



HAUT-COMMISSARIAT AUX DROITS DE L'HOMME • OFFICE OF THE HIGH COMMISSIONER FOR HUMAN RIGHTS
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REFERENCE: CAT/Follow-up

6 April 2021

Excellency,

In my capacity as Rapporteur a.i. for Follow-up to Concluding Observations of the Committee against Torture, I have the honour to refer to the follow-up to the examination of the fifth periodic report of Belarus, in accordance with the Guidelines for follow-up to concluding observations (CAT/C/55/3).

At the end of its 63rd session held from 23 April to 18 May 2018, the Committee transmitted its concluding observations to your Permanent Mission. The Committee's concluding observations (CAT/C/BLR/CO/5, para. 60) requested the State party to provide within one year further information on the specific areas of concern identified in paragraphs 8, 16 and 47 of the concluding observations.

On behalf of the Committee, allow me to express appreciation for your letter of 30 November 2020 providing your Government's response to the above-mentioned paragraphs (CAT/C/BLR/FCO/5) and to make the following comments:

Fundamental legal safeguards (para. 8 of the Committee's concluding observations)

The Committee takes note of the information provided by the State party regarding the procedural safeguards set out in its domestic legislation, but regrets that the follow-up replies did not indicate the results of the inspection and monitoring activities conducted in all places of detention in order to ensure compliance in practice with the obligation to respect fundamental legal safeguards and the rights of detainees, including the rights to receive legal counsel without delay, to be registered at the place of detention and to request and receive a prompt and confidential examination by an independent doctor. It also regrets that the State party has not provided information regarding the disciplinary measures taken against law enforcement officials who did not immediately allow persons deprived of their liberty to benefit from these safeguards. The Committee urges the State party to establish a central register of persons deprived of their liberty, which can be accessed by lawyers and family members of those detained and others as appropriate (1/C).

.../...

H. E. Mr. Yuri Ambrazevich
Ambassador Extraordinary and Plenipotentiary
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Effective investigation of allegations of torture and ill-treatment (para. 16 of the Committee's concluding observations)

The Committee takes note of the information provided by the State party regarding convictions under articles 128, 426 (3) and 455 (2) and (3) of the Criminal Code. It regrets, however, that the State party's follow-up replies did not include complete and detailed statistical data on the number of complaints, investigations, prosecutions, convictions and sentences handed down in cases of torture, ill-treatment and excessive use of force since the adoption of the concluding observations.

The Committee regrets that the State party provided no additional information about the individual cases raised during the consideration of the periodic report, including those of Andrei Sannikov, Vladimir Neklyayev, Ales Mikhalevich, Andrei Molchan, Pavel Plaska, Alexander Otroschenkov, Natalia Radina, Maya Abromchick and Tatyana Revyaka. The State party has not indicated whether the investigations resulted in the imposition of disciplinary measures and/or prosecutions, nor has it indicated whether the victims obtained redress.

The Committee reiterates its recommendation to the State party that it take all actions necessary to ensure that all instances and allegations of torture and ill-treatment are registered and investigated promptly, effectively and impartially. Specifically, the Committee recommended that the State party should adopt measures to strengthen the independence from the Executive of the Investigative Committee; establish dedicated, specialized units within the Investigative Committee to which persons deprived of their liberty or their close relatives, designated legal representatives and a monitoring body, can safely and confidentially submit complaints of torture and ill-treatment; and, ensure that alleged perpetrators of torture and ill-treatment are immediately suspended from duty for the duration of the investigation (1/E).

Human rights defenders (para. 47 of the Committee's concluding observations)

While welcoming the repeal of article 193-1 of the Criminal Code criminalizing the activities of non-registered organizations, the Committee remains concerned by reports indicating that non-registered organizations are still subject to administrative liability. Recalling paragraphs 46 and 47 of its concluding observations, the Committee urges the State party to desist from detaining and prosecuting human rights defenders and journalists on other grounds as a means of intimidation or reprisal (2/B-E).

Implementation plans (para. 60 of the Committee's concluding observations)

Lastly, the Committee regrets that the State party has not provided information about its plans for implementing, within the coming reporting period, the recommendations included in its concluding observations (C).

The Government of Belarus is encouraged to provide additional information, if there is any, which would further contribute to the Committee's analysis of the progress made regarding the specific issues of concern cited above. This additional information may be provided in any subsequent report by the State party pursuant to the Committee's request in its concluding observations on the fifth periodic report of Belarus or other future periodic reports.



The Committee looks forward to a continued constructive dialogue with the authorities of Belarus on the implementation of the Convention.

Accept, Excellency, the assurances of my highest consideration.

A handwritten signature in black ink, appearing to be 'LGP'.

p.p.

Bakhtiyar Tuzmukhamedov
Rapporteur a.i. for follow-up to concluding observations
Committee against Torture