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In response to the call for submissions for the 78th session of the General Assembly (October 2023) Human Constanta, Access Now, ARTICLE 19, and World Organisation Against Torture (OMCT) hereby address you with a joint position on implications of legislation and measures in the areas of countering terrorism and extremism on the enjoyment of human rights.

Human rights situation in Belarus has been drastically deteriorating since the contested 2020 presidential elections. The involvement of Belarusian authorities as co-aggressors in Russia's full scale invasion of Ukraine has further exacerbated the crisis – anti-war opinions and actions became another target of persecution by the regime, along with any opinions critical of state policies. The toolbox of the regime's repressions has been expanding in both offline and online realms, further shrinking civic space in Belarus and creating an atmosphere of fear and intimidation.

The following submission covers multiple ways the Belarusian regime suppress a variety of human rights and freedoms under the guise of the fighting "extremism" and "terrorism" and is structured in a twofold manner, covering systemic repressive legislative changes (1) and the practice of implementation of anti-extremist and anti-terrorist legislation, including a description of general trends, as well as cases of repression against specific groups of civil society and cases of persecution in the context of anti-war actions. (2).

The use of "anti-extremism" laws in Belarus has become a preferred government's tool of silencing dissenters. "Anti-extremism" rules are found all across Belarusian laws – from the Law "On Combating Extremism" itself to corresponding articles of the Criminal Code and the Code of Administrative Offenses, as well as the Law "On Citizenship," which now allows to deprive Belarusians of their citizenship if they committed extremism-related offenses. Specialized lists are maintained and regularly updated by the government to keep track of "extremist" materials, organizations, and formations, as well as individuals, associated with crimes of "terrorism" or "extremism." "Anti-extremism" laws are actively used to clamp down on online and offline speech – persecuting high-profile democratic activists, journalists, human rights defenders, administrators of Telegram chats, authors of protest art. Extra-judicial practices, such as labeling political prisoners as "prone to extremism" in places of detention, are also widely used by the regime. The security forces interpret any acts of civil disobedience and opposition self-organization as manifestations of "extremist" and "terrorist" activities. Any form of interaction with civil initiatives whose participants do not support the policy of the regime, including fundraising, information transfer, participation in interviews, were actually outlawed. Since the beginning of the military aggression of the Russian Federation against Ukraine, the Belarusian authorities have been using "anti-extremist" legislation to repress people who express an anti-war position, criticize the actions of the Russian authorities and support Ukraine in any format.

The mass repressions by the Belarusian authorities with the use of "anti-extremism" legislation have the character of a targeted full-scale systematic attack on specific groups of the population, in particular on people perceived disloyal by the government and representatives of civil society that amounts to crime against humanity. The attack in this context is presented in massive violations of human rights, including right to life, freedom from arbitrary detention, freedom from torture, right to fair trial, freedom of expression, association, right to privacy and others. Based on the applicants' assessment these violations amount to international crime of persecution.

1. "Extremization" of Belarusian legislation

The "ecosystem" of anti-extremism provisions in Belarusian laws is particularly notorious for its repressive qualities. The corpus of Belarusian "anti-extremism" laws¹ lacks sufficient precision and grants the authorities unfettered discretion to restrict the freedom of expression and other human rights. Anti-extremist laws are used by the Belarusian authorities to label dissenting opinions as "extremist" with increasing ease, following a series of post-election legislative amendments, made in the immediate aftermath of protests, signifying a clear intention of the

¹ The "ecosystem" of Belarusian "anti-extremist" laws includes the Law "On Countering Extremism;" the Law "On Countering Terrorism;" the Law "On Preventing the Rehabilitation of Nazism;" the Law "On the Genocide of Belarusian People;" "anti-extremist" articles of the Criminal Code, namely Articles 124-126, 130-133, 287, 289-290-5, 293, 356, 357, 359-361-3; "anti-extremist" articles of the Code of Administrative Offences, namely Articles 19.10 and 19.11; Article 19 of the Law "On Citizenship;" Council of the Ministers Resolution N^o 575 "On measures to counter extremism and prevent the rehabilitation of Nazism." The list of excerpts from relevant national laws is provided in Annex 7 to the present Complaint.

authorities to use anti-extremism laws arbitrarily as a tool of political repression and human rights violations.²

² [Dealing with “extremist” lists: list of “Nazi symbols” and list of “Nazi organizations” / Разбираемся с «экстремистскими» списками: перечень «нацистской символики» и перечень «нацистских организаций»](#). Human Constanta, 2023; [Dealing with “extremist” lists: a list of organizations and individuals involved in terrorist activities / Разбираемся с «экстремистскими» списками: перечень организаций и физических лиц, причастных к террористической деятельности](#). Human Constanta, 2023; [Dealing with “extremist” lists: a list of citizens of Belarus, foreign citizens or stateless persons involved in extremist activities / Разбираемся с «экстремистскими» списками: перечень граждан Беларуси, иностранных граждан или лиц без гражданства, причастных к экстремистской деятельности](#). Human Constanta, 2023; [Dealing with “extremist” lists: list of organizations, formations, individual entrepreneurs involved in “extremist” activities / Разбираемся с «экстремистскими» списками: перечень организаций, формирований, ИП, причастных к «экстремистской» деятельности](#). Human Constanta, 2023; [Dealing with “extremist” lists: what is included in the list of “extremist materials” / Разбираемся с «экстремистскими» списками: что входит в «экстремистские» материалы](#). Human Constanta, 2023; [Dealing with “extremist” lists: which websites are blocked in Belarus and on what grounds / Разбираемся с «экстремистскими» списками: какие сайты и по каким основаниям блокируют в Беларуси](#). Human Constanta, 2023; [Overview of the fight against “extremism” in Belarus for January-March 2023 / Обзор борьбы с «экстремизмом» в Беларуси за январь-март 2023](#). Human Constanta, 2023; [The retroactive force of anti-extremist legislation in Belarus: why a fine or arrest can be imposed for the ten year old reposts / Обратная сила антиэкстремистского законодательства в Беларуси: почему могут дать штраф или сутки за репосты десятилетней давности](#). Human Constanta, 2023; [Overview of the fight against “extremism” in Belarus for October-December 2022 / Обзор борьбы с «экстремизмом» в Беларуси за октябрь-декабрь 2022](#). Human Constanta, 2023; [Useful tips and explanations: how to live and work in the conditions of Belarusian “extremism”? / Полезные советы и объяснения: как жить и работать в условиях белорусского «экстремизма»?](#). Human Constanta, 2022; [Review of the fight against “extremism” in Belarus in July-September 2022 / Обзор борьбы с «экстремизмом» в Беларуси за июль-сентябрь 2022](#). Human Constanta, 2022; [Extremism in Belarusian. New version of the Law “On Countering Extremism” / Экстремизм по-белорусски. Новая редакция Закона «О противодействии экстремизму»](#). ВАИ, Human Constanta, 2022; [Death penalty threats: review of the fight against extremism in Belarus in April-June 2022 / Угрозы смертной казнью – обзор борьбы с «экстремизмом» в Беларуси за апрель-июнь 2022](#). Human Constanta, 2022; [Death penalty for attempted terrorism – Human Constanta’s commentary / Смертная казнь за покушение на терроризм – комментарий Human Constanta](#). Human Constanta, 2022; [“On the genocide of Belarusian people” – legal overview of the new law / «О геноциде белорусского народа» – правовой обзор нового закона](#). Human Constanta, 2022; [“Extremism” in wartime – review of the fight against “extremism” in Belarus for January-March 2022 / «Экстремизм» на фоне войны – обзор борьбы с «экстремизмом» в Беларуси за январь-март 2022](#). Human Constanta, 2022; [Overview of the fight against «extremism» in Belarus in October-December 2021 / Обзор борьбы с «экстремизмом» в Беларуси за октябрь-декабрь 2021](#). Human Constanta, 2022; [The fight against “extremism” with fatal outcomes – an overview of trends for August and September 2021 / Борьба с «экстремизмом» со смертельными исходами – обзор тенденций за август и сентябрь 2021 года](#). Human Constanta, 2021; [Review of the practice of using “extremist” articles under which citizenship can be revoked / Обзор практики применения «экстремистских» статей, за которые могут лишить белорусского гражданства](#). Human Constanta, 2021; [Overview of the fight against “extremism” in Belarus for June and July 2021 / Обзор борьбы с «экстремизмом» в Беларуси за июнь и июль 2021](#). Human Constanta, 2021; [Review of the fight against “extremism” in Belarus for April-May 2021 / Обзор борьбы с «экстремизмом» в Беларуси за апрель-май 2021](#). Human Constanta, 2021; [Whom do the Belarusian authorities consider terrorists? / Кого белорусские власти считают террористами](#). Human Constanta, 2021; [Review of the fight against “extremism” in Belarus for January-March 2021 / Обзор борьбы с «экстремизмом» в Беларуси за январь-март 2021](#). Human Constanta, 2021; [Analysis of changes in anti-extremism legislation \(overview from the perspective of Belarus’ international obligations in the field of human rights\) / Анализ изменений в антиэкстремистское законодательство](#). Human Constanta, 2021; [Results of monitoring the trial against blogger Pavel Spirin / Результаты наблюдения за судебным процессом в отношении блогера Павла Спирина](#). Human Constanta, 2021; [Обзор борьбы с «экстремизмом» в Беларуси за ноябрь-декабрь 2020 / Review of the fight against “extremism” in Belarus for November-December 2020](#). Human Constanta, 2021; [Belarus: Right to freedom of expression and ‘extremism’ restrictions / Беларусь: Право на свободу выражения мнений и ограничения на «экстремизм»](#). Human Constanta, 2021.

The Law of the Republic of Belarus “On Countering Extremism” adopted on 21 July 2008, amended on 14 May 2021 in its article 1 provides an overbroad definition of the term “extremism” as a list of 18 loosely formulated actions, threatening “independence, territorial integrity, sovereignty, and foundations of constitutional order,” which can be extended to censor any form of expression and civil activism, and is *de facto* used to target persons disloyal to the Belarusian authorities, whose forms of expression are deemed undesirable and, therefore, extremist. Following the recent amendments, Article 1 of the Law of the Republic of Belarus “On Countering Extremism” allows to recognize groups of people as “extremist formations” based merely on the decision of the Ministry of Internal Affairs (MIA) or the State Security Committee (KGB), with no judicial review. The “formations” are usually put on the List of Organizations, Formations, Individual Entrepreneurs, Involved in Extremist Activities (List of Extremist Formations), maintained by the MIA.³

In 2021, the "anti-extremist" legislation underwent a number of changes which facilitated the persecution of dissenters and wide-spread human rights violations. Criminal responsibility was introduced for:

- repeated violations of the procedure for organizing and holding mass events (Article 342-2 of the Criminal Code);
- calls for restrictive measures (sanctions) against Belarus (Article 361 of the Criminal Code);
- participation in an extremist formation (Article 361-1 of the Criminal Code, paragraph 3);
- financing extremist activities (Article 361-2 of the Criminal Code);
- aiding extremist activities (Article 361-4 of the Criminal Code);
- preparation for participation in extremist activities (Article 361-5 of the Criminal Code);
- public calls for organizing or holding illegal assemblies (Article 369-3 of the Criminal Code).

Moreover, the liability was increased for the following “extremist activities:”

- insulting a representative of the government, his/her relatives (Article 369 of the Criminal Code);
- discrediting the Republic of Belarus (Article 369-1 of the Criminal Code).

The Code of Administrative Offences has also been amended in order to increase pressure on the opposition and civil society, introducing:

- increased liability for violating the procedure for organizing or holding public events (Article 24.23 of the Code of Administrative Offences);
- liability for insult to a state official performing his or her official duty particularly in a public speech, in the media or on the Internet (Article 24.4 of the Code of Administrative Offences, paragraph 2);
- liability for violation by the driver of a vehicle of the rules for the use of sound signals at the venue of a public event (Article 18.13 of the Code of Administrative Offences, paragraph 4);

³ Ministry of Internal Affairs of the Republic of Belarus, On Measures of Countering Extremism and Rehabilitation of Nazism (available in Russian through VPN only).

- liability for deliberate blocking of transport communications by the driver of a vehicle at the venue of a public event (Article 18.1 of the Code of Administrative Offenses, paragraph 2).

On 31 December 2021, amendments to the Criminal Code came into force, introducing criminal liability for calls for sanctions, providing for a penalty of up to 12 years in prison. The amendments effectively criminalized expressing opinions, which support the sanctions policy, applied to Belarus by multiple foreign states.

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 1941-1951. The law introduced a new Article 130-2 (“Denial of the genocide of the Belarusian people”) into the Criminal Code, making the “denial of genocide” punishable by up to 10 years in prison.

On 21 July 2022, Aliaksandr Lukashenka signed Law No. 199-3 “On Amending the Criminal Procedure Code of the Republic of Belarus,” which introduced the possibility of conducting special (*in absentia*) trials of people, who are accused under a number of “extremist” and “terrorist” articles, and who reside abroad and “avoid” visits to the investigative and prosecutorial bodies. The holding of *in absentia* trials is possible only in exceptional circumstances and with strict observance of the procedural guarantees. At the same time, criminal proceedings in Belarusian courts are conducted with serious violations of the basic guarantees of a fair trial, including harsh restrictions on the work of lawyers (such as closed court procedures, singing of a gag orders, problems with attending their clients and facing risks of losing their licenses or being criminally prosecuted), lack of independence of judges, and politically motivated and factually unsubstantiated investigations.

Moreover, according to the Chairman of the Investigative Committee, one of the main goals of the adoption of this law is to create legal grounds for the confiscation of the political emigrants’ property that remained on the territory of Belarus. In his opinion, “calls for sanctions, disruption of sports events, isolation of our country” lead to financial losses, and the conversion of their property into state income will allow “at least partially to cover the damage that has been done to the country.”

On 13 May 2022, Aliaksandr Lukashenka signed Law No. 165-3 “On Amending the Criminal Code of the Republic of Belarus,” providing for a possibility of applying the death penalty for “attempted acts of terrorism.” According to the Human Rights Committee, the application of the death penalty in general “cannot be reconciled with full respect for the right to life,” while the expansion of the death penalty’s use under the pretense of fighting terrorism, poses even higher risks to individuals, particularly those whose activism may easily be equated with terrorism by the regime.

On 6 January 2023, Aliaksandr Lukashenka signed Law No. 242-3 to amend the law “On Citizenship of the Republic of Belarus,” which allows depriving Belarusians of citizenship, even if they acquired it by birth, on the basis of sentence confirming the participation of a person in “extremist activity” or causing “grievous harm to the interests of the Republic of Belarus» and if such a person is abroad. This law, unlike the Law “On Countering Extremism”, understands “extremism” as crimes provided for in 55 articles of the Criminal Code, which broadens even

more the definition of “extremism”. The new law stipulates that “if the legal facts relevant for making decisions on citizenship issues arose before the entry into force of this Law, decisions on citizenship issues are made in accordance with this Law.” It means that people can be deprived of citizenship for actions that were committed before the Law entered into force. The law violates international human rights standards, as well as the Constitution of the Republic of Belarus, stipulating that no one can be arbitrarily deprived of their citizenship or the right to change it. It is another mechanism of deterrence of any disagreement with the policy of the current government and intimidation, as well as revenge against those who have left the country and continue to actively express their opinions and perform civil and human rights activities abroad.

On 24 March 2023, the Law “On Amendments to Codes on Criminal Liability” came into force introducing the death penalty for high treason under Article 356 of the Criminal Code, committed by a state official or a person covered by the status of a member of the armed forces. Moreover, the law introduces an amendment to the disposition of Article 369-1 of the Criminal Code (“Discrediting the Republic of Belarus”) establishing responsibility for the dissemination of deliberately false information that discredits the armed forces, other troops and military formations, paramilitary organizations of the Republic of Belarus, was adopted in the second reading. The law also introduces new Article 289-1 (“Propaganda of terrorism”) to the Criminal Code. According to the Parliament, the introduction of such an article “will significantly strengthen the preventive potential of this Code, since it will help prevent the dissemination of information rehabilitating terrorism and prevent the recognition of the practice and ideology of terrorism.” Finally, the law increases tenfold the maximum amount of fines that can be imposed as an additional punishment for crimes under a number of “terrorist” and “extremist”-related articles of the Criminal Code – now the size of the fine can be set in the range from 500 to 50,000 basic units (about \$ 732,000). In particular, such a fine can be imposed for “mass riots,” “high treason,” “conspiracy,” “calls for sanctions,” “creation of an extremist formation,” “financing of extremism,” and other “political” crimes.

Human rights activists have repeatedly stated that it is the inevitability, not the severity of punishment, that is a deterrent factor in committing a crime, the state continues to expand the application of the death penalty, appealing to its deterrent effect. Taking into account that the State Security Committee (KGB) includes opposition leaders and political and civil activists in the list of persons involved in terrorist activities, there are serious reasons to believe that changes related to terrorism can be applied to those who disagree with the policy of the current government, publicly oppose it, or have ties with opposition forces or civil society organisations. All the aforementioned amendments are a means of intimidation and persecution, as well as punishment in order to suppress any freedom of opinion and expression as well as freedom of association, right to personal liberty, fair trial and other fundamental human rights.

2. Cases of persecution on “anti-extremism” grounds

On 26 November 2022, the Investigative Committee announced that since 2020, more than 11,000 crimes “of extremist nature” were registered, most of which being committed in the post-electoral period in 2020-2021. Human Constanta analyzes the application of anti-extremist legislation every three months. According to organisation’s reports, the number of cases of persecution increases with each analyzed period. In September-December 2022, the organization documented at least 129 new criminal cases, 89 sentences, and 127 cases of administrative offenses on “extremist” grounds, not counting cases related to “protests” and

“insults of public officials.” In the analyzed period, the maximum documented punishment for “extremism” was 25 years in prison. In January-March 2023, 201 new criminal cases, 58 sentences and 123 cases of administrative offenses on “extremist” grounds were recorded.

The statistics are based almost entirely on reports from open sources. The practice of applying “extremist” legislation is broader than the cases documented in the report. Repressions under the label “combating extremism” are ubiquitous in Belarus – state agencies do not publicly report on the majority of cases, and human rights activists become aware of many cases of persecution only after a person has been put on an “extremist” or “terrorist” list. In addition, the de facto authorities’ interpretation of the “anti-extremist” legislation is so arbitrary that it is often difficult to understand whether or not the authorities consider a particular crime to be a manifestation of “extremism.”

2.1. Using “extremist” lists to outlaw independent media and civic initiatives

During the reporting period, the Ministry of Information has continued to apply the procedure of arbitrary extrajudicial blocking of access to Internet resources of independent media as one of the tools of information control. According to Human Constanta, at the beginning of December 2022, there were 10229 blocked sites on the Restricted Access List, of which about 19% of the resources were included in the list for political reasons and to restrict freedom of opinion and information. The list includes 1324 Internet resources used for civic engagement, 491 websites of independent media, 76 websites dedicated to the protection of human rights, as well as websites of solidarity funds.

Mass recognition of online content as “extremist materials” continues. As of 12 May 2023, the Republican List of Extremist Materials contained 3323 materials. The absolute majority of materials are included on the list for political reasons and to restrict freedom of opinion, assembly, associations and information. Most of the entries are oppositional Telegram channels and chats (1063 in total). The list includes websites and social networks of almost all independent Belarusian media (resources of more than 40 media are included in the list); opposition resources; resources of human rights organizations; resources of independent political analysts; political satire; profiles of people who published anti-government information in social networks. The list also includes banned names of some resources (“BELSAT,” “Novosti 97%,” “Zerkalo.io”), hashtag #свободнаябеларусь, watermarks of opposition resources, podcasts of political analyst Siarhei Chaly, mobile applications “Digital Solidarity” and “New Belarus,” and anti-government Telegram sticker packs. In addition to online resources, the list includes seized postal parcels with hoodies, phone cases, and other items, featuring opposition symbols; books with opposition symbols on the cover; printed journalistic articles published in the 1990s; Belarusian and Ukrainian patriotic songs.

One may face administrative responsibility in the form of arrest for up to 15 days for the distribution or storage of “extremist” materials. Any form of cooperation with “extremist” resources or organizations (administration and moderation, material support, assistance with filling resources, information transfer, registration in bots, interviews) may result in criminal liability. One can find more information about this list in the Human Constanta special article.

As of 31 May 2023, the List of organizations, formations, individual entrepreneurs involved in extremist activities contained 131 informal groups, recognized as “extremist formations” extrajudicially.⁴ All of them were included there for political reasons and to restrict freedom of associations and assemblies. The list includes 14 regional media and nationwide online resources, a number of major opposition channels and local chats, opposition political movements (Coordinating Council, Sviatlana Tsikhanouskaya's Office, People's Anti-Crisis Management), Belarusian military formations abroad (Kalinouski Regiment, Pahonya Regiment), solidarity funds (BYSOL, By_help), non-profit organizations (Ecodom and Belarusian Association of Journalists BAJ), channels with political satire (“Tea with raspberry jam”), and other groups of citizens objectionable to the authorities. Since the beginning of 2022 eight more independent media outlets have received this status (Euroradio, kyky.org, Nasha Niva, Charter 97, Flagshtok, hrodna.life, volkovysk.by, Malanka Media). On 11 May 2022, Trade Union of Employees of JSC Hrodna Azot was recognized as an “extremist organization.” On 14 June 2022, independent media outlet TUT.BY received the same status by the Supreme Court decision. One can find more information about this list in the Human Constanta special article.

The List of Citizens of the Republic of Belarus, foreign citizens or stateless persons involved in extremist activities was first published on 23 March 2022, and since then has been actively updated by hundreds of people against whom the verdict on extremist-related charges has entered into force. As of 31 May 2023, there were 2868 people on this list. In fact, this list is a list of people convicted for political reasons, which is officially recognized by the regime and is regularly updated. In addition to citizens of Belarus, it includes citizens of the Russian Federation, Ukraine, Kazakhstan, Armenia, Azerbaijan, Germany, Estonia. The list includes people convicted of any form of opposition activity (mostly for protests and critical comments), as well as representatives of civil society: for example, political analyst Egor Lebedok, trade union representatives Yanina Malash, Artsiom Zhernak, Aliaksandr Mishuk, Andrei Khanovich; journalists Dzmitryi Luksha, Ksenia Lutskina, Siarhei Satsuk, Sniazhana Inanets, Aliaksandr Lychauka, defendants in the BelaPAN case Andrei Aliaksandrau, Dzmitry Navazhylau, Iryna Zlobina and Iryna Leushyna; volunteer "Country for Life" Anton Stasheuski; political activists of the United Civil Party Artur Smaliakou, Andrus Asmalousky and Dzyiana Charnushyna; civil activists Illia Mironau and Anastasiya Kukhta; human rights defenders Leanid Sudalenka and Tatsiana Lasitsa, heads of non-profit organizations Viktor Fianchuk and Volha Harbunova. People included in the list face professional and financial constraints. One can find more information about this list in the Human Constanta special article.

As of 19 May 2023, 1065 people, including 308 citizens of Belarus, were included in the List of organisations and persons involved in terrorist activities. People included in the list are actually prohibited from any financial transactions. People can be included in the list not only on the basis of a verdict, but even on the basis of the charges brought, and not only within the framework of “terrorist” but also “extremist” articles of the Criminal Code. Along with people from the terrorists lists adopted by international organisations, the Belarusian authorities include representatives of the opposition and civil society in the Belarusian terrorist list: people who committed civil acts of direct action against the authorities; former security forces

⁴ There is a difference between “extremist formation” (recognized as such by the decision of KGB or MIA extrajudicially), “extremist organization” (recognized as such by a judicial decision), and “terrorist organization” (recognized as such by a judicial decision and entailing harsher consequences for groups recognized as such).

employees; people who left critical comments on the Internet or distributed personal data of security forces, as well as political and civil activists Vadzim Prakopieu, Yuri Ziankovich, Anastasiya Kukhta; human rights defenders Marfa Rabkova and Andrei Chapiuk, Belarus journalist and blogger Ihar Losik, journalist and member of the Union of Poles in Belarus Andrzej Poczobut, journalist Ina Mozhchanka as well as former employees of TUT.BY under investigation: editor-in-chief Maryna Zolatava, general director Liudmila Chekina, journalists Volha Loika, and Alena Talkachova.

On 8 April 2022, the Supreme Court recognized a popular opposition channel “Nexta” as a terrorist organization, the same status is held by the opposition initiative “Cyber Partisans,” which is engaged in hacking government sources, and the community of former employees of law enforcement agencies “BYPOL.” One can find more information about this list in the Human Constanta special article. At the moment, there are 5 Belarusian opposition organizations in the list of terrorist organizations.

On 28 October 2022, the List of Nazi symbols was supplemented by the exclamation “Long live Belarus” and the response “Long Live,” labeled by the authorities as “collaborationist.” This expression is the most popular national patriotic Belarusian motto and the main opposition slogan, the use of which is persecuted by the Belarusian authorities.

2.2. Harassment for actions with extremist materials

Hundreds of people are detained every month under Article 19.11 of the Code of Administrative Offences for distributing “extremist materials,” including in the form of reposting or liking “prohibited” publications, as well as sending them in private messages and group chats. Since almost all independent media and opposition resources are recognized as “extremist materials,” the dissemination of virtually any information critical of the authorities may be considered an offense. On that ground, courts routinely sentence people to 15-day administrative arrests and, in rare cases, – impose fines. Human rights defenders regularly observe the practice of holding people accountable for reposts of materials, made long before they were officially recognized as “extremist.” Often, the security forces draw up protocols in such a way that each repost represents a separate offense, which then allows the courts to sentence people to consecutive 15-days administrative arrests, amounting to long arbitrary detention.

According to the Belarusian Investigative Center, in January-April 2023, the number of cases of administrative offenses under “extremist” articles in Belarus increased by a third compared to the same period in 2022. In January-April 2023, a total of 721 people were punished for distributing “Nazi symbols” and “extremist materials,” while 537 people were punished under these articles during the same period of 2022.

From 15 to 25 March 2023, on the eve of the national holiday Freedom Day, at least 166 people were detained. Local police inspectors have become actively involved in the activities of “visiting citizens who were previously held accountable for committing extremist and protest offenses” – as part of their activities, only from March 13 to 17, 2023, about 100 people were sentenced.

Security forces organize systematic “raids” into regional cities and state-owned enterprises, during which the devices of local residents deemed as “disloyal” to the regime are inspected, after which their devices are confiscated as “means of committing offenses.” The people

themselves are routinely sentenced to administrative arrests. In 2023, such raids were conducted in Lepel, Sviatlahorsk, Lyakhavichi, Miory, Aktyabrski, Brest, Homel, Dziarzhinsk, Polatsk, and other cities. In February 2023, the security forces detained 4 employees of “Homeltransneft Druzhba” for visiting websites recognized as “extremist materials” from their work computers. On 30 March 2023, at least 8 employees of the National Polotsk Museum were detained for reposting “extremist materials.” Subscription to prohibited resources is also punishable – for example, in mid-November 2022, the security forces carried out mass detentions in the Buda-Kashaleuski district, after which the local court punished 17 people for subscribing to “extremist resources.” The regular examinations are also conducted at stated-owned enterprises and institutions by so-called ideology officers, working in these institutions.

2.3. First in *absentia* sentences against opposition leaders and civil society activists

On 26 December 2022, Minsk City Court sentenced Olympic medalist Aliaksandra Herasimenia and acting director of the Sports Solidarity Fund Aliaksandr Apeikin to 12 years in prison on charges of calling for harm to national security (part 3 of Article 361 of the Criminal Code) *in absentia*. According to the Investigative Committee, they demanded the imposition of sanctions against the National Olympic Committee of Belarus and other sports organizations, insisted on bans on holding international competitions on the territory of Belarus, in particular, the Ice Hockey World Championship, and urged to abandon their sponsorship. Among other things, the defendants urged not to allow the athletes of the Belarusian national team to participate in competitions, including the Olympic Games, and not to be allowed to perform under the official flag. All property belonging to Herasimenia, located on the territory of Belarus, was confiscated for the purpose of compensation for harm: more than 48 thousand dollars in bank accounts, mobile phones, an apartment, a car seat, a refrigerator, a speaker system were seized.

On 6 March 2023, Minsk City Court passed the verdicts in the case of the “Coordination Council of the Opposition.” which was heard *in absentia*. The leader of the Belarusian democratic forces and, allegedly, the true winner of 2020 presidential election Sviatlana Tsikhanouskaya was sentenced to 15 years in prison, the head of the National Anti-Crisis Department (NAU) Pavel Latushka was sentenced to 18 years in prison, and the head of the pro-democracy foundation “Country for Life” Maryia Maroz, as well as members of the Coordination Council Presidium Volha Kavalkova and Siarhei Dyleuski were sentenced to 12 years of imprisonment. Under ten articles of the Criminal Code, depending on the incriminated roles, democratic leaders were accused of organizing illegal strikes to “undermine the national economy and strengthen sanctions,” “ensuring the growth of protest moods for the subsequent seizure of power,” “high treason,” “conspiracy,” “creation of an extremist formation,” and other “political” crimes.

On 7 April 2023, Minsk Regional Court, within the framework of “special proceedings” (*in absentia*), sentenced the politician Valery Tsapkala to 17 years in prison under 12 articles of the Criminal Code. Tsapkala was found guilty of “calling for actions against national security,” “creating and leading an extremist formation,” “financing extremist activities,” “slandering and publicly insulting Lukashenka,” “discrediting Belarus,” “spreading propaganda of war,” as well as a number of financial crimes. As an additional measure of punishment, he was sentenced to a fine of 2.3 million Belarusian rubles (more than \$800.000).

On 3 May 2023, Minsk Regional Court sentenced the founder of the NEXTA channel Stsiapan Putsila to 20 years in prison, the moderator of the channel Jan Rudzik to 19 years in prison,

Raman Pratasevich to 8 years in prison. Putsila and Rudzik were convicted in absentia since they are both abroad. Pratasevich remained under house arrest until the verdict came into force. According to the prosecution, the aforementioned people, “carrying out the general plan of a conspiracy to seize state power in Belarus in an unconstitutional way,” published informational “destructive” materials in the networks of the channels “NEXTA” and “Belarus Golovnogo Mozga” aimed at “inciting people to participate in mass riots” and “calls for acts of terrorism committed by citizens prone to protest”. They were charged under 10 “extremist” articles of the Criminal Code, Putilo was also separately charged with “organizing the activities of a terrorist organization and participating in its activities.”

The main purpose of such trials is to put pressure on opposition activists abroad by confiscating their property and, most recently, having the possibility to deprive these people of Belarusian citizenship. Prosecutor General Andrei Shved stated that the practice of proceedings via written correspondence “[was] being developed, and there [would be] more and more of such proceedings in the nearest future.”

2.4. Persecution for online comments

The practice of persecution for expressing opinions online continues. The authorities qualify online comments as incitement to enmity and discord, and also actively use defamatory legislation to punish expressions of disagreement with the *de facto* government policy.

Charges of “inciting enmity” are brought for negative statements against both Belarusian and Russian security forces and government officials. The security forces interpret any critical messages, as well as call to resistance, as “inciting other social hostility against a professional group.” Almost all cases are conducted behind closed doors, and state bodies publish reports on the holding of court sessions using extremely vague excerpts from the legislation, in connection with which the specifics of most cases remain unknown.

For instance, on 19 October 2022, a resident of Slonim was sentenced to 7.5 years in prison for comments about the need for a strike, the closure of enterprises, and the resumption of protests. On 16 November 2022, a Hrodna resident was sentenced to 9 years in prison under 9 articles of the Criminal Code, including for “participation in destructive chats,” in which the man allegedly “called for violence against law enforcement officers.” The security forces believe that absolutely all emotional comments containing calls to resist the authorities are “extremist” and are subject to criminal prosecution, while not taking into account the likelihood of such calls and the position of commentators in society in relation to the desired audience of statements.

On 16 October 2022, the Homel regional court sentenced Krystsina Charankova to 2.5 years in prison for negative comments on Instagram about the police (for example, “It is a well-known fact that police is worse than shit,” “a good cop is a dead cop”). On 30 December 2022, a citizen of Latvia was sentenced to 4 years in prison for messages condemning the Lukashenka regime on his phone, “which the security forces did not like”.

In the period of January-March 2023, Human Constanta is aware of criminal cases for calls to "burn paddy wagons," "hang "supporters of Lukashenka on poles," "participate in riots using Molotov cocktails," "go to barricades, derail trains," "be more radical and stand in human chains," use hunting weapons against law enforcement officers and "sharpen pieces of rebar." "not being

afraid of being hit with batons by law enforcement officers during protests," "beat authorities" and "hang government supporters by their feet," "pour sewage on the police building," as well as for comparing law enforcement officers with fascists. The arrests take place both for single critical comments and for regular criticism of authorities on the Internet (for example, according to law enforcers, one of the detained persons left 3,095 comments, and at the end of March it became known about the arrest of a person who had been charged for 20,000 comments).

As part of the "Zeltser case," courts continued to hand down sentences under Articles 130 and 369 of the Criminal Code ("insulting a government official") for insulting comments about the murdered KGB officer Dzmitry Fedasyuk. On average, people are punished with 2 to 3 years in prison, the maximum sentence in this case - 5 years of imprisonment for a cumulative total of articles. According to HRC "Viasna" from the date of incident until 16 February 2023, 114 people were sentenced in the framework of "Zeltser case", 99 of whom were sentenced to imprisonment, while 35 were included in the List of people involved in terrorist activities. For example, on 1 February 2023, Minsk city court sentenced local resident Hleb Hladkouski to 5 years in prison. It is known that the reason for the criminal prosecution was his comment "Dimon too-doo-too" under the news about the death of a KGB officer (a musical motif from the movie "Boomer", used as a meme in dramatic situations). Moreover, the security forces conducted arrests for cynical comments about the deaths of other government officials. On 30 November 2022, pro-government sources stated that the GUBOPiK employees identified more than 20 people in Belarus and 50 people abroad, who, in "destructive hysteria," decided to insult the memory of Foreign Minister Uladzimir Makei, who died suddenly on 26 November 2022. Later, "confession videos" of at least 4 detainees were published in pro-government channels, in which they admitted to leaving cynical comments about Makei's death (one of them was detained for commenting "Again the wrong one").

Almost every day, pro-government sources report new detentions and harsh sentences against people who left harsh critical comments against government officials under "defamatory" Articles 367, 368, 369, 369-1 370, 391 of Criminal Code:

- On 8 March 2023, the Homel Regional Court sentenced 61-year-old musician Aliaksey Ilyinchik on charges of slandering Aliaksandr Lukashenka (Article 367), insulting the president (Article 368) and inciting social hostility (Article 130 of the Criminal Code) for comments in the Telegram messenger in which he criticized the authorities.
- On 7 June 2022, the court of the Navabielica district of the city of Homel sentenced 68-year-old pensioner Mikalai Vitsikau to 8 months in prison under article 369-1 ("Discrediting the Republic of Belarus") for his letter to the district newspaper with a critical opinion about amendments to the Constitution. The letter was considered "an attempt to disseminate false, offensive information about the activities of state bodies, law enforcement officers."
- On 1 July 2022, the Kirausk District Court sentenced a local student Danuta Peradnia to 6.5 years in a general regime colony under Article 361 ("calls to harm national security") and 368 of the Criminal Code ("insulting the president"). The student was accused of forwarding to a group chat a message from oppositional resources that sharply criticized the actions of Vladimir Putin and Aliaksandr Lukashenka, including in the context of the war in Ukraine. On this basis, she was also put on the List of persons involved in terrorist activities.

2.5. Persecution for participating in and administering opposition chatbots

Article 290-4 of the Criminal Code (“creation of an organization for carrying out terrorist activities or participation in it”) is becoming a tool for punishing people for any form of cooperation with pro-democratic organizations recognized as terrorist in the territory of Belarus, especially for moderating their social networks and instant messengers. On 6 November 2022, a Minsker was sentenced to 15 years in prison for administering 30 Telegram channels and chats related to the “Nexta” channel, created, according to a judicial decision, to “destabilize the situation and subsequently seize state power in Belarus in an unconstitutional way.” On 11 November 2022, a Vitebsk resident was sentenced to 12 years in prison for managing the Vitebsk 97% and Orsha 97% Telegram channels.

Due to the fact that the initiative “dzechat” (a map with the location of the majority of Belarusian opposition chats) is recognized as an “extremist formation,” virtually any opposition chat is a structural subdivision of this “extremist formation.” Human rights activists report ongoing mass harassment of administrators and moderators of such opposition chats under Article 361-1 of the Criminal Code (“Creation of an extremist formation”) during the analyzed period – this article provides for a sanction of up to 10 years in prison. On 9 February 2023, the Brest Regional Court sentenced former security officer Aliaksandr Sumar to nine years in prison for a number of “political” articles of the Criminal Code, including for the administration of the Telegram channel “Zhyve Luninets!” The next day, the same court sentenced Dzmitryi Stsiapanau, the alleged administrator of the GOBK chat, to 4 years in prison. Both channels were recognized as an “extremist formation” after the arrests of the accused people, in connection with which they could not physically exercise “leadership of the formation” in any way – this fact once confirms the fact that the “anti-extremist” legislation actually has retroactive force.

Almost daily, pro-government sources report the detention of people who have registered in the Telegram bot “Plan Peramoga,” an opposition initiative that invites its participants to perform tasks related to the resistance to the regime. For example, in just one day, on 9 March 2023, the security forces detained more than 60 people, of whom 21 people were brought to administrative responsibility and 5 people to criminal responsibility. The grounds for criminal prosecution can be only traces of interaction with the bot in the detainees' phones, while participation in the initiative almost never ends with real actions. At the same time, when describing many cases, the security forces note that some mailings from the initiative, to which people respond, often turn out to be fake and are actually controlled by the security forces, that is, in fact, people are accused of a criminal offense only on the basis of the direct provocation of the security forces themselves. Detentions of participants in this initiative to resist the authorities are carried out with special brutality of the security forces and are accompanied by humiliation and torture.

2.6. Persecution for whistleblowing / evidence gathering

There has been a sharp increase in cases of repression against people who sent personal data of public officials to opposition resources, in particular, to the Black Book of Belarus initiative, which deals with the deanonymization of government officials accused of violating human rights. The repressions are intensifying against the backdrop of the publication of information about a Main Directorate for Combating Organized Crime and Corruption (GUBOPiK) agent, found in the ranks of the initiative, who managed to gain access to the databases of users, who leaked sensitive information. Based on information from both independent media and pro-government

sources, it can be argued that security forces could have accessed the data of 8.500-10.000 people who sent information to the Telegram-bot. Potentially, each of them can be accused of “inciting enmity” under Article 130 of the Criminal Code.

Moreover, the security forces claim that they gained access to all the equipment of Sofia Sapieha, who was detained during the forced landing of the Ryanair plane and accused of administering the resources of the Black Book of Belarus, which also helped the security forces to identify people who collaborated with the initiative. The representative of the Investigative Committee Oleg Shandarovich noted that employees of all mobile operators, including officials, bankers, cadastral services specialists, lawyers, as well as former law enforcement officers (who are called “traitors” in state sources) appear in the “leaks” cases.

On 12 December 2022, Minsk City Court began the first ever consideration of a criminal case within the framework of “special proceedings” (*in absentia*) against the creators and administrators of the “Black Book of Belarus” – Yanina Sazanovich, Dzmitryi Navosha, Daniil Bahdanovich, Valerya Zaniamonskaya, and Volha Vysotskaya, who resided abroad. Volha Vysotskaya tried to participate in the process against herself remotely, but the court rejected all her requests to participate in the process using videoconferencing (although online hearings were widespread during COVID-19 pandemic) and offered to appear at the process in person. Volha also tried to contact the lawyer who was appointed by the state to protect her in this process – the lawyer blocked Volha in the messenger after several attempts to get in touch with him. On January 18, 2023, the Minsk City Court sentenced all the defendants in the case to 12 years in prison in absentia.

Former investigator Nikita Starazhenka, who resigned from service in protest after the presidential election, was sentenced to 7 years in prison, and former prosecutor Aleh Yermakou was sentenced to 6 years in prison, both for passing on data of former colleagues. The top manager of the “Life:)” mobile operator was sentenced to 8 years in prison – according to the security forces, the man followed channels publishing personal data of public servants, allegedly involved in serious human rights violations, and, “noticing that many publications contain gaps in the available personal data, he decided that they need to be replenished.”

Severe sentences were passed not only for committing mass leaks by people with access to large databases, but also for isolated cases of sending information to a bot – for example, a resident of Minsk was sentenced to 7 years in prison for sending information about his former boss to “destructive channels,” which led to “other grave consequences.” On 14 December 2022, a resident of Novogrudok was sentenced to 2 years in prison for reposting a publication about two employees of penitentiary institutions. The publication contained personal data of the security forces and the employees themselves were criticized by the publications’ authors.

The detentions of people of various professions who had access to sensitive data have been documented as well: a person who recognized a security officer classmate in one of the videos and shared his data with Telegram channels; an employee of the Ministry of Finance who “corrected the information of extremists;” two employees of “MTS” company from Brest and Minsk, accused of leaking billing information; a system administrator from the Security Department of the MIA, as well as employees of state-owned enterprises from Slonim, Minsk, and Miory. Minsk resident, who worked as a postwoman, has been detained repeatedly – in 2020, she was detained for transferring the data of security forces subscribed to departmental

newspapers, and, after serving her sentence in the form of arrest, on 16 November 2022, she was detained again, for “leaking” the personal data of a judge and a prosecutor, who conducted criminal proceedings against her in a previous case.

On 11 January 2022, a resident of Minsk, Tatisana Kolas, was sentenced to 6.5 years in prison – she worked in the Minsk City Executive Committee and had access to the personal data of the security forces, which she later transferred to the oppositional Telegram channels. For identical acts, an employee of Beltelecom was sentenced to 6.5 years in prison, an employee of BelVEB Bank was sentenced to 6 years in prison; a mother and daughter who worked at MTBank were sentenced to 7 and 6.5 years in prison respectively.

2.7. Persecution for charitable donations

On 9 January 2023, independent media reported that the Belarusian security forces have completed the identification of persons who donated to the “BYSOL” and “BY_help” solidarity funds in 2020-2021. Money transfers to these funds were interpreted by the security forces as “financing extremist activities” under Article 361-2 of the Criminal Code, since the funds were recognized as “extremist formations” at the end of 2021. The security forces are persecuting even those people who donated to the funds long before they were recognized as “extremist,” in clear violation of the non-retroactivity principle. According to media reports, the head of the Belarusian Hi-Tech Park agreed with the KGB staff that IT-specialists should not be persecuted, provided that they come to the KGB for a “preventive conversation” and transfer the amount of their donation tenfold to one of the state bank accounts. The security forces started to send out lists of people who have made donations and who need to appear in the KGB to the management of IT-companies.

Despite the “gentleman's agreement” between the head of HTP and KGB officers, IT specialists are the main targets of repression for donations. On 16 March 2023, a criminal case was initiated against Ksenia Alkenava, an employee of a company developing games: according to the security forces, in 2020-2021, Ksenia donated \$425 to the solidarity fund via Facebook. On 31 March 2023, the trial of the case against IT specialist Ruslan Zavadzich began, and a verdict was also announced to Vital Chernavusau, a programmer from Lida.

On 1 November 2022, the Minsk City Court sentenced a resident of Minsk to 3 years in prison for transferring 0.2 ethereum (about \$800) to the crypto wallet of the BYPOL organization. The court did not take into account that the transfer was carried out in May 2021, while the organization was recognized as an “extremist formation” only in November 2021.

On 12 January 2023, the security forces brutally detained Homel businessman Yuri Tashkinov on charges of “financing extremism” for helping Ukraine by the donations through the “BYSOL” foundation. On 28 November 2022, a Minsk resident was detained for “two or three transfers in the amount of about \$10,” while pro-government resources noted that a separate criminal case would be initiated for each transfer. Also, a married couple was detained for several transfers through a card to the fund for a total of 50 Belarusian rubles (about \$20) and a resident of Homel was detained for transfers through Facebook.

This practice violates not only the prohibition of interference with privacy and the right to fair and favorable working conditions, but also the right to freedom of expression. By sending

donations to these organizations, people expressed support for those affected by repression in the country, thus showing their own political position. Moreover, another element of the violation of freedom of expression in this case is coercion to “donate” money to organizations determined by the state which may be considered as a form of extrajudicial punishment and a form of corruption.

At the same time, authorities have blocked the website of the service Patreon, which allows Belarusian independent media and projects to receive payment from their subscribers in a clear attempt to hurdle their access to finances.

The security forces interpret any material donations to opposition initiatives recognized as "terrorist" on the territory of Belarus (e.g. "Nexta" "Cyberpartisans", "BYPOL") as "financing of terrorist activities." The sanction under this article provides imprisonment for 8 to 15 years. It is known that charges were brought against Minsk citizen Mikalai Vasilevich and IT specialist at EPAM Andrei Baranau.

2.8. Persecution for anti-war activism

Against the background of the war in Ukraine, there is a new wave of repression against those who express disagreement with the actions of authorities of Russia and Belarus, publish information that went against the state agenda, and oppose the war though no specific legal regime of martial law or state of emergency that may limit freedom of expression was ever introduced in Belarus. At least 90 people are currently in pre-trial detention or have already been convicted in criminal cases directly for anti-war activities. According to human rights activists, there are several hundred such political prisoners in total.

Courts continue to issue sentences for “aiding extremist activities” under Article 361-4 of the Criminal Code for sending photographs of military equipment to “extremist” Telegram channels, including the “Belarusian Gayun” channel monitoring military activity of Russian troops in Belarus. On 28 October 2022, Zhlobin resident was sentenced to 2 years in prison for filming an aircraft. The man explained his motives by saying that “he was frightened and thought that a war had begun here.”

Sometimes the security forces qualify actions to disseminate information about military equipment as “high treason.” On 20 January 2023, the Homel Regional Court sentenced Yauhen Glushkov, a resident of Zyabrouka, to 9 years in prison on charges of “collecting, recording, and analyzing intelligence information about military infrastructure facilities” and “its subsequent transfer to a chatbot controlled by a foreign organization.” According to human rights center “Viasna”, an old photograph of the airfield, which he took from a drone, as well as contacts of various Ukrainians, were found in the man’s phone, which was the reason for his detention. Perhaps the charges were brought under a more “severe” article of the Criminal Code due to the fact that he sent information not to Belarusian initiatives located abroad, but directly to Ukrainian organizations.

On 23 December 2022, military analyst Yahor Lebiadok was sentenced to 5 years in prison under Article 361-4 of the Criminal Code for giving an interview to independent news outlet Euroradio regarding Russia’s invasion of Ukraine and the role of Belarus in it. Mahiliou resident was sentenced to 2.5 years in prison under Article 130 of the Criminal Code (“incitement of national

enmity”) for his anti-war position on the Internet – he reposted news about Russia’s aggression and comments condemning Russians who participate in or support the war.

Since the beginning of the invasion of Russian troops into Ukraine, the Belarusian security forces have been systematically persecuting people who speak out against the Russian aggression. Security forces interpret any criticism of the Russian army, Russian officials and Russian citizens, public support for Ukraine on social networks as “inciting national enmity” towards the Russian nation as a whole:

- On 27 July 2022, Mahiliou Regional Court sentenced a local resident Aliaksei Paretski to 3 years in prison for defamation against Lukashenka and inciting social enmity under Articles 367 and 130 of the Criminal Code. The grounds for the accusations were his posts on social networks, in which he expressed his opinion about the history of Belarus and his attitude towards Russia. In one of the comments, he claims that "Poland is Belarus' brother, Ukraine is a sister!" These charges became the basis for adding the man to the List of Persons Involved in Terrorist Activities;
- On 2 August 2022, a 32-year-old Minsk resident was charged with “inciting enmity” for anti-war posts on social networks. According to the Investigative Committee, he disseminated “ideas, views, assessments that undermine trust and respect for military personnel, law enforcement officers of the Russian Federation, within which he wanted to cause hostility and hatred to them;”
- On 23 August 2022, TikTok blogger Aliaksandra Dougaya was detained for posting videos on her page in support of Ukraine and criticizing the actions of Russian military;
- On 11 September 2022, Mahiliou Regional Court sentenced a local resident Dzmitryi Shabetnik to 2.5 years in prison for his anti-war position on the Internet – he was accused of reposting news about Russian aggression and comments condemning Russians who participate in the war or support it;
- A minor resident of Mahiliou was detained for “inciting enmity” for posting about the need to separate the Belarusian people and the Belarusian regime in the context of the attitude to the actions of the Russian army, and for publishing pro-Ukrainian slogans;
- On 17 March 2023, a resident of Hrodna was detained, according to security officials, left 1.200 comments in which he claimed that Ukraine has the right to a future "without corrupt Russia," urged Ukrainians to "beat Russians without doubt and pity," and also mentioned that "Putin, Lukashenka and Kadyrov need to be eliminated."

During some detentions, practices degrading the dignity of detainees were recorded:

- a commentator who insulted the head of the Chechen Republic Ramzan Kadyrov was forced to say the motto “Akhmat is strength!” meaning support for Kadyrov;
- another man who criticized the “special military operation” on TikTok was forced to confess to supporting the Russian army and to sing the military song “Victory Day.”
- For a video on TikTok in support of Ukraine, a Minsk resident was forced on camera to ask for forgiveness from the “Slavic brothers” and apologize for “supporting the fascist ideology.”

On 26 November 2022, the Investigative Committee announced the investigation of more than 30 criminal cases under article 289 of the Criminal Code (“Act of terrorism”), including those

related to terrorist attacks on railways and roads. The courts continued to issue extremely harsh sentences against the “railway partisans” – people accused of damaging the railway tracks in order to slow down the movement of Russian military equipment through the territory of Belarus. In almost all cases, actions to damage transport routes were interpreted by the security forces as an act of terrorism, despite the fact that some of the convicts did not take any practical actions to damage transport routes. None of the cases of track damage caused human casualties or accidents. For example, on 27 December 2022, the Homel Regional Court sentenced three “partisans” from Sviatlahorsk to terms of 21 to 23 years in prison on charges of setting fire to an alarm system on one of the sections of the railway. On 8 February 2023, the Homel Regional Court sentenced the “rail partisans” from Mozyr: Siarhei Pliashkun was sentenced to 16 years in prison, Yuri Selvich – to 14. According to the case materials, they bought ingredients for the production of “Molotov cocktails” to use them to commit sabotage, and also discussed the possibility of damaging the rail.

On 26 February 2023, the community of former Belarusian security officials BYPOL stated that two explosions occurred at the Machulishchi airfield, as a result of which a Russian military plane and snow removal equipment were damaged. The organization stated that the sabotage was committed by members of the opposition initiative “Plan Peramoha.” Mass detentions related to this incident are still ongoing. On 7 March 2023, pro-government sources published a video of the detention of Ukrainian citizen Mykola Shvets, suspected of committing said sabotage. On the same day, the State Security Committee (KGB) announced the initiation of a criminal case for “an attempt to commit an act of terrorism” under which 20 persons were detained, including the direct executor Shvets, who was dubbed an agent of the Security Service of Ukraine. Due to the recent amendments to the Criminal Code in 2022, an attempt to commit an “act of terrorism” may be punishable by the death penalty. After the incident with the bombing of the plane, security forces intensified “work against citizens involved in the activities of extremist formations and terrorist organizations” by Aliaksandr Lukashenka’s personal order. These actions were marked by mass arbitrary detentions of people who previously expressed “disloyalty” to the regime.

The security forces are massively initiating criminal cases against Belarusian volunteers fighting on the side of Ukraine. On 11 October 2022, the Investigative Committee initiated a criminal case against the creators and participants of the Kalinouski Regiment under Article 361-1 of the Criminal Code (“Creation of an extremist formation or participation in it”). According to investigators, Belarusians from foreign diasporas decided to create this unit “inspired by the ideas of nationalism and following the patterns of the chauvinist ideology of the armed groups of the neighboring country”. In the reports of state bodies, members of the unit are called “mercenaries” for propaganda purposes, despite the fact that the Regiment is a structural unit of the regular troops of Ukraine, and the unit itself appears in the reports of the security forces as a “Nazi formation”. On 4 November 2022, a criminal case was initiated against another Belarusian unit, this time against opposition leader Vadim Prokopiev and “other persons” for creating the Pagonya regiment and participating in its activities. Reprisals against potential volunteers are carried out under Article 361-3 of the Criminal Code (“participation on the territory of a foreign state in an armed formation or armed conflict, military actions, recruitment or training of persons for such participation”), which provides for a maximum sanction of up to five years in prison. According to the prosecutor's office, in 2022, courts issued guilty verdicts against seven

citizens of Belarus who tried to take part in combat operations in Ukraine as part of the Regiment – in all cases they were punished with imprisonment.

2.9. Persecution for the interpretation of history, objectionable to the authorities

The Belarusian authorities are massively persecuting people for expressing critical opinions about the Soviet Union, as well as for publishing materials about historical figures who fought against the communist regime, whom the authorities consider "collaborators".

On 30 March 2022, the Minsk City Court passed a sentence against the famous Belarusian artist and performer Ales Pushkin. He was tried for placing at an exhibition in Hrodna a portrait of an anti-Soviet underground figure Yauhen Zhikhar. According to the court schedule, he was accused of desecration of state symbols (article 370 of the Criminal Code) and of inciting racial, national, religious or other social hatred or discord (part 3 of article 130 of the Criminal Code).

The first case under the new Article 130-2 of the Criminal Code ("denial of the Genocide of the Belarusian People) was first brought on 26 August 2022, against the media outlets "Flagstock" and "Zerkalo.io." "Flagshtok" published material in which it was claimed that on one of the maps of Homel, published on the website of the local Department of Capital Construction (DCK), there is a note about the place of mass burials of victims of political repressions in 1937. The article stated that, according to the Prosecutor's office, there were all Nazi victims in this grave, and the facts of shootings in 1937 do not correspond to reality. This material was also reprinted by "Zerkalo.io." After a while, the "resonant" map was removed from the DCK website, and a criminal case was initiated against the media.

On 8 February 2023, Hrodna Regional Court sentenced Hrodna journalist and member of the unofficial "Union of Poles in Belarus" Andrzej Poczobut to 8 years in prison on charges of "inciting enmity" and "calls for sanctions." According to the charges, the corpus delicti included journalist's statement, in which he called aggression the USSR attack on Poland in 1939, statements in defense of the Polish minority in Belarus, articles in Gazeta Wyborcza about the Belarusian protests in 2020 and the text in Magazyn Polski, written in 2006 and devoted to Anatol Radzionik, one of the commanders of the Polish anticommunist underground in Hrodna region. This case is an example of how the "anti-extremist" legislation is used by the authorities to ban historical opinions that contradict the official position of the authorities – the authorities interpret as "inciting enmity" any criticism of the communist regime in the USSR, whose successors the representatives of the current Belarusian regime consider themselves.

The law enforcers are paying more and more attention to books that contain information displeasing the authorities: books critical of the Soviet regime are increasingly being recognized as extremist. At the beginning of 2023, the authorities recognised as "extremist" such books as:

- "The Year 1942 – Training" by Uladzimir Beshanou, describing the military campaign of 1942 during World War II, during which the Red Army lost virtually every battle with the Wehrmacht;
- "Big Blood: How the USSR Won the War of 1941-1945." by Siarhei Zakharevich, which is an analytical review of the main operations of the Red Army in 1941-1945, whose main conclusion is the view that the USSR won the Second World War only through incredible losses;

- "The Shadow of Victory" by Viktor Suvorau, in which the author criticizes Marshal of the Soviet Union Georgy Zhukov and the actions of other Soviet military commanders.

The authorities also diligently ban books related to the history of the formation of the Belarusian national ideology:

- "Belarus Above All!" (About the National Belarusian Idea) by Anatol Taras, which tells about the formation of the Belarusian national identity;
- "Forgotten Belarus" by Vadzim Dzeruzhinski, which exposes myths and misconceptions about the Belarusian past, "which were planted by official institutions, historians and publicists of the tsarist empire and USSR", and also reveals facts previously concealed for ideological reasons;
- "Pages of the Past: Articles on the History of Belarus" by Anatol Taras, a collection on various issues of Belarusian history.

Often, the only proof of the presence of "extremism" in a particular book is the conclusion of the Republican Commission for the evaluation of symbols and attributes, information products for the presence (absence) of signs of "extremism" in them. The Commission consists entirely of deputies, civil servants, employees of law enforcement agencies, and professors at state universities. There are no independent examiners in the commission.

Based on Human Constanta data and investigations by independent media, it is known that the members of the commission do not read books when analyzing them, the commission's conclusions do not contain any arguments and do not give specific quotes that seemed illegal to the commission; the thesis of the conclusions consist of the most general excerpts from the legislation and do not differ from each other, despite the commission's consideration of the most different materials. Often the reason for the recognition of a book as "extremist" is the cover of a book that, according to the security forces, could contain opposition symbols.

2.10. Persecution of independent journalists

On 13 July 2022, Homel regional court sentenced Belsat journalist Katsiaryna Andreyeva to 8 years and three months in minimum security penalties under part 1 Article 356 ("high treason") in addition to her previous punishment – Katsiaryna had been already sentenced in February 2021 to 2 years in prison for covering protests and their suppression by security forces on the air. The political prisoner was found guilty of "giving state secrets of the Republic of Belarus to a foreign state, international or foreign organization or their representatives." It is unknown which actions the court interpreted as treason against the state, as the trial was held behind closed doors. On 14 September 2022, Hrodna Regional Court sentenced "Novy Chas" journalist Dzianis Ivashyn to 13 years and one month in prison under the same article. Due to the closed trial, details of the case remain unknown, but charges may have been brought for his investigative journalism.

On 28 September 2022, Minsk city court sentenced a former journalist of Belteleradiocompany and member of the Coordination Council of the opposition Ksenia Lutskina to 8 years in prison. Ksenia planned to create "alternative television" on YouTube together with other journalists who had quit the state channels. According to the investigation, she prepared and edited various statements on behalf of the Coordination Council, which were then filled in the opposition Internet resources in order to destabilize the situation in Belarus.

On October 6, 2022, the Minsk regional court announced the verdict to the employees of the BelaPAN news agency. The court sentenced journalist and media manager Andrei Aliaksandrau to 14 years in prison; sociologist and activist Iryna Zlobina – to 9 years; editor-in-chief and director of BelaPAN Iryna Leushyna – to 4 years, and the former director of the agency Dzmitry Navazhylau – to 6 years in prison. The charges included four articles of the Criminal Code: “creation and leadership of an extremist formation” (in November 2021, the agency was recognized as an “extremist formation”), “high treason” (for cooperation with the By_help solidarity fund), “organization and preparation of actions grossly violating public order” (for covering fines and providing other material assistance to detained peaceful demonstrators) and “tax evasion”.

On 17 March 2023 Minsk City Court rendered the verdict in the "TUT.by case." Former editor-in-chief Maryna Zolatava and ex-general director Liudmila Chekina were sentenced to 12 years of imprisonment. Earlier, other employees of the newspaper Volha Loika, Alena Talkachova and Katsiaryna Tkachenka had their measure of restraint changed and were able to evacuate abroad. According to the prosecution, in addition to committing "economic" crimes, the journalists "were directly related to the materials published on the TUT.by website," which contained "a deliberately positive assessment of the actions of opponents of the authorities, a deliberately negative reflection of the officials who advocated the preservation of the current constitutional order, hidden coordination of protest activity in society and information aimed at destabilizing the situation in the country and causing harm to the national security of Belarus." On the eve of the verdict the Belarusian propaganda released a film "Bye-bye Tut.by" which describes the "criminal activity" of the media outlet. The propagandist Ksenia Liebiadzeva stated that the journalists showed protesters as "bright and joyful", whereas pro-governmental activists were described as directly opposed to them. Also, the management of the portal refused to close comments on the articles, "thereby maintaining a high degree of heat in society" – according to the propaganda, "such antagonism between citizens of one country is incitement of enmity." In general, the "journalistic" investigation blamed the staff of the portal in one way or another that their journalistic activities had caused silent protests in 2011, popularization of Euromaidan ideas, people's indignation at the actions of the authorities in connection with COVID-19 and other upheavals in Belarusian society.

On March 23, 2023, Minsk City Court sentenced former journalist of the presidential pool of the state TV channel ONT Dzmitryi Semchanka to 3 years in prison for posts in Vkontakte and Instagram with a negative reaction to the actions of law enforcement officers and other government representatives. According to the prosecution, "the purpose of the publications was to form a negative stereotype and undermine confidence in law enforcement officers and government representatives, and ultimately – to weaken the current state system." Also, during the trial, the prosecution noted that the publication of such posts "constitutes a crime against peace and security of mankind."

On the same day the court sentenced Komsomolskaya Pravda journalist Gennady Mozheika to an identical punishment of 3 years in jail. The journalist was detained in the "Zeltser case" for writing a journalistic article in which an acquaintance of Zeltser was mentioned who spoke positively about his personality. Gennady was also accused of "supporting opposition-minded participants of the rally, campaigning against the current authorities, and violating common human morality" while attending a meeting with voters organized by deputy Valery Voronetski.

2.11. Persecution of independent lawyers

On 2 February 2023, lawyer Vital Brahinetz was sentenced to 8 years in prison under a number of "political" articles, including "creation of an extremist formation." The security forces suggest that Vital created a professional chat room in Telegram under the name "Belarusian Lawyers," where lawyers discussed and coordinated their activities.

On 21 March 2023 there was a mass detention of representatives of the legal community defending political prisoners. Several of them, including lawyer Inessa Alenskaya, were convicted of "distribution of extremist materials."

On 10 April 2023, Minsk City Court sentenced Aliaksandr Danilevich, a lawyer and lecturer at the Belarusian State University, to 10 years in prison on charges of "calling for sanctions" and "promoting extremist activities." It is one of the first cases when the professional activity of a lawyer was actually equated to "extremist activity." According to the Investigative Committee, the lawyer "supported extremists and adherents of legal nihilism" and "made attempts to politicize sports in Belarus." According to investigators, he advised employees of the opposition initiative "Sports Solidarity Fund" in the context of their advocacy efforts to cancel sports events in Belarus in connection with mass human rights violations in the country. The lawyer was also accused of writing letters to the Norwegian company Yara, a major buyer of Belaruskali products, in which he described the human rights situation at Belarusian enterprises and urged the company to comply with business and human rights standards. The Investigative Committee also noted that Danilevich communicated with "extremist" resources to "create a destructive information agenda"- in fact, the lawyer gave an interview to one of the Telegram channels, which was then merely reprinted by sport media outlet "Tribuna," recognized as "extremist."

On 11 May 2023, Minsk City Court sentenced lawyer Anastasiya Lazarenka to 6 years of imprisonment. Earlier, she volunteered near the walls of the infamous temporary detention facility on Akrestina street in 2020, and also defended some people accused for political reasons. Lazarenka was accused of "gross violation of public order," "illegal actions with respect to information about private life," and "assistance in inciting enmity or discord" under Articles 342, 203-1 and 130 of the Criminal Code. The basis for the charges was her participation in 2020 protests, as well as the fact that she allegedly transferred personal data about two police officers to opposition resources.

2.12. Persecution of human rights defenders

On 6 September 2022, Minsk City Court issued the sentence in the case of "Revolutionary Action" against the human rights defender of the Human Rights Center "Viasna" Marfa Rabkova, a volunteer of the organization Andrei Chepyuk, as well as 8 activists of the anarchist movement. Charges were brought under 10 articles of the Criminal Code, including "creation and participation in an extremist formation," despite the fact that the organization "Revolutionary Action" was recognized as an "extremist formation" only 8 months after the detention of all the defendants in the case. All the defendants in the case were punished with long terms of imprisonment and large fines. Marfa Rabkova was sentenced to 15 years and a fine of 700 basic units (\$8800), Andrei Chepyuk – to 6 years and a fine of 500 basic units (\$6300). Members of the anarchist movement were sentenced to terms ranging from 5 to 17 years in prison.

Since 6 September 2022, human rights defender Nasta Lojka has served a total of six 15-day administrative sentences on bogus “petty hooliganism” charges under Article 19.1 of the Code of Administrative Offences of the Republic of Belarus. On 24 December, while still in administrative detention, she was charged with criminal offenses under part 1 of Article 342 (“organizing group actions grossly violating public order”) and part 3 of Article 130 (“incitement of racial, national, religious or other social enmity or discord”) of the Criminal Code of the Republic of Belarus. The basis for the latter charge was Nasta's alleged participation in writing a report on the persecution of the anarchist community in Belarus in 2018. The report provided a critical assessment of the activities of police officers, which the investigators in Nasta's case qualified as “incitement of enmity against a professional group of police officers.”

2.13. Persecution of labor union and striking committees activists

The article 361 of Criminal Code (“calls for restrictive measures (sanctions), other actions aimed at causing harm to the national security of the Republic of Belarus) is widely used against representatives of independent labor unions – due to the closed nature of the processes, it was not possible to find out the essence of the charges, most likely any independent or opposition activity (including the organization of strikes) at state-owned enterprises, which are described in pro-government narratives as “strategically important facilities,” was interpreted by law enforcement agencies as “harm to national security”. Four trials are known in this context:

- On 26 October 2022, the court sentenced Artsiom Zhernak, chairman of the primary labor union organization of the free union of metalworkers at the Minsk Automobile Plant (MAZ), to 4 years in prison;
- On 15 November 2022, the Minsk Regional Court sentenced Aliaksandr Mishuk, chairman of the independent labor union Belaruskali OJSC, to 2.5 years in prison for speaking to workers “in order to create a strike committee”. Aliaksandr explained his performance with emotions due to mass violence from the security forces;
- On December 26, 2022, the same court sentenced the activists of the Belarusian Congress of Democratic Labor Unions – chairman Aliaksandr Yarashuk was sentenced to 4 years in prison for “calling for sanctions,” his deputy and the accountant were sentenced to 1.5 and 2 years in prison, respectively, under the article on “gross violation of public order”;
- On 5 January 2023, Minsk City Court sentenced three activists of the independent labor union of workers of the radio-electronic industry (REP). Henadz Fiadynich and Vasil Berasnieu were sentenced to 9 years in a reinforced regime colony, and Vatslau Areshka – to 8 years. In addition to “calling for sanctions,” they were also accused of “inciting enmity” and “creating an extremist formation.”

On 17 February 2023, Homel Regional Court sentenced ten defendants in the case of the opposition initiative “Rabochy Rukh” to terms of imprisonment ranging from 11 to 15 years. According to the investigation, the movement members passed to the U.S. and Lithuanian intelligence agencies the official information about the state-owned enterprises, relating to the “methods they used to circumvent sanctions.” Also, the defendants in the case are accused of cooperating with the headquarters of Sviatlana Tsikhanouskaya and planning to block the production activities of the Belarusian Metallurgical Plant and Hrodnaazot. In total, the case

involves 14 people, 10 of whom are accused of "high treason" and "creation of extremist formations" (Article 361-1 of the Criminal Code).

The article on the "harm to national security" is also used to persecute the creators of oppositional initiatives aimed at acts of disobedience against state organizations. On 15 November 2021, Minsk City Court sentenced Uladzislau Martsinovich to 4 years in prison for administering the Telegram channel "White robes," even though Uladzislau himself claimed that he did not know who was administering this channel, and after monitoring his computer, the police admitted that "they got confused and detained the wrong person." The investigation office claimed that the channel was spreading the ideology of extremism, aggravated the tension in the society, and the channel itself was created with the aim of "influencing the consciousness and will of healthcare workers in the Republic of Belarus, as well as students and teachers of medical educational institutions of the country." On 30 September 2022, Minsk City Court sentenced the developer of an application for boycotting a business loyal to the authorities and de-anonymizing security forces under the name "Belscan" to 8 years in prison. According to the MIA, in addition to distributing the personal data of the security forces, this application allowed identifying manufacturers of goods by barcode and checking their affiliation to Belarusian state-owned enterprises. The agency believes that the program contains calls for action against national security.

2.14. Persecution of political analytics

On 17 March 2023 Minsk City Court sentenced Valeryia Kastsiuhova (political scientist, analyst, founder of the expert community website "Our Opinion") and Tatsiana Kouzina (founder of SYMPA project, researcher in public administration) to 10 years in prison on charges of "conspiracy" and "calling for harm to national security." The human rights defenders do not know the essence of the charges, but colleagues of the detainees point out that the reason may be related to the professional activities of the experts, and the repression against them is "demonstrative and intimidating sign for the entire expert community in Belarus."

2.15. Prosecution for campaigning before the referendum

Attempts to interfere with a referendum also qualify as "extremist activity" under Article 1 of the Law on Counteracting Extremism. On 3 August 2022, the Investigative Committee announced that the office had completed its investigation of seven people accused of attempting to disrupt the national referendum on amendments to the Constitution of the Republic of Belarus, which was held in February 2022. The defendants are accused of mass distribution of emails to members of election commissions and referendum participants on behalf of state organizations in order to "influence the minds of citizens."

On 19 August 2022, a resident of Brest was sentenced to three years in a medium-security prison for sending letters with an appeal to count votes honestly; two residents of Minsk were also given identical sentences for distributing leaflets with the same requests. On 20 September 2022, the Central district court sentenced three Minsk residents – one of the defendants in the case was sentenced to 5 years of "home chemistry" (a temporary measure of restraint of liberty) and the rest – to 4 and 6 years of jail. On 28 September 2022, four more Minsk residents were sentenced to imprisonment of up to 2.5 years. On November 2, 2022, it became known about a sentence of up to 6 years in prison against three residents of Minsk, who were called "radicals" in

pro-government reports. In addition to other “political” crimes (participation in protests, desecration of state symbols, dissemination of personal data of pro-government activists), they were charged with distributing leaflets in the entrances of residential buildings calling for disrupting the referendum by damaging ballots.