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UN WORKING GROUP ON ARBITRARY DETENTION FINDS NOBEL PEACE PRIZE LAUREATE ALEKSANDR BIALIATSKI'S DETENTION IN BELARUS VIOLATES INTERNATIONAL LAW, DEMANDS HIS IMMEDIATE AND UNCONDITIONAL RELEASE

The Working Group urged that “the appropriate remedy would be to release Mr. Bialiatski immediately and accord him an enforceable right to compensation and other reparations, in accordance with international law.”

WASHINGTON, D.C. and GENEVA, SWITZERLAND – Today the United Nations Working Group on Arbitrary Detention (“Working Group”) made public [Opinion No. 3/2024](#), which found that Belarusian human rights defender Aleksandr (“Ales”) Bialiatski has been arbitrarily detained in violation of international law and demands his immediate and unconditional release. It has now been more than three years since he was arrested on July 14, 2021, along with FIDH Vice President Stefanovic and Viasna Human Rights Center (“Viasna”) lawyer Uladzimir Labkovich. Last week, a group of 63 Nobel Prize winners, including 10 recipients of the Nobel Peace Prize such as Jose Ramos-Horta, Oscar Arias, Jody Williams, and Shirin Ebadi, issued an [Open Appeal](#) to Belarus dictator Alexander Lukashenko welcoming the adoption of a new amnesty law and urging him to implement a comprehensive policy amnesty and to release the more than [1,400 political prisoners](#) detained in Belarus.

Bialiatski’s case was successfully litigated before the Working Group by Jared Genser and Brian Tronic at Perseus Strategies (Washington, D.C.), who represent Bialiatski pro bono. Genser is an international human rights lawyer known for having represented numerous high-profile political prisoners such as former Czech Republic President Václav Havel, Malaysian Prime Minister Anwar Ibrahim, former Maldives President Mohamed Nasheed, former Prime Minister of Pakistan Imran Khan, and Nobel Peace Prize Laureate Liu Xiaobo.

Bialiatski is one of the leading voices for democracy and human rights in Belarus and

Eastern Europe more broadly. He is a renowned human rights defender and founder of Viasna, a leading human rights organization in Belarus. Over several decades he has led the organization's efforts to develop civil society in Belarus, defend human rights, oppose authoritarianism, and document cases of arbitrary detention and torture. He was arrested in 2011 and convicted of fabricated charges designed to stop him and the vital work of Viasna. He was released in 2014 and has continued to face threats and intimidation. In recognition of his human rights work, Bialiatski was awarded, among many other honors, the first ever Václav Havel Human Rights Prize by the Parliamentary Assembly of the Council of Europe, the 2020 Sakharov Prize by the European Parliament, and the 2022 Nobel Peace Prize.

On July 14, 2021, Bialiatski was arrested in Rakov, Belarus, on pre-textual tax evasion charges. Belarusian authorities did not inform his family or attorney of his detention. Once they discovered that he had been detained, his family was only allowed one visit through April 2023. Bialiatski's pretrial detention was extended at least eight times before his tax evasion charge was dropped, and he was then charged with smuggling and financing group actions grossly violating public order. Following a pre-trial and trial process involving grave due process violations, Bialiatski was found guilty on March 3, 2023, and sentenced to 10 years in prison.

In its judgment, the Working Group found Bialiatski's detention to be arbitrary for several reasons. First, "by failing to address specific facts or to consider alternative preventive measures and by relying essentially on the gravity of the charges, the authorities failed to properly justify Mr. Bialiatski's pretrial detention, which lasted approximately two years." Additionally, at hearings in the case against him, Bialiatski was denied the right to be physically present. Second, "the basis for the arrest and subsequent detention of Mr. Bialiatski was his exercise of freedom of expression and freedom of assembly." Third, he "was not tried by an independent and impartial tribunal," but rather a tribunal which included a presiding judge previously sanctioned by the European Union for issuing politically motivated rulings against peaceful protestors. In these proceedings, Bialiatski was "deprived of effective legal representation."

The Working Group also concluded that Bialiatski's right to the presumption of innocence was violated both by statements made by key government officials and by the fact that he was forced to sit in a metal cage during the trial, which may have biased the judges by

portraying Bialiatski as “significantly dangerous and warranting such stringent physical confinement.” The Working Group also concluded that he was denied the right to communicate with and be visited by his family. And ultimately, the Working Group noted a “clear pattern of attitude displayed by the authorities towards Mr. Bialiatski on the basis of his political opinion and him acting as a human rights defender.”

In recognition of these facts, the Working Group concluded that the necessary remedy would be “to release Mr. Bialiatski immediately and accord him an enforceable right to compensation and other reparations, in accordance with international law.” In addition, The Working Group urged the government of Belarus to ensure a full and independent investigation into the circumstances of Bialiatski’s deprivations of liberty, including measures of accountability for those involved.

The Working Group noted that Bialiatski’s arbitrary arrest and detention must be viewed against the wider backdrop of repression in Belarus, where “government critics, civil society activists, and human rights defenders” are regularly intimidated and arbitrarily detained. The Working Group noted alarming totals of 1,485 known political prisoners in the country in October 2023, while “nearly 2,000 others have been convicted of politically motivated crimes.” Bialiatski’s case is part of a series of cases the Working Group has examined in relation to the undemocratic presidential election in Belarus in 2020, and the ensuing large-scale arrest and detention of political opposition.

Natalia Pinchuk, Aleksandar Bialiatski’s wife, said:

“Ales remains wrongly detained in Belarus, far from family, deprived from medicine he needs, and living day to day in inhumane conditions. I welcome the Working Group’s judgment and call on the international community to take further to secure his release and that of the other political prisoners of Belarus. Ales has worked so hard throughout his life to fight for democracy and human rights. I urge the international community to use this judgment to fight for Ales’ return to his life, his family, and his work. The future of Belarus depends on it.”

Jared Genser, international counsel for Mr. Bialiatski, said:

“Ales has been an outspoken advocate and fighter for human rights and democracy in

Belarus and beyond. His detention is unjust, illegal, and cruel. I welcome the Working Group's judgment and demand Ales' unconditional and immediate release, and the immediate release of all political prisoners in Belarus."

The UN Working Group on Arbitrary Detention is an independent and impartial body consisting of five members appointed by the UN Human Rights Council. The members, who work in their personal capacity, are currently from New Zealand, Ukraine, Malaysia, Ecuador, and Zambia. The Working Group has the authority to investigate and issue legal opinions about alleged cases of deprivation of liberty imposed arbitrarily.

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For more information, please contact:
Jared Genser – jgenser@perseus-strategies.com
+1 202 320 4135