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COI QUERY RESPONSE

BELARUS - INFORMATION ON RETURNEES

A report issued by *Freedom House* in October 2024 states that: “Since 2020, Lukashenka has both threatened not to readmit Belarusians who have left as well as encouraged them to return. The government’s Road Home program and “return commission” are for “repentant” political emigres who wish to return to Belarus. However, human rights groups say that the program is designed to lure critics back in order to imprison them. In July 2023, amendments to the Law on Citizenship came into effect, allowing the government to strip Belarusians of their citizenship for their participation in “extremist” activities or causing “grave harm to the interests of Belarus.”¹ This report further points out that: “A decree that came into effect in September 2023 means it is no longer possible for Belarusians outside the country to exchange or extend their passports or process other essential documents at Belarus embassies and consulates; instead, they must return to Belarus to do so. Belarusians living in exile, including online activists and journalists, risk politically motivated prosecution if they return to Belarus.”²

In June 2024 *Amnesty International* notes that: “Ahead of the final decision on the extradition case of Belarusian activist Andrei Gnyot, Marie Struthers, Amnesty International’s Director for Eastern Europe and Central Asia, said: “In light of the ongoing serious human rights violations in Belarus, and the manifest risks that Andrei Gnyot will face if returned there, it is imperative that the Serbian authorities immediately cease the extradition process. The charges against Andrei Gnyot are politically motivated. “No one involved in activities critical of the Belarusian authorities should, under any circumstances, be handed over to Alyaksandr Lukashenka’s administration. Torture, humiliation, intimidation, unfair trials, and lengthy prison sentences are the well-known practices used by the Belarusian authorities to retaliate against their opponents.”³

The *Radio Free Europe/Radio Liberty* in June 2024 reported that: “As expressions of concern and outrage pile up over the possible fate of Belarusian journalist and regime critic Andrey Hnyot, the

¹ Freedom House (16 October 2024) Freedom on the Net 2024 – Belarus, p.31

² *ibid*

³ Amnesty International (27 June 2024) Serbia: Activist Andrei Gnyot must not be extradited to Belarus

42-year-old exile remains in legal limbo in an extradition battle, he says, “to save my life.” Hnyot remains as active as his ankle-braceleted confinement to a modest, 20-square-meter apartment in Serbia’s capital allows, while his lawyers appeal a Belgrade High Court ruling from June 13 that would send him back to Belarus’s authoritarian rulers. In his first interview since his transfer on June 5 from seven months in a Serbian jail cell to home incarceration, Hnyot told RFE/RL’s Balkan Service that he now works “from morning to night” on his defense. The prospect of a forced return -- Hnyot, rights groups, and the European Union agree -- is enough to terrify and motivate even the hardest champions of democracy, free speech, and the rule of law. Since Hnyot participated in unprecedented protests after the disputed 2020 vote in which Alyaksandr Lukashenka claimed an improbable 80 percent of the vote and a sixth term as Belarus’s president, Europe’s longest-reigning leader has overseen a crackdown that has left thousands of political opponents missing, fleeing, or in prison. “Torture, blood, nightmare,” is how Hnyot describes the regime in his homeland, which he fled soon after the protests to seek safe shelter in Thailand. He dismisses the accusations of tax fraud at the center of an arrest warrant issued from Minsk via the International Criminal Police Organization, known as Interpol, as “ridiculous, nonsense.”

Officials in Serbia arrested Hnyot upon his arrival at Belgrade airport on October 30 on the basis of that warrant and locked him up in isolation at the city’s central prison. A court of first instance green-lighted his deportation to Belarus in December, but an appellate court overturned that decision and ordered a new hearing that eventually led to the High Court’s decision earlier this month to extradite him. Hnyot’s case has heightened international scrutiny on Moscow’s allies in Serbia as the Kremlin seeks diplomatic and other support from Belgrade to ease the economic and diplomatic isolation brought on by its unprovoked invasion of Ukraine. It also highlights longstanding criticism of Interpol and whether its system of issuing warrants based on claims by authoritarian regimes furthers its stated goal of uniting disparate law enforcement organizations to “make the world a safer place.” The European Union responded to the latest extradition ruling with a blistering warning for authorities in EU candidate Serbia. “There are sufficient grounds to believe that the arrest warrant against Mr. Hnyot was motivated by political reasons, and that he would face political repression and ill-treatment if he were to be extradited to Belarus,” EU spokesman Peter Stano told RFE/RL in a statement.”⁴

In May 2024 *Human Rights Watch* mentioned that: “Yulia Yurhilevich is a lawyer with 18 years of experience, well-known for representing victims of politically motivated prosecutions, including Ales Pushkin, a renowned Belarusian artist known for his criticism of the government. In February 2022, the Hrodna region bar association disbarred Yurhilevich for “systematic violations of the law.” The disbarment was reportedly triggered by a complaint from the Hrodna region deputy prosecutor questioning her “professionalism.” Yurhilevich left the country following her disbarment. In August 2022, when Yurhilevich returned to Belarus from Poland, authorities detained her and raided her apartment. On the same day, they detained Pavel Mazheika, an independent journalist and leader of the local independent group “City life center,” who had also just returned from Poland. In July 2023, the Hrodna Regional Court sentenced Yurhilevich and Mazheika to six years in prison for “aiding extremist activities” under part 2 of 361-4 article of the Criminal Code. Both had pled not guilty. The “extremism” charges stemmed from the fact that Yurhilevich had told Mazheika about her disbarment and shared with him the verdict in the case of Pushkin. The prosecution stated that this information was then passed on by Mazheika to Belsat, a Poland-based broadcaster deemed “extremist” by the authorities.”⁵

⁴ Radio Free Europe/Radio Liberty (19 June 2024) No Escaping The Belarus 'Nightmare'? Serbian Case Tests Lukashenka's International Reach

⁵ Human Rights Watch (27 May 2024) Right to Defence Project: “I Swear to Fulfill the Duties of Defense Lawyer Honestly and Faithfully”; Politically Motivated Crackdown on Human Rights Lawyers in Belarus, p.58

The report further states that: “Throughout the duration of their trial, Yurhilevich and Mazheika were held in a plexiglass cage. Yurhilevich wore a prison robe with a label “punishment cell N2” on the back, indicating she was being isolated as punishment during pre-trial detention.”⁶

This document also mentioned that: “On July 11, while Yurhilevich and Mazheika were still on trial, Pushkin died due to an untreated perforated ulcer in an intensive care unit, to which he had been transferred from Hrodna Prison N1.175 At time of writing, Yurhilevich was in Penal Colony N17 in Šktoŭ and Mazheika was in Penal Colony N2 in Babrujsk.”⁷

The *US Department of State* Country Reports on Human Rights Practices in April 2024 reported that: “Authorities engaged in acts of transnational repression to intimidate or exact reprisal against individuals outside of the country, including exiled democratic opposition leaders, civil society activists, human rights defenders, trade unionists, lawyers, students, journalists, and others who fled repression in the country. In particular, the regime carried out kidnappings and forced returns; opened politically motivated investigations against prodemocracy activists, members of the democratic opposition, and their family members; held trials in absentia; regularly abused Interpol notices; and frequently harassed exiles, subjecting them to surveillance and threatening them with violence.”⁸ This report also states that: “Authorities were credibly alleged to have kidnapped persons or used violence or threats of violence against individuals in other countries, including to force their return to the country, for purposes of politically motivated reprisal.”⁹

The report further notes that: “There were reports that the government attempted to control mobility to exact reprisal against citizens abroad by revoking their identity documents and denying them consular services at embassies abroad. This was reportedly aimed at jeopardizing the legal status of these individuals, restricting their movement, provoking their detention in the country where they were located, or forcing them to return to Belarus where they would likely face repression. On September 4, Lukashenka signed a decree annulling the authority of the country’s diplomatic missions to issue, extend, and change passports for all Belarusians abroad. Under the decree, passport services were available only at local departments for citizenship and migration of the Internal Affairs Ministry and the Foreign Ministry in the country. By a separate law signed on the same day, Lukashenka required citizens’ physical presence or a power of attorney personally endorsed in Belarus for any transactions involving real estate or vehicles as well inheriting property in the country. After issuing these laws, authorities told exiles to return to Belarus for such services. Some representatives of the diaspora community – most notably political exiles – said they would not return due to fear of politically motivated detentions, torture in prison facilities, and the lack of rule of law to protect them from human rights abuses.”¹⁰

It also states “There were also efforts to restrict or block social media outlets online, and authorities punished individuals for expressing their political views online. For example, authorities targeted Telegram users and group chat administrators throughout the year, prosecuting them for allegedly organizing and coordinating protest activity. On March 30, the Homiel Regional Court sentenced Tatsiana Kurylina to four and one-half years’ imprisonment for administering a number of Telegram channels, through which she facilitated the organization of protests in 2020. The court also fined her 3,700 rubles (\$1,200) and assessed moral damages of 23,500 rubles (\$7,500), finding her guilty of slandering an official, inciting social hatred, illegally handling personally identifiable information, repeatedly libeling Lukashenka, calling for sanctions damaging national security, and preparing

⁶ *ibid*, p.59

⁷ *Ibid*, p.59

⁸ US Department of State (23 April 2024) 2023 Country Report on Human Rights Practices: Belarus, p.11

⁹ *Ibid*, p.12

¹⁰ *Ibid*, p.13

activities grossly violating public order, among other charges. According to independent media reports, although Kurylina left the country after the 2020 protests, fearing prosecution, she returned after receiving false safety promises. She was detained in August 2022.”¹¹

The report further mentioned that: “While as of the end of the year there were no reports of any citizens deprived of their citizenship arbitrarily or in a discriminatory manner, many politically active Belarusians in exile did not attempt to return to Belarus due to fear of retaliation and repression.”¹²

The report continues stating “The government provided limited cooperation with the Office of the UN High Commissioner for Refugees (UNHCR), International Organization for Migration, and other humanitarian organizations in providing protection and assistance to refugees, returning refugees, or asylum seekers, as well as other persons of concern.”¹³

A report issued published by *Freedom House* in April 2024 points out that: “The pressure on Belarusians in exile exponentially increased in 2023. Lukashenko’s September presidential edict stating that Belarusian consulates would no longer issue passports, instead requiring citizens to return to Belarus to renew their passports, threatened to cause a freedom of movement crisis. Belarusians who remain abroad without renewing their passports risk being stranded and their children could become undocumented. Citizens who return to Belarus to renew their passports risk losing their freedom, especially as the frequency of searches, interrogations, and arrests at the border increases.”¹⁴

In March 2024 *Thai News Service* mentioned that: “Up to 300,000 Belarusians have been forced to leave since May 2020, the report estimates, with the Government restricting rights of those in exile, including preventing passport issuance abroad and a policy of arresting returnees. Reportedly, at least 207 persons were arrested in 2023 when returning to Belarus and arrests have continued in 2024. It is currently not safe for those in exile to return to Belarus, Mr. Volkmann said, calling on Member States to facilitate international refugee protection for those in exile.”¹⁵

The *United Nations News Centre* in March 2024 reported that: “Up to 300,000 Belarusians have been forced to leave since May 2020, the report estimates, with the Government restricting rights of those in exile, including preventing passport issuance abroad and a policy of arresting returnees. “Reportedly, at least 207 persons were arrested in 2023 when returning to Belarus and arrests have continued in 2024. It is currently not safe for those in exile to return to Belarus,” Mr. Volkmann said, calling on Member States to facilitate international refugee protection for those in exile.”¹⁶

In January 2024 *Human Rights Watch* notes that: “Belarusian authorities continued detaining and prosecuting people in connection with peaceful protests in 2020, including some who returned to Belarus from abroad.”¹⁷

References

¹¹ Ibid, p.22

¹² Ibid, p.27

¹³ Ibid, p.27

¹⁴ Freedom House (11 April 2024) Nations in Transit 2024 – Belarus

¹⁵ Thai News Service (25 March 2024) Belarus: 'Currently unsafe to return' to Belarus, Human Rights Council hears

¹⁶ United Nations News Centre (20 March 2024) 'Currently unsafe to return' to Belarus, Human Rights Council hears

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