

An Accomplice Is Silence: *Incommunicado* Detention in Belarus as Torture and Inhuman Treatment



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INTRODUCTION

In recent years, the Republic of Belarus has seen the systematic use of detention in conditions of complete isolation from the outside world — the *incommunicado* regime. This practice is applied primarily to political prisoners and constitutes not only a violation of national and international standards for the treatment of persons deprived of liberty, but also a tool of pressure, intimidation, and psychological destruction.

This study aims to examine how and for what purposes the *incommunicado* regime is used within the Belarusian penitentiary system, which categories of detainees are subjected to such isolation, and what its underlying motives, duration, and consequences are. The analysis is based on international human rights standards, including instruments and case law of the United Nations, the European Court of Human Rights (hereinafter — ECtHR), the UN Committee against Torture (hereinafter — CAT), the UN Committee on Enforced Disappearances, and other bodies. The study also incorporates specific cases of political prisoners in Belarus who have been or are currently subjected to *incommunicado* detention, as well as analysis of open-source materials and expert assessments.

As a result of this analysis, we conclude that the systematic and deliberate use of the *incommunicado* regime in Belarus may qualify as a crime against humanity under Article 7 of the Rome Statute of the International Criminal Court (hereinafter — ICC).

The purpose of this research is to compile and systematise legal and factual information on the use of *incommunicado* in Belarus, to demonstrate its incompatibility with international legal standards, and to provide a reasoned qualification of this practice as a form of repression and psychological pressure that violates fundamental human rights.

Persons deprived of liberty as a result of detention, arrest, or imprisonment do not disappear. They do not fall out of society, nor do they become “nobody” — on the contrary, it is precisely at this moment that their rights must function most rigorously. A person deprived of liberty remains a citizen, an individual, a human being under the protection of the law — both national legislation and international human rights law. This protection is not abstract. It includes the right to know one's whereabouts, the right to make a phone call, to access a lawyer, and to maintain contact with the outside world.

In practice, however, the situation is often very different. Despite all existing norms and guarantees, cases still occur in various countries where individuals effectively disappear within detention systems. They are detained — and that is all: neither relatives nor lawyers know where they are, what has happened to them, or even whether they are alive. This practice is known as *incommunicado* — isolation from the outside world, where a person exists only within the system, and nowhere else.

General Comment No. 35 on Article 9 of the International Covenant on Civil and Political Rights (hereinafter — ICCPR) establishes several guarantees for persons deprived of liberty: timely and regular access must be ensured for independent medical personnel and lawyers, as well as for family members under appropriate supervision, where required by the legitimate purposes of detention¹. Since 2024, this concept has become so prominent that, following a public vote, it was named the “word of the year” in Belarus.² The term *incommunicado* is now widely used to describe the situation of many political prisoners from whom no information has been received for months or even years — neither from the prisoners themselves nor from prison administrations. Their relatives receive no responses to letters and have no reliable information about the whereabouts or condition of their loved ones, turning such isolation into a form of psychological torture for both the detainees and their families.

1 CCPR/C/GC/35, General Comment No. 35, paragraph 58

2 <https://ru.belsat.eu/83846150/inkommunikado>

In essence, the state of *incomunicado* results in severe mental suffering for both the detained or imprisoned individuals and their relatives. Such practices by the state may be regarded as torture or other forms of inhuman treatment, and as a form of persecution within the framework of crimes against humanity under international criminal law.



1. THE CONCEPT AND LEGAL REGULATION OF HUMAN RIGHTS IN THE CONTEXT OF *INCOMMUNICADO*

1.1. The Concept and Types of *Incommunicado*

The term *incommunicado* entered the international human rights discourse not through academic literature or theoretical debate, but through the practice of isolation. It is borrowed from the Spanish language and literally means “without communication” or “deprived of the ability to communicate.” Historically, the term emerged in the context of detention regimes in Spain and Latin America, where *incommunicado* detention was used as a special measure during the detention of suspects — most often in cases related to terrorism.

For example, Spanish legislation from the late 20th century allowed individuals to be detained for up to 13 days without access to a lawyer, relatives, or external oversight. This practice became particularly well known in the context of counter-terrorism measures against the Basque separatist group ETA and attracted the attention of the Committee against Torture (CAT).³ Over time, the term *incommunicado* entered the vocabulary of international law, where it denotes a state of complete isolation of a detainee from the outside world, especially during the initial days following arrest.

3 Human Rights Watch. [The Use of Incommunicado Detention](#), Jan. 2005

In its classical understanding, *incommunicado* has been viewed as a temporary condition at the stage of pre-trial detention — a period when a person's guilt has not yet been determined, but access to legal protection is already critically important. This is a phase in which an individual is most vulnerable and therefore requires immediate legal recognition and external oversight.

In certain cases, in addition to being deprived of contact with the outside world, detainees are held in locations known only to the authorities. Amnesty International identifies this practice as *secret detention*, defined as the holding of a person in a concealed location where the state denies the deprivation of liberty or refuses to disclose the fate and whereabouts of the detainee. According to Amnesty International, such detention creates absolute vulnerability to torture and ill-treatment and may amount to enforced disappearance.⁴

Modern interpretations have expanded the application of this term to include conditions of detention of already convicted persons, where they are effectively held in complete isolation from the outside world (for example, when their correspondence is restricted, access to legal counsel is denied, or even their whereabouts are concealed).

In recent Belarusian practice, the term *incommunicado* has become firmly established in the language of human rights defenders and the media in connection with the mass repressions following the events of 2020. Detention in *incommunicado* conditions means complete isolation from the outside world: the individual is unable to communicate with anyone other than guards and, in some cases, other detainees. In other words, a “prisoner without contact with the outside world” is deprived of any possibility of communication with other persons — including family members, lawyers, independent medical personnel, or other actors.⁵ Although the widespread use of *incommunicado* in Belarus is a relatively recent phenomenon, elements of similar practices can be traced back earlier. During the Soviet period, the formula “without the right to correspondence” was used as a euphemism for the most severe forms of repression against political prisoners. In independent Belarus, prior to 2020, cases of complete isolation were sporadic and generally not part of an officially declared policy — rather, they functioned as an informal tool of pressure in individual “undesirable” cases. For example, there is evidence that former presidential candidate Andrei Sannikov spent approximately six

4 <https://www.amnesty.org/en/what-we-do/detention/#:~:text=Incommunicado%20%E2%80%8A%E2%80%8A%80%E2%80%8A%93%E2%80%8A%20%C2%A0being%20%C2%A0detained%20%C2%A0without%20%C2%A0access,overcrowding%20%C2%A0and%20%C2%A0prolonged%20%C2%A0solitary%20%C2%A0confinement>

5 Nigel Rodley, *Treatment of Prisoners under International Law* 2nd edn. (Oxford University Press, 1999), p. 334.

months in prison under conditions effectively amounting to *incommunicado* following the 2010 protests.⁶

In sum, *incommunicado* detention refers to a regime in which a person is isolated from the outside world and has no possibility of communication with a lawyer, family members, independent medical personnel, or other actors, while information about their whereabouts and condition is withheld by the authorities. Such isolation deprives the detainee of fundamental legal guarantees, renders them vulnerable to ill-treatment and torture, and may amount to enforced disappearance.

1.2. International Standards on the Right to Contact with the Outside World

Belarus is a party to the International Covenant on Civil and Political Rights (ICCPR) and is therefore obliged to comply with the Covenant's guarantees with respect to persons deprived of liberty.⁷ Article 9 of the ICCPR protects the right to liberty and security of person and requires that arrest and detention be carried out strictly on lawful grounds and subject to judicial control. According to paragraph 1, "*no one shall be subjected to arbitrary arrest or detention.*" At the same time, paragraph 3 requires that anyone arrested or detained on a criminal charge be "*brought promptly before a judge or other officer authorized by law to exercise judicial power.*" Holding a person in secret detention directly violates this provision, as it deprives them of the possibility to be brought promptly before a court and to challenge the lawfulness of their detention (the right to habeas corpus, enshrined in Article 9(4)). As noted in a report of the UN Human Rights Council, even if national law were to formally permit secret detention, this would in itself be incompatible with the right to liberty and security of person guaranteed under the ICCPR.⁸

Article 7 of the ICCPR prohibits torture and cruel, inhuman, or degrading treatment or punishment. Article 10 further requires that all persons deprived of liberty be treated with humanity and with respect for their inherent dignity. The Committee against Torture (CAT) and other bodies have repeatedly

6 <https://novayagazeta.ru/articles/2024/07/11/inkommunikado#>

7 International Covenant on Civil and Political Rights, adopted by the United Nations General Assembly by resolution 2200 A (XXI) of 16 December 1966

8 [A/HRC/13/42](https://www.unhcr.org/refugees/article/43e69400), p. 19

emphasized that prolonged *incommunicado* detention may amount to torture⁹ or, at a minimum, inhuman treatment.¹⁰ Such isolation is used as a form of psychological pressure, often accompanied by threats, while the absence of information about a person's fate causes suffering both to the individual and to their family. A notable example is the case of *El-Megreisi v. Libya*¹¹, where the applicant was held in complete isolation in an undisclosed location for more than three years. In its findings, the Human Rights Committee established violations of Article 9 as well as Articles 7 and 10 of the Covenant. It concluded that the applicant, "having been subjected to prolonged *incommunicado* detention in an unknown location, was a victim of torture and cruel, inhuman and degrading treatment, in violation of Articles 7 and 10 (1) of the ICCPR."

Accordingly, under the ICCPR, Belarus is obliged to ensure that every detained person has the right to inform their family of their detention and whereabouts, and to have access to a lawyer and medical assistance immediately after arrest. These fundamental guarantees derive directly from the combined interpretation of Articles 7, 9, and 10 of the Covenant and the relevant jurisprudence of the Human Rights Committee. However, as noted by the UN Special Rapporteur on Belarus, it is precisely these provisions that Belarus systematically violates.¹² These standards will be examined in more detail below in the context of *incommunicado* detention both at the stage of arrest and during the execution of sentences.

1.2.1. International Standards on the Right to Contact with the Outside World at the Stage of Detention

The stage of detention is one of the most vulnerable periods in terms of potential human rights violations. It is during the first hours and days following deprivation of liberty that individuals face the greatest risk: they have not yet been convicted, may lack access to legal protection, may be completely isolated from the outside world, and their fate may be concealed from both relatives and society. International standards regulate this period particularly strictly, based on the principle that a detainee must be under legal protection from the very moment of deprivation of liberty.

9 General Comment No. 20: Article 7 (Prohibition of torture and other cruel, inhuman or degrading treatment or punishment), para. 6; Committee against Torture (Communication A/54/44)

10 Commission on Human Rights, Resolution No. 2003/32: Torture and other cruel, inhuman or degrading treatment or punishment (2003), para. 14

11 Communication No. 440/1990, J. El-Megreisi v. Libyan Arab Jamahiriya (Views adopted on 23 March 1994), United Nations Documents, Official Records of the General Assembly, A/49/40 (Vol. II), p. 129, para. 5.4

12 [A/HRC/56/65](#), p. 44

The International Covenant on Civil and Political Rights establishes that no one shall be subjected to arbitrary detention (Article 9), and that every detained person must be promptly informed of the reasons for their detention and be able to challenge it before a court. General Comment No. 35 on Article 9 emphasizes that access to family, a lawyer, and a doctor is not merely a right, but a guarantee that must be ensured as early as possible. Paragraph 58 explicitly states that timely and regular contact with lawyers, medical personnel, and relatives is a key condition for the lawfulness of detention. The absence of such contact renders detention arbitrary. Paragraph 56 further notes that such detention is often accompanied by torture.¹³ It explicitly states that *incommunicado* detention creates a particularly dangerous zone of lawlessness and recommends its complete prohibition as a practice incompatible with international standards.

Equally important is Article 7 of the ICCPR, which prohibits torture and other forms of cruel, inhuman, or degrading treatment. In General Comment No. 20 on this provision, the Human Rights Committee emphasizes the need for measures against *incommunicado* detention. Article 7 was also found to be violated in the case of *A. V. Mukong v. Cameroon*, where the author “was held *incommunicado*, threatened with torture and death, deprived of food, and confined to a cell for several days without being allowed to go outside.”¹⁴ In light of the aforementioned General Comment, the Committee further noted that “total isolation of a detained or imprisoned person may amount to acts prohibited under Article 7” and concluded that Mr. Mukong had been subjected to “cruel, inhuman and degrading treatment” in violation of this provision.

The Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment (1988)¹⁵ explicitly provides in Principle 16 that any detained person shall have the right to notify their family and communicate with a lawyer immediately upon transfer from one place of detention or imprisonment to another. Even where restrictions are required for the purposes of an investigation, they must be short-term, strictly justified, and subject to judicial authorization. Principle 16(4) states that notification of family must be made without delay, and that any delay may only be permitted for a brief period and only in exceptional circumstances, for the purpose of facilitating the collection of evidence or the apprehension of other offenders. However, the UN Special Rapporteur on torture and other cruel, inhuman or degrading

13 [CCPR/C/GC/35](#). General Comment No. 35, para. 56; Committee on the Rights of the Child, General Comment No. 10, para. 87

14 [Communication No. 458/1991](#), *A. B. Mukong v. Cameroon* (Views adopted on 21 July 1994), United Nations Documents, Official Records of the General Assembly, A/49/40 (Vol. II), p. 178, para. 9.4

15 Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment, adopted by United Nations General Assembly resolution 43/173 of 9 December 1988, para. 16(4)

treatment or punishment has stated that, under all circumstances, a person deprived of liberty must be able to inform their family of their detention¹⁶ and place of custody within 18 hours¹⁷.

The European Committee for the Prevention of Torture¹⁸ has noted that any restrictions on this right, justified by the legitimate interests of a police investigation, must be exceptional, clearly defined, strictly time-limited, and accompanied by appropriate safeguards (including being recorded in writing and requiring approval by a senior law enforcement official not involved in the case or by a prosecutor).

Incommunicado detention, in which the authorities refuse to acknowledge the fact of detention or conceal the place where a person is held, is considered an international wrongful act and may qualify as enforced disappearance. This standard is reflected in Article 2 of the International Convention for the Protection of All Persons from Enforced Disappearance (2006). In the practice of the Committee on Enforced Disappearances, such cases are treated with particular gravity. At its 132nd session, the Committee examined the case of Maria Kolesnikova, who, according to submitted complaints, had been held for a prolonged period without contact with her family, lawyers, or the public.¹⁹ At the same time, the Working Group on Enforced or Involuntary Disappearances, together with other special procedure mechanisms, called for urgent action in response to the prolonged *incommunicado* detention of Mikalai Statkevich and Maria Kolesnikova, which, in their view, may amount to enforced disappearance. This situation was identified as a typical example of *incommunicado* detention at the stage of detention and qualified as an alarming indicator of a potential disappearance.

The stage of detention must remain under particular scrutiny, and international law consistently emphasizes that isolation at this stage cannot be the norm. Every person, even a suspect, must have the opportunity to promptly inform others of their detention, be protected from violence, and enjoy minimum but inalienable rights to legal protection and contact with the outside world. The UN Commission on Human Rights has repeatedly reaffirmed this position, most recently in its 2003 resolution, stating that “prolonged *incommunicado*

16 United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules), rule 68; Report of the Secretary-General, A/68/295, para. 41

17 United Nations document [E/CN.4/1995/34](#), *Report of the Special Rapporteur on torture*, para. 926(d); United Nations document [E/CN.4/2003/68](#), *Report of the Special Rapporteur on torture*, paras. 26(g) and 26(i)

18 CPT, [12th General Report](#), CPT/Inf (1992) 15, 1992, p. 37

19 [A/HRC/WGEID/132/1](#), p. 27, 28

detention may facilitate the perpetration of torture and may in itself constitute a form of cruel, inhuman or degrading treatment or even torture."²⁰

1.2.2. The Right to Contact with the Outside World at the Stage of Serving a Sentence

International standards on the treatment of prisoners are based on a fundamental principle: a person, even while serving a sentence, does not lose their rights, including the right to contact with the outside world. Such contacts — with family, friends, lawyers, and diplomatic representatives — play a key role in ensuring legal protection, psychological well-being, and in preventing arbitrariness.

The United Nations Standard Minimum Rules for the Treatment of Prisoners (1997)²¹ explicitly provide that prisoners shall be allowed to communicate regularly with their family and friends — through correspondence, telephone calls, and personal visits (Rule 37). It is important to emphasize that such contact must be regular. For foreign nationals, this also includes the right to communicate with consular or diplomatic representatives of their state (Rule 38). It is further stressed that detainees or prisoners must be able to inform their family immediately of their detention or transfer to another institution (Rule 92). Restrictions may be imposed, but only where necessary in the interests of justice, order, or security.

The same logic underlies the Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment, adopted by UN General Assembly resolution 43/173.²² Principle 19 provides that prisoners must be granted the right to correspond and to receive visits from family members under adequate conditions. Denial of this right may constitute a violation of the ICCPR, in particular Articles 7 and 10.

Refusal by prison authorities to allow a detainee or prisoner to correspond with family members or receive visits may violate both Article 7 and Article 10(1) of the ICCPR. For example, in *Espinoza de Polay v. Peru*²³, the author was not only denied family visits for a year following conviction, but was also

20 United Nations Commission on Human Rights, [Resolution No. 2003/32](#): Torture and other cruel, inhuman or degrading treatment or punishment (2003), para. 14

21 Standard Minimum Rules for the Treatment of Prisoners, adopted by Economic and Social Council resolutions 663 C (XXIV) of 31 July 1957 and 2076 (LXII) of 13 May 1977

22 Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment, adopted by United Nations General Assembly resolution 43/173 of 9 December 1988, para. 19

23 [Communication No. 577/1994](#), R. Espinoza de Polay v. Peru (Views adopted on 6 November 1997), United Nations Documents, Official Records of the General Assembly, A/53/40 (Vol. II), p. 42, para. 8.6

prevented from receiving or sending letters. This was found to constitute inhuman treatment in violation of Article 7, as well as a breach of Article 10(1). At the same time, it remains unclear how frequently, in the view of the Human Rights Committee, prisoners must be allowed to maintain contact with their families. In *Estrella*, Article 17 of the ICCPR, read in conjunction with Article 10(1), was found to have been violated due to the strict censorship and restrictions imposed by prison authorities. Mr. Estrella alleged that prison officials arbitrarily removed parts of his correspondence and refused to send letters throughout his detention, which lasted two years and four months. According to his account, he received only 35 letters, and for a period of seven months he received none at all.²⁴

The European Court of Human Rights (ECtHR) also addresses issues related to prisoners' correspondence and contact with the outside world, particularly in the context of Articles 6 (right to a fair trial) and 8 (right to respect for private and family life and correspondence) of the European Convention on Human Rights (ECHR). Under Article 8(1), everyone has the right to respect for their private and family life, home, and correspondence. At the same time, Article 8(2) provides that interference by public authorities is permissible only in exceptional circumstances: such interference must be in accordance with the law, pursue a legitimate aim, and be necessary in a democratic society — for example, in the interests of national security, public safety, the economic well-being of the country, the prevention of disorder or crime, the protection of health or morals, or the protection of the rights and freedoms of others.

In *McCallum*²⁵, the European Court of Human Rights found a violation of Article 8 of the European Convention on Human Rights (ECHR), as prison authorities had delayed the prisoner's correspondence with his lawyer and a Member of Parliament on the grounds that the letters contained complaints about detention conditions. The authorities required that such complaints first be submitted through internal procedures and, as a punitive measure, imposed a complete ban on the prisoner's correspondence for 28 days. The Court held that these measures constituted an unjustified interference with the right to respect for private life and correspondence guaranteed by Article 8.

In *Golder*²⁶, the applicant complained that the Secretary of State had refused him permission to bring civil proceedings against a prison officer, effectively denying him access to justice. The Court held that the admissibility of such

²⁴ Communication No. 74/1980, M.A. Estrella v. Uruguay (Views adopted on 29 March 1983), United Nations Documents, Official Records of the General Assembly, A/38/40, p. 159, para. 10

²⁵ European Court of Human Rights, *McCallum v. the United Kingdom*, judgment of 30 August 1990, Series A No. 183, p. 15, § 31

²⁶ European Court of Human Rights, *Golder v. the United Kingdom*, judgment of 21 February 1975, Series A No. 18, § 40, p. 20

claims must be determined by an independent court, not the executive, and found a violation of the right of access to a court under Article 6 of the ECHR. Furthermore, the authorities had interfered with Golder's correspondence with his lawyer, preventing him from obtaining legal advice. The Court concluded that such interference constituted an unjustified violation of the right to respect for correspondence under Article 8, as it did not pursue any legitimate aim and was not necessary in a democratic society.

As demonstrated by these cases, interference with correspondence — particularly with legal counsel — is subject to strict scrutiny, but even personal correspondence cannot be restricted without compelling justification. Otherwise, such measures cease to serve the purpose of maintaining order and instead become a form of psychological pressure and isolation, potentially crossing the line into inhuman treatment.

Accordingly, international law requires that detainees and prisoners be guaranteed immediate and continuous contact with the outside world. While, at the initial stage, the emphasis is on preventing torture and enforced disappearance, at the stage of imprisonment the key objective becomes ensuring humane treatment and the preservation of social ties.

1.3. National Legislation on the Right to Contact with the Outside World

Before addressing national legislation, it should be noted that persons convicted on political grounds should not, as a matter of principle, be deprived of liberty. Prolonged detention of individuals without the possibility of contact with the outside world, where a person cannot make use of legal assistance or other forms of representation to exercise and protect their rights and freedoms, is contrary to Article 62 of the Constitution of the Republic of Belarus.²⁷ In turn, Article 25(3) of the Constitution prohibits torture and cruel, inhuman, or degrading treatment or punishment.

Formally, Belarusian legislation provides for a number of rights of prisoners to communicate. According to Article 85(1) of the Criminal Executive Code (hereinafter — CEC) of the Republic of Belarus, convicted persons are allowed

²⁷ Constitution of the Republic of Belarus of 1994 (as amended by republican referendums of 24 November 1996, 17 October 2004 and 27 February 2022) // ETALON. Legislation of the Republic of Belarus / National Center for Legal Information of the Republic of Belarus. — Minsk, 2022, Art. 62(3), Art. 25

to send and receive an unlimited number of letters and telegrams.²⁸ The right to correspondence is one of the fundamental rights, and censorship is permitted only within established limits: incoming and outgoing letters may be reviewed by the administration for prohibited content but may not be delayed without justification (Article 85(2) CEC). An exception applies to correspondence addressed to supervisory state authorities (complaints, petitions), which must not be subject to censorship.

In addition to correspondence, legislation guarantees prisoners the right to telephone calls and visits. Article 86 of the CEC regulates the provision of telephone calls, subject to technical availability and upon written request by the prisoner (typically limited to several calls per year or granted in exceptional circumstances, such as notifying of the death of a relative).

The right to visits is established in Article 83 of the CEC: persons sentenced to imprisonment are generally entitled to short-term visits of up to four hours and long-term visits of up to three days, with the number depending on the regime of the correctional facility.

Prisoners held in *incommunicado* conditions are, in practice, also deprived of access to legal counsel. Article 83(6) of the CEC provides that meetings with a lawyer are granted upon request. In practice, this provision is interpreted as requiring the prisoner to submit a written request specifying the lawyer by name.²⁹ Article 15 of the CEC further establishes the obligation of the administration to notify the family of the prisoner's arrival at a correctional institution: no later than three days after transfer, a notification must be sent to relatives. In practice, however, this requirement is often not fulfilled, and prison administrations fail to inform families, causing additional distress as relatives are left unaware of the whereabouts and condition of their loved ones.

Separate legal provisions apply to persons in pre-trial detention. Article 25 of the Constitution of the Republic of Belarus provides that any person detained has the right to judicial review of the lawfulness of their detention or arrest, and prohibits torture and cruel, inhuman, or degrading treatment. In Belarusian criminal procedure law, the right of detainees to contact relatives is regulated by a number of provisions, in particular Articles 41 and 115 of

28 Criminal Enforcement Code of the Republic of Belarus No. 365-Z of 11 January 2000, National Register of Legal Acts of the Republic of Belarus, 22 October 2025, No. 5-2/3187, Art. 15, Art. 83(6), Art. 85(1), (2), Art. 86

29 [A/HRC/59/59](#), p. 29

the Criminal Procedure Code, as well as the discretionary power of the investigator (Article 36 CPC) with regard to authorising visits with relatives.³⁰

In accordance with Article 41(2) of the Criminal Procedure Code (CPC) of Belarus, the rights of a person detained on suspicion of a crime are enumerated. Under subparagraph 4, a suspect has the right to notify family members or close relatives of their place of detention through the authority conducting the criminal proceedings. This provision formally grants the detainee the right to inform their family; however, in practice, this is carried out not personally by the detainee but through the investigative authority. In other words, the suspect may only request that the investigative body notify their relatives, but does not have a guaranteed right to make a personal phone call or establish direct communication of their choosing.

Article 115 of the CPC establishes the obligation of law enforcement authorities to inform relatives of the detention. According to Article 115(1), the authority conducting the criminal proceedings and carrying out the detention must, within 12 hours of the actual detention, notify an adult family member or close relative of the detainee's detention and place of custody, or provide the detainee with the opportunity to make such notification themselves.

Another important provision affecting communication between detainees and their families is contained in Article 36 of the CPC, which defines the powers of the investigator. Under Article 36(5), the investigator has the discretion to authorize visits between detainees and their close relatives or family members in cases under their supervision. In practice, this means that all visits between a detained person and their relatives are subject to the investigator's permission. The law does not establish a subjective right of the detainee to such visits. Moreover, the CPC does not provide clear criteria or time limits governing the exercise of this discretionary power. Consequently, a person in pre-trial detention may effectively be deprived of contact with their family for the entire duration of the investigation if the investigator chooses to deny such visits. In the context of systematic repressive practices in Belarus since 2020, investigators have used this discretion as a means of exerting pressure on political detainees.

In addition, at the investigation stage, the Law "On the Procedure and Conditions of Detention of Persons in Custody" applies.³¹ Article 10 of this

³⁰ Criminal Procedure Code of the Republic of Belarus No. 275-Z of 9 July 1999, National Register of Legal Acts of the Republic of Belarus, 20 February 2025, No. 2/3147, Art. 36(5), Art. 41(2)(4), Art. 115(1), (b), (d)

³¹ Law of the Republic of Belarus 'On the Procedure and Conditions of Detention of Persons in Custody' No. 215-Z of 16 March 2003, National Register of Legal Acts of the Republic of Belarus No. 150-Z; as amended by Law No. 232-Z of 1 January 2015, Arts. 10, 18, 25

Law establishes key rights of detainees, including the right to be informed of their rights and complaint procedures, the right to personal safety, humane treatment and respect for dignity, the right to submit complaints, including to a court, and the right to appropriate conditions of detention, food, medical care, and material support. The right of detainees to correspond without limitation on the number of letters is provided for in Article 18 of this Law. At the same time, all correspondence passes through the administration and is subject to censorship. Correspondence must be processed within established time limits, and important messages, such as notifications of the death or serious illness of relatives, must be delivered without delay. Letters received after a detainee has been transferred must be forwarded to the new place of detention.

Accordingly, correspondence and telephone calls in places of detention are also subject to control and may be restricted in the interests of the investigation. Nevertheless, even within these limitations, the law does not introduce the concept of a complete informational vacuum: communication may be censored or require authorization, but it is not intended to be entirely prohibited for a prolonged period.

A complete ban on correspondence for detainees directly violates their constitutional right to freedom of expression and to receive information. Article 25 of the same Law guarantees detainees the right to communicate with legal counsel and to meet with relatives. Communication with a lawyer must take place in private, confidentially, and without limitations as to duration or number of meetings. Visits with relatives are permitted with the authorization of the investigative authority, are conducted under visual supervision, and last up to three hours. For a lawyer, it is sufficient to present an identification document and a warrant, while other representatives must provide a court decision and proof of identity. The law also allows for restrictions on visits during the conduct of procedural actions.

Thus, the applicable legal framework formally opposes arbitrary deprivation of contact: both the Criminal Executive Code and other normative acts contain provisions implying that detainees retain the right to maintain contact with the outside world, even if such contact is regulated procedurally.

At the same time, a specific feature of Belarusian administrative proceedings is that the legislation does not fully guarantee certain rights either for detained persons or for individuals serving administrative arrest.

Within administrative proceedings, there is no right to make a phone call upon detention. According to Article 8.2(3) of the Procedural-Executive

Code on Administrative Offences (hereinafter — PEAO), upon the request of the detained person, adult family members, close relatives, a lawyer, the employer, or the educational institution must be notified of the detainee's whereabouts within three hours. However, the obligation of the authority conducting the administrative process to notify relatives applies only in the case of minors. When minors are detained, their parents or legal guardians must be notified immediately. In practice, however, this right is often not effectively implemented.

Under Article 2.8 of the PEAO, a person subject to administrative proceedings has the right to defence, which may be exercised either personally or with the assistance of a defence counsel. Judges and officials conducting the proceedings are required to inform the individual of their rights and to ensure that they have a genuine opportunity to exercise all procedural means of defence provided by law.

In accordance with Article 20.5(1)(6) of the PEAO, persons under administrative arrest have the right to use the services of a lawyer or other persons authorized to provide legal assistance.

According to paragraphs 114 and 115 of the Internal Rules of Detention Facilities for Administrative Arrest (approved by Resolution No. 313 of the Ministry of Internal Affairs of the Republic of Belarus of 20 October 2015), detainees under administrative arrest are entitled to meetings with a lawyer. Such meetings are granted by the head of the detention facility upon presentation of documents confirming the lawyer's authority (lawyer's certificate and a power of attorney in simple written form, or a warrant, or other duly executed authorization and identification). Meetings are conducted according to a general schedule.

However, in practice, access to lawyers for persons under administrative arrest is often denied. Detention facility staff typically justify such refusals by referring to epidemiological conditions or the lack of available meeting rooms.

As regards the right to correspondence and telephone calls during the serving of administrative arrest, the legislation provides for both certain restrictions and certain rights of persons under administrative arrest. According to Article 20.7(10) of the PEAO, such persons are allowed to send and receive letters and telegrams without limitation as to their number. The sending of letters and telegrams is carried out at the expense of the administrative detainee. All incoming and outgoing correspondence is subject to censorship.

In turn, paragraph 54 of the Internal Rules of Detention Facilities for Administrative Arrest (Regulation No. 313) provides that letters and telegrams

received by, as well as sent from, administrative detainees are subject to review by the staff of the detention facility.

Under Article 20.7(6) of the PEO, administrative detainees may, by decision of the head of the detention facility, be granted telephone calls at their own expense. According to paragraphs 65 and 66 of Regulation No. 313, the head of the detention facility may authorize such telephone calls. Payphones are installed within detention facilities (or police premises) for this purpose. To obtain permission, the detainee must submit a written request to the head of the facility, indicating the telephone number, surname, given name, patronymic (if applicable), and the address of the person to be contacted (paragraph 68 of Regulation No. 313).

Despite these formal legal provisions, in practice the aforementioned rights of administrative detainees are frequently not implemented due to abuses by officials responsible for the administration of detention facilities. In reality, administrative detainees often lack access to basic writing materials and paper necessary to submit requests or applications.

1.4. Non-Compliance of Belarusian Legislation with International Standards

Despite the formal legal provisions described above, in practice the Belarusian authorities have developed mechanisms to impose *de facto incommunicado* detention on certain prisoners by exploiting disciplinary measures and legislative gaps. The most common mechanism is the repeated placement of prisoners in punishment cells (SHIZO) or cell-type premises (PKT) under the pretext of regime violations.³² Under internal regulations, Article 114(1) of the Criminal Executive Code provides that while a prisoner is held in a punishment cell, they are deprived of the right to visits, telephone calls, and receipt of parcels, and their correspondence is significantly restricted.³³ Prison administrations may withhold incoming letters during the period of disciplinary punishment and delay sending outgoing correspondence until the prisoner is released from SHIZO.³⁴ Formally, such restrictions are temporary. In

32 [A/HRC/56/65](#), p. 35

33 Resolution of the Ministry of Internal Affairs of the Republic of Belarus No. 15 of 13 January 2017 'On Approval of the Internal Regulations of Open-Type Correctional Institutions', National Register of Legal Acts of the Republic of Belarus, 9 June 2017, No. 8/32093, para. 102

34 [BLR 4/2023](#)

practice, however, political prisoners are often transferred cyclically between SHIZO and PKT without being returned to ordinary conditions. As a result, individuals may spend months in isolation, without contact even with other prisoners, let alone with the outside world, and are effectively cut off from any information flow within the prison system (the so-called “prison radio”). At the same time, prison administrations may mislead prisoners by claiming that no correspondence has been received and that no one is attempting to contact them.³⁵

Belarusian legislation governing detention and custody falls significantly short of international human rights standards. First, it allows for a delay of up to 12 hours in notifying family members of detention without requiring justification, which contradicts the requirement of prompt notification under Articles 9 and 10 of the ICCPR, as interpreted by the Human Rights Committee. Such delays create conditions conducive to *incommunicado* detention and exacerbate the suffering of families who remain unaware of the detainee's fate. Second, the Criminal Procedure Code grants investigators broad discretion to authorize visits without establishing minimum guarantees for correspondence or family contact. This results in the effective isolation of detainees, particularly in politically motivated cases: correspondence is blocked, visits are denied, and telephone communication is unavailable.

In this context, the situation of convicted prisoners is even more vulnerable. Unlike detainees, their rights to contact with the outside world are only weakly protected by law. The regime governing family contact, correspondence, and visits is largely regulated by internal rules, which allow for extensive restrictions, including complete isolation. Combined with the absence of effective oversight, this creates conditions conducive to systemic human rights violations, including torture and enforced disappearance.

This is not merely a procedural violation — it amounts to disappearance. The fewer external points of access exist for a detainee, the greater the risk of ill-treatment, coercion, and torture. The right to contact with the outside world is therefore not only a matter of humanity, but a fundamental safeguard of security. It is precisely in the initial hours of detention that individuals are most vulnerable to torture, which is why authorities often seek to conceal the whereabouts of detainees.

35 <https://novayagazeta.ru/articles/2024/07/11/inkommunikado#>

2. PRACTICE OF THE USE OF *INCOMMUNICADO* IN BELARUS

As noted above, the practice of holding detainees in complete isolation from the outside world was initially applied in exceptional circumstances, primarily in the context of counter-terrorism. Over time, however, a concept originally designed for extreme situations has been adopted by authoritarian regimes as a tool of repression against political opponents. To hold a person in *incommunicado* conditions is to deprive them of a voice and isolate them from societal support — precisely the objective pursued by authoritarian systems in suppressing dissent.

2.1. Purposes of the Use of *Incommunicado* in Belarus

The use of *incommunicado* detention in Belarus is directly linked to the authorities' efforts to suppress any perceived threat to the regime and to intimidate society. Officially, such measures are justified by reference to security concerns and the fight against extremism and terrorism. Following the 2020 protests, Belarusian authorities have effectively equated political dissent with "extremism" or "terrorism", applying corresponding criminal provisions against opponents.³⁶ On the basis of fabricated or exaggerated

³⁶ Law of the Republic of Belarus 'On Countering Extremism' No. 292-Z of 17 July 2023, National Register of Legal Acts of the Republic of Belarus, 22 July 2023, No. 2/3012

charges — such as incitement of hatred, conspiracy, mass unrest, and other “serious crimes” against the state — activists and opposition leaders are labelled as particularly dangerous offenders. In official rhetoric, threats to national security are invoked to justify the most severe restrictions, including complete isolation of detainees. In reality, however, the use of *incommunicado* detention serves repressive and punitive purposes.

First, isolation functions as an additional form of punishment and psychological pressure. Detainees suffer from uncertainty and a sense of abandonment, while their relatives endure the distress of receiving no information, thereby amplifying the punitive effect. This is particularly evident at the stage of detention. At this stage, individuals often find themselves in a “grey zone,” where their actual whereabouts and legal status are deliberately concealed by state authorities. Law enforcement bodies frequently refuse to confirm the fact of detention, provide no information about the place of custody, and deny access to legal counsel, leaving relatives in a state of uncertainty. Phone calls to police departments, detention facilities, or prisons yield no information, and the response “we have no such person”³⁷ becomes routine³⁸. This practice allows authorities to avoid accountability during the critical initial hours, when individuals are most vulnerable to violence, psychological pressure, and procedural violations. As long as a person is “not officially located,” the state can avoid explaining their situation, making the first hours and days of detention the period of highest risk for ill-treatment and enforced disappearance.

Second, *incommunicado* detention prevents the flow of information about the treatment of political prisoners. The UN Group of Independent Experts on Belarus has noted that isolation is used as a “strategy” to punish political opponents and to conceal evidence of beatings and torture.³⁹ In the absence of correspondence or communication, relatives and human rights defenders cannot obtain timely information about a detainee’s health, conditions of detention, or possible instances of abuse. This lack of external oversight creates conditions conducive to abuse by prison authorities. In effect, holding a person without contact with the outside world becomes an intermediate stage preceding enforced disappearance: by concealing the fate of detainees, authorities can more easily obscure the consequences of repression.

37 <https://prisoners.spring96.org/ru/person/dzjanis-salmanovicz>

38 [CCPR/C/46/D/440/1990](https://www.unhcr.org/refugees/cpr/C/46/D/440/1990)

39 [BLR 5/2020, BLR 7/2020, BLR 9/2020, BLR 11/2021, A/HRC/WGAD/2021/23 и A/HRC/WGAD/2022/24](#)

Third, complete isolation is used to break the will and resistance of the most determined opponents of the regime.⁴⁰ In Belarus, those held in *incommunicado* conditions are often prominent and principled political prisoners — individuals who continue to express their views openly even while detained or who refuse to seek pardon. Such individuals are deliberately placed in an informational vacuum in order to demoralize them. In some cases, isolation is used as leverage to force concessions. For example, a detainee deprived of communication may be pressured into submitting a pardon request in exchange for the possibility of contacting family members. Denial of access to legal counsel further impedes the ability to challenge convictions or pursue legal remedies, leaving the individual entirely at the mercy of the prison system. Commenting on the prolonged *incommunicado* detention of Maria Kolesnikova, her sister Tatsiana Khomich described the underlying intent of such practices as follows:

“To break people psychologically so that they change their views, their position, and so on. I think it is also partly done so that people forget about them.”⁴¹

Fourth, the *incommunicado* regime also serves an intimidating function for society. When well-known figures effectively disappear in prisons for extended periods, this sends a clear signal to other opponents of the authorities. Demonstratively harsh treatment acts as a preventive measure aimed at discouraging potential dissent and resistance.

Thus, the complete deprivation of political prisoners' contact with the outside world is used by the Belarusian authorities in a targeted and selective manner — against those perceived as posing the greatest threat to the regime — with the primary aim of maintaining power at any cost.

Both in international practice and in Belarus, detention without contact with the outside world varies in duration. The Human Rights Committee does not establish fixed time thresholds at which *incommunicado* detention is deemed to violate rights; rather, such assessments depend on the context and patterns of state conduct. International bodies recommend that relatives be informed as promptly as possible and that regular communication be ensured. In practice, there are short-term forms of *incommunicado* detention, lasting days, weeks, or even months, particularly during transfers or as a result of disciplinary sanctions (such as SHIZO or PKT).⁴² It should be noted that such

40 <https://planbmedia.io/important/research/izolyaciya-kolesnikovoj-ne-prihot-nachalnika-kolonii-inkommunikado-zakljuchennyh-kak-popytka-zacementirovat-stabilnost.html>

41 https://www.youtube.com/watch?v=H_u8o_Kot44s

42 <https://freedomhouse.org/article/wherearethey-when-political-prisoners-are-held-incommunicado>

measures, including detention in SHIZO without contact with the outside world, are also applied to minors, who constitute a particularly vulnerable group requiring enhanced protection.⁴³

"No information reached you at all, because you are kept in such an informational vacuum. When you spend month after month in SHIZO and PKT, absolutely no information reaches you... You sit in SHIZO and you understand why they put you there — to fabricate a new charge under Article 411."⁴⁴

There are also long-term cases. Belarusian human rights defenders identify several key elements of the *incommunicado* regime, the most significant being the absence of contact between the detainee and their relatives for three months or more, and the lack of access to a lawyer.⁴⁵ Describing the consequences of prolonged isolation, political prisoner Ihar Losik stated:

"During the first year I received 50–70 letters a day. Then everything was blocked, and since February 2023 I have not received a single letter — I was in 'incommunicado' mode. Letters were a major source of moral support. We tried to observe holidays properly. Over time, I got used to 'incommunicado'. I knew the main news in general terms, but not visually, so now I am catching up by watching key videos."⁴⁶

Describing the psychological impact of short-term but repeated isolation, Palina Sharenda-Panasiuk testified:

"You understand that you are sitting for 10 days, then they add another 10 days, then another 10 days. You cannot just switch your mind off and turn it back on a month later. Every second of those 10 days you are forced to endure these walls, this abuse, and you can do nothing. There is a sense of complete helplessness. Only your inner strength matters — you understand that you must preserve it simply to avoid breaking down."⁴⁷

A separate category is *incommunicado* detention at the stage of arrest. In such cases, the duration is measured in hours, and even 18 hours without contact with relatives — or 24 hours without access to a lawyer — may

43 [A/HRC/59/59](#), p. 20

44 <https://www.youtube.com/watch?v=SIGIXuuo XDs>

45 <https://spring96.org/ru/news/119021>

46 <https://sur.li/atdztu>

47 <https://www.youtube.com/watch?v=SIGIXuuo XDs>

already constitute a violation.⁴⁸ At the same time, the assessment remains case-specific and requires judicial evaluation. These situations typically arise during the initial days in pre-trial detention facilities (SIZO) or temporary detention centers (IVS).

"My relatives did not know where I was or what had happened to me for three days while I was at Okrestina during the interrogations — no one told them anything. They knew people were being taken away and then disappearing — not a word, no trace. I was not allowed to call my family, not even my parents."⁴⁹

"It was emotionally very distressing that our relatives did not know where we were. Many people were especially worried — some had elderly grandparents, who are more vulnerable. Anything could happen when a person leaves home and does not return. No one was allowed to make a phone call."⁵⁰

"After 15 days, I was taken to the prison in Zhodino in such a way that my relatives could not bring me parcels — so that they would not know where I was. When GUBOP officers took me from home, armed men burst in and did not even allow me to inform my wife where I was being taken. My wife did not know for two months where I was — in which prison or detention facility."⁵¹

"I mostly tried to sleep because I didn't know what to do and was worried — I was not allowed to call anyone or inform anyone where I was or what was happening to me. At the police department, no one was allowed to make calls. Even when lawyers tried to come, most likely they were not admitted at all."⁵²

"My relatives and friends went to the Zavodskoy district police department and asked if I was there. They were told that I was not — that there was no such person. No one could find me. I was not

48 [E/CN.4/2002/76](#), (f), p. 9

49 Excerpt from documentation from the archive of the International Committee for the Investigation of Torture in Belarus

50 Excerpt from documentation from the archive of the International Committee for the Investigation of Torture in Belarus

51 Excerpt from documentation from the archive of the International Committee for the Investigation of Torture in Belarus

52 Excerpt from documentation from the archive of the International Committee for the Investigation of Torture in Belarus

allowed to call anyone — not a lawyer, not anyone else. In fact, my rights were violated in this regard.”⁵³

2.2. Cases of Incommunicado Detention in Belarus

Below are examples of political prisoners in Belarus who were held in *incommunicado* conditions, without access to correspondence, telephone calls, family visits, or legal counsel. Prolonged isolation in SHIZO or PKT is characteristic for the vast majority of political prisoners.

NAME:

Mikalai Statkevich

Date of detention:

31 May 2020

Date of conviction and sentence:

14 December 2021,
14 years of imprisonment

Date of release:

19 February 2026

Charges:

Article 293(1) of the Criminal Code — Organisation of mass riots
Article 342 of the Criminal Code — Organisation or participation in group actions grossly violating public order

Duration of *incommunicado* detention:

160 days without contact with the outside world



⁵³ Excerpt from documentation from the archive of the International Committee for the Investigation of Torture in Belarus

A prominent example of long-term *incommunicado* detention is the case of **Mikalai Statkevich**⁵⁴ — an opposition politician, leader of the unregistered Belarusian Social Democratic Party (Narodnaya Hramada), former presidential candidate, and one of the founders of the Belarusian Association of Military Personnel. He served his sentence in Correctional Colony No. 13 (Hlybokaye). He was held in complete isolation starting from February 2023. The prison administration justified the denial of access to a lawyer by claiming the “absence of a request from the prisoner,” while telephone calls, visits, and parcels were entirely prohibited. The last letter to his wife, Maryna Adamovich, was received on 9 February 2023. Statkevich was held in a solitary cell and was repeatedly transferred between SHIZO and PKT. The administration claimed that he “did not wish to write or make calls,” which his relatives regarded as a cynical falsehood. Maryna Adamovich regularly marked “anniversaries” of the lack of information on social media — 100, 200, 300 days without news. On the 500 th day of complete isolation, she wrote:

*“Today marks exactly 500 days of complete uncertainty. 1,484 days behind bars. An abyss. A void. How much darkness and evil, how much low energy has been invested in this. But light will inevitably dispel the darkness. Today this is especially clear.”*⁵⁵

On 11 September 2025, it became known that 52 political prisoners of the Belarusian regime had been forcibly transferred to Lithuania; Statkevich was reportedly among them. He refused deportation, left the bus, and remained in the neutral zone.

A few days later, reports emerged that he had been returned to the Hlybokaye colony, although this was not officially confirmed. Maryna Adamovich filed a report of his disappearance and stated that she had managed to briefly speak with him via another person's phone. He said that he was being forced to leave but intended to return to Belarus. According to witnesses, security service officers were present near him but not visible on surveillance cameras.

On 21 November 2025, Adamovich received the first official response in two and a half months from the Ministry of Internal Affairs, stating: “We inform you that Statkevich M. V. is serving his sentence in accordance with the judgment of the Gomel Regional Court of 14 December 2021.”⁵⁶

54 <https://prisoners.spring96.org/ru/person/mikalaj-statkievich>

55 <https://novayagazeta.ru/articles/2024/07/11/inkommunikado>

56 <https://news.zerkalo.io/life/114219.html>

On 23 September 2025, a group of independent UN experts strongly condemned the attempted deportation and subsequent disappearance of Statkevich, stating: “There are strong grounds to believe that Statkevich has been subjected to enforced disappearance and arbitrary detention. We call on Belarus to provide information on his fate, whereabouts, and state of health.”⁵⁷

On 19 February 2026, it became known that Statkevich had been released. On 21 January, he had suffered a cerebral infarction (stroke) and is currently undergoing recovery, with ongoing speech difficulties. He is now at home in Belarus with his wife.

NAME:

Viktar Babaryka

Date of detention:

18 June 2020

Date of conviction and sentence:

6 July 2021,
14 years of imprisonment

Date of release:

13 December 2025

Charges:

Article 235(2) of the Criminal Code — Legalisation (“laundering”) of proceeds of crime

Article 430(3) of the Criminal Code — Acceptance of a bribe

Duration of *incommunicado* detention:

1,041 days without contact with the outside world



⁵⁷ <https://www.ohchr.org/ru/press-releases/2025/09/belarus-un-experts-denounce-disappearance-mikalai-statkevich-after-his>



NAME:

Maksim Znak

Date of detention:

9 September 2020

Date of conviction and sentence:

6 September 2021,
10 years of imprisonment

Date of release:

13 December 2025

Charges:

Article 361(3) of the Criminal Code — Calls for actions aimed at harming the national security of the Republic of Belarus

Article 357(1) of the Criminal Code — Conspiracy to seize power by unconstitutional means

Article 361–1(1) of the Criminal Code — Creation of or participation in an extremist formation

Duration of *incommunicado* detention:

1,039 days without contact with the outside world

Viktar Babaryka⁵⁸ and **Maksim Znak**⁵⁹ are two key defendants in the so-called “Coordination Council case.” Viktar Babaryka is a former bank executive and opposition presidential candidate, while Maksim Znak served as a lawyer for Babaryka’s campaign and was a member of the Presidium of the Coordination Council.

Both began serving their sentences in 2021 and initially maintained limited contact with the outside world. Upon arrival at Correctional Colony No. 3 in Vitebsk, Znak was for some time able to write letters regularly, sending stories and poems to his family; his relatives were even able to have one short visit through glass. However, the situation changed in spring 2022: in May 2022,

⁵⁸ <https://prisoners.spring96.org/ru/person/viktar-babaryka>

⁵⁹ <https://sur.li/rkklxw>

Znak was added to the list of “terrorists,” after which correspondence and phone calls ceased.

In its Opinion No. 24/2022, the UN Working Group on Arbitrary Detention found that Maksim Znak’s detention was arbitrary and called for his immediate release.⁶⁰

Since February 2023, no information has been received from either Znak or Babaryka — all contact with them was completely cut off. Former prisoners reported that from that time onward, Maksim Znak was not seen in general work assignments or other activities within the colony. Similarly, Viktor Babaryka disappeared from view in April 2023.

On 8 February 2025, photographs and video footage of Babaryka were published. Former political prisoner Raman Pratasevich delivered letters from relatives to him, and Babaryka sent letters back to his family through him.

On 13 December 2025, Viktor Babaryka and Maksim Znak were among 123 political prisoners released and expelled from Belarus in connection with the visit of U.S. President Donald Trump’s Special Envoy, Keith Kellogg.

Siarhei Tsikhanouski⁶¹ is a well-known video blogger and initiator of the protest movement. In 2022, he was transferred to Prison No. 8 in Zhodino under a prison-type detention regime. All contact with him ceased on 9 March 2023 — after that date, neither his relatives nor his lawyers received any information from him. His family, including his wife Sviatlana Tsikhanouskaya, were left without any communication.

“The last time I heard my husband’s voice was more than four years ago. I had only five minutes to support him, to tell him about the children, to ask about his health. For 700 days now (since the end of February 2023), there has been no news from Siarhei. I do not know whether he receives birthday greetings, whether he has seen the cards drawn by our daughter. I do not know when I will hear his voice again. Even a single day without news from a loved one is already a cause for concern.”⁶²

In July 2023, rumors circulated online that Tsikhanouski had died in detention. In response, the authorities released surveillance footage from his prison

60 [A/HRC/WGAD/2022/24](https://www.unhcr.org/refugees/article/2022/02/24)

61 <https://prisoners.spring96.org/ru/person/siarhiej-cichanouski>

62 <https://tsikhanouskaya.org/be/news/svyatlana-cixanouskaya-pra-700-dzyon-utrymannya-syargeya-cixanouskaga-u-rezhyme-inkamunikada.html>

NAME:

Siarhei Tsikhanouski

Date of detention:

29 May 2020

Date of conviction and sentence:

14 December 2021,
19 years and 6 months of imprisonment

Date of release:

21 June 2025

Charges:

Article 293(1) of the Criminal Code — Organisation of mass riots
Article 342(1) of the Criminal Code — Organisation and preparation of actions grossly violating public order, or active participation therein
Article 191(2) of the Criminal Code — Obstruction of electoral rights
Article 130(3) of the Criminal Code — Incitement of hatred
Article 411(2) of the Criminal Code — Malicious disobedience to the lawful demands of prison administration

Duration of *incommunicado* detention:

Approximately 2 years without contact with the outside world



cell (dated 5 July 2023), showing him exercising and sitting at a table. The footage indicated that he was being held alone in a cell designed for four inmates, confirming his solitary confinement. After this episode, no further official information about his condition was provided.

*"Imagine — you cannot speak to anyone at all. There is no one to talk to, not a single kind word from anyone. You constantly hear only negativity, insults from the staff, threats. And they try to convince you that you are nobody, that you have been forgotten, that everything is lost and no one is fighting for you."*⁶³

As of the end of November 2024, his relatives had had no contact with him for more than 600 days. He had not received any parcels for four years and

63 <https://www.youtube.com/watch?v=JX-sXg1qCpg>

survived solely on prison food, without vitamins. Sviatlana Tsikhanouskaya believed that he had lost significant weight: "It is known that all political prisoners develop health problems — with their teeth, their eyesight."

"Thinking about my family was too painful, because I had no information about them. I once read in Remarque that in such situations it is better to push thoughts about family aside and not think about them, because constant thinking can destroy you. So I pushed it aside. I had access to books — I read constantly, travelling together with the characters."⁶⁴

On 21 June 2025, 14 political prisoners, including Siarhei Tsikhanouski, were released. The pardons followed a visit to Minsk by U.S. President Donald Trump's Special Envoy, Keith Kellogg. Some of those released were immediately transferred to Lithuania.

Maria Kalesnikava⁶⁵ is an activist, musician, and one of the key figures of the opposition movement following the 2020 elections. She was born on 24 April 1982 in Minsk. After the 9 August 2020 elections, when her associates were either detained or forced to leave the country, she assumed a leading role in coordinating the campaign and became a symbol of peaceful protest.

On 7 September 2020, Kalesnikava was abducted by security services, taken to the Ukrainian border, and resisted forced deportation by tearing up her passport. Since 2022, she has been subjected to ill-treatment, repeatedly placed in SHIZO and PKT, and has suffered from serious health conditions, including a perforated ulcer and peritonitis.

"They kept me in uncertainty, but I knew that the letters existed. While I was in PKT, I wrote a letter to my father every day. Every day I also wrote to my sister in a notebook, because I knew the letters would not be sent. I wrote to my sister in my notebook every day throughout all those years, and I sent letters to my father — at first every day, and later about two letters per week. I know that my father also sent me two letters per week. We did not receive them, but we knew that those letters existed."⁶⁶

Kalesnikava was held in *incommunicado* conditions for an extended period: after spring 2023, all communication ceased, and for approximately 18 months

64 <https://www.youtube.com/watch?v=JX-sXg1qCpg>

65 <https://prisoners.spring96.org/ru/person/maryja-kalesnikava>

66 <https://www.youtube.com/watch?v=jkSNjmWjBel>

NAME:

Maria Kalesnikava

Date of detention:

7 September 2020

Date of conviction and sentence:

6 September 2021,
11 years of imprisonment

Date of release:

13 December 2025

Charges:

Article 361 of the Criminal Code — Calls for actions aimed at harming the national security of the Republic of Belarus

Article 357 of the Criminal Code — Conspiracy to seize power by unconstitutional means

Article 361-1 of the Criminal Code — Creation of or participation in an extremist formation

Duration of *incommunicado* detention:

More than 500 days without contact with the outside world



(until November 2024) her relatives received no letters, phone calls, or official information about her condition. Only on 12 November 2024 did a brief meeting with her father take place in a prison hospital, after which she was again deprived of contact with the outside world.

Her case was examined at the 132nd session of the UN Working Group on Enforced or Involuntary Disappearances (held in Geneva from 29 January to 2 February 2024). The Working Group addressed a request to the Ministry of Foreign Affairs of Belarus, urging it to provide information on her whereabouts, restore communication, and ensure access to legal counsel, relatives, and necessary medical care.⁶⁷

"On 22 December 2023, the Working Group, together with other special procedure mechanisms, issued an urgent appeal concerning the prolonged

⁶⁷ <https://www.dw.com/ru/500-dnej-v-rezime-neizvestnosti-cto-s-mariej-kolesnikovoj/a-69508762>

incommunicado detention of Mikalai Statkevich and Maria Kalesnikava, which may amount to enforced disappearance..."⁶⁸

In February 2025, it was reported that she had been transferred back to a general unit, and in October 2025, her first letter was received.

NAME:

Ales Bialiatski

Date of detention:

14 July 2021

Date of conviction and sentence:

3 March 2023,
10 years of imprisonment

Date of release:

13 December 2025

Charges:

Article 228(4) of the Criminal Code — Smuggling
Article 342(2) of the Criminal Code — Financing group actions grossly violating public order

Duration of *incommunicado* detention:

More than 1,600 days without contact with the outside world



Ales Bialiatski⁶⁹ is a human rights defender, head of the Human Rights Center "Viasna," and a Nobel Peace Prize laureate (2022). He served his sentence in Correctional Colony No. 9 in Horki. Over the course of four years, very little information about him was available. He had no close relatives remaining in Belarus, making family visits impossible. He was not allowed video calls, and from December 2024 onward, letters from him ceased entirely.⁷⁰

68 [A/HRC/WGEID/132/1](#), p. 27, 28

69 <https://spring96.org/ru/news/119266>

70 <https://www.dw.com/ru/edinstvennyj-v-mire-nobelevskij-laureat-v-turmecto-proishodit-s-alesem-belackim/a-74278564>

His health deteriorated in detention. From the outset of his imprisonment, Bialiatski was subjected to continuous pressure under the pretext of alleged violations of internal regulations. As a result, the prison administration placed him for six months in cell-type confinement (PKT), where he was held alone. Only after nearly three years of imprisonment, in December 2025, was he released following a pardon.

Ihar Losik is a blogger and journalist from Baranavichy and one of the defendants in the so-called "Tsikhanouski case."

He spent a prolonged period without contact with his family, particularly between 2020 and 2022. Until April 2022, when he saw his daughter for the first time in 22 months, he remained almost completely isolated. In 2023, he was placed in SHIZO, after which no information about correspondence or phone calls was received.

His family received minimal information, and letters were not delivered. Correspondence with his wife, Darya Losik, became possible only after her arrest and conviction. In 2023–2024, instances of extreme psychological



NAME:

Ihar Losik

Date of detention:

25 June 2020

Date of conviction and sentence:

14 December 2021,
15 years of imprisonment

Date of release:

11 September 2025

Charges:

Article 293(1) of the Criminal Code — Organisation of mass riots
Article 130(3) of the Criminal Code — Incitement of hatred

Duration of *incommunicado* detention:

More than two years without contact with the outside world

pressure were documented, including acts of self-harm. After his release on 11 September 2025, Losik reported ongoing civil claims amounting to millions of dollars initiated by the Prosecutor General's Office. In total, he spent more than two years in *incommunicado* conditions.

Paval Seviarynets is a Belarusian politician and co-founder of the Belarusian Christian Democracy party. For an extended period — both during administrative arrests (from June to September 2020, totaling 75 consecutive days) and during imprisonment, particularly from summer 2022 — he was subjected to severe communication restrictions. He was prohibited from communicating with other prisoners, and his access to phone calls, visits, and parcels was restricted, after which he was transferred to a prison-type regime.

Seviarynets was repeatedly deprived of communication: he was denied long-term visits, correspondence, and telephone calls. Information about him was transmitted only through other prisoners or lawyers. In 2021–2022, human rights defenders reported that his name was absent from official lists for extended periods, letters did not reach him, and contact with his family was almost entirely cut off. Information about his conditions of detention was received mainly through third parties and anonymous sources. He was released on 13 December 2025.

NAME:

Paval Seviarynets

Date of detention:

7 June 2020

Date of conviction and sentence:

25 May 2021,

7 years of imprisonment

Date of release:

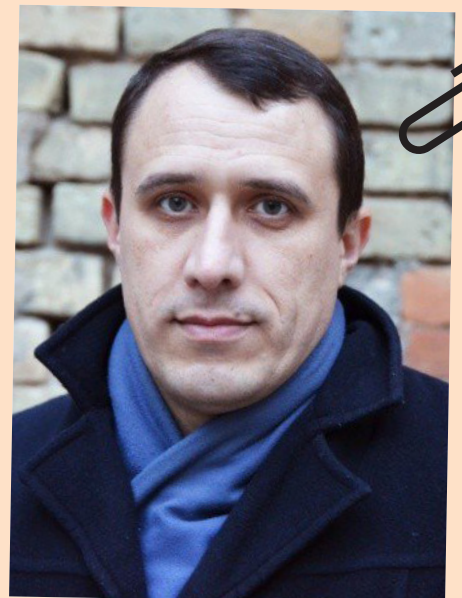
3 December 2025

Charges:

Article 13(1) in conjunction with Article 293(2) of the Criminal Code —
Preparation for participation in mass riots

Duration of *incommunicado* detention:

Spring–summer 2022



NAME:

Uladzimir Kniga

Date of detention:

4 June 2020

Date of conviction and sentence:

2 June 2021,
6 years of imprisonment

Charges:

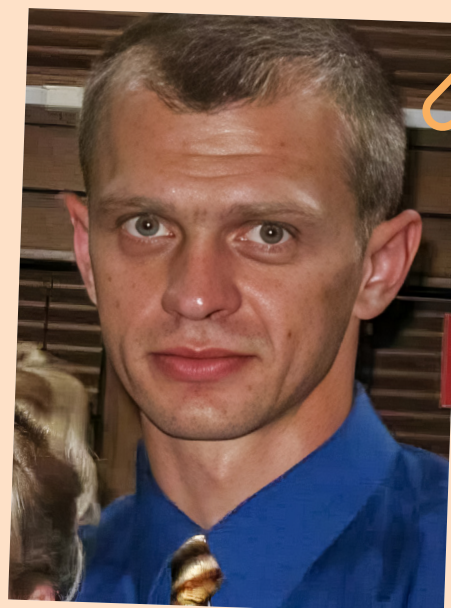
Article 342(1) of the Criminal Code —
Organisation and preparation of actions grossly violating public order,
or active participation therein

Article 364 of the Criminal Code — Violence or threat of violence against
a law enforcement officer

Article 411(1) of the Criminal Code — Malicious disobedience to the
lawful demands of prison administration

Duration of *incommunicado* detention:

As of early February 2026, more than 890 days without contact with the
outside world



Uladzimir Kniga is a defendant in the “Tsikhanouski case” and a former law enforcement officer who joined the opposition. While serving his sentence in Correctional Colony No. 9 in Horki, he maintained a principled stance and refused to admit guilt, which led to a continuous tightening of his detention conditions.

Since September 2023, Kniga has been held in *incommunicado* conditions: he was placed in PKT, subjected to repeated disciplinary sanctions, deprived of parcels, visits, and telephone calls, and even his exact whereabouts remained unknown for a prolonged period. In autumn 2025, he was transferred to a prison-type regime in Prison No. 4 in Mogilev. As of early February 2026, no information has been received about him for 890 days.⁷¹

71 https://legin.info/counters/2020_incommunicado/kniga

Aliaksandr Aranovich⁷² was, until 2015, an individual entrepreneur engaged in freight transportation. He worked in Russia and, prior to repression, was employed as a driver. Together with the "A Country for Life" initiative, he travelled across regions of Belarus in a branded motorhome. Aranovich was offered the opportunity to submit a pardon request but refused.⁷³ Since 19 August 2024, no information about him has been available. It is presumed that he is being held in SHIZO due to his refusal to sign a pardon request. Only at the end of November was a single letter received from him.

NAME:

Aliaksandr Aranovich

Date of detention:

29 May 2020

Date of conviction and sentence:

27 April 2021, 6 years and 6 months
of imprisonment

Charges:

Article 342(1) of the Criminal Code —
Organisation and preparation of actions grossly
violating public order, or active participation therein

Article 411(1) of the Criminal Code — Malicious disobedience to the
lawful demands of prison administration

Article 13(1) in conjunction with Article 293(2) of the Criminal Code —
Preparation for participation in mass riots

Duration of *incommunicado* detention:

As of early February 2026, more than 610 days without contact with the
outside world



72 https://legin.info/counters/2020_incommunicado/aranovich

73 <https://prisoners.springg6.org/ru/person/alaksandr-aranovich>

NAME:

Nikita Samarin

Date of detention:

October 2020

Date of conviction and sentence:

11 December 2020,
6 years of imprisonment

Charges:

Article 364 of the Criminal Code —
Violence or threat of violence against a law enforcement officer
Article 411(1) of the Criminal Code — Malicious disobedience to the
lawful demands of prison administration

Duration of *incommunicado* detention:

As of early February 2026, more than 270 days without contact with the
outside world



Nikita Samarin is a young activist from Hrodna who evaded enforcement of his sentence for four years. He had been convicted in absentia in 2020 for spraying gas at a police officer and initially sentenced to “chemistry” (restricted freedom), later replaced with 2.5 years in a correctional colony.

In March 2025, Samarin was apprehended during an identity check, after which all contact with the outside world was immediately cut off. From 13 May 2025, no information was available about him: no letters were delivered, no parcels were accepted, and the date of his trial remained unknown. According to human rights defenders, he was held in Pre-Trial Detention Centre No. 1 in Hrodna in full *incommunicado* conditions, reportedly placed in a punishment cell for an extended period.⁷⁴ Only in July 2025 did indirect information about his condition emerge. The case of Samarin demonstrates that *incommunicado* detention is applied not only to prominent opposition figures, but also to less publicly visible individuals — particularly those who had previously evaded authorities.⁷⁵

74 <https://prisoners.spring96.org/ru/person/mikita-samaryn>

75 https://legin.info/counters/2020_incommunicado/samarin

NAME:

Aliaksandr Frantskevich

Date of detention:

13 August 2020

Date of conviction and sentence:

6 September 2022,
17 years of imprisonment

Charges:

Article 293(1) of the Criminal Code — Organisation of mass riots

Article 361 of the Criminal Code — Calls for actions aimed at harming national security

Article 361-1 of the Criminal Code — Creation of or participation in an extremist formation

Article 130 of the Criminal Code — Incitement of hatred

Article 285(1) of the Criminal Code — Creation or leadership of a criminal organisation

Article 13(1) in conjunction with Article 293(2) of the Criminal Code — Preparation for participation in mass riots, and others

Duration of *incommunicado* detention:

As of early February 2026, more than 490 days without contact with the outside world



Aliaksandr Frantskevich⁷⁶ is a social activist associated with the anarchist movement. In 2024, following the consideration of his appeal, he was transferred to a correctional colony of undisclosed location, after which he was held in *incommunicado* conditions.

Shortly thereafter, his mother, Tatsiana, and her sister Natallia were detained, leaving his relatives without any means of obtaining information about his whereabouts. In Frantskevich's case, as in other cases related to the so-called "anarchist case," the authorities have systematically applied repeated SHIZO placements and restrictions on correspondence, effectively since the time of sentencing.

⁷⁶ <https://prisoners.springg6.org/ru/person/alaksandr-franckievich>

On 16 March 2023, the KGB added him to the “terrorist list,” and on 26 May 2023, the Ministry of Internal Affairs included him in the “extremist list.” In late summer 2025, he was transferred to Prison No. 8 under a prison-type regime.

In addition to long-term cases, Belarus also demonstrates a practice of short-term *incommunicado* detention. Human rights defenders have identified such situations in a number of cases.

NAME:

Alena Hnauk

Date of detention:

11 January 2022

Date of conviction and sentence:

17 June 2022,
4 years and 6 months of imprisonment

Date of release:

13 December 2025

Charges:

Article 342(1) of the Criminal Code — Organisation and preparation of actions grossly violating public order, or active participation therein

Article 368(1) of the Criminal Code — Insulting the President of the Republic of Belarus

Article 367(1) of the Criminal Code — Defamation of the President of the Republic of Belarus

Article 411(1) of the Criminal Code — Malicious disobedience to the lawful demands of prison administration

Article 369–1 of the Criminal Code — Discrediting Belarus

Duration of *incommunicado* detention: 700 days



Alena Hnauk⁷⁷ is a 68-year-old civic activist. During her imprisonment, she faced particular hardships due to her age and health condition — 70% of her pension

77 <https://prisoners.spring96.org/ru/person/alena-hnauk>

was withheld, and she experienced difficulties in accessing medical care. She was placed in PKT until 24 February 2023. In addition, she was deprived of most parcels, telephone calls, and visits. By the end of 2025, she was released following a pardon; however, during her detention she remained effectively cut off from the outside world and spent more than 700 days without contact.

NAME:

Denis Salmanovich

Date of detention:

4 October 2021

Date of conviction and sentence:

30 September 2022, 10 years of imprisonment

Charges:

Article 342(1) of the Criminal Code —
Organisation and preparation of actions grossly
violating public order, or active participation therein

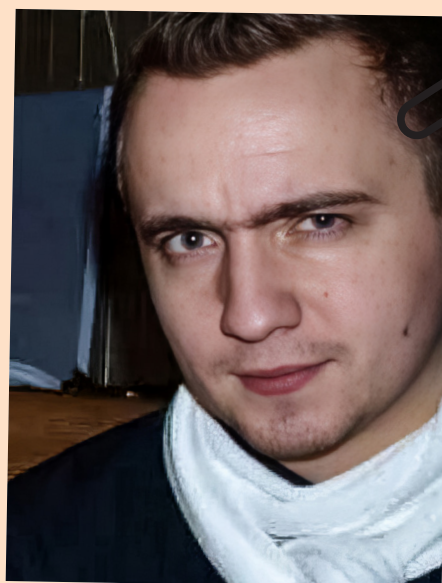
Article 361 of the Criminal Code — Calls for actions aimed at harming
national security

Article 361-1 of the Criminal Code — Creation of or participation in an
extremist formation

Article 130(1) of the Criminal Code — Incitement of hatred

Article 290-4(1) of the Criminal Code — Creation of a terrorist
organisation or participation therein

Duration of *incommunicado* detention: 2 months



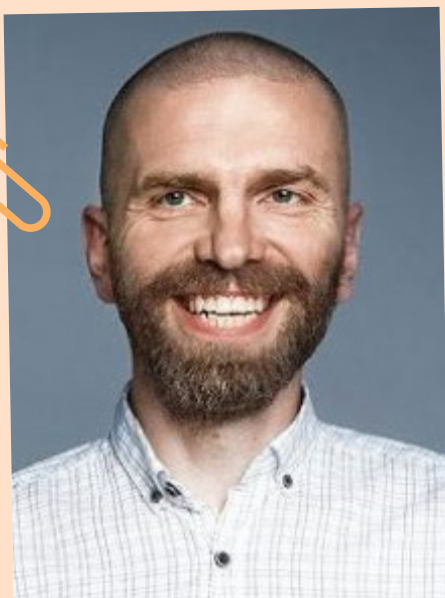
Denis Salmanovich⁷⁸ is a Belarusian national, born on 6 June 1991. He was included in the *incommunicado* list in January 2025. In January 2023, he was transferred from Pre-Trial Detention Centre No. 7 to Correctional Colony No. 3 in "Vitba." There, he underwent surgery to remove his gallbladder and remained in the prison medical unit for a week following the operation.

78 <https://prisoners.spring96.org/ru/person/dzjanis-salmanovicz>

His mother reported that Denis had been held in SHIZO for more than two months: "...I know that they do not plan to release him any time soon. When I call the colony administration, they say they do not have such a prisoner. What does that mean? They want to kill my son. I know for certain that he is in SHIZO in Vitba."

This case illustrates how authorities evade responsibility for ill-treatment and seek to conceal a detainee's whereabouts. As of early February 2025, Denis continued to be held in SHIZO.

Yauhen Afnahel⁷⁹ is a Belarusian political activist, coordinator of "European Belarus," and one of the founders of the "Zubr" movement. He has been repeatedly subjected to repression for his peaceful opposition activities.



NAME:

Yauhen Afnahel

Date of detention:

25 September 2020

Date of conviction and sentence:

25 May 2021,
7 years of imprisonment

Date of release: 11 September 2025

Charges:

Article 293(3) of the Criminal Code — Training or other preparation of persons for participation in mass riots, or financing such activities

Article 13(1) in conjunction with Article 293(2) of the Criminal Code — Preparation for participation in mass riots

Duration of *incommunicado* detention: June–August 2024

79

<https://prisoners.spring96.org/ru/person/jauhen-afnahel>

During his imprisonment, Afnahel was subjected to sustained pressure, including prolonged placements in SHIZO, transfers to PKT and prison-type regimes, and deprivation of visits and parcels; his health deteriorated. In August 2024, he was included in the *incommunicado* list by the Human Rights Center "Viasna." In 2024–2025, he was repeatedly transferred between Correctional Colony No. 1 in Navapolatsk and Prison No. 4 in Mogilev, where disciplinary measures continued to be applied. On 11 September 2025, it became known that he had been released as part of the forced transfer of 52 prisoners outside Belarus, among whom he was included.

3. QUALIFICATION OF THE *INCOMMUNICADO* REGIME IN BELARUS AS A CRIME AGAINST HUMANITY

Crimes against humanity constitute among the most serious violations of international criminal law. The concept and content of this category of crimes have evolved from the statutes of international tribunals (beginning with the Nuremberg Tribunal of 1945) to their codification in the Rome Statute of the International Criminal Court (hereinafter — the Rome Statute).⁸⁰

A defining feature of crimes against humanity is the presence of contextual elements, primarily the commission of prohibited acts as part of a “widespread or systematic attack.” The practice of *incommunicado* detention in Belarus is not an isolated excess or an occasional malfunction within individual penitentiary institutions. Rather, it constitutes part of a widespread and systematic attack against the civilian population, both during the mass detentions of 9–13 August 2020 and throughout the subsequent imprisonment of political detainees.

Among the forms of crimes against humanity listed in Article 7 of the Rome Statute, the practice of *incommunicado* detention in Belarus may be qualified as torture (Article 7(1)(f)), persecution (Article 7(1)(h)), and enforced disappearance (Article 7(1)(i)).

The *incommunicado* regime as applied in Belarus meets the elements of torture under Article 7(1)(f) of the Rome Statute. This requires the intentional infliction of severe physical or mental pain or suffering upon

⁸⁰ [https://www.un.org/ru/law/icc/rome_statute\(r\).pdf](https://www.un.org/ru/law/icc/rome_statute(r).pdf)

one or more persons under the custody or control of the perpetrator, as part of a widespread or systematic attack against a civilian population, with knowledge of that attack. Such suffering must not arise from lawful sanctions.⁸¹ As demonstrated above, international bodies have repeatedly recognized that *incommunicado* detention amounts to inhuman treatment or torture. The psychological suffering extends not only to the detained individual, who is placed in a complete informational vacuum, but also to their relatives, who are deprived of any knowledge of the person's fate or condition.

Incommunicado detention also satisfies the criteria of persecution under Article 7(1)(h) of the Rome Statute. According to the Elements of Crimes, persecution involves the severe deprivation of fundamental rights contrary to international law, targeting individuals or groups based on identifiable characteristics. In Belarus, the *incommunicado* regime is applied selectively to political detainees, demonstrating its discriminatory nature. It results in the denial of fundamental rights, including access to legal counsel, correspondence, communication, and family contact. Moreover, such isolation facilitates further violations, including denial of medical care and other abuses, which the detained person is unable to challenge or report.

Finally, *incommunicado* detention in Belarus falls within the definition of enforced disappearance under Article 7(1)(i) of the Rome Statute. This includes arrest, detention, or abduction followed by a refusal to acknowledge the deprivation of liberty or to provide information on the fate or whereabouts of the person. United Nations bodies have documented numerous such cases in Belarus, particularly in the context of the events following 2020. Reports include instances where individuals — including minors — disappeared for days during protests, as well as cases where relatives were denied any information regarding the location or condition of detainees. These practices often involve abductions by unidentified individuals, allegedly affiliated with state security services. Taken together, the systematic use of *incommunicado* detention in Belarus demonstrates elements of torture, persecution, and enforced disappearance, thereby meeting the threshold of crimes against humanity under international law.⁸² In Belarus, *incommunicado* detention is applied selectively to a group of political prisoners, which underscores the discriminatory nature of the actions of law enforcement authorities and demonstrates a violation of fundamental human rights of persons who are detained or held in places of deprivation of liberty under both national and international law (including the right to legal assistance, the right to

81 Elements of Crimes of the International Criminal Court, p. 130 // Assembly of States Parties to the Rome Statute of the International Criminal Court, First Session, New York, 3–10 September 2002, Official Records, ICC-ASP/1/3

82 Elements of Crimes of the International Criminal Court, p. 133 // Assembly of States Parties to the Rome Statute of the International Criminal Court, First Session, New York, 3–10 September 2002, Official Records, ICC-ASP/1/3

correspondence and telephone communication, and the right to visits from relatives). At the same time, placing a person in *incommunicado* conditions creates a situation in which they are deprived of the effective enjoyment of other rights, as they are unable to report violations or challenge them through lawful means (for example, denial of medical assistance, which may result in the death of a political prisoner). Moreover, such persecution may be combined with other forms of crimes against humanity (in this context, torture and enforced disappearance).

The use of *incommunicado* detention in Belarus meets the elements of enforced disappearance as a crime against humanity under Article 7(1) (i) of the Rome Statute. The International Criminal Court provides that the perpetrator of this crime has arrested, detained or abducted one or more persons; or has refused to acknowledge such deprivation of liberty or to give information on the fate or whereabouts of those persons. Such refusal to acknowledge the deprivation of liberty or to provide information on the fate or whereabouts of the person or persons occurs during or after the arrest, detention or abduction.⁸³ Findings of United Nations bodies refer to cases of enforced disappearance in the context of events following 2020⁸⁴, including numerous reports concerning individuals, among them minors, who went missing for several days during protests, as well as relatives who were denied information about the fate and whereabouts of those persons when attempting to locate them. These cases include abductions by masked individuals in plain clothes, allegedly members of law enforcement agencies.

Our research indicates that the *incommunicado* regime in Belarus constitutes a systematic tool for the commission of crimes against humanity. It combines elements of torture (infliction of severe suffering), persecution (deprivation of fundamental rights on political grounds), and enforced disappearance (concealment of information). Individuals who order such isolation, as well as heads of correctional institutions who implement *incommunicado* detention in practice, bear individual criminal responsibility. As these acts are carried out within the framework of a systematic policy of the authoritarian authorities in Belarus, they fall within the scope of the Rome Statute and may be subject to investigation by the International Criminal Court, international tribunals, or under the principle of universal jurisdiction in other states.

83 International Criminal Court, *Elements of Crimes*, p. 133 // Assembly of States Parties to the Rome Statute of the International Criminal Court, First Session, New York, 3–10 September 2002, Official Records, ICC–ASP/1/3

84 Report of the United Nations High Commissioner for Human Rights, 'Situation of human rights in Belarus in the context of the 2020 presidential election' (A/HRC/46/4), para. 51

