



General Assembly

Distr.: General
16 February 2021

Original: English

Human Rights Council

Forty-sixth session

22 February–19 March 2021

Agenda item 2

**Annual report of the United Nations High Commissioner
for Human Rights and reports of the
Office of the High Commissioner and the Secretary-General**

Note verbale dated 10 February 2021 from the Permanent Mission of Belarus to the United Nations Office at Geneva addressed to the secretariat of the Human Rights Council

The Permanent Mission of the Republic of Belarus to the United Nations Office and other international organizations in Geneva hereby submits to the secretariat of the Human Rights Council information from Belarus regarding the report of the United Nations High Commissioner for Human Rights (A/HRC/46/4) (see annex).

The Permanent Mission requests that the annex* be published as a document of the Human Rights Council, in all official languages of the United Nations, under agenda item 2.

* Reproduced as received.



Annex to the note verbale dated 10 February 2021 from the Permanent Mission of Belarus to the United Nations Office at Geneva addressed to the secretariat of the Human Rights Council

[Original: Russian]

Position of the Republic of Belarus on the report of the United Nations High Commissioner for Human Rights on the situation of human rights in Belarus

Belarus regards Human Rights Council resolution 45/1 as an instrument of political pressure on the State, as indeed is the case with all previous such Council resolutions, which have dealt selectively with the human rights situation in Belarus.

Belarus does not consider it possible to work within the framework of such instruments, which seek to influence the development of a sovereign State by imposing an arbitrary and one-sided reading of international human rights obligations.

On 3 December 2020, Belarus sent the following information to the Office of the United Nations High Commissioner for Human Rights (OHCHR) to be taken into account in the preparation of its report (A/HRC/46/4) for the Council's forty-sixth session, as requested in Council resolution 45/1.

Belarus trusted that its position on the substance of the matter under consideration would be fairly reflected in a report of an independent United Nations official. Unfortunately, the State's position has not been reflected in the OHCHR document.

Right and opportunity to vote and to be elected at genuine periodic elections which shall be by universal and equal suffrage and shall be held by secret ballot, guaranteeing the free expression of the will of the electors

The Constitution of Belarus and electoral legislation embody all the principles set out in article 25 (b) of the International Covenant on Civil and Political Rights. The President is elected on the basis of universal, free, equal and direct suffrage by secret ballot.

The presidential election held in Belarus on 9 August 2020 was conducted in full compliance with the current Constitution and electoral law. According to the Central Electoral Commission of Belarus, the incumbent President, Mr. Aleksandr Lukashenko, won the election. There are no legitimate grounds for refuting the Commission's findings.

Belarus acted in good faith and in full compliance with its obligations, inviting international partners to take part in the elections as observers, including the Parliamentary Assembly of the Council of Europe and the Office for Democratic Institutions and Human Rights (ODIHR) of the Organization for Security and Cooperation in Europe (OSCE).

No time frame for inviting observers is specified anywhere in the broad array of OSCE commitments. Given the complex epidemiological situation in the country and in the OSCE region, these invitations were extended later than usual. ODIHR has been able to set up and deploy observation missions to a number of other OSCE participating States within a similarly short time frame and only to Belarus has it refused to send such a mission.

At the same time, other international partners – the Executive Committee of the Commonwealth of Independent States and representatives of the States concerned – were able to effectively organize observation missions for the elections in Belarus.

The observer mission from the Commonwealth of Independent States accredited 184 observers. There were 25 long-term observers. Their activities were coordinated by the mission headquarters in Minsk.

The mission confirmed the conclusion reached on the results of the presidential election held on 11 October 2015 that electoral law in Belarus complies with the generally

recognized rules of international law on the organization and conduct of elections and provides a sufficient legal basis for the free and democratic conduct of elections.

The Commonwealth of Independent States observer mission has concluded that the 9 August 2020 election was conducted in accordance with the Constitution and the Electoral Code of Belarus, that it was open and competitive and that it ensured the free expression of the will of the citizens of Belarus.

Diplomats working in Belarus, 64 in total, were invited to participate in the international monitoring as short-term observers. A total of 53,868 national observers were accredited for the elections, including representatives of all political parties and dozens of voluntary associations.

With regard to the ODIHR recommendations contained in the final report of the 2015 presidential election observation mission to Belarus, the Central Electoral Commission set up an inter-agency expert working group to review them. Proposals for improving the electoral process in Belarus were put forward on the basis of the analysis carried out. In particular, the procedure for counting ballots was standardized, making the process more transparent to observers, and authorization was given for holding parliamentary election campaign events in any suitable location with the exception of certain places where public events are prohibited by law.

During the election campaign, special attention was paid to disseminating information to voters widely so that they could make informed choices. Mobile applications were also introduced to help voters to find their polling stations and contact poll clerks as well as to learn about the candidates. The establishment of a voter register and other information systems is under consideration.

A number of measures have been developed to facilitate independent voting by blind persons and other voters with disabilities. During the 2020 election campaign, the Ministry of Health and health-care providers organized ballots for voters with coronavirus disease who were being treated at home.

Pre-election and post-election situation in Belarus

Investigations into the factors that led to the mass unrest in Belarus between 9 and 12 August 2020 indicate that the events were not spontaneous. Long before the political campaigns for the election of the country's parliament and president, specialized channels were set up on the Telegram messaging service with a clear division of roles and objectives aimed at discrediting the State authorities with fake news and fraudulent claims. Every effort was made to win hearts and minds virtually through false media content and to convince people that the results of the elections would be fraudulent and the current authorities would lose.

Led by Telegram channels, individual groups of citizens began preparing for a so-called protest, which was not intended to be peaceful, even before the polls closed on election day, 9 August 2020. Aggression and a readiness to organize street fights were evident in the messages that were broadcast by the administrators of these channels. These citizens were not interested in the true outcome of the election.

The protests between 9 and 12 August featured the use of makeshift devices, including sticks, stones, barricades and vehicles, or devices prepared in advance, such as Molotov cocktails. The administrators of the unauthorized mass actions promoted and encouraged violent resistance to officers who were lawfully seeking to put an end to the breach of the peace.

The aim of those who manipulated the citizens who took to the streets was to create chaos for the subsequent seizure of power.

One of the most unfortunate consequences of the aggressive actions was the physical harm done to the participants in the events by both the protesters and law enforcement officers.

The unsuccessful attempt at a quick physical seizure of power made it necessary to enact the next drawn-out scenario of destabilizing the Belarusian State, in which the self-appointed institutional structures played a special role.

These structures, baselessly billing themselves as representatives of the overwhelming majority of citizens of Belarus, prepared and made statements about alleged falsification of the presidential election results by officials and representatives of the authorities and numerous violations of the electoral law of Belarus, about the loss of confidence by the people of Belarus in the authorities and administration and about the beginning of the process of transferring power from the incumbent Head of State.

The self-appointed “leaders” are completely detached from the population of Belarus. Their only link is the Telegram channels themselves, which convince the Belarusians who come under their influence that such people are looking out for their interests. However, the calls of these would-be “leaders” for sanctions against Belarus and for the undermining of State institutions clearly suggest otherwise.

The economic sanctions advocated by the foreign-backed “leaders” aim to undermine normal economic activity in the country, which will inevitably have a negative impact on all segments of the population and the possibility of realizing economic and social human rights.

In accordance with article 3 of the Constitution, the only source of State power and the holder of sovereignty in Belarus is the people. The people exercise their power directly, through representative and other bodies, in the forms and within the limits determined by the Constitution. Any actions aimed at changing the constitutional order and achieving State power by violent methods, or through any other violation of the laws of Belarus, are punishable by law.

The Coordination Council is not a representative body provided for by the Constitution of Belarus. The make-up of its membership is left to the discretion of the persons who represent the interests of the self-appointed “leaders”. Therefore, this council cannot speak on behalf of the Belarusian people, make statements on behalf of the majority of the Belarusians or provide alternatives to the government institutions established pursuant to the country’s Constitution and laws.

Belarus encounters considerable outside interference in its internal affairs in the guise of concern for human rights. Under these conditions, the authorities are taking the necessary steps to maintain socioeconomic and domestic political stability in the country and to ensure national security.

Law enforcement officers are appropriately dealing with the situation, taking into account the requirements of national legislation, including the Criminal Code, the Code of Administrative Offences and the Act on Public Events in the Republic of Belarus of 30 December 1997 (the Public Events Act).

Measures to promote national dialogue

In June 2020, the President announced his intention to enact constitutional reform by 2022. A working group led by the Deputy President of the Constitutional Court was established to implement such reform. Several working versions of the country’s basic law have been prepared.

Given the fact that social processes in Belarus have intensified since the 9 August presidential elections, constitutional reform has become part of a broad national dialogue, which has been organized in the form of face-to-face, online, round-table and plenary discussions.

Such forums for discussion were launched in October 2020 and are held throughout the country with the participation of heads of government agencies, deputies at all levels and representatives of voluntary organizations. The participants in these forums are discussing, along with constitutional reform, party-building, increasing the role of local self-government, youth policy and social, economic, health-care and other issues.

Several proposals from voluntary, workers’ and citizens’ associations have been put forward at these forums, including regarding changes to the Constitution. Following the

results of the discussions, the proposals put forward at the forums will be sent to a steering committee in preparation for the meeting of the Belarusian People's Assembly.

The Belarusian People's Assembly is a special form of democracy in Belarus; it is a democratic institution that gives the citizens of Belarus an added opportunity to exercise the right to participate in the affairs of State not only through elections at different levels and referendums but also through the activities of the parliament and local councils of deputies and communication with the elected officials.

The nationwide forum is attended by delegates from every region of the country: representatives of all branches of government; all spheres of industry and business, science and education, health and culture; and students and veterans. These prominent people – specialists in their professions and leaders ready to express their position on pressing issues and make proposals – are nominated and elected in workers' associations and at public meetings.

The Belarusian People's Assembly has been held on five occasions (in 1996, 2001, 2006, 2010 and 2016). Representatives of the diplomatic corps, Belarusians living abroad, international organizations and foreign guests have been invited to participate in the Belarusian People's Assembly.

Preparations are currently under way for the next Belarusian People's Assembly to be held on 11–12 February 2021. The agenda of the meeting will consist of two broad thematic clusters: issues involving the country's socioeconomic development and its sociopolitical development, including proposals for constitutional reform. The delegates will also discuss the country's socioeconomic development programme for the coming five years.

The preparations for the Belarusian People's Assembly include measures to ensure that representatives of all segments of society, all social and professional groups and the voluntary organizations concerned take part in the Assembly. A plurality of views is intended to ensure the success and impact of future discussions.

Response to the efforts to undermine national security and public order in Belarus

The Constitution of Belarus guarantees the freedom to hold assemblies, rallies, marches, demonstrations and pickets. The restriction of individual rights and freedoms is permitted only in the cases specified by law, in the interests of national security or public order or the protection of public morals or health or of the rights and freedoms of others. Such restrictions are not contrary to the Universal Declaration of Human Rights or the International Covenant on Civil and Political Rights, which state that restrictions on assemblies may be imposed by law in the interests of national security and public safety.

The procedure for organizing and holding assemblies, rallies, demonstrations and other public events is set out in the Public Events Act. Citizens taking part in such events must strictly abide by the prohibitions and restrictions that have been imposed as well as the procedures for organizing and holding public events. In order to prevent breaches of the law on public events, participants are informed in advance by officials from the internal affairs agencies, including by means of loudspeakers, that violations of the law will not be tolerated and that violators will be prosecuted and physical force or restraints may be used against them.

Persons who continue to violate procedures are subject to the penalties provided for by law.

Ignorance of the law or specific provisions of laws or regulations will not exempt a person from liability or the use of enforcement measures. In order to perform the tasks entrusted to them, militia officers have the right to demand that citizens observe public order, to check their identity documents if they suspect that they have committed offences and to temporarily restrict or prohibit the movement of vehicles and pedestrians along roads (or separate sections of the road) and access of citizens to certain areas and facilities. In addition, an officer of the internal affairs agencies has the right to require citizens to leave a certain place for the purposes of taking investigative action or ensuring public order and personal and public safety. The conditions and limits for the use by officers of physical force, restraints,

weapons and military and special equipment, including during public events, are established by law.

The lawful demands of an internal affairs officer are binding on all citizens. Non-compliance with such demands or other actions aimed at preventing officers from performing their assigned tasks, offences or threats against the life, health, honour, dignity or property of an officer of internal affairs agencies or the commission of such offences against his or her relatives in connection with the performance of official duties by the officer are subject to the penalties provided for by law.

According to the National Medical Response Centre, to date, unlawful acts committed since 9 August have resulted in 2,697 persons being injured, 480 of whom were hospitalized. A total of 205 law enforcement officers had previously sought medical assistance, 43 of whom had been hospitalized.

The Belarusian investigative authorities are taking action in connection with criminal offences involving mass disturbances, deliberate destruction of and damage to property, resistance, violence and threats of violence against officials in the performance of their duties, illegal acts involving incendiary devices and deliberate obstruction of transport services.

There have been recorded cases in which railway lines were blocked, which, under certain circumstances, can cause bodily injury to passengers and damage to cargo carried.

Since 10 October 2020, 140 cases of blocking the movement of railway trains by placing metal wires on the rails have been recorded.

Between August 9 and 23 November 2020, more than 1,000 prosecutions were brought for criminal offences. Based on the evidence collected by the investigators in conjunction with other law enforcement agencies, 97 persons have already been identified as suspects in criminal cases, 332 of whom have been charged, and 238 have been remanded in custody as a preventive measure. Many of the persons have repeatedly been in conflict with the law and committed offences, and 148 persons of the total number of suspects (or accused) have previously been convicted of crimes.

To date, 128 criminal cases have been referred to the procurator's office for a subsequent trial.

All decisions to institute criminal proceedings, to detain persons on suspicion of committing a crime, to charge them and to impose a preventive measure commensurate the offence committed and the accused person's character are taken in accordance with the law, provided that there are relevant reasons and sufficient grounds for doing so.

Complaints and applications

The regional procurator's offices have received 365 complaints and applications during the post-election period as of 23 November 2020, mostly about the use of violence by law enforcement officers. Of these, 7 have been dismissed without consideration of the merits, 9 given explanations, 5 returned to the applicants for non-payment of State fees, 4 pending consideration and the remaining 340 referred for consideration to the appropriate investigative agencies, depending on their nature.

The Procurator General's Office has received 238 appeals (including collective appeals) from individuals and legal entities regarding compliance with the law at the public events in Belarus that took place during and after the election campaign. The overwhelming majority of the applications have been referred to regional and Minsk city prosecutor's offices, the Investigative Committee and the Ministry of Internal Affairs.

The Procurator General's Office has provided replies in explanation of the procedures and the appropriate authorities for addressing issues of concern.

The pretrial investigation agencies have received 4,644 applications (communications) concerning the use of physical force and restraints by internal affairs officers during the quelling of the unauthorized protests.

Each such application has been registered. The Investigative Committee conducts investigations into all cases in strict compliance with the legislation in force.

Pre-trial investigation officers are comparing incoming applications against criminal justice data. To date, in dozens of cases, it has been established that the so-called victims have been implicated in criminal cases involving breaches of the peace and violence against public officials. Thus, 49 persons from among the applicants have been named as criminal suspects (or accused of crimes). Almost 800 persons have been held administratively liable for participation in the unauthorized events. More than 337 persons had prior convictions.

It was decided with respect to more than 1,050 applications not to bring criminal proceedings.
