. 267.

⁴⁵ Belarus, Code of the Republic of Belarus on the Judicial System and the Status of Judges No. 139-Z of 29 June 2006, art. 37; Belarus, Criminal Procedure Code of the Republic of Belarus No. 295-Z of 16 July 1999, art. 268.

⁴⁶ Belarus, Code of the Republic of Belarus on the Judicial System and the Status of Judges No. 139-Z of 29 June 2006, arts. 29, 30, 32, 33.

⁴⁷ *Ibid.*, arts. 39, 41, 42.

⁴⁸ *Ibid.*, arts. 54-56.

⁴⁹ Belarus ratified the Covenant in 1973. See also A/HRC/60/CRP.1, paras.50-52.

III. From arrest to post-release measures: the involvement of State entities in human rights violations across the criminal justice process

50. Information collected by the Group of Independent Experts reveals recurring patterns of human rights violations against individuals who have opposed the Government or who were targeted under the pretext that they opposed the Government throughout the criminal justice process. The Group of Independent Experts has documented these patterns since 1 May 2020 and finds that they persist to the present day. These patterns, previously documented by the OHCHR Examination of the Human Rights Situation in Belarus, are reflected in the conduct of multiple State institutions involved in arrest, investigation, prosecution, adjudication, detention and post-release supervision. The information described below indicates that the actions of these entities have often operated in a complementary and mutually reinforcing manner, resulting in a continuum of human rights violations throughout the criminal justice process.

51. Police, KGB and GUBOPiK have typically initiated this process through the arbitrary arrest and detention of individuals because of their actual or perceived opposition to the Government. Victims have frequently been subjected to torture and ill-treatment during arrest and initial questioning before being transferred to temporary detention centres, run by the police, where they have been held in inhuman conditions and subjected to further violations.

52. Investigators of the Investigative Committee and the KGB have subsequently interrogated detainees, often in the absence of legal counsel. Prosecutors, the heads of the Investigative Committee, and of the KGB have then routinely ordered pre-trial detention. Individuals have been held in pre-trial facilities administered by the Department of Corrections or the KGB, where they have been subjected to unduly prolonged pre-trial detention, discriminatory treatment, inhuman conditions and further ill-treatment.

53. Criminal proceedings against individuals critical of or perceived as critical of the Government have been characterized by systematic violations of fair trial rights, including the rights to equality of arms, presumption of innocence, as well as the rights to legal assistance of one's own choosing, adequate time and facilities to prepare a defence, public hearings, and a hearing before an independent and impartial tribunal. Courts have routinely approved prosecutorial requests and imposed severe custodial sentences, while appellate courts have consistently upheld convictions.

54. Following conviction, penitentiary authorities operating under the Department of Corrections have subjected individuals detained on politically motivated grounds to discriminatory treatment, inhuman conditions of detention, cruel, inhuman or degrading treatment, and incommunicado detention. Information collected by the Group of Independent Experts indicates that GUBOPiK officers, prosecutors and penitentiary authorities have continued to engage with detainees during their imprisonment, with the aim of pressuring them to admit guilt, express remorse or seek a presidential pardon.

55. State repression has continued after release from detention. Courts have regularly imposed post-release measures, resulting in systematic human rights violations including on the rights on liberty and security, freedom of movement, to privacy and private life. Former detainees have reported being subjected to continuous monitoring, surveillance and harassment by police officers and members of the KGB and GUBOPiK, including repeated summonses for questioning, frequent telephone calls and intrusive home inspections, often conducted during the night or early morning hours. These measures have generated a climate of fear and insecurity and, in many cases, have contributed to victims' decisions to leave Belarus and seek safety abroad.

A. Arrest and detention in temporary detention centres

56. The Group of Independent Experts recognizes that the Belarusian judicial system has weaponized applicable laws not only in the field of criminal law but also in that of administrative law, thereby creating a system of punishment and legal sanctions against any

form of dissent, real or perceived. As a result, the justice system has been used to mobilize the punitive powers of the State in an arbitrary manner, to arrest, detain, prosecute or fine. This has created a climate of fear which has had a considerable chilling effect on the exercise of individuals' rights, civic space and on broader society throughout Belarus. As described below, since 1 May 2020 State authorities have arbitrarily arrested and detained thousands of individuals. Although the present conference room paper focuses on the criminal justice process, some of these arrests and detentions have taken place through administrative proceedings. The Group of Independent Experts finds that such administrative proceedings may nevertheless be regarded as criminal for the purposes of international human rights law. In this regard, the Human Rights Committee has observed that while "criminal charges relate in principle to acts declared to be punishable under domestic criminal law [...] the notion may also extend to acts that are criminal in nature with sanctions that, regardless of their qualification in domestic law, must be regarded as penal because of their purpose, character or severity."⁵⁰

57. Since 1 May 2020, police officers, members of the KGB and of the GUBOPiK have systematically and arbitrarily arrested thousands of individuals for their real or perceived opposition to the Government, including for participating in peaceful demonstrations; criticising the Government on social media; engaging in human rights work; or carrying out activities as trade unionists, media workers, or lawyers, in violation of article 9(1) of the ICCPR. This pattern was particularly evident in the immediate aftermath of the 2020 presidential election, when at least 13,500 persons were arbitrarily arrested in more than 100 cities, towns and villages in the six days following the announcement of the results of 9 August. By May 2021, the total number of people arbitrarily arrested and detained in relation to the protests had reached over 37,000.⁵¹ Arbitrary arrests have persisted to the present day, although on a smaller scale than in the immediate aftermath of the 2020 presidential election. According to the Human Rights Center Viasna, as of 31 July 2026, 880 individuals, including 120 women, are being held in detention in Belarus.⁵²

58. Arrests have often been violent and have been carried out by State officials in civilian clothes, who have failed to identify themselves, in violation articles 6, 7 of the ICCPR and 16 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT).⁵³ Victims and members of their families, including children, who witnessed the moments of arrest and subsequent detentions have often been traumatised.

59. A victim was arrested in 2021 near his son's kindergarten by two men in civilian clothes, one of whom punched him in the face without warning while the other twisted his arm and seized his phone. He initially thought it was a robbery. As his wife, who was on the phone with him, realized something was wrong and began screaming, the men cut the call, handcuffed him, forced him into an unmarked vehicle, and transported him to the GUBOPiK office for interrogation. The victim later identified one of the arresting officers as a GUBOPiK officer whose details he had previously shared on Telegram because of the officer's alleged involvement in human rights violations. The incident traumatised both the victim and his family, who witnessed the arrest in real time.

60. Another interviewee stated that, in 2025, two men in plain clothes, who he later identified as KGB officers, arrested him as he had just left the apartment of his girlfriend and was walking down the stairs. One of them grabbed him by the neck, pushed him to the ground, and handcuffed him; then they placed a sack over his head. In the meantime, around five other KGB officers carrying machine guns entered the apartment of his family member and conducted a search, seizing his computer, mobile phone and that of his family member. The interviewee was then pushed into a minivan, where the officers tightened the handcuffs so hard that it caused permanent scars and beat him with their hands and feet. He was then brought to a KGB office for interrogation.

61. In the majority of cases, State officials have not explained the reasons for the arrest, or presented an arrest warrant, in violation of ICCPR article 9(2). The absence of these

⁵⁰ CCPR/C/GC/32, para. 15. See also CCPR/C/96/DR/1311/2004.

⁵¹ A/HRC/58/68, para. 25.

⁵² Human Rights Center "Viasna", Human rights situation in Belarus. July 2026, 8 August 2026.

⁵³ Belarus ratified this Convention in 1987.

fundamental procedural safeguards has reinforced the arbitrariness of the arrests. In some cases, the Group of Independent Experts has also found that State authorities have carried out collective arrests, including operations involving ten or more individuals.

62. After their arrest, victims have been transported to police stations, KGB buildings, GUBOPiK offices, where they have often been questioned by officers of the State institutions which carried out the arrests. Initial questioning for the purpose of extracting a confession has often been carried out without the presence of a lawyer, in breach of ICCPR article 14(3)(d).

63. State officials have often ill-treated and tortured individuals during questioning and in some cases forced them to sign or record a confession, in violation of ICCPR articles 7 and 10(1), as well as articles 1, 2 and 16 of the CAT. Moreover, the Group of Independent Experts documented cases of sexually explicit or otherwise inappropriate comments towards women by male law enforcement officers, in violation of article 1 of the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW).⁵⁴

64. An interviewee recounted that KGB officers beat him, forced him to lie face down on the floor with his hands handcuffed behind the back and his feet pulled underneath the handcuffs and then questioned him concerning his participation in political activities. The beatings and the stress positions were extremely painful and caused him severe bruises and scars. At the beginning of interrogation, the victim asked for a lawyer. The KGB officers responded that if he wanted one, the lawyer would be placed next to him and tortured.

65. Another interviewee described how after his arrest in 2021, he was brought to a GUBOPiK office and severely beaten. A GUBOPiK officer insulted him, threatened to place his son in an orphanage and to subject his wife to his same treatment unless he confessed and disclosed everything. After some time, the head of the GUBOPiK office, in uniform, entered the room, addressed the officer who was beating the interviewee and said: "have you not killed him yet?". He was then taken to another room and forced to record a repentance video. The officers told him what to say, and he repeated it.

66. A victim told the Group of Independent Experts that, in 2024, he was arrested by police officers at about midnight, transported to a police station and detained in a cell. Police officers interrogated him throughout the night and tried to force him to sign a precompiled statement, in which he confessed his violent behaviour during a demonstration. He refused to confess and asked for a lawyer, but his request was rejected. At that point, the officers became more aggressive. One of them tried to hit the victim with his baton, but the other officers stopped him. During his interrogation and detention, his father was knocking on the windows and doors of the police station asking for the release of his son, but the officers did not pay attention to him.

67. A woman stated that, in 2022, she was arrested by GUBOPiK officers and taken to their office for interrogation. According to her account, one male officer shouted at her and insulted her. He blamed her and others like her for preventing them from living peacefully and called her a "whore". She was then forced to record a "repentance" video, in which she confessed to participating in the 2020 protests.

68. After their arrest, the victims have often been held, sometimes for several days, in temporary detention centres, run by regional and district police departments and units, including in Okrestina, as well as in KGB buildings.

69. Detention conditions in temporary detention centres have often been inhuman, in violation of ICCPR article 10(1). Detainees held on politically motivated grounds have been subjected to discriminatory treatment and held in harsher conditions than other detainees. They have been confined in overcrowded, excessively hot and unsanitary cells, often without enough beds and infested with bedbugs, while being deprived of adequate food and sleep. Cases have also been verified by the Group of Independent Experts of denial of access to healthcare tailored to the specific needs of women, deprivation of basic hygienic items,

⁵⁴ Belarus ratified this treaty in 1981. See also CEDAW/C/GC/35, para. 1.

including menstrual pads, and unjustified strip searches of women in the presence of male guards, in violation of article 1 of the CEDAW.⁵⁵

70. A victim, who was held for ten days in the Okrestina temporary detention facility in 2024, told the Group of Independent Experts that the second day of his detention he was transferred to a solitary confinement cell, known as “kartser”. In that cell, which measured 1.65 x 3.20 meters and was designed for one person, there were 14 other detainees held on politically motivated grounds. They slept on the concrete floor and had to take turns to sleep given that there was not enough space. They were woken up twice during the night and had to announce their names and the charges against them, which made it impossible for him to sleep. They were not provided with hygiene items. There were two local doctors on-site who distributed pills. One of them, a more senior doctor, once told the victim: “I am here to document your death and it's easier than documenting the death of a dog”. During his entire 10-day stay, he was not allowed to take outdoor walks or to shower. The only way he could wash himself was using cold water in the sink. Every time he was brought in or out of Okrestina, including for court sessions, he was subjected to a strip search and had to do squats while naked. Another victim reported that, whilst she was detained in Okrestina in 2022, she began her menstrual period but was not provided with sanitary pads. During the night, her trousers became stained with blood. When she requested sanitary pads the following morning, she was given medical cotton, which she stated was inadequate. After washing her trousers, she remained in her underwear while they dried. She described the experience as humiliating, particularly when guards questioned her during a security check about why she was not fully dressed. An interviewee also reported that, in 2021, she was subjected to a strip search upon arrival in Okrestina, which she described as extremely humiliating, despite the search having been conducted by a female officer. The strip search took place in a corridor where doors did not fully close. To reach the area where women were strip-searched, detainees had to pass through a section where male detainees were standing naked. She further stated that gaps in the doors allowed male guards to observe women while they were undressed.

B. Investigation and detention in pre-trial detention facilities

71. Following their arrest, persons critical of or perceived as critical of the Government have been interrogated by members of the Investigative Committee or the KGB. Investigators have often interrogated individuals after their initial questioning and ill-treatment by members of the law enforcement forces, including the police and GUBOPiK. Pre-trial detention has subsequently been imposed on these individuals by decision of the Investigative Committee, the KGB, or the Office of the Prosecutor General, following which they have been transferred to pre-trial detention facilities administered by the Department of Corrections and the KGB, where they have been held in inhuman conditions for unduly lengthy periods⁵⁶ and have been subjected to discrimination and ill-treatment in breach of ICCPR articles 2(1), 9(1), 10(1), 26, as well as article 16 of the CAT.

72. Interrogations have frequently been conducted in the absence of legal counsel representing the suspects, in breach of ICCPR article 14(3)(d). Although State-appointed attorneys have reportedly been present in certain cases, interviewees have indicated that they have not provided meaningful legal advice or effective legal assistance during questioning.

73. An interviewee recounted that, in 2020, he was interrogated by the Investigative Committee right after having been violently beaten by GUBOPiK. He had visible injuries: one of his ears was swollen, and he had hematomas. The investigator noticed his injuries and asked what had happened to him. He explained that he was beaten in a car. He added that when the State-appointed attorney arrived, she asked for a private conversation with him. The investigator allowed them to go out into the hallway to talk, however, the two GUBOPiK officers who had arrested him stood next to them so they could overhear the conversation.

⁵⁵ See also A/HRC/61/57, paras. 105-110.

⁵⁶ The Human Rights Committee found that unreasonable or unduly lengthy pre-trial detention constitutes arbitrary detention (CCPR/C/51/D/458/1991, para. 9.8; CCPR/C/36/D/238/1987, para. 9).

74. Investigators have also interrogated suspects while they were held in temporary detention centres and in pre-trial detention facilities. In one verified case, an investigator of the Investigative Committee threatened the victim to confess and repent if he wanted less punishment.

75. Following interrogation, investigators of the Investigative Committee and the KGB have initiated criminal proceedings and brought charges against persons for their real or perceived opposition to the Government. Prosecutors, the Chairman of the Investigative Committee and the Chairman of the KGB have then routinely ordered pre-trial detention.

76. Individuals critical of or perceived as critical of the Government have been held in pre-trial detention facilities, run by the Department of Corrections and the KGB, for unduly prolonged periods. The Group of Independent Experts has verified cases ranging from eight months to two years. Interviewees consistently reported that pre-trial detention was repeatedly extended. According to these accounts, investigators of the Investigative Committee and, in cases under its jurisdiction, the KGB, sought the continuation of detention and, in some cases, accompanied such requests with additional charges against defendants. Prosecutorial authorities have authorized the continuation and extension of pre-trial detention and, through the exercise of these powers, have played a central role in maintaining the unduly prolonged deprivation of liberty of individuals targeted for their real or perceived dissent to the Government during the pre-trial phase. In this regard, the Group of Independent Experts observes that Belarusian legislation does not appear to be fully in line with international standards since article 127 of the criminal procedure code empowers the prosecutor to authorize extensions of pre-trial detention for periods of up to 18 months, which appears incompatible with the safeguards set out in ICCPR articles 9(3) and 14 (2).⁵⁷

77. In pre-trial detention facilities detainees have been held in inhuman detention conditions, in overcrowded cells, sometimes infested with cockroaches and mice, forcing them to sleep in shifts due to the limited space.

78. Detention authorities have discriminated against detainees held on politically motivated grounds. They have often assigned them to preventive registry no. 10 (*profuchiot*), reserved to persons considered prone to extremist and other destructive activities. Detainees held under this regime have been required to sleep in exposed positions, always on the upper bunks, to ensure they remained easily visible. In the morning and evening, they have been required to report to the guards, stating their identity, the articles they were charged with, and the preventive registries they were placed on.

79. Furthermore, the Group of Independent Experts documented that detention authorities have placed many individuals arrested on politically motivated charges in punishment cells (“kartzer”), where they have been held in solitary confinement for several days in a row. Being held in these cells, which are extremely small, (approximately 3 × 3 m (9 m²)) and only equipped with a bed, has caused severe psychological suffering.

80. Detention officers have often insulted and humiliated detainees held on politically motivated grounds who in some cases have also suffered ill-treatment.

81. A victim recounted that in the “Amerikanka” pre-trial detention facility, where he was held in 2023, KGB officers threatened to hand him over to the Wagner group,⁵⁸ assign him to a cell with low social status detainees,⁵⁹ arrest his wife and transfer his daughter to an orphanage.

82. The Group of Independent Experts documented cases in which challenges by detainees to decisions ordering their pre-trial detention were rejected by the courts, which thus failed to provide effective protection against prolonged pre-trial detention,

⁵⁷ The Human Rights Committee has emphasized that pre-trial detention should be an exception rather than the rule, should be based on an individualized determination that it is reasonable and necessary in the circumstances, and should be as short as possible (CCPR/C/GC/35, paras. 37-38).

⁵⁸ A Russian paramilitary group renowned for its human rights abuses.

⁵⁹ According to an informal hierarchy enforced in Belarusian prisons, detainees belonging to the lowest “caste”, usually reserved for people convicted for sexual crimes, are forced to carry out menial tasks, such as cleaning toilets (A/HRC/61/57, para. 30).

discriminatory treatment, inhuman conditions and further ill-treatment in violation of ICCPR article 9(4).

C. Trial

83. In the trials against individuals critical of or perceived as critical of the Government, the judiciary has systematically violated fair trial rights, including the rights to equality of arms, to have a counsel of his/her choice, to have adequate time and facilities to prepare defence, to be tried without undue delay, to a fair and public hearing, and to the presumption of innocence, as well as the guarantees of the independence⁶⁰ and impartiality of tribunals. These violations constitute breaches of ICCPR article 14(1), (2), 3(b), (c) and (d).⁶¹

84. As documented in the previous conference room paper, lawyers have been systematically harassed.⁶² In particular, lawyers representing individuals facing politically motivated charges have been disbarred or otherwise deprived of their licences through Ministry of Justice procedures and disciplinary measures imposed by bar authorities. Others have been arrested. A victim recounted that he had six defence attorneys and that all of them were disbarred. After that, no one accepted to represent him. Many interviewees also stated that their lawyers were arrested by State security forces.⁶³

85. The courts have not provided defendants with adequate time to prepare their defence. A victim characterized his trial as a “fabricated farce”: despite the case file comprising more than 240 volumes, each 500–600 pages long, the court granted him only 25 days to review them and prohibited his lawyers from making copies of the documents. He concluded that “the right to defence was illusory.”

86. Proceedings have often been held behind closed doors, with judges seldom providing reasoned justification for the decision to exclude the public. Moreover, during the trial, the defendants were held in a metal cage in the courtroom.

87. The Group of Independent Experts also notes that, as previously reported, the President of the Republic of Belarus, and other high ranking public officials issued, since 1 May 2020, several public statements accusing non-governmental organisations, human rights defenders and critics to the Government of being terrorists, traitors and enemies of the State working for foreign Governments, thereby undermining their presumption of innocence.⁶⁴

88. Almost all the trials against Government critics verified by the Group of Independent Experts resulted in convictions. The courts imposed harsh prison sentences, ranging from two to 18 years and often transferred those convicted to maximum-security penal colonies. Tribunals typically sentenced the defendants to the exact prison term requested by the prosecutor. A witness interviewed by the Group of Independent Experts described his trial as an “imitation of justice” with an inevitable guilty verdict.

89. Courts have typically sentenced individuals for crimes against public security such as mass riots (art. 293(2) of the criminal code); crimes against public order, such as organization and preparation of actions that grossly violate public order, or active participation in them (art. 342(1) of the criminal code) and crimes against the State, such as calls for restrictive measures (sanctions) or other actions intended to harm the national security of the Republic of Belarus (art. 361(3) of the criminal code).

90. The Group of Independent Experts finds that these articles contain vague and overbroad terms, such as “mass riots” in article 293(2); “grossly violate public order”, “clear disobedience to the lawful demands of a representative of the authorities”, “active

⁶⁰ See above at paras. 48, 49. According to Human Rights Center “Viasna”, since 2020, at least 9,914 individuals have reportedly faced politically motivated criminal prosecution, and at least 8,590 have been convicted, including in absentia. (Human Rights Center “Viasna”, “Human rights situation in Belarus. June 2026”, 6 June 2026).

⁶¹ A/HRC/61/57, para. 23.

⁶² A/HRC/60/CRP.1., paras. 53-58.

⁶³ A/HRC/61/57, para. 24.

⁶⁴ A/HRC/60/CRP.1, para. 16; A/HRC/58/68, para. 80.

participation” in article 342(1); “the commission of other actions aimed at causing harm to the national security of the Republic of Belarus” in article 361). Such provisions are therefore not be fully in line with the principle of legal certainty enshrined in ICCPR articles 21 and 22(2), which require that any restrictions to the rights of peaceful assembly and freedom of association be prescribed by law.⁶⁵

91. Victims also recounted how, during trial proceedings, judges have systematically rejected motions submitted by defence lawyers who have routinely documented procedural violations, while those filed by the prosecutor have generally been granted; refused to question or to summon defence witnesses and rejected the request of a defendant to be provided with an interpreter. An interviewee stated that the court rejected the request to allow independent observers to monitor the trial and that it did not summon witnesses to provide testimony. Rather, it read out the testimony each had provided during the investigation and relied on it as evidence, leaving the defence unable to conduct cross-examination. In addition, some of the evidence presented at trial consisted of unauthenticated photocopies for which no originals were produced.

92. The Group of Independent Experts notes that the right to be tried without undue delay has frequently been violated. As noted above, individuals were often held in pretrial detention for prolonged periods, resulting in convictions being handed down several years after charges were first brought against them. Furthermore, the Group of Independent Experts observes that appellate courts have consistently upheld lower court judgments. Interviewees recounted that they did not even try to lodge an appeal as they believed that the outcome was predetermined. In this respect, an interviewee stated that he considered the entire trial to be a clownery and it did not make sense to him to lodge an appeal.

93. As previously reported, the Group of Independent Experts also documented cases of Belarusians who had fled the country or were residing abroad and who opposed or were perceived as opposing the Government being tried in absentia.⁶⁶ Many were not officially notified by the court of the initiation of proceedings and did not receive any procedural documents during the trial. Requests to participate in hearings remotely were rejected, and State-appointed lawyers did not contact them. Moreover, most interviewees did not receive a copy of the judgment.

94. An interviewee living abroad reported that, in 2024, she became aware through media reports that criminal proceedings had been initiated against her. She submitted a formal request seeking information regarding the proceedings, the charges against her, the identity of her state-appointed lawyer, and the possibility of participating in the hearings remotely. Most of these requests were ignored. She was subsequently informed that a State-appointed lawyer had been assigned to represent her interests; however, the lawyer never contacted her. The Minsk Regional Court later convicted and sentenced her in absentia to 10 years' imprisonment. Her request for a copy of the judgment was denied, and she was only able to review the operative part of the judgment published on the website of the Supreme Court of Belarus. She subsequently learned that the Supreme Court had upheld the lower court's judgment. Following the finalization of her conviction, she was included on the KGB list of persons involved in terrorist activities.

95. As previously observed, the Group finds that the conduct of these trials has failed to comply with ICCPR article 14(3)(a) and (d). Indeed, the Human Rights Committee noted that “in the case of trials in absentia, [ICCPR] article 14, paragraph 3 (a) requires that, notwithstanding the absence of the accused, all due steps have been taken to inform accused persons of the charges and to notify them of the proceedings.”⁶⁷ The Committee also found that “such trials are only compatible with article 14, paragraph 3 (d) if the necessary steps are

⁶⁵ The Human Rights Committee, with respect to the right of peaceful assembly, clarified that “the laws [...] must be sufficiently precise to allow members of society to decide how to regulate their conduct and may not confer unfettered or sweeping discretion on those charged with their enforcement” (CCPR/C/GC/37, para. 39).

⁶⁶ A/HRC/61/57, paras. 74-77.

⁶⁷ CCPR/C/GC/32, para. 31.

taken to summon accused persons in a timely manner and to inform them beforehand about the date and place of their trial and to request their attendance”⁶⁸

D. Imprisonment

96. As extensively documented in previous reports of the Group of Independent Experts,⁶⁹ penitentiary staff working under the authority of the Department of Corrections have systematically subjected detainees held on politically motivated grounds in prisons and other penitentiary facilities to discrimination, inhuman conditions of detention, cruel, inhuman or degrading treatment and incommunicado detention, in breach of ICCPR articles 2(1), 7, 10(1), 26, as well as article 16 of the CAT.

97. Penitentiary staff have subjected prisoners held on politically motivated grounds to a harsher and discriminatory detention regime. They have required them to wear a yellow tag on the chest and a yellow triangle on the shoulder, have prohibited them from participating in educational and cultural activities, accessing the gym, and attending religious services; and have barred them from borrowing books in foreign languages from prison libraries, allowing only Russian and Belarusian-language materials. They have also prohibited prisoners detained on politically motivated grounds from gathering in groups and have prevented other detainees from interacting with them. In addition, they have curtailed their contact with the outside world by imposing shorter long-term visits, reducing the number of telephone calls compared with other detainees, and restricting their correspondence.

98. Penitentiary authorities have closely watched and scrutinized the behaviour of detainees held on politically motivated charges and continuously imposed fabricated disciplinary sanctions for violations of prison rules. Sanctions have included the denial of parcels, telephone calls and visits, as well as placement in punishment cells (cell-type premises and punishment isolation cells). Interviewees have consistently reported that prison staff have fabricated violations as a basis for imposing such sanctions, often relying on trivial and disproportionate grounds, including claims that detainees failed to greet staff, failed to shave, slept during the day or possessed four pieces of soap instead of the allowed three.

99. The detention conditions of detainees held on politically motivated charges, particularly in punishment isolation cells, have been inhuman. An interviewee described the conditions imposed by the penitentiary authorities as a system designed to break human dignity. The cells have been extremely humid, poorly ventilated, and cold even in June, with damp walls covered in mold and fungus, water running down the surfaces, and plastic-covered windows blocking natural light. In punishment isolation cells, penitentiary authorities have not provided mattresses and blankets to detainees, who have had to sleep on bed made of plywood with a thick iron rim. They have been exposed to extremely cold temperatures, which significantly impaired their ability to sleep. Furthermore, detainees held on politically motivated grounds have been provided with insufficient food, and some reported experiencing severe weight loss. They have frequently fallen ill, including with pneumonia, as a result of extreme cold and unhealthy detention conditions. However, they have often received either no medical care or grossly inadequate medical assistance, with doctors routinely administering the same basic medication for a wide range of conditions, irrespective of diagnosis.

100. Penitentiary staff have often mistreated individuals detained on politically motivated grounds, including by forcing them regularly to undergo strip searches and maintain stress positions.

101. Moreover, penitentiary staff, as well as officers of GUBOPiK and members of the Office of the Prosecutor General have exerted pressure on detainees held on politically motivated grounds to admit guilt and seek presidential pardon. An interviewee recounted that, in 2024, a GUBOPiK officer and a prosecutor visited him in prison and pressured him to admit guilt and request a pardon. Following his refusal, the interviewee reported that his disciplinary punishments began and that he was transferred to a punishment isolation cell.

⁶⁸ Ibid., para. 36.

⁶⁹ A/HRC/58/68, paras. 52-57; A/HRC/61/57, paras. 25 – 37.

The Group of Independent Experts also documented another case in 2024 in which a detainee held on politically motivated grounds was forced to give an interview to Belarusian State television. A senior official of the Department of Corrections told her that "whether you are released [...] will depend on how you conduct yourself in the interview" making clear that her treatment and prospects of release were contingent on her compliance. Acting under this implicit pressure and motivated by the prospect of being released and reuniting with her children, she repeated narratives aligned with State propaganda, which she indicated were fabricated. Another victim reported that, while he was detained in a high security prison, a prosecutor visited him and asked him to sign a document recognizing the president and the constitution and requesting a pardon. After he declined to sign the document, he reported a deterioration in his detention conditions. Furthermore, an interviewee recounted that, in 2021, an operative officer from the Department of Corrections repeatedly visited her and pressured her to admit guilt. Although he did not use physical force, he employed various methods intended to break her psychologically and compel her to confess. According to the interviewee, one such method involved the planting of prohibited items in her cell. For example, a penitentiary officer would approach her, search her pockets, and reportedly "discover" a pill that did not belong to her. Although she protested that the pill was not hers, her objections were disregarded, and a disciplinary report was issued, as possession of pills was prohibited. The interviewee stated that following each such violation, she was usually deprived of her right to long-term visits. The interviewee further reported that she was subjected to insults throughout the day. She also described being repeatedly told that her colleagues and friends had forgotten about her and that she had been left entirely alone, which she perceived as another form of psychological pressure.

102. The Group of Independent Experts also verified cases of individuals detained on politically motivated grounds held in incommunicado detention, with no contact with the outside world, for periods ranging from five months to two years and four months.

103. Furthermore, as previously reported, the Group of Independent Experts documented cases in which Belarusian authorities detained, on politically motivated grounds, both parents of children or sole caregivers, resulting in the prolonged separation of children from their parents.⁷⁰ The Group of Experts finds that these practices run contrary to articles 3 and 9 of the Convention on the Rights of the Child, ratified by Belarus in 1990; and articles 23 (1) and 24 (1) of the ICCPR, which protect the right to family life and the best interests of the child.⁷¹

104. The cumulative effect of the discriminatory detention regime, repeated disciplinary sanctions, prolonged isolation, inhuman detention conditions, lack of adequate medical care, mistreatment and periods of incommunicado detention has had a severe psychological impact on detainees held on politically motivated grounds. Interviewees have described experiencing intense anxiety, despair and psychological distress. There have been several verified cases reported by the Group of Independent Experts in which detainees attempted suicide during or after their detention.

E. Post-release measures

105. Repression of persons targeted by the Government for expressing dissenting views has not ended with their release from prison. Indeed, shortly before the end of their prison term, courts have typically sentenced these individuals to terms of preventive supervision (*preventivnyi nadzor*) for periods ranging from six months to two years.

106. This is a post-penal measure governed by article 80 of the criminal code and imposed by courts on certain convicted persons after release, consisting of a regime of compulsory monitoring and behavioural restrictions aimed at preventing recidivism and protecting public

⁷⁰ A/HRC/61/57, paras. 94-104.

⁷¹ The Committee on the Rights of the Child has noted that, in cases where the parents or other primary caregivers committed an offence, alternatives to detention should be made available and applied on a case-by-case basis, with full consideration of the likely impact of different sentences on the best interests of the affected child or children (CRC/C/GC/14, para. 69).

order. It entails obligations such as registration with and reporting to internal affairs bodies, as well as restrictions on residence and movement.⁷²

107. Interviewees also reported having been placed under preventive monitoring (*prophylakticheskoe nabludenie za osuzhdiennym*), a less restrictive monitoring regime established under article 81 of the criminal code. This measure is applied automatically to certain categories of convicted persons following their release from detention and remains in effect for the duration of the period in which their conviction remains in force.

108. The implementation of the preventive supervision and monitoring regimes by the police, the GUBOPiK and the KGB has resulted in recurrent violations of the rights to liberty and security, freedom of movement, privacy and private life and not to be subject to cruel, inhuman or degrading treatment, in breach of ICCPR articles 7, 9(1), 10(1), 12(1), (2), 17, as well as CAT article 16.

109. Interviewees reported that, in sentencing them to preventive supervision, courts have required them to remain at home between 22:00 and 06:00, prohibited them from leaving their place of residence and the country, and have obliged them to report regularly to the police or to the Criminal Executive Inspectorate of the Ministry of Internal Affairs,⁷³ including on a daily basis or several times per week or month. Some interviewees also reported that they have been prohibited from purchasing alcoholic beverages and required to attend disciplinary or educational sessions.

110. Victims have told the Group of Independent Experts that police officers, as well as members of GUBOPiK and of the KGB, have constantly and closely monitored them, frequently calling them by phone, summoning them for questioning and visiting and inspecting their homes several times per week, including at night and in the early morning hours. These inspections and visits have often been invasive and violent, causing fear and panic among the victims and their family members.

111. A victim told the Group of Independent Experts that, in 2024, GUBOPiK officers once came to his place, checked his phone and told him that, if they ever saw him again at a protest, they would shoot him in the knees. Another time police officers searched his apartment. He felt that he was under their constant control and this scared him. He was afraid when receiving calls from unknown numbers, or when the doorbell rang. Police officers frequently visited his home without prior notice and would immediately demand access to his mobile phone for inspection, reinforcing his perception that he was under constant surveillance.

112. Another interviewee stated that, in 2024, police officers in full uniform and wearing helmets conducted an inspection of his home while he was there with his daughters under the pretext of searching for extremist material. They examined his phone, searched his books and newspapers, and even questioned him about a white-red ornament on the chandelier to determine whether it constituted an extremist symbol. They then took the victim to a police station, seized his mobile phone and questioned him about his contacts and activities for several hours. During the interrogation which lasted several hours, he was handcuffed and made to sit on a small iron chair so narrow that he was forced to sit with his back bent and his knees tightly drawn up, causing significant discomfort.

113. KGB officers have also been involved in violently enforcing the preventive supervision regime. The Group of Independent Experts documented a case in which, in 2024, two KGB officers conducted an inspection of the home of a victim who had been released two weeks earlier. During the inspection, the officers stated that both the interviewee and her husband, who was present, would be arrested and put in prison. They then placed them in a car and took them to a KGB facility, where they were interrogated. During the interrogation, the KGB officers seized and examined the phones of both the victim and her husband, shouting insults and threatening them with imprisonment. One officer carried a stun gun and threatened to use it to perform a “rectal massage” on the victim. When the victim stated that

⁷² Belarus, Criminal Code of the Republic of Belarus No. 275-Z of 9 July 1999, art. 80.

⁷³ The Criminal Executive Inspectorate is a territorial body of the Ministry of Interior responsible for the supervision and execution of certain non-custodial criminal sanctions. (Belarus, Criminal Executive Code of the Republic of Belarus No. 365-Z of 11 January 2000, art. 14).

this would constitute torture, the KGB officer struck her on her injured knee with the stun gun, holding it there for a few seconds. The officers then ended the interrogation and returned the victim's phone, but not that of her husband.

114. Interviewees indicated that individuals subject to the preventive supervision regime may easily and unintentionally breach court-imposed conditions, thereby exposing themselves to further sanctions, including fines and imprisonment.

115. A victim recounted how, in 2024, following a second violation for returning home at 22:30 instead of 22:00, a district court sentenced him to ten days' detention in the Okrestina temporary detention centre, where he was held in inhuman conditions in an overcrowded and unsanitary cell with limited access to food.

116. The Group of Independent Experts also notes that individuals convicted on politically motivated charges have been added to the list of terrorists and extremists, maintained by the KGB and the Ministry of Internal Affairs respectively. Interviewees included in such lists reported having faced significant restrictions, including asset freezes and limitations on opening and receiving funds on bank accounts. They have also reported having faced difficulties in securing an employment following the completion of their prison term, explaining that employers were often reluctant to hire individuals included in such lists.

117. Individuals subjected to the preventive supervision and monitoring regimes have endured constant harassment by State authorities and have lived in persistent fear of arrest, including of their family members. One victim described how her husband slept at his workplace out of fear of remaining at home. As a result, many of those interviewed by the Group of Independent Experts reported having fled Belarus to neighbouring countries, including Lithuania and Poland, to escape persecution by the State security apparatus, often leaving their families and loved ones behind.

118. Arbitrary arrest, detention, mistreatment and violations throughout the criminal justice process have had severe physical and psychological consequences on individuals. Many victims reported that they have developed illnesses and psychological conditions including post-traumatic stress disorder (PTSD) during the long years of inhuman detention conditions. A witness reported that during her detention she suffered from cystitis and heart problems and her eyesight worsened after having spent a year under constant artificial lighting, with little access to natural light. After her release she has experienced insomnia, nightmares and panic attacks, all symptoms of PTSD.

119. An interviewee reported that, after fleeing to Poland in 2023, he underwent two surgeries to replace almost all the teeth he had lost while in detention, suffered from prostate problems, and sought psychological support to deal with what he described as his "immense anger and fury".

120. Another victim reported severe and lasting psychological harm resulting from his prolonged detention, including solitary confinement, arbitrary punishment, and constant fear of reprisals against family members. While in exile in 2025, news that his younger brother, who resided abroad, faced possible deportation to Belarus triggered traumatic memories of his detention and led to a severe deterioration of his mental health. He experienced acute anxiety, panic attacks, intrusive recollections, flashbacks, shortness of breath, and a persistent sense of imminent danger, requiring emergency psychiatric intervention and a 28-day hospitalization. The victim reported that aspects of the hospitalization environment mirrored conditions of detention and triggered further distress. Although his condition gradually stabilized with medical and therapeutic support, he continued to report enduring psychological suffering and other trauma-related consequences associated with his prolonged imprisonment and violations in Belarus.

IV. Emblematic cases

121. This section describes several emblematic cases of individuals who were subjected to a series of human rights violations in the context of the criminal justice process in Belarus for their real or perceived opposition to the Government. These cases reflect the findings of the Group of Independent Experts regarding the coordinated involvement of State law

enforcement and judicial authorities in systematic and interrelated violations of international human rights law in the administration of justice. They should be read in conjunction with the other verified cases included in this paper.

122. The first case illustrates the extent to which the entire criminal justice system actively contributes to suppressing dissent in Belarus and how violations of fundamental freedoms are orchestrated by the judiciary to compound further violations.

123. Following the dissolution of independent trade unions by the Supreme Court of Belarus, upon the request of the Prosecutor General, the interviewee, a trade union activist, was arrested in 2022 by officers of the KGB at his office. On the same day, his apartment was searched in the presence of his wife.

124. He was transferred to the “Amerikanka” KGB-operated pretrial detention facility where he was held for ten days. During this period, he was interrogated by investigators from the KGB, the Department of Financial Investigations,⁷⁴ and the Investigative Committee. According to the interviewee, the authorities initially sought to obtain evidence that the trade union for which he worked had received funding to support the 2020 protests, with the intention of bringing charges related to financing protest activities. When no evidence supporting such charges was found, he was instead charged under article 342 of the Criminal Code (organization and preparation of actions that grossly violate public order, or active participation in such actions). The charges were reportedly based on photographs of the protests found on their mobile phones.

125. The interviewee was subsequently transferred to a pretrial detention facility operated by the Department of Corrections, where he was held for nine months in an overcrowded cell.

126. The interviewee was then convicted and sentenced to two years' imprisonment. He appealed the judgment; however, the appellate court upheld the conviction.

127. Following his conviction, the interviewee was transferred to a correctional facility. During the transfer, prisoners convicted on politically motivated charges were reportedly handcuffed and required to carry their personal belongings, while other prisoners were not subjected to the same treatment. When the interviewee asked a prison guard to remove his handcuffs, explaining that they were no longer necessary, the guard allegedly responded: “You should have loved the President.”

128. The interviewee was held in two different prisons. Along with other individuals detained on politically motivated charges, he was placed on preventive registry No. 10, a category reserved for prisoners considered prone to extremist or other allegedly destructive activities. As a result, he was subjected to a number of additional restrictions. He was required to sleep on the upper bunk, was subjected to inspections by prison guards twice each night, and, during these inspections, was required to approach the cell door and state his name, surname and the charges against him. Furthermore, he was also required to wear a yellow identification tag and was prohibited from participating in a range of activities available to other prisoners, including watching films, reading books, using sports facilities and joining prison cultural clubs.

129. The interviewee described the final six months of his imprisonment as particularly difficult, noting a deterioration in both detention conditions and the treatment of prisoners held on politically motivated charges. During this period, he was twice placed in a punishment isolation cell for what he described to be fabricated disciplinary violations, including on one occasion in which he was accused of inaccurately listing his personal belongings on an inventory form. Placement in the punishment cell was accompanied by a range of additional restrictions, including limitations on family visits. This cell was designed for a single detainee and contained a bunk bed, a small table and a chair, all fixed to the wall, as well as a small window that allowed daylight to enter, but it could not be opened. An

⁷⁴ The Department of Financial Investigation is part of the State Control Committee, a governmental agency responsible for overseeing financial and economic activities within the public sector. The State Control Committee is formed by the President of the Republic of Belarus who appoints its chairman. (Belarus, Constitution of the Republic of Belarus, arts. 129, 130).

uncovered toilet was also located inside the cell, and both the walls and floor were tiled. According to the interviewee, the cell was heated during the first seven days of his detention there; however, the heating was switched off for the final three days, leaving the cell extremely cold. He reported that the temperature became so low that he had difficulty sleeping and had to urinate repeatedly throughout the night.

130. Subsequently, the interviewee was added to the official list of “extremists”. Following his release, he was required to register with the Criminal Executive Inspectorate of the Ministry of Internal Affairs, attend mandatory daily lectures until he secured employment, and remained subject to a travel ban preventing him from leaving Belarus. With the assistance of a friend, he eventually obtained employment with a private company. However, his financial transactions were monitored, and he was unable to open a bank account because of his inclusion on the extremist list.

131. Approximately three weeks after his release, a new criminal investigation was initiated against him in relation to alleged donations. The case was reportedly closed after he transferred USD 500 to an individual account designated by the investigative authorities.

132. Believing that he could no longer lead a normal life in Belarus, the interviewee left the country in July 2024.

133. Two cases illustrate the gendered dimensions and impact of such violations and highlight the human rights violations suffered by victims, particularly human rights activists, who were subjected to punitive treatment throughout the criminal justice process in retaliation for their human rights work, including pressure to confess to offences they had not committed.

134. The first case concerns the systematic persecution of a female opposition activist.

135. In January 2021, masked officers of the Special Purpose Police Unit⁷⁵ forced entry into the family's apartment, handcuffed the interviewee and searched the residence for several hours, confiscating opposition flags, other symbols and electronic devices. Throughout the search, her children, aged four and eleven, cried continuously. Officers insulted her because of her political views, accused her of receiving Western funding, repeatedly called her a “criminal” and threatened to place her children in State care.

136. Following her arrest, the interviewee was taken to a temporary detention centre, where she was subjected to invasive body searches and forced to squat repeatedly. During her detention in the temporary detention centre and later in pre-trial detention facilities, she was denied basic hygiene items, including soap, toothpaste and menstrual products. She also described repeated night-time checks, constant video surveillance, restrictions on correspondence and family contact, and prolonged exposure to cigarette smoke.

137. In February 2021, she was transferred through several detention facilities before being placed at mental health institution for compulsory psychiatric assessment, where she was repeatedly sent throughout her detention. She was held in isolation and denied reading materials, hygiene items and adequate access to water. She considered the psychiatric assessments part of the pressure exerted against her.

138. In June 2021, the interviewee was convicted of violence against a police officer, contempt of the President, insulting a public official and actions allegedly threatening national security, despite not participating in the 2020 protests. No defence witnesses were permitted to testify. She was sentenced to two years imprisonment and her appeal was dismissed.

139. Following her conviction, she was transferred to a women's correctional colony. She described prison transfers as degrading because prisoners held on politically motivated grounds, unlike ordinary prisoners, were handcuffed, forced to carry heavy belongings and repeatedly strip-searched.

⁷⁵ Specialised Police Units, commonly referred to as OMON (Otryad Militsii Osobogo Naznacheniya), are specialized divisions within the public safety police tasked with maintaining public order during mass gatherings and public events, responding to group disturbances and riots, and combating organized crime and other serious criminal activity.

140. The interviewee was tried three times under article 411 of the criminal code for alleged disobedience to prison authorities.⁷⁶ Fabricated disciplinary violations were used to extend her imprisonment from two to more than four years. She was repeatedly told she would never see her children again and that article 411 could be applied indefinitely. During her final trial in 2024, she suffered a psychological breakdown. She was forcibly removed from the courtroom, restrained, and injected with a sedative after her clothes were torn. She was then kept half-naked overnight in a police cell before being returned to court the following day, when her sentence was extended by a further year.

141. During her imprisonment she spent more than 270 days in cell-type premises and punishment isolation cells following fabricated disciplinary violations. She described cold, damp and poorly ventilated punishment cells with foldable metal beds unavailable during the day. Wearing only thin prison clothing despite the cold, she was repeatedly deprived of sleep, held in prolonged solitary confinement, denied family contact, parcels, reading materials and adequate medical care, and kept under constant surveillance. She also survived an assault by another prisoner, which she believed had been encouraged by prison authorities. Despite injuries causing significant bleeding, medical staff intervened only after a considerable delay. When she requested that her lawyer be informed about her health, the prison administration replied: "We are not obliged to inform anyone."

142. Throughout her imprisonment, prison officials and GUBOPiK officers pressured her to admit guilt and cooperate with the authorities and seek a presidential pardon. She was eventually coerced into participating in a televised propaganda programme broadcast by Belarusian State Television with the involvement of Russian media, believing this would secure her release and reunification with her children. Despite her cooperation, she remained imprisoned for almost another year and was required to speak Russian rather than Belarusian.

143. The interviewee was released in 2025 after more than four years in detention. Before her release, she was required to sign statements expressing remorse and confidential cooperation. Upon departure, prison guards mocked her, saying: "We are waiting for you back again."

144. She was placed under two years of preventive supervision, which required her to report regularly to the police. Shortly thereafter, she fled Belarus. Family members who remained in the country were subsequently questioned by the authorities. She was also warned that leaving Belarus before completing the supervision period could result in criminal prosecution.

145. Today, she continues to experience nightmares related to her arrest and detention and described the lasting impact of having lost more than four years with her children. After turning fifty, she said she had to rebuild her life from the beginning.

146. The other emblematic case, showing the gendered dimensions of the persecution, relates to a human rights activist working for the Viasna Human Rights Center and who had documented the human rights violations perpetrated by Belarusian authorities during the 2020 demonstrations. She was arrested by GUBOPiK officers dressed in civilian clothing and transported in an unmarked civilian vehicle to the Investigative Committee, where she was interrogated, before being transferred to the Okrestina temporary detention centre. After a few days, she was moved to a pre-trial detention facility, where she was held for approximately two and a half years.

147. During her pre-trial detention, she stated that an investigator from the Investigative Committee and a GUBOPiK officer visited her regularly and pressured her to confess. She reported that, following the death of her grandmother, officials used her bereavement to exert additional pressure, telling her that "your father will be next" if she did not cooperate. According to the interviewee, her refusal to confess initially resulted in additional charges being brought against her. She further stated that she was warned that, if she continued to refuse, she would be portrayed as the leader of a criminal group and held responsible for the

⁷⁶ Belarus, Criminal Code of the Republic of Belarus No. 275-Z of 9 July 1999, art. 411 (malicious disobedience to the demands of the administration of a correctional institution executing a sentence of imprisonment).

actions of various anarchist groups over previous years. During her pre-trial detention she was not provided with medical examinations or healthcare. She further alleged that all correspondence addressed to her was screened by GUBOPiK. At one point, she reportedly went five months without receiving any letters. She estimated that she received only a small fraction of the correspondence sent to her. According to the interviewee, GUBOPiK officers told her: "With your letters we set fires. Thanks, we have enough materials."

148. Prior to her trial, the interviewee was given one month to review the case file. Given the large volume of materials, she stated that it was impossible to review the entire file within the allotted time. Requests to extend the deadline were rejected by the court. She also reported that several of her lawyers were subsequently disbarred. The victim reported that the trial was held behind closed doors, and she was kept in a cage during the proceedings. She asserted that the charges against her were fabricated and that witnesses presented by the prosecution were not genuine. She was sentenced to more than 14 years' imprisonment.

149. Upon her arrival at the correctional facility, the interviewee recalled that a prison official referred to the 2020 demonstrations and told her: "You wanted to start a war in Belarus. You are bastards. Who did you help, terrorists, rapists? Couldn't you find something else to do?" The interviewee reported that pressure to confess continued throughout her detention. She stated that the investigator from the Investigative Committee and a GUBOPiK officer repeatedly sought to compel her cooperation. They even showed her a video of her husband in which he urged her to comply with their demands because his life was allegedly under threat. The interviewee stated that, after prolonged pressure and distress caused by the difficulties faced by her family, she eventually agreed to sign a confession. The interviewee further stated that she was frequently placed in a punishment isolation cell for allegedly fabricated disciplinary violations. She reported that temperatures in the cell were extremely low and described the conditions as a form of punishment through exposure to cold. In her view, the conditions amounted to an additional penalty more severe even than confinement in the punishment cell itself. She recalled that detainees' hands and feet would turn blue due to the cold and that they were constantly freezing. According to the interviewee, the low temperatures regularly woke detainees during the night, causing chronic sleep deprivation. She further stated that these conditions negatively affected women's reproductive health. The interviewee also alleged that sanitary pads were provided only during menstruation and that adequate facilities and means for maintaining personal hygiene were unavailable. The interviewee described a metal cage where women prisoners were placed before being sent to the punishment isolation cell or as punishment for alleged misconduct. She stated that detainees could be confined there for minor infractions, such as speaking during inspections or failing to button their clothing properly, particularly in cases where prison staff wished to impose punishment without completing formal disciplinary procedures.

150. Finally, the interviewee stated that one morning prison staff transferred her and several other prisoners to KGB officers. She reported that she was handcuffed, placed in a minibus, and transported by KGB officers to the border with Lithuania, where she was forcibly expelled from Belarus. According to her account, the KGB officers did not provide her with any identity documents, leaving her without a passport or any other proof of identity upon arrival.⁷⁷

151. Beyond the persecution of individual activists and real or perceived Government opponents, the latter case further illustrates the targeting of individuals and organizations engaged in human rights work by Belarusian law enforcement and judicial authorities, particularly the Viasna Human Rights Centre. Established in 1996, Viasna played a central role in documenting human rights violations, monitoring elections, providing legal assistance to victims of State repression, supporting prisoners held on politically motivated grounds and their families, and advocating for accountability for violations committed by Belarusian authorities.

152. The Group of Independent Experts documented three other cases which show the arrests and detention of three prominent figures associated with the Viasna Human Rights Centre, aimed at silencing the organisation's activities.

⁷⁷ For more information on forced expulsions, see A/HRC/61/57 paras. 55-62.

153. Measures taken against the interviewees followed a consistent pattern involving multiple State institutions, including the Department of Financial Investigations,⁷⁸ GUBOPiK, the KGB, the Investigative Committee, prosecutorial authorities, courts, and the penitentiary administration. These cases reflect a coordinated effort to suppress the organisation's leadership and intimidate broader civil society actors.

154. Following the 2020 presidential election, pressure against Viasna intensified. Staff members, volunteers, regional coordinators, election observers, supporters of the organisation, and individuals who donated to support its activities were subjected to searches, arrests, and criminal proceedings. The targeting of Viasna's senior leadership in 2021 represented a significant escalation.

155. In the early morning of 14 July 2021, coordinated searches were conducted at the homes of the three interviewees by officers from the Department of Financial Investigations, GUBOPiK, and the KGB. Searches were carried out in circumstances intended to intimidate both the individuals concerned and their families. In the cases of two interviewees, the authorities searched their homes while their children were present. One interviewee and his family were led to believe that he was merely being invited for questioning and would return home the same evening; instead, he was arrested. In three cases, the authorities confiscated electronic devices, documents, laptops, cash, and mobile phones. Interviewees were subsequently detained, and in at least one case family members were not immediately informed of the person's whereabouts or status.

156. Following their arrest, sources reported being denied prompt and effective access to legal counsel. They described being questioned before confidential communication with a lawyer was possible and facing restrictions on meaningful legal assistance during the initial stages of detention, even before their procedural status had been formally clarified. Family members were also subjected to pressure. In one case, an interviewee's spouse was questioned and detained, increasing the psychological impact on minor children who witnessed searches, arrests, or experienced prolonged separation from their parents.

157. Following their arrest, interviewees were initially transferred to the Okrestina temporary detention centre and subsequently to a pre-trial detention facility, where they remained in pre-trial detention for approximately 21 months. During detention in Okrestina, two interviewees described severe overcrowding, while all three reported inadequate sanitation, poor ventilation, lack of sleeping arrangements, and severe restrictions on communication with relatives. They were interrogated by investigators, including members of the KGB and the Investigative Committee. Following their transfer to the pre-trial detention facility, they continued to experience poor detention conditions, including inadequate food, poor ventilation, limited family contact, and repeated extensions of their detention. One interviewee reported being held in a persistently damp cell throughout the entirety of his pre-trial detention, including until the conclusion of the trial and appeal proceedings.

158. Conditions of pre-trial detention were accompanied by significant restrictions on the interviewees' ability to prepare their defence. They reported being granted access to extensive case files only shortly before trial, despite the complexity and volume of the materials.

159. The authorities' actions also affected the families of the interviewees, demonstrating that the consequences of politically motivated criminal proceedings extended beyond the individuals charged. They appeared to use family members as an additional means of pressure and intimidation. In one case, the interviewee's wife was detained while he remained in custody, leaving their children without parental supervision for a period of time. Following her release and the lifting of restrictions on her movement, she subsequently left Belarus with their children. In another case, the spouse was compelled to leave Belarus with the children shortly after the arrest of the interviewee due to fears of further persecution. The families were also required to reorganise their sources of income following forced exile.

160. In January 2023, the three interviewees were brought before a district court on charges relating to smuggling and financing activities allegedly violating public order. The

⁷⁸ See above at footnote 72.

interviewees described the proceedings as predetermined and fundamentally incompatible with fair trial guarantees. They reported restrictions on the preparation of their defence, systematic rejection of defence motions, exclusion of defence witnesses, acceptance of prosecution evidence without meaningful scrutiny, and refusal of requests relating to translation and interpretation, and additional evidence supporting their defence.

161. During the hearings, the interviewees remained handcuffed, including during lengthy court sessions. They reported that restrictions imposed during the trial prevented them from fully participating in their defence.

162. In March 2023, the court convicted the three interviewees and imposed prison sentences ranging from seven to ten years. Their appeals were subsequently dismissed.

163. Following their conviction, the interviewees were transferred to different penal colonies, where they were subjected to treatment reflecting the broader pattern of discrimination against prisoners held on politically motivated charges in Belarus. They were included on lists of prisoners requiring enhanced monitoring and assigned yellow identification tags. They reported segregation, restrictions on communication, and exclusion from educational, cultural, religious, and recreational activities available to other prisoners. Prison officials repeatedly reminded them that their treatment was linked to their association with Viasna.

164. During imprisonment, the interviewees reported repeated placement in punishment isolation cells and cell-type premises on the basis of alleged disciplinary violations that they considered fabricated. They described these punishment cells as extremely cold and characterised by what they referred to as "torture by cold", as well as inadequate clothing, sleep deprivation, restrictions on movement, mould, humidity, and poor ventilation.

165. The interviewees also described incidents of ill-treatment and degrading treatment during detention. They reported either directly experiencing, or witnessing, detainees held on politically motivated grounds being subjected to stress positions, beatings, humiliating strip searches, and threats of being assigned a lower prisoner status within the prison hierarchy.

166. All three interviewees reported inadequate medical care during imprisonment. In one case, the interviewee reported repeated denials of medical assistance despite a chronic illness. In another, the interviewee reported delayed surgery and requirements to continue working despite health concerns. In the third case, the interviewee described a serious deterioration in health, including pneumonia, without adequate treatment.

167. During imprisonment, all three interviewees were designated as extremists, resulting in additional restrictions on communication, financial transactions, and family support. Viasna itself was designated an extremist organisation, thereby exposing staff members, volunteers, supporters, and individuals providing assistance to prisoners detained on politically motivated grounds to further risks. Property belonging to some interviewees and their families was confiscated or sold at auction, and significant financial penalties were imposed.

168. Throughout their detention, the interviewees reported constant threats of additional criminal charges, including possible prosecution under article 411 of the criminal code, as well as repeated disciplinary measures designed to prolong imprisonment and pressure them to cooperate.

169. In December 2025 and March 2026, the three interviewees were removed from prison without transparent legal procedures and forcibly expelled from Belarus. They reported being expelled without explanation, transported under heavy security, and, in some instances blindfolded or hooded. They were not provided with formal documentation regarding their release. At least two were expelled without their passports, and the Belarusian authorities subsequently invalidated the passports of all three individuals.

V. Lack of accountability in the criminal justice process

170. The failure of Belarusian law enforcement and prosecutorial authorities to conduct prompt, thorough, independent and effective investigations into allegations of human rights

violations, and the failure of judicial institutions to provide victims with effective remedies and reparations, as extensively documented in the Group of Independent Experts' previous reports and conference room paper,⁷⁹ forms an integral part of the broader pattern of systematic human rights violations occurring throughout the criminal justice process.

171. Information verified by the Group of Independent Experts demonstrates a consistent pattern of shielding perpetrators from accountability, including a systematic failure to investigate, prosecute and punish for human rights violations committed since the 2020 presidential election. Illustrative of this pattern, the State body mandated to investigate the conduct of security forces announced in November 2020 that it had identified no unlawful acts by police officers and subsequently dismissed thousands of complaints concerning torture and excessive use of force.⁸⁰ Furthermore, the lack of judicial independence and the harassment of lawyers, also documented in the Group of Independent Expert's previous reporting,⁸¹ have further impeded victims' access to justice. The persistent denial of accountability, remedies and reparations has itself constituted an ongoing violation of article 2(3) of the ICCPR, articles 12 and 14 of the CAT and articles 2 and 15 of the CEDAW⁸² and has reinforced existing violations. Rather than functioning as a safeguard against human rights violations, the criminal justice system has contributed to their perpetration and perpetuation by shielding perpetrators from accountability and denying victims access to justice.

VI. Conclusions and recommendations

172. Human rights violations perpetrated by Belarusian State institutions throughout the criminal justice process have not been isolated or sporadic, but systematic across all stages of the process. Since 1 May 2020, from the initial arrest to the imposition of post-release measures, members of the GUBOPiK, the police, the Department of Corrections, the KGB, the Investigative Committee, the Office of the Prosecutor General and the judiciary have acted in a coordinated and mutually reinforcing manner to implement a system of repression designed to silence any opposition to the Government. In particular, the Group of Independent Experts finds that the judiciary has played a critical role in sustaining the system of repression. By endorsing and failing to remedy violations committed by other State institutions and by systematically denying victims effective remedies and reparations, it has reinforced, legitimised and perpetuated human rights violations throughout the criminal justice process. The patterns of violations described in this paper continue to the present day.

173. Victims who suffered human rights violations throughout the criminal justice process for their real or perceived opposition to the Government, as well as their family members, have endured profound trauma and lasting harm. Many were ultimately compelled to flee Belarus.

174. The Group of Independent Experts considers that the impact of these violations has extended far beyond the direct victims and their families. The cumulative effect of arrest, prosecution, conviction, imprisonment and the imposition of post-release measures has deterred others from exercising their civil and political rights and undermined their willingness and ability to participate in public life. By making the consequences of criticism, opposition and civic engagement visible not only to those directly targeted but also to their families, colleagues and wider communities, the authorities fostered a broader climate of fear and self-censorship. In this way, violations committed against individuals had wider societal consequences, contributing to the suppression of civic space and limiting the meaningful exercise of civil and political rights by the population at large.

⁷⁹ A/HRC/60/CRP.1, paras. 46.

⁸⁰ A/HRC/49/71, para. 55.

⁸¹ A/HRC/58/68, paras. 11, 13, 29; A/HRC/61/57, paras. 22, 24; A/HRC/60/CRP.1, paras. 50-58.

⁸² See also CEDAW/C/GC/33; CEDAW/C/BLR/CO/9, para. 19 (e).

175. Belarus is responsible for systematic violations of its obligations under the ICCPR, including articles 2(1), 6, 7, 9(1), (2), (3) and (4), 10(1), 12(1) and (2), 14(1), (2), (3)(a), (b), (c) and (d), 17, 21, 22(2), 23 (1), 24 (1) and 26; articles 1, 2 and 16 of the CAT; article 1 of the CEDAW, as well as articles 3 and 9 of the Convention on the Rights of the Child.

176. The State of Belarus is also responsible for failing to investigate and to bring to justice perpetrators of human rights violations, in violation of articles 2(3) of the ICCPR, articles 12 and 14 of the CAT and articles 2 and 15 of the CEDAW.

177. Furthermore, the Group of Independent Experts reiterates its previous findings that, since May 2020, some of the human rights violations, committed as part of a widespread and systematic attack against a segment of the civilian population, and perpetrated by the Belarusian authorities with knowledge of the attack and that their acts were part of it, amount to the crimes against humanity of persecution and imprisonment.⁸³

178. Considering the above findings, the Group of Independent Experts recommends Belarusian authorities to:

- (a). Immediately cease all human rights violations and release all individuals held in pre-trial detention or convicted on politically motivated charges;
- (b). Initiate prompt, effective, independent and impartial investigations into human rights violations;
- (c). Where it is found that officials in the judiciary, law enforcement or penal management have been either complicit or the primary perpetrators of serious abuses, accountability proceedings should be undertaken immediately to sanction the misconduct or criminal behaviour;
- (d). Provide full reparation to victims of human rights violations, including restitution, compensation, rehabilitation and satisfaction;
- (e). Grant access to the country and fully cooperate with the Group of Independent Experts, the Special Rapporteur on the situation of human rights in Belarus and other accountability mechanisms.

179. The Group of Independent Experts also recommends that States Members of the United Nations:

- (a). Ensure international refugee protection for victims and witnesses of human rights violations who have fled or were forcefully expelled from Belarus;
- (b). Initiate proceedings against alleged perpetrators of human rights violations pursuant to extraterritorial and universal jurisdiction;
- (c). Prioritize funding for organizations and mechanisms involved in documentation efforts that focus on the gathering, verification, preservation, and sharing of evidentiary material needed to support accountability for perpetrators of serious human rights violations;
- (d). Urge documentation efforts to place a particular priority on identifying and collecting information on State officials who have performed their functions without independence, impartiality and/or consideration of ethical and legal obligations under international norms and national law.

⁸³ A/HRC/61/57, para. 111; A/HRC/58/68, paras. 69–82; A/HRC/60/CRP.1, paras. 15–19.