



SPECIAL PROCEDURES
UNITED NATIONS
HUMAN RIGHTS COUNCIL

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Mandate of the Working Group on Arbitrary Detention

6 November 2025

Dear Mr. Matyushchenkov,

I would like to refer to the 103rd session of the Working Group on Arbitrary Detention, during which the Working Group adopted several opinions on cases of deprivation of liberty submitted to it.

In accordance with paragraph 18 of the Working Group's revised methods of work, I am sending to you, attached herewith, the text of Opinion No. 50/2025 (Belarus) adopted on 27 August 2025, regarding a case you submitted.

In conformity with its revised methods of work, the Working Group transmits its Opinions to the source of the petitions, forty-eight hours after having transmitted it to the relevant Government.

This Opinion will be published on the website of the Working Group and reflected in its annual report to the Human Rights Council. In the meanwhile, we would encourage you to treat the information given to you by the Working Group on this matter with discretion.

In transmitting this Opinion of the Working Group on Arbitrary Detention, the Office of the High Commissioner for Human Rights is performing its secretarial function to Special Procedures. Any views presented in the opinion are solely those of the Working Group and do not necessarily represent those of the UN or OHCHR.

Yours sincerely,

Nekane Lavin
Secretary a.i.
Working Group on Arbitrary Detention

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Human Rights Council
Working Group on Arbitrary Detention

**Opinions adopted by the Working Group on Arbitrary
Detention at its 103rd session, 25–29 August 2025**

**Opinion No. 50/2025 concerning Palina Sharenda-Panasiuk
(Belarus)**

1. The Working Group on Arbitrary Detention was established in resolution 1991/42 of the Commission on Human Rights. In its resolution 1997/50, the Commission extended and clarified the mandate of the Working Group. Pursuant to General Assembly resolution 60/251 and Human Rights Council decision 1/102, the Council assumed the mandate of the Commission. The Council most recently extended the mandate of the Working Group for a three-year period in its resolution 51/8.
2. In accordance with its methods of work,¹ on 11 February 2025 the Working Group transmitted to the Government of Belarus a communication concerning Palina Sharenda-Panasiuk. The Government has not replied to the communication. The State is a Party to the International Covenant on Civil and Political Rights.
3. The Working Group regards deprivation of liberty as arbitrary in the following cases:
 - (a) When it is clearly impossible to invoke any legal basis justifying the deprivation of liberty (as when a person is kept in detention after the completion of his or her sentence or despite an amnesty law applicable to him or her) (category I);
 - (b) When the deprivation of liberty results from the exercise of the rights or freedoms guaranteed by articles 7, 13, 14, 18, 19, 20 and 21 of the Universal Declaration of Human Rights and, insofar as States Parties are concerned, by articles 12, 18, 19, 21, 22, 25, 26 and 27 of the Covenant (category II);
 - (c) When the total or partial non-observance of the international norms relating to the right to a fair trial, established in the Universal Declaration of Human Rights and in the relevant international instruments accepted by the States concerned, is of such gravity as to give the deprivation of liberty an arbitrary character (category III);
 - (d) When asylum-seekers, immigrants or refugees are subjected to prolonged administrative custody without the possibility of administrative or judicial review or remedy (category IV);
 - (e) When the deprivation of liberty constitutes a violation of international law on the grounds of discrimination, based on birth, national, ethnic or social origin,

¹ A/HRC/36/38.

language, religion, economic condition, political or other opinion, gender, sexual orientation, disability or any other status, that aims towards or can result in ignoring the equality of human beings (category V).

1. Submissions

(a) Communication from the source

4. Palina Sharenda-Panasiuk, born in 1975, is a national of Belarus. She is a Polish language teacher, as well as an activist for the civil campaign “European Belarus” and a co-founder of the political movement “Young Front”. Her usual place of residence is in Brest, Belarus.

5. The source submits that the presidential election held on 9 August 2020 was marred by numerous protests against the alleged falsification of the election results, and a government crackdown that led to the detention of the main presidential candidates, political activists, and more than 30,000 people for participation in an unauthorized mass event.

6. The source submits that since the beginning of the 2020 election campaign, more than 3,788 persons have been convicted in politically motivated criminal cases. As at 9 August 2023, there were 1,486 political prisoners in Belarus.

(i) First criminal case

7. The source reports that in December 2020, a member of Ms. Sharenda-Panasiuk’s family was arrested under article 23.34 of the Code of Administrative Offences for displaying a white-red-white flag on the balcony of their flat. Ms. Sharenda-Panasiuk reportedly filmed the arrest and posted it on online.

8. According to the source, Ms. Sharenda-Panasiuk was arrested on 3 January 2021 by police officers at her home during an alleged home inspection. The police officers reportedly demanded that she open the door of her flat, and before she could react, broke it down. When they entered, Ms. Sharenda-Panasiuk took her young child to another room to avoid traumatizing him. One of the police officers reportedly tried to enter the room and Ms. Sharenda-Panasiuk objected. As a result, a scuffle took place, during which she pulled off a police officer’s mask.

9. The source submits that the police officers proceeded to arrest Ms. Sharenda-Panasiuk in front of her child and tied her wrists with zip ties. She was reportedly forced to spend several hours in this restrained position while barefoot and wearing her pyjamas. The source states that Ms. Sharenda-Panasiuk was not allowed to change into warmer clothes, despite the winter weather and the entrance door to her flat having been broken.

10. The source notes that the inspection of Ms. Sharenda-Panasiuk’s flat was carried out because of the video that she had taken of her family member’s arrest, as the authorities deemed that her statements on the video merited criminal prosecution. Her arrest was reportedly based on suspicion of committing crimes under article 188 (libel) and article 369 (insulting a public official) of the Criminal Code, but no criminal case had been opened at the time.

11. On 6 January 2021, Ms. Sharenda-Panasiuk was remanded in custody by the Department of the Investigative Committee of Brest Region, with the authorization of the prosecutor of the city of Brest. She was subsequently charged with crimes under article 364 (violence against a police officer), article 368 (insulting the President) and article 369 (insulting a public official) of the Criminal Code.

12. According to the source, it was only after Ms. Sharenda-Panasiuk was taken into custody on 6 January 2021 that she was able to receive a visit from a lawyer of her choice, as she refused a State-appointed lawyer.

13. On or around 8 January 2021, Ms. Sharenda-Panasiuk's lawyer reportedly lodged an appeal against her detention, which was heard by the court in her absence.

14. On 9 June 2021, the Court of Moskovsky District of Brest found Ms. Sharenda-Panasiuk guilty of insulting representatives of the authorities, under articles 368 and 369 of the Criminal Code, on the basis of a video posted on Telegram on 29 December 2020, which included a "negative assessment" of police officers, spitting in a police officer's face on 3 January 2021 during the home inspection, and expressing foul language against the President of Belarus. Ms. Sharenda-Panasiuk was also convicted of using violence, under article 364 of the Criminal Code, for striking a police officer's shoulder, tearing off a medical mask and scratching another police officer during the home inspection on 3 January 2021. She was sentenced, as a result, to two years' imprisonment.

15. That same day, Ms. Sharenda-Panasiuk was recognized as a political prisoner by Belarusian human rights defenders.

16. The source reports that Ms. Sharenda-Panasiuk's lawyer appealed against her conviction, but the appeal was dismissed on 27 July 2021 by the judicial board for criminal cases of Brest Regional Court. After the trial, Ms. Sharenda-Panasiuk was reportedly sent to Correctional Colony No. 4.

17. The source notes that if a person is in custody, he or she is never brought to the court of appeal. In Ms. Sharenda-Panasiuk's case, she was never brought to the appeal court, including to Brest Regional Court.

(ii) *Second criminal case*

18. At the end of February 2022, while Ms. Sharenda-Panasiuk was being held at Correctional Colony No. 4, it was allegedly revealed that a new criminal case had been initiated against her under article 411 (1) (malicious disobedience of lawful demands of the administration of a correctional institution) of the Criminal Code.

19. On 7 April 2022, Zheleznodorozhny District Court of Gomel, at a mobile court session held in Correctional Colony No. 4, found Ms. Sharenda-Panasiuk guilty of malicious disobedience of lawful demands of the administration of Correctional Colony No. 4. According to the verdict, Ms. Sharenda-Panasiuk manifested her "malicious disobedience" by sleeping while sitting on the floor with her head on the seating bollard, repeatedly performing physical exercises while lying on the floor at an unallocated time, and violation of the dress code. For these actions, which allegedly violated the internal rules of Correctional Colony No. 4, the Court sentenced Ms. Sharenda-Panasiuk to one further year of imprisonment.

20. According to the source, Ms. Sharenda-Panasiuk's lawyer appealed the sentence, however the appeal was dismissed on 8 June 2022 by Gomel Regional Court. The source submits that Ms. Sharenda-Panasiuk was not brought before the District Court of Gomel when the case was considered on appeal.

21. The source notes that Ms. Sharenda-Panasiuk is the first woman to be convicted under article 411 of the Criminal Code.

(iii) *Third criminal case*

22. According to the source, on 17 October 2022, it was reported that a new criminal case under article 411 (1) of the Criminal Code had been initiated against Ms. Sharenda-Panasiuk, without the details of the charges being known.

23. Ms. Sharenda-Panasiuk was reportedly scheduled for release on 6 August 2023, upon completion of her sentences in the first and the second criminal cases. However, the source states that she was once again arrested and placed in pretrial detention pursuant to the new charges brought under article 411 (1) of the Criminal Code.

24. The source states that Ms. Sharenda-Panasiuk's lawyer appealed this detention, and yet again, the appeal was heard by the court in her absence.

25. Ms. Sharenda-Panasiuk's third trial was reportedly held on 2 October 2023 in the town of Rechitsa. During the trial, the court was informed that Ms. Sharenda-Panasiuk had been severely beaten during her detention, and that her face and internal organs had been badly damaged as a result.

26. Reportedly at the prosecutor's request, the court hearing was postponed to 9 October 2023, at which point the court found Ms. Sharenda-Panasiuk guilty in the third criminal case and sentenced her to one year and two days of imprisonment.

27. The source submits that Ms. Sharenda-Panasiuk appealed her sentence. On 15 December 2023, Gomel Regional Court considered the appeal in her absence and left the verdict unchanged.

28. The source notes that an inmate may be convicted under article 411 of the Criminal Code an infinite number of times.

(iv) *Fourth criminal case*

29. According to the source, Ms. Sharenda-Panasiuk was due to be released on 21 May 2024. However, she was once again transferred to a pretrial detention centre right before her scheduled release. A new criminal case was thus opened against her, under article 411 of the Criminal Code.

30. The source notes that this is the fourth criminal case against Ms. Sharenda-Panasiuk, and the third such case under article 411 of the Criminal Code.

31. On 15 October 2024, Rechitsa District Court reportedly sentenced Ms. Sharenda-Panasiuk to one year and one day of imprisonment, a decision that was upheld by Gomel Regional Court on 13 December 2024.

32. The source further notes that there is no further information on the third and fourth criminal cases and the charges against Ms. Sharenda-Panasiuk. The source claims that lawyers can be disbarred in Belarus for disclosing case documents.

(v) *Conditions of detention*

33. The source submits that throughout Ms. Sharenda-Panasiuk's detention, she has been tortured repeatedly, held in inhuman conditions, and pressured by repeated referrals to forensic psychological and psychiatric examinations.

34. Moreover, between January 2021 and February 2025, she was transferred 17 times to six different places of detention, including multiple times to Correctional Colony No. 4, the Gomel City Detention Centre and the Temporary Detention Facility in Rechitsa.

35. While in Correctional Colony No. 24, Ms. Sharenda-Panasiuk was reportedly held for 90 days in a special cell (known as a "cell-type facility") where inmates are transferred as punishment for malicious violations of the rules of a penal institution, and are kept separately from other prisoners, and are allowed less time to walk, fewer parcels, and only 37 Belarusian roubles per month to buy food. She was also reportedly held in a punitive isolation cell (known as a SHIZO) for 50 days. The source submits that the conditions of detention in punitive isolation cells are even harsher than in cell-type facilities. According to article 114 (1) of the Criminal Executive Code, it is forbidden to take walks when detained in a punitive isolation cell, and to send and receive correspondence and parcels. In addition, bed linen is not allowed. The source claims that detainees in punitive isolation cells are not allowed to shower, and that only cold rusty water flowed weakly from the tap. During this time, Ms. Sharenda-Panasiuk reportedly had to sleep on the cold concrete floor while barefoot. The source claims that most of the time that she was at Correctional Colony No. 24, she was separated from other inmates and was held in far worse conditions.

36. In the colony, Ms. Sharenda-Panasiuk was allegedly required to wear yellow tags, which are used to indicate the bearer's inclination for escape, suicide or hostage-taking. A plaque was also placed by her bed indicating these same alleged inclinations. The source claims that it is the Belarusian authorities' practice to mark political prisoners in a colony in this way.

37. According to the source, Ms. Sharenda-Panasiuk suffers from Gilbert's syndrome, for which she needs to take medication every six months. During her detention in Correctional Colony No. 24, the authorities reportedly refused to receive medical supplies from her family.

38. In May 2023, Ms. Sharenda-Panasiuk reportedly renounced her Belarusian citizenship in protest at the alleged torture and inhuman treatment she had been subjected to. According to the source, because of this, she was subjected to a psychiatric examination. She has allegedly lost 20 kilograms while in detention, now weighing only 47 kilograms despite being 172 cm tall.

39. The source further claims that other inmates beat Ms. Sharenda-Panasiuk on the instruction of prison officials.

40. According to the source, Ms. Sharenda-Panasiuk's lawyer was only able to visit her once while she was at Correctional Colony No. 24, and was reportedly denied access to her at all other times due to her confinement in the punitive isolation cell, and to her alleged failure to submit a statement of consent for the lawyer to visit her. The source points out, however, that Ms. Sharenda-Panasiuk could not write anything because writing materials are not allowed in punitive isolation cells.

41. On 23 August 2023, while being held at the Temporary Detention Facility of Rechitsa, it became known that Ms. Sharenda-Panasiuk had gone on hunger strike because of the inhuman conditions of detention.

42. The source reports that on 13 December 2024, Ms. Sharenda-Panasiuk was transferred back to Correctional Colony No. 24, where her family was not allowed to visit her. Moreover, her lawyer, who had handled all her criminal cases since her arrest, was disbarred in December 2024, forcing her family to look for a new lawyer, which proved to be difficult as all the lawyers who were approached refused to work on the case, allegedly for fear of being disbarred and persecuted by the authorities.

43. The source submits that Ms. Sharenda-Panasiuk's family appointed a new lawyer in January 2025, but that this lawyer was not allowed to visit her, as Ms. Sharenda-Panasiuk had reportedly not applied to receive a visit from a lawyer.

44. The source states that, on 1 February 2025, Ms. Sharenda-Panasiuk was released after completing her sentence. Preventive measures were imposed on her for a period of two years, including a ban on leaving the country, reporting to the police twice a month, not leaving her place of residence between the hours of 10 p.m. and 6 a.m., and not leaving her city without police consent.

45. According to the source, the decision to impose preventive supervision is not subject to appeal, and violation of any of the conditions leads to criminal liability under articles 421 and 422 of the Criminal Code and a sentence of up to two years of imprisonment.

(vi) *Legal analysis*

46. The source submits that Ms. Sharenda-Panasiuk's detention is arbitrary under categories I, II, III and V of the Working Group's methods of work.

a. *Category I*

47. The source argues that Ms. Sharenda-Panasiuk's pretrial detention in the first and third criminal cases is arbitrary because authorities could not demonstrate that

she posed a present, direct and imperative threat that could not be averted by alternative measures.

48. Moreover, the source contends that she was not brought promptly before a judge, in violation of article 9 (3) of the Covenant. She was arrested on 3 January 2021 but only appeared before a judge six months later, on 7 June 2021. Similarly, she was placed in pretrial detention on 6 August 2023 but only appeared before a judge two months later, on 2 October 2023.

49. In addition, the source points out that according to article 126 of the Criminal Procedure Code, arrest orders are issued by an investigator, whereas pretrial detention orders are issued by investigators after authorization from a prosecutor. The source argues that neither constitutes a judge or body with judicial power as required by article 9 (3) of the Covenant.

b. Category II

50. The source submits that Ms. Sharenda-Panasiuk was detained for exercising her right to freedom of expression in accordance with article 19 of the Covenant. She was convicted under articles 368 and 369 of the Criminal Code for insulting police officers and the President during what the source qualifies as unlawful actions by the authorities against her family.

51. The source recalls that in the context of debate concerning public figures in the political domain and public institutions, the value placed by the Covenant upon uninhibited expression is particularly high, and the mere fact that expressions are considered insulting is insufficient to justify penalties.² It underlines that Ms. Sharenda-Panasiuk's statements were made in response to perceived injustice and human rights violations, notably the apprehension of a member of her family and the inspection of her home.

52. The source argues that subsequent convictions under article 411 of the Criminal Code for minor prison rule violations were fabricated to prosecute her for her political views. It submits that authorities can take advantage of this provision to punish detainees an infinite number of times, and that article 411 is another way to silence opponents and activists by charging them with behavioural transgressions that no oversight body can objectively assess.³

c. Category III

53. The source argues that multiple fair trial violations were of such gravity as to render Ms. Sharenda-Panasiuk's detention arbitrary, specifically that:

(a) Her conviction under article 364 of the Criminal Code for violence against police was punishment for her exercise of legitimate and proportionate self-defence during an unlawful home inspection violating articles 7, 9 and 17 of the Covenant;

(b) Her repeated convictions under article 411 of the Criminal Code violated the prohibition on double jeopardy in article 14 (7) of the Covenant, as she was criminally punished for conduct already sanctioned administratively by prison authorities;

(c) The judges lacked independence and impartiality. Under the Constitution and the Code on the Judiciary and the Status of Judges, the President of Belarus appoints judges for five-year terms with discretionary reappointment, which, the source argues, the Human Rights Committee has found to be too short for judicial tenure guarantees. Moreover, judges' salaries are determined by presidential decree rather than by law. The source also

² Human Rights Committee, general comment No. 34 (2011), para. 38.

³ A/HRC/35/40, para. 71.

argues that the judges at each of Ms. Sharenda-Panasiuk's four criminal cases lacked independence and impartiality, as they had repeatedly prosecuted people on politically motivated charges, and would have been vulnerable to sanction or not being reappointed if they decided cases in a way that was unfavourable to the President;

(d) Her first trial was in reality held behind closed doors, without justification under article 14 (1) of the Covenant, despite being formally held in open session and her lawyer requesting public access;

(e) During all four trials, she was held in a cage, and could only communicate with her lawyer during breaks under a guard's supervision; and her lawyer was prohibited from using a laptop during her second trial, which was held in the correctional colony.

d. Category V

54. The source argues that Ms. Sharenda-Panasiuk was detained because of her political opinions as an opposition activist, having consistently opposed the President since 2000.

55. In 2019, she reportedly ran for Parliament, but was withdrawn from the election and fined multiple times after publicly calling the President a dictator. On 6 September 2020, she was arrested for participating in a peaceful meeting.

56. The source argues that Ms. Sharenda-Panasiuk's conviction in the first criminal case for insulting the President of Belarus and police officers shows that she has been persecuted as a political opponent of the authorities, and therefore discriminated against in violation of article 26 of the Covenant.

(b) Response from the Government

57. On 11 February 2025, the Working Group transmitted the allegations from the source to the Government of Belarus under its regular communication procedure. The Working Group requested the Government to provide detailed information by 14 April 2025 about Ms. Sharenda-Panasiuk's situation, and to clarify the legal provisions justifying her detention, as well as its compatibility with the obligations of Belarus under international human rights law.

58. The Working Group regrets that the Government did not respond to the allegations transmitted to it.

2. Discussion

59. In the absence of a response from the Government, the Working Group has decided to render the present opinion, in conformity with paragraph 15 of its methods of work.

60. In determining whether Ms. Sharenda-Panasiuk's detention was arbitrary, the Working Group has regard to the principles established in its jurisprudence to deal with evidentiary issues. If the source has established a *prima facie* case for breach of international law constituting arbitrary detention, the burden of proof should be understood to rest upon the Government if it wishes to refute the allegations.⁴ In the present case, the Government has chosen not to challenge in a timely fashion the *prima facie* credible allegations made by the source.

61. The Working Group notes from the outset that Ms. Sharenda-Panasiuk was released on 1 February 2025 after completing her sentence, though she remains subject to a number of conditions. In accordance with paragraph 17 (a) of its methods of work, the Working Group reserves the right to render an opinion on whether the deprivation of liberty was arbitrary, notwithstanding the release of the person

⁴ A/HRC/19/57, para. 68.

concerned. Ms. Sharena-Panasiuk is alleged to have been the victim of serious violations of her rights, with broader implications for the protection of human rights in Belarus. The Working Group therefore considers it important to render an opinion on her case.

(a) Category I

62. The source argues that Ms. Sharenda-Panasiuk's pretrial detention lacked legitimate justification because the authorities did not make a thorough individualized assessment of the risks she posed. It further contends that significant procedural violations occurred during her pretrial detention, such as not being brought before a judge in her first criminal case until six months later, and during her third criminal case until two months later. It also points out that her arrest and pretrial detention were not authorized by a judicial authority, as is required by the Covenant. The source further highlights a pattern of continuously adding new charges to prevent her release, and states that her right under article 9 (4) of the Covenant to have the lawfulness of her detention reviewed by a court was violated when her appeal against the decision to detain her was heard in her absence.

63. The Working Group recalls that, according to article 9 (3) of the Covenant, anyone arrested or detained on a criminal charge is to be brought promptly before a judge. The Human Rights Committee has observed that 48 hours is ordinarily sufficient to satisfy this obligation, and any longer delay must remain absolutely exceptional and be justified under the circumstances.⁵ The Government has not contested the source's submission that Ms. Sharenda-Panasiuk only appeared before a judge six months after her arrest in the first criminal case, and two months after her arrest in the third criminal case. The Working Group also notes that Ms. Sharenda-Panasiuk's detention on remand was extended on several occasions by the prosecutor. As the Working Group has stated, the lawfulness of detention must be reviewed by a judicial authority, not by a prosecutorial authority.⁶ Consequently, the requirements of the Covenant were not respected.

64. The Working Group further notes the source's submission that Ms. Sharenda-Panasiuk's was repeatedly detained in relation to new charges, despite her lawyer filing an appeal to challenge her detention on at least two occasions. The Working Group recalls that it is a well-established norm of international law that pre-trial detention should be the exception and not the rule and ordered for as short a time as possible. Article 9 (3) of the Covenant provides that it is not to be the general rule that persons awaiting trial be detained, but release may be subject to guarantees to appear for trial and at any other stage of the judicial proceedings. It follows that liberty is recognized as a principle and detention as an exception in the interests of justice. Moreover, although the severity of the sentence faced is a relevant element in the assessment of the risk of absconding or reoffending, the need to continue the deprivation of liberty cannot be assessed from that purely abstract point of view, without addressing specific facts or considering alternative preventive measures.

65. The Working Group is particularly concerned by the pattern of charges systematically being added to prevent Ms. Sharenda-Panasiuk's release. She was scheduled to be released on 6 August 2023 after completing her sentence, but was immediately placed in pretrial detention for new charges under article 411 of the Criminal Code. Similarly, she was due for release on 21 May 2024, but was transferred to pretrial detention just before her scheduled release for a fourth criminal case under the same article. The Working Group has already expressed its concern over the practice of so-called rotation, whereby release is ordered but never effected

⁵ Human Rights Committee, general comment No. 35 (2014), para. 33.

⁶ A/HRC/45/16/Add.1, para. 35 (prosecutorial authorities do not possess the requisite degree of independence to assess the necessity and proportionality of detention); and Human Rights Committee, general comment No. 35 (2014), para. 32.

and new charges are brought against the person concerned.⁷ This practice of recycling charges and the consequent repetition of pretrial detention on charges that are very similar to previous ones is akin to “revolving door” pretrial detention and is entirely incompatible with article 9 (3) of the Covenant and articles 3 and 9 of the Universal Declaration of Human Rights.

66. In the present case, the Working Group considers that, by failing to address specific facts or to consider alternative preventive measures and by instead adding new charges each time, the authorities failed to properly justify Ms. Sharenda-Panasiuk’s pretrial detention. In the absence of any argument to the contrary, the Working Group finds her detention to be in violation of article 9 (3) of the Covenant.

67. Furthermore, Ms. Sharenda-Panasiuk had the right to appear in person at hearings held to review the legality of her detention. As the Human Rights Committee has stated, the detainee has the right to appear in person before the court, especially where such presence would serve the inquiry into the lawfulness of detention or where questions regarding ill-treatment of the detainee arise.⁸ That important habeas corpus right was denied to her when her appeal against her detention was heard in her absence, in breach of article 9 (4) of the Covenant.

68. Accordingly, the Working Group finds that Ms. Sharenda-Panasiuk’s detention was arbitrary and falls under category I.

(b) Category II

69. The source argues that Ms. Sharenda-Panasiuk was arrested, detained and subsequently convicted under articles 368 and 369 of the Criminal Code for insulting police officers and the President of Belarus, and for exercising her right to freedom of expression guaranteed under article 19 of the Covenant, particularly since her statements were made in response to alleged unlawful actions by authorities against her and her family. In addition, the source contends that her subsequent convictions under article 411 of the Criminal Code for allegedly minor violations of internal prison rules represent fabricated charges designed to prosecute her for her opposing political views.

70. The Working Group recalls that the right to freedom of opinion and expression is protected by article 19 of the Universal Declaration of Human Rights and article 19 of the Covenant. While this right may be subject to certain restrictions, these must be provided by law and be necessary for the protection of national security, public order, public health or morals, or the rights and freedoms of others.

71. The Human Rights Committee has stated that restrictions on freedom of expression must not be overbroad and must conform to the principle of proportionality, be appropriate to achieve their protective function, be the least intrusive instrument among those which might achieve their protective function and be proportionate to the interest to be protected. Moreover, the Committee has emphasized that all public figures are legitimately subject to criticism and political opposition, and has expressed its concern regarding laws on defamation of the Head of State and protection of the honour of public officials, with a pointed reminder that laws should not provide for more severe penalties solely on the basis of the identity of the person who may have been impugned.⁹

72. The Working Group notes that Ms. Sharenda-Panasiuk was convicted under articles 368 and 369 of the Criminal Code for insulting police officers and the President of Belarus. The Working Group observes that her statements were made in response to what she perceived as unlawful actions by authorities against her and her

⁷ Opinions No. 32/2025, para. 108; No. 34/2022, para. 87; No. 53/2022, para. 73; No. 60/2022, para. 74; No. 20/2023, para. 75; No. 70/2023, para. 87; and No. 20/2024, paras. 63 and 75.

⁸ See the Committee’s general comment No. 35 (2014), para. 42.

⁹ See the Committee’s general comment No. 34 (2011), para. 38.

family, including the arrest of a member of her family and the subsequent intrusion into her home. The Working Group considers that such expressions, however unpleasant they may have been to the authorities, fall within the boundaries of the exercise of the right to freedom of expression protected by article 19 of the Universal Declaration of Human Rights and article 19 of the Covenant, particularly given the context of alleged human rights violations and the citizen's legitimate reaction to perceived injustice.

73. The Working Group observes that the Government had the opportunity to explain how Ms. Sharenda-Panasiuk's expressions posed a genuine threat that would justify restrictions on her freedom of expression, but it has chosen not to do so. The mere fact that forms of expression may be insulting to a public figure is not sufficient to justify the imposition of penalties, and on the basis of the information before it, the Working Group cannot find that her statements threatened national security, public order, public health or morals, or the rights and freedoms of others in a manner that would justify her detention.

74. The Working Group is further concerned by Ms. Sharenda-Panasiuk's subsequent convictions under article 411 of the Criminal Code for alleged violations of internal prison rules. The source has submitted that these charges appear to be fabricated and designed to prosecute her for her opposing political views and protests against her detention conditions. In the absence of any explanation from the Government, the Working Group agrees that article 411 might serve as a convenient vehicle to allow authorities to repeatedly punish a detainee. This practice is clearly disproportionate and unnecessary.

75. The Working Group has noted in its previous opinions concerning Belarus a pattern of detention of those who express views critical of the Government.¹⁰ In this regard, the Working Group notes that the Special Rapporteur on the situation of human rights in Belarus has recently recommended that Belarus repeal articles 368 and 369 of the Criminal Code, which criminalize insults against the President and representatives of the authorities.¹¹ The Working Group also notes with concern reports of coercive psychiatric treatment being used as punishment against political prisoners in Belarus.¹²

76. Given the nature of the charges against Ms. Sharenda-Panasiuk and without any response from the Government to challenge the information provided by the source, the Working Group cannot but conclude that her detention resulted from the peaceful exercise of her right to freedom of expression.

77. Accordingly, the Working Group considers that Ms. Sharenda-Panasiuk's detention was arbitrary under category II.

(c) Category III

78. Given its finding that the deprivation of liberty of Ms. Sharenda-Panasiuk was arbitrary under category II, the Working Group emphasizes that no trial should have taken place. Nevertheless, since trials took place and she was convicted, the Working Group will examine whether the proceedings against her were consistent with international norms relating to the right to a fair trial.

79. The source argues that Ms. Sharenda-Panasiuk's convictions under article 411 of the Criminal Code violated the prohibition against double jeopardy under article 14 (7) of the Covenant, as she was criminally punished for conduct already sanctioned administratively by prison authorities. Furthermore, it considers that the judges presiding over all four trials lacked independence and impartiality, required under

¹⁰ See, for example, opinions No. 76/2023, No. 64/2023, No. 52/2023, No. 45/2023, No. 50/2021, No. 23/2021 and No. 39/2012.

¹¹ A/HRC/56/65, para. 129 (i).

¹² See <https://www.ohchr.org/en/press-releases/2025/04/belarus-experts-alarmed-reports-coercive-psychiatric-treatment-punishment>.

article 14 (1). The source also identifies a number of restrictions to her right to legal counsel, including during trial, as well as prolonged detention in harsh conditions which it argues amounted to cruel, inhuman and degrading treatment. Finally, the source notes that Ms. Sharenda-Panasiuk was held in a cage in all four trials, with her first trial taking place behind closed doors despite her lawyers' request to the contrary.

80. Firstly and with regard to the arguments concerning double jeopardy, the Working Group observes that while Ms. Sharenda-Panasiuk was subjected to administrative sanctions for certain behaviours and was subsequently criminally prosecuted for what appears to be similar conduct, it remains unclear from the available information whether these prosecutions concerned exactly the same acts of alleged misconduct or merely similar types of misbehaviour occurring at different times. In the absence of sufficient clarity regarding the precise correspondence between the incidents that led to administrative punishment and those forming the basis of criminal prosecutions, the Working Group is unable to reach a definitive conclusion on whether article 14 (7) of the Covenant has been violated.

81. The Working Group recalls that the right to a public hearing is a fundamental safeguard of the fairness and independence of the judicial process protected under article 14 (1) of the Covenant. As the Human Rights Committee has explained, the publicity of hearings ensures the transparency of proceedings and thus provides an important safeguard for the interest of the individual and of society at large.¹³ Although the right to a public hearing is not absolute, it may only be restricted for reasons of morals, public order or national security in a democratic society, or when the interest of the private lives of the parties so requires, or to the extent strictly necessary in the opinion of the court in special circumstances where publicity would be prejudicial to the interests of justice. In the absence of such exceptional circumstances, a hearing must be open to the general public, including members of the media, without entrance being limited to a select group of people.¹⁴

82. In the present case, the Government has not provided any explanation as to why a closed trial was necessary for Ms. Sharenda-Panasiuk's first criminal case. The source has established that neither Ms. Sharenda-Panasiuk's relatives nor the public were allowed to attend the hearing, despite her lawyers' request, and the verdict was announced in a closed session with no one else able to attend the allegedly formally open session. In view of this, the Working Group finds that hearing Ms. Sharenda-Panasiuk's case behind closed doors violated her right to a public trial under article 10 of the Universal Declaration of Human Rights and article 14 (1) of the Covenant.

83. As regards the source's allegation that the judges presiding over Ms. Sharenda-Panasiuk's trials lacked independence and impartiality, the requirement of independence relates to the manner and conditions of appointment of judges, the guarantees of their security of tenure, the conditions governing promotion, transfer, and suspension and termination of their functions, and the actual independence of judges from political interference by the executive and legislative branches. Laws should establish clear procedures and objective criteria for the appointment, remuneration, retention, promotion, suspension and termination of judges and for the disciplinary sanctions applicable to them. The Working Group recalls that the requirement of competence, independence and impartiality of a tribunal, in the sense of article 14 (1) of the Covenant, is an absolute right that is not subject to any exception.¹⁵ As the Human Rights Committee has observed, the requirement of independence refers, in particular, to the procedure and qualifications for the appointment of judges.¹⁶

¹³ See the Committee's general comment No. 32 (2007), para. 28.

¹⁴ *Ibid.*, para. 29.

¹⁵ Opinion No. 43/2018, para. 90.

¹⁶ See the Committee's general comment No. 32, para. 29. See also the Basic Principles on the Independence of the Judiciary, and A/74/176.

84. In its concluding observations on the fifth periodic report of Belarus, the Human Rights Committee expressed concerns that the independence of the judiciary continued to be undermined by the President's role in, and control over, the selection, appointment, reappointment, promotion and dismissal of judges and prosecutors and by the lack of security of tenure of judges, who are initially appointed for a term of five years with a possibility of reappointment.¹⁷ Moreover, the Working Group considers that article 81 (3) of the Code on the Judiciary and the Status of Judges does not set out clear and objective criteria on the basis of which judges may be reappointed.

85. The Working Group recalls, moreover, that in 2020, the Special Rapporteur on the situation of human rights in Belarus noted that for almost three decades, Belarus had failed to ensure the independence of its judiciary, due to excessive control of the judiciary by the executive branch, which was evident in the appointment, tenure and dismissal of judges.¹⁸ In 2022, the Special Rapporteur noted that the authorities had further strengthened their control over the judiciary and the court system, with the administration of justice deteriorating as the authorities systematically violated the right to a fair trial and used the judiciary and the courts as repressive tools to suppress dissent.¹⁹

86. The source claims that the judges presiding over Ms. Sharenda-Panasiuk's four trials were all appointed by the President for five-year terms and had repeatedly convicted people in politically motivated cases. In the absence of any information from the Government to the contrary, the Working Group concludes that in Ms. Sharenda-Panasiuk's cases, the judges' dependence on the President prevented them from ruling impartially on her cases, contrary to article 14 of the Covenant. In this context, the Working Group recalls that an independent and impartial tribunal is a *sine qua non* for the right to a fair hearing enshrined in article 10 of the Universal Declaration of Human Rights and article 14 of the Covenant. The Working Group also finds that the existing judicial framework in Belarus violates the Basic Principles on the Independence of the Judiciary and the Basic Principles on the Role of Lawyers. In view of these findings, the Working Group concludes that Ms. Sharenda-Panasiuk was not tried by an independent and impartial tribunal, contrary to article 10 of the Universal Declaration of Human Rights and article 14 (1) of the Covenant.

87. The Working Group is further deeply concerned by the unrefuted allegations of restrictions on Ms. Sharenda-Panasiuk's access to effective legal representation. The source has established that Ms. Sharenda-Panasiuk was only able to receive a visit from a lawyer of her choice after being taken into custody on 6 January 2021, and that her lawyer was repeatedly denied access to her while she was confined in punitive isolation cells, allegedly due to her failure to submit written consent, despite pen and paper being prohibited in such cells. Most concerning, the Working Group notes that Ms. Sharenda-Panasiuk's original lawyer, who had handled all her criminal cases after her arrest, was disbarred in December 2024, forcing her family to seek new representation for her. When a new lawyer was appointed in January 2025, that lawyer was denied access to her in the correctional colony.

88. The Working Group is particularly troubled by the source's assertion that when the family sought to find new legal representation, all the lawyers they approached refused to work on the case, allegedly for fear of being disbarred and persecuted by the authorities. This pattern of disbarment and intimidation of legal counsel creates a chilling effect that fundamentally undermines the right to effective legal representation and access to justice. In this respect, the Human Rights Committee has stressed that lawyers should be able to advise persons charged with a

¹⁷ CCPR/C/BLR/CO/5, paras. 39 and 40.

¹⁸ See <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=26423&LangID=E>.

¹⁹ A/HRC/50/58, para. 82.

criminal offence without restrictions, influence, pressure or undue interference from any quarter.²⁰ According to principle 8 of the Basic Principles on the Role of Lawyers, all arrested, detained or imprisoned persons are to be provided with adequate opportunities, time and facilities to be visited by and to communicate and consult with a lawyer, without delay, interception or censorship and in full confidentiality.

89. What is more, no confidentiality was guaranteed for Ms. Sharenda-Panasiuk's communication with her lawyer. The source has argued, and it has not been challenged by the Government, that during all trials, Ms. Sharenda-Panasiuk was only able to communicate with her lawyer during breaks in the hearings, while still being held in a cage and in the presence of a guard. Moreover, as the lawyer was not allowed to use a laptop and, accordingly, to take and use notes and to access case law, evidence and legal research, the efficiency of the defence was undermined. The Working Group reiterates that respect for lawyer-client confidentiality is an important part of defence rights. The right of a defendant to have private discussions with his or her legal counsel, without surveillance and with the possibility to use all necessary tools, constitutes one of the fundamental aspects of a fair trial. If a lawyer is incapable of conferring with his or her client and obtaining confidential instructions, the legal assistance is significantly undermined.

90. In addition, the Working Group notes with grave concern the conditions in which Ms. Sharenda-Panasiuk was held during her detention, which included prolonged periods in harsh conditions, including being held in a punitive isolation cell for 50 days and in a cell-type facility for 90 days. The Working Group recalls that the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment has deemed that any imposition of solitary confinement beyond 15 days may constitute torture or cruel, inhuman or degrading treatment or punishment.²¹ The cumulative effects of such prolonged isolation, coupled with inadequate social interaction and psychological support, subject the individual to distress that surpasses the unavoidable suffering inherent in detention and undermines one's ability to stand trial.

91. Furthermore, the Working Group notes that during the court hearings for all four criminal cases, Ms. Sharenda-Panasiuk was held in a cage, even during the trial held on the premises of the correctional colony. In addition, the Working Group is concerned by the source's unrefuted allegations that Ms. Sharenda-Panasiuk was obliged to wear yellow tags that indicate the bearer's inclination for escape, suicide or hostage-taking, and that a plaque was placed by her bed indicating these same alleged inclinations, which the source submits is the authorities' practice to mark political prisoners in correctional colonies. The Working Group recalls that defendants should normally not be shackled or kept in cages during trials or otherwise presented to the court in a manner indicating that they may be dangerous criminals.²² Such treatment creates anxiety and distress and violates the presumption of innocence. In the absence of any submissions to the contrary by the Government, the Working Group considers that Ms. Sharenda-Panasiuk's right to the presumption of innocence under article 11 (1) of the Universal Declaration of Human Rights and article 14 (2) of the Covenant was violated.

92. Given all of the above, the Working Group considers that the violations of Ms. Sharenda-Panasiuk's right to a fair trial were of such gravity as to give her deprivation of liberty an arbitrary character within the meaning of category III.

²⁰ See the Committee's general comment No. 32 (2007), para. 34.

²¹ A/66/268, para. 76.

²² Human Rights Committee, general comment No. 32 (2007), para. 30; and opinions No. 48/2020, para. 102; and No. 54/2024, para. 95.

(d) Category V

93. The source has submitted that Ms. Sharenda-Panasiuk was detained due to discrimination based on her political opinions as an opposition activist.

94. When a detention results from the active exercise of civil and political rights, there is a strong presumption that the detention also constitutes a violation of international law on the grounds of discrimination based on political or other views. Accordingly, the Working Group will examine the allegations under category V.

95. The Working Group has found in several previous opinions concerning Belarus that there is a pattern of targeting individuals who express views critical of the Government or who participate in peaceful protests.²³ This pattern has been documented by United Nations human rights mechanisms, including the United Nations High Commissioner for Human Rights and the Special Rapporteur on the situation of human rights in Belarus.²⁴

96. In the present case, the Working Group observes that Ms. Sharenda-Panasiuk's arrest and detention occurred in the context of a broader crackdown on political opposition and civil society in Belarus following the 2020 presidential election. The Working Group notes that Ms. Sharenda-Panasiuk has been a consistent political opponent since 2000, serving as an activist for the "European Belarus" campaign and a co-founder of the "Young Front" political movement. Her political activities included running for Parliament in 2019, during which she publicly called the President a dictator and was subsequently withdrawn from the election and subjected to multiple administrative penalties.

97. The Working Group notes the systematic nature of Ms. Sharenda-Panasiuk's persecution, including her initial conviction for insulting the President and police officers, followed by the repeated use of article 411 of the Criminal Code to extend her detention indefinitely through fabricated charges of prison rule violations. The timing of her arrests, the nature of the charges against her, the harsh treatment she received in detention including prolonged isolation and special marking as a political prisoner, and the systematic denial of access to legal representation all suggest that she has been targeted because of her political opinions and opposition activities.

98. The Working Group therefore concludes that Ms. Sharenda-Panasiuk's detention constituted a violation of international law on the grounds of discrimination based on political opinion, in violation of articles 2 and 7 of the Universal Declaration of Human Rights and articles 2 (1) and 26 of the Covenant, and is arbitrary under category V.

(e) Concluding remarks

99. The Working Group is particularly concerned that Ms. Sharenda-Panasiuk is reportedly the first woman in Belarus to be convicted under article 411 of the Criminal Code, highlighting the expansion of this repressive provision to target female political prisoners and civil society activists. The use of article 411 to prosecute individuals for minor infractions demonstrates the arbitrary nature of this provision and its use as a tool for indefinite detention of those who oppose the authorities. The Working Group notes with alarm that this provision can be applied "an infinite number of times", according to the source, effectively allowing the authorities to extend detention indefinitely for political prisoners through fabricated or trivial charges that cannot be objectively verified or challenged. The harsh conditions of Ms. Sharenda-Panasiuk's detention, including prolonged solitary confinement, denial of medical care for her chronic condition, and significant weight

²³ Opinions No. 23/2021, para. 102; No. 50/2021, para. 102; No. 24/2022, para. 109; No. 64/2023, para. 94; No. 3/2024, para. 112; No. 5/2024, para. 92; No. 54/2024, para. 101; and No. 4/2025, paras. 79 and 80.

²⁴ See, for example, A/HRC/58/68, A/HRC/49/71, and A/HRC/47/49, paras. 58–77.

loss, further underscore the punitive and discriminatory nature of her treatment based on her political opinions and civil society activities.

100. The present case is one of several brought before the Working Group in recent years concerning arbitrary detention in Belarus.²⁵ The Working Group is concerned that this might indicate a widespread or systemic practice of arbitrary detention in the country. It underlines that States have an obligation not to engage in acts that could constitute crimes against humanity and to prevent and punish them if they are committed.

101. The Working Group refers the present case to the Special Rapporteur on the situation of human rights in Belarus.

3. Disposition

102. In the light of the foregoing, the Working Group renders the following opinion:

The deprivation of liberty of Palina Sharenda-Panasiuk, being in contravention of articles 2, 3, 7, 9, 10, 11 and 19 of the Universal Declaration of Human Rights and articles 2 (1), 9, 14, 19 and 26 of the International Covenant on Civil and Political Rights, was arbitrary and falls within categories I, II, III and V.

103. The Working Group requests the Government of Belarus to take the steps necessary to remedy the situation of Ms. Sharenda-Panasiuk without delay and bring it into conformity with the relevant international norms, including those set out in the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights.

104. The Working Group considers that, taking into account all the circumstances of the case, the appropriate remedy would be to accord Ms. Sharenda-Panasiuk immediately an enforceable right to compensation and other reparations, in accordance with international law.

105. The Working Group urges the Government to ensure a full and independent investigation of the circumstances surrounding the arbitrary deprivation of liberty of Ms. Sharenda-Panasiuk and to take appropriate measures against those responsible for the violation of her rights.

106. The Working Group requests the Government to disseminate the present opinion through all available means and as widely as possible.

4. Follow-up procedure

107. In accordance with paragraph 20 of its methods of work, the Working Group requests the source and the Government to provide it with information on action taken in follow-up to the recommendations made in the present opinion, including:

(a) Whether compensation or other reparations have been made to Ms. Sharenda-Panasiuk;

(b) Whether an investigation has been conducted into the violation of Ms. Sharenda-Panasiuk's rights and, if so, the outcome of the investigation;

(c) Whether any legislative amendments or changes in practice have been made to harmonize the laws and practices of Belarus with its international obligations in line with the present opinion;

(d) Whether any other action has been taken to implement the present opinion.

²⁵ See, for instance, opinions No. 4/2025, No. 33/2025, No. 54/2024, No. 5/2025, No. 3/2024, No. 76/2023, No. 64/2023, No. 52/2023 and No. 54/2023.

108. The Government is invited to inform the Working Group of any difficulties it may have encountered in implementing the recommendations made in the present opinion and whether further technical assistance is required, for example through a visit by the Working Group.

109. The Working Group requests the source and the Government to provide the above-mentioned information within six months of the date of transmission of the present opinion. However, the Working Group reserves the right to take its own action in follow-up to the opinion if new concerns in relation to the case are brought to its attention. Such action would enable the Working Group to inform the Human Rights Council of progress made in implementing its recommendations, as well as of any failure to take action.

110. The Working Group recalls that the Human Rights Council has encouraged all States to cooperate with the Working Group and has requested them to take account of its views and, where necessary, to take appropriate steps to remedy the situation of persons arbitrarily deprived of their liberty, and to inform the Working Group of the steps they have taken.²⁶

[Adopted on 27 August 2025]

²⁶ Human Rights Council resolution 51/8, paras. 6 and 9.