



APPREHENSION.
DETENTION.
EXPULSION.

Analytical report
on what may happen
to foreign citizens apprehended in Belarus

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ON MONITORING

This analytical report is based on the results of a questionnaire of 9 foreign respondents (citizens of Russia, Ukraine and Poland) that were apprehended in Minsk in March 2017. The apprehensions were conducted against the background of protests taking place in Minsk at that time. Almost all of the respondents were held responsible by Belarusian courts for committing administrative offences, with an exception of two cases when the foreigners did not have passports with them and were apprehended for the purposes of their identification. The detention (also “administrative arrest” – an administrative penalty under Belarusian laws) lasted from 2 to 37 days. The longest detention terms were given to those apprehended for identification purposes.

The respondents were detained in two institutions – Minsk temporary detention facility (hereinafter – the “TDF”) and Minsk Chief Department of Internal Affairs Centre for Detention of Offenders (hereinafter – the “CDO”). After the detention all of the respondents were immediately expelled from Belarus and banned from entering the Belarus for different terms.

This analytical report is intended to describe the practices of apprehension, arrest, detention and expulsion applied to foreign citizens and is aimed at raising the level of awareness and protection of foreigners in similar situations. Given that this report only describes the cases of politically motivated apprehensions, arrests and detentions that took place during a particular period of time, our conclusions do not necessarily apply to all cases of apprehending foreign citizens in Belarus. Yet our observations may be useful to all foreign citizens present in Belarus or considering visiting it.

KEY CONCLUSIONS

As a general rule, foreign citizens are entitled to the same scope of procedural rights as Belarusian citizens. Foreigners have the right to be informed on the reasons for their apprehension in a language they understand; have a legal counsel; request that their relatives are informed of the apprehension; obtain a court decision in a language they understand.

The applicable Belarusian laws provide for two procedures of ordering the foreigners to leave Belarusian territory: deportation and expulsion. The decisions on both measures are taken by administrative and not judicial bodies. Deportation is an administrative penalty applied for violations of particular articles of the Code of Administrative Offences and is always related to the specific charges brought against the person deported. Expulsion may be applied regardless of whether or not a statutory violation occurred, for instance, when a foreigner is considered a threat to national security.

The decision on deportation may be appealed in court but the appeal procedure does not suspend the deportation procedure. The decision on expulsion is to be appealed in a higher administrative body before it can be appealed in court, but submitting an appeal suspends the expulsion procedure. It must be noted that the grounds for expulsion are not phrased in a clear and unambiguous way which may result in their arbitrary interpretation.

According to the respondents, the apprehensions were conducted with procedural violations: the policemen were not wearing uniform or any identification marks; reasons for apprehension were not stated. On one occasion policemen threw the passport of the apprehended away, which resulted in his long-term detention because of the need of his identification for subsequent expulsion.

Documented court decisions were not provided to the detainees. Nor were the detainees informed on their right to have a legal counsel. Being in detention they were unable to appoint a legal counsel of their choice. After the detention they were denied the right to file complaints, contact their relatives or diplomatic and consular missions of their country of citizenship.

The conditions of detention were unsatisfactory: poor quality and insufficient amounts of food, infrequent walks outside the detention facility, the absence or untimely provision of essentials (soap, toilet paper, bed clothing), deplorable sanitation and ventilation problems. Packages and correspondence sent to the detainees were accepted on an arbitrary basis.

All foreign citizens detained following the March protests were expelled from Belarus either immediately after the administrative arrest or after their documents were re-issued. In most cases they were not informed on their rights, obligations and appeal procedures. None of the them was present when the decisions on their expulsion were made. All of the respondents were not certain if they had been put under an expulsion or a deportation procedure. Procedural documents were not provided to them which hindered their ability of further challenging of the decisions made. In all cases the expulsion was exercised differently for no objective reasons.

LEGAL BACKGROUND

Procedural rights of foreign citizens

The general provision on the status of foreigners in the Republic of Belarus holds that foreign citizens are equal to Belarusian citizens in exercising their rights and performing their obligations.

Foreign citizens apprehended for committing administrative offences must be immediately informed on the grounds for their apprehension and the rights they have in a language they can understand. Upon a request of the apprehended, his/her family

members of legal age, close relatives, legal counsel, employer, administration of the educational establishment he/she is a student of are to be informed on the place where the apprehended is kept within three hours. If the apprehended is a minor, his parents or people performing his parents' functions on other legal grounds must be informed on the fact of his/her apprehension. A body or an official that apprehended a foreign citizen or an apatride (a person without citizenship) upon the request of such foreign citizen or apatride must within twenty-four hours inform the Ministry of Foreign Affairs of the Republic of Belarus on the fact of the apprehension so that the information is transferred to a diplomatic or consular mission of the country of citizenship or residence of the apprehended.

A person charged with an administrative offence in administrative proceedings **has the right to:**

- 1) know the administrative offence he/she is charged with;
- 2) give or refuse to give relevant explanations;
- 3) present evidence;
- 4) present objections and motions;
- 5) have a legal counsel from the beginning of the administrative proceedings, in case of an administrative apprehension – from the moment he/she was notified of his administrative apprehension. Please note that there is no notion of a “public defendant” in administrative proceedings and paying for the legal counsel’s services is necessary (the choice of a legal counsel is up to the person charged and the price for legal assistance is subject to negotiations with legal advisors);
- 6) communicate with his/her legal counsel freely and in private, refuse to be represented by a legal counsel and defend his/her interests on his/her own;
- 7) communicate in his/her native language or in the language he/she knows or use the services of an interpreter;
- 8) object to the actions of the judge, officials of an administrative body in charge of the proceedings (hereinafter – the “administrative body”) and request that his/her objections are included in the administrative offence protocol or the procedural action protocol;
- 9) familiarize himself/herself with the administrative offence protocol as well as with the materials of the administrative offence case once they are made available for review and on other occasions upon his/her request, make extracts or copies of them with the permission of an administrative body;
- 10) participate in proceedings on the administrative offence case;
- 11) receive a copy of the decision rendered in the administrative offence case by a court or an administrative body;
- 12) file complaints regarding the actions of a judge or officials of an administrative body, appeal the decision rendered in the administrative offence case;
- 13) seek damages for the wrongful actions of a court or an administrative body.

Violation of the right to defense of a person charged with an administrative offence in administrative proceedings is a ground for revocation of the rendered decision on imposing an administrative penalty.

Administrative proceedings in Belarus are conducted in Russian or Belarusian. If a person taking part in administrative proceedings does not know the above-mentioned languages or does not know them to an extent necessary to meaningfully participate in the proceedings he/she is to be guaranteed a right to make statements, give explanations, present motions, file complaints in his/her native language or in the language that he/she knows (either orally or in writing). In such cases (including when familiarizing himself/herself with the materials of the administrative offence case) he/she is to be provided with free translation/ interpretation services.

The decision rendered by a court or an administrative body must be handed over to the person charged with an administrative offence, to his/her official representative, legal counsel or representative translated to the native language of the person receiving the decision or to the language he/she knows.

Deportation

According to the Code of Administrative Offences of the Republic of Belarus deportation is an administrative penalty that consists of ordering a foreign citizen or an apatride to leave Belarus and may be applied either as a primary or as an additional (as stipulated in some of the articles) penalty.

The decision on deportation is taken by an administrative body (customs authorities, departments of internal affairs or the State Security Committee) or by a court (only in one case). **Deportation may be ordered** by respective bodies if one of the following administrative offences is committed:

- Article 16.2. Concealing the source of venereal infection or avoiding medical examination
- Article 23.24. Violating applicable laws on providing foreign gratis aid
- Article 23.29. Crossing state border of the Republic of Belarus illegally
- Article 23.30. Violation the border regime of the Republic of Belarus
- Article 23.31. Violation of the regime of State border of the Republic of Belarus
- Article 23.32. Violating state border checkpoint regime of the Republic of Belarus
- Article 23.55. Violating applicable laws on legal status of foreign citizens and apatrides

Deportation matters are addressed by the regulation "On the procedure of deportation of foreign citizens and apatrides"¹. **A foreigner may only be deported** to one of the following states:

- State of citizenship;

¹ Decision of the Council of Ministers of the Republic of Belarus No. 333 of March 15, 2007 as amended.

- State of habitual residence;
- State from the territory of which he arrived in the Republic of Belarus;
- State wishing to accept him;
- State claiming his extradition;
- State that has a readmission agreement concluded with the Republic of Belarus.

Deportation may be **suspended** if:

- 1) A foreign citizen applies for a refugee status and additional protection in the Republic of Belarus — for the period until a decision on his/her application is rendered and the term for such decision's appeal has expired or until the decision on rejecting the application gains legal force;
- 2) A foreign citizen applies for asylum in the Republic of Belarus — for the period until a decision on such application is rendered;
- 3) A foreign citizen is a victim of human trafficking or a witness in a criminal case on human trafficking or connected with it or of he/she provides aid to a body investigating such cases if such body presents a substantiated request for the foreign citizen's stay — for the period until a judgement in the criminal case in respect of people found guilty of human trafficking is rendered;
- 4) A foreign citizen is suspected or accused of a crime in a criminal case — for the period until criminal prosecution is ceased or a judgement of acquittal is rendered.

Deportation procedure is to be **terminated** when:

- a legislative act excluding administrative responsibility for or wrongfulness of a particular act is adopted;
- a foreign citizen in respect of whom a decision on deportation is rendered dies;
- a decision on deportation is revoked;
- a foreign citizen in respect of whom a decision on deportation is rendered is granted a refugee status, additional protection or asylum in the Republic of Belarus;
- there arise circumstances that are prescribed by laws and that make it impossible for the foreign citizen in respect of whom a decision on deportation is rendered to be sent back to the territory of a foreign state;
- a foreign citizen in respect of whom a decision on deportation is rendered is sentenced to a penalty of imprisonment;
- the decision on deportation of a foreign citizen is not applied upon the decision of the president of the Republic of Belarus.

Moreover, it must be noted that it is sometimes possible to prolong the term of not exercising deportation for up to six months.

A complaint to the decision on deportation made in the course of administrative proceedings may be filed within five days from the date of announcing the decision. The complaint is to be considered by the court within five days from the date it was received.

Expulsion

Expulsion from the Republic of Belarus is an act of ordering a foreign citizen to leave the territory of the Republic of Belarus in accordance with applicable laws. A foreign citizen may be expelled from the Republic of Belarus in the interests of national security, public order, protection of morals, health, rights and freedoms of population as well as when he is released from the administrative arrest facility and cannot be subject to deportation. Expulsion matters are addressed by the Law No. 105-3 of 4 January 2010 "On the legal status of foreign citizens and apatrides in the Republic of Belarus". The decision on expulsion may be made by any internal affairs or state security body.

Expulsion is exercised by either forceful or non-forceful means. Forceful **expulsion is applied** when:

- 1) There are reasons to believe that a foreign citizen may avoid implementing the decision on non-forceful expulsion;
- 2) A foreign citizen has not left the Republic of Belarus within the term stipulated in the decision.

The grounds of suspending expulsion are similar to those applied for suspending deportation. The procedure of **expulsion** is to be **suspended** when:

- A foreign citizen applies for a refugee status or additional protection in the Republic of Belarus — for the period until a decision on such application is rendered;
- A foreign citizen applies for an asylum in the Republic of Belarus — for the period until a decision on such application is rendered;
- A foreign citizen is a victim of human trafficking or a witness in a criminal case on human trafficking or connected with it or of he provides aid to a body investigating such cases if such body presents a substantiated request for the foreign citizen's stay — for the period until a judgement in the criminal case in respect of people found guilty of human trafficking is rendered;
- A foreign citizen is suspected or accused of a crime in a criminal case — for the period until criminal prosecution is ceased or a judgement of acquittal or a judgement not related to imprisonment is rendered;
- A foreign citizen appeals the decision on expulsion — for the period until a decision on rejecting the appeal by a higher state body is rendered or until a court decision on rejecting the appeal gains legal force.

Expulsion procedure is to be **terminated** when:

- 1) a foreign citizen in respect of whom a decision on expulsion is rendered is granted a refugee status, additional protection or asylum in the Republic of Belarus;
- 2) a foreign citizen in respect of whom a decision on expulsion is rendered is sentenced to a penalty of imprisonment;

- 3) there arise circumstances that are prescribed by laws and that make it impossible for the foreign citizen in respect of whom a decision on expulsion is rendered to be sent back to the territory of a foreign state;
- 4) no state agrees to accept the foreign citizen;
- 5) grounds for the decision on expulsion no longer apply.

Foreign citizens' complaints to the decisions on expulsion made by state bodies for the Republic of Belarus may be submitted to a higher state authority within one month from the date when the foreign citizen was given such decision. Such complaints are considered within one month from the date of their submission.

Expulsion procedure is regulated by the Decision of the Council of Ministers of the Republic of Belarus No. 146 of 3 February 2006 "On approving the regulation on the procedure of exercising expulsion of foreign citizens and apatrides from the Republic of Belarus".

A foreign citizen present in the proceedings on considering the question of his expulsion has the right to give explanations, provide information and documents.

A decision on expulsion must stipulate the time and date of the decision, name and position of the authorized representatives of the body competent to render such decision; information about the foreign citizen subject to expulsion; information on the interpreter/translator; circumstances that served as the ground for considering the decision on expulsion; substantiations of the decision including references to the laws applied; decision made; expulsion procedure, term within which the foreign citizen is to leave the Republic of Belarus in a non-forceful manner; term of the ban to enter the Republic of Belarus; state where the foreign citizen is expelled forcefully; term and procedure for appealing the decision.

Failure to include the essential elements in the decision signifies a violation of the expulsion procedure. Such decision rendered with procedural violations may not be qualified as lawful.

A decision on a foreign citizen's expulsion from the Republic of Belarus may be revoked by a higher administrative body or a court if there arise circumstances signifying that the decision on expulsion was illegal or groundless or the expulsion procedure was not followed.

Ban to enter the Republic of Belarus

In case of both deportation and expulsion it is possible to also issue a ban on entering the Republic of Belarus for a certain term. In case of deportation such term may be from six months to a year, in case of expulsion – up to ten years.

The term of the ban may be appealed separately without prejudice to the procedure of appealing deportation or expulsion itself.

PRACTICE

Apprehension

It was either members of special police force or people wearing no special uniform who apprehended the respondents. They did not introduce themselves and stated no reasons for apprehension. In three cases they used physical force and tear-gas against the apprehended. According to the apprehended Polish citizen: *“No ground for apprehension was announced. We were not explained what was going on. It was only when I asked one of the policemen for his identification in a car that he introduced himself. The others refused. I was taken to the district department of internal affairs where I heard how the policemen discussed which article they should use in an administrative offence protocol. When the policemen were seizing my belongings I was requested to sign a paper on the fact that I familiarized myself with the case file. I then saw that the protocol said that I had not shown my passport and was swinging my arms. I saw the case file at 10:35 pm, the apprehension time according to the protocol is 5:20 pm”*.

In one case a Ukrainian citizen did not have a passport with him and was put under arrest for identification, in another case, according to the apprehended, members of special police force intentionally threw his passport away: *“I was arrested by presumably a member of special police force unit wearing no official uniform. They struck me down to the ground, were threatening me and then put me in the van. I was not informed on the grounds for the apprehension, no judicial proceedings took place. I was detained for identification purposes, because my passport was intentionally thrown away”*.

PROCEDURAL RIGHTS

Only in one of nine cases the person under arrest was given a judicial decision on his case. Following the apprehension and during the judicial proceedings the apprehended were not explained their right to ask for a legal counsel. During the detention requests for legal counsel as well as for writing complaints were rejected. Pens, pencils, letters and postcards contained in packages sent to the detainees were seized by the police. Her rights were only explained to the Polish citizen. There was no de facto possibility to contact relatives, requests to inform them on the fact of the arrest were also rejected. Friends of the arrested and human rights organizations helped some of the detainees to organize a meeting with a legal counsel by concluding agreements with lawyers in the interests of the foreign citizens. One of the arrested Russian citizen reported the following: *“I was put in a separate room with a small barred cell for a meeting with my*

lawyer. The lawyer was sitting in front of me, several meters away at a table, while I was locked in a cell behind bars. Our talk lasted for approximately 40 minutes”.

Contacting embassies was a serious problem. Here is what one of the Russian detainees told us: *“From the moment of my apprehension I was demanding to contact a lawyer and the Russian embassy, but I was only given a pen and a paper 5 days after the apprehension. I wrote an appeal to the court and a letter the Russian embassy. The embassy did not respond throughout the whole detention term.”* Same concern was raised by a Ukrainian citizen: *“During my detention the policemen did not allow me to contact the consulate. Later on my lawyer helped me do that. The Ukrainian consulate re-issued my documents and contacted my relatives”.*

“I was not allowed to make telephone calls and had no possibility to contact the Polish embassy. As far as I understand the embassy settled the question of my early release in exchange of me leaving the country on that same day. I was only able to contact relatives from the embassy”, — reports the Polish citizen.

One of the arrested was also a witness in a criminal case which created additional problems. State Security Committee members talked to him. During the interrogations his requests for a legal counsel were ignored, the State Security Committee members threatened to use force against him if he refused to give testimony.

CONDITIONS OF DETENTION

The respondents were detained in the TDF and the CDO. There is no special center for the custody of persons violating migration laws (including cases of the absence of documents and need for identification) and foreign citizens were put in TDFs that are intended for short-term administrative arrests. Given the conditions of detention in such facilities, such measures may be qualified as inhumane and degrading treatment.²

The detainees were getting irregular walks and were not allowed to shower despite numerous requests. The respondents speak of poor quality of food and deplorable sanitation. They also note that bed clothing as well as soap and toilet paper were untimely given. At no point of the detention were the rights and obligations of the detainees explained to them.

“I announced that I was going on a hunger-strike during my hearing. I was on a hunger-strike throughout all 15 days of my arrest. Medical examination was not provided to me despite my requests. When I complained of a severe pain the doctor would not come at once and was rude and insulted me. For some reason she would examine me in an isolation cell where I was left when the medical examination was

² See for instance, [the Monitoring of detention facilities for persons under administrative arrest](#), conducted by the initiative “Human rights defenders against torture” in 2016.

over (for edification purposes as far as I understand). In both cells where I spent most of my detention time there were lice in the bed clothing. I had been requesting a sanitary decontamination for several days”, — reports one of the detainees.

“While detained I was not explained the regime of incarceration and was then reprimanded for not adhering to it (violating the regime of sleeping, washing dishes after the meal, etc.). During the first couple of days bed clothing and soap were not distributed (we had to sleep on dirty mattresses, eat with unclean hands and in anti-sanitary conditions - that is, given that the cells are often occupied by homeless people who have not been duly checked for infections). We had to ask for these essentials many times before we were given a miniscule “standard amount” of them. My dietary requirements were neglected. Despite my statements on a possible allergy, nobody could tell the exact ingredients of the meals. I was allowed a walk two days in a row. There was not enough air in the cell. The windows were sealed, the toilet would give out an unpleasant smell but no means of disinfection were distributed”, — reports another detainee.

“The conditions in the cell were anti-sanitary, there were lice too. Administration of the facility refused to decontaminate the cell before, with the help of my attorney, I filed a complaint for the actions of the person in charge of the CDO”, — reports a Ukrainian citizen.

The question of getting packages and mail was arbitrarily regulated by the facilities’ authorities. None of the detainees had any relatives in Belarus. Some of the detainees received packages from friends and human rights organizations, while packages for other detainees were not given to them and withheld by the authorities. Here is what one of the arrested said: *“I have no relatives in Minsk and packages from friends (as I was told by the facility authorities) were not allowed. I was not even allowed to take personal belongings from my backpack – underwear, toilet paper, toothbrush. Even though I requested that every morning. I was only given my backpack back upon release.”*

EXPULSION

All foreign citizens apprehended in the course of March protests were subsequently expelled from Belarus either immediately after serving the term of administrative arrest or after the re-issuance of their documents. Rights and obligations connected with that procedure were only superficially explained to one of the respondents and none of them was given a chance to be present in the process of making these decisions. All of the respondents were not certain if they had been put under an expulsion or a deportation procedure. The terms of ban on entering Belarus vary from two

to ten years. In four cases a copy of the decision on expulsion was provided to the respondents and just in two cases the appeal procedure was explained. The authors of the present analytical report are of the view that in all cases it was the expulsion procedure that was applied even though the respondents used the word deportation more often.

Exercise of the decisions on expulsion was different with each of the respondents. It can hardly be concluded that in any of these cases Belarusian law-enforcement agencies complied with the provisions of the applicable laws.

“After my detention was over two representatives of migration police took me to Partizanskiy district department of internal affairs, where they immediately started to file deportation documents. Since I was not explained anything, I only understood that they were securing the attorney general’s approval for deportation. They did not allow me to make calls for a while, then they eventually returned my phone. Because I did not have enough money to buy plane tickets they suggested two ways out of this situation: either finding the money within an hour or waiting to get the money from the state (sometimes people wait for one month, sometimes from two to six months). I managed to contact my friends who transferred the money, migration police representatives and I left for the airport and soon I left the country”, — reports one of the Russian citizens.

In a different case a person reports on how the policemen without his knowledge took the money from his personal belongings and bought him a plane ticket. He was escorted to the airport and banned from entering Belarus for 10 years.

Here is what another detainee tells: *“Citizenship and migration department for Centralniy district official picked me up at the CDO and we went in the direction of the Russian border by car (VAZ 2107). There was another representative of citizenship and migration department in the car. We arrived at the checkpoint at 6 pm. They dropped me there, gave me my passport with a stamp on deportation, personal belongings (seized at the moment of apprehension) and made a picture of me heading to Russian Federation. I had no money or mobile devices. Only a bag of dirty clothes. The weather was terrible – it was snowing and raining and the wind was blowing hard. I have not had any food in fifteen days. My physical state was horrible: everything was going dark before my eyes, my legs were going weak, my muscles were panging and I was freezing. After a number of “adventures”, I hitchhiked to Moscow in a day being completely exhausted. I have not been able to eliminate the consequences of such poor state of my health (the result of such deportation procedure) for already half a month since.”*

Another detainee was visited by the representatives of citizenship and deportation department in the isolation cell twice. During their first visit they told him he might be deported. *“The second time they came two hours before the end of the administrative*

arrest term with a notification of deportation for two years. I did not understand the procedure of deportation. Two options of my deportation were discussed in my presence”.

The Polish citizen described the procedure of exercising the decision on her expulsion in the following way: *“Since it happened on the basis of an agreement of the Polish embassy and the Belarusian authorities — I could take my belongings from the district department of internal affairs (which were taken on Friday) and could take my car. Therefore, I was driving in my car and the consul with his driver followed me in a different car. They considered it necessary to accompany me to the border in Brest to make sure nobody apprehended me on the way there. I only learned about my 5-year deportation at the border checkpoint where my passport was just stamped without providing a decision on deportation to me.”*

In another case a Russian citizen was warned that she could be forcefully expelled at her own expense. She was also told that if the expulsion was to take place at the expense of the Republic of Belarus she could end up waiting for a term ranging from a couple of months to half a year. She requested to contact her friends, but was refused. Later on a citizenship and migration department representative notified her that her friends had been contacted and they would buy her a ticket for 11 April. On the 8th of April another citizenship and migration department representative came and took the detainee to the car where her friends were. It turned out that they convinced the police to let her leave earlier. On the 8th of April she was escorted to the airport. Her rights and obligations were not explained to her, she was not present when the decision on her expulsion was being made. The decision on expulsion was given to her at the airport. It said that she is banned from entering Belarus for ten years and it was the internal Russian Federation passport that was stamped. Upon the arrival at the airport a citizenship and migration department representative gave the passport to the airport policemen and left. That policemen accompanied the girl through the security check, then he took her documents and left her in the waiting area. In the end, when the policemen was just barely found he gave the passport and the ticket back.

Another detainee after the term of his administrative arrest was over was escorted from the CDO to the department of transport police at Minsk train station where he was told that he would be deported to Russia and the citizenship and migration department bans him to enter the Republic of Belarus for five years. The policemen made him buy a new ticket, put him in the bus and took a picture. He was notified that he had no right to exist the bus before the bus gets to the border with the Russian Federation. He was also notified of his criminal responsibility in case he returned. They gave the passport to the bus drivers and told them that the person they had put on the bus is prohibited from leaving the bus on Belarusian territory. The decision on deportation was not given to him.

Here is what one of the respondents reports: *“During a visit of a citizenship and migration department representative I asked for a legal counsel’s presence, but my request was not granted. The copy of the decision on expulsion was not provided to me, the expulsion procedure was also not explained. The tickets were bought with the help of my father and human rights activists. A citizenship and migration department representative picked me up at the TDF and introduced me to the decision on expulsion (as far as I understand she was the one rendering it). She was accompanied by two policemen. Then we all got in a regular car and went to the airport. Everything was quite peaceful and civilized. In the airport the representatives of state authorities requested the airport police to assign one of the policemen to accompany me after the security check. At that point the “warden and prisoner” mode was off and the policemen were not bothering me with their orders.”*

In another case the expulsion procedure went on for around a month, the documents were not re-issued during that period. The detainee was not present in the proceedings of considering the question of his expulsion, his rights were not explained to him. The representative of Frunzenskiy district department of internal affairs told the foreign citizen about the decision on his expulsion and ban on entering the Republic of Belarus for ten years. An administrative offence protocol in this case was not filed, only a protocol for identification purposes. The grounds for the decision on expulsion and the appeal procedure were not explained. Policemen escorted the released person from the CDO to the airport then asked another policeman to accompany him to the plane.

Here is what another foreign citizen reports: *“While I was in the CDO citizenship and migration department representatives visited me once and told me that I have the right to apply for a refugee status, but did not fully explain my rights and obligations. I was not allowed to be present at the procedure of making a decision on my expulsion. The exact date of the expulsion was only told me on the expulsion day. The copy of the decision on expulsion and the ban to enter the Republic of Belarus for ten years was not provided to me. The grounds for appealing the decision and the appeal procedure were not explained to me.”*

RECOMMENDATIONS

- Carry your passport with you at all times while in Belarus;
- In case of an apprehension, request that the grounds for your apprehension are explained;
- Ask for a legal counsel in the proceedings;
- If you do not understand Russian or Belarusian ask for an interpreter;
- Demand that your relatives are informed on your apprehension;

- In case a possibility of an expulsion or deportation procedure arises, clarify what procedure you are being put under;
- Warn your friends and acquaintances that in case of your apprehension they should contact the embassy of your state in Belarus, your relatives and, if possible, a legal counsel, because you may not be able to do that after the apprehension. Also ask them to contact human rights organizations.

USEFUL CONTACTS

- **Ministry of foreign affairs**, 19 Lenina St., Minsk, 220030, Republic of Belarus, hotline (24/7) +375 17 3272922
- **Minsk Chief Department of Internal Affairs Centre for Detention of Offenders (CDO)**, 36 1st Okrestina lane, Minsk, Republic of Belarus 220089, phone: +375 17 3727380
- **Minsk Chief Department of Internal Affairs Minsk temporary detention facility (TDF)**, 36 1st Okrestina lane, Minsk, Republic of Belarus 220089, phone: +375 (17) 372-74-28
- **Representative office of the Office of the United Nations High Commissioner for Refugees in the Republic of (UNHCR)** coordinates international action aimed to guarantee refugee protection worldwide and help refugees solve their problems taking into account their needs and irrespective of race, religion, political views and gender. The key goal is to guarantee the refugees their rights and well-being. The UNHCR strives to maintain the environment where each person would be able to exercise his or her right for asylum, find an asylum in a different state and voluntarily return to his/her homeland.
Offices 79-80 (7th floor), 22 A Krasnoarmeyskaya St., Minsk, Republic of Belarus, phone: (017)328-69-61; (017)328-56-35, fax: (017)328-36-15, e-mail: BLRMI@unhcr.org
- **International organization for migration (IOM)** is the key inter-state organization in the sphere of migration working in four main areas of managing migration: migration and development, facilitating migration, regulating migration, forced migration.
3, Gorny lane, Minsk, 220005, Republic of Belarus, phone: (017)288-27-42; (017)288-27-43, fax: (017)288-27-44, e-mail: iomminsk@iom.int, website: <http://iom.by/ru/>

CIVIL SOCIETY ORGANIZATIONS

- **Office of the Belarusian medical workers movement for consulting the refugees** (conducts free consultations for refugees on legal questions), 74 Olshevskogo St., Minsk, Republic of Belarus, phone: (017)228-59-64; office 210, 12 Pushkina St., Vitebsk, Republic of Belarus, phone: (0212)36-48-31
- **Belarusian Red Cross** (provides medical and humanitarian help to refugees, organizes educational projects, serves as an intermediary between refugees and state authorities), 35 K. Marx St., Minsk, Republic of Belarus, phone: (017)327-14-17, website: <http://redcross.by/>
- **Non-governmental organization “Institution ”Advisory centre on contemporary international practices and their legal implementation ”Human Constanta”**, e-mail: info@humanconstanta.by, website: www.humanconstanta.by

ON HUMAN CONSTANTA

We are working with modern human rights challenges in Belarus.

- We are working in the sphere of refugees' and migrants' rights because we want to see Belarus as a hospitable and friendly country with predictable laws and as a country where a person is judged based on his actions, not his skin color, language or religion.
- We are working with digital freedoms because we want new technologies to serve our society and we do not want them to serve a tool for enslavement of the society by worst of the dystopian scenarios.
- We study society, analyze legislation, write articles, teach, consult and defend human rights. We have specialists of different profiles in our team. We are united in the belief that human rights may change the world for the better.
- We do not support any political parties or movements, but reserve the right to criticize their actions should they depart from the idea of respect for universal human rights. Yes, you have heard it correctly, defending human rights is not politics.
- We are working with the state to the extent that it allows us to promote interests of the society and constitutional freedoms. We are ready to not only criticize wrong decisions and talk about the violations of rights, but also be the ones advocating for highest international standards and practices in Belarusian legislation and practice.