



Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

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Committee against Torture

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List of issues to be considered during the examination of the fourth periodic report of BELARUS (CAT/C/BLR/4)

Article 1

1. According to paragraphs 61 and 62 of the State party's periodic report, the Convention is directly applicable in Belarus, in accordance with article 20 of the Act on the Laws and Regulations of Belarus. Please provide examples of the direct application by domestic courts of the definition of torture contained in article 1 of the Convention.

2. Please provide the exact legal definition of torture in domestic law, and clarify the State party's position with regard to its understanding of acts of psychological torture. In light of the recommendation made in the course of the universal periodic review (A/HRC/15/16, para. 98.21), does this definition include all the elements contained in article 1 of the Convention?¹

Article 2²

3. Does the State party's legislation specifically stipulate that no exceptional circumstances whatsoever may be invoked as justification for torture, and that an order from a superior officer or a public authority may not be invoked as justification for torture? Please provide examples of the application of these principles by courts.

¹ Concluding observations (2000) (A/56/44), paras. 45(b) and 46 (a); CAT/C/SR.442, para. 18; CAT/C/SR.445, para. 3; A/HRC/WG.6/8/BLR/1, para. 140; A/HRC/WG.6/8/BLR/2, para. 26; A/HRC/WG.6/8/BLR/3, para. 23.

² The issues raised under article 2 could imply also different articles of the Convention, including but not limited to article 16. General Comment No. 2, para. 3 states, "The obligation to prevent torture in article 2 is wide-ranging. The obligations to prevent torture and other cruel, inhuman or degrading treatment or punishment (hereinafter "ill-treatment") under article 16, paragraph 1, are indivisible, interdependent and interrelated. The obligation to prevent ill-treatment in practice overlaps with and is largely congruent with the obligation to prevent torture. ...In practice, the definitional threshold between ill-treatment and torture is often not clear." See further section V of the same general comment.

4. Please provide information on measures taken by the State party to ensure that all persons deprived of their liberty are afforded, in practice, fundamental legal safeguards, as stated in paragraphs 13 and 14 of General Comment No. 2, from the very outset of detention.

a) According to information before the Committee, persons who have been charged under article 293 of the Criminal Code have had extremely limited access to their lawyers, and some lawyers reported that they were being obstructed from seeing their clients or they were allowed to see their clients only in the presence of officers from the State Security Committee (KGB). In particular, following the arrests on 19 December 2010, the day of the presidential election, in many cases, detainees who requested access to pro bono lawyers or private lawyers were reportedly not given such access for several days, and those who were allowed to contact lawyers were nevertheless denied the possibility of speaking with them privately. Amnesty International reported that a female detainee was beaten by guards because she requested a lawyer. Please comment on these allegations and explain the measures that have been put in place to guarantee that all persons detained are permitted to contact an independent lawyer, and to communicate with their lawyers in private within a short period of time after their apprehension.

b) According to information before the Committee, a significant number of the individuals detained in connection with the 19 December 2010 protest were not permitted to contact their family, and in some cases, families did not have information about the fate and whereabouts of their detained relatives for several days. Some detainees reportedly were denied visits from family members for one month or longer. Please comment on these allegations and explain the measures that have been put in place to guarantee that all persons detained are permitted to contact members of their families within a short period of time after their apprehension.

c) According to information before the Committee, several individuals who were beaten by the authorities in connection with the 19 December 2010 protest either in the course of their arrest or thereafter, were subsequently denied adequate medical attention and the right to be examined by an independent doctor. In particular, the lawyers representing Andrei Sannikau (Sannikov) and Uladzimir Nyaklyayeu (Neklyayev) expressed serious concern about their clients' health on 20 December and 29 December, respectively. Sannikau's lawyer reported that his client was unable to stand as a result of his injuries, and could barely move. Nyaklyayeu's lawyer reported that he was so ill that he was incapable of speaking. Please inform the Committee whether these allegations have been investigated and what measures have been taken (i) to ensure that all detainees are permitted to request and receive an examination by an independent doctor within a short period of time after their apprehension, and (ii) to ensure that all persons in custody receive the necessary medical care. Please also indicate the measures in place to prevent the fabrication of medical reports, such as permitting detainees to read their reports.

d) Please indicate whether all detained persons are guaranteed the possibility to challenge effectively and expeditiously the lawfulness of their detention through habeas corpus. Please also indicate the number of claims for habeas corpus filed during the reporting period, and the number that were successful. Please provide information on any other mechanisms in place to independently monitor the legality of pretrial detention and the conditions of such detention.

5. Please elaborate on the mandatory registration of a person at the time of apprehension. Is a central register maintained? What measures are taken if the rules and procedures are not followed? Has any official been disciplined or sanctioned for failure to register detainees? Are there any exceptions to the mandatory registration?

6. Please comment on reports that bar associations, though independent by law, are in practice subordinate to the Ministry of Justice. Please comment on reports that at the request of the Ministry of Justice, the following lawyers were subsequently expelled from bar associations and effectively prohibited from practicing law as a result of their representation of individuals detained in connection with the 19 December 2010 rally, and inform the Committee whether an independent entity has reviewed their expulsion from the bar, and if so, the results of that review:

a) Pavel Sapelka, a former member of the presidium of the Minsk Bar Association, who was expelled from the bar on 3 March 2011 after he reported that his client, Andrei Sannikau, a presidential candidate detained at the rally on 19 December 2010, had been subjected to mistreatment during pretrial detention, and after he had agreed to represent Pavel Severinets, a youth leader who was also detained in connection with the same rally;

b) Tatsiana Aheyeva, whose license was revoked by the Ministry of Justice on 14 February 2011;

c) Uladzimir Toustsik, whose license was revoked by the Ministry of Justice on 14 February 2011;

d) Aleh Aleyeu, attorney for the presidential candidate, Ales Mikhalevich, whose license was revoked by the Ministry of Justice on 14 February 2011;

e) Tamara Harayeva, attorney for journalist Irina Khalip, a reporter for *Novaya Gazeta* and the wife of Andrei Sannikau, whose license was revoked by the Ministry of Justice on 14 February 2011.

7. Please also comment on reports that Alyaksandr Pylchanka, the Chairman of the Minsk City Bar Association, was dismissed by the Minister of Justice for expressing concern about the ministry's decision to revoke the licenses of some of the aforementioned lawyers. In light of these reports, please indicate what steps the State party is taking to strengthen the independence of bar associations in practice.

8. Please provide information on measures in place to fully ensure the independence of the judiciary in the performance of their duties, in conformity with international standards, notably the Basic Principles on the Independence of the Judiciary. Please provide details on the procedure for appointing judges, the duration of their mandate, the constitutional or legislative rules governing their irremovability, and the way in which they may be dismissed from office. Please provide information on steps that have been taken to strengthen the independence of the judiciary since the release of the report (E/CN.4/2001/65/Add.1) of the Special Rapporteur on the Independence of Judges and Lawyers in February 2001, who stated that “the placing of absolute discretion in the President to appoint and remove judges is not consistent with judicial independence.”

a) Please provide information about the case of Vladimir Anatolevich Russkin who reportedly was denied access to a lawyer of his choice at all stages of the criminal process, including during his trial, and who claimed that he was required to accept the services of a State lawyer.³ Mr. Russkin, who was convicted by the Military Chamber of the Belarus Supreme Court to ten years' imprisonment for treason and espionage, alleged that all the petitions that he had filed with the courts were ignored and that he was not given the opportunity to call his own witnesses, to question witnesses of the prosecution, nor to appeal the court's decision.

³ A/HRC/10/44/Add.4 (17/02/2009), para. 19.

9. Please comment on allegations of widespread harassment of human rights defenders, journalists and other media workers by law enforcement officials. What measures have been taken to investigate such cases and prevent future occurrences? Please comment in particular on the following cases:

a) The arrest and detention of Aleh Hulak, Chair of the Belarusian Helsinki Committee (BHC), on 20 December 2010; the search of the office of the BHC and Aleh Hulak's home by KGB officers on 5 January 2011; and the official written warning sent to the BHC by the Ministry of Justice on January 12, 2011, citing that it was "spreading false information that discredits law enforcement bodies and judicial institutions of the Republic" in a communication sent to the United Nations Special Rapporteur on the independence of lawyers and judges;

b) The arrest, prosecution and conviction of journalist Irina Khalip in connection with the December 2010 post-election demonstrations, which has been condemned by the Organization for Security and Cooperation in Europe (OSCE) representative on freedom of the media;

c) The arrest and charging of journalist Andrzej Poczobut, reporter for the Polish *Gazeta Wyborcza* weekly and leader of the Union of Poles in April 2011, with defamation of President Aleksandr Lukashenko.

10. Following the State party's acceptance of the recommendation made during the universal periodic review to consider establishing an independent national human rights institution in accordance with the Paris principles (A/HRC/15/16, para. 97.4), please give an update on progress made to that end.

11. Please indicate what measures the State party has taken to address concerns raised by the United Nations Development Programme (UNDP) in September 2009, regarding sexual and other types of harassment and violence in prisons. Please provide data on the number of complaints of sexual and other violence submitted to prison authorities during the reporting period, and indicate whether these were investigated, and with what result.

12. The State party's periodic report does not provide information on the measures taken to adequately prevent, combat and punish violence against women and children, including sexual and domestic violence. Please indicate if such violence is criminalized under the legislation of the State party, and provide statistical data on complaints relating to violence against women and children, as well as on the related investigations, prosecutions, penal sanctions, and on any compensation provided to victims.⁴ Has the State party introduced a comprehensive strategy to combat all forms of violence against women, including sexual and domestic violence, as recommended by the Committee on the Elimination of Discrimination against Women in 2011 (CEDAW/C/BLR/CO/7)? What steps, if any, has the State party taken to address the March 2010 report of Belarusian State University which found that four out of five women between the ages of 18 and 60 claimed that they were subjected to psychological violence in their families; one in four women claimed they suffered from physical violence; and 13 per cent of women reported that their partners sexually abused them?

13. Please provide information, disaggregated by sex, age, ethnicity or origin of victims, on the number of complaints, investigations, prosecutions, convictions and sanctions applied in cases of human trafficking since the consideration of the last periodic report. Please elaborate on the preventive measures taken to address the root causes of trafficking

⁴ CEDAW/C/BLR/CO/7, paras. 19 and 20; A/HRC/WG.6/8/BLR/2, para. 28; A/HRC/14/32/Add.2.

and the provision of rehabilitation and psychological services for victims of trafficking.⁵ Please give an update on the issue of establishing a compensation fund for victims of trafficking, which was under the consideration by the State party at the time of the visit by the Special Rapporteur on trafficking in persons, especially in women and children, in May 2009 (A/HRC/14/32/Add, para. 81).

Article 3

14. The State party's report does not provide information on the practical measures taken to ensure the implementation of article 3 of the Convention nor article 5 of the 2008 Act on the Granting of Refugee Status and Subsidiary and Temporary Protection to Foreign Nationals and Stateless Persons. Please indicate which department of the Government is responsible for making decisions on matters of extradition, expulsion and return, and any procedures in place to challenge such decisions. In this regard, please provide statistical data, disaggregated by age, sex and nationality on:

- a) The number of asylum requests registered and granted;
- b) The number of deportation or expulsions;
- c) The number of rejected asylum-seekers and undocumented migrants who are held in administrative detention;
- d) The countries to which these persons were expelled.

15. Please indicate in which cases Belarus has sought or would seek diplomatic assurances from a third country to which an individual is to be extradited, returned or expelled. Please provide information on the procedures in place for obtaining diplomatic assurances, and the monitoring mechanisms in place, if any, to assess if the assurances have been honoured.

Article 4

16. Regarding paragraph 63 of the State party's periodic report, please describe the steps taken to ensure that torture is made punishable by the appropriate penalties which take into account its grave nature, in accordance with the requirements of article 4, paragraph 2, of the Convention. In addition, please provide detailed information on the criminal provisions concerning offences such as attempted acts of torture, commission of torture or order to commit torture by a person in authority, and the exact penalties imposed for any of these offences, including disciplinary measures. Please provide information on the number, the nature and the outcome of the cases in which such legal provisions were applied, including the penalties that were imposed or the reasons for acquittal.

Articles 5, 6 and 7

17. Please provide information about the measures taken to establish the State party's jurisdiction over acts of torture in cases where the alleged offender is present in any territory under its jurisdiction, either to extradite or prosecute him or her, in accordance with the provisions of the Convention. Also, please provide information on whether domestic legislation provides for the establishment of universal jurisdiction for the crime of

⁵ CEDAW/C/BLR/CO/7, paras. 21-22; A/HRC/WG.6/8/BLR/2, para. 31.

torture. Please inform on any application of this jurisdiction by the State party's courts, if any.

18. Since the consideration of the previous report, please indicate whether the State party has rejected, for any reason, any request for extradition by a third State for an individual suspected of having committed an offence of torture, and has thus engaged its own prosecution as a result. If so, please provide information on the status and outcome of such proceedings.

Article 10

19. Please give detailed information on training programmes, including those referred to in the State party's periodic report (paras. 39-43), provided to persons enumerated in article 10 of the Convention in order to inform them about the prohibition of torture, including their obligation not to follow orders to commit torture. Please indicate when and how often such training is provided, and also outline information on the availability of gender-sensitive training. Following the closure of the Minsk office of the Organization for Security and Cooperation in Europe (OSCE), how will the training programmes be provided for employees of the Ministry of Internal Affairs referred to in paragraph 42 of the State party's periodic report?

20. Please provide information on the training of forensic doctors and medical personnel dealing with persons in detention, including asylum-seekers and refugees, to detect physical and psychological evidence of torture and ill-treatment in accordance with international standards, as outlined in the Istanbul Protocol.

Article 11

21. Please describe the procedures planned or in place to keep under systematic review interrogation rules, instructions, methods, practices and custody arrangements with a view to preventing instances of torture in accordance with article 11 of the Convention. If so, please indicate the frequency with which these methods and practices are reviewed and identify the officials responsible for conducting this review. Please comment on reports that prison inspections conducted by the authorities lack credibility and do not respond to detainees' complaints, and particularly the 31 December review of the KGB pretrial detention facilities in Minsk by an official of the Prosecutor General's office, which failed to raise any concerns regarding conditions at the facility, despite numerous credible complaints from lawyers and family members of the detained. Please provide data on the number of reviews of detention facilities that have been conducted during the reporting period, including information about the results of these reviews and recommendations made, and the steps taken to follow up on them.

22. In relation to the measures taken to improve conditions in prisons and pretrial detention centres, including the problem of overcrowding, poor diet and lack of access to facilities for basic hygiene and inadequate medical care, please provide information on:

a) The impacts of various measures listed in the State party's periodic report, *inter alia*, the 2006-2010 State programme to enhance the penal correction system of the Ministry of Internal Affairs (para. 80) and the watchdog commissions attached to local executive and administrative bodies (paras. 82 and 83). To what extent have the proposals for such watchdog commissions been implemented? How often do civil society associations participate in the work of bodies and institutions carrying out sentences and other criminal sanctions (para. 81)? Please indicate if the public oversight commission is empowered to

monitor police custody and pretrial detention centres, how frequently it has exercised this function, and with what results;

b) Whether the State party permits impartial monitors to conduct inspections, including unannounced visits, of prisons and detention centres, and the procedure in place to facilitate this. Please comment on reports that there has been no independent monitoring of prison conditions by domestic or international human rights groups, independent media, or the International Committee of the Red Cross since December 2009, at least, and indicate what steps, if any, the State party is taking to permit access to detention facilities to such independent monitors;

c) The degree of independent judicial oversight with regard to the period and conditions of pretrial detention. Please provide data on the number of cases in which individuals have been found by courts to have been unjustly detained or detained for unsatisfactory periods, and the remedies handed down by the courts in those cases;

d) The capacity and the occupancy rate of all places of deprivation of liberty.

23. Please provide information regarding allegations of mistreatment of protesters who were arrested and detained following the presidential election on 19 December 2010. According to information before the Committee, hundreds of protesters arrested by the police were subsequently detained in overcrowded cells, where they were forced to sleep on the floor, share beds, or take turns sleeping, had very limited access to hygiene items and medical care. Additionally, several women detained in connection with the protests alleged that they were threatened with rape while in custody if they challenged the orders of officials. Please comment on these allegations, the steps taken to investigate them, and the results of any investigations.

24. Regarding paragraphs 68 and 91 of the State party's periodic report and in light of article 61 of the Constitution please provide detailed information about the implementation of the decisions and views adopted by the Human Rights Committee,⁶ in particular on the cases of inhumane treatment,⁷ unlawful detention and inhumane conditions of detention.⁸

Articles 12 and 13

25. According to information made available to the Committee, torture and cruel, inhuman or degrading treatment by law enforcement officials continue to take place throughout the country, while the number of investigations and prosecutions is very low.⁹ Please provide information on the effectiveness of measures taken by the State party to fight impunity, in line with articles 12 and 13 of the Convention, including information on:¹⁰

a) The mechanisms to which individuals who believe they have been victims of torture can submit complaints, whether they are independent, and their mandate;

b) The authorities and institutions competent to initiate and carry out investigations into allegations of torture, both at the criminal and disciplinary levels;

⁶ A/HRC/WG.6/8/BLR/2, para. 35; CCPR/C/77/D/886/1999; CCPR/C/77/D/887/1999; CCPR/C/86/D/1100/2002; CCPR/C/94/D/1178/2003.

⁷ CCPR/87/1999, para. 9.2 and CCPR/C/77/D/886/1999, para. 10.2.

⁸ CCPR/C/86/D/1100/2002; CCPR/C/94/D/1178/2003; CCPR/C/96/D/1311/2004.

⁹ A/HRC/15/16/Add.1, para. 56.

¹⁰ A/HRC/15/16, para. 98.22 and A/HRC/15/16/Add.1, paras. 60-63.

c) Detailed statistical data on complaints submitted relating to torture and ill-treatment allegedly committed by law enforcement officials, disaggregated by body to which the complaint was made, ethnicity, age, and sex of the alleged victim, and information regarding whether each complaint was investigated and by whom, whether such investigation resulted in a prosecution, and whether the perpetrators were convicted and penal or disciplinary sanctions applied;

d) Information on cases in which individuals have been convicted of attempting to exert pressure on the judiciary, in particular under article 110 of the Constitution, and other national legislation listed in paragraph 69 of the State party's periodic report;¹¹

e) Whether individuals accused of torture are suspended from their duties and prohibited from further contact with the alleged victim while investigations into the allegations against them are being conducted. Please elaborate on the measures taken to implement General Assembly resolution 62/169 of 2008, in which Belarus was urged (para. 2 (e)), *inter alia*, to suspend from their duties officials implicated in any case of enforced disappearances, summary execution and torture..., and to ensure that all necessary measures are taken to investigate fully and impartially such cases and to bring the alleged perpetrators to justice before an independent tribunal, and to investigate and hold accountable those responsible for the mistreatment and detention of human rights defenders and members of political opposition.

26. Please indicate the extent to which the State party has impartially and thoroughly investigated allegations of torture and ill-treatment, in particular those mentioned below. Please provide detailed information on the findings of any investigations, prosecutions, and/or remedial measures implemented in response to allegations of torture made by the following individuals, including those instituted to prevent future acts of torture:

a) Ales Mikhalevich, a former presidential candidate imprisoned in December 2010 in the aftermath of the post-election protests and released on 26 February 2011 after signing a commitment to collaborate with the Belarusian KGB, which he has since publicly renounced, and who alleged that he was subjected to mental and physical torture to pressure him to confess to criminal allegations;

b) Natalia Radina, editor of the opposition Charter 97 website,¹² arrested in December 2010 in the aftermath of the post-election protests, and who alleged that during her detention, KGB officers had subjected her to psychological pressure and attempted to recruit her as a KGB informant;

c) Several protesters at Kastychnitskaya Square in Minsk on 9 September 2009, who were beaten and insulted by riot police and officials of the Tsentralny district police department;¹³

d) Andrei Sannikau, who was arrested in December 2010 in connection with the post-election protests, and who testified in court in May 2011 that during his five-month pretrial detention, he was subjected to repeated beatings, forced to lay under the bunk beds on cold floors, repeatedly denied medical care despite injuries to his legs and head, caused by the authorities during his initial arrest, denied visits from his lawyer and relatives, repeatedly threatened that his wife and child would be harmed or murdered if he did not confess to offenses fabricated by the prosecution, frequently ordered to strip naked and face personal searches by masked men, repeatedly intimidated by guards shouting and banging

¹¹ E/CN.4/2005/6/Add.3, para. 79.

¹² European Parliament resolution of 10 March 2011 on Belarus (in particular the cases of Ales Mikhalevic and Natalia Radina), B7-0184/2011.

¹³ A/HRC/13/39/Add.1, para. 16.

on the walls with clubs, denied media access as stipulated for prisoners by law, and forced to watch anti-semitic and racist State propaganda films;

e) Guy Francois Toukam, a national of Cameroon, who was held in a pretrial detention centre in Minsk for 44 days after his arrival in Belarus to participate in a soccer tournament, and who alleged that he was beaten, denied legal assistance, experienced racial discrimination, and denied adequate nutrition in custody.

27. Please clarify whether any officials were sanctioned or punished for assault, excessive use of force, denial of necessary medical care, or any other offense in connection with the following events on 19 and 20 December 2010:

a) The severe beating of opposition candidate Uladzimir Nyaklyayeu by plain-clothes special forces in the early evening of 19 December 2010, prior to the outbreak of any violence related to the protests, and the subsequent forcible removal of Nyaklyayeu from the Minsk City Emergency Hospital by unidentified persons in plain clothes;

b) The apparently indiscriminate beating by riot police of approximately 300 people in Independence Square, despite the fact that police had not previously ordered the people to leave the area, and video footage appears to show that the protesters in question were peaceful and not resisting the commands of the officers;

c) The assault of opposition candidate Andrei Sannikau in Independence Square by riot police officers, who reportedly pinned him down with a riot shield and repeatedly jumped on it, severely injuring his legs.

28. The State party's periodic report indicates (paras. 66 and 67) the role and functions of different bodies for investigating complaints of human rights violations, inter alia, the Commission for Human Rights, Community Relations and the Mass Media, the Public Advisory Council in the Office of the President, and the National Public Watchdog Commission. Please provide further information on the number of complaints received related to violations of the provisions of the Convention, the action taken, as well as their outcome. To what extent are those bodies authorized to accept and investigate individual communications on torture from alleged victims of torture, including persons deprived of liberty, their lawyers, relatives and concerned non-governmental organizations? What efforts have been made to guarantee their impartiality and independence? Are their findings and recommendations public?

29. Please provide information on the measures in place to guarantee the confidentiality of complaints and to protect complainants from possible reprisals. Please elaborate on any witness protection programmes for victims of torture, ill-treatment and related violations. Are there special mechanisms to receive complaints of sexual violence, such as hotlines, specialized police departments? Please comment on allegations, such as that made by Andrei Sannikau in May 2011, that individuals in custody who file complaints of ill-treatment are frequently subject to reprisals. What steps is the State party taking to address these claims?

30. Please comment on the effectiveness of measures to provide independent judicial oversight with regard to the period and conditions of pretrial detention. Please provide examples of the application of article 33 of the Code of Criminal Procedure (paras. 87 and 88 of the State party's periodic report).

Article 14

31. Please provide information on redress and compensation measures, including the means of rehabilitation, ordered by the courts and actually provided to victims of torture, or their families, since the examination of the last periodic report in 2000. This information

should include the number of requests made, the number granted, the amount of compensation ordered, and those actually provided in each case. Please elaborate on the services available for the treatment of trauma, and other forms of rehabilitation of torture victims.

Article 15

32. Please inform the Committee of any concrete measures in place to ensure, in practice, respect for the principle of inadmissibility of evidence obtained through torture. Please provide examples of any judicial cases that have been dismissed due to the introduction of such evidence or testimony in any proceeding. Furthermore, please comment on reports that police and investigators sometimes resort to torture and other ill-treatment in order to extract confessions which are subsequently admitted as evidence in trials.¹⁴ Please comment on the allegations made by anticorruption activists, Mikalai Autukhovich and Uladzimir Asipenka, that they were prosecuted and convicted of illegal weapons possession in May 2011 on the basis of statements by persons who subsequently recanted their testimonies, alleging that they had been subjected to violence and intimidation by the authorities and coerced into testifying against the activists.

Article 16

33. During the interactive dialogue with the working group of the universal periodic review, the State party mentioned that it had allocated considerable resources to improving correctional institutions.¹⁵ Please provide detailed information on the material, human and budgetary resources made available by the State party to bring the conditions of detention facilities, including places of detention for asylum-seekers, and psychiatric institutions, in line with international minimum standards, inter alia, the Standard Minimum Rules for the Treatment of Prisoners, in particular to address overcrowding and health care.

34. Please inform the Committee of the measures taken to protect and guarantee the rights of vulnerable persons deprived of their liberty, inter alia, children, women, and persons suffering from mental illness. In particular, please indicate:¹⁶

- a) If juveniles and adults, women and men are separated at all stages of detention;
- b) If minors are kept in the same pretrial detention centres (SIZOs) as adults, and if their detention is submitted to the same regime;
- c) Any concrete measure aimed at ensuring that deprivation of liberty for children is always a measure of last resort, and used for the shortest appropriate period of time;¹⁷
- d) If women are kept in the same pretrial detention centres as male detainees, albeit in different cells, but under the supervision of male guards, as has been reported to be the case at the KGB pretrial detention facility in Minsk.

35. Please provide information on the number of reported cases of ill-treatment or physical abuse committed by law enforcement officials against asylum-seekers since the

¹⁴ A/HRC/WG.6/8/BLR/3, paras. 23 and 31; A/HRC/15/16; E/CN.4/2005/6/Add.3, p. 3.

¹⁵ A/HRC/15/16, para. 57.

¹⁶ E/CN.4/2005/6/Add.3, paras. 28, 48, 69-72 and 85; A/HRC/14/35/Add.1, para. 8.

¹⁷ CRC/C/BLR/CO/3-4, paras. 71 and 72.

consideration of the last periodic report. Please also indicate what the outcomes of these cases have been, including investigations carried out, disciplinary and/or criminal proceedings initiated, and sanctions imposed.¹⁸ Also, please elaborate on training programmes provided to officials dealing with the expulsion, return or extradition of asylum-seekers.

36. Please provide information on allegations that hazing of new army recruits, including beatings and other forms of physical and psychological abuse, remains prevalent in the armed forces, and indicate the steps taken by the State party to prevent such incidents, including investigating complaints and prosecuting offenders.

37. In light of the concerns raised and the recommendation made by the Working Group on Arbitrary Detention,¹⁹ please indicate if the judicial decision of forced placement in a psychiatric hospital is taken in the presence of the person concerned or his/her family and lawyer, and whether an adversarial judicial review is provided on a periodic basis.

38. Please provide information on any independent inspections of psychiatric institutions and their follow-up, and elaborate on the bodies undertaking these activities. Please also elaborate on their findings and describe the situation of patients, including the use and extent of any coercive measures.

39. According to the information before the Committee, prisoners on death row are not given prior notification that they are about to be executed, and their body is not handed over to the family. Their families are not informed of the date or place of burial.²⁰ Please provide detailed information on the treatment of detainees on death row, including any special regime.

Other

40. With reference to paragraph 90 of the State party's periodic report, please update steps taken by the State Party to consider accepting the competence of the Committee under articles 21 and 22 of the Convention.

41. Please provide information on any measures taken to ratify the Optional Protocol to the Convention. Has the State party taken steps to set up or designate a national mechanism to conduct periodic visits to places of deprivation of liberty, in order to prevent torture or other cruel, inhuman or degrading treatment or punishment?

42. Please indicate if there is any legislation in place aimed at preventing and prohibiting the production, trade, export and use of equipment specifically designed to inflict torture or other cruel, inhuman or degrading treatment. If so, please provide information about the content and implementation of such legislation. If not, please indicate whether the adoption of such legislation is under consideration, and any steps taken to demonstrate this commitment.

¹⁸ CAT/C/SR.442, para. 22; CAT/C/SR.445, para. 5; CRC 2011, paras. 67 and 68.

¹⁹ E/CN.4/2005/6/Add.3, paras. 73-75 and 88.

²⁰ A/HRC/13/39/Add.1, para. 14; also CCPR jurisprudence: CCPR 887/1999 and CCPR/C/77/D/886/1999.