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Annual report of the United Nations High Commissioner for Human Rights and reports of the Office of the High Commissioner and the Secretary-General**Human rights situations that require the Council's attention****Situation of human rights in Belarus in the run-up to the 2020 presidential election and in its aftermath****Report of the United Nations High Commissioner for Human Rights*, *****Summary*

This report, submitted pursuant to Human Rights Council resolution 52/29, presents the examination of the human rights situation in Belarus since May 2020. The report addresses alleged human rights violations on which OHCHR has collected, consolidated, preserved and analyzed information and evidence, makes conclusions under the applicable international legal framework, and offers recommendations to the Government and the international community.

* The present report was submitted to the conference services for processing after the deadline so as to include the most recent information.

** Annex I and Annex II are circulated in the language of submission only.

I. Introduction

1. The present report is submitted pursuant to Human Rights

Council resolution 52/29 extending the Council's mandate to the United Nations High Commissioner for Human Rights to monitor and report on the situation of human rights and to examine all alleged human rights violations committed in Belarus since 1 May 2020, in the run-up to the 2020 presidential election and in its aftermath.

2. The Office of High Commissioner for Human Rights (OHCHR) implemented the mandate with advice from three experts appointed by the High Commissioner for Human Rights: Karinna Moskalenko (Russian Federation), Susan Bazilli (Canada) and Monika Płatek (Poland). OHCHR renews its appreciation to the experts, to Member States, the Special Rapporteur on the situation of human rights in Belarus, the Organisation for Security and Co-operation in Europe (OSCE) and civil society organisations for the material shared with and support provided to it in the discharge of this mandate. The examination acknowledges the victims, survivors, and witnesses who have shared their own experiences and other relevant information.

3. In its resolution 52/29, the Human Rights Council again urged the Belarusian authorities to cooperate with OHCHR to execute this mandate and to grant unhindered access to the country. OHCHR regrets that the Belarusian Government has not responded to two notes verbales seeking access to the country and enclosing a list of issues.¹

4. This report covers the period 1 May 2020 to 31 December 2023, focusing on 2023 developments, and supplements OHCHR's previous findings on violations between 1 May 2020 and 31 December 2022 as set out in previous reports.²

II. Methodology, standard of proof

5. The present report is based on the totality of information and evidence collected by OHCHR since the mandate was provided for in Human Rights Council resolution 46/20 and most recently renewed in resolution 52/29. A total of 657 first-hand interviews (390 with males (3 boys), 264 with females (1 girl) and 3 with non-binary individuals) were conducted, in accordance with OHCHR methodology, with victims and witnesses, non-governmental organizations, journalists, lawyers and medical personnel. Of these, 305 interviews (166 with males (1 boy), 136 with females (1 girl) and 3 with non-binary individuals) were conducted since the last report.³ Findings arising from first-hand interviews are supported by more than 5,400 items of information and evidence, of which over 2,000 were collected in 2023, as well as 229 written submissions from victims, witnesses and non-governmental organizations, of which 43 were received in 2023.⁴ OHCHR reports are based on verified information collected from sources that are assessed as credible and reliable, according to OHCHR methodology. Information is included where the "reasonable grounds to believe" standard of proof is met.

III. Violations of international human rights law

A. Freedom of expression, association and peaceful assembly

6. The cumulative effect of violations of freedom of expression, association and assembly since 1 May 2020 has closed independent civic space and effectively deprived people in Belarus of their ability to exercise these rights. No opposition party was able to re-register for the February 2024 Parliamentary election, and over 1,500 non-governmental organizations, all independent trade unions, and hundreds of media outlets have been closed. Courts, Government ministries and security agencies acted in concert in implementing these restrictions.

¹ Dated 22 June 2023 and 1 November 2023.

² A/HRC/52/68; A/HRC/49/71.

³ 224 male (2 boys), 128 female. A/HRC/52/68 para 4; A/HRC/49/71, para 5.

⁴ See: <https://www.ohchr.org/en/hr-bodies/hrc/ohchr-belarus/call-for-submissions>.

7. In 2023, the Law on Political Parties was amended, requiring all existing political parties to meet stringent criteria for re-registration within three months, or be dissolved by the Supreme Court.⁵ Many parties found the requirements impossible to meet, including due to possible risks to their members of being named as belonging to groups that oppose the Government, putting them at risk of arbitrary arrest. The process resulted in the dissolution of all opposition parties. Out of fifteen, only four parties, aligned with the Government, were registered and will be able to participate in the February 2024 Parliamentary election.⁶ In November 2023 the President of Belarus stated: “we cleansed the playing field of decorative associations and of those whose efforts are aimed at undermining the foundations of the constitutional system of our country.”⁷

8. The February 2023 amendments to the Law on Public Associations added “inconsistency of activities of public association with the main directions of domestic and foreign policy and the concept of national security” as new grounds for dissolution.⁸ Systematic efforts to close civil society organizations since 2021 continued⁹ and impacted also cultural and humanitarian organizations. As of 31 December 2023, at least 960 civil society organizations had been dissolved and 550 more had been forced to close for fear of persecution, reprisals, intimidation, or violence.¹⁰ All independent trade unions had previously been dissolved, mostly in 2021-2022.¹¹

9. In 2023, at least 20 prominent human rights defenders and trade unionists were sentenced to prison terms ranging from 5 to almost 15 years and received high fines. This included the February and March 2023 convictions of staff and volunteers of Viasna human rights centre, including Marfa Rabkova, Andrei Chapiuk, Ales Bialiatski, Valiantsin Stefanovich, and Zmitser Salauyou (*in absentia*), the June sentencing of Nasta Loika from Human Constanta, who alleged in court being subjected to ill-treatment and torture¹² and the sentencing of the acting chairperson of Belarusian Radio and Electronic Workers Union, Vasil Berasnieu. Some of these individuals have subsequently been added to the Government’s list of “terrorists”.¹³

10. Repression of free media continued, with at least 34 raids by Belarusian security forces at the editorial offices and private homes of journalists, 46 arrests and 16 verdicts against journalists and media workers in 2023.¹⁴ As of 31 December 2023, 23 male and nine female journalists were arbitrarily detained.¹⁵ OHCHR also confirmed the unlawful closure¹⁶ of media website tut.by and other regional media in Minsk, Brest and Gomel.

11. In 2023, OHCHR particularly observed intensified use of broad counter-terrorism and counter-extremism legislation to restrict civic space,¹⁷ with laws adopted or amended since 2021 increasingly used in a systematic manner to oppress and punish real or perceived

⁵ <https://pravo.by/document/?guid=12551&p0=H12300251&p1=1;>

<https://president.gov.by/en/events/aleksandr-lukashenko-podpisal-zakon-ob-osnovah-grazhdanskogo-obshchestva-i-popravki-v-zakony-o-deyatelnosti-partiy-1676453248>

⁶ <https://www.lawtrend.org/freedom-of-association/situatsiya-so-svobodnoj-assotsiatsij-i-organizatsiyami-grazhdanskogo-obshchestva-respubliki-belarus-obzor-za-sentyabr-2023-g>

⁷ <https://president.gov.by/en/events/vstrecha-s-rukovoditelyami-politicheskikh-partiy-1699621181>

⁸ Article 29 <https://pravo.by/document/?guid=3871&p0=v19403254>

⁹ A/HRC/52/68 para 35-37.

¹⁰ <https://www.lawtrend.org/english/monitoring-the-situation-of-freedom-of-association-and-civil-society-organisations-in-the-republic-of-belarus-december-2023>

¹¹ ICESCR article 8; ICCPR article 22; See: A/HRC/52/68 para 38;

https://www.ilo.org/wcmsp5/groups/public/---ed_norm/---relconf/documents/meetingdocument/wcms_872248.pdf para 77.

¹² AL BLR (7.2022) (ohchr.org); <https://www.defendersbelarus.org/tpost/re0829hyd1-un-humanrights-committee-registered-the>

¹³ <http://kgb.by/ru/perechen-inf-ru/>; A/78/327.

¹⁴ <https://baj.media/be/analytics/represii-suprac-zhurnalistau-i-medyya-u-2023-godze-spis-znyavolenyh>.

¹⁵ ICCPR articles 9, 19.

¹⁶ ICCPR article 19.

¹⁷ Analysis of this legislation by OHCHR and Special Procedures is available in: A/HRC/52/68 para 35; A/78/327; UA BLR (4.2023) (ohchr.org); UA BLR (3.2023) (ohchr.org); UA BLR (3.2023) (ohchr.org); <https://www.osce.org/files/f/documents/d/5/543240.pdf>.

opponents. Belarus law enforcement and judicial authorities across the country arbitrarily arrested and detained, prosecuted and punished thousands of Belarusians in the course of 2023 under this legislation for having exercised their human rights or freedoms, in many cases for acts that were not crimes at the time of their commission.

12. As of 31 December 2023, the Belarusian Government had designated 167 entities as “extremist formations” and two as “extremist organizations”, including 21 media agencies, the Belarusian Association of Journalists and the human rights organization Viasna.¹⁸ Cooperation with them entails risk of criminal prosecution on charges of “facilitating extremist activities”.¹⁹ OHCHR also found there was intensification of punitive measures for donations made to “extremist formations”, in some cases even prior to the designation of the organization or entity as “extremist”, entailing criminal liability on charges of “financing of extremism”.²⁰

13. As of 31 December 2023, there were 4,584 entries on the Government’s list of “extremist” materials and symbols.²¹ During the reporting period, at least 16,000 criminal cases related to extremism had been registered. The number of administrative charges for dissemination of extremist material²² increased dramatically throughout 2023 (see section B). In many cases charges were presented for alleged “dissemination” which took place prior to the designation of the material as “extremist”.

14. Anyone convicted on criminal charges for acts deemed as “extremism” faces inclusion in the “Extremist List”²³ which carries several negative consequences. They are banned from certain professions, their financial transactions are monitored, they may face difficulty in accessing services and they are at heightened risk of discrimination and harassment, such as dismissal from work or university (see section G). As of 31 December 2023, the rapidly expanding list contained 3,654 names (2,862 men and 792 women).²⁴ OHCHR previously found that the use of counter-terrorism and counter-terrorism legislation in Belarus is overly broad and used to suppress dissenting voices and curtail access to information.

B. Arbitrary arrest and detention, and right to a fair trial

15. According to the cumulative findings of OHCHR since 2020, tens of thousands of Belarusians, including hundreds of children, have been arbitrarily arrested and detained on political grounds. Of the 657 individuals interviewed since the beginning of the examination, 540 had been arrested and detained in an arbitrary manner. These arrests and detentions have occurred as a result of individuals exercising their rights to freedom of expression, association, and peaceful assembly, without being granted their right to a fair trial or adherence to detention safeguards. While these violations were at their peak in 2020-2021,²⁵ they continued throughout 2022-2023 in a systematic and widespread manner, affecting thousands.²⁶ In 2023, no demonstrations took place against a backdrop of severe repression of civic space, however thousands continued to be arbitrarily arrested and detained for having exercised their freedom of expression and or assembly, as far back as 2020.²⁷ At 31 December 2023, at least²⁸ 1,477 persons (1,308 men, 168 women, one boy) remained in detention, either facing or serving a sentence for criminal or administrative charges that OHCHR has determined to be politically motivated.²⁹

¹⁸ <https://www.mvd.gov.by/ru/news/8642>.

¹⁹ Article 361-4 Criminal Code.

²⁰ Article 361-2 Criminal Code. Also: A/78/327 para 74; <https://spring96.org/ru/news/113673>.

²¹ <http://mininform.gov.by/documents/respublikanskiy-spisok-ekstremistskikh-materialov/>.

²² Article 19.11 Code on Administrative Offences.

²³ Article 18 Law on Countering Extremism.

²⁴ <https://www.mvd.gov.by/ru/news/8642>.

²⁵ A/HRC/52/68 paras 23-24; A/HRC/49/71 paras 36-38, 40, 88..

²⁶ A/HRC/49/71 paras 36-38, 40, 88; A/HRC/52/68 paras 23-24.

²⁷ <https://www.ohchr.org/sites/default/files/Documents/Issues/Detention/FactSheet26en.pdf>.

²⁸ Conservative estimate, due to fear of reprisals, based on credible publicly available sources including <https://prisoners.spring96.org/en>.

²⁹ ICCPR articles 9, 14.

16. Security forces used facial recognition software, social media and internet monitoring, and hacking and coerced searches of mobile devices to identify persons to be arrested from homes, workplaces and streets across Belarus.³⁰ Most arrests in 2022-2023 were carried out by large teams of police officers (mostly from the Main Directorate for Combating Organised Crime and Corruption (GUBOPiK) or the Committee for State Security (KGB)). Most interviewees described being arrested without a warrant or without an opportunity to read what was presented. Almost all were subjected to threats and intimidations, many to unnecessary or/and disproportionate force, some in the presence of children (see section H below), to compel them to hand over and unlock mobile phones and other electronic devices. OHCHR documented 198 arrests and house searches in 2022, with additional 59 in 2023 in Minsk and all six regions of Belarus where Belarusian security forces, in particular from GUBOPiK, arrived in excessive numbers and used unnecessary and disproportionate force towards men, women and non-binary individuals who did not pose any threat or resist arrest. Security forces subjected them to beatings, including with batons, bats or household objects, kicks, painful restraints and in some cases stun guns, and to threats, insults and intimidations, including several cases of people being held at gunpoint. While women were also subjected to physical violence, psychological violence towards them was particularly intense. LGBTQ individuals or those perceived as such due to their appearance or belongings were treated in a particularly violent and humiliating manner.

17. Security forces have, since 2020 and continuing through 2023, used unnecessary and disproportionate force across Belarus. This pattern has been perpetrated with impunity, and with approval and encouragement of the highest authorities³¹, resulted in serious injuries in dozens of cases and even arbitrary deprivation of life, which Belarus authorities have failed to investigate and provide redress for.

18. Illegal searches of private property and electronic communications³² were carried out to locate photos or videos of the individual concerned taking part in protests in 2020, subscriptions to ‘extremist’ or ‘anti-government’ social media, or items or insignia considered to symbolize the opposition, even if simply red and white clothing. In several cases security officers subscribed victims to prohibited social media channels after gaining control of their electronic devices. In some cases, money or belongings were confiscated without documentation. Most of the people arrested in 2023 were initially charged under article 19.11 of the Code on Administrative Offences for “dissemination of extremist materials” (with over 2,800 cases registered in 2023) or sometimes on unfounded charges under article 24.3 on “disobedience with orders of public official” or article 19.1 on “petty hooliganism.”³³

19. Sentences for administrative offences increased from an average of 8-10 days in 2020 to 13-15 days in 2022-2023. In numerous cases, an initial order of administrative detention for 15 days was renewed, sometimes repeatedly, on evidence that victims stated was fabricated, or on the basis of the same evidence re-used multiple times until criminal charges were filed. Most criminal charges were filed for breach of article 342 of the Criminal Code on “organization and preparation of actions that grossly violate public order, or active participation in them”, for which at least 862 verdicts were issued in 2023.³⁴ In 2023, OHCHR observed an increasing use of criminal charges for acts that previously were subject to administrative charges, allowing for prolonged periods of pre-trial detention. OHCHR also observed increased use of ‘extremism’ and ‘terrorism’ related offences carrying harsher sentences (see also section A above).³⁵ Since 2020, there has been a significant increase in the use of article 411 of the Criminal Code on “malicious disobedience to the requirements

³⁰ OHCHR identified several Belarusian and foreign companies whose facial recognition and surveillance software were used by Belarusian security forces.

³¹ See <https://belsat.eu/ru/news/17-02-2021-sud-po-delu-shutova-stalo-izvestno-kto-prikazal-ispolzovat-vooruzhennyh-voennyh-vo-vremya-protestov/>; and <https://www.svaboda.org/a/31107424.html>.

³² ICCPR article 17.

³³ <https://pravo.by/pravovaya-informatsiya/bank-sudebnykh-resheniy/novye-postupleniya/>.

³⁴ <https://prisoners.spring96.org/ru/table-convicted>.

³⁵ <https://pravo.by/pravovaya-informatsiya/bank-sudebnykh-resheniy/poisk/>. Also: A/HRC/52/68 paras 12, 52.

of the administration of a correctional institution” to extend, sometimes repeatedly and without a fair trial, the detention of persons already serving sentences for other convictions.³⁶

20. Systematic violations of the rights to due process and a fair trial in both administrative and criminal cases continued following the previously established patterns.³⁷ Since 1 May 2020, over 5,500 individuals, including at least 55 children, have been criminally convicted on charges assessed by OHCHR to be politically motivated in trials that lacked fairness. All interviewees who had been subject to arrest and/or detention in 2022 and 2023 raised concerns about due process and fair trial rights. According to victims and lawyers interviewed, documentation provided and civil society analysis³⁸, sentences appeared pre-determined, increasingly arbitrary and harsh. Virtually all sentences were upheld on appeal. This situation, coupled with institutionalized impunity (see section V), points to non-existence of domestic remedies to challenge arbitrary detention and all subsequent violations against persons deprived of their liberty. A particularly alarming recent development was the total denial of access of lawyers to several high-profile political detainees serving sentences (see section F).

21. The number of licenced lawyers dropped from 2,200 in the beginning of 2020 to 1,603 as of 31 December 2023.³⁹ Belarus authorities disbarred at least 131 lawyers (78 men and 53 women) between September 2020 and December 2023.⁴⁰ Others no longer practiced or left the country out of fear for their safety. Pressure wards lawyers defending those with politically motivated charges further intensified in 2022-2023: in addition to disbarment and arrests, OHCHR documented cases of administrative detention up to 30 days, torture and ill-treatment of lawyers by GUBOPiK, and criminal charges. As of 31 December 2023, eight men and two women lawyers were subject to criminal prosecution and four men and two women lawyers were in detention.⁴¹

C. Torture and other cruel, inhuman or degrading treatment or punishment

22. Since 2020, thousands of Belarusians, including dozens of children, have been subjected to systematic and discriminatory practice of cruel, degrading and inhuman conditions, treatment and punishment in detention facilities across Belarus. Belarusian authorities are responsible for four deaths in custody that they have failed to prevent and investigate. OHCHR has also found that detention conditions in temporary detention facilities for those detained on politically motivated charges may amount to cruel, inhuman and degrading treatment and in some cases torture.⁴²

23. Out of all the 657 individuals interviewed by OHCHR since 2020, 29 percent alleged torture and 61 percent alleged ill-treatment. Building on previous reporting, in 2023, OHCHR gathered and consolidated further evidence of torture by Belarusian police in August, September and October 2020, with fully verified cases in Minsk Gomel, Slutsk, Mozyr and Pinsk. Some victims sustained long-lasting and even life-changing injuries verified by OHCHR’s forensic assessment. These injuries included aneurysms, hearing loss, movement limitations in shoulder, hip and knee joints, bone fractures in arms, legs, nose and spine, and damage to nerves. Many victims were diagnosed with severely debilitating health effects such as high blood pressure, chronic renal diseases, depression, post-traumatic stress disorder

³⁶ Prior to the 2020 elections, article 411 had only been used two times. In 2021, it was used once, in 2022 ten times and in 2023 at least 15 times. Also: *AL BLR (8.2023) (ohchr.org).

³⁷ CCPR articles 9, 14. A/HRC/52/68, paras 26-31; A/HRC/49/71 paras 58-61.

³⁸ <https://spring96.org/ru/news/110341>.

³⁹ <https://brka.by/lawyers/>; https://defendersbelarus.org/disciplinaryje_sankcyi_2022; <https://www.icj.org/belarus-attacks-on-independent-lawyers-continue-unabated/>.

⁴⁰ A/HRC/53/53 para 86; <https://report2022.defendersbelarus.org/> pp.1, 73; <https://defendersbelarus.org/lawyers-persecution-2020>.

⁴¹ ICCPR articles 9, 14, 22. https://defendersbelarus.org/criminal_prosecution_2020; <https://defendersbelarus.org/news>.

⁴² Also: UA BLR (3.2023) (ohchr.org)

(PTSD), panic attacks and sleeping difficulties. Most victims were men and included a person with disabilities.

24. OHCHR found that those arrested faced intense pressure and violence, in many cases amounting to torture, during the initial interrogation and search for ‘evidence’ in 38 cases in 2022 and nine cases in 2023⁴³. Violence took place after the arrest, in police vehicles or/and during interrogations in GUBOPiK offices in Minsk and police stations in all six regions of Belarus. To extract a confession, obtain information, punish, intimidate, humiliate or coerce, GUBOPiK officers used physical violence causing severe pain on detainees, including beating with a metal rod, a wooden bat or a baton, kicking and beating on different parts of the body. In several cases, detainees were forced into painful stress positions for prolonged periods and in at least two cases GUBOPiK officers caused near-suffocation of detainees by applying a mask or a bag on their face. Physical violence was accompanied by threats, coercion and intimidation, including threats of death, gender-based violence, including sexual violence, harm to family members or/and child removal. Interrogations lasted for hours and were carried out without a lawyer. Most torture allegations documented by OHCHR took place in the central GUBOPiK office in Minsk, in several cases in the presence of and, in some cases, with the active participation of the most senior officers of GUBOPiK Department 3 for countering extremism.⁴⁴

25. OHCHR documented 17 cases where GUBOPiK officers used stun guns to inflict pain during initial arrest or interrogation. Forensic assessment by OHCHR confirmed their use in a repeated manner across several parts of the bodies of the victims, in some cases amounting to sexual violence, corroborating accounts of victims of the use of stun guns in situations and in a manner where their use was not necessary to avoid a flight, protect personal safety or maintain security, but was rather for punishment or coercion.

D. Sexual and gender-based violence

26. Based on cumulative evidence collected since 2021, OHCHR has reasonable grounds to believe Belarus security forces committed rape and other forms of sexual and gender-based violence, including sexualized torture and forced nudity, on men, boys, women and non-binary individuals in police vehicles, police stations and detention facilities between 1 May 2020 and 31 December 2023.⁴⁵ Over 32 percent of all 657 interviewees reported that they had been victims of gender-based violence, including sexual violence. Most common forms of sexual and gender-based violence were unnecessary strip and cavity searches in the context of arrest, interrogation or detention and rape threats, which were widespread and made by persons representing the authorities.

27. Police, KGB and prison officers in Brest, Gomel, Grodno, Minsk (city and region) and Mogilev regions used rape threats, often accompanied by physical violence, to degrade, intimidate, coerce or exert control. Threats contained brutal, explicit, and aggressive language, often with homophobic elements. Officers openly made threats, showing confidence in impunity for such acts. Men were threatened with being raped with a baton, being sent to prison cells where they could be raped by other detainees, or having their spouses or daughters subjected to sexual violence. Women were threatened with gang rape. Threats and insults against LGBTQ persons underscored hatred based on sexual orientation or gender identity, against persons perceived not to conform with so-called ‘traditional values’. OHCHR also documented cases of forced outing of LGBTQ persons or those misidentified as LGBTQ detained on politically motivated grounds by Belarusian security forces, “repentance” videos recorded under duress and published online or on television, and smear posters disseminated in the victims’ neighbourhoods.

⁴³ As many of those detained in 2022 and 2023 remain in detention in Belarus, these figures are not representative of the possible scale of violations.

⁴⁴ CAT articles 2, 4, 16; ICCPR articles 7, 10.

⁴⁵ A/HRC/52/68 paras 39-43; A/HRC/49/71 para 45 and 75-79.

28. OHCHR documented 121 incidents of unnecessary and degrading strip and cavity searches in detention facilities.⁴⁶ They were performed sometimes by one or more individual(s) whose position(s) the detainees did not know and/or by individuals of the opposite gender and/or in locations lacking privacy. Some detainees reported being held down for the search, others reported fear due to aggressive behaviour and language by those conducting it. Detainees, including men, women - including when menstruating - and boys, were asked to squat repeatedly while naked and some were subjected to several hours of forced nudity.⁴⁷ Many searches were not carried out for security purposes, but rather to intimidate and humiliate, which could amount to ill-treatment or torture.⁴⁸

29. In what may amount to ill-treatment or in some cases torture, OHCHR found that women held on politically motivated charges lacked access to healthcare specific to their needs, or had it actively denied.⁴⁹ For example, a woman arbitrarily detained in Minsk SIZO No. 1 was denied obstetric care despite repeated requests and visible advancement of her pregnancy. KGB interrogators referenced the pregnancy to pressure her and sent her with death threats to an isolation cell lacking ventilation. She reported having fainted and being administered medication before being taken back to her usual cell. The same night, at six months pregnant and without any medical care, she gave birth to a stillborn boy in her cell, was denied any official acknowledgement of the pregnancy or stillbirth and threatened to stay silent.

E. Discriminatory, degrading and punitive conditions and treatment in detention

30. OHCHR consolidated further evidence of discriminatory and punitive treatment and conditions of those held on politically motivated charges in police temporary detention facilities throughout Belarus in 2023.⁵⁰ Unlike other detainees, those detained on politically motivated charges were held in severely overcrowded and badly ventilated cells, in inadequate temperatures and unhygienic conditions, without mattresses, bedding, basic hygienic items or warm clothes, and with restrictions or total denial on accessing showers, time outside, correspondence or packages. Small punishment cells ('kartser') intended for one person were used to hold 10-15 detainees. Detainees were systematically deprived of sleep by uninterrupted artificial lightning and repeated forced awakening at night, subjected to frequent transfers of cells and denied necessary medical assistance. Conditions were the same for men and women who were held in the same facilities but in separate cells. OHCHR also found that those detained on politically motivated charges were systematically deprived of basic hygienic items, including menstruation pads, humiliated when asking for them, and often denied access to those in packages sent to them. These conditions and practices may amount to cruel, inhuman or degrading treatment or torture.⁵¹ OHCHR established that these conditions and practices followed instructions given to the guards and directors of temporary detention facilities – several victims reported consistently and from across different facilities being specifically told by the guards of these conditions being imposed on those referred to as 'political detainees' or 'terrorists'.

⁴⁶ ICCPR articles 7, 10 (1); **Standard Minimum Rules for the Treatment of Prisoners (the NelsonMandela Rules)** rule 52.

⁴⁷ *Prosecutor v. Akayesu* (ICTR, 2 September 1998) para 688; OHCHR Manual on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Istanbul Protocol) (2022) paras 372(m), 455.

⁴⁸ See, for example, *Miguel Castro-Castro Prison v. Peru* (Inter-American Court of Human Rights, 25 November 2006) para 312; Working Group on Arbitrary Detention, Opinion No. 25/2009 (Egypt) para 28; Istanbul Protocol (2022) para 479.

⁴⁹ United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (the Bangkok Rules) Rules 5, 6 and 10; Istanbul Protocol (2022) paras 372(m) and (o). Also: A/HRC/31/57; [UA BLR \(3.2023\) \(ohchr.org\)](#).

⁵⁰ ICCPR articles 7, 10, 26. See previous reporting on Okrestina and Zhodino - A/HRC/52/68 para 18; A/HRC/49/71 para 48.

⁵¹ CAT articles 2, 16; ICCPR articles 7, 10 ICCPR and Art 2 and 16 CAT; CCPR GC No 20 on Article 7. Also: [UA BLR \(3.2023\) \(ohchr.org\)](#).

31. OHCHR found that detainees held on politically motivated charges were systematically included on a registry of ‘those prone to extremism’ and their clothes and cells were marked with yellow tags. This registration and marking determined their treatment and conditions in the penal colonies and during transfers, which appeared both discriminatory and punitive.⁵² In contrast to other detainees, those on the registry were handcuffed during all transfers, checked more frequently and had to always stand in the first row for inspection and sleep on upper bunk beds, had their movements inside the colony and their communication and visitation rights restricted and were not eligible for parole.

32. In addition, OHCHR found that detainees held on politically motivated grounds were subjected to what appeared to be a system of arbitrary and disproportionate punishment.⁵³ Detainees released from penal colonies across Belarus consistently told of having been put under strict observance upon arrival, being quickly found to be in breach of the prison rules and punished for any pretext or made-up reason, such as an unbuttoned button or a sticker affixed on the bedside table by the guard. This was followed by repeated ‘offences’ and subsequent designation as ‘persistent offender’, triggering negative consequences for prisoners, including potentially being charged and further imprisoned for ‘malicious disobedience’.⁵⁴ The punishments for these ‘offences’ appeared disproportionate and sometimes baseless. The conditions in the punishment cell (SHIZO), where detainees were held for periods totalling up to 30 days in complete isolation with family members unaware of their condition and whereabouts, may amount to torture. The cells were so cold that detainees were unable to sleep and had to exercise to keep warm. Detainees were not allowed any personal items or activity, nor to sleep during the day. Punishment was often prolonged, sometimes repeatedly, on its expected end date.

33. OHCHR found that prisoners held on politically motivated charges in penal colonies across Belarus were subjected to compulsory and exploitative labour in unsafe working conditions. Some interviewees reported accidents, injuries and negative health effects due to lack of training, work clothing or protective equipment. Compensation for the workweek of five or six days was usually a few Rubles or nothing at all.⁵⁵

F. Enforced disappearance

34. OHCHR documented 27 cases⁵⁶, between August 2020 and March 2023, in which men and women in Brest, Minsk and Vitebsk were brought to police stations and held between one and 14 days without a lawyer, and with their families denied information on their whereabouts. These cases may have amounted to enforced disappearance. Most of these persons were ill-treated.

35. OHCHR verified as accurate numerous public reports⁵⁷ that in 2022-2023, several high-profile members of the opposition in prison, including Viktor Babaryka, Maria Kalesnikava, Ihar Losik, Mikalai Statkevich, Siarhei Tsikhanouski and Maxim Znakwere, were held incommunicado for prolonged periods extending up to 11 months as of 31 December 2023. Family members and lawyers have been denied the possibility to meet them and to obtain any information on their whereabouts and condition. These cases may amount

⁵² ICCPR article 10; **Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules)**, rules 12-16; **The Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment principle**.

⁵³ Also: **UA BLR (3.2023)** (ohchr.org).

⁵⁴ Article 411 Criminal Code. Also: **AL BLR (8.2023)** (ohchr.org).

⁵⁵ ICCPR article 8; ICESCR article 7; The International Labour Organization's (ILO) Conventions 1930 (No. 29) and Abolition of Forced Labour Convention, 1957 (No. 105).

⁵⁶ A/HRC/52/68 para 52; A/HRC/49/71, para 40; A/HRC/46 4, para 51.

⁵⁷ For example: <https://isans.org/analysis/policy-papers/incommunicado-detention-of-political-prisoners-in-belarus-a-heinous-crime-by-the-lukashenka-regime-must-be-stopped.html>; https://belhelcom.org/sites/default/files/trends_jan-june23_human_rights_in_belarus_key_trends_in_public_policy.pdf; <https://spring96.org/en/news/113053>.

to enforced disappearance.⁵⁸ Some of these detainees were only heard of when they were brought to a hospital for emergency treatment – triggering serious concerns for their physical and mental integrity and their lives – only to be sent back to isolation. The intense psychological suffering of family members caused by this seemingly intentional punitive treatment of their loved ones, without being able to ascertain even whether they remain alive, may amount to torture.⁵⁹ Furthermore, following the arrest in March 2023 of six lawyers representing these prisoners and subsequent disbarment of at least three of them, fear of harassment, disbarment and criminal prosecution has made it impossible for these detainees to engage new lawyers since.

G. Unlawful deaths

36. Since 2020, OHCHR documented five cases of deaths that allegedly resulted from unnecessary or disproportionate force used during the protests in 2020 or from a failure to protect life in detention.⁶⁰ OHCHR collected further testimonies, information and evidence relating to three deaths allegedly resulting from unnecessary or disproportionate use of force during the protests in 2020 or in custody. The Office has reasonable grounds to believe that one death [Nikita Kryvtsov] was not due to suicide, as alleged by Belarusian authorities; and two other deaths [blogger Nikolai Klimovich and artist Ales Pushkin] were due to medical negligence in detention. OHCHR found reasonable grounds to believe that these deaths may amount to a violation of the right to life. While investigations were purportedly carried out, these were not conducted in accordance with international standards according to information available to OHCHR.⁶¹ International human rights law sets out the obligation of a State to investigate potentially unlawful deprivations of life and, where appropriate, prosecute the perpetrators.⁶² OHCHR continues to investigate 16 further cases of possible unlawful deaths, resulting from unnecessary or disproportionate use of force by Belarus security forces or in custody.

H. Rights of the child

37. OHCHR previously reported that between 9-14 August 2020, 700 children were arbitrarily arrested.⁶³ Additional OHCHR investigation found widespread arbitrary arrest, in 2020-2021, of hundreds more children throughout Belarus in the context of the election-related protests. Aged between 11-17, 85 per cent of those arrested were boys. While most were arrested only briefly, over 100 were transferred to detention facilities and over 50 criminally charged. Three related arrests of children were carried out in 2023. As of 31 December 2023, 10 persons (all male) who were under 18 at the time of their arrest remained in detention on politically motivated charges. These arrests and prosecutions also violated the children's rights to freedom of expression, association and peaceful assembly.

38. As of 31 December 2023, 50 boys and five girls had been sentenced in criminal cases on politically motivated charges. OHCHR found that many children were deprived of protections afforded under international law: children below the age of criminal responsibility were criminally charged, some were interrogated without a lawyer or parent present, there were no juvenile courts, and in several cases alternatives to pre-trial detention and imprisonment were not considered. In one case, Dmitry Stakhovsky committed suicide in May 2021 fearing a long prison sentence. He had been arrested in November 2020, then aged 17. Instead of protecting the particularly vulnerable boy (an orphan), authorities

⁵⁸ Declaration for the Protection of All Persons from Enforced Disappearance, Preamble and Article 1(2). Also: [UA BLR \(4.2023\) \(ohchr.org\)](#).

⁵⁹ *Kandel v. Nepal* (CCPR/C/126/D/2560/2015) para 7.14; *Shikhmuradova v. Turkmenistan* (CCPR/C/112/D/2069/2011) para 6.8; GC on the right to the truth in relation to enforced disappearance (2010) para 4.

⁶⁰ A/HRC/52/68 para 10-14.

⁶¹ CCPR/C/GC/36, paras. 12, 25, 27 and 29; CCPR/C/GC/37, paras. 78 and 88; The Minnesota Protocol on the Investigation of Potentially Unlawful Death (2016), 2017, para. 2.

⁶² Also: [AL BLR \(6.2023\) \(ohchr.org\)](#).

⁶³ A/HRC/49/71, para 37.

pressured him to self-incriminate and charged him for “organization of mass riots”. Belarus authorities failed to conduct an effective investigation into his death. Furthermore, as of 31 December 2023, the Government had placed at least 48 persons (43 male, 5 female) who were under 18 at the time of the ‘offence’ on the ‘Extremist List’, with severe negative impact on their rights.

39. In August and September 2020, children protesting or near protest sites were subjected to unnecessary or disproportionate force during arrests and to ill-treatment or possibly torture in detention. In cases verified by OHCHR, children were beaten, including with batons, thrown, kicked and had their arms twisted by the police in Minsk and in Brest, Gomel and Minsk regions. Children’s hospital records included head injuries and brain concussion, fractures of face and back bones, bruises and hematoma all over the body, one gunshot wound and one open shrapnel fracture. Five boys were subjected to sexual violence. Once at the police station or pre-trial facility, children were held kneeling or standing against the wall for prolonged periods, beaten, kicked, threatened and intimidated, deprived of sleep and held together with adults in the same inhumane conditions.⁶⁴

40. OHCHR verified 11 cases where children were among those ill-treated in 2022-2023, including during house searches. Their reported ill-treatment included being forced to record a self-incriminating video without a lawyer or parent present, repeated strip-searches and humiliating comments. In 16 cases across Belarus, boys and girls witnessed heavily armed security forces subjecting their parents to violence and threats⁶⁵, such as being roughly handcuffed, held at gunpoint, beaten, kicked and threatened with removal of children. In 11 of these cases, security forces threatened and insulted the children and held them inside the apartment, sometimes at gunpoint. Thirty-two accounts of children and professionals working with them reported the profound psychological trauma and negative physical impact this triggered.

41. The widespread arbitrary arrest and detention of parents on political grounds violated the right to family life and the best interest of the child.⁶⁶ In numerous cases, authorities failed to consider child-care responsibilities as a mitigating circumstance when deciding on deprivation of liberty. In 14 cases parents were led away without being allowed to explain the situation to the children, or while children were at school. In ten cases, children were left without care, taken to orphanages, or parents were forced under duress to transfer the custody of their children to a relative or friend. Authorities used the so-called ‘socially dangerous situations’ procedure⁶⁷ to remove children from their parents in ways that seemed more focused on pressuring and punishing parents than safeguarding the best interests of the child. OHCHR previously found that child removal threats were a significant factor driving Belarusians into exile.⁶⁸

I. Right to work and education

42. OHCHR found systematic and widespread violations of rights to work and education of thousands real or perceived opponents. Starting in 2020, discriminatory dismissals and expulsions were carried out in violation of the prohibition of discrimination in access to work and education⁶⁹ and in what appears arbitrary and disproportionate punishment. These violations, which continued until the end of the reporting period, forced many Belarusians to exile and, in some cases, were used in reprisal against a family member of the primary victim. They were aggravated by the obliteration of independent labour rights movement.⁷⁰

⁶⁴ A/HRC/52/68 paras 18-20; A/HRC/49/71 para 48.

⁶⁵ *ECHR in A v Russia 37735/09 (2019)*.

⁶⁶ CRC articles 3, 9; ICCPR articles 3, 23, 24; CCPR GC No 19 on Family Protection.

⁶⁷ Presidential Decree 18 (2006); <https://spring96.org/en/news/16367>.

⁶⁸ A/HRC/52/68, para 48.

⁶⁹ UDHR art. 2, 23 and 26; ICESCR arts. 2, 6 and 13; CRC art 2 and 28.

⁷⁰ A/HRC/52/68 para 38; https://www.ilo.org/wcmsp5/groups/public/---ed_norm/---relconf/documents/meetingdocument/wcms_872248.pdf.

43. Dozens of interviewees confirmed the publicly reported⁷¹ patterns of violations on the right to work and education. OHCHR found widespread dismissals from work and expulsions from universities after detention under administrative or criminal charges on politically motivated grounds. The Labour Code, and from January 2022 onwards the Education Code include absence from work or classes due to serving an administrative penalty as grounds for dismissal.⁷² Some interviewees were pressured to resign or were not re-hired. Many reported having been told that the dismissal followed “instructions” due to their “disloyalty to the state” and named KGB as the instance behind such instructions.

44. OHCHR found that expulsions, dismissals, pressure to resign and non-extension of contracts also targeted those who – without being detained – had participated in protests, been active in the student movement, displayed protest symbols or subscribed to social media channels determined as ‘extremist’. Most interviewees reported inability to find new work following dismissals. Many referred to a ‘blacklist’ used by both public and private sector employers to run background checks on prospective employees and to instructions given to state-owned and private companies by public institutions in this regard. In universities, repression intensified.⁷³ According to interviewees, universities actively discouraged participation in protests or expressions of anti-Government views. Students were threatened with negative consequences, including expulsion, which for state-funded students also entails obligation to reimburse education costs⁷⁴ and, for young men, conscription to military service.⁷⁵

45. As of 2021, additional positions of ‘deputy director for security issues’ were created in state-owned companies and public institutions, including universities and medical institutions, to conduct background checks on employees and ensure ‘ideological alignment’. Furthermore, anyone on the ‘Extremist List’ (see section A) is banned from engaging in educational and publishing activities or from holding public office. The October 2022 Law on Licencing specified that licences for professions which require one, such as legal, medical, veterinary, communication, transportation, education and trade⁷⁶, can be refused or revoked for those on the ‘Extremist List’ raising concerns regarding arbitrary and/or discriminatory deprivation of right to work and livelihoods.⁷⁷

46. Regarding primary and secondary education, the 2022 Law on Licencing required all educational facilities to obtain State accreditation. In 2021, Education Minister Igor Karpenko had explained the motivation behind the licencing of private schools, including those teaching in minority languages, stating “semi-legal private kindergartens and schools under the guise of individual entrepreneurs, public or religious associations were mostly used for political purposes and became strongholds for the colour revolution”.⁷⁸ Restricting free choice of education⁷⁹, only five private schools were able to obtain the accreditation in 2023

⁷¹ E/C.12/BLR/CO/7, March 2022, paras 23-24; 41-42 <https://www.solidarnast.info/post/mass-dismissals-for-political-reasons-in-belarus>; <https://www.rferl.org/a/belarus-historical-archive-employees-detained/32551079.html>; <https://charter97.org/en/news/2021/11/29/445843/>; <https://news.zerkalo.io/life/10026.html?tg>; https://zbsunion.by/en/news/pressure_on_students.

⁷² Article 42, Labour Code of Republic of Belarus. Article 68, Education Code of Republic of Belarus.

⁷³ <https://www.belta.by/president/view/lukashenko-protiv-nas-razvernuli-uzhe-ne-informatsionnuju-a-terroristicheskiju-voynu-po-otdelnym-412833-2020/>.

⁷⁴ Articles 68, 78. Education Code of Republic of Belarus.

⁷⁵ Articles 32, 45 http://world_of_law.pravo.by/text.asp?RN=v19201914. Also: *The State of Academia in Belarus* pp. 24-25.

⁷⁶ https://www.belta.by/president/view/lukashenko-podpisal-zakon-o-litsenzirovanii-v-tom-chisle-dlja-shkol-i-detskikh-sadov-529820-2022/?utm_source=belta&utm_medium=news&utm_campaign=accent.

⁷⁷ Articles 21, 39 Law on Licencing.

⁷⁸ <https://www.belta.by/society/view/obuchenie-i-vospitanie-detej-pod-pristalnym-kontrolem-gosudarstva-karpenko-456611-2021/>; <https://sputnik.by/20230614/skolko-ostalov-belarusi-chastnykh-shkol-rasskazali-v-minobrazovaniya-1076599103.html>; <https://neg.by/novosti/otkrytyj-chastnykh-shkol-v-belarusi-ostalov-0-1/>.

⁷⁹ ICCPR art. 18(4); ICECSR art. 13(3), (4); CRC arts. 14(2), 29(2); CESC GC No. 13, para. 57.

compared to 35 in 2022.⁸⁰ Furthermore, following the 2022 amendments to the Code of Education⁸¹, public schools no longer provided teaching in minority languages. One of the two public schools teaching in Lithuanian was closed, and the teaching language changed to Russian in the other and in the only two public schools serving the Polish minority, restricting linguistic and cultural rights of these minorities.⁸²

J. Forced exile and right to nationality

47. Based on recent information,⁸³ OHCHR estimates up to 300,000 individuals have been forced to leave Belarus since 2020 in what has been a concerted campaign of violence and repression intentionally directed at those opposing – or perceived to oppose – the Government or expressing critical or independent voices.⁸⁴ Well-founded fear of arbitrary arrest, detention and conviction without respect for procedural safeguards and fair trial rights, possible torture and ill-treatment, threats of removal of children, and discriminatory restrictions on right to work and education drove men and women alike to exile. LGBTQ Belarusians reported having left the country fearing persecution, including due to homophobic hate speech from the highest government officials, the association of LGBTQ persons with the opposition movement⁸⁵, and cases of public outing.⁸⁶

48. The repression extended beyond the borders of Belarus. Belarusian authorities took significant steps to restrict the right to nationality on discriminatory and politically motivated grounds. Since July 2023, the Law on Citizenship allows authorities to revoke citizenship from individuals residing abroad who have been convicted – including in absentia – of “extremism” or for “causing serious harm to the interests of Belarus”.⁸⁷ OHCHR is not aware of any cases of implementation as of 31 December 2023. The authorities did, however, begin implementing 2022 legislation allowing for trials in absentia.⁸⁸ As of 31 December 2023, seven verdicts had been issued in absentia on political grounds against 21 individuals, including the leaders of the political opposition. The President of Belarus reportedly stated there was a “need to take decisions on those who, having gone abroad, act to the detriment of the state” and questioned “do these people deserve to remain citizens of Belarus?”.⁸⁹ The Minister of Internal Affairs for his part reportedly stated “in the future, an extremist who has lost Belarus’ citizenship might be banned from entering the country for up to 30 years”.⁹⁰

⁸⁰ <https://www.belta.by/comments/view/minobrazovaniya-o-edinyh-podhodah-k-gosudarstvennym-i-chastnym-shkolam-8347/>; <https://sputnik.by/20230614/skolko-ostalos-v-belarusi-chastnykh-shkol-rasskazali-v-minobrazovaniya-1076599103.html>; <https://neg.by/novosti/otkrytye-chastnykh-shkol-v-belarusi-ostalos-0-1/>.

⁸¹ Article 82, Education Code of Republic of Belarus..

⁸² CRC articles 29, 30; ICESCR article 13. Also: [E/C.12/BLR/CO/7](https://www.osce.org/files/f/documents/0/1/522352.pdf), March 2022, paras 45-46; <https://www.dw.com/ru/monopolia-naznania-pocemu-v-belarusi-zakryvaut-castnye-skoly/a-63286630>; <https://sputnik.by/20220426/litovskie-shkoly-belarusi-bolshe-ne-budut-obuchat-detey-na-litovskom-yazyke--1062289158.html>; <https://www.belta.by/regions/view/iz-za-narushenij-pozharnej-bezopasnosti-priostanovlena-deyatelnost-shkoly-v-voronovskom-rajone-518389-2022/>; <https://e-seimas.lrs.lt/portal/legalAct/lt/TAD/1755e3b23f0311edbf47f0036855e731?jfwid=-5gvwwff1n>.

⁸³ https://www.europarl.europa.eu/doceo/document/TA-9-2023-0321_EN.html; https://pace.coe.int/en/files/31822/html#_TOC_d19e303; https://beroc.org/en/publications/working_papers/analysis-of-the-migrant-flow-from-belarus-to-the-eu-in-2021-2022-/.

⁸⁴ A/HRC/52/68 para 53-54.

⁸⁵ For example <https://www.youtube.com/watch?v=85u4MsThOgA>; <https://life.ru/p/1569250> Also: A/HRC/52/68 para 47.

⁸⁶ ara 28 above.

⁸⁷ Article 19. http://world_of_law.pravo.by/text.asp?RN=H10200136. Also: OL BLR (9.2022) ([ohchr.org](https://www.ohchr.org/)).

⁸⁸ A/HRC/52/68 para 31.

⁸⁹ <https://president.gov.by/ru/events/coveshchanie-po-zakonodatelstvu-o-grazhdanstve-i-provedeniyu-amnistii>.

⁹⁰ <https://president.gov.by/en/events/coveshchanie-po-zakonodatelstvu-o-grazhdanstve-i-provedeniyu-amnistii-1662468665#block-after-media-scroll>.

49. Additionally, Belarusians abroad are now required to inform the authorities if they obtain a residence permit or other document granting them benefits from their host State “in connection with political or religious views or ethnicity”⁹¹, leading to heightened surveillance of those in exile and their families remaining in Belarus. Furthermore, the September 2023 Presidential decree 278 prevents the issuance and renewal of passports and other official documents abroad and requires that certain property transactions can no longer be carried out from abroad.⁹² Returning to Belarus places individuals at risk of violence and repression.

IV. Conclusions under applicable international law

50. Human rights violations described in this report further substantiate the scale and patterns of the violations identified in previous reports by OHCHR. In the light of all available information, OHCHR has reasonable grounds to believe that numerous violations of international human rights law continued to be committed in Belarus between 1 May 2020 and 31 December 2023. These included arbitrary deprivation of the right to life, arbitrary detention, enforced disappearance, torture and other cruel, inhuman or degrading treatment or punishment, including sexual and gender-based violence, denial of the rights to due process and a fair trial, unlawful interference with family life and failure to safeguard best interests of the child, violations of the right to education and work, arbitrary denial of the right to enter one’s own country, and violations of the rights to freedom of expression, peaceful assembly and association, and of the prohibition of discrimination notably on grounds of real or perceived political opinion.

51. In terms of additional implications under international criminal law, OHCHR noted in its first report on the situation in Belarus under this mandate that “[g]iven the scale and patterns of the violations identified in the present report, their widespread and systematic nature, and the evidence of official policy, knowledge and direction in respect of their collective execution by multiple State organs, in particular regarding mass arbitrary detention in the period from 9 to 14 August 2020, there are sufficient indicia to warrant further assessment of the available evidence from the perspective of applicable international criminal law”.⁹³ In its second report, OHCHR further considered that “[s]ome of the violations [described in that report] may also amount to crimes against humanity, as defined in international customary law, when such acts are committed as part of a widespread or systematic attack directed against any civilian population, with knowledge of the attack. Considered cumulatively, the organized nature of the violations renders it improbable that they were random and accidental. On the contrary, they appear to have been part of a campaign of violence and repression, intentionally directed at those who were – or were perceived to be – opposing the Government or expressing critical or independent voices”.⁹⁴ Evidence gathered during this current mandate period aligns with and strengthens those views, with the campaign of repression against real or perceived political opponents continuing throughout 2023 and the Government of Belarus warning, in dehumanizing terms, that the authorities would react harshly to any attempt to repeat the 2020 events.⁹⁵

52. Assessing the cumulative whole of evidence collected over the three years of the present mandate, OHCHR has reasonable grounds to conclude that the Government has implemented an organized, continuing and systematic campaign of violence, repression and punishment, pursuant to or in furtherance of a policy to attack a civilian population, specifically defined and delineated by its real or perceived opposition to the Government, for the purpose of silencing, suppressing, discouraging and deterring such opposition or further manifestation of it, whether in public space or privately. Under international criminal law, persecution is the intentional and severe deprivation of fundamental rights contrary to international law by reason of the identity of the group or collectivity. Taking into account

⁹¹ Article 11 http://world_of_law.pravo.by/text.asp?RN=H10200136.

⁹² <https://isans.org/articles/changes-in-legislation-affecting-procedures-for-receipt-of-education-documents-by-belarusian-citizens.html>.

⁹³ (A/HRC/49/71, para. 86)

⁹⁴ (A/HRC/52/68, para. 54)

⁹⁵ <https://president.gov.by/ru/events/soveshchanie-ob-obshchestvenno-politicheskoy-obstanovke-i-ostoyanii-prestupnosti-v-strane>.

(i) the range of human rights violations laid out in this reporting, committed against the population of real or perceived political opponents in discriminatory fashion, (ii) their nature and severity in terms of the rights to life, to physical integrity and security, and to freedom from arbitrary detention, as well as of the enjoyment of other fundamental freedoms, and (iii) the patterns of their systematic commission through the legal and institutional apparatus of the State, as encouraged at highest levels, OHCHR has reasonable grounds to believe that the crime against humanity of persecution may have been committed, along with other underlying acts which may be established as a result of the human rights violations described.

V. Accountability

53. There remains no reasonable expectation that justice will be delivered for human rights violations committed in Belarus. There continues to be an active policy to shield perpetrators and prevent accountability.⁹⁶ OHCHR is not aware of any positive measures taken by Belarusian authorities to effectively investigate reported violations and hold those responsible to account. Allegations of torture or other ill-treatment were ignored, including by judges, even when presented with credible evidence. Several victims were pressured to not complain or reported reprisals from complaining.⁹⁷

54. OHCHR continued to collect and preserve information and evidence regarding individuals alleged to have been involved in the perpetration of the above-mentioned gross human rights violations and possible crimes under international law. This includes senior political and command levels, and other officials giving effect to the legal regime directed against real or perceived political opponents. The extent of individual criminal responsibility merits further investigation and determination by competent judicial authorities, applying international standards.

VI. Recommendations

55. **OHCHR reiterates all recommendations contained in OHCHR's previous reports on Belarus.**⁹⁸

56. **In particular, regretting non-implementation to date, OHCHR urges the Government of Belarus to:**

(a) **Immediately release all individuals arbitrarily detained and sentenced on discriminatory grounds of real or perceived political opinion, ensuring the right to effective remedies and adequate reparation, and cease all other ongoing violations of human rights identified in the present report, including the systematic repression of civil society, independent media and opposition groups and individuals, and refrain from committing such violations in the future;**

(b) **Cease application of and dismantle the legal regime applied to repress, on discriminatory basis, the rights and freedoms of persons in Belarus, and issue clear, comprehensive and binding instructions to law enforcement authorities and other relevant institutions of Government to refrain and desist from arbitrary and discriminatory application of generally-applicable law, in particular the criminal law;**

(c) **Promptly initiate independent, impartial, effective and transparent investigations into all past violations of human rights, particularly those that may amount to crimes under international law and the gender dimensions thereof, and ensure that investigations address the full chain of command relevant to individual criminal responsibility;**

57. **OHCHR further recommends that the Government of Belarus:**

⁹⁶ A/HRC/49/71, paras 54–55, 88; and HRC GC No. 31 (2004), paras 16, 18.

⁹⁷ A/HRC/52/68 para 21.

⁹⁸ A/HRC/52/68 paras 65–67; A/HRC/49/71, paras 93–95; A/HRC/46/4 paras 77–83.

- (a) Immediately end incommunicado detention of individuals in its custody;
- (b) Immediately release all children held on political grounds, expunge their criminal records and establish a juvenile justice system as recommended by the Committee of the Rights of the Child⁹⁹;
- (c) Ensure counter-terrorism and counter-extremism legislation and related practices are in compliance with international norms and standards and are not used to silence dissent;
- (d) Ensure non-discrimination on political or any other grounds in access to work and education; and
- (e) Guarantee right to nationality without discrimination and ensure that no Belarusian citizen becomes stateless, including by repealing December 2022 amendments to the Law on Citizenship and in any event refraining from their implementation.

58. OHCHR continues to recommend that the Member States of the United Nations:

- (a) Work towards accountability through national proceedings based on accepted principles of extraterritorial and universal jurisdiction, and through other possible avenues, and, in combination, explore further appropriate measures against credibly alleged perpetrators of grave human rights violations, as consistent with international law; and
- (b) Facilitate international refugee protection, as needed, in light of the continuing grave, widespread and systematic human rights violations in Belarus and provide additional protection measures, where necessary, to victims, witnesses and other persons who had to leave the country or were expelled, including through facilitating the issuance and recognition of travel and identity documents.

⁹⁹ CRC/C/BLR/CO/5-6 para 42.

Annex I

Note verbale of 22 June 2023 from OHCHR to Belarus

1. The Office of the United Nations High Commissioner for Human Rights (OHCHR) presents its compliments to the Permanent Mission of the Republic of Belarus to the United Nations Office and other international organizations in Geneva, and has the honour to refer to Resolution A/HRC/RES/52/29 on the “Situation of human rights in Belarus in the run-up to the 2020 presidential election and in its aftermath” adopted by the Human Rights Council on 4 April 2023.
2. The above-mentioned resolution, inter alia, requests the High Commissioner to continue “to monitor and report on the situation of human rights, to carry out a comprehensive examination of all alleged human rights violations committed in Belarus since 1 May 2020 in the run-up to the 2020 presidential election and in its aftermath, [... and] to engage with the Belarusian authorities and all stakeholders.”
3. In fulfilment of this mandate, OHCHR wishes to inform the Permanent Mission of its intention to deploy a team of human rights officers to the Republic of Belarus to meet with authorities, representatives of civil society organizations and relevant stakeholders, and to investigate alleged human rights violations. OHCHR stands ready to discuss with the Permanent Mission of the Republic of Belarus relevant practical arrangements and details for the mission.
4. Additionally, OHCHR would like to invite the Permanent Mission of the Republic of Belarus to submit relevant information or documentation related to this mandate by 1 November 2023, at the latest.
5. The Office of the United Nations High Commissioner for Human Rights avails itself of the opportunity to renew to the Permanent Mission of the Republic of Belarus to the United Nations Office and other international organizations in Geneva the assurances of its highest consideration.

Annex II

Note verbale of 22 June 2023 from OHCHR to Belarus

1. OHCHR respectfully requests the Government to address the queries detailed herein. OHCHR will take into account the response of the Government when drafting the next report to the Human Rights Council and may provide a link to this Note Verbale and to the response of the Government in a footnote appearing on the first page of the report, unless the Government explicitly requests any part of the response to remain confidential.
2. OHCHR would be grateful to receive replies and any other submissions that the Government may wish to present, no later than 24 November 2023.
3. The Office of the United Nations High Commissioner for Human Rights avails itself of the opportunity to renew to the Permanent Mission of the Republic of Belarus to the United Nations Office and other international organizations in Geneva the assurances of its highest consideration.

A. Policies and procedures

4. Please provide details on the procedure for approving a 'mass event', and on the number of approved or rejected requests to hold such a 'mass event' since the 2021 amendments to the Law on Mass Events came into force and on the grounds for rejecting such requests, if any.
5. Please clarify if there is a specified procedure for handling persons who are detained and charged on extremism- or terrorism-related charges, while they are in detention or serving a sentence of imprisonment.
6. Please provide the regulations and/or rules governing the administration of places of deprivation of liberty, including the procedures governing the transfer of detainees and disciplinary measures.
7. Please provide details on the practice of strip search while in detention, including the grounds for conducting such searches.
8. Please outline what rules of engagement on the use of force by law enforcement officials applied during the 2020 protests and thereafter, in relation to crowd control operations.
9. Please outline the legal grounds for involving military personnel in crowd control operations during the protests in 2020.
10. Please share the standard operating procedures of the Belarus police or other security forces for the conduct of arrest and search operations, including the search of private residence.
11. Please provide details on the mechanisms in place to ensure that disclosure of individuals' private information to security agencies under the Law on Medical Care and the Law on Psychological Assistance does not unnecessarily and disproportionately breach the rights to privacy and access to health.
12. Please provide details on the mechanisms in place to ensure that disclosure of individuals' private information to security agencies under Presidential Decree 368 does not unnecessarily and disproportionately breach the rights to privacy and to freedom of expression.

B. Right to life

13. Please provide a list of persons who died in the custody of Belarus authorities or as a result of the use of force by Belarus security forces since 1 May 2020.

14. Please provide detail on the steps taken to investigate the cause of death, and the outcome of investigation, of any person who died in the custody of Belarus authorities or as a result of the use of force by Belarus security forces since 1 May 2020.

C. Investigations and criminal proceedings

15. Please provide an update on the number of persons, disaggregated by gender and age, investigated and prosecuted under extremism- and terrorism-related offences since May 2021, disaggregated by the relevant offence.

16. Please provide an update on the number of persons, disaggregated by gender and age, arrested and prosecuted under Art. 24.23 of the Code of Administrative Offences for participation in unauthorized mass events since May 2020.

17. Please provide information on the number of persons, disaggregated by gender and age, investigated and prosecuted in 2022 and 2023 under Article 193-1 of the Criminal Code (participation in the activities of non-registered, suspended or liquidated association).

18. Please provide details on the number of persons, disaggregated by gender and age, charged and prosecuted since May 2020 for insulting the President, a judge or representative of the authorities, as well as on the criminal or administrative sanction imposed.

19. Please provide an update on the total number of “special criminal proceedings” (*in absentia*) conducted under Chapter 49 of the Criminal Procedural Code since July 2022.

20. Please provide information on the number of persons, disaggregated by gender and age, charged and prosecuted under Article 411 of the Criminal Code (for disobedience to the administration of the penal facilities).

D. Freedom of expression and association

21. Please provide an update on the total number of civil society, non-governmental organizations and trade unions registered in Belarus since May 2020.

22. Please provide the complete list of civil society, non-governmental organizations and trade unions closed down by the Belarus authorities since May 2020, including details on the basis for closure.

23. Please provide the complete list of media outlets and telegram channels that have been included in the Republican lists of extremist materials or extremist formations since May 2020, including the reason for their inclusion on the list.

24. Please provide the complete list of websites blocked, pursuant to decisions of the Belarus authorities since May 2020, including the reason for their closure.

25. Please provide the complete list of individuals, disaggregated by gender and age, as well as organisations or entities included in the Government’s “List of Belarusian citizens, foreign citizens or stateless persons involved in extremist activities”; “List of Organizations, Formations, Individual Entrepreneurs involved in Extremist Activities” and “List of Organizations and Individuals involved in Terrorist Activities” and the reason for their inclusion.

26. Please provide a complete list of political parties that sought re-registration pursuant to the Law on the Activities of Political Parties, adopted in February 2023, and the outcome of the re-registration process, including the reason for rejection of re-registration, if any.

27. Please outline the steps taken by the Government to ensure free and fair conduct of the Parliamentary election foreseen for February 2024.

E. Due process and the right to a fair trial

28. Please provide details on how the right to counsel is guaranteed in proceedings under the Code of Administrative Offenses, as well as in disciplinary proceedings against persons in custody.

29. Please provide details on the access to lawyers of those detained and charged, in particular those held in solitary confinement or isolation.

30. Please provide updated information on the number of lawyers, disaggregated by gender, disbarred since May 2020 and the grounds for their disbarment.

F. Citizenship

31. Please provide details on the number of cases, disaggregated by gender and age, of revocation of citizenship by the Belarus authorities, if any, including on the grounds for revoking citizenship since May 2020.

32. Please provide information on the steps taken to ensure that the implementation of the July 2023 amendment to the Law on Citizenship does not result in statelessness, including of children born to Belarusian citizens currently living abroad.

G. Economic, Social and Cultural Rights

33. Please provide information on the number of persons dismissed from State-employment on grounds of having participated in peaceful protest or otherwise exercising their freedom of expression or opinion, association or assembly and/or for being absent from work without the ability to provide a valid justification.

34. Please provide information on the number of persons expelled from educational institutions on grounds of having participated in peaceful protest or otherwise exercising their freedom of expression or opinion, association or assembly and/or for being absent without the ability to provide a valid justification.

35. Please provide information on the number of private educational and cultural institutions closed since 1 May 2020.

36. Please provide information on the number of schools where language of instruction was changed from a national minority language to Russian since 1 May 2020.

37. Please provide information about the practice of appointing a person in charge of security issues at the educational and other public institutions and state-owned companies as of September 2020, the number of such positions introduced, and the rule or regulation which regulates this practice.

H. Accountability for alleged violations of human rights

38. Please provide information on the number of complaints received since May 2020 into human rights violations, allegedly committed by law enforcement personnel, detail on the steps taken to investigate them and the outcome of those investigations.

39. Please provide details of remedies provided to victims of human rights violations since May 2020, if any, including reparations.

40. Please outline action taken against perpetrators of human rights violations since May 2020, including prosecutions and convictions, if any.

I. Implementation of previous recommendations

41. Please outline any steps taken to implement recommendations contained in the last three OHCHR reports on Belarus (A/HRC/52/68, A/HRC/49/71 and A/HRC/46/4).

J. Access

42. Please reply to the High Commissioner's Note Verbale dated 22 June 2023 requesting access to Belarus and grant such access.

Advance unedited version