

(Translated from Russian)

Information in response to the request by the thematic special procedures of the Human Rights Council concerning administrative proceedings against persons who violate the legislation on the holding of mass events

Reference: UA BLR 6/2021 of 2 June 2021

1. On 23 May 2021, the following message, written in English, was received at the Minsk National Airport email address info@airport.by from a protonmail.com account: “We, Hamas soldiers, demand that Israel cease fire in the Gaza Strip. We demand that the European Union abandon its support for Israel in this war. We know that the participants of Delphi Economic Forum are returning home on May 23 via flight FR4978. A bomb has been planted onto this aircraft. If you don’t meet our demands the bomb will explode on May 23 over Vilnius.”

Given the seriousness of this threat, Minsk National Airport transmitted the information to the appropriate air traffic control authorities of Belaeonavigatsia, a State-owned enterprise.

In accordance with annex 17 to the Convention on International Civil Aviation (Chicago Convention) and the National Programme to Safeguard Civil Aviation against Unlawful Interference, the mechanism for managing the response to acts of unlawful interference with civil aviation was implemented.

Flight FR4978, which was operated by the airline Ryanair on a Boeing 737-800 aircraft, was following its route from Athens to Vilnius. The aircraft took off from Athens Airport at 07.10 hours UTC (10.10 hours Belarusian time) and entered Belarusian airspace, where it came under the control of the Minsk District Air Traffic Control Centre, at 09.30 hours UTC (12.30 hours Belarusian time). Entry to the Minsk flight information region was made via the SOMAT waypoint.

Once contact had been established between the Belarusian air traffic controller and the aircraft crew, the crew was immediately informed that a threat had been communicated about a possible explosive device on board the aircraft and was recommended to land at Minsk National Airport as an alternate airport. The crew asked several questions to clarify the sources of the information that had been received and was told that the threats had initially been communicated to Minsk National Airport.

Beforehand, the air traffic manager of the Minsk District Air Traffic Control Centre had made several attempts to get through to the Ryanair office in Lithuania on the telephone number provided by the aircraft crew, but it had not been possible to reach an airline representative.

At 09.47 hours UTC (12.47 hours Belarusian time), having received and clarified the information, the crew of flight FR4978 set the aircraft transponder to code 7700 (indicating an emergency) and requested assistance by radioing the emergency procedure word MAYDAY, in line with established international requirements. Subsequently, in view of paragraph 3.7.2 of annex 2 to the Chicago Convention, the crew announced that it had decided to land at Minsk National Airport.

Following this decision, which was made independently by the crew, the air traffic control authorities of Belarus provided all the necessary priority assistance. The appropriate emergency plan was implemented at Minsk National Airport, and all the appropriate airport services and other relevant State agencies were notified and placed on alert in accordance with the established procedure.

The aircraft landed safely at Minsk National Airport at 10.15 hours UTC (13.15 hours Belarusian time).

Upon landing, in accordance with established international and national aviation security requirements, the aircraft was placed in a special isolated parking position, where the appropriate searches and inquiries were carried out in relation to the aircraft, crew, passengers, baggage, cargo and mail.



These actions are provided for and must be carried out by States in accordance with chapter 5 of annex 17 to the Chicago Convention.

By 13.20 hours UTC, all the procedures established under international and national law had been performed. The aircraft took off from Minsk National Airport at 17.48 hours UTC and landed safely at Vilnius Airport at 18.27 hours UTC.

The preliminary assessment made by the Aviation Department indicates that, in accordance with the requirements of international law, the staff of the air traffic control authorities of Belaronavigatsia, the aircraft crew and the forces and assets deployed at Minsk National Airport to respond to the situation were in compliance with the requirements prescribed by the International Civil Aviation Organization (ICAO).

Representatives of Belarus participated in an extraordinary meeting of the ICAO Council on 27 May 2021 and, in a spirit of cooperation and transparency, provided all available information about the emergency landing of the aircraft.

For the first time in its history, the ICAO Council decided to conduct an investigation under article 55 (e) of the Chicago Convention. Yet the case in Minsk on 23 May 2021 is not exceptional. In the twenty-first century alone, there have been many incidents in which a civilian aircraft has been forced to land. In 1956, France forced a flight to land in order to arrest ██████████, a fighter for Algerian independence. Not one of these cases was investigated by ICAO.

Belarus is prepared to participate in the ICAO investigation into the flight FR4978 incident and expresses its concern that, without waiting for the results of the investigation into the incident, several Western countries have made the hasty decision to ban all Belarusian airlines from flying in the airspace of the European region and/or flying to airports in the region and to ban flights whose routes crossed Belarusian airspace.

2. The Investigative Committee of Belarus is conducting the pretrial investigation in a criminal case brought in connection with the mass unrest and related crimes that occurred on 9 August 2020 and in the following days.

On 8 August 2020, on the basis of the evidence gathered, it was decided that Roman Dmitrievich Protasevich, born in 1995, should be remanded in custody as a preventive measure and charged with offences under articles 342 (1) and (2), 293 (1) and (3) and 130 (3) of the Criminal Code.

Mr. Protasevich was arrested on 23 May 2021. With the authorization of a deputy procurator of the city of Minsk, he was remanded in custody as a preventive measure, duly charged with the aforementioned offences and, in compliance with criminal procedure law and with defence counsel present, questioned as an accused person, with a video recording made. Under questioning, he admitted that he was guilty of the offences with which he had been charged and made a confession.

On 23 May 2021, ██████████, born in 1998, was arrested on reasonable suspicion of offences under articles 293 (1) and 342 (1) of the Criminal Code.

On 25 May 2021, the Investigative Committee named ██████████ a suspect in a pending criminal case of incitement to social enmity and discord and other criminal acts, that is, of an offence under article 130 (3) of the Criminal Code. On 25 May 2021, ██████████ was remanded in custody as a preventive measure upon the authorization of a deputy procurator general.

On the basis of the criminal case file, ██████████ was duly charged with the offence in question on 1 June 2021. ██████████ was questioned as an accused person in compliance with criminal procedure law and with defence counsel present.

██████████ involvement in the offences is confirmed by the criminal case file, Mr. Protasevich's ██████████ confessions and the contents of the data-storage devices that were seized and examined.

During the pretrial investigation in the ongoing criminal cases, all the investigative and procedural actions involving Mr. Protasevich ██████████ are being carried out by

the investigative bodies with respect for the rights of accused persons under criminal procedure law and in accordance with the objectives and principles of the criminal process.

3. On 18 May 2021, the Department of Financial Investigations of the State Audit Committee brought criminal proceedings against officials of the Tut.by media outlet, a limited liability company, under article 243 of the Criminal Code (Tax evasion). The company, which had been registered in the Hi-Tech Park since 2019, had used State support without justification, causing the State to incur losses on a very large scale. According to the Department of Financial Investigations, the losses are estimated to run to “millions of United States dollars”, and “around US\$ 500,000 in cash” was seized from company officials during the investigation procedures. In addition, the Department of Financial Investigations received “intelligence that Tut.by officials were planning to open an account with a Latvian bank in order to withdraw funds. The withdrawal of these funds would have made it much more difficult to recover damages for the offence committed, so the financial investigation authorities decided to act on the intelligence. Criminal proceedings for tax evasion were instituted as a result.”

On the basis of a notification from the Office of the Procurator General, the Ministry of Information decided to restrict access to the tut.by website and its mirror sites. The Office of the Procurator General had identified numerous instances in which prohibited information had been published on tut.by, in several different articles. In particular, the content in question included information published on behalf of Bysol, an unregistered foundation. Pursuant to article 38 of the Media Act, it is prohibited to disseminate information on a website on behalf of organizations that have not undergone State registration through the established procedure.

Beginning on 7 August 2020, on the basis of communications from State agencies, the Ministry of Information issued four warnings to tut.by for publishing information of which the dissemination is prohibited and misinformation harmful to State interests. It is notable that the editorial board publicly acknowledged the violations and made corrections to the texts of the articles. In accordance with the Media Act, the Ministry of Information applied to revoke the online media credentials of Tut.by. On 3 December 2020, the Minsk City Economic Court allowed the application; this decision was upheld in the courts of appeal and cassation.

In total, there are currently 1,922 media outlets registered in Belarus, of which 1,278 are not State-owned. There are 36 websites with online media credentials, of which 7 are not State-owned. Approximately 70 foreign journalists have permanent accreditation in the country, representing, inter alia, leading global media outlets such as the Xinhua (China), Rossiya Segodnya (Russia) and Deutsche Presse-Agentur (DPA) (Germany) news agencies, the All-Russia State Television and Radio Broadcasting Company (Russia), the British Broadcasting Corporation (BBC) (United Kingdom), France 24 (France) and Radiotelevisione italiana (RAI) (Italy) and *The New York Times* (United States of America), *El País* (Spain), *Frankfurter Allgemeine Zeitung* (Germany) and *Asahi Shimbun* (Japan).