

**Mandates of the Special Rapporteur on the situation of human rights defenders; the Special Rapporteur on the situation of human rights in Belarus and the Special Rapporteur on the rights to freedom of peaceful assembly and of association**

Ref.: AL BLR 9/2024  
(Please use this reference in your reply)

17 December 2024

Excellency,

We have the honour to address you in our capacities as Special Rapporteur on the situation of human rights defenders; Special Rapporteur on the situation of human rights in Belarus and Special Rapporteur on the rights to freedom of peaceful assembly and of association, pursuant to Human Rights Council resolutions 52/4, 55/27 and 50/17.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning **concerning the inspection of the Belarusian Helsinki Committee, the search of its office, its involuntary dissolution, and the designation of its online resources as extremist materials.**

**The Belarusian Helsinki Committee ("BHC")** is one of the oldest and most prominent human rights organisations in Belarus. Since 1995, it has been working on a wide range of human rights issues through legal aid, monitoring, analysis, reporting, and raising awareness about the human rights situation. Its work also includes advocacy, training, and organising campaigns.

We previously wrote to your Excellency's Government regarding the search at the BHC, intimidation against it, travel bans imposed on its member and the chairman of its Legal Commission, and arrest and detention of its chairman in communications dated 7 September 2021 ([BLR 8/2021](#)), 28 January 2011 (BLR 1/2011), 21 May 2012 ([BLR 2/2012](#)), and 22 December 2010 (BLR 1/2010). We acknowledge the replies from your Excellency's Government dated 23 November 2021 and 9 October 2012 and regret not receiving replies to communications BLR 1/2011 and BLR 1/2010.

We also previously raised concerns with your Excellency's Government on 30 June 2021 ([BLR 7/2021](#)) and 7 September 2021 ([BLR 8/2021](#)) regarding a series of raids of human rights organisations and the initiation of dissolution proceedings against scores of them, and on 15 December 2023 ([BLR 10/2023](#)) regarding the use of anti-extremism legislation to target another prominent human rights organisation, the Human Rights Centre Viasna, including by designating it and its regional subdivisions' online resources as extremist materials. We thank your Excellency's Government for its replies dated 2 September 2021 and 23 November 2021 and regret not receiving a reply to communication [BLR 10/2023](#).

According to the information received:

### *The inspection and office search*

On 6 July 2021, the Ministry of Justice initiated an inspection of BHC, requesting extensive documents and information on 30 sets of issues by 16 July 2021, citing the need to “verify compliance with legislation and the organisation’s charter”. BHC allegedly received the request on 8 July 2021.

On 14 July 2021, law enforcement agents conducted a search of BHC’s office in Minsk. None of BHC’s staff were present, and it remains unclear whether a warrant was issued. The search was part of a large-scale raid targeting the homes of human rights defenders and the offices of major human rights organisations across the country, described in communication [BLR 8/2021](#). After the search, BHC’s premises were sealed, leaving many of the requested documents inaccessible. The seal allegedly indicated that it was placed by the Ministry of Internal Affairs.

On 16 July 2021, BHC reportedly submitted the available documents, excluding those stored in the sealed office, and promised to provide the missing ones once their representatives gain access. Nevertheless, on 20 July 2021, the Ministry of Justice issued a warning, citing failure to provide all required documents. On 2 September 2021, the Supreme Court dismissed BHC’s appeal. It was BHC’s second warning that year. The first warning was reportedly issued in March or April 2021 because a required report was not submitted on time due to technical reasons.

### *The involuntary dissolution*

On 27 August 2021, the Ministry of Justice filed a lawsuit with the Supreme Court seeking the dissolution of BHC, accusing it of a “one-time gross violation of the law.” The Ministry alleged BHC submitted false information in its 2020 activity report, which stated zero income and expenditure, claiming to have evidence that BHC had signed contracts and made payments for presidential election observation. The Ministry filed for dissolution without first imposing lesser penalties. On 30 September 2021, the Supreme Court ordered the dissolution of BHC.

The Government in its response dated 21 November 2021 to communication [BLR 8/2021](#) maintained that the proceedings upheld the right to a fair and public hearing by a competent, independent, and impartial tribunal. However, the information received thereafter raises several concerns. It has been reported that the Ministry of Justice’s claims relied on copies of documents from a criminal investigation that was ongoing and had not been evaluated by the criminal prosecution authorities or the court at the time. Nevertheless, the Supreme Court accepted them as evidence and reportedly denied the defence’s motion to postpone the lawsuit until their evaluation in the criminal case. The court also refused to consider amicus curiae briefs prepared by international experts and the letter of the United Nations Permanent Coordinator in Belarus.

In accordance with Belarusian law, the Supreme Court decision became enforceable immediately and could not be appealed. BHC's supervisory appeal was reportedly denied.

The shutdown of BHC was part of a larger campaign to dissolve NGOs, with at least 1,838 organisations reported dissolved in Belarus between August 2020 and October 2024. Before its shutdown, BHC was one of the last three officially registered human rights organisations in the country, and the other two were liquidated within a week.

Under article 193-1 of the Belarusian Criminal Code, participating in or organising activities of a legally dissolved organisation is a crime punishable by a fine, arrest, or imprisonment for up to two years.

#### *The designation of online resources as extremist materials*

On 7 June 2024, the Zheleznodorozhny District Court in Gomel ruled to designate BHC's website and Facebook page "Belarusian Helsinki Committee. Human Rights in Belarus" as "extremist materials".

The decision was allegedly issued without prior notice and in the absence of BHC's representatives, denying them the opportunity to present a defence. The court decision was reportedly neither published nor communicated to BHC. The substance and grounds of the decision remain unknown. An appeal by BHC was reportedly impossible because the organisation had already been officially dissolved.

This designation has significant consequences for the organisation's ability to carry out its human rights work and for other online platforms and private individuals. According to article 19.11 of the Code of Administrative Offences, the distribution of extremist materials, as well as their production, publication, storage, or transportation for distribution, are punishable by a fine ranging from 10 to 500 base units (currently 400 to 20,000 BYN or approximately 116 to 5,807 EUR), community service, or administrative detention of up to 15 days. Courts allegedly treat each action as a separate offence and favour arrests over fines, which can for instance lead to several consecutive arrests for several reposts of "extremist materials". Additionally, "tools and means used to commit the offence", such as a device used for writing, saving, or sharing a publication, may be confiscated. Liability is allegedly sometimes applied retroactively, penalising actions involving materials later designated as extremist. Websites that include links to "extremist materials" additionally face the risk of being blocked or themselves labelled as extremist.

While we do not wish to prejudge the accuracy of these allegations, we are deeply concerned that the inspection of BHC and the search of its office were reportedly intended as harassment and interference with its human rights work. The involuntary dissolution appears to be a further effort to halt its activities entirely. The designation of its online resources as extremist materials appears aimed at silencing the organisation after it persisted in its work despite these pressures. We further note

that the proceedings related to the dissolution and designation of resources as extremist materials raise serious concerns about the respect of fair trial guarantees and equality before courts.

We are also alarmed that the search, involuntary dissolution, and misuse of counter-extremism legislation against BHC reflect a broader pattern of targeting and silencing civil society. We remain gravely concerned about its major implications for the enjoyment of human rights of all Belarusian citizens, who can no longer count on the support of many civil society organisations in cases where their rights are violated and cannot access and essential information about human rights.

We are concerned that the alleged facts appear to form part of the systematic crackdown on the freedom of association in Belarus and of large-scale human rights violations through application of the counter-extremist legal framework. We recall that these concerns have been raised in recent reports of the Special Rapporteur on the situation of human rights in Belarus ([A/78/327](#), [A/HRC/56/65](#)). We also recall that Special Procedures have repeatedly raised concerns about the vagueness of the Belarusian counter-terrorism and anti-extremism legal framework and its incompatibility with international human rights standards ([BLR 2/2021](#), [BLR 3/2022](#), [BLR 3/2023](#), [BLR 4/2023](#), [BLR 9/2023](#), [BLR 10/2023](#), [BLR 12/2023](#), [BLR 5/2024](#), [BLR 6/2024](#)). We wish to reiterate our call to your Excellency's Government to bring its counterterrorism and national security-related provisions, the Belarusian legislation on countering terrorism and extremism, and the related Criminal Code provisions into compliance with international law, including international human rights law standards.

In connection with the above alleged facts and concerns, please refer to the **Annex on Reference to international human rights law** attached to this letter which cites international human rights instruments and standards relevant to these allegations.

As it is our responsibility, under the mandates provided to us by the Human Rights Council, to seek to clarify all cases brought to our attention, we would be grateful for your observations on the following matters:

1. Please provide any additional information and/or comment(s) you may have on the above-mentioned allegations.
2. Please provide information on the legal and factual basis for the inspection, the search of premises, the warnings imposed on BHC, its dissolution, and the designation of its resources as extremist materials and explain how they are compatible with the obligations of your Excellency's Government under international human rights law.
3. Please provide information on measures taken by your Excellency's Government to ensure that human rights defenders and civil society organizations in Belarus are able to carry out their legitimate and peaceful work freely in an enabling and safe environment.

This communication and any response received from your Excellency's Government will be made public via the communications reporting [website](#) within 60 days. They will also subsequently be made available in the usual report to be presented to the Human Rights Council.

While awaiting a reply, we urge that all necessary interim measures be taken to halt the alleged violations and prevent their re-occurrence and in the event that the investigations support or suggest the allegations to be correct, to ensure the accountability of any person(s) responsible for the alleged violations.

We may publicly express our concerns in the near future as, in our view, the information upon which the press release will be based is sufficiently reliable to indicate a matter warranting immediate attention. We also believe that the wider public should be alerted to the potential implications of the above-mentioned allegations. The press release will indicate that we have been in contact with your Excellency's Government's to clarify the issue/s in question.

Please accept, Excellency, the assurances of our highest consideration.

Mary Lawlor  
Special Rapporteur on the situation of human rights defenders

Nils Muižnieks  
Special Rapporteur on the situation of human rights in Belarus

Gina Romero  
Special Rapporteur on the rights to freedom of peaceful assembly and of association

## Annex

### Reference to international human rights law

In connection with above alleged facts and concerns, we would like to draw the attention of your Excellency's Government to the following human rights standards.

We would like to refer your Excellency's Government to article 22 of the International Covenant on Civil and Political Rights (ICCPR), ratified by Belarus on 12 November 1973, which guarantees everyone's right to freedom of association with others.

Article 22(2) of the ICCPR provides that no restrictions may be placed on the exercise of this right other than those which are prescribed by law and which are necessary in a democratic society in the interests of national security or public safety, public order (*ordre public*), the protection of public health or morals, or the protection of the rights and freedoms of others. The UN Human Rights Committee explained the scope of article 22(2) in *Aleksander Belyatsky et al. v. Belarus* (CCPR/C/90/D/1296/2004, paragraph 7.3). It clarified that restrictions on the right to freedom of association must meet the following three requirements: (1) it must be provided by law; (2) may only be imposed to protect national security or public safety, public order (*ordre public*), public health or morals, or the rights and freedoms of others; and (3) must be "necessary in a democratic society" for achieving one of these purposes (*Id.*). The reference to the notion of "democratic society" indicates, in the Human Rights Committee's opinion, that the existence and operation of associations, including those which peacefully promote ideas not necessarily favourably received by the government or the majority of the population, is a cornerstone of a democratic society (*Id.*). The State party must demonstrate that the prohibition of an association is necessary to avert a real and not only hypothetical danger to national security or democratic order, and that less intrusive measures would be insufficient to achieve the same purpose (*Id.*).

As similarly emphasised in report of the Special Rapporteur on the rights to freedom of peaceful assembly and of association, the suspension and the involuntarily dissolution of an association are the severest types of restrictions on freedom of association (A/HRC/20/27, paragraph 75). As a result, it should only be possible when there is a clear and imminent danger resulting in a flagrant violation of national law, in compliance with international human rights law (*Id.*). It should be strictly proportional to the legitimate aim pursued and used only when softer measures would be insufficient (*Id.*). Suspension or involuntarily dissolution of associations should be sanctioned by an impartial and independent court (paragraph 100).

We also wish to refer to article 19 of the ICCPR, which requires the States parties to guarantee the right to freedom of expression, including the right to seek, receive, and impart information and ideas of all kinds regardless of frontiers. As interpreted by the Human Rights Committee in general comment No. 34 (CCPR/C/GC/34), such information and ideas include, *inter alia*, commentary on one's own and on public affairs and discussion of human rights (paragraph 11). All forms of expression and means of their dissemination are protected, including, *inter*

*alia*, all forms of audio-visual as well as electronic and internet-based modes of expression (paragraph 12).

Restrictions on the right to freedom of expression must be compatible with the requirements set out in article 19(3) of the ICCPR. This means that they must (1) be “provided by law”; (2) be necessary for respect of the rights or reputations of others or for the protection of national security or of public order (*ordre public*), or of public health or morals; and (3) conform to the strict tests of necessity and proportionality (paragraph 22). Restrictions must be applied only for those purposes for which they were prescribed and must be directly related to the specific need on which they are predicated (*Id.*). Article 19(3) may never be invoked as a justification for the muzzling of any advocacy of human rights (paragraph 23). Nor, under any circumstance, can an attack on a person, because of the exercise of his or her freedom of opinion or expression, including, *inter alia*, such forms of attack as arbitrary arrest, be compatible with article 19 (*Id.*). When a State party invokes a legitimate ground for restriction of freedom of expression, it must demonstrate in specific and individualised fashion the precise nature of the threat, and the necessity and proportionality of the specific action taken, in particular by establishing a direct and immediate connection between the expression and the threat (paragraph 35).

Any restrictions on the operation of websites, blogs, or any other internet-based, electronic, or other such information dissemination system, including systems to support such communication, such as internet service providers or search engines, are only permissible to the extent that they are compatible with article 19(3) (paragraph 43). Permissible restrictions generally should be content-specific; generic bans on the operation of certain sites and systems are not compatible with article 19(3) (*Id.*). It is also inconsistent with article 19(3) to prohibit a site or an information dissemination system from publishing material solely on the basis that it may be critical of the government or the political social system espoused by the government (*Id.*). We also wish to underline that in compliance with article 19(3) of the ICCPR, in order to prevent unnecessary or disproportionate interferences with freedom of expression, States parties should ensure that offences such as “extremist activity” are clearly defined (paragraph 46).

We would also like to refer your Excellency’s Government to article 14 of the ICCPR, which enshrines the right to equality before courts and tribunals and to a fair and public hearing by a competent, independent, and impartial tribunal established by law if the person faces any criminal charges or if their rights and obligations are determined in a suit at law. As interpreted by the Human Rights Committee in general comment No. 32 (CCPR/C/GC/32), the right to equality before courts and tribunals guarantees, among other things, equality of arms, and ensures that the parties to the proceedings in question are treated without any discrimination (paragraph 8). This means that the same procedural rights are to be provided to all the parties unless distinctions are based on law and can be justified on objective and reasonable grounds, not entailing actual disadvantage or other unfairness to the defendant (paragraph 13). Equality of arms also demands, *inter alia*, that each side be given the opportunity to contest all the arguments and evidence adduced by the other party (*Id.*). Fairness of proceedings entails the absence of any direct or indirect influence, pressure, intimidation, or intrusion from whatever side and for whatever motive (paragraph 25). The requirement of impartiality has two aspects (paragraph 21). First,

judges must not allow their judgement to be influenced by personal bias or prejudice, nor harbour preconceptions about the particular case before them, nor act in ways that improperly promote the interests of one of the parties to the detriment of the other (Id.). Second, the tribunal must also appear to a reasonable observer to be impartial (Id.).

We would also like to refer your Excellency's Government to article 17 of the ICCPR, which guarantees that no one shall be subjected to arbitrary or unlawful interference with their privacy, family, home, correspondence, or unlawful attacks on their honour and reputation. As emphasised by the Human Rights Committee in general comment No. 16 (HRI/GEN/1/Rev.9 (vol. I) p. 191), article 17 deals with protection against both unlawful and arbitrary interference (paragraph 2). In the Committee's view, the expression "arbitrary interference" can extend to interference provided for under the law and even interference provided for by law should be in accordance with the provisions, aims, and objectives of the ICCPR and should be, in any event, reasonable in the particular circumstances (paragraph 4). The term "home", as used in article 17, is to be understood to indicate the place where a person resides or carries out his usual occupation (paragraph 5). Searches of a person's home should be restricted to a search for necessary evidence and should not be allowed to amount to harassment (paragraph 8).

Furthermore, we would like to refer your Excellency's Government to the fundamental principles set forth in the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognised Human Rights and Fundamental Freedoms, adopted on 9 December 1998, also known as the UN Declaration on Human Rights Defenders. Articles 1 and 2 of the Declaration state that everyone has the right to promote and to strive for the protection and realisation of human rights and fundamental freedoms at the national and international levels and that each State has a prime responsibility and duty to protect, promote, and implement all human rights and fundamental freedoms.

Likewise, we would like to bring to the attention of your Excellency's Government the following provisions of the UN Declaration on Human Rights Defenders:

- Article 5(b), which provides for the right to form, join, and participate in non-governmental organisations, associations, or groups;
- article 6(a), which provides for the right to know, seek, obtain, receive, and hold information about all human rights and fundamental freedoms, including having access to information as to how those rights and freedoms are given effect in domestic legislative, judicial, or administrative systems;
- article 6(b) and (c), which provides for the right to freely publish, impart, or disseminate to others views, information, and knowledge on all human rights and fundamental freedoms; and to study, discuss, form, and hold opinions on the observance, both in law and in practice, of all human rights and fundamental freedoms and to draw public attention to those matters;

- article 9(1), which establishes that in the exercise of human rights and fundamental freedoms, including the promotion and protection of human rights, everyone has the right to benefit from an effective remedy and to be protected in the event of the violation of those rights;
  
- article 12(2) and (3), which provides that the State shall take all necessary measures to ensure the protection of everyone against any violence, threats, retaliation, de facto or de jure adverse discrimination, pressure, or any other arbitrary action as a consequence of their legitimate exercise of the rights referred to in the Declaration. In this connection, everyone is entitled, individually and in association with others, to be protected effectively under national law in reacting against or opposing, through peaceful means, activities, and acts, including those by omission, attributable to States that result in violations of human rights and fundamental freedoms, and acts of violence perpetrated by groups or individuals that affect the enjoyment of human rights and fundamental freedoms.