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Situation of human rights in Belarus

Note by the Secretary-General

The Secretary-General has the honour to transmit to the General Assembly the report of the Special Rapporteur on the situation of human rights in Belarus, Anaïs Marin, submitted in accordance with Human Rights Council resolution [50/20](#).

* [A/78/150](#).



Report of the Special Rapporteur on the situation of human rights in Belarus, Anaïs Marin

Summary

In the present report, the Special Rapporteur on the situation of human rights in Belarus, Anaïs Marin, focuses on the legislation and measures for countering terrorism and extremism and the impact thereof on the enjoyment of human rights in Belarus. The adoption and implementation of such legislation in Belarus is part of a State-directed, widespread and systematic policy for eradicating civic space and any actual or perceived dissent in the country. The report sheds light on how domestic legal norms on State security in the reprisal toolbox are instrumentalized to silence unwelcome independent or dissident voices and opposition figures. The report also provides an overview of the grave human rights violations, such as arbitrary detention and lengthy imprisonment on politically motivated grounds, resulting from this policy. The Special Rapporteur makes recommendations to the Government of Belarus to discontinue the policies of enhanced repression in place since the contested 2020 presidential election. She also makes recommendations to the international community and encourages it to support accountability efforts, address the protection needs of Belarusians compelled to exile and empower independent voices working on human rights and democracy in and outside Belarus.

I. Introduction

A. Executive summary

1. The mandate of the Special Rapporteur on the situation of human rights in Belarus was established in 2012 by the Human Rights Council in its resolution [20/13](#), following a report by the United Nations High Commissioner for Human Rights ([A/HRC/20/8](#)). The Council mandated the Special Rapporteur to report annually to it and the General Assembly. Since then, the Council has renewed the mandate 11 times.

2. The present report, submitted to the General Assembly pursuant to Human Rights Council resolution [50/20](#), is focused on legislation and the implementation of counter-extremism and counter-terrorism legislation. It also provides a description of trends, as well as cases of repression against specific groups that have limited the freedom of expression of dissident voices and resulted in lengthy imprisonment or compelled alleged “extremists” to exile, thereby hindering the ability of individuals and organizations to advocate for human rights and hold the Government accountable for the massive violations ongoing since the 2020 contested election. The report serves to analyse the resulting shrinking of civic space in Belarus, with the aim of assessing the magnitude, impact and gravity of this phenomenon.

3. In addition to documenting the human rights violations and challenges to civil society in Belarus under the guise of protecting national security, the present report contributes to the global debate on the fact that binding resolutions of the Security Council consistently lack a comprehensive definition of terrorism and of violent extremism and a comprehensive assessment of the human rights impact of the required measures ([A/HRC/40/52](#), para. 6).

4. In her report to the Human Rights Council at its fifty-third session in 2023 ([A/HRC/53/53](#)), the Special Rapporteur provided a detailed analysis of the deplorable human rights situation in Belarus, highlighting the selective engagement with United Nations human rights mechanisms, disregard for the findings and recommendations addressed to the Government and withdrawal from instruments, notably the Optional Protocol to the International Covenant on Civil and Political Rights, which had provided avenues for the protection of human rights against State violations. She reported on the increasingly difficult task of gathering information from sources on the ground, given that virtually all human rights defenders, investigative journalists, civic activists and members of the political opposition were either in prison or in exile. Those still in the country were forced to suspend their activities and dissolve their organizations or minimize their visibility to avoid drawing the attention of the authorities as a result of the high risks of arbitrary arrest and detention, or even reprisals, for human rights work.

B. Methodology

5. As in previous years, the Special Rapporteur’s requests for access to the country and a meeting with the Permanent Representative of Belarus to the United Nations Office at Geneva remain unanswered. The Special Rapporteur regrets the unwillingness of the Government of Belarus to recognize or engage with the mandate and its refusal to allow access to its territory, even though the Human Rights Council expressly called upon it to do so. The Special Rapporteur encourages the Belarusian authorities to revise their position and find an interest in engaging constructively with her mandate.

6. The Special Rapporteur notes with deep concern that, since the unprecedented human rights crisis of 2020 and the continuing erosion of human rights and civic

space in the country, a large number of people have been forced to leave Belarus under the brunt of coercive practices that have made the exercise of civic and political rights in the country virtually impossible (A/77/195). Belarus has an unprecedentedly high number of persons behind bars, sentenced for the legitimate and peaceful exercise of their human rights and fundamental freedoms. Reports from veteran human rights defending organization, Viasna, indicate that almost 1,500 people are still imprisoned on politically motivated grounds,¹ including various human rights defenders and more than 30 journalists and other media workers.² Obtaining direct access to sources on the ground for verifying and cross-checking information has, therefore, become increasingly difficult. However, the fact that hundreds of victims of violations or their relatives have relocated to neighbouring countries gave the Special Rapporteur an opportunity to meet with them and gather first-hand testimonies for the purpose of the present report.

7. The present report is based primarily on comprehensive information and reports received from Belarusian human rights defenders in response to a call for inputs, as well as a desk analysis. The Special Rapporteur is grateful to all the individuals and organizations that provided their contributions, including those that are still carrying out monitoring and public advocacy and those whose names cannot be disclosed due to concerns for their safety or that of their families. Given the lack of information from the Government of Belarus, the Special Rapporteur analysed information and open-source documents available on its official websites. In addition, the Special Rapporteur participated remotely in various expert panels and events on the human rights situation in Belarus and in consultations with diplomats or representatives of international organizations, which served as a valuable sounding board for the present report.

II. “Extremization” of Belarusian legislation

A. Context

8. There is no recent history of terrorism in Belarus, but attacks cannot be ruled out. On 11 April 2011, 15 people were killed and 204 injured when a bomb exploded in the Minsk metro.³ The Office of the Prosecutor General launched a criminal investigation and classified the event as a terrorist attack. Two young men were arrested two days later, convicted of carrying out the attack and sentenced to capital punishment following a hasty prosecution. Their trial was widely criticized for failing to meet international fair trial standards. They were executed in March 2012, notwithstanding the request by the Human Rights Committee for a stay of execution given that the case was under consideration by the Committee.⁴ In relation to the enforcement of capital punishment, Belarus has systematically violated its obligation to safeguard the right to life and to cooperate in good faith with the Human Rights Committee. Since 2010, 15 individuals have been executed in circumstances that have given rise to allegations of torture and violations of the right to due process and a fair trial.

9. The Global Terrorism Index serves to measure the direct and indirect impact of terrorism, including its effects in terms of lives lost, injuries, property damage and

¹ A list is available at <https://prisoners.spring96.org/en>.

² See <https://baj.media/en/analytics/repressions-against-journalists-belarus-2023-list-colleagues-prison>.

³ United Nations, “Security Council deplores deadly blast in Belarusian capital”, United Nations news, 14 April 2011. Available at <https://news.un.org/en/story/2011/04/372372>.

⁴ United Nations, “UN Human Rights Committee deplores Belarus execution”, press release, 19 March 2012. Available at www.ohchr.org/en/press-releases/2012/03/un-human-rights-committee-deplores-belarus-execution.

the psychological after-effects.⁵ It provides a composite score that is used to rank countries according to the impact of terrorism, where 0 represents no impact and 10 represents the highest impact. According to the Global Terrorism Index, the impact of terrorism in Belarus between 2020 and 2022 remained unchanged at zero.

10. During the same period, the ranking of Belarus in various composite indices on human rights and democracy deteriorated markedly. According to the 2023 edition of the annual study by Freedom House on the state of democracy in Europe and Central Asia entitled “Nations in transit”, Belarus has been categorized as a consolidated authoritarian regime since the mid-2000s. The Bertelsmann Foundation, which publishes a yearly Transformation Index that serves to examine progress and regression in the field of politics, the economy and governance, considers Belarus a “hard-line autocracy”.⁶ According to the latest Freedom House annual rating, the democracy percentage corresponding to Belarus has been downgraded from 3 per cent in 2022 to 1.79 per cent in 2023 (in 2020, it was 7 per cent).⁷ On the Transformation Index, Belarus was ranked 88 out of 137 countries in 2020, but its position fell to 94 in 2023.

11. Furthermore, the report of the United Nations High Commissioner for Human Rights provided a stark account of the widespread and systematic practice of grave human rights violations aimed at suppressing criticism of and dissent against governmental policies, as well as the lack of effective remedies available domestically for Belarusians (A/HRC/52/68). The Special Rapporteur supports these conclusions and draws attention to the fact that the situation of human rights in Belarus has continued to worsen, notwithstanding a decrease in offline protests and a subsequent decline in global media attention.

12. The Special Rapporteur underlines that modifications in legislation and practice over the past three years, which she reviewed in past reports and details in the body of the present report, have made any protest activity virtually impossible in Belarus, whether in-person or online. Engaging in dissenting activities systematically entails the risk of criminal prosecution and punishment under the pretext of countering “terrorism” and “extremism”.

13. In the context of the disputed presidential election in 2020, the Government faced widespread protests and peaceful demonstrations, to which it responded with the disproportionate and unlawful use of force and mass detentions. Over 35,000 people were arbitrarily arrested (A/HRC/46/4, para. 27) and placed under administrative detention for “participating in an unauthorized mass event”, in accordance with article 23.34 of the Code of Administrative Offences.

14. In the three years since the start of the 2020 election campaign in Belarus, a climate of impunity has made the perpetuation of human rights violations possible, given that none of the perpetrators have been held to account in Belarus. On the contrary, people who had experienced administrative detention or fines for taking part in the protests, reporting on them or supporting them, or their relatives, including by raising funds for their judicial expenses, have been subjected to various forms of harassment, intimidation, threats or even criminal prosecution. In most cases, the authorities and pro-government media have publicly labelled them as “extremists”.

15. Since August 2020, at least 3,645 people have been convicted under criminal articles, 1,440 of whom for participating in protests. As of July 2023, at least 1,488 political prisoners, between 15 and 75 years of age, remained in detention, including 165 women. While 33 people have been pardoned and six released during the last

⁵ See www.visionofhumanity.org/maps/global-terrorism-index/#/.

⁶ See <https://bti-project.org/en/reports/country-dashboard/BLR>.

⁷ See <https://freedomhouse.org/country/belarus/nations-transit/2023>.

three years of repression, at least 470 people have served their sentences in full.⁸ It is, however, noteworthy that shortly following their release, most of them decided to leave the country, for fear of being arbitrarily arrested again.

16. The proliferation of counter-terrorism and so-called “counter-extremism” legislation and measures, on the one hand, and the eradication of civic space, opposition movements and independent reporting, on the other, happened simultaneously. Belarus is, therefore, a textbook example of how such legislation has proved to be the ultimate tool for purging civic space, suppressing free expression, eradicating political opposition and ultimately eliminating all independent institutions in the country that could represent a political alternative to the incumbent President, in office since 1994.

B. Legal framework on State security

17. In the present section, the Special Rapporteur analyses the existing legislation on countering terrorism and extremism. She examines, notably, the latest amendments introduced since 2021 and how they comply with the international human rights obligations of Belarus.

1. Counter-terrorism legislation

18. The Criminal Code contains various articles defining and sanctioning crimes related to terrorism. Article 3 of Law No. 77-Z of 3 January 2002 on combating terrorism defines “terrorism” as “a sociopolitical criminal phenomenon that involves an ideology and practice of using violence or the threat of violence to influence decision-making by the authorities, obstruct political or other public activity, provoke international complications or war, intimidate the population and destabilize public order”. The concept of a “terrorist act” refers to “committing, for the purpose of terrorism, an explosion, arson, flooding or other acts in a generally dangerous manner, or creating a risk of death, bodily injury or other severe consequences”.

19. In practice, however, the authorities and State-controlled media and experts tend to abusively expand the frame of this legal definition by increasingly referring to dissidents as “extremists” and to political opponents as “terrorists”.

20. This broad definition of “terrorism” and use of the phrase “other severe consequences” allow for the qualification of various actions as “terrorist acts” at the discretion of the State. This increases the possibility of unlawful interference with the right to a number of civil, political and cultural freedoms.

21. Examples of “other severe consequences” stipulated by the law include the “destruction, damage, seizure, holding and blocking of buildings, structures, ways or means of communication, including means of transport by rail, water, air and main pipelines, and other means of communication and facilities”. This potentially poses disproportionate restrictions on the exercise of the right to freedom of peaceful assembly and to freedom of expression, as many protests, pickets, labour movements and even artistic performances may involve blocking transportation routes.

22. Entities recognized as “terrorist” by a court are included in the list of “terrorist organizations” or “terrorist formations”, depending on their status of registration, maintained by the State Security Committee and officially published in the print media only. The State Security Committee also publishes on its official website a list of organizations or formations and individuals, including individual entrepreneurs, allegedly involved in terrorist activities. The inclusion in this list is decided

⁸ See <https://spring96.org/en/news/112407>.

administratively by the State Security Committee, without any clear requirements for evidence or court decisions, except for cases where verdicts have been issued, and without the participation of the individuals concerned or their lawyers.

23. The lack of public disclosure of these decisions, combined with the discretionary powers of the State Security Committee to limit the rights and freedoms of individuals and organizations through inclusion in the list, violates international standards regarding lawful and permissible restrictions to the enjoyment of human rights and freedoms.

24. The Constitution of Belarus retains the death penalty for acts of terrorism. On 13 May 2022, Law No. 165-Z on amending the Criminal Code widened the application of capital punishment to broadly defined “planned” or “attempted” acts of terrorism by organized groups, contrary to international minimum standards on the use of the death penalty, which limit it to the most serious crimes, involving intentional killing (A/HRC/52/68, para. 52). These legislative amendments are placing individuals at risk, in particular those dissidents whose activism may abusively be equated with terrorism, as is the case of anarchists for example.⁹

25. While the concept of “terrorism” remains undefined in international law, States must ensure that counter-terrorism legislation is limited to criminalizing terrorist conduct, which is properly and precisely defined on the basis of the provisions of international counter-terrorism instruments, and is strictly guided by the principles of legality, necessity, proportionality and non-discrimination. These principles appear to have been neglected upon amending the Criminal Code to extend the application of the death penalty to “planned” or “attempted” crimes related to terrorism.

26. On 23 May 2022, the Special Rapporteurs addressed a letter to Belarusian authorities,¹⁰ raising concerns over the incompatibility of this provision with the country’s obligations under international human rights law, namely capital punishment for activities that do not fall under the category of “most serious crimes”, as established by international law. In their letter, the Special Rapporteurs asked the relevant authorities to thoroughly review the counter-terrorism legislation and criminal sanctions, including through consultations with civil society and experts on the matter. No reply from the Government of Belarus was received.

27. On 24 March 2023, additional amendments to the Criminal Code came into force. According to the Parliamentary Assembly, these changes were introduced with the aim of “strengthening Belarus’ fight against ‘crimes of an extremist (terrorist) and anti-State orientation’”. These amendments were relating to article 356 of the Criminal Code, introducing capital punishment for State officials and military personnel convicted of high treason, a crime previously sanctioned with imprisonment. Article 59 of the Criminal Code on execution by firing squad was also amended accordingly.¹¹

28. On 22 March 2023, the Special Rapporteurs addressed a letter to the Government of Belarus raising concerns that the proposed amendments to the Criminal Code may increase the risk that the death penalty will be imposed in an arbitrary, unlawful and discriminatory manner. The experts emphasized that “high treason” did not meet the threshold of “most serious crimes” established under international law and that the enforcement of any death sentence in contravention of

⁹ See communication OL BLR 3/2022, available at <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=27939>.

¹⁰ Ibid.

¹¹ See communication OL BLR 2/2023, available at <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=27939>.

the obligations of a State under international law is tantamount to an arbitrary execution.¹² No reply was forthcoming.

29. Belarus remains the last country in Europe that applies the death penalty. In its concluding observation on the fifth periodic report of Belarus in 2018 (CCPR/C/BLR/CO/5), the Human Rights Committee emphasized that Belarus “should consider establishing a moratorium on executions as an initial step towards legal abolition of the death penalty and ratification of the Second Optional Protocol to the Covenant, commute all pending death sentences to imprisonment and increase efforts to change public perception about the necessity of maintaining the death penalty”. Although, a couple of years ago, the authorities considered the idea of opening the issue of the death penalty to public debate, they have not followed up on this recommendation.

30. Moreover, the law on amendments to the Criminal Code of 9 March 2023 introduced article 289-1 on the propaganda of terrorism or its public justification, including through the use of mass media or the Internet, which is sanctioned with up to seven years of imprisonment. The propaganda of terrorism is defined as the “dissemination, in any form, of materials and/or information with the aim of cultivating allegiance towards terrorist ideologies or recognizing terrorist activities as acceptable among an individually indeterminate group of people”. Liability for those offences is based on the content of speech rather than the speaker’s intention or the actual risk of the prohibited result.

31. Finally, the law increases tenfold the maximum amount of fines that can be imposed as an additional punishment for crimes under a number of articles relating to terrorism and extremism of the Criminal Code. The fine imposed could be between 500 and 50,000 basic units (about \$732,000). Such a fine may be imposed for “mass riots”, “high treason”, “conspiracy”, “calls for sanctions”, “creation of an extremist formation”, “financing of extremism” and other “political” crimes.

2. Counter-extremism legislation

32. The Belarusian legislation on countering extremism has provided law enforcement bodies with a post hoc justification for their policies and practices that are intended to threaten, punish and eradicate those with or expressing dissenting opinions, which authorities and the official media had consistently ostracized for being “anti-State” for several decades. Questioning authorities’ legitimacy or criticizing governmental policies on human rights grounds has long been framed as a threat to the State, as have the attempts of opposition leaders to run in the election against the incumbent President, with their mobilization of contest considered equivalent to attacks against the State, its national interests, “forcible change of the constitutional system” and the like.

33. Law No. 203-Z of 4 January 2002 on countering extremism presents the definition of “extremism” as a list of 18 categories of actions, which are substantially distinct from one another, threatening the “independence, territorial integrity, sovereignty and foundations of constitutional order”. Alongside standard crime categories (e.g. involvement in illegal armed formations and arms trade, conducting or financing terrorist activities, rehabilitation of Nazism and hate speech), a number of dispositions are so loosely formulated that they can be selectively applied in an arbitrary manner, as has been the case since 2020 in labelling peaceful protests as “mass disorders” and contesting election results as “obstructing the lawful activities of the Central Electoral Commission”, which the law allows to retroactively qualify as “extremist”.

¹² Ibid.

34. The following provisions of the law on countering extremism have been used to undermine the legitimate exercise of human rights and prohibit other peaceful activities that are critical in a democratic society: seizure or retention of State power through unconstitutional means; creation of extremist formations or participation in extremist formations; assistance in carrying out extremist activities, undergoing training or other preparation for participation in such activities; dissemination of knowingly false information/discreditation of Belarus; insulting public authorities; incitement of hatred against a social group; distribution of extremist materials; and public appeals for the organization or conduct of illegal assemblies.

35. These acts are vague and broadly defined in the legislation, which fails to meet the requirements of international law regarding permissible purposes and the proportionality of measures interfering with the exercise of human rights. In fact, the concept of extremism contained in the law on countering extremism can be applied to any sphere of human activity; it can be applied not only to various forms of freedom of association, peaceful assembly or freedom of expression, but also to all civil society activities, primarily owing to broad formulations and the wide range of interpretation powers granted to authorities. Any form of expression, civic activism and political opposition can fall under the “extremism” label. For example, it has been reported that criticizing the wrongdoings of law enforcement bodies (e.g. the police) can easily be considered in court as “incitement of enmity against a social group”, while raising funds for the judicial defence of journalists prosecuted on charges of “extremism” is equated with “financing extremist activities”.

36. The potential misuse of “extremism” restrictions by the authorities is exacerbated by the fact that “hate speech” is considered as a form of “extremism” under Belarusian law. Article 1, therefore, of the law on countering extremism stipulates that the following forms of expression likened to hate speech constitute “extremism” and are thus prohibited: “incitement of racial, national, religious or other social enmity or discord” and “propaganda of exclusivity, superiority or inferiority of citizens based on their social, racial, national, religious or linguistic affiliation”.

37. The legislation does not explicitly require the speaker’s intent to cause a particular harm (e.g. discrimination, hostility or violence) as an essential element of prohibited forms of hate speech. It equally disregards the context in which the statement was made or the likelihood of any specific harm caused by it. Instead, the law relies on vague concepts that are not defined anywhere in the law, such as propaganda, exclusivity, superiority, inferiority and social affiliation, which are all open to broad interpretation by courts and law enforcement authorities. Consequently, the broad legal definition of expression likened to hate speech can be employed in an arbitrary or disproportionate manner to penalize the legitimate expression of criticism of public officials or governmental policies. Moreover, court decisions, including in criminal “hate speech” cases, are not publicly available, while the descriptions of materials included in the list of banned “extremist materials” are so laconic that it is often impossible to understand their content.

38. On 14 May 2021, the President of Belarus signed off on Law No. 104-Z on amending counter-extremism legislation, which strikes down the presumption of innocence and the right to due process and a fair trial. Furthermore, the Ministry of Internal Affairs and the State Security Committee were vested with the discretionary power to label individuals as “extremists” outside any judicial procedure. For the operationalization of this decision, on 12 October 2021, the Council of Ministers adopted Resolution No. 575 on measures to counter extremism and the rehabilitation of Nazism, which regulates the procedure for the publication of lists of organizations, formations, individual entrepreneurs and citizens involved in so-called “extremist activities”.

39. Pursuant to Resolution No. 575, the Ministry of Internal Affairs is administering two separate lists available on its website: a list of organizations, formations and individuals that were registered as individual entrepreneurs and a list of private individuals. As of 1 July 2023, the list of individuals contains more than 3,000 names and new names are continuously being added to it.

40. The list includes not only individuals convicted directly under articles of the Criminal Code on “extremists”, as specified in the next section, but also those convicted for other crimes “related to extremism” such as:

(a) Speech crimes: article 130 on the incitement of racial, national, religious or other social hatred or strife; article 130-1 on the rehabilitation of Nazism; article 369 on insulting a representative of authority; article 369-1 on discrediting Belarus; and article 367 on defamation against the President of Belarus;

(b) Protests: article 263 on mass riots and article 342 on the organization and preparation of actions that grossly violate public order or active participation in them;

(c) Actions that affect national security: article 361 on the incitement of measures of a restrictive nature (sanctions) and other actions aimed at causing harm to the national security of Belarus; article 366 on violence or threats against a public servant performing official duties or against another person performing a public duty; and article 357 on conspiracy or other actions aimed at seizing State power;

(d) Other crimes: article 191 on the obstruction of the exercise of electoral rights, the right to participate in a referendum or the right to legislative initiative of citizens, or of the work of the Central Election Commission, electoral commissions, referendum commissions and committees for voting on the recall of a deputy.

41. In addition, the Ministry of Internal Affairs maintains a list of materials and symbols that are recognized as “extremist”, known as the “Republican list of extremist materials”, which is published on its official website but is inaccessible outside Belarus. Between 2008 and 2014, on average one material was added to the list every year. However, in the following years, this rate increased sharply, with on average 28 materials added every year between 2015 and 2020. In 2021 alone, 426 additional materials were recognized as “extremist”. These were mostly Telegram chats, YouTube channels and groups on VKontakte. Between January 2022 and July 2023, about 1,000 new materials were added to the list, including the websites of human rights defending organizations, independent unions and the media, as well as books, songs and slogans.

42. The designation of symbols and attributes or informational products as “extremist materials” results from a court decision rendered through a special procedure, often in closed sessions. Such decisions are based on the expert conclusion of the republican commission for the evaluation of symbols, attributes and informational products regarding the presence or absence of signs of “extremism”. This body lacks independence as it is composed entirely of parliamentarians, government officials, law enforcement personnel and professors from State universities.

43. The distribution of materials and symbols recognized as “extremist” is subject to administrative liability under article 19.11 of the Code of Administrative Offences. Judicial practice confirms that the dissemination of such materials can take various forms, including sharing posts in group chats and private messages, liking and commenting on posts and inserting hyperlinks to such materials in personal communications. Wearing clothing that bears a symbol labelled as “extremist” or displaying such symbols in the privacy of one’s home also risks prosecution.

44. While maintaining a list of extremist materials was initially and legitimately intended to limit the dissemination of Nazi symbols and literature, over the past decade, the purpose has been mostly to ostracize and discredit all dissident opinions. Numerous

fiction, poetry and history books deemed critical of the Government and its policies have made their way onto that list, many of them simply because they were written in Belarusian. However several books, such as “1984” by George Orwell, symbols, such as the Pahonia coat of arms, and the white-red-white flag associated with the nationalist opposition and the 2020 anti-government protests have de facto been banned since 2021 without any court decision declaring them “extremist material”.

45. The author, Svetlana Alexievich, could become the first Nobel laureate whose books are considered extremist. According to information from the Ministry of Culture, Svetlana Alexievich’s books have been sent for review to the republican commission for the evaluation of symbols, attributes and informational products. It was previously reported that school libraries had received a list of 33 writers, including Svetlana Alexievich, whose books should be removed from the shelves. Since August 2021, her works are no longer part of the school curriculum. Moreover, libraries have removed her books from free circulation.

46. According to available information, 10 books, including 8 by Belarusian authors, were recognized as extremist materials during the reporting period. The Office of the Prosecutor General monitors periodically bookstores and websites for sales of books listed as extremist materials, issuing instructions to remove them from the shelves.¹³

3. Administrative and criminal legislation

47. Law No. 203-Z on countering extremism does not provide for sanctions. However, “extremist” actions are punished by a wide menu of administrative or criminal provisions, which can be applied in various configurations and sometimes interchangeably at the discretion of law enforcement bodies.

48. On 1 March 2021, Law No. 91-Z of 6 January 2021 amending the Code of Administrative Offences came into force, increasing the fines and terms of administrative deprivation of liberty for:

- (a) Violating the procedure for organizing or holding mass events (art. 24.23);
- (b) Insulting a State official performing his or her official duty, in particular in a public speech, in the media or on the Internet (art. 24.4, para. 2);
- (c) Violating the rules for the use of sound signals at the venue of a public event (art. 18.13, para. 4);
- (d) Blocking transport communications at the venue of a public event (art. 18.1, para. 2).

49. In addition, under the Criminal Code, there are a number of “extremist” articles that can be invoked to restrict or punish the legitimate exercise of human rights, notably: article 361-1 on the creation of an extremist formation or participation in it; article 361-2 on the financing of extremist activities; article 361-3 on assistance to extremist activities; and article 361-5 on receiving training or other preparation for engaging in extremist activities. Moreover, on 19 June 2021, amendments to the Criminal Code entered into force, introducing penal responsibility for other acts that can be qualified as “crimes related to extremism”, including:

- (a) Violating the procedure for organizing and holding mass events (art. 342-2);
- (b) Calling for restrictive measures (sanctions) against Belarus (art. 361);
- (c) Calling for the organization or holding of illegal assemblies (art. 369-3).

¹³ See <https://penbelarus.org/en/2023/03/03/rus-pravo-na-kulturu-belarus-2022.html>.

50. The Special Rapporteur also notes with concern that the criminal penalty for insulting a representative of the Government or their relatives (art. 369) and discrediting Belarus (art. 369-1) was increased. The latter crime encompasses, for example, “dissemination of deliberately false information about the political, economic, social, military or international situation of the Republic of Belarus”, an accusation that can be raised against anyone who issues statements or arguments that are irreconcilable with the official line. This clause has been invoked to prosecute those criticizing the involvement of Belarus in the Russian aggression against Ukraine or reporting their observations of movements of Russian military troops and equipment.

51. On 31 December 2021, additional amendments to the Criminal Code came into force, amending notably article 361, to increase the criminal liability for “calls for sanctions” from 7 to 12 years in prison.

52. An additional punishment for citizens convicted for “extremism crimes” is that they are banned from engaging in pedagogical activities (e.g. implementing educational programmes), publishing activities and holding government or elected positions.

53. Furthermore, Viasna documented several cases where courts applied coercive medical measures, in the form of compulsory treatment in a psychiatric hospital with ordinary, enhanced or strict supervision, against people who were charged with “extremist” or “terrorist” activities. As a rule, the type of compulsory treatment is chosen by the court based on a forensic psychiatric examination without a critical assessment of the findings. When used in relation to persons who are not dangerous to themselves or others, “punitive psychiatry”, as a resulting of exercising one’s freedom of expression, amounted to the arbitrary deprivation of liberty.¹⁴

54. On 5 January 2023, amendments to Law No. 136-Z on citizenship entered into force, providing for the stripping of Belarusian nationality from persons outside the country based on a final court verdict finding them guilty of “extremist activities” or “damaging the interests” of Belarus, which includes the crimes provided for in 55 articles of the Criminal Code. These amendments broaden further the interpretation of “extremism” with retroactive application, in absolute disregard for the principles of the rule of law that safeguard individuals from arbitrary treatment by the legal system and for legal certainty. Several Belarusians have already been charged with such offences and, therefore, risk the revocation of their citizenship at the discretion of the President of Belarus.

55. In the light of the above, the Special Rapporteur finds it deplorable that Belarus has not joined the 1961 Convention on the Reduction of Statelessness.

56. On 23 December 2022, the Special Rapporteurs addressed a joint letter to the Government of Belarus raising concerns about Law No. 136-Z, which allows for the possibility of trials in absentia. This law is widely perceived as a punitive measure for the legitimate exercise of human rights. No reply was forthcoming.¹⁵

57. On 21 July 2022, the Code of Criminal Procedure was amended to introduce the possibility of conducting special trials in absentia of people accused under a number of “extremist” and “terrorist” articles and who reside abroad and therefore “avoid” the investigative and prosecutorial bodies. Reports were received that those suspects who asked to take part in the court hearing remotely, via videoconference, were

¹⁴ Viasna, *Restrictions on Freedom of Expression under the Pretext of Combating Extremism and Terrorism*. Available at https://spring96.org/files/book/en/freedom_of_expression.pdf.

¹⁵ See communication OL BLR 9/2022, available at <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=27783>.

denied that possibility, notwithstanding online court hearings have been routinely held in Belarus as a result of the coronavirus disease (COVID-19) pandemic.

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.

C. Use of counter-terrorism legislation in connection with the war in Ukraine

59. The General Assembly adopted resolution [ES-11/1](#) by a vote of 141 in favour, 5 against (Belarus, Democratic People's Republic of Korea, Eritrea, Russian Federation and Syrian Arab Republic) and 35 abstentions. In that resolution, it condemned the full-scale armed attack on Ukraine by the Russian Federation and deplored the involvement of Belarus in the aggression and called upon it to abide by its international obligations (see para. 11, read in conjunction with Assembly resolution [3314 \(XXIX\)](#)). In the light of this, the Special Rapporteur has analysed the consequences of this involvement for the enjoyment of human rights in Belarus since February 2022.

60. As illustrated by the available official data, counter-terrorism legislation is also used against people who express dissenting or opposing views to the ongoing war between the Russian Federation and Ukraine. The Special Rapporteur notes with concern the dangerous conflation of legitimate expression – even if disturbing to the authorities – with acts of terrorism. More than 30 criminal cases under article 289 of the Criminal Code on acts of terrorism were announced by the Investigative Committee on 26 November 2022. This includes the so-called cases of the “railway partisans”¹⁶ related to the alleged damaging of railway tracks and other acts of sabotage against infrastructure in order to obstruct the movement of Russian military equipment and troops through the territory of Belarus. In almost all cases, those actions to damage transport routes were treated by Belarusian authorities as acts of terrorism. In the light of the above, the Special Rapporteur recalls the broad definition of terrorism in the national legislation and failure to meet the cumulative characteristics of acts of terrorism, as proposed in Security Council resolution [1566 \(2004\)](#) and the model definition promoted by the Special Rapporteur on counter-terrorism and human rights ([A/HRC/16/51](#), para. 28).

61. It appears that individuals charged under article 289 of the Criminal Code did not enjoy all aspects of the right to a fair trial (e.g. art. 14 of the International Covenant on Civil and Political Rights and Human Rights Committee, general comment No. 32 (2007) on the right to equality before courts and tribunals and to a fair trial). For example, on 27 December 2022, the Homiel Regional Court sentenced three “railway partisans” from Svyetlahorsk to terms ranging from 21 to 23 years in prison. On 8 February 2023, the Homiel Regional Court sentenced two “railway partisans” from Mazyr to 16 and 14 years in prison, respectively. According to the publicly available case materials, the two men were detained before committing any damage. All these trials were held behind closed doors.

62. On 26 February 2023, a Russian A-50 early warning military aircraft stationed at the Machulishchi airfield was damaged due to a drone attack. The State Security

¹⁶ See <https://spring96.org/en/news/107246>.

Committee initiated a criminal case for “an attempt to commit an act of terrorism”. On 7 March 2023, the President announced the arrest of the alleged perpetrator, along with more than 20 accomplices. BYPOL, which is an association of law enforcement officers turned defectors that claimed responsibility for the attack, indicated, however, that all those involved in the preparation of the attack had left the country. Under the instruction of the President, in March 2023, security forces intensified their work “against citizens involved in the activities of extremist formations and terrorist organizations”. On 10 March 2023, the Main Directorate for Combating Organized Crime and Corruption (known as GUBOPiK) of the Ministry of Internal Affairs indicated that it “had dealt with” more than 60 individuals involved in so-called “destructive initiatives”, 21 of whom were held administratively responsible and 5 of whom faced criminal charges. It is unclear if those counter-terrorist measures are connected with the Machulishchi attack.

D. “Extremism” online

63. Online forms of expression remain particularly vulnerable to unjustifiable or arbitrary limitations on the freedom of opinion and expression, under the pretext of national security, including countering terrorism and countering extremism. The media resources of independent Belarusian civil society and human rights organizations continue, therefore, to be affected by blocking measures. The decision to block Internet resources is taken on non-judicial grounds by the Ministry of Information. Once the decision is taken, the resource is added to the list of restricted access websites of the State Telecommunication Inspectorate of the Ministry of Communications and Informatization, which is only accessible with a Belarusian Internet Protocol address.

64. On 31 December 2021, pursuant to the decree of the Prosecutor General of the Brest Province, the website of the independent media resource “Pershy Rehiyon” was blocked. According to the Office of the Prosecutor General, the reason for blocking was “radical messages inciting hostility and discord on political and ideological grounds”, as well as “information that discredits the activities of State and law enforcement agencies”. On 7 February 2022, it was reported that the newspaper “Hazeta Slonimskaya” was blocked for posting “information, the dissemination of which is prohibited”. Presumably the case concerned “extremist materials”, given that in June 2021 the media resource had already been fined for their distribution.

65. On 25 December 2022, Prosecutor General Andrey Shved indicated that in the first 11 months of 2022, law enforcement agencies had identified more than 5,000 “extremist” crimes, of which, according to him, 76 per cent were committed on the Internet.¹⁷

E. Persecution for the interpretation of history

66. On 5 January 2022, the law on the genocide of the Belarusian people was adopted, effectively imposing the monopoly of the State on the interpretation of the historical events of the 1941–1951 period. The law introduced article 130-2 into the Criminal Code, making the denial of the genocide of the Belarusian people punishable by up to 10 years in prison.

67. While preserving the memory of the tragedy of the war and honouring victims are paramount to building an educated society and ensuring non-recurrence, the

¹⁷ See <https://humanconstant.org/en/overview-of-the-fight-against-extremism-in-belarus-for-october-december-2022/>.

Special Rapporteur recalls that the adoption of laws monopolizing interpretations of historical events is incompatible with the International Covenant on Civil and Political Rights, to which Belarus is a party, in relation to the respect of freedom of opinion and expression ([CCPR/C/GC/34](#), para. 49). The broad prohibition of the denial of the genocide of the Belarusian people gives Belarusian authorities unlimited leeway to interpret which opinions about the Second World War will henceforth be tolerated or considered criminal and provides them with an additional punitive tool to impose criminal responsibility for expressing opinions that depart from the official historiographical line set by the authorities.¹⁸

III. Targeted persons and groups

68. The counter-terrorist and counter-extremist legislation and its implementation in Belarus has had a significant effect on civil society, including an adverse impact on the right to freedom of opinion and expression of investigative journalists, academic researchers, cultural workers and human rights advocates. Moreover, criminalizing the mere viewing of alleged “terrorist” or “extremist” content, without requiring proof of criminal intent on the part of the viewer, not only silences and ostracizes targeted individuals, but also sends a chilling message to society as a whole. As a result, the space for the unhampered circulation of information and open expert dialogue on historical and contemporary issues closes.

69. The enlisting of organizations and individuals as “extremist” mostly targets associations and people who have previously experienced arbitrary harassment, searches, fines or detention owing to their dissenting political opinions. The fast tempo at which new entries are added to those lists illustrates the authorities’ intention to intensify their practices of selectively punishing the free expression of dissenting opinions, in violation of the international human rights obligations of Belarus.

70. The first organization listed as “extremist”, on 21 September 2021, was Rabochy Rukh, a workers’ movement established in 2020 to coordinate strikes during the post-election protests. The Radio and Electronic Industry trade union was added to the list of extremist organizations on 11 April 2022. As of 14 August 2023, there are 142 organizations on the list, among which several independent media (Euroradio, Radio Svoboda, Belsat, BelaPAN, Zerkalo, Malanka, Tut.by, Charter97 and Insider), solidarity initiatives (BYSOL and BY_Help), human rights defending organizations (Nash Dom and Ekodom), enterprises (Sympa and Imaguru) and opposition movements such as Rada of the Belarusian Democratic Republic, the Office and Cabinet of Svetlana Tsikhanouskaya and the Coordination Council (established by democratic opposition forces in August 2020).

71. Addition to the list implies, for example, that the organization’s activities are banned in Belarus, along with access to its websites and social networks on the Internet. Making reference to an organization or its activities, providing it with verbal or material support or subscribing to its Telegram chat (via a virtual private network) exposes individuals in Belarus to various forms of repression, including intimidation, arbitrary detention and ill-treatment.

72. The first individual was added to the list of extremist persons (e.g. citizens of Belarus, foreign citizens and stateless persons) on 23 March 2022. Throughout 2022, an additional 2,262 persons were added to that list. By 18 August 2023, there were 3,178 individuals listed as “extremists” in Belarus. They are almost all Belarusian citizens.

¹⁸ For information on the generalization of this ideological control, see [A/HRC/50/58](#), paras. 49 and 50 and [A/HRC/53/53](#) paras. 62 and 63.

73. On 26 November 2022, the Investigative Committee announced that since 2020, more than 11,000 crimes of an “extremist nature” had been registered. The classification of activities of an extremist nature is subject to interpretation by the authorities.

74. July 2023 saw a surge in prosecutions and criminal proceedings for the financing of extremist formations, extremist activities and terrorist activities. Eleven individuals were jailed on charges related to donating to solidarity funds and non-governmental initiatives.¹⁹

75. On 11 August 2023, the Ministry of Internal Affairs added 35 individuals to the list of people involved in “extremist activities”, including 10 defendants in the Rabochy Rukh case who all received between 11 and 15 years in prison on charges of treason in February 2023.

A. Civil society activists and human rights defenders

76. Civil society organizations and, notably, those involved in human rights defence and advocacy work have been among the first and most severely targeted by repressive governmental policies on the pretext of countering extremism.

77. Since 2020, civil society organizations have been comprehensively and systematically harassed, threatened and forced to dissolve, the consequence of which has been that, at the time of writing, Belarusian civic space has lost a third of its associations.²⁰ Founders and members of independent organizations deemed “extremist”, and those of associations who fear being categorized as such, were compelled to exile due to the high risk of arbitrary detention and other human rights violations. Most of them continue their activities from abroad. It should be noted that the empty civic space within Belarus has since been filled with newly registered organizations bearing similar names and believed to be representing governmental interests.

78. Woman human right defender Marfa Rabkova, who is serving a 15-year prison sentence on 11 charges, including that of “creation of an extremist formation or participation in it” (under part 1 of art. 361 of the Criminal Code), was added to the list of extremist individuals on 26 May 2023. At the time of her arrest on 17 September 2020, Ms. Rabkova was the coordinator of the Viasna volunteer service.

79. On 11 May 2023, entrepreneur and cultural manager, Pavel Belavus, was sentenced to 13 years of imprisonment and a fine of 500 basic units on charges that included high treason (art. 365 of the Criminal Code) and leading an extremist formation (art. 361-1 of the Criminal Code). Mr. Belavus is the creator of the Symbol.by national symbols and souvenirs store and one of the organizers of the celebration of the 100th anniversary of the proclamation of the Belarusian People’s Republic in Minsk in 2018. The Investigative Committee concluded that Mr. Belavus was, “under the guise of cultural and historical development, spreading the idea of Belarusian nationalism on various public social networks and websites, the purpose of which was to change the State power in Belarus”. While initially his trial was to be open, the court granted the request of the Prosecutor General for the case to be heard behind closed doors “in order to prevent the disclosure of information posted in sources recognized as extremist”. Furthermore, on 14 June 2023, the State Security Committee added Mr. Belavus to the “list of terrorists”.

¹⁹ See <https://spring96.org/en/news/112103>.

²⁰ As reported earlier, over 1,600 associations, including several non-governmental organizations involved in human rights work, have been dissolved or forced to dissolve since 2020. A chronology of this purging process is maintained by Lawtrend.

80. After being subject to a series of administrative detentions,²¹ on 20 June 2023, woman human rights defender, Nasta Loika, was sentenced by Minsk City Court to seven years in prison. The court found her guilty of “incitement of racial, national, religious or other social enmity or discord” in accordance with part 3 of article 130 of the Criminal Code. Ms. Loika denied all charges and appealed this decision, to no avail. Ms Loika is a human rights defender who dedicated her career to reporting, notably, about police abuses.

81. According to reports compiled by civil society organizations monitoring the situation, the reporting period saw a sharp increase in the number of alleged extremist offences and crimes. Between September and December 2022, at least 129 new criminal cases, 89 sentences and 127 cases of administrative offences on “extremist” grounds were documented. Between January and March 2023, 201 new criminal cases, 58 sentences and 123 cases of administrative offences on “extremist” grounds were recorded.²²

82. The number of individuals sentenced on charges of extremism is growing by the day. It includes cultural workers and artists, entrepreneurs, writers, academics and numerous civil society activists. Most recently, on 16 August 2023, Viasna documented and reported on 12 new cases that are believed to be politically motivated prosecution.²³

B. Journalists and media workers

83. On 7 March 2023, it became known that the State Security Committee had classified the Belarusian Association of Journalists as an “extremist formation” and banned its activities in Belarus, pursuant to Law No. 203-Z on countering extremism, which was adopted in January 2007 and amended in May 2021. The decision is based on allegations that the President of the Belarusian Association of Journalists, Andrey Bastunets, Vice-President, Barys Haretski, and six other members of the association carried out so-called “extremist activities”. The announcement made by the State Security Committee, however, fails to identify both the alleged extremist actions conducted by the members of the Belarusian Association of Journalists, as well as the nature of these acts. The Belarusian Association of Journalists is an independent association that defends the rights and interests of independent journalists and media workers, and the first human rights organization to be classified as an “extremist formation” in Belarus.

84. Several independent journalists who were compelled to leave Belarus for fear of arbitrary arrest have been added to the terrorists list and could find themselves on international warrant lists.

85. On 6 October 2022, Iryna Zlobina and Andrei Aliaksandrau were sentenced to 9 and 14 years in prison, respectively. After their detention on 12 January 2021, they

²¹ Nasta Loika has been in detention since 28 October 2022. On 31 October 2022, the Pyershamayski District Court in Minsk sentenced the woman human rights defender to 15 days of administrative arrest on charges of “petty hooliganism”, in accordance with art. 19.1 of the Code of Administrative Offences. The authorities then extended this 15-day detention four times, before transferring her to pretrial detention centre No. 1 in Minsk on 24 December 2022. It was reported that during the 58 days of administrative detention, the authorities subjected Nasta Loika to torture and inhumane treatment and denied her the right to receive medication and an appropriate diet. The authorities have failed to initiate an investigation of these allegations. The treatment of Ms. Loika is widely seen as an act of pressure to extract a forced confession.

²² Human Constanta, “Overview of the fight against ‘extremism’ in Belarus for January–March 2023”, 15 May 2023. Available at <https://humanconstanta.org/en/overview-of-the-fight-against-extremism-in-belarus-for-january-march-2023/>.

²³ See <https://spring96.org/en/news/112510>.

were initially charged with actions grossly violating public order. Subsequently, charges of high treason were added. Their cases were intertwined with those of the editor-in-chief of the independent news outlet BelaPAN, Iryna Leushyna, and its former director, Dzmitry Navazhylau, who were sentenced retroactively in connection with the establishment of an extremist formation (A/HRC/53/53, para. 44).

86. On 23 June 2023, journalist and Polish minority activist Andrzej Poczobut, who is serving an eight-year prison sentence on charges of calling for actions aimed at causing harm to the national security of Belarus (under part 3 of art. 361 of the Criminal Code) and incitement of hatred (art. 130.3 of the Criminal Code), was added to the list of extremist persons. Viasna considers him a political prisoner.²⁴

C. Political opposition

87. The period in the run-up to the 2020 presidential election in Belarus, from May to early August 2020, was characterized by a wide range of repression against opposition candidates and their families. Several opposition candidates were detained arbitrarily ahead of the election on criminal charges (A/HRC/49/71, para. 17), while others were forced to leave Belarus.

88. On 17 January 2023, two of the highest profile opposition figures in exile, Sviatlana Tsikhanouskaya and Pavel Latushka, together with three other opposition figures, were put on trial in absentia. The verdict, issued on 6 March 2023, sentenced them to 15 and 18 years in prison, respectively, on charges that included conspiracy to seize power, high treason and extremism (A/HRC/53/53, para. 37). They were both added to the list of extremist individuals on 14 July 2023.

89. On 7 April 2023, exiled opposition politician, Valery Tsepkalo, was found guilty of violating nine articles of the Criminal Code, including inciting the overthrow of the Government and creating an “extremist” organization. He was sentenced to 17 years in a high-security prison in absentia. Mr. Tsepkalo was added to the list of extremist individuals on 28 April 2023.

IV. Conclusions and recommendations

90. In recent years, and in particular following the human rights crisis of 2020, Belarusian authorities have engaged in instrumentalizing national legislation, to shrink the country’s civic space and oppress or otherwise silence any critical voices within society. In the process, counter-terrorism and counter-extremism rhetoric has been misused to justify shutting down civil society institutions and suppressing any dissent. This has been done through adopting vague definitions of “extremism” and “terrorism” in the national legislation, toughening the punishment for associated crimes in the country’s legislation and instigating politically motivated criminal procedures to silence the political opposition, civic activism and free expression of dissenting opinions. In doing so, Belarusian authorities have continuously violated fundamental principles of the rule of law and due legal process, including the presumption of innocence, and failed to comply with their international obligations with regard to the protection and promotion of human rights.

91. The Special Rapporteur calls upon Belarusian authorities to demonstrate political will and leadership by fully implementing the recommendations stemming from international and regional human rights mechanisms, including

²⁴ See <https://prisoners.spring96.org/en/person/andrei-paczobut>.

those made previously by the mandate holder. She also reiterates her support for the recommendations issued by the United Nations High Commissioner for Human Rights to the Human Rights Council.

92. The Special Rapporteur makes the following recommendations to the Government of Belarus:

(a) Conduct a thorough and comprehensive review of national legislation pertaining to extremism, terrorism and related thematic areas, with a view to harmonizing it with international human rights standards, including by introducing relevant definitions that would exclude interpretations that may be subject to misuse on whatever grounds;

(b) Amend Law No. 203-Z on countering extremism and the Code of Administrative Offences, thus ensuring that the human right to freedom of association, assembly, expression and others are not subjected to any restrictions that would not be in line with international human rights law;

(c) Review the amendments to Law No. 136-Z on citizenship and remove clauses that allow Belarusian citizenship to be stripped from persons found guilty of “extremist activities” or “damaging the interests” of Belarus; bring the above-mentioned law in line with international standards relating to nationality and statelessness; and follow up commitments stemming from its support to recommendations received during the third cycle of the universal periodic review and, notably, sign the 1961 Convention on the Reduction of Statelessness;

(d) Ensure that any new counter-terrorism, counter-extremism or national security legislation is carefully and periodically reviewed through consultations with civil society and independent experts and modified, where necessary, to ensure it is compatible with international human rights law, including by removing overly restrictive articles and clauses, in particular those that may be subject to arbitrary use, such as the extended application of the death penalty;

(e) Ensure that all legal restrictions pertaining to “hate speech” or “propaganda of extremism” are compliant with the requirements of legality, necessity and proportionality and that they are formulated with reference to the six-factor test set out in the Rabat Plan of Action on the prohibition of advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence, and in particular that they do not disproportionately restrict freedom of expression and do not have a negative impact on the legitimate professional activities of media workers (e.g. journalists and bloggers);

(f) Implement the national human rights action plan for 2016–2019, including notably towards the appointment of an Ombudsperson (e.g. creation of a national human rights institution);

(g) Remove all forms of expression that do not constitute direct, intentional incitement of violence from the scope of the “counter-extremism” laws and from the application of “counter-extremist” measures, such as lists of prohibited “extremist materials”, bans on unwanted organizations on alleged extremist grounds and any other sanctions against individuals and organizations for disseminating or facilitating the diffusion of “extremist” content;

(h) Open the information space in Belarus, put an immediate end to unjustifiable or arbitrary limitations on the freedom of opinion and expression under the pretext of national security, countering terrorism and countering extremism, revert the subsequent liquidation of independent media outlets, allow

for the safe return of independent media workers, release all arbitrarily detained journalists and stop the practice of blocking the dissemination of their information, including via the Internet and social networks;

(i) Stop the misuse of counter-terrorism and counter-extremism policies and practices for stifling peaceful political dissidence, civic activism, independent journalism and academic work or advocacy, notably for human rights-related causes; ensure that all aspects of State national security practice, including when aimed at preventing and countering terrorism and violent extremism, comply with international human rights standards and do not serve as a basis for prosecuting civil society and individuals engaged in non-violent expression and advocacy of dissident opinion;

(j) Lift the monopoly of the State on the interpretation of history, including the tragic events of the Second World War and its aftermath, and ensure conducive space for civic, journalistic, academic and artistic freedom of opinion and expression, which are crucial to healthy debate in a democratic society;

(k) Free immediately and unconditionally all those sentenced to prison terms on politically motivated charges of “extremism” or “terrorism” for exercising their legitimate civil and political rights and ensure their full rehabilitation;

(l) Conduct a review of the terms of reference, operational modalities and working methods of the State Security Committee and other law enforcement agencies, including notably the Main Directorate for Combating Organized Crime and Corruption, and ensure that they do not have discretionary powers to limit human rights and that their powers do not replace the functions of Belarusian courts in determining whether organizations or individuals are engaged in extremist or terrorist conduct;

(m) Review the policies and practices employed by the Government that compel Belarusian nationals to leave their country, including through the practice of negative labelling of civil society organizations as “terrorists”, “extremists” and “enemies of the State”, which legitimizes the adoption of further restrictive measures, including possibly the withdrawal of their Belarusian citizenship, making civil society actors targets for attacks, and increasingly restricting fundamental rights essential to civil society, such as the freedom of expression, association and assembly.

93. The Special Rapporteur further recommends that other States, the international community and international organizations:

(a) Continue paying attention to the situation of human rights in Belarus and reminding Belarusian authorities to comply with their international obligations in that respect;

(b) Support international human rights mechanisms, including notably international accountability efforts, to address the protection needs of Belarusians who have been arbitrarily accused, detained, sentenced or compelled to exile on the basis of unsubstantiated charges of “extremism” or “terrorism”, and call for their unconditional release and/or rehabilitation;

(c) Follow up the recommendations issued and especially those supported by Belarus during previous cycles of the universal periodic review, with a view to facilitating their implementation without further delay;

(d) Pay particular attention to the development of international law pertaining to the concepts of extremism and terrorism by adopting standards

that would not leave room for vague definitions or disproportionate actions by States that have a practice of misusing their national legislation pertaining to the above-mentioned concepts;

(e) Exercise fair judgement, in line with international human rights law, when examining requests for the extradition of citizens listed in Belarus as “terrorists” or “extremists”, in order to exclude further human rights violations of those who have been placed on that list as a result of the instrumentalization of counter-terrorism and counter-extremism legislation to repress their legitimate exercise of human rights.
