



Restrictions on freedom of expression under the pretext of fighting extremism and terrorism

Contents

- Introduction.....3
- 1. Applicable international standards.....4
- 2. National legislation.....6
- 3. Designation of individuals, communities, media, other entities and information products as “extremist” and “terrorist”.....8
 - 3.1. List of citizens involved in extremist activities.....8
 - 3.2. The list of extremist formations.....10
 - 3.3. List of citizens and organizations involved in terrorism.....11
 - 3.4. List of materials designated as extremist.....12
- 4. Criminal prosecution.....13
 - 4.1. Accusations of violent change of the constitutional order and (or) territorial integrity of the Republic of Belarus; seizure or retention of government power by unconstitutional means.....13
 - 4.2. Prosecution for “dissemination of knowingly false information about the political, economic, social, military or international situation of the Republic of Belarus, the legal status of citizens in the Republic of Belarus, discrediting the Republic of Belarus”.....17
 - 4.3. Disproportionate prosecution for insulting government officials.....18
 - 4.4. Inciting hostility and discord.....20
 - 4.5. Persecution of creators, participants and supporters of “extremist formations”.....23
 - 4.6. Hooliganism and criticism of state symbols as a form of extremism.....25
 - 4.7. Charges of terrorism and sentencing to long prison terms.....27
 - 4.8. Prosecution for the distribution of “extremist materials,” as well as the production, publication, storage or transportation of such materials for the purpose of distribution.....29
 - 4.9. Prosecution for the rehabilitation of Nazism, propaganda or public display, production, distribution of Nazi symbols and paraphernalia, as well as storage or acquisition of such symbols or paraphernalia for the purpose of distribution; persecution for denying the genocide of the Belarusian people.....31
 - 4.10. Public calls for extremism, as well as public justification of such actions.....33
- 5. In absentia (special) proceedings.....35
- Conclusion.....38

Introduction

Belarus continues to plunge into an atmosphere of total repression and intimidation for any manifestation of freedom of thought and speech. Freedom of assembly, which was extremely limited even before the current crisis, now belongs to the past: opponents of the regime were not allowed to stage a single peaceful assembly over the past year. Justifying state terror through the use of undemocratic legislation looks cynical, including by applying anti-terrorist and anti-extremist legislation for these purposes. However, this trick only works for the purpose of convincing the repressive apparatus of the imaginary legality of its actions to suppress rights and freedoms, building a neo-totalitarian society, the authorities of which, with the help of the latest information and technological achievements, have thrown the European state into the category of world outcasts.

International organizations assessed the situation objectively; in particular, OHCHR stated that the broad definition of “extremism” is incompatible with the principle of legality and that extremism and counter-terrorism laws are used in Belarus to suppress dissent. At the same time, the absence of real accountability mechanisms results in gross violations of human rights, which have all the hallmarks of crimes against humanity, being committed with absolute impunity.

[The previous report](#) of The Human Rights Center Viasna on the same topic focused on analyzing the gradual shrinking of the boundaries of rights and freedoms, which intensified after the presidential election of 2020, a vote marred by significant violations and resulting in an end to the recognition of Lukashenka’s regime as a legitimate government. The current report contains updated information on the situation: in the period under review – from March 2023 to March 2024 – we observed a clear increase in repressive practices, the basis of which was laid by consistently amended legislation restricting civil and political rights and freedoms under the guise of the fight against extremism and terrorism.

1. Applicable international standards

The fight against terrorism¹ and violent extremism as a breeding ground for terrorism² is an important task of the state, but the measures implemented must be balanced with human rights obligations and not lead to abuses³.

It is important that states strictly comply with international human rights obligations when implementing anti-terrorism measures. According to the [Siracusa Principles](#), any restrictions imposed on rights and freedoms⁴, must be prescribed by law, pursue a legitimate aim, be necessary in a democratic society and proportionate to the threat, without abuse of power or unreasonably restricting the space for freedom of expression and civil society activity.

In this regard, it is important to refer to the principles of legality and legal certainty⁵. According to the Siracusa Principles, laws restricting the enjoyment of human rights must not be arbitrary or unreasonable (Principle 16). Otherwise, overly broad and vague formulations of legal norms open up space for their arbitrary interpretation and abuse⁶. In addition, legal provisions limiting the enjoyment of human rights must be clearly stated and accessible to everyone (Principle 17). In this regard, for example, the exclusion of the word “non-violent” and the further broad interpretation of the term “extremism” is a prima facie approach that is not consistent with human rights⁷.

The application of anti-extremist and anti-terrorism legislation should not turn into a tool for suppressing political opposition or criticism of the authorities. States should not target any “undesirable” individuals and civil society organizations through the widespread use of anti-terrorism and anti-extremism measures⁸.

In the context of international human rights standards, measures to combat terrorism and extremism are viewed in the light of the need to maintain a balance with the right to freedom of expression⁹. The fight against terrorism and extremism often entails the introduction of restrictions on freedom of expression. It is important that such restrictions do not become a tool for unduly narrowing the space for open discussion and criticism¹⁰.

Freedom of expression is guaranteed by Article 19 of the Universal Declaration of Human Rights (UDHR) and article 19 of the International Covenant on Civil and Political Rights (ICCPR). The provisions of article 19 of the ICCPR are interpreted in detail in General comment No. 34 of the Human Rights Committee. The conditions for limiting freedom of expression are formulated in paragraph 3 of article 19 of the ICCPR and are further elaborated and explained in the [Johannesburg Principles](#). Freedom of expression may be limited by lawful, non-discriminatory, necessary and proportionate measures to ensure respect for the rights or reputations of others or to protect national security, public order, health and morals of society (paragraph 3 of article 19 of the ICCPR).

¹ https://www.un.org/en/ga/sixth/74/int_terrorism.shtml

² Action Plan to Prevent Violent Extremism, [A/70/674](#) (2015)

³ Report of the UN Special Rapporteur against Terrorism, [A/HRC/40/52](#) (2019), para. 19

⁴ This refers to the rights and freedoms guaranteed by the International Covenant on Civil and Political Rights

⁵ Venice Commission, [Rule of Law Checklist](#)

⁶ Report of the UN Special Rapporteur on Belarus, [A/HRC/53/53](#) (2023), para. 97

⁷ Report of the UN Special Rapporteur against Terrorism, [A/HRC/43/46](#) (2020), para. 13

⁸ Report of the UN Special Rapporteur against Terrorism, [A/HRC/40/52](#), para. 20

⁹ Ibid, para. 5

¹⁰ Ibid, para. 65

International law (paragraph 2 of article 20 of the ICCPR) directly prohibits speech in favor of:

- a) propaganda of hatred,
- b) propaganda constituting incitement,
- c) incitement that may lead to discrimination, hostility or violence¹¹.

At the same time, the restriction does not imply the mandatory criminalization of such statements¹² — on the contrary, only serious cases proven beyond reasonable doubt should be subject to criminal prosecution¹³. Moreover, restrictions established by international law must be interpreted narrowly and not threaten the right to free expression itself¹⁴. Only expressions that constitute incitement – that is, statements about national, racial or religious groups that create an imminent threat of discrimination, hostility or violence against individuals belonging to those groups – should be prohibited¹⁵. Following this logic, the [Rabat Plan of Action](#) proposes a six-part threshold test for determining when expression can be classified as incitement to violence and therefore can be legally restricted: assessing the speech for context, audience, speaker’s status, intent to incite hostility, likelihood of such intentions, content and form of expression.

¹¹ Report of the Special Rapporteur on Freedom of Expression, [A/67/357](#) (2012), para. 43

¹² Report of the Special Rapporteur on Freedom of Expression, [A/74/486](#) (2019), para. 8

¹³ Committee on the Elimination of Racial Discrimination, [General recommendation No. 35](#) (2013), para. 12

¹⁴ Human Rights Committee, [General comment No. 34](#) (2011), para. 21.

¹⁵ Report of the Special Rapporteur on Freedom of Expression, [A/74/486](#), para. 10, 13.

2. National legislation

The authorities' fight against freedom of speech, including under the guise of combating extremism and terrorism, is carried out through the application of articles of the Code on Administrative Offenses, articles of the Criminal Code, the Law "On Countering Extremism", the Law "On Preventing the Rehabilitation of Nazism", the Law "On the Genocide of the Belarusian People", the Resolution of the Council of Ministers "On Measures to Counter Extremism and Rehabilitation of Nazism", etc.

Legal acts, which, from the point of view of the authorities, legalize restrictions on freedom of speech under the guise of fighting extremism and terrorism, can be conditionally called anti-extremism and anti-terrorism legislation, which was analyzed in the [report](#) "Restrictions on freedom of expression under the pretext of combating extremism and terrorism", covering the period until March 2023. In 2019, human rights defenders conducted a detailed analysis of anti-extremist legislation and made recommendations to the state to improve the situation¹⁶, which were, however, ignored, and anti-extremist legislation has only expanded since then.

Between March 1, 2023 and March 1, 2024, anti-extremist legislation was significantly changed and is currently used by the authorities to justify the adoption of new repressive legal acts and related practices.

On March 6, 2023, the Security Council approved¹⁷ the draft of the new National Security Concept of the Republic of Belarus, the approval of which is entrusted to the All-Belarusian People's Assembly. The Concept contains vague definitions of the concepts of "national security," "national interests," and "threat to national security," which appear in the descriptions of the articles of the Criminal Code. Hiding behind a too abstract formulation of national security — "*the state of protection of the national interests of the Republic of Belarus from internal and external threats, ensuring its sustainable development*" — the authorities use it to substantiate the criminalization of all alternative statements and actions that are only subjectively dangerous for the people who are de facto in power.

The new version of the Concept introduced such notions as "electoral sovereignty," "challenge to national security," and "risk to national security." While a "threat to national security" was defined as "*a real existing danger of harm to national interests,*" the new concepts include actions that precede this and are only of a potential nature: "a challenge to national security" is interpreted as "*an objectively emerging danger of harm to national interests,*" and "national security risk" — as "*an emerging danger of harm to national interests.*" Despite regular criticism of overly broad definitions of national security and its threats, the introduction of new concepts that fragment the extent of harm to national interests allows the authorities to prosecute even more broadly for even less defined actions or speech.

The Concept also expanded the definition of "sources of threat to national security," now covering both "*a factor and a set of factors*" and "*the entities that produce them.*" In this way, the authorities legislate the possibility of persecuting individuals and organizations by introducing more stringent measures of control and tightening responsibility.

¹⁶ [Protivodeystviye ekstremizmu i prava cheloveka](#), 2019

¹⁷ [Resolution](#) of the Security Council of the Republic of Belarus dated March 6, 2023 No. 1 "On consideration of the draft new Concept of National Security of the Republic of Belarus"

The Law “On Amendments to the Codes on Criminal Liability” came into force on March 9, 2023. From October 1, 2023, several changes are in effect, which directly restrict freedom of speech and legalize repression against speakers of alternative opinions.

In particular, an article for a non-violent crime “Propaganda of Terrorism” was introduced into the Criminal Code. The charge involves “*the dissemination in any form of materials and (or) information in order to form among an individually indefinite circle of people commitment to terrorist ideology or the recognition of terrorist activities as acceptable.*” While the issue of disseminating censored or alternative information is resolved by the authorities by using administrative charges under the pretext of distributing “extremist materials,”¹⁸ following the same principle, but resulting in criminal liability, the new article of the Criminal Code can be applied for “terrorist ideas,” which, among other things, include alternative ideas. Article 289-1 prescribes punishment ranging from brief imprisonment to three years in prison. The second part of the article provides for increased liability for the same actions committed by a “special subject” – a person convicted of committing “extremist” crimes: in this case, the punishment can reach up to seven years of imprisonment.

At the legislative level, steps have been taken to strengthen control and intimidate people by threatening to violate the right to life. In particular, the death penalty was introduced in Article 356, “Treason to the State.” Changes were also made to the Decree “On General Military Regulations of the Armed Forces of the Republic of Belarus,”¹⁹ which expanded the powers of military personnel in the use of force, including lethal weapons. While previously “*the use of physical force, non-lethal gear, weapons, military and special equipment*” was allowed only if it was impossible to prevent the violation by other means, now this is possible “*taking into account the developing situation, the nature of the crime, the administrative offense and the personality of the offender.*” This formulation lacks clear criteria and differentiation between situations when the use of weapons and force is permissible. Legislative permission to use both lethal and non-lethal weapons creates conditions for the arbitrary use of force and attempts on human life, including in politically motivated situations.

A number of articles of the Criminal Code, which are applied for political reasons, have been tightened by adding additional penalties ranging from a fine to imprisonment, which is an additional tool for punishing lawful but arbitrarily persecuted actions. There is also a possibility that the legislator will take into account the growing number of sentences passed in absentia, in which the most likely option is to execute the punishment by imposing a fine at the expense of the convict’s property on the territory of Belarus. The changes affected the following articles of the Criminal Code: Art. 293 (rioting), Art. 357 (conspiracy or other actions committed with the aim of seizing state power), Art. 358 (espionage), Art. 358-1 (agent activity), Art. 359 (act of terrorism against a state or public figure), Art. 360 (sabotage), Art. 361 (calls for restrictive measures (sanctions), other actions aimed at harming the national security of the Republic of Belarus), Art. 361-1 (creation of an extremist formation or participation in it), Art. 361-2 (financing extremist activities), Art. 361-3 (participation on the territory of a foreign state in an armed formation or armed conflict, military operations, recruitment or preparation of persons for such participation), and Art. 361-5 (undertaking training or other preparation for participation in extremist activities).

¹⁸ Art. 19.11 of the Code on Administrative Offenses of the Republic of Belarus

¹⁹ Art. 11 of the Decree of the President of the Republic of Belarus dated June 26, 2001 No. 355 “On general military regulations of the Armed Forces of the Republic of Belarus” as amended on February 1, 2024

3. Designation of individuals, communities, media, other entities and information products as “extremist” and “terrorist”

Johannesburg Principles

Principle 1.1. All restrictions must be prescribed by law

(a) ... *The law must be accessible, unambiguous, drawn narrowly and with precision so as to enable individuals to foresee whether a particular action is unlawful.*

The practice of blacklisting media products, outlets, organizations and individuals continues to be a tool of persecution for criticizing the regime. Such lists make it possible to equate large groups of active independent media and civil society organizations with extremist ones by a mere decision of an executive authority²⁰.

Individuals are entered into the “List of citizens of the Republic of Belarus, foreign citizens or stateless persons involved in extremist activities” and the “List of organizations and individuals involved in terrorist activities.” In addition, the “List of organizations, formations, individual entrepreneurs involved in extremist activities” sometimes features the names of individual members of these formations. The designation procedure remains opaque and closed to the individuals and groups of individuals being blacklisted.

As noted in the “Report on the serious threat to the OSCE human dimension in Belarus since 5 November 2020”²¹, *“the lack of precision of so-called “extremism” also affects the notions of “extremist materials”, “extremist activity”, “extremist organization”, etc. It appears that listing procedures lack transparency, and are largely in the hands of the executive, with uneven involvement of the judiciary.”*

3.1. List of citizens involved in extremist activities

The list of citizens of the Republic of Belarus, foreign citizens or stateless persons involved in extremist activities is [published](#) on the website of the Ministry of Internal Affairs

As of February 29, 2024, 3,819 people were on the list.

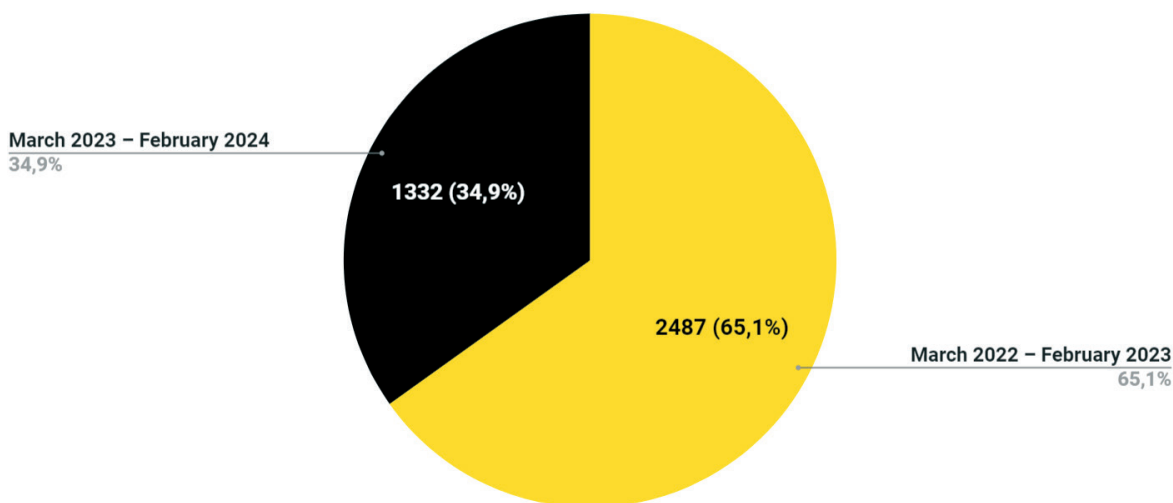
From March 2023 to February 2024, 1,332 people were added to the list, which is 1,155 fewer than in the period from March 2022 to February 2024²². This is explained by the fact that earlier the listing affected those convicted during the entire period starting from the end of 2020, when the first sentences were handed down for the 2020 protests.

²⁰ See, for example, Report of the UN Special Rapporteur on Belarus, [A/HRC/53/53](#), para. 41

²¹ OSCE Fact-Finding Mission on Belarus (2023) in accordance with paragraph 12 of the Moscow Mechanism Document. [Report](#) on the serious threat to the OSCE human dimension in Belarus since 5 November 2020, Professor Hervé Asensio

²² [Restrictions on freedom of expression under the pretext of combating extremism and terrorism](#), 2023, p. 12

Number of persons on the list by year



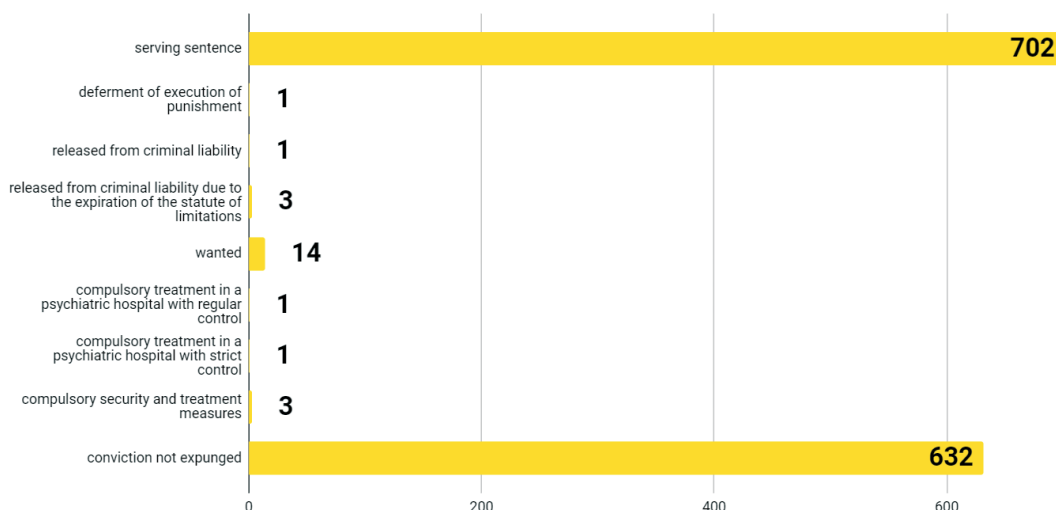
Grounds for designation are a court verdict that has entered into force in connection with the commission of actions classified as extremist activities by the Law “On Combating Extremism.”

The most widely used articles of the Criminal Code are as follows:

- Article 342 (organization and preparation of actions that grossly violate public order, or active participation in them), 740 charges;
- Article 368 (insulting the President of the Republic of Belarus), 230 charges;
- Article 130 (incitement to racial, national, religious or other social hatred or discord), 202 charges;
- Article 369 (insulting a representative of the authorities), 142 charges;
- Article 361-1 (creation of an extremist group or participation in it), 91 charges.

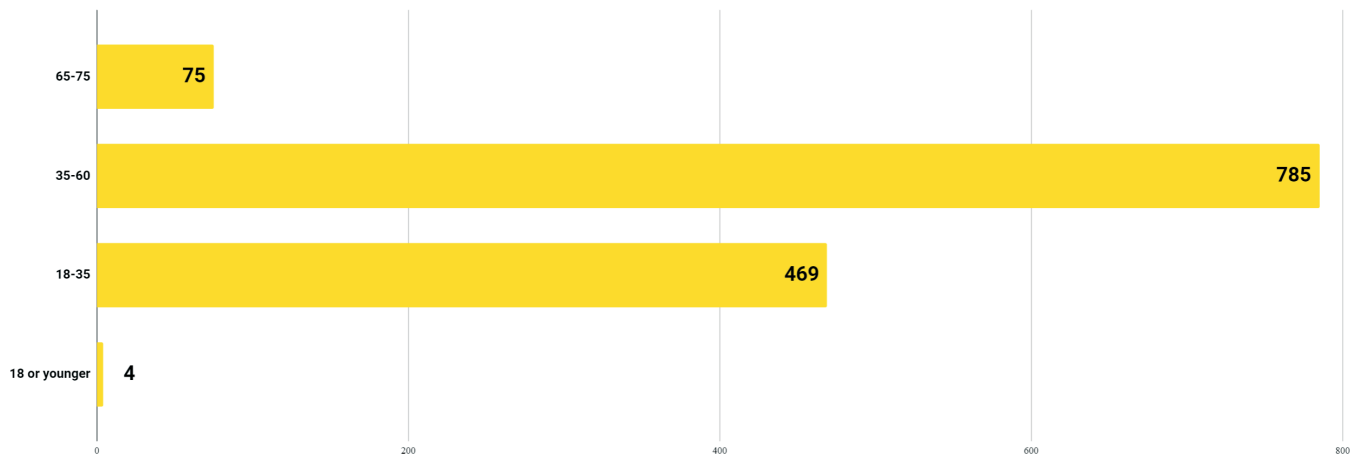
Most of those blacklisted from March 1, 2023 to February 29, 2024 are convicts serving their prison sentences: 702 people; second most popular category is people with an outstanding conviction: 632 people; those on the wanted list: 14 people; exempted from criminal liability: four persons; those allowed a reprieve from execution of punishment: one person; under forced security and treatment measures: three persons; undergoing compulsory treatment in a psychiatric hospital with regular and strict supervision: two persons.

Status



The minimum age of a person on the list is 16 years, the maximum is 74 years.

Age of persons on the list



The list features both citizens of Belarus and foreigners designated following a final court ruling. The overwhelming majority – 1,323 people – are citizens of Belarus; five persons are citizens of Ukraine; two Russian nationals; one Polish citizen; and one national of Uzbekistan.

In accordance with paragraph 5, Part 6 of Art. 18 of the Law “On Combating Extremism,” the basis for excluding citizens from the list is the presence of documented data on the death of a citizen. As of March 10, 2024, the list still features the following [deceased prisoners](#):

Name	Month and year of death	Number on the list
Mikalai Klimovich ²³	May 2023	2757
Ales Pushkin	July 2023	210
Vadzim Khrasko	January 2024	3452
Ihar Lednik	February 2024	2164

3.2. The list of extremist formations

The list of organizations, formations, and individual entrepreneurs involved in extremist activities is published on the website of the Ministry of Internal Affairs. The listing procedure is regulated by Resolution No. 575 “On measures to counter extremism and rehabilitation of Nazism” of the Council of Ministers of October 12, 2021.

The definition of “extremist formation” is provided in Part 4 of Art. 1 of the Law “On Countering Extremism.” An “extremist formation” is a group of citizens that carries out extremist activities, or provides other assistance to extremist activities, or recognizes the possibility of their implementation in their activities, or finances extremist activities, in respect of which a decision has been made by the Ministry of Internal Affairs or the State Security Committee to recognize it as extremist. The decisions are extrajudicial.

In 2023, 62 entities were designated as “extremist formations.”

²³ The day of listing coincides with the date of death

The State Security Committee (KGB) adopted 26 decisions “on recognizing a group of citizens as an extremist formation and banning its activities,” the Ministry of Internal Affairs – 35. One decision was made by the Supreme Court.

In 2023, the list was expanded by adding several independent media, social media accounts of bloggers, a music band, Telegram channels and chats (even closed ones), public organizations and initiatives. Twelve more entities were blacklisted in the first two months of 2024. As of February 29, 2024, the list contains 181 entries.

Nine entities were designated as “extremist formations” in January 2024, including the independent media “Belarusian Radio Racyja,” the initiative “Free Belarusian University,” the initiative to help the families of victims of political repression “INeedHelpBY” (more details in section 4.4). In February 2024, three entities were added to the list.

3.3. List of citizens and organizations involved in terrorism

In accordance with the Law “On the Fight against Terrorism” of January 3, 2002, the State Security Committee manages a list of organizations and individuals involved in “terrorist activities.” The procedure is established by Resolution No. 1256 “On approval of the Regulations on the procedure for determining the list of organizations and individuals, including individual entrepreneurs involved in terrorist activities, appealing against the decision to include an organization or individual, including an individual entrepreneur, in such a list and consideration of other requests from these organizations, individuals, including an individual entrepreneur, bringing this list to the attention of persons carrying out financial transactions and the financial monitoring body” of the Council of Ministers of December 30, 2014. The grounds for blacklisting are as follows:

- a decision of the Supreme Court that has entered into force designating an organization as terrorist (extremist), prohibiting its activities and liquidating it, designating a foreign or international organization as terrorist (extremist), prohibiting its activities on the territory of the Republic of Belarus and liquidating it if there is a representative office of such a foreign or international organization located on the territory of the Republic of Belarus;
- a decision to involve an individual as a defendant and a final verdict of the court of the Republic of Belarus on finding an individual guilty of committing crimes provided for in Articles 124-131, 134, 287, 289-293, part 4 of Article 294, part 4 of Article 295, part 4 of Article 309, part 3 of Article 311, Articles 322-324, 359, 360 and 361 of the Criminal Code of the Republic of Belarus;
- lists of persons involved in terrorist activities, involved in the proliferation of weapons of mass destruction or under the control of such persons, compiled by international organizations or bodies authorized by them and recognized by the Republic of Belarus, in the presence of objective circumstances and actions that pose a threat to the national security of the Republic of Belarus;
- sentences or rulings of courts, other competent authorities of foreign states in respect of such persons recognized in the Republic of Belarus in accordance with international treaties of the Republic of Belarus.

Over the past year (until the end of January 2024), the list of “terrorist organizations” has been supplemented by one organization, The Houthis, after the movement was sanctioned by the UN Security Council. The list does not feature any new Belarusian organizations.

From mid-March 2023 (the time of the writing of the previous report) until February 2024, 163 people were added to the list, including ten on the Sanctions List of the UN Security Council. The rest were blacklisted by the Belarusian authorities; among them are citizens of the Republic of Belarus and one citizen of Ukraine.

125 of them were accused under Art. 130 of the Criminal Code for “inciting hostility or discord,” nine – under Art. 289 of the Criminal Code for “committing an act of terrorism,” 32 – under Art. 361 of the Criminal Code for “calls for restrictive measures (sanctions) and other actions aimed at harming national security.”

3.4. List of materials designated as extremist

The practice of designating information products as “extremist” and managing a nation-wide List of “extremist materials,” which began in 2008, has become especially active, regular and systematic after the events of 2020. The numerous new entries appeared on the list after the authorities shifted their focus from products that may indeed be extremist, e.g. Nazi, neo-Nazi and religious content, to those that are undesirable from the point of view of the regime: containing an alternative point of view, oppositional, nationally oriented, cultural and uniting people. The blacklisting of media products implies their prohibition and administrative responsibility for interaction with them on the basis of Art. 19.11 of the Code of Administrative Offenses (distribution, production, publication, storage or transportation for the purpose of distribution) carrying penalties ranging from a fine to a short term of imprisonment.

At the time of writing, there are more than 4,300 items on the list. Since March 1, 2023, the list has been expanded by more than 1,800 entries related to more than 1,000 decisions, which effectively outlaw an unlimited number of positions as “extremist materials.”

On July 4, 2023, the Čyhunačny District Court of Homieĺ, in a single court hearing, designated 105 information products as “extremist materials.”

The listing procedure cannot be called objective, transparent or expert-based. The assessment is carried out for political reasons by members of commissions who simultaneously hold government positions or have connections with government agencies, and without proper analysis or justification. The authority to assess the presence of signs of extremism is vested in several commissions of various tiers. At the same time, at the legislative level, they are subject to vague requirements regarding the composition, tasks, rights and responsibilities of commission members, as well as decision-making regulations.

Information products that are designated as “extremist materials” are largely online content: websites, Telegram channels and chats, personal pages, blogs, musical compositions and videos, etc. However, printed texts, as well as symbols and paraphernalia, can also be blacklisted as “extremist.” Materials related to political parties, social movements, Belarusian diasporas abroad, solidarity with the repressed, fiction, etc. have been designated since March 1, 2023.

4. Criminal prosecution

4.1. Accusations of violent change of the constitutional order and (or) territorial integrity of the Republic of Belarus; seizure or retention of government power by unconstitutional means

Johannesburg Principle

Principle 7: Protected expression

(a) Subject to Principles 15 and 16, the peaceful exercise of the right to freedom of expression shall not be considered a threat to national security or subjected to any restrictions or penalties. Expression which shall not constitute a threat to national security includes, but is not limited to, expression that:

(i) advocates non-violent change of government policy or the government itself.

The Criminal Code provides for liability for “conspiracy or other actions committed with the aim of seizing state power,” under Art. 357: conspiracy or other actions committed with the aim of seizing or retaining state power by unconstitutional means, as well as seizing or retaining state power by unconstitutional means are punishable by imprisonment for a term of 8 to 15 years; seizure or retention of power by unconstitutional means, resulting in the death of people or involving murder, is punishable by imprisonment for a term of 10 to 25 years with or without a fine, or life imprisonment, or the death penalty.

In total, at least 27 people accused of this crime have been convicted since 2021. Among them are politicians and civil society activists, participants in public initiatives and protest communities.

At the end of 2020, members of the Coordination Council **Maryia Kalesnikava** and **Maksim Znak** became targets for arbitrary persecution. On December 21, on instructions from the Prosecutor General’s Office, the Investigative Committee opened a criminal case on charges of “conspiracy to seize power by unconstitutional means” (Part 1 of Article 357 of the Criminal Code). The defendants in the case were [accused](#) of “entering into a secret conspiracy with other persons no later than July 16, 2020 to seize state power by unconstitutional means.” *“The basis for the implementation of this plan was the method of changing power through illegal means, successfully tested in a number of countries. It involved the accumulation of representatives of the protest movement to form an unorganized mass of people as a tool for achieving goals and a way to form the protest mood of the participants. The methodology was adapted to the Belarusian civil society and the modern level of development of information and communication technologies... According to the plan, in various places, declaring and positioning themselves as representatives of the overwhelming majority of citizens of Belarus, they prepared and publicly voiced statements about the victory of candidate S. Tsikhanouskaya in the elections, the loss by the people of Belarus of trust in the bodies of government and management, the weakness of the current government. They called for “strikes” at state-owned enterprises, putting forward exclusively political demands*

as a legal way of expressing their opinions. They repeatedly called, directly and in veiled form, to recognize the elections as invalid and the current Head of State as illegitimate,” the investigators said. Thus, public political activity, statements based on objective facts, calls for non-violent forms of civil disobedience became the basis for arbitrary charges of committing a crime classified by the Criminal Code as especially serious.

Public figures were also accused of the creation, on the initiative of **Sviatlana Tsikhanouskaya**, of a “so-called “coordination council” as a single representative body of Belarusian society to organize the transfer of power. Hiding their motive, they declared as the official goal of creating the “coordination council” the organization of the process of overcoming the political crisis, ensuring harmony in society, as well as protecting the sovereignty and independence of Belarus.” At the same time, according to the Prosecutor General’s Office, the real purpose of creating the Coordination Council was “coordinating protest activity, including organizing and carrying out actions aimed at seizing state power and changing political leadership through unconstitutional means...” The accused were convicted in a closed court hearing.

Ryhor Kastusiu, **Aliaksandr Fiaduta**, and **Yury Ziankovich** were convicted under Part 1 of Art. 357 of the Criminal Code for “conspiracy to seize state power by unconstitutional means.” The three defendants were accused of discussing possible ways to change the country’s leadership. Ziankovich and Fiaduta became victims of provocation on the part of the Belarusian special services and were misled about the readiness of the Belarusian military to support the overthrow of the Lukashenka regime.



On March 6, 2023, the Minsk City Court convicted in absentia **Sviatlana Tsikhanouskaya**, **Pavel Latushka**, **Volha Kavalkova**, **Maryia Maroz**, and **Siarhei Dyleuski**. All of them were charged with “conspiracy to seize state power by unconstitutional means” (Part 1 of Article 357 of the Criminal Code). [According](#) to the Prosecutor General’s Office, “*Tsikhanouskaya, Maroz, Kavalkova, Latushka and Dyleuski at different times entered into a secret criminal conspiracy, including with others persons, with the aim of seizing state power. After the distribution of functions, they actively performed their roles in the crime, which, among other things, was expressed in the development of a plan*”

and mechanism for seizing power and establishing interaction with administrators of radical and destructive Internet resources, representatives of structures interested in changing the political leadership in the Republic of Belarus; planning and organizing unauthorized protests and riots; preparing and voicing statements and calls aimed at creating conditions for the seizure of state power and facilitating the illegitimate transfer of powers of government bodies to representatives of the protest opposition, which was represented by the participants in the conspiracy.” In addition, “Tsikhanouskaya, while on the territory of the Republic of Lithuania, declared herself the winner of the presidential election in the Republic of Belarus and the only national leader elected by the Belarusian people. She announced the creation of a deliberately unconstitutional “Coordination Council” to ensure the transfer of power, the true goals of which are to coordinate protest activities, ensure the growth of protest sentiments and social tension in society as necessary conditions for the seizure of power. The presidium (governing body) of the “Coordination Council” included Kavalkova, Latushka, and Dyleuski. In October 2020, Latushka announced the creation of the “People’s Anti-Crisis Management,” the goals of which were declared to be “ensuring the completion of the functions of the current authorities and stabilizing the management system of the Republic of Belarus after the transfer of power to the people” (in fact, to the persons included in the conspiracy). The “Victory Plan”, developed by the participants of the conspiracy, was published in the public domain, the purpose of which was to exert “incredible pressure on the regime” and elevate Tsikhanouskaya to the post of President of the Republic of Belarus. Tsikhanouskaya, being one of the organizers of the activities and creators of the extremist formation “Workers’ Movement,” took part in planning, organizing and coordinating the conduct of a one-time nationwide strike by workers of various economic entities of the Republic of Belarus, primarily state-owned, having a critical nature, in order to undermine the national economy and strengthen sanctions.”

The case, together with a number of other grave and especially grave charges, was heard in absentia, and was marred by gross violations of the principles of fair justice. For openly legitimate non-violent political and social activities, the defendants were sentenced to long terms of imprisonment.

A striking example of the complete disregard for law and common sense was the criminal case against **Illia Shapatkouski**, one of the leaders of the “Honest People” electoral monitoring platform. [According](#) to the prosecution, “representatives of extremist cells of society in 2020, long before the start of the electoral process, launched a large-scale information campaign to discredit the current government bodies and the electoral process. In order to trigger information noise, a network of Internet resources, Telegram channels and pseudo-initiatives controlled by extremists was created, which actively contributed to inciting social hostility in society, psychological manipulation of public consciousness using a wide range of political technologies. [...] “Honest People,” one of the leaders of which was Shapatkouski. The defendant was responsible for a destructive information agenda, posting media materials aimed solely at damaging the reputation of government agencies, law enforcement and government officials. The purpose of the information agenda is to lay the seed of socio-political confrontation in society. Despite the fact that Shapatkouski, being cautious, did not enter into a direct conspiracy to seize power, he actively shared the ideas of criminal groups and helped them achieve their goals by providing information support, cultivated and propagated protest sentiments in society, thereby dividing Belarusians into “us” and “strangers” based on the principle of their relationship to the current government.” Thus, legitimate public activities to

mobilize voters in order to ensure transparency of electoral processes, activities in support of an independent candidate were arbitrarily presented as criminal, artificially connected with protests that followed the gross and cynical falsification of the 2020 election results: *“This activity formed radically minded groups and accumulated them in the form of a riotous crowd on the streets, including near polling stations. Extremists sought to use the so-called “manpower” as the main tool for achieving criminal goals and seizing power by force.”*

The latest known case containing charges under Art. 357 of the Criminal Code was considered in the Minsk City Court under in absentia proceeding, which convicted on February 15, 2024 the founders and ex-members of the BYPOL initiative, **Aliaksandr Azarau, Matsvei Kupreichyk, Ihar Loban, Andrei Astapovich, Uladzimir Zhyhar, and Aleh Talerchyk**. Judge Dzina Kuchuk sentenced the defendants to 11 to 25 years in prison on 13 criminal charges and a fine totaling more than 350,000 euros. The BYPOL initiative was created in October 2020 by former security officials who oppose repression and violence and do not agree with the policies of Aliaksandr Lukashenka. In November 2021, BYPOL was designated as an “extremist formation,” and at the end of August 2022, the Supreme Court of Belarus declared the organization “terrorist.”

4.2. Prosecution for “dissemination of knowingly false information about the political, economic, social, military or international situation of the Republic of Belarus, the legal status of citizens in the Republic of Belarus, discrediting the Republic of Belarus”

Art. 369-1 of the Criminal Code, “*discrediting the Republic of Belarus,*” provides for liability for “*dissemination of knowingly false information about the political, economic, social, military or international situation of the Republic of Belarus, the legal status of citizens in the Republic of Belarus, the activities of government bodies, discrediting the Republic of Belarus, committed in public speech, either in a printed or publicly displayed work, or in the media, or in information posted on the Internet, intended to cause significant harm to state or public interests*” and continues to be used by the authorities to suppress freedom of speech and persecute political opponents. The wording of the article corresponds to the definition of one of the forms of “extremism” provided by the corresponding law. A detailed analysis of the legality of applying these norms was given in the previous report on the same topic.

With reference to the Johannesburg Principles, it was noted that the true purpose of legitimate restrictions on rights in the interests of national security is to protect the existence of a country or its territorial integrity from the use or threat of use of force, or the ability of a country to resist the use or threat of use of force emanating from an external or internal source. The reputation of a state is not a legitimate goal for imposing restrictions on freedom of expression.

It was also emphasized that, according to Art. 369-1 of the Criminal Code, the act in question must be aimed at “*causing significant harm to state or public interests,*” and in every known case the courts demonstrated an arbitrary broad interpretation of these concepts that does not share the interests of the state and the ruling regime.

Human rights defenders are aware of 28 people convicted since the summer of 2020 on charges of “discrediting the Republic of Belarus.” Over the past year, at least twelve people have been convicted under this article.

Thus, prosecution under Art. 369-1 for expressing an alternative opinion and criticism of the current authorities remains a disproportionate reaction, leading to the deprivation of liberty during the pre-trial period and deprivation or restriction of liberty as a criminal punishment, which is unacceptable.

4.3. Disproportionate prosecution for insulting government officials

Art. 369 of the Criminal Code, “*insulting a representative of the authorities,*” criminalizes “*insulting a representative of the authorities or their relatives in connection with the performance of their official duties, committed in a public speech, or in a printed or publicly displayed work, or in the media, or in information posted on the global computer network Internet.*” The maximum penalty under Part 1 of this article is three years in prison.

Art. 368 of the Criminal Code, “insulting the President of the Republic of Belarus,” criminalizes a narrower range of defamation offenses, namely public insult of the President of the Republic of Belarus. In this case, the method of committing an offense is not determined by listing actions, as in the case of insulting a government official, but by indicating the characteristics of the publicity of the act, which provides great opportunities for a broad interpretation. The maximum penalty for insulting the President of the Republic of Belarus is four years of imprisonment, and for an offense committed by a person previously convicted of insult or slander, or combined with an accusation of committing a serious or especially serious crime (Part 2 of Article 368 of the Criminal Code) – five years of imprisonment.

Art. 391 of the Criminal Code, “insulting a judge or people’s assessor,” provides for liability for “*insulting a judge or people’s assessor in connection with their administration of justice.*” The maximum sanction is restriction of freedom for three years. A detailed analysis of the legality of applying these norms is provided in the previous report on the same topic.

Charges under these articles are based on the statement of a negative assessment of an official and/or the relatives of a government official, which violates the principle of equality before the law and equal protection of the law.

International Covenant on Civil and Political Rights

Article 26

All persons are equal before the law and are entitled without any discrimination to the equal protection of the law. In this respect, the law shall prohibit any discrimination and guarantee to all persons equal and effective protection against discrimination on any ground such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.

According to [available data](#), in 2023, 324 people were convicted under Art. 368 of the Criminal Code, and 187 under Art. 369.

Human rights defenders are aware of 33 people convicted in January and February 2024 under Art. 368 of the Criminal Code, 23 – under Art. 369, and two – under Art. 391.

In the period from March 2023 to February 2024, the List of citizens of the Republic of Belarus, foreign citizens or stateless persons involved in extremist activities features

386 charges under the following articles:

- Art. 368 — 230;
- Art. 369 — 142;
- Art. 391 — 14.

These individuals were mostly convicted for posting comments on social media.

On February 14, 2024, **Kanstantsin Salamiyuk** was sentenced by the Maskoŭski District Court of Brest to imprisonment for two years under Part 1 of Art. 368 of the Criminal Code for “publicly insulting Lukashenka.”

Aliaksandr Malikau was found guilty of “insulting a government official” under Art. 369 of the Criminal Code and sentenced to restriction of freedom in an open correctional institution for a period of one year and six months and a fine of 4,000 Belarusian rubles (more than 1,100 euros). In December 2021, the convict commented online on the commander of a military unit based in the Lida district; the prosecution and the court considered this message offensive.

Ala Zuyeva was found guilty under Art. 369 (insulting a representative of the authorities) and Part 1 of Art. 368 (insulting Lukashenka) and was sentenced to two and a half years in prison and a fine of 1,850 rubles and 2,000 Belarusian rubles in compensation for moral damage to the alleged two victims of her comments on Telegram.

Siarhei Sots was convicted on September 15, 2023 by the Centralny District Court of Minsk under Part 1 of Art. 368, Art. 369, and Art. 391 of the Criminal Code. Sentence: two years in prison.

4.4. Inciting hostility and discord

Part 1 of Article 1 of the Law “On Combating Extremism” indicates that extremist activity can be carried out by *“inciting racial, national, religious or other social hostility or discord, political or ideological hostility, hostility or discord against any social group, including the commission for the specified purposes of unlawful acts against public order and public morality, the order of government, life and health, personal freedom, honor and dignity of the individual, property.”*

Inciting enmity and discord are criminalized by Art. 130 of the Criminal Code, which provides for liability for *“deliberate actions aimed at inciting racial, national, religious or other social hostility or discord based on racial, national, religious, linguistic or other social affiliation.”*

Since March 2023, at least 120 people have been arrested under Art. 130 of the Criminal Code and 106 of them were convicted. It remains common practice²⁴ for courts to consider these cases in closed sessions, which grossly violates the procedural rights of the defendants and severely reduces the assessment of the reliability, sufficiency and admissibility of any evidence of the prosecution.

It has become common practice to bring charges under Art. 130 of the Criminal Code in the framework of in absentia proceedings (see section 8) against opposition politicians and other public figures who criticize the current authorities.

General recommendation No. 35 (2013) of the Committee on the Elimination of Racial Discrimination

12. The Committee recommends that the criminalization of forms of racist expression should be reserved for serious cases, to be proven beyond reasonable doubt, while less serious cases should be addressed by means other than criminal law, taking into account, inter alia, the nature and extent of the impact on targeted persons and groups.

Art. 130 of the Criminal Code criminalizes a wide range of statements, not limited by the most serious forms of incitement. Courts do not evaluate statements against criteria to classify hate speech as incitement. The standard formulation of expert linguistic opinions, which courts usually refer to as evidence of guilt, is the statement *“containing a negative assessment.”*

Responsibility for inciting hostility and discord without aggravating circumstances is provided for in Part 1 of Art. 130 of the Criminal Code; for the same actions combined with violence – in Part 2 of Art. 130; committed by a group of persons or resulting in grave consequences, including the death of a person – Part 3 of Art. 130.

The possibility of deprivation of freedom – criminal punishment of imprisonment or restriction of freedom, as well as pre-trial custody – is not ranked according to the seriousness of the forms of incitement.

²⁴ Fifteen people added to the list of political prisoners in Belarus, [Statement](#) by the human rights community of Belarus, April 14, 2023

Siracusa Principles

4. All limitations shall be interpreted in the light and context of the particular right concerned.

7. No limitation shall be applied in an arbitrary manner.

Report of the High Commissioner for Human Rights to the 22nd session of the Human Rights Council, A/HRC/22/17/Add.4

11. [...] Restrictions must be formulated in a way that makes clear that its sole purpose is to protect individuals and communities belonging to ethnic, national or religious groups.

In practice, Article 130 of the Criminal Code is selectively used for persecution in order to protect government institutions. As a result, the legitimate goal of protecting vulnerable groups is replaced by the protection of government officials – police officers, military personnel, etc., who, on the contrary, belong to a privileged group.

Dzianis Krasko was sentenced to three years in prison under Art. 130. According to the prosecution, he “published publicly available comments on the Internet aimed at supporting extremist activities, promoting and agitating social discord and hostility against employees of the law enforcement agencies of the Republic of Belarus, representatives of the judiciary, and military personnel serving in the Armed Forces of the Republic of Belarus.”

The criminal case against human rights defender **Nasta Loika** demonstrates the tendency of the authorities to perversely interpret the provisions on inciting hostility and discord in order to serve the purpose of prosecution for disseminating information about human rights violations: the human rights activist faced the charge under Art. 130 of the Criminal Code for her role in the preparation of the report “Persecution of anarchists, anti-fascists, left-wing and social activists in Belarus” covering 2017 and 2018, which provides a critical assessment of the activities of police officers. On June 20, 2023, the Minsk City Court sentenced her to seven years in prison.



Such cases primarily concern statements on the Internet – publications of various content criticizing the authorities and negative statements about government officials, comments on social media and public chats.

In a number of cases, criminal cases relate to leaking personal data of government officials to various protest initiatives. “Inciting other social hostility” is understood as the public dissemination of information about the involvement of officials and security forces in human rights violations. According to this logic, the transfer of personal data of government officials to “Black Book of Belarus”, a protest Telegram channel, is criminalized.

*# **Natalyia Lashch**, an employee of the prosecutor's office of the Frunzienski district of Minsk, was sentenced to six years in prison under Art. 130 and Art. 179 of the Criminal Code (illegal collection and dissemination of information about private life) for the transfer of data to the Black Book of Belarus initiative.*

*# **Pavel Petruchenia**, an employee of the Security Department of the Ministry of Internal Affairs, was sentenced to six years in prison under Art. 130 of the Criminal Code for transferring data to “Black Book of Belarus.”*

In some cases, the practice of identifying representatives of a certain profession as a protected social group extends not only to officials and law enforcement officers, but also to government officials in a broader sense.

*# **Yury Tashkinau** was sentenced to three years in prison under Art. 130 of the Criminal Code for negative comments on the Internet regarding employees of state-owned media.*

4.5. Persecution of creators, participants and supporters of “extremist formations”

The Criminal Code establishes liability for the leadership of an extremist group – under Part 1 of Art. 361-1 (maximum penalty – seven years in prison and a fine), for participation in an extremist group – under Part 3 of Art. 361-1 (maximum penalty – six years in prison and a fine), for financing extremist activities – under Art. 361-2 (maximum penalty – eight years in prison and a fine) and for promoting extremist activity – Art. 361-4 (maximum penalty – seven years in prison and a fine).

The persecution of the creators and leaders of an extremist group is carried out under Part 1 of Art. 361-1, participants – under Part 3 of Art. 361-1 and Art. 361-2 of the Criminal Code. Art. 361-2 and Art. 361-4 of the Criminal Code are also used to prosecute persons who have provided or are providing support for the activities (through donations, transfer of information, interviews, etc.) of organizations and groups of citizens designated by the authorities as “extremist formations.”

Since March 2023, at least 150 people have been arrested on these charges, and 134 of them have been convicted.

Johannesburg Principles

Principle 1.1. All restrictions must be prescribed by law.

(a) [...] *The law must be accessible, unambiguous, drawn narrowly and with precision so as to enable individuals to foresee whether a particular action is unlawful.*

The principle of *nullum crimen sine lege* (there is no crime without law) requires a clear definition of the offense in the law so that at the time the act is committed a person can clearly determine whether it is criminal or not, in order to ensure legal predictability or foreseeability. Although the activity and support of extremist groups is directly criminalized, the extremely broadly and vaguely formulated anti-extremist legislation²⁵ does not make it possible to unambiguously establish whether a particular action falls under the established prohibitions, up to the point that the Belarusian authorities declare an organization and a group of individuals an extremist formation. At the same time, according to established practice, an organization or group of citizens is designated as an “extremist formation” from the very beginning of its activities, rather than from the date of its blacklisting. This allows the Belarusian authorities to prosecute acts that are not criminally punishable at the time they were committed. Such practices undermine the predictability of the legal framework and result in a violation of a number of critical procedural rights of persons charged in such circumstances.

Prosecution under Art. 361-2 of the Criminal Code (financing the activities of an extremist formation) is actively used for donations to solidarity funds and other civil society organizations.

Alesia Liantsevich was sentenced to three years and six months in prison under Art. 361-2 (financing the activities of an extremist formation), Art. 368

²⁵ UN Working Group on Arbitrary Detention, Opinion No. 64/2023 regarding Vitali Braginiec (Belarus), [A/HRC/WGAD/2023/64](#), paras. 78-79

(insulting the President of the Republic of Belarus), and Art. 369 of the Criminal Code (insulting a representative of the authorities). The charge of financing an extremist group stemmed from the donations she made in 2020 to the BySOL and ByHelp solidarity funds, which were designated as “extremist formations” on December 3 and 14, 2021, respectively.

*# **Piotr Yarmashuk** was sentenced to four years in prison under Art. 361-2 (financing the activities of an extremist formation) and Art. 354 of the Criminal Code (development, use, distribution or sale of malicious computer programs). The charge of financing an extremist group stemmed from a donation on August 19, 2020 to the BySOL solidarity fund (designated as an “extremist formation” on December 3, 2021).*

Siracusa Principles

15. No limitation on the exercise of human rights shall be made unless provided for by national law of general application which is consistent with the Covenant and is in force at the time the limitation is applied.

The State Security Committee continued to actively summon people who made donations to solidarity funds and civil society organizations, which were subsequently designated by the authorities as “extremist formations.” Such actions are outside the legal framework and are not formalized procedurally. State security officials force individuals to face an ultimatum: confess and make a donation to the account of a government organization – or face criminal charges. Human rights defenders are also aware of cases of offers to transfer money in cash to a state security officer.

The formal basis for this practice is the note to Art. 361-2 of the Criminal Code, according to which “a person who has committed financing of extremist activities is exempt from criminal liability under this article if they promptly report what they had done and (or) otherwise contributed to the prevention or detection of this crime.” In some cases, after making a donation, decisions were actually made to refuse to initiate criminal proceedings. Nevertheless, human rights activists know of facts when individuals received several consecutive similar summons.

The online platform for helping families of political prisoners “INeedHelpBY,” which connected families of political prisoners and people willing to pay for food delivery to them, was designated as an “extremist formation” on January 16, 2024. The authorities then raided the homes of hundreds of recipients of such aid and arrested dozens in the raids. At least 287 people are known to be persecuted and at least 100 people were detained. Separate recipients of assistance faced criminal charges without a valid reason; subsequently the charges were dropped, but administrative charges were brought for violating the legislation on the use of foreign gratuitous assistance.

X. was found guilty of an administrative offense for “receiving and using for personal purposes foreign gratuitous assistance in the form of goods [...] transferred by representatives of the extremist formation “INeedHelpBY” [...] to CJSC “Online store “Euroopt” [...], thereby creating “a threat of harm to state and public interests.”

4.6. Hooliganism and criticism of state symbols as a form of extremism

Art. 339 of the Criminal Code, “hooliganism,” criminalizes actions committed for the purpose of “inciting racial, national, religious or other social hostility or discord, political or ideological hostility, hostility or discord against any social group.” The article covers “deliberate actions that grossly violate public order and express clear disrespect for society, accompanied by the use of violence or the threat of its use, or the destruction or damage of other people’s property, or characterized in content by exceptional cynicism (hooliganism).” The charge carries a penalty of up to three years in prison, and if the actions were committed repeatedly or by a group of persons (malicious hooliganism) – up to six years in prison.

The article is often used to persecute people who express their opinions through various actions, which are protected by the right to expression in accordance with international standards.

*# On April 10, 2023, the Ivanava District Court convicted **Dzmitry Zhydko**, accused under Part 1 of Art. 339 of the Criminal Code, “hooliganism.” According to the case file, on February 27, 2022, during the referendum, the man was at a polling station allegedly in a state of alcoholic intoxication. Having received a ballot, Zhydko made an obscene inscription on it addressed to the head of state. Afterwards, without putting the ballot in the ballot box, the accused presented it unfolded to the members of the commission, thereby disrupting the work of the polling station. The inscription “Lukashenka and Putin, in a terrible way” was found on the ballot. The man was sentenced to two years of imprisonment; taking into account an amnesty, this period was reduced by one year.*

At the same time, in the absence of guarantees of a fair trial, Dzmitry was convicted twice: first, under Art. 19.1 of the Code of Administrative Offenses (hooliganism), and then under Part 1 of Art. 339 of the Criminal Code. This practice is a common and is characteristic of politically motivated persecution.

*# **Uladzimir Savelyeu, Yury Nestsiarenka, Ihar Tsikach, Ihar Tsiaptsyeu, and Viktor Hrynko** were convicted under a number of articles of the Criminal Code, including Part 2 of Art. 339, on June 15, 2023. At the beginning of October 2022, unknown persons hung a white-red-white flag and the flag of Ukraine on a power line support in Minsk. The following day, Anton Matolka’s Telegram channel “MotolkoPomogi” (designated as an “extremist formation”) posted a photo of the flags with the caption: “Minsk residents congratulate the Ukrainian people on the wonderful news from the Crimean bridge. Crimea is Ukraine! Long live Belarus! Glory to Ukraine!”. The only known sentence in the trial is that of Ihar Tsiaptsyeu – 3 ½ years’ imprisonment.*

“Hooliganism” is often accompanied by charges of defamation for criticism of government officials and state symbols, which is criminalized by Art. 370 of the Criminal Code (desecration of state symbols). This article has been actively used since 2020; human rights defenders are aware of at least 171 sentences passed between 2020 and 2024. Since state symbols may be subject to criticism and insult under the framework of freedom of expression (Johannesburg Principles), they should not appear as a defining feature in the charges.

Since March 1, 2023, the charges have been used to convict, among other defendants, **Aleh Volk**, **Vadzim Barysau**, **Valery Samsonenka**, and **Iryna Sankouskaya** (sentenced to 12 to 18 months in prison).

On September 8, 2023, the Pieršamajski District Court of Minsk sentenced **Alexander Smirnov** to three years of imprisonment. Smirnov was kept in custody before the trial. According to the prosecution, being drunk on June 19, 2023, the man “demonstrated his offensive and blasphemous attitude towards the state flag of the Republic of Belarus.” Alexander pleaded not guilty during the trial. He said that he tore down the flags because he wanted to preserve the memory of his stay in Belarus and hang them at home. Alexander noted that he testified under physical and moral pressure from police officers. Smirnov said that he also set the trashcan on fire by accident when he threw an unextinguished cigarette butt into it. After that, he called the fire department.

On September 20, 2023, the Centralny District Court of Minsk convicted three political prisoners: politician Pavel Latushka’s cousin **Anatol Latushka**, **Liliya Ananian**, and **Alena Malinouskaya**. They were arrested on January 31, 2022 for stenciling the national emblem Pahonia²⁶ on mailboxes in residential buildings, and were placed in custody. It is known that after his arrest, Anatol was severely beaten. They were convicted under a total of five articles of the Criminal Code for distributing leaflets on the referendum, participating in a peaceful march, drawing the national emblem, and burning the state flag. As a result, judge Dzmitry Karsiuk sentenced Latushka to six years in prison, Malinouskaya to four years in prison, and Ananian to five years of restricted freedom (the woman was released in the courtroom). Anatol was also fined 300 basic units, and he must compensate the damage to the victims.



²⁶ The national emblem Pahonia, together with the white-red-white flag, are perceived by the current authorities as symbols of political opponents and pro-democratic representatives of civil society

4.7. Charges of terrorism and sentencing to long prison terms

Since March 2023, at least 12 people have been arrested under Art. 289 of the Criminal Code (act of terrorism), of which eight people were convicted; and at least 11 people were arrested under Art. 290 of the Criminal Code (threat of committing an act of terrorism), of which six people were convicted.

Johannesburg Principles

Principle 1. Freedom of Opinion, Expression and Information

(d) No restriction on freedom of expression or information on the ground of national security may be imposed unless the government can demonstrate that the restriction is prescribed by law and is necessary in a democratic society to protect a legitimate national security interest.

Principle 24: Disproportionate Punishments

A person, media outlet, political or other organization may not be subject to such sanctions, restraints or penalties for a security-related crime involving freedom of expression or information that are disproportionate to the seriousness of the actual crime.

Although Belarus is not a target of international terrorism²⁷, Belarusian authorities actively label pro-democracy politicians and civil activists as “terrorists” and equate acts of civil disobedience with terrorism. This is evidenced by both the number of statements by senior officials and the amount of criminal cases of “treason,” “attempted violent seizure of power,” etc.

Pavel Kuchynski, a former soldier, was sentenced to 19 years in prison on a number of charges, including Art. 289 of the Criminal Code (act of terrorism). Details of the charges are unknown.

A propaganda film²⁸, released on March 8, 2023 on a state-owned television channel, told about the arrests of several people accused of “extremism and terrorism,” including for the incident at the Mačulišchy airfield, where on February 26, 2022 a Russian A-50 long-range reconnaissance aircraft was damaged by drones carrying explosives. The aircraft was used to guide Russian missiles to targets in Ukraine. The KGB reported on March 3 that about thirty people were involved in the case, who faced charges under Part 3 of Art. 289 of the Criminal Code (act of terrorism committed by an organized group). Those involved in the criminal case may face the death penalty²⁹. At the end of March and beginning of April, KGB officers carried out a large-scale operation to search for “saboteurs,” during which dozens of people were interrogated and arrested,

²⁷ Report of the UN Special Rapporteur on Belarus, [A/HRC/53/53](#), para. 97

²⁸ TONT, [«Tol'ko ne ubivayte, ya vse skazhu!» Podrobnosti terakta v Machulishchakh: podgotovka, realizatsiya, kto zakazal i ispolnil](#), 2023.03.08

²⁹ Since May 2022, even an attempt to commit a crime under Part 3 of Art. 126 of the Criminal Code (Act of International Terrorism) may be punishable by death (initially, such punishment under Part 3 of Article 126 was provided only for a crime committed that resulted in the death of a person)

while the security forces focused on those who were earlier convicted of protest-related offenses.

*# **Vadzim Patsenka**, detained for “preparing sabotage” in this case, was charged with a number of counts, including under Part 3 of Art. 289 (act of terrorism) and Part 3 of Art. 126 of the Criminal Code (act of international terrorism). The propaganda film argued that the man was allegedly supposed to commit sabotage in Hrodna. In the interrogation footage, he says that he “was given the task of blowing up an oil depot using a drone and explosives.” At the same time, the available information does not suggest the actual commission of a terrorist act – the commission of a completed crime.*

The BYPOL initiative, designated by the authorities as a “terrorist organization,” continues to be prosecuted on charges of terrorism. This initiative was created in October 2020 by former law enforcement officers who oppose repression and violence and do not agree with the policies of Aliaksandr Lukashenka. The organization announced plans to create an independent trade union of law enforcement agencies, developing a project for law enforcement reforms, and collecting evidence of crimes committed by security forces against peaceful protesters.

*# On February 15, 2024, the Minsk City Court, as part of in absentia proceedings, [convicted](#) the founders and ex-participants of the BYPOL initiative: **Aliaksandr Azarau, Matsvei Kupreichyk, Ihar Loban, Andrei Astapovich, Uladzimir Zhyhar, and Aleh Talerchyk**. Judge Dzina Kuchuk sentenced the defendants in the case to 11 to 25 years in prison on 13 criminal charges and a fine totaling more than 350,000 euros.*

These examples illustrate how incidents of planned and executed acts of civil disobedience (mostly non-violent) are inflated into a serious threat to the national security of the entire country. This positioning is part of a broader strategy in which the non-existent threat of international terrorism does not prevent terrorism charges being used against pro-democracy politicians and activists, demonstrating a desire to treat acts of civil disobedience as a terrorist threat.

4.8. Prosecution for the distribution of “extremist materials,” as well as the production, publication, storage or transportation of such materials for the purpose of distribution

Politically motivated repression during and after the 2020 presidential election has changed the scope of prosecutions for the distribution and other prohibited activities with so-called “extremist materials” — media products officially listed as such.

For a long time, prosecution for these actions was rather sporadic: in 2015, The Human Rights Center Viasna was aware of one person convicted administratively; in 2016 – three; in 2017 – five; in 2018 – ten; in 2019 – twelve, and in 2020 – nine cases of conviction. Obviously, these were not all the cases considered by the courts, since at that time the blacklisting of xenophobic, Nazi and neo-Nazi information products was widespread. In the absence of official statistics, cases of persecution for disseminating such materials may not have become known to human rights activists.

In 2021, the situation changed dramatically: with the level of open protest beginning to decline, law enforcement services focused on searching for dissent. During this period, a landslide process of designating almost all popular independent media outlets as “extremist materials” took place: on July 27 – Belsat, August 13 – TUT.by, at the end of the year – Radio Svaboda and Nasha Niva. In 2021, Viasna human rights defenders became aware of more than 150 cases of convictions – mainly for reposts from prohibited resources. It should be noted that this number is far from complete, since the capacity for observation in the courts was significantly reduced.

In 2022, human rights defenders learned about more than 800 cases of persecution under Art. 19.11 of the Code of Administrative Offenses, including court rulings in more than 400 cases; in 2023 – more than 2,800 cases, including rulings in more than 1,000 cases.

In the year since the previous report was written – from March 1, 2023 to March 1, 2024 – we learned about more than 3,320 cases of prosecution under various parts of Art. 19.11, as well as the results of more than 1,170 of them: judges imposed 552 fines on 327 individuals and 622 short terms of administrative imprisonment on 365 persons. The average fine amounted to about 250 euros and the average duration of imprisonment – 11.5 days per case, or almost 400 euros or 19.6 days of imprisonment per convict.

The wide scale of persecution is confirmed by data that occasionally appears in official sources: for example, in the five months of 2023, in the Hrodna region, 243 people were convicted under Art. 19.11 of the Code of Administrative Offenses; in the eleven months in the Homiel region – more than 900 people; the district and city courts of the Mahilioŭ region examined 455 cases of administrative offenses under Part 2 of Art. 19.11.

State ideology officials warn³⁰, that liability is provided for both actions directly specified in Article 19.11 and for subscription to protest accounts, which is arbitrarily

³⁰ Materials for members of information and propaganda groups (June 2023) “On measures to counter extremism and terrorism, the rehabilitation of Nazism, responsibility for registration on Internet resources recognized as extremist and the dissemination of extremist materials on the global Internet.” The materials were prepared by the Department of Internal Affairs of the Hrodna Regional Executive Committee, the Prosecutor’s Office of the Hrodna Region, and the Hrodna Regional Office of the Investigative Committee; similar materials were distributed in the Homiel region

considered an offense in the absence of intent to familiarize other persons with prohibited content: *“It is important to know that subscription is an element of popularization, dissemination of extremist information, i.e. storing in the public domain on the Internet (on personal pages on social media or Viber, Telegram messengers, etc.) of links to Telegram channels (chat rooms) listed as “extremist materials,” is regarded as storage for the purpose of distribution, which provides for administrative liability under Part 2 of Art. 19.11 of the Code of Administrative Offences. In addition, various propaganda – “leaking” data, reposts, comments, providing support in popularizing the channel, financing – this currently entails administrative liability.”*

They also warn about the systematic nature of such control over the information space: *“Law enforcement today can de-anonymize almost anyone, modern computer programs allow this to be done, and various household chats are monitored and checked, among other things.”*

Vasil Paliakou is an activist based in Homiel who served 30 days of administrative imprisonment in November 2023 and was detained again on January 23, 2024. After that, he was sentenced to three consecutive 15-day terms under Part 1 of Art. 19.11 of the Code of Administrative Offenses (distribution of information products included in the republican list of extremist materials, as well as production, publication, storage or transportation for the purpose of distributing such information) and was remanded in a temporary detention facility. During the period of his detention, he was designated as a political prisoner by the country’s human rights community.

Thus, prosecution for the free dissemination of information often reaches the level of criminal, as the penalties are essentially criminal, and are often applied in violation of presumptions and procedural guarantees.

4.9. Prosecution for the rehabilitation of Nazism, propaganda or public display, production, distribution of Nazi symbols and paraphernalia, as well as storage or acquisition of such symbols or paraphernalia for the purpose of distribution; persecution for denying the genocide of the Belarusian people

In the context of the transformation of law enforcement agencies and courts into an instrument of persecution for political reasons, it is no longer surprising that the provisions of the law designed to protect the state from the possible revival of Nazi ideas are selectively and purposefully used against dissenters and dissidents. The analysis of the Laws “On the Prevention of the Rehabilitation of Nazism” and “On the Genocide of the Belarusian People” provided in the previous report leads to the conclusion that they contain prerequisites for the manipulation of concepts and historical truth in the interests of arbitrary accusations.

Over the year since the publication of the previous report, the number of people convicted under Art. 130-1 of the Criminal Code, which provides for liability for the “rehabilitation of Nazism,” increased from one (another person was convicted of the “rehabilitation of Nazism,” but under Article 130 of the Criminal Code, which is due to peculiarities of qualifications) to nine.

The minor **Mikita Brui**, together with **Viachaslau Hatsman**, **Vadzim Rudkouski**, and **Aliaksandr Rumko**, were convicted in a closed court session, which makes it impossible to definitely speak about the validity of the charges. However, attention is drawn to the fact that, in addition to the charges under Art. 130 of the Criminal Code, everyone except Rudkouski was also accused of other protest-related crimes.

The circumstances and grounds for the conviction of **Renat Kryuko**, **Aliaksei Kuzmin**, and **Anatol Misnik** are unknown.

In a separate case, **Aliaksandr Pleskatsevich** was sentenced to three years in prison under Art. 130-1 and Part 2 of Art. 339 of the Criminal Code for the “rehabilitation of Nazism” and “malicious hooliganism” after he painted inscriptions and swastikas on various surfaces in his native villag village. According to the indictment, the inscriptions “*Glory to the Fuhrer*,” “*All power to the Banderaites*,” “*Our heroes Adolf Hitler, Stepan Bandera*” should be considered as “rehabilitation of Nazism,” i.e. a crime under Part 1 of Art. 130-1 of the Criminal Code, and the remaining inscriptions (“*Death to the Lukashists*,” “*Retribution*,” “*My name is Legion*,” and others containing profanity) and the actual images of the swastika – under Part 2 of Art. 339 of the Criminal Code.

At the same time, in accordance with the law, the “rehabilitation of Nazism” is actions committed publicly or using a publicly displayed work, or the media or the global computer network of the Internet, or other information network, expressed in:

- justifying the ideology (doctrine) and practice of Nazism, recognizing them as correct, in need of support and worthy of imitation, as well as disseminating the ideology of Nazism;
- approval or denial of crimes against the peace and security of mankind, war and other crimes established by the verdict of the International Military Tribunal or by the verdicts of national, military or occupation tribunals based on the verdict of the International Military Tribunal;
- justifying the persons and (or) structures or organizations recognized as criminal or guilty of committing crimes by the verdict of the International

Military Tribunal or by the verdicts of national, military or occupation tribunals based on the verdict of the International Military Tribunal, as well as those who collaborated with such persons and (or) structures or organizations in the occupied territory of the USSR during the World War II, political and military organizations, as well as persons who participated in the activities of such political and military organizations and carried out or deliberately assisted in the execution of criminal orders of persons and (or) structures or organizations specified in this paragraph, in any form;

- heroification of Nazi criminals and their accomplices – deliberate glorification of them, as well as the crimes they committed.

In Pleskatsevich's case, it seems that the corpus delicti could hardly have been discerned only on the grounds of deliberate glorification of Nazi criminals and their accomplices. At the same time, there are reasonable doubts that the statements "*Glory to the Fuhrer*" and "*All power to the Banderaites*" have a direct and indisputable relationship to Nazism, and the statement "*Our heroes Adolf Hitler, Stepan Bandera*" carries all the features of the concept of glorification. It is also worth noting that Stepan Bandera and the Banderaites are not recognized as Nazi criminals or their accomplices. In any case, imprisonment for a period of three years cannot be regarded as an acceptable proportionate restriction on freedom of expression.

At the beginning of March 2023, the Ministry of Internal Affairs announced the arrest of **Andrei Savitski**, who was accused of "denying the genocide of the Belarusian people" under Art. 130-2 of the Criminal Code, as well as the "organization and preparation of actions that grossly violate public order, or active participation in them," "insulting Lukashenka" and "rehabilitation of Nazism."

"Denying the genocide of the Belarusian people" stemmed from Savitski's comments on a pseudo-historical publication with an alternative version of the Khatyn massacre. Savitski, apparently, trusted the contents of the article and brought forward several of his own conjectures in favor of this version.

4.10. Public calls for extremism, as well as public justification of such actions

In accordance with the law “On Combating Extremism,” “calls for extremist actions” and “public justification of extremism” are separate forms of “extremism.” Certain forms of such actions are recognized as crimes and criminal liability is established for them. In particular, “public justification of terrorism” (Article 289-1 of the Criminal Code) and “calls for restrictive measures (sanctions) and other actions aimed at harming the national security of the Republic of Belarus” (Article 361 of the Criminal Code) are criminalized, while human rights defenders have no information about any sentences passed.

Art. 361 punishes “public calls for the seizure of state power, or a violent change in the constitutional system of the Republic of Belarus, or treason against the state, or committing an act of terrorism or sabotage, or carrying out actions aimed at violating the territorial integrity of the Republic of Belarus, or committing other actions aimed at causing harm to the national security of the Republic of Belarus, including the application of restrictive measures (sanctions) against the Republic of Belarus, individuals and legal entities of the Republic of Belarus, or the distribution of materials containing such appeals, in the absence of signs of a more serious crime.” Increased liability is established for “calls addressed to a foreign state, foreign or international organization to commit actions aimed at causing harm to the national security of the Republic of Belarus, including the application of restrictive measures (sanctions) in relation to the Republic of Belarus, individuals and legal entities of the Republic of Belarus, or dissemination of materials containing such appeals,” as well as for “committing all the actions listed in the disposition using the media or the global computer network Internet, or by an official using his official powers, or when grave consequences occur.”

The most popular accusation is “calls for sanctions.” In total, at least 100 people have been convicted under Art. 361 of the Criminal Code since 2020.

Public calls to organize or conduct illegal meetings, rallies, street processions, demonstrations or pickets, or the involvement of persons in participation in such mass events (Article 369-3 of the Criminal Code) are also criminalized. These actions, committed through violence, threats of violence, deception or payment of rewards, or other organization or holding of such mass events, if their holding through negligence resulted in the death of people, the infliction of grievous bodily harm to one or more persons or the infliction of damage on a large scale, are punishable by short terms of imprisonment, or restriction of freedom for a term of up to five years, or imprisonment for the same term.

Human rights defenders have no information about any prosecutions under this article.

At the same time, calls for participation in street protests are often qualified as “organizing mass riots” under Part 1 of Art. 293 of the Criminal Code or as “organizing group actions that grossly violate public order” under Part 1 of Art. 342 of the Criminal Code

The Kastychnicki District Court of Hrodna sentenced **Siarhei Botvich**, finding him guilty of “rioting” under Part 1 of Art. 293 of the Criminal Code. The man was arrested in early January 2023 and placed in a pre-trial detention center. Then, a pro-government Telegram channel published a video showing the man’s detention by GUBAZIK and

OMON officers. Botvich allegedly administered local chats, including “Hrodna Center 97%,” participated in several protest rallies and called on others to join them, as well as to use violence against the police, literally “burning police trucks.”

According to the prosecution, Siarhei Botvich, *“in order to organize mass riots, arousing the determination of Telegram messenger users to participate in mass riots [...] corresponded in a personal chat with an unidentified user about the need to participate in mass riots, accompanied by destruction and damage to property, vehicles of internal affairs officers, arson, readiness to use Molotov cocktails in committing criminal acts, but did not bring his criminal intent aimed at organizing mass riots to the end.”*

Botvich partially admitted his guilt in court, and the expert, an associate professor of the department of Russian philology at the local University, explained to the court that the comments he left, together with the comments posted before and after the messages he compiled, encourage new types of protest, their rude, harsh and violent solution.

The court sentenced Botvich to imprisonment for a term of five years, to be served in a correctional colony under enhanced security conditions.

5. In absentia (special) proceedings

On July 20, 2022, the Code of Criminal Procedure was supplemented³¹ with Chapter 49-3, “special proceedings.” The changes came into force seven days later, on July 27, 2022. From the moment the law was adopted until March 1, 2024, of the 69 people targeted by the “special proceedings,” only two were charged under non-“extremist” articles of the Criminal Code. Thus, we can conclude that this tool was created to persecute political opponents of the regime and dissidents.

“Special proceedings” apply to the following individuals in the aggregate:

1. an of-age citizen of the Republic of Belarus;
2. based outside of Belarus;
3. accused of committing certain crimes against peace, the security of humanity and war crimes³², against public safety³³, the state, traffic safety and operation of transport³⁴, public health³⁵, the state³⁶ and others³⁷;
4. a foreign state has refused to extradite the accused for criminal prosecution or, within six months from the date the General Prosecutor’s Office sent a request to extradite a person for criminal prosecution to an authority of a foreign state, the consent of the foreign state to extradite the accused has not been obtained.

Information about “special proceedings” is published on the websites of the [Investigative Committee](#) and the [Supreme Court](#). Thus, in order to obtain information about the opening of a criminal case and about the upcoming trial, persons in question should do the regular monitoring of the government websites.

General comment No. 32

36. Article 14, paragraph 3 (d) contains three distinct guarantees. First, the provision requires that accused persons are entitled to be present during their trial. Proceedings in the absence of the accused may in some circumstances be permissible in the interest of the proper administration of justice, i.e. when accused persons, although informed of the proceedings sufficiently in advance, decline to exercise their right to be present. Consequently, such trials are only compatible with article 14, paragraph 3 (d) if the necessary steps are taken to summon accused persons in a timely manner and to inform them beforehand about the date and place of their trial and to request their attendance.

³¹ Law No. 199-Z “On Amendments to the Code of Criminal Procedure of the Republic of Belarus” dated July 20, 2022

³² Criminal Code of the Republic of Belarus, Art. 122-137

³³ Ibid, Art. 289, Part 2 of Art. 290, Art. 290.1-293, Part 4 of Art. 294, Part 4 of Art. 295

³⁴ Ibid, Part 4 of Art. 309, Part 3 of Art. 311

³⁵ Ibid, Part 3 of Art. 311, Part 3 of Art. 322, Part 3 of Art. 323, Part 3 of Art. 324, Part 2 of Art. 333

³⁶ Ibid, Art. 356-361

³⁷ By order of the Prosecutor General or the person performing their duties, or the Chairperson of the Investigative Committee, the Chairperson of the State Security Committee or person performing their duties, and with the consent of the Prosecutor General or the person performing their duties, special proceedings may be carried out in other cases (Part 3 Art. 468-25 of the Criminal Code of the Republic of Belarus)

Two months later – on September 26, 2022 – information was published about the launch of the first “special proceedings” against **Yanina Sazanovich, Dzmitry Navosha, Valeryia Zaniamonskaya, Volha Vysotskaya,** and **Daniil Bahdanovich** on charges of committing crimes under Part 3 of Art. 130 and Part 3 of Art. 203-1 of the Criminal Code.

In accordance with Part 1 of Art. 468-27 of the Code of Criminal Procedure, information about conducting special proceedings against the accused persons and summoning the accused to the body of criminal prosecution shall be posted on the official website of the authority no later than one working day after the decision is made.

The official list of persons under “special proceedings” features 69 names. The investigations have been completed regarding 45 people.

The shortest period of investigation is eight days³⁸. The criminal case was opened under Art. 342 of the Criminal Code, which is not listed among the articles in clause 1, Part 2 of Art. 468-25. However, according to Part 3 of Art. 468-25, by order of the Prosecutor General or the person performing their duties, or the chairperson of the Investigative Committee, the chairperson of the State Security Committee or persons performing their duties, and with the consent of the Prosecutor General or the person performing their duties, special proceedings may be conducted in other cases, that is, the set of conditions specified in Part 2 of Art. 468-25 may be ignored.

According to Part 2 of Art. 468-27 of the Code of Criminal Procedure, after the receipt of a “special proceedings” criminal case by a court, information about the date, place and time of the trial, the summoning of the [accused to court](#), the [results](#) of the consideration of the criminal case, the punishment imposed by the court and (or) the application of other measures of criminal liability shall be posted on the Internet portal of the courts of general jurisdiction of the Republic of Belarus no later than one working day after the decision was made.

On the [appointment](#) of a trial in the criminal case accusing Dzmitry Salauyou of committing crimes under Part 4 of Art. 228 and Part 2 of Art. 342 of the Criminal Code

2022/12/22

*The Lieninski District Court of Minsk summons **Dzmitry Salauyou** [...] against whom a decision was made to conduct special proceedings as a person accused of committing crimes under Part 4 of Art. 228, Part 2 of Art. 342 of the Criminal Code, at 11 a.m. on January 5, 2023 at the address: 33 vulica Siamaški, Minsk.*

The accused person must have an identification document with him.

It should be noted that, according to Part 5 of Art. 468-25 of the Code of Criminal Procedure, the participation of a defense lawyer is mandatory from the moment

³⁸ According to the List of persons against whom special proceedings have been initiated and summoned to the criminal prosecution body, Nos. 59-60, 62-67, persons are accused of active participation in group actions that grossly violate public order and involve obvious disobedience to the legal demands of government officials and entail a violation of the operation of transport, enterprises, institutions in the absence of signs of a more serious crime (Part 1 of Article 342 of the Criminal Code)

the decision to conduct special proceedings is issued (approved by the prosecutor). Typically, a counsel is appointed by an investigator from among the lawyers of the local bar. Many accused persons do not have information about who their defense lawyer is: the name of the lawyer is not publicly disclosed. This prevents receiving copies of the most important procedural documents in the case, including those containing the essence of the accusation, since the peculiarity of special proceedings is that *“copies of procedural documents to be served on the accused person, with the exception of procedural documents that contain information constituting state secrets, as well as notifications affecting their rights and interests, shall be sent to the defendant’s defense lawyer.”*³⁹

At the same time, defense lawyers are bound by non-disclosure agreements about the investigation details and do not transfer data on the case to their clients, rightly fearing further persecution. In general, the issues of the relationship between the defense and the accused person in special proceedings remains unsettled, as the corresponding general norms of the Code of Criminal Procedure and the legislation on the legal profession are not applicable in this case; the actions of a defense lawyer without taking into account or contrary to the position of the defendant in a criminal case are contrary to the law and the essence of the relationship between lawyer and client.

International Covenant on Civil and Political Rights

Article 14

3. In the determination of any criminal charge against him, everyone shall be entitled to the following minimum guarantees, in full equality:

d) To be tried in his presence, and to defend himself in person or through legal assistance of his own choosing; to be informed, if he does not have legal assistance, of this right; and to have legal assistance assigned to him, in any case where the interests of justice so require, and without payment by him in any such case if he does not have sufficient means to pay for it.

Report of the Special Rapporteur on the situation of human rights in Belarus, A/78/327

58. The Special Rapporteur insists that holding trials in absentia is possible under international human rights law in exceptional circumstances only and with the strict observance of procedural guarantees, which are known to have been eroded in Belarus (see A/75/173), including as a result of the harassment of lawyers, practice of closed court procedures, quasi-systematic non-disclosure orders, general lack of independence of judges and politically motivated and factually unsubstantiated investigations.

³⁹ Code of Criminal Procedure, Part 4 of Art. 468-27

Conclusion

The Human Rights Center Viasna continues to monitor human rights violations in Belarus. The data obtained inexorably testify to the deep gap between national legislation and international standards enshrined in documents of a universal nature binding on Belarus. Gross violations of basic principles of law have become a routine. Law enforcement agencies, the prosecutor's offices and the courts have lost their inherent features and turned into a blind instrument of repression. An analysis of legislation on countering extremism and combating terrorism reveals systemic problems that allow the totalitarian government to radically distort the meaning and essence of this struggle and redirect efforts to suppress freedom of opinion and expression under the guise of fighting extremism and terrorism.