



HAUT-COMMISSARIAT AUX DROITS DE L'HOMME • OFFICE OF THE HIGH COMMISSIONER FOR HUMAN RIGHTS

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REFERENCE: Follow-up/CAT

9 October 2019

Excellency,

In my capacity as Rapporteur for Follow-up to Concluding Observations of the United Nations Committee against Torture, I refer to the examination of the fifth periodic report of Belarus (CAT/C/BLR/5) by this Committee, at its 63rd session, held from 23 April to 18 May 2018. At the end of that session, the Committee's concluding observations (CAT/C/BLR/CO/5) were transmitted to your Permanent Mission. In paragraph 60 of those concluding observations, the Committee requested, pursuant to its rules of procedure, that the State party provide, within one year, by 18 May 2019, further information regarding areas of particular concern identified by the Committee in paragraphs 8, 16 and 47. It also invited the State party to provide information about its plans for implementing, within the coming reporting period, some or all of the remaining recommendations included in its concluding observations (see extracts annexed).

The Committee has adopted a follow-up procedure to pursue issues that are serious, that can be accomplished by the State party in a one year period, and that are protective (see, doc. CAT/C/55/3).

The information sought by the Committee has not been provided yet, although more than one year has elapsed from the transmittal of the Committee's concluding observations. Accordingly, I would be grateful for clarification as to the current status of your Government's responses on the matters, and as to when the information requested will be forthcoming. A Word electronic version of the reply should be sent to the Secretariat of the Committee against Torture (cat@ohchr.org). Upon receipt of this information, the Committee will be able to assess whether further action is needed.

Accept, Excellency, the assurances of my highest consideration.

Abdelwahab Hani

Rapporteur for Follow-up to Concluding Observations
Committee against Torture

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**CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES
UNDER ARTICLE 19 OF THE CONVENTION**

Concluding observations of the Committee against Torture
(Extracts for follow-up of CAT/C/BLR/CO/5)

BELARUS

(...)

C. Principal subjects of concern and recommendations

(...)

Fundamental legal safeguards

(...)

8. The State party should ensure, in law and in practice, that all detainees are afforded all the fundamental legal safeguards from the outset of their deprivation of liberty in accordance with international standards, including the safeguards mentioned in paragraphs 13 and 14 of the Committee's general comment No. 2. In particular, it should:

(a) Continue its efforts to ensure the right to have prompt and confidential access to an independent lawyer, or to free legal aid, when needed, and contact with a family member or any other person of their choice;

(b) Ensure the right to request and receive a prompt and confidential medical examination by an independent doctor and, unless the doctor explicitly requests otherwise, ensure that it is conducted out of hearing and out of sight of the police from the outset of the detention. The State party should guarantee in practice the independence of doctors and other medical staff dealing with persons deprived of their liberty, ensure that they duly document all signs and allegations of torture or ill-treatment and provide the results of the examination without delay to the appropriate authorities and make them available to the detained person concerned and his or her lawyer;

(c) Strengthen its efforts to ensure the right to have all periods of deprivation of liberty accurately recorded immediately after arrest in a register at the place of detention, including administrative detention, and in a central register of persons deprived of their liberty and to have detention reports drawn up accordingly so as to prevent any cases of unrecorded detention, and ensure that their respective lawyers and relatives have access to the registers;

(d) Collect data on the performance of the police concerning the provision of fundamental safeguards to persons deprived of their liberty, including comprehensive data on cases in which police officers have been the subject of disciplinary or other measures for failing to respect such safeguards, and provide this information in its next report to the Committee.

(...)

Effective investigation of allegations of torture and ill-treatment

(...)

16. The Committee urges the State party to take all necessary steps to:

(a) Establish dedicated, specialized units within the State party's Investigative Committee to which persons deprived of their liberty can safely and confidentially submit complaints of torture and ill-treatment, including allegations of sexual violence;

(b) Ensure that all complaints of torture and ill-treatment are promptly, effectively and impartially investigated, and adopt measures to strengthen the independence from the Executive of the Investigative Committee in order to enhance their ability to carry out this function;

(c) Ensure that, in cases of alleged torture and ill-treatment, suspected perpetrators are suspended from duty immediately and for the duration of the investigation;

(d) Review the State party's efforts to date to investigate allegations of torture and ill-treatment made in 2010 by individuals, including Andrei Sannikov, Vladimir Neklyayev, Ales Mikhalevich, Andrei Molchan, Pavel Plaska, Alexander Otroschenkov, Natalia Radina and Maya Abromchick and in 2017 by Tatyana Revyaka;

(e) Compile disaggregated statistical information relevant to the monitoring of the Convention, including data on complaints, investigations, prosecutions and convictions in cases of torture or ill-treatment.

(...)

Human rights defenders

(...)

47. The Committee urges the State party to:

(a) Abolish expeditiously article 193 of the Criminal Code, which currently criminalizes participation in unregistered organizations, in line with the commitment it made during the dialogue with the Committee. Pending abolition of this article, the State party's authorities should discourage police from invoking it as grounds for arresting and prosecuting human rights defenders and journalists;

(b) Desist from detaining and prosecuting human rights defenders and journalists on other grounds as a means of intimidation or reprisal. It should ensure effective, impartial investigations are undertaken into the allegations of arbitrary arrest and prosecution of human rights defenders and journalists, including Mikhail Zhamchuzhny and Dzmitry Paliyenka.

(...)

Follow-up procedure

60. The Committee requests the State party to provide, by 18 May 2019, information on follow-up to the Committee's recommendations on fundamental legal safeguards, effective investigation of allegations of torture and ill-treatment and the situation of human rights defenders (see paras. 8, 16 and 47 above). In that context, the State party is invited to inform the Committee about its plans for implementing, within the coming reporting period, some or all of the remaining recommendations in the concluding observations.

(...)
