



Extremism and media



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Introduction

The Reporters Without Borders World Press Freedom Index 2023 interactive global map has assigned Belarus a disconcerting dark red colour, indicating a "very serious" threat to the free operation of media and journalists in the country. The evaluation of the Index is based on several factors, including political, economic, and socio-cultural contexts, legal regulations, and security levels. According to the experts involved in the assessment, Belarus ranks 157th out of 180 possible countries, on par with Palestine and Nicaragua. This assessment reflects the current state of media freedom in Belarus, which is regrettable.

For over three years, the government of Belarus has been implementing an extensive policy to suppress independent journalism. It evidently perceives media capable of informing the public about events in the country as a direct threat to its "existence". This policy takes different forms, each raising serious concerns regarding human rights standards and media freedom. The use of "anti-extremism measures" has become one of the most convenient and favoured tools of the government's repressive policy against independent journalism. The state has essentially equated "extremism" with "independent media", leading to criminal cases against media representatives, their inclusion in "extremist" and "terrorist lists", arbitrary designation of editorial offices as "extremist formations". Independent media publications are labelled as "extremist material", with access to their online resources blocked. Moreover, audience interaction with these media is prohibited under the threat of administrative and criminal liability.

Given the significant role of "anti-extremism policy" in shaping the media landscape in Belarus, this report aims to analyse the legal regulation of combating extremism and its current application concerning independent media and their representatives. The starting point for this analysis is the international standards of human rights and freedoms, which serve as the key benchmark for any democratic state under any circumstances.

Part 1. International law and extremism

The study of state policies designed to counter extremism raises a fundamental question regarding the legal boundaries and conceptual framework of this phenomenon. Before determining how a state should confront extremism, it is crucial to define precisely what the state is countering. What constitutes extremism in legal terms? However, answering this question is challenging.

Despite the increasing significance of the concept of extremism on the international stage in recent decades, and calls by the [UN Security Council](#) and [UN Secretary General](#) for states to take measures against this issue, there remains no clear definition of extremism in international law. Furthermore, no universal international treaty currently mentions extremism, consequently not stipulating any state obligations in this regard. This indicates that international law does not explicitly mandate states to counter this problem.

However, establishing a legal definition of extremism would lay the foundation for clear legal standards. Nevertheless, even without a legal obligation to define extremism, international soft law instruments still lack a clear definition of the term. For instance, the UN [Plan of Action](#) to Prevent Violent Extremism acknowledges that

extremism is a “diverse phenomenon, without clear definition”.

Similarly, the [report](#) by the High Commissioner for Human Rights describes extremism as a “phenomenon that is difficult to fully grasp”. Notably, these documents affirm the prerogative of member states to independently define extremism in their national legislation. This approach may result in varying and potentially harmful interpretations of extremism since there are no well-defined international standards available to guide states in regulating extremism.

Notwithstanding the absence of a universally recognized definition of extremism, international law furnishes a framework that can guide states in the development of their own definitions. This framework, which encompasses both obligatory and recommendatory international legal acts, lays down the parameters that national definitions of extremism ought to abide by. At a minimum, this implies that anti-extremism measures should conform to other international legal obligations, including human rights obligations, while delineating boundaries that states must not transgress. This report will

touch on key elements of this "framework", through which Belarus's "anti-extremist" policy will be analyzed.

Violent extremism as a breeding ground to terrorism

Upon analyzing the reasons behind the rise of extremism as a global concern, it becomes evident that there is a strong correlation between extremism and terrorism. The United Nations (UN) recognized this connection in 2006 through the adoption of the Global Counter-Terrorism [Strategy](#), which emphasized the importance of "addressing conditions conducive to the spread of terrorism" as a critical step in fighting it. The UN Security Council later highlighted the fact that violent extremism could serve as a "fertile breeding ground" for terrorism and called for measures to be taken against it. It is important to note (a detail not previously mentioned, despite its fundamental importance) that the discussion pertains to violent extremism that feeds into terrorism. The Security Council [lists](#) "preventing radicalization, recruitment, and mobilization of individuals into terrorist groups and becoming foreign terrorist fighters" as some of the actions that can be taken to counter violent extremism.

Thus, speaking of extremism in the international legal context, we refer not to a vague "adherence to extreme views and measures" but rather to phenomena inherently linked to violence and terrorist activity. Moreover, the UN [Plan of Action](#) to Prevent Violent Extremism asserts that "terrorist groups like the Islamic State of Iraq and the Levant (ISIL), Al-Qaeda, and Boko Haram shape the understanding of violent extremism". In light of this, it is clear that states should concentrate exclusively on violent extremism that leads to terrorism when developing national strategies to counter extremism.

It is also important to consider that establishing a link between extremism and terrorism does not resolve all difficulties in defining extremism. In particular, it should be noted that international law also lacks a universal definition of "terrorism". However, unlike extremism, there are international treaties stipulating obligations in this area. Despite recognizing that "extremism is regarded as being broader" than that of terrorism, a clear distinction between these terms has not yet been made, which is logical, given their lack of universal definitions. Nevertheless, understanding that the idea of countering violent extremism emerged within the global counter-terrorism strategy allows for some significant conclusions regarding policy actions in this direction.

Addressing factors that contribute to violent extremism

While the direct fight against terrorism mainly [focuses](#) on "steps taken by law enforcement, military or security measures", countering violent extremism extends "beyond these concerted actions". This policy emphasizes systematic preventive measures addressing factors that foster violent extremism. The UN Plan of Action identifies several such factors, including lack of socioeconomic opportunities, marginalization and discrimination, poor governance, violations of human rights and the rule of law, prolonged and unresolved conflicts, and radicalization in prisons due to harsh treatment.

Investigating the root causes of violent extremism dictates the most effective courses of action for states to counter it. Specifically, The Plan of Action urges states to take concrete measures that address these factors, such as community engagement, expanding opportunities for young people, and promoting gender equality. Furthermore, it is critical to prioritize human rights compliance which is crucial for integrating individuals and communities most vulnerable to involvement in violent extremism. This involves eliminating impunity for human rights violations and consequently establishing an independent judiciary.

Ultimately, a state's "fight" against violent extremism should primarily focus on systemic actions within state institutions that promote sustainable dialogue with citizens, particularly those who are most vulnerable. By cultivating functioning democratic institutions that allow citizens to voice their needs and interests without resorting to violence, a state can reduce the appeal of violent extremism.

Counter-extremism policy and human rights

As mentioned earlier, respecting and ensuring human rights is crucial to effectively implementing a policy to counter extremism, and conversely, violent extremism poses a threat to these rights and freedoms. The UN High Commissioner for Human Rights, in his Report, [emphasized](#) that "the impact of violent extremism on human rights cannot be underestimated in view of the shocking brutality perpetrated on a daily basis" highlighting the obligation of states "to protect all individuals within its territory and those subject to its jurisdiction from violence". Therefore, the implementation of a policy against violent extremism can be seen as part of fulfilling a state's international human rights obligations. However, the threat of violence from extremist organizations does not give states carte blanche to adopt any anti-

extremist measures under the guise of “protecting human rights”. Ensuring “national security” should not be considered by the state as a higher priority than fulfilling its obligations regarding human rights.

Thus, another significant element of the “framework” of international law is strict compliance of any “anti-extremist” measures with the state's human rights obligations. In developing and implementing policy in this area, the state must ensure that its actions do not contradict established international standards, including the provisions of the [International Covenant on Civil and Political Rights](#). Particularly, given the focus of this report, when countering extremism in media activities, close attention should be paid to the standards of freedom of expression, as regulated in Article 19 of the Covenant.

Freedom of expression is not absolute and there are permissible limits to this right. However, any restriction imposed by the state must be lawful, pursue one of the listed legitimate aims, and be necessary for achieving the stated aim, as stipulated in Article 19 (3). In this context, the notion of “law” should be clarified to mean that any legislative provisions [must be formulated](#) with sufficient precision to provide state representatives with guidance for their implementation and enable individuals to regulate their conduct accordingly. Therefore, in developing definitions of “violent extremism” at the national level, states must ensure these definitions are unambiguous and contain sufficient criteria for a clear understanding of the regulation subject.

In addition, when considering the pursuit of a legitimate aim, it is important to remember that Article 19 of the Covenant outlines a definitive list of legitimate aims, with national security being one of them. However, just because violent extremism poses a threat to international peace and security, it does not justify any restriction on freedom of expression in the guise of “combating violent extremism” being a legitimate aim for protecting national security. According to the [Johannesburg Principles](#), the state can invoke “national security” only if there is a direct and immediate connection between the expression inciting violent acts and the likelihood or occurrence of such violence. Moreover, even if such a link exists, the state-imposed restriction must conform to the principle of proportionality and be the least restrictive measure necessary to safeguard the related interest.

Therefore, despite the lack of a universal understanding of violent extremism, international law establishes a certain “framework” that states must follow in implementing national policy. This framework comprises the following essential elements:

- // State policies should aim to prevent violent extremism that leads to terrorism.
- // To counter violent extremism, states should primarily implement systematic preventive measures targeting the factors that contribute to extremism.
- // Any "anti-extremist" measures must strictly adhere to states' international obligations to respect, ensure, and protect human rights.

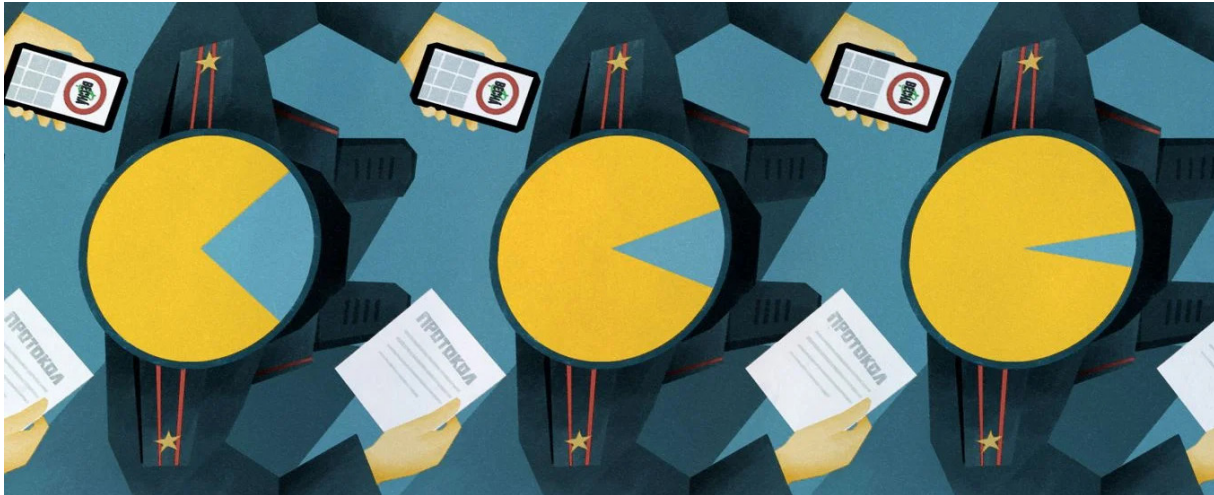


Illustration
Mary Tolstova / Mediazona

Part 2. Belarus and extremism

Chapter 1. The concept of "extremism" in Belarusian legislation

Before delving into the national legislative regulation of "anti-extremist policy", it is necessary to focus on some international commitments made by the Republic of Belarus. Specifically, we will examine the treaties within the Shanghai Cooperation Organization (SCO) dedicated to combating extremism.

SCO international agreements and "extremism"

In July 2023, Belarus officially joined several international treaties within the SCO framework. Of particular relevance to this report are the 2006 [Shanghai Convention on Combating Terrorism, Separatism, and Extremism](#), and the 2017 [SCO Convention on Combating Extremism](#). While there are no universal treaties on extremism at the international level, these SCO Conventions can be considered regional international treaties.

It's worth noting that both Conventions should be read in conjunction, as the latter expands upon the understanding of extremism developed in the former. According to the 2017 SCO Convention,

"extremism" refers to ideology and practices aimed at resolving political, social, racial, national, and religious conflicts through violent and unconstitutional actions.

One observation to note is that the Convention uses the term "extremism" instead of "violent extremism". What is more, compared to the 2006 Shanghai Convention, which defined extremism exclusively through the lens of violent actions, the new definition broadens the understanding of extremism to include "other unconstitutional actions", implying that non-violent actions can also be considered extremist. The 2017 Convention also lists a wide range of "extremist acts", including public calls for extremist acts, which must be criminally prosecuted by member states. However, there are concerns about the compatibility of the Convention with states' obligations to respect freedom of speech, as it criminalizes expressions of opinion without requiring a link between the "call" and the risk of violence.

Furthermore, even this definition of "extremism" provided by the 2017 SCO Convention does not limit the state in adopting an even more vague definition at the national level. According to Article 2, paragraph 2, of the Convention, the defined terms "shall be without prejudice to any ... national legislation

which contain ... a provision on a wider application of terms and concepts used in this Article". Therefore, Belarus's accession to these Conventions doesn't oblige the state to limit its definition of "extremism" to the limits contained in this treaty gives it the ability to establish its own definition of extremism that may differ from the international treaty. On the other hand, it's essential to emphasize the negative aspects of the current situation. The vague definition of extremism outlined within the SCO Convention has become the "official" international standard that Belarus is committed to follow. As such, while Belarus may potentially expand upon the concept of extremism, it is not permitted to restrict or narrow its interpretation.

The Law on Countering Extremism

Since 2007, Belarus has implemented the [Law on Countering Extremism](#), providing a legal foundation for the state's anti-extremist policy. Notably, the law's objectives do not explicitly include preventing terrorism. This is significant considering the international legal framework, which suggests that states should view extremism primarily in the context of its association with terrorist activity.

Additionally, while Article 3 of the law prioritizes "recognizing and protecting citizens' rights and freedoms", it also includes the principle of "prioritizing the national security of the Republic of Belarus". This prioritization of national security over human rights raises concerns about the potential for abuses in the enforcement of anti-extremist policies.

However, among the fundamental principles of the law is the "priority of preventing offences aimed at identifying and addressing the causes and conditions that contribute to extremist activities". The international legal framework recognizes the importance of preventive measures aimed at addressing the root causes of extremism, making the regulation of this principle a positive development. Yet, despite this regulation, further examination of the law reveals that it does not substantially address the topic of preventive measures. Instead, the key focus of the anti-extremist policy is on measures to counter extremism, mainly related to responsibility for extremist activities.

Definition of "extremism"

To analyze the Law on Countering Extremism, it is essential to understand its definition of "extremism" as stated in Article 1. This definition describes extremism as

activities that involve planning, organizing, preparing, and committing assaults on the independence, territorial integrity, sovereignty, foundations of the constitutional order, and public safety.

This definition uses the term "extremism" instead of "violent extremism" and includes overly broad and vague concepts without any reference to violent actions. Therefore, it lacks a framework that would ensure its consistent application and enable citizens to understand the boundaries of permissible behavior. In contrast, the Constitutional Court of the Republic of Belarus, evaluating the constitutionality of the updated 2021 version of the Law on Countering Extremism, defines extremism as an "ideology and practice of intolerance and hatred, admitting the use of extreme measures to achieve unlawful goals". Although imperfect, this concept at least mentions criteria of "hatred and intolerance" and "use of extreme measures" (which could be a distant reference to violence). However, even with this more restrictive understanding of extremism, the Constitutional Court found no contradictions between the Constitution and the analyzed law.

It is important to note that the definition of "extremism" within the law encompasses a wide range of non-violent actions, including those directly linked to freedom of expression. These actions include discrediting the Republic of Belarus, insulting authority figures, inciting hatred, advocating exclusivity, superiority or inferiority, distributing extremist materials, and publicly calling for illegal rallies. Importantly, the qualification of these deeds does not require any proof of a causal connection between the expression and subsequent violence.

Furthermore, the terms "extremist organization/group" and "extremist materials" are inherently linked to the vague and ill-defined concept of "extremism". As a result, this concept lacks a coherent definition, leading to overly broad interpretations of these terms that contradict Article 19 of the Covenant, which sets out the criterion for the legitimacy of restrictions on freedom of expression. This poses a significant risk of violating individuals' freedom of expression.

In conclusion, the Law on Countering Extremism is based on a fundamentally different understanding of extremism than that defined by international law on violent extremism. This law contradicts international standards of freedom of expression, and its broad interpretation provides the state with unlimited power to apply "anti-extremist measures" for any political purposes.

Chapter 2. The implementation of "anti-extremist" measures on media, journalists, and their audience

Belarusian legislation has implemented various measures to combat "extremism", which are used, inter alia, to persecute independent media, their readers, and other interacting entities. These measures include:

- 1. // Declaring media content as "extremist materials".
- 2. // Designating media and media organizations as "extremist formations".
- 3. // Criminal prosecution for "extremist activity".
- 4. // Inclusion in lists of individuals involved in "extremist" and "terrorist" activities, followed by restrictions on rights.

We will explore each mechanism below and the effects of their application on independent media, their representatives, and audiences.

1. Status of "extremist materials"

"The conduct of an examination of the materials is deemed impracticable due to the manifest clarity of the statements".



Infographic

The first component of the "anti-extremist" policy involves declaring media resources as "extremist materials" and blocking them. This enables the prosecution of other distributors and consumers of the content of these media for administrative responsibility and subsequent prohibition of the media's activities.

In the first half of 2023 alone, about 700 materials were declared "extremist". From July to September 2023, resources from **at least ten media outlets** were added to the "extremist materials" list. Mirror websites of online media, accounts on all social networks, and any public pages are blocked based on the detection of "signs of extremism" in separate individual materials, completely cutting off access to the media and its products. The possibility of such extensive persecution is the result of the legal regulation and arbitrary law enforcement practices described below.



Illustration
Mary Tolstova / Mediazona

A. Definition of "extremist materials"

According to the Law on Countering Extremism:

"Extremist materials" are symbols, attributes, and informational products intended for public display, use, or distribution — or already distributed "for involvement in extremist activity and its propaganda".

First, the Law and its clarifying Regulation on the assessment of symbols, attributes, and informational products (hereafter the Evaluation Regulation¹) collectively cover **all possible forms of expressing opinions**. This includes text, video, and audio materials, images, chatbots, and entire websites—encompassing logos, watermarks, names of media, and portraits of individuals convicted under "extremist" articles. Second, the definition of "extremist activity" used in the Law is prone to arbitrary interpretation quite vulnerable, calling into question the compliance of the regulation on recognizing "extremist materials" with the "legality" criterion established by Article 19 of the Covenant. The initially broad and abstract definition of "extremist activity" is compounded by additional broad concepts like "propaganda of extremist activity", requiring clear criteria for evaluation to

¹ Approved by the Resolution of the Council of Ministers of the Republic of Belarus dated 12.10.2021 N 575

avoid arbitrary restrictions on freedom of expression. Such criteria are not provided in the legislation.

! The concept of “extremist materials” in its present form does not meet the requirement of clarity and predictability of regulation. It is not possible to clearly define which content can be deemed “extremist”.

B. “Countering the propaganda of extremism and the distribution of extremist materials”

i. Countering the distribution of materials not yet recognized as “extremist”

The Law on Countering Extremism in Belarus provides measures against potentially dangerous products that are not yet recognized as “extremist materials” but contain “calls for an extremist activity or its propaganda²”. Entities involved in countering extremism listed in Article 6 of the Law, including internal affairs and state security bodies, the prosecutor’s office, and the Investigative Committee are authorized³ to seize and confiscate such materials. However, there is a lack of clear criteria justifying such measures before experts declare them “extremist”. For digital media, the law permits the blocking of internet resources by the decision of the General Prosecutor, the Regional Prosecutor or the prosecutor of Minsk city on similar grounds⁴. Thus, access to an entire internet resource can be restricted extrajudicially based on the prosecutor’s decision, even before legal proceedings to recognize the materials as “extremist”.

The owners of blocked resources are notified post-facto⁵ without the chance to participate in the decision-making process. The list of blocked identifiers is also not public and is accessible⁶ only to specific authorized bodies and news aggregators.

The [report](#) made by the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression serves as a reminder that

the blocking of resources is a violation of state obligations when carried out without clear regulation, a procedure that weighs the interests of all involved parties, and subsequent judicial control.

² Article 19 of the Law of the Republic of Belarus dated 04.01.2007 N 203-Z “On Countering Extremism”

³ Article 19 of the Law of the Republic of Belarus dated 04.01.2007 N 203-Z “On Countering Extremism”

⁴ Article 51—1 of the Law of the Republic of Belarus dated 17.07.2008 N 427-Z “On Mass Media”

⁵ Paragraphs 6, 8 of the Regulations on the procedure for restricting (restoring) access to an internet resource, network publication, news aggregator, approved by the Resolution of the Operational Analytical Centre under the President of the Republic of Belarus, the Ministry of Communications and Informatization of the Republic of Belarus, the Ministry of Information of the Republic of Belarus dated 03.10.2018 N 8/10/6

⁶ Ibid.

The complete blocking of websites is often deemed an excessive measure, and lacking proper procedure, it unequivocally contradicts⁷ the state's obligations regarding the freedom of expression.

! The existing extrajudicial procedure for blocking resources that are deemed to be spreading calls for "extremist activity" or its propaganda, as determined by the prosecutor, is arbitrary and undermines the freedom of expression standards.

ii. Procedure for recognizing materials as "extremist":

Under Belarusian legislation, the determination of materials as "extremist" does not involve media representatives as parties with legal rights and interests needing protection. Consequently, the procedural guarantees typically found in litigation do not apply in these cases. Instead, the law directly prescribes a special procedure for establishing such facts. Typically, the involved parties are the applicant—"entities countering extremism", representing state interests in this case—and any interested parties, should they be involved⁸.

In practice, owners of resources and authors of materials recognized as "extremist" are generally unable to participate in proceedings. Courts are held in closed sessions, and resource owners are not notified of the process. The inability to be involved in the case as an interested party eliminates the possibility of appealing the decision recognizing materials as "extremist". It is known that in processes of recognizing materials as "extremist", courts allow immediate implementation of the decision by Article 314 of the Civil Procedure Code to "take additional measures to counter extremism". However, international human rights standards dictate the necessity of considering "extremist cases" by independent courts in a lawsuit procedure with necessary guarantees, including equality of the parties and the adversarial proceedings.

Analysis of available decisions indicates that courts do not generally evaluate materials independently. Courts predominantly rely on the conclusion of the relevant⁹ commission for evaluating symbols, attributes, and informational products to decide the case.

⁷ See the Joint Declaration on Freedom of Expression and "Fake News", Disinformation, and Propaganda, paragraph 1-f (<https://www.osce.org/files/f/documents/6/8/302796.pdf>), and the European Court of Human Rights decision in the case *OOO Flavus and Others v. Russia*, which, among other things, refers to the practice of the Human Rights Committee on this issue.

⁸ Article 362 of the Civil Procedure Code of the Republic of Belarus dated 11.01.1999 N 238-Z

⁹ Paragraphs 3, 4 of the Regulations on the procedure for restricting (restoring) access to an internet resource, network publication, news aggregator, approved by the Resolution of the Operational Analytical Centre under the President of the Republic of Belarus, the Ministry of Communications and Informatization of the Republic of Belarus, the Ministry of Information of the Republic of Belarus dated 03.10.2018 N 8/10/6.

The conclusions of these commissions which include representatives of internal affairs bodies¹⁰ can hardly be regarded as "evidence" under the Civil Procedure Code. This is primarily due to the limited circle of individuals who may appeal to such commissions and challenge their decisions. Moreover, interested parties in the evaluation process are not afforded procedural rights guarantees. The provisions governing the activities of these commissions only permit the participation of representatives of state bodies that have applied. As such, the definition of "extremism" itself includes an element of intent, including activities ... involving planning, organizing, preparing, and committing assaults, as outlined in Article 1 of the Law on Countering Extremism. For this reason, it is challenging to establish the "extremist" nature of materials without the involvement of media representatives, consideration of the broader context of the statement, and other relevant criteria.

It is also worth noting that media representatives are not entitled to appeal the conclusions reached by these commissions. This possibility is available exclusively for the bodies that applied to the commissions. Additionally, the absence of independent judicial consideration of the "extremist" nature of materials further violates the rights of authors and distributors of content to a fair trial since all legal matters must be resolved exclusively by the courts¹¹. It is unacceptable for a court decision in such matters to rely solely on expert conclusions. Furthermore, courts identify an entire internet resource as "extremist material" on discovering an instance of "extremism" in a single publication. This practice has been repeatedly [recognized](#) by the European Court of Human Rights as a violation of freedom of expression due to the disproportionality of such measures.

The process of recognition of the book entitled "Belarusian National Idea" as "extremist" (described [here](#)) sheds light on the current practice of the use of this mechanism. The conclusions of the commissions are merely assertions of the presence of "signs" of extremism in certain materials, without a clear definition of these "signs" or clarification of the connection between such "signs" and the content of the materials.

! The procedure for recognizing materials as "extremist" in its current form is inconsistent with international human rights standards on the "legality" of interference. The procedure is not transparent or predictable, it ignores the content of the assessed materials, and fails to provide interested

¹⁰ See the composition of the Republican Commission for the most complex objects of evaluation in the Regulations on the procedure for restricting (restoring) access to an internet resource, network publication, news aggregator, approved by the Resolution of the Operational Analytical Centre under the President of the Republic of Belarus, the Ministry of Communications and Informatization of the Republic of Belarus, the Ministry of Information of the Republic of Belarus dated 03.10.2018 N 8/10/6

¹¹ See the relevant European Court of Human Rights decision in the case of Mariya Alekhina and Others v. Russia (para. 262).

parties with adequate legal protection against arbitrary actions of controlling bodies.

❗ The procedure for recognizing materials as “extremist” in its current form is inconsistent with international human rights standards on the “legality” of interference. The procedure is not transparent or predictable, it ignores the content of the assessed materials, and fails to provide interested parties with adequate legal protection against arbitrary actions of controlling bodies.

C. Consequences of recognizing materials as “extremist”

Article 19 of the Law on Countering Extremism prohibits the distribution and public demonstration, as well as production, publishing, storage, and transportation of “extremist materials” with the intent of distribution. Violations of this prohibition are subject to prosecution under Article 19.11 of the Code of Administrative Offenses (CoAO), which covers the “distribution, production, storage, transportation of informational products containing calls for extremist activity or propagandizing such activity”. Notably, despite the law’s regulation requiring intent to distribute when producing, storing, or transporting the “materials”, this requirement is not practically enforced. Consequently, the absence of a need to establish the intent results in **a practical ban on any actions** involving “extremist materials”.

i. Recognizing materials as “extremist” as an impediment to media activities

Firstly, it’s a common practice to recognize a resource as “extremist materials” and then block it, especially if it wasn’t blocked before legal proceedings.

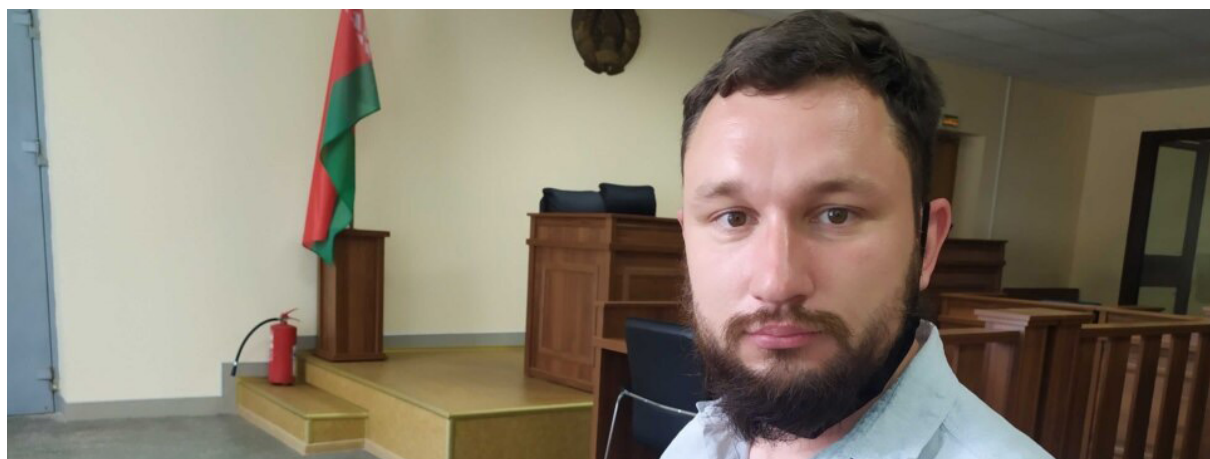
Secondly, it’s important to understand that recognizing the products of major media outlets as “extremist materials”, whose products were actively used by other media, creates the potential for the systemic persecution of independent media. [Recognizing](#) the resources of Belsat, TUT.BY, and Zerkalo.io as “extremist materials” in mid-2021 opened the way for **blocking** (see B-i) and/or subjecting to **administrative liability for distributing “extremist materials”** for most independent media. This type of persecution is indeed implemented, for example by [restricting access](#) to [Media-Polesye](#), Deutsche Welle, Current Time, and Novy Chas for distributing illustrations or hyperlinks to resources previously identified as “extremist”.

The distribution of "extremist materials" covers as well mentioning the names of the media already recognised as "extremist" (since the list of such materials includes the names of some of the "prohibited" media). At the same time, mentioning the names of these media may be an ordinary compliance with copyright requirements.

Such practices are possible, in part, due to the retroactive application of the **norms of "anti-extremist legislation"**, including Article 19.11 of the CoAO. This allows treating reposts and links made long before the resource's recognition as "extremist" as distribution of "extremist materials". As of 2023, this practice [has been extended](#) to printed media articles, some of which were published decades prior. The retroactive application of increasingly stringent regulations violates both national legislation¹² and Belarus's international commitments. This renders it difficult to consider measures restricting freedom of expression as satisfying the "legality" criterion.

The persecution of the regional media Hrodna.life serves as an example of how independent media can be pressured to the point of organization liquidation through the recognition of their production as "extremist".

In March 2021, the editor-in-chief [was fined](#) for distributing "extremist materials" that had not been considered as such at the time of distribution. Later, the site owner and editor [received](#) two more fines for the photo mistakenly posted and promptly removed. In July 2021, a Grodno district court [recognized](#) the media's Telegram channel as "extremist materials" due to messages inciting hatred and discord found in comments, which were not posted by the channel's administration. The main editor, Aliaksei Shota, managed to participate in the trial but was only given access to case materials a day before the hearing.



Aliaksei Shota, editor-in-chief of Hrodna.life, in court. Grodno, June 18, 2021 / Belapan

¹² Article 104 of the Constitution of the Republic of Belarus 1994

Aliaksei also requested a break to appeal the commission's findings, which reportedly [lacked](#) a clear expert response as to the issue of the presence of calls for extremist activity or its propaganda. The appeal was not substantively considered, and the request for a break was denied.

In August 2021, a court ultimately [liquidated](#) the organization "Hrodna Life Media" Ltd due to the two previously mentioned cases of administrative liability imposed on its staff.

ii. Recognition of materials as "extremist" poses risks for content consumers

Article 19.11 of the CoAO is also applied to the audience of media outlets that continue to read, share, and discuss resources recognized as "extremist materials".

As noted, in the practical application of the law, the courts do not establish the crucial aspect of intention for qualifying actions under this article. For instance, if a mobile device contains links to media recognized as "extremist materials", it is presumed that they are stored for the purpose of further distribution. According to law enforcement representatives, subscribing to "extremist" resources is not formally a basis for liability. However, they [note](#) that "formal absence of an offence is no reason to ignore the violator", thus disregarding the fundamental principle of the presumption of innocence.

The practice of enforcement of the same norms, which are already subject to arbitrary interpretation, changes over time, adding unpredictability to the regulation. As a result, it is difficult for people to align their behavior with "anti-extremist" legislation. For instance, subscribing to an "extremist" resource now also [becomes](#) a basis for administrative liability, unlike in 2021-2022.

The term "distribution" [covers](#) a wide range of actions, such as liking "prohibited" publications, forwarding them in private correspondence, inserting hyperlinks to "extremist" resources, and publishing photos with watermarks of "extremist" resources. **The retroactive application of the law also applies to the audience of the media, [resulting](#) in administrative prosecution for a "like" and a repost of a 2016 "Radio Svoboda" publication, released five years before the resource was recognised as an "extremist material".**

Since the beginning of 2023, there has been [a significant rise](#) in the number of cases where individuals [are held accountable](#) under CoAO Article 19.11

It's worth mentioning that courts are now [imposing](#) not just fines but administrative arrests in addition to [confiscating](#) personal tech devices. Each repost is often [treated](#) as a separate administrative offense, enabling the authorities to prosecute individuals an unlimited number of times.



Infographic

This article has become a convenient tool for persecution, considering the distribution of almost all major media products is prohibited. "Distribution" is interpreted arbitrarily broadly and has no time limitations. Such practices create an atmosphere of intimidation, where the population fears not only commenting on publications of independent resources, publicly discussing, and sharing them, but even simply reading them on their devices.

For instance, administrative liability for "distributing" extremist materials was [imposed](#) when a mobile application of Zerkalo.io media was shown to a police officer upon request. Another case [involves](#) a person who was pursued under part 2 of Article 19.11 CoAP for a hidden publication, despite the fact that the individual promptly archived his post on Instagram to avoid it being classified as "public" after the media whose logo was used in the publication was recognized as "extremist".

The sheer complexity and cumbersomeness of the list of "extremist materials" per se presents an obstacle to accessibility for certain population groups, particularly those who lack digital literacy. The timely tracking of changes to this list, as well as timely destruction of all public and personal publications containing "extremist materials" is burdensome for journalists and readers alike, not to mention the illegitimacy of such requirements.

! Arbitrary, retroactive recognition of major media resources as "extremist materials" leads to the systematic persecution of independent

media. This persecution is exacerbated by an unjustifiably broad list of prohibited objects for distribution, including the names of media.

! Arbitrarily applied administrative liability norms result in a de facto ban on any actions associated with “extremist materials”, such as storing links on a phone, likes, comments, subscriptions, or reposting in private conversations, which violates content consumers’ freedom of expression.

The recognition of materials as “extremist” creates significant obstacles to the search, receipt, and distribution of information, unjustifiably limiting freedom of expression on several fronts at once¹³. This mechanism allows for monitoring and restricting access to critical expressions, thereby preventing free public discussion on key societal issues. Consequently, media and content consumers are forced to resort to self-censorship, which is unacceptable¹⁴.

2. Recognition as “extremist formations”

The second crucial mechanism in countering “extremism”, which is often used to persecute independent media, involves the status of an “extremist formation” and its legal consequences for both recognized entities and those who interact with them.

D. Definition of “extremist formations”

According to the Law on Countering Extremism, an “extremist formation” is defined by the following qualifying features:

- // A group of citizens,
- // Engaging in “extremist activity”,
- // Or providing “other assistance to extremist activity”,
- // Or recognizing the possibility of such activity in their own actions,
- // Or financing “extremist activity”,
- // Recognized as “extremist” by the Ministry of Internal Affairs (MIA) or KGB.

This definition does not add clarity or predictability to “anti-extremist” legislation, forcing legal enforcers to rely on the unreasonably broad

¹³ See, among others, paragraphs 13, 23, 42 of the General Comment No. 34: <https://www.ohchr.org/en/instruments-mechanisms/instruments/international-covenant-civil-and-political-rights>

¹⁴ See the European Court of Human Rights decisions in the cases Vajnai v. Hungary (para. 54), Altuğ Taner Akçam v. Turkey (paras. 68—83).

concept of "extremist activity". Additionally, they must also depend on the unspecified, open-to-arbitrary-interpretation concepts of "other assistance" and "recognizing the possibility of such activity in their own actions".

It also fails to identify who belongs to an "extremist formation" and who is subject to legal consequences, including significant rights restrictions and criminal prosecution for interacting with such formations. These regulatory imperfections demonstrate that the state's intervention in implementing freedom of expression and association through the status of "extremist formation" does not meet the criterion of "legality".

! The definition of "extremist formations" is characterized by vague phrasing and does not clarify who constitutes the "formation".

E. Recognition as an "extremist formation" and the possibility of appeal

The law has established an **extrajudicial procedure** for granting certain groups of citizens this status. In Belarus, registered organizations can be prohibited from activities by a court, as was the [case](#) with "TUT BY MEDIA" LLC, which was recognized as "extremist organization". However, for other "groups of citizens", the MIA and KGB are authorized to make decisions to recognize them as "extremist formations" and prohibit their activities.

While the process of recognizing "extremist materials" at least formally involves the possibility of obtaining expert opinions and court consideration, this procedure is entirely arbitrary. The criteria used by the MIA and KGB to make decisions are unknown, and the decisions are not made public or known to the affected groups. According to Article 15 of the Law on Countering Extremism, these bodies are authorized to identify actions of groups of citizens evidencing the above activities. The only official source of information is the "On measures to counter extremism and the rehabilitation of Nazism" [section](#) in the news tab about the activities of the MIA, where the MIA updates the List of organizations, formations, and individual entrepreneurs involved in extremist activities. The extrajudicial nature of these decisions, without a clearly defined list of situations in which controlling bodies are authorized to act, does not allow for considering that such interference is in compliance with "predictable and clear regulation". The lack of any guarantees protecting citizens from arbitrary actions makes the interference illegitimate¹⁵.

¹⁵ See the European Court of Human Rights decisions in the cases *Karastelev and Others v. Russia* (para. 79): <https://hudoc.echr.coe.int/eng?i=001—204835>, *Taganrog LRO and Others v. Russia* (paras. 159, 242)

According to Article 15 of the Law, it is possible to appeal a decision to the MIA or a court. However, exercising this right is challenging due to the absence of a mechanism for obtaining information about the grounds for including a specific group of citizens in the List. Additionally, the List should be updated within five working days from the decision, but it [often](#) takes at least a week for individuals to learn of it. At the same time, the law leaves only one month for appealing the decision from the date it is made.

❗ Undefined “groups of citizens” are recognized as “extremist formations” through an opaque and arbitrary extrajudicial procedure. There is no formal requirement for their activities to be evaluated by experts and an independent court.

❗ The rights of affected individuals are further violated as they lack timely access to information about the procedure as stipulated by law, including the grounds for persecution, and effective legal protection.

F. Practice of recognizing media as “extremist formations”

During 2022-2023, at least **19 media outlets**, along with the Belarusian Association of Journalists and the Belarusian Investigative Center, were recognized as “extremist formations” or “extremist organizations”. The List of organizations, formations, and individual entrepreneurs involved in extremist activities now includes major Belarusian media, “samizdat” (self-published works), and regional publications. Concerns regarding the accessibility of this list to the population apply here (see Section C-ii).

The designation of media as an “extremist formation” can trigger measures to counter their activities, including criminal prosecution, based on the articles provided:

- // Article 361-1 of the Criminal Code (“Creation of an extremist formation or participation therein”, punishable by up to ten years’ imprisonment),
- // Article 361-2 (“Financing extremist activities”, punishable by up to eight years’ imprisonment),
- // Article 361-4 (“Assisting extremist activities”, punishable by up to seven years’ imprisonment).

All these articles [are actively used](#) to create obstacles for independent media activities, persecuting those who interact with them and their readers.

Each of these articles, like those related to interacting with “extremist materials”, [may have](#) retroactive force.

Moreover, individuals and legal entities regarded as participants or proprietors of an “extremist organization” can face consequences such as a five-year **ban on establishing media** from the date of the court decision on the liquidation of the “extremist organization”¹⁶.

i. Practice of prosecuting journalists under Article 361-1 of the Criminal Code (“Creation of an extremist formation or participation therein”)

The retrospective application of this article permits, among other things, the persecution of former employees and individuals who had interactions with the media prior to its designation as an “extremist formation”.

An example of this mechanism can be seen in the persecution of the independent news agency “Belapan”. In August 2021, during the investigation of a criminal case under Article 342¹⁷ of the Criminal Code, searches were conducted at the agency’s office and employees’ homes. Equipment was seized, agency websites were blocked, and some journalists were detained. On November 1, 2021, the KGB [issued](#) a decision recognizing a “group of citizens among the employees of Belapan” as an “extremist formation” and prohibiting its activities. However, information about this KGB decision [did not appear](#) in the corresponding list for at least a week. Considering the specific language used in the List, it seems reasonable to conclude that potential criminal prosecution could only affect current agency employees regarding their activities after being recognized as an “extremist formation”.

Despite this, [charges](#) were later brought against the agency’s director Iryna Leushyna, former director Dzmitry Navazhylau, and Andrei Aliaksandrau, a former employee at the time of his detention. They were initially arrested under other articles of the Criminal Code, but later were charged under Article 361-1. These processes reflect the overall legal default, including an imbalance in coverage of the proceedings. While the accused’s lawyers are under a non-disclosure agreement, which [is often used](#) arbitrarily to limit access to case information, the Investigative Committee publishes its version of events. [According to it](#), the news agency is accused of “covert financing [of its activities] by foreign organizations” and “creating a YouTube channel specializing in strengthening destructive and extremist sentiments in the country, as well as discrediting the Republic of Belarus on the

¹⁶ Article 10 of the Law of the Republic of Belarus dated 17.07.2008 N 427-Z “On Mass Media”

¹⁷ “Organization and preparation of actions grossly violating public order, or active participation in them”

international arena”. Competent authorities have not clarified how these accusations justify recognizing **the entire agency** as an “extremist formation” and its former employees as “participants” in this formation.



Zlobina, Aliaksandrau, Leushyna and Navazhylau in court. Minsk, 6 October, 2022 / SB.Belarus Today

Similar cases of persecution include those of [Iryna Slaunikava](#) and [Andrei Kuznechyk](#), who were accused of collaborating with resources that were recognized as “extremist formations” after the journalists’ detention.

This persecution of journalists and former media employees shines a light on the problematic issue of “anti-extremist legislation”:

- // Firstly, the definition of “extremist formation”, which is broad and vague, is based on an equally blurry definition of “extremist activity”. These unclear definitions, coupled with the retrospective application of the law, make it difficult to determine which actions may fall under the relevant articles. This raises concerns about an individual’s awareness of their (retrospective) involvement in “extremist activity” or an “extremist formation”.
- // Secondly, however, in practice, the necessity of establishing intent is often ignored. Hypothetically, this could narrow the scope of those prosecuted. Instead, the procedure of “grouping” individuals into entities allegedly associated with “extremism” becomes completely arbitrary.

In 2023, the designation of media as “extremist formations” became more pervasive. Recent examples of persecution demonstrate that this tool is used increasingly frequently, with less time passing between the recognition of media as an “extremist formation” and the detention of journalists and their associates. The cases of “Ranak” TV channel and Mogilev media listed below are indicative.

As per human rights defenders sources, pressure on Ranak may have arisen due to a story on an emergency incident at the Svetlogorsk Pulp and Paper Mill, which this TV company [covered first](#). Human rights defenders report that in June 2023, eight channel employees [were detained](#) for subscribing to "extremist materials". However, the resource they allegedly subscribed to is not on the corresponding List. Within a month, the channel's resources were deemed "extremist materials". In September 2023, the TV company was recognized as an "extremist formation". The "name of formation <...>, participant's full name" section of the corresponding List only mentions "Ranak Chat", but does not clarify the potential participants of this "extremist formation".

In December, another round of interrogations and detentions of former media company employees occurred. Journalist Lyudmila Andenka and former editor-in-chief Yulia Dauletava were charged under Article 361-1 of the Criminal Code. The MIA alleges that they administered a Telegram group which "published information aimed at organizing, preparing, and committing mass riots, and resisting law enforcement officers with the intent of encroaching on independence, territorial integrity, and the foundations of the constitutional order". It's noted that the journalists also disseminated their "destructive views" through the TV and radio company's information resources.

On November 29, the KGB recognized three Mogilev media outlets as "extremist formations" in one decision: 6TV Belarus, Mogilev Media, and News of the Mogilev Region. In 2021, The Main Directorate for Combating Organized Crime and Corruption of the Ministry of Internal Affairs (GUBOPiK) pursued 6TV Belarus by searching and seizing equipment in the editorial office. They [pressured](#) the editor-in-chief to disable the website, threatening prosecution under Articles 342 and 130 of the Criminal Code for producing video programs about the police. In 2023, this resource was also labeled as an "extremist formation". The recognition of the other two media outlets led to [a series of searches](#). This affected several individuals, including those who interacted with these resources. For example, journalist Siarhei Antonau was detained. Reports [indicate](#) that pressure on him began in early December. He was summoned to the KGB, where he was presented with documents allegedly proving his work for the portal mogilev.media, already recognized as an "extremist formation", and was pressured to confess to working for this media outlet. Eventually, the journalist managed to leave the country.

The prosecution of Ivan Murauyou demonstrates that legal enforcers consider any connection between the persecuted individual and the media

as sufficient grounds for action. A freelance journalist was sentenced to two and a half years of imprisonment under Part 3 of Article 361-1 of the Criminal Code for his participation in the "extremist formation" Belsat. This involvement [included](#) an episode where he filmed a video for an investigation by journalist Stanislau Ivashkevich, which was broadcast on the channel in July 2022.

In practice, [subscribers to these resources are also considered "participants" in "extremist formations"](#). This suggests that legal enforcers arbitrarily assume it to be some form of assistance to the resource, merely based on a person's desire to be informed about its updates. This is not to mention the baseless presumption that subscribers understand the resource engages in "extremist activity". Such practices lead to the criminal prosecution of individuals grouped together, not necessarily connected, whose actions might not show signs of "extremist activity". This is based solely on their presumed membership in an "extremist formation".

ii. Practice of prosecution under Article 361-4 of the Criminal Code ("Assistance to extremist activities")

The distinction between those actively involved with "extremist formations" and those who support them is becoming increasingly blurred, according to state media reports. For instance, in August of 2023, Belta [cautioned](#) that anyone who shared information with representatives of an as-yet-unidentified "extremist formation" would be considered a participant of such a group.

Since 2022, individuals who are not regular employees but collaborate with media outlets recognized as "extremist formations" have been targeted under Article 361-4 of the Criminal Code for transmitting any kind of information, including:

- // Photos and videos (see the [case](#) of journalist Yury Gontsarevich, who was [prosecuted](#) for disseminating information about the real situation in a specific region).
- // Giving interviews (see the persecution of [Yahor Lebiadok](#) and [Darya Losik](#)).
- // Assisting in video shooting for a story (see the case of [Tatiana Pytko](#) and [Vyacheslav Lazarev](#)).

In 2023, authorities [began to prosecute](#) not only experts but also ordinary citizens who provided interviews or comments to "extremist" media outlets.

iii. Practice of prosecution under Article 361-2 of the Criminal Code (“Financing extremist activities”)

Article 361-2 of the Criminal Code permits the prosecution of individuals who interact with media or media organizations recognized as “extremist formations”. This includes those who made financial or material donations, even prior to the recognition of these organizations as extremist. However, there is no evidence that courts thoroughly evaluate whether such actions are considered “deliberate facilitation of extremist activity” as outlined in this criminal article.

❗ Most major independent media outlets have been labeled as “extremist formations”, and this tactic is becoming increasingly prevalent;

❗ The arbitrary nature of the decision to recognize a group as an “extremist formation” infringes on media freedom, resulting in the criminal prosecution of founders, employees, and even readers who have interacted with the media;

❗ The vague language in the law leaves room for interpretation, making it unclear who may be subject to persecution and amplifying the issue of unpredictability in the enforcement of “anti-extremist” legislation;

❗ The criminal prosecution process is arbitrary and frequently applied retroactively.

As evidenced by the practice, this system allows decision-making bodies to arbitrarily group citizens for their convenience. Individuals can be prosecuted based solely on presumed affiliations, which are broadly defined as any type of connection to these groups. Often, it’s unclear whether those involved are aware of their participation in “extremist activities” or if they intend to support them. As a result, involvement in an “extremist formation” — especially before an official recognition of a group—makes it difficult to predict legal consequences.

The vague language in the Law on Countering Extremism and related Criminal Code articles, combined with the practice of arbitrary and retroactive criminal prosecution, violates the state’s duty to protect freedom of expression. This approach directly contradicts Article 15 of the Covenant, which prohibits punishment without [recently — “a clearly defined”]¹⁸ law.

¹⁸ See ICCPR Commentary, Paul M. Taylor: “Principles of *nulla poena sine lege certa* (no punishment without clear law) are now emerging more discernibly in Committee jurisprudence, for example, when attacking as a fair trial matter criminal legislation formulated in a broad and vague fashion that is susceptible to wide interpretation, and does not comply with the principle of legal certainty and predictability”.

The severity of sanctions and the overall legal uncertainty, which includes a lack of fairness and independence in the courts, eliminate any legitimate use of the mechanism to recognize a group as an "extremist formation".

Consequently, the state fails to uphold its obligations to ensure free media operation without censorship or restrictions in exchanging information between media and information sources¹⁹. Media labeled as "extremist formations" face restrictions in interactions, including accessing essential information for timely event coverage and receiving financial or other support, particularly in Belarus.



Illustration
Boris Khmelny / Mediazona

3. Individual persecution of journalists: lists of "extremists" and "terrorists"

Individual persecution of journalists primarily arises from the repercussions of the first two mechanisms. These include administrative responsibility for distribution "extremist materials", or criminal charges for creating, participating in, or aiding "extremist formations". Moreover, journalists face persecution for activities that significantly intersect with a broad range of actions defined as "extremist activity" under Article 1 of the Law on Countering Extremism. In such cases, the "anti-extremist" legislation's significant impact is the labeling of journalists as "persons engaged in extremist activity" and/or "persons engaged in terrorist activity", leading to their inclusion in corresponding lists. However, the overall vagueness of both "extremist" and "terrorist" activities, along with common elements for both lists, does not allow a clear distinction between the two statuses, nor the rationale and grounds for assigning each.

¹⁹ See paragraphs 13, 14 of the General Comment No. 34: <https://www.ohchr.org/en/instruments-mechanisms/instruments/international-covenant-civil-and-political-rights>

G. Grounds and procedure for assigning the status of “person involved in extremist activity”, “person involved in terrorist activity”

i. “Extremist” list:

- ❗ Grounds for inclusion—a final verdict for “extremist” offences under the Criminal Code that align with acts outlined in Article 1 of the Law on Countering Extremism²⁰.
- ❗ Grounds for exclusion—documented proof of death or the passing of five years since the criminal record was erased or removed²¹.
- ❗ Even after removal, those on the list may face limitations on teaching, publishing, and holding public office for an additional five years²².
- ❗ Distributing images of listed individuals is considered “extremist material” and is prohibited with legal consequences²³.

The lack of clarity in the definition of “extremism” and the absence of violence-related risk in some listed offenses raise doubts about the legitimacy of the list itself. Inclusion in the list can lead to politically motivated prosecution of journalists under “extremist” articles and limit their freedom of expression, violating Article 19 of the Covenant.

ii. “Terrorist” list:

- ❗ Grounds for inclusion, among others²⁴, include a final court verdict including “extremist” articles of the Criminal Code, as well as an indictment for certain offenses, such as Article 130 (“Incitement of racial, national, religious, or other social hatred or discord”);
- ❗ The legislation falls short in providing a definite list of repercussions for those included, but primarily results in limitations on the person’s capacity to conduct [civil transactions](#), particularly those involving non-cash forms of payment.

It is important to note that being included on the “terrorist” list is based on criminal offenses, including non-violent actions such as Article 361 of the

²⁰ Paragraph 1.2 of Resolution № 575.

²¹ Article 18 of the Law on Countering Extremism.

²² Ibid.

²³ Article 18 of the Law on Countering Extremism.

²⁴ See paragraph 5 of the Regulation on the procedure for determining the list of organizations and individuals, including individual entrepreneurs, involved in terrorist activities, challenging the decision to include an organization, individual, including individual entrepreneur, in such a list, and reviewing other appeals of these organizations, individual, including individual entrepreneur, bringing this list to the attention of persons performing financial operations, and the financial monitoring authority, approved by the Resolution of the Council of Ministers of the Republic of Belarus dated 30.12.2014 N 1256

Criminal Code (“Calls for sanctions”), Article 130 (“Incitement of hatred”), Article 130-1 (“Rehabilitation of Nazism”), Article 130-2 (“Denial of the genocide of the Belarusian people”). Article 3 of the Law on Countering Terrorism also considers “propaganda of terrorist ideas” and “the distribution and provision of materials and information calling for or justifying the need for terrorism” as equivalent to terrorism itself. However, these grounds for inclusion do not necessarily indicate any involvement in terrorist activity. As a result, including Articles 130, 130-1, 130-2, and 361 of the Criminal Code on the “terrorist” list appears arbitrary and violates the right to freedom of expression under Article 19 of the Covenant. Additionally, the process of inclusion allows for individuals who have only been accused of such crimes to be listed, ignoring the presumption of innocence and violating the right to a fair trial outlined in Article 14 of the Covenant.

As of the time of this report, it has been observed that [a minimum](#) of 33 journalists who have been persecuted in 2023 have been added to the “extremist list”, while at least 12 have been added to the “terrorist list”. A thorough analysis of the practice of being included in both lists has revealed that journalists typically find themselves on the first list after facing criminal prosecution under Articles 361-1 and 361-4 of the Criminal Code. Additionally, there have been instances where journalists [have been convicted](#) under the “protest” Article 342 (“Organization and preparation of actions grossly disturbing public order or active participation in them”), [Article 369-1](#) (“Discrediting the Republic of Belarus”), and Article 130 (“Incitement of racial, national, religious, or other social hatred or discord”), resulting in their inclusion on this list.

The majority of journalists on the “terrorist list” are either convicted or accused (at the time of listing) of inciting hatred, often in cases involving publishing critical materials. Such situations, as exemplified by [Gennady Mozheyko](#), [Sergey Satsuk](#), and [Andrzej Poczobut](#), surpass the permissible restrictions under Article 19 of the Covenant.

- ❗ The inclusion of journalists in both lists appears to stem from arbitrary political motives;
- ❗ The “terrorist list” may include individuals who have only been accused, disregarding the presumption of innocence;
- ❗ There seems to be no reasonable link between the listed crimes and the labels of “extremism” and “terrorism”, resulting in arbitrary limitations of journalists’ rights after their inclusion. Labelling journalists as such

essentially amounts to unwarranted²⁵ punishment for performing their lawful professional duties.



Illustration
Mary Tolstova / Mediazona

²⁵ Paragraph 46 of the General Comment No. 34: <https://www.ohchr.org/en/instruments-mechanisms/instruments/international-covenant-civil-and-political-rights>

Conclusions and recommendations

The examination of legal measures aimed at countering extremism, particularly in relation to independent media and journalists in Belarus, exposes a clear disregard by authorities for international standards of freedom of expression and media independence. The state's definition of "extremism" goes beyond the UN's definition of violent extremism leading to terrorism, and instead serves as a tool for repression that does not adhere to basic legal principles.

The anti-extremist laws that form the foundation of state policy in this area are overly broad and lack clear definitions, leaving room for unpredictable interpretation and focusing on "punishment" rather than prevention. In addition, national legal regulations suffer from "procedural" flaws that lack transparency and put the guarantees for legal protection at risk. This leads to the conclusion that the Law on Countering Extremism essentially does not qualify as a law within the meaning of the International Covenant on Civil and Political Rights. Any infringement on rights and freedoms resulting from its implementation is automatically considered a violation.

The arbitrary application of "anti-extremist" measures against independent media and their representatives creates an environment where legitimate journalistic activities are effectively outlawed. Designating media outlets as "extremist" not only deprives them of the ability to access information sources within the country, distribute their content, and receive funding, but it also poses a serious threat to the safety of journalists who risk criminal prosecution. This practice fundamentally undermines freedom of speech, particularly journalists' rights to obtain and disseminate information, as well as media freedom, regulated by Article 19 of the Covenant.

Moreover, the victims of this policy are not only the media and their representatives, but also the audience of independent media who are deprived of their right to access media content, a crucial element of freedom of expression. Additionally, since "anti-extremist" measures are applied discriminatorily and do not affect state media, which remains under total governmental control, the range of "legal" information sources on socio-political affairs for Belarusian audiences is restricted. These sources are limited to only available state propaganda outlets that frequently resort to misinformation and hate speech. Concurrently, it is a widely recognized issue that the state turns a blind eye to its own "media's" blatant disregard for legislative provisions. Furthermore, the situation is exacerbated by the practical impossibility for independent media, journalists, and their readers

to protect their violated rights due to the absence of an independent judiciary in Belarus.

The inescapable conclusion is that the state's approach to combating "extremism" against media and journalists infringes upon both its own Constitution and international human rights commitments, which Belarus has voluntarily adopted.

The present report puts forward recommendations based on the previous observations:

- // Immediate release of all media representatives prosecuted for lawfully exercising their freedom of expression.
- // Immediate release of all individuals prosecuted for interacting with independent media recognized as "extremist formations".
- // Abolition of the maintenance of the List of Citizens of the Republic of Belarus, foreign citizens, or stateless persons involved in extremist activity and the List of organizations and individuals involved in terrorist activity.
- // Abolition of the maintenance of the List of organizations, formations, and individual entrepreneurs involved in extremist activity.
- // Abolition of the Republican List of Extremist Materials and repeal of the Resolution of the Council of Ministers of the Republic of Belarus "On Maintenance and Publication of the Republican List of Extremist Materials" dated April 23, 2007, No. 513.
- // Restoration of access to the internet resources of independent media blocked due to the application of "anti-extremist" measures.
- // Termination of the practice of arbitrary application of measures to counter extremism against media, their representatives, and readers.
- // Provision of effective legal protection for all victims of arbitrary application of anti-extremist policy.

- // Repeal of the Law of the Republic of Belarus “On Countering Extremism” dated January 4, 2007, No. 203-Z.
- // Denunciation of the Shanghai Convention on Combating Terrorism, Separatism, and Extremism dated June 15, 2001, and the Shanghai Cooperation Organization Convention on Combating Extremism dated June 9, 2017.
- // Removal of Articles 361—1 (Creation of an extremist formation or participation therein), 361—2 (Financing extremist activity), 361—4 (Assisting extremist activities), and 361—5 (Undergoing training or other preparation for participation in extremist activity) from the Criminal Code of the Republic of Belarus.
- // Elimination of Article 19.11 (Distribution, production, storage, transportation of informational products containing calls for extremist activity or propagandizing such activity) from the Administrative Code of the Republic of Belarus.
- // Development and adoption of a National Plan of Action to Prevent Violent Extremism Leading to Terrorism based on the United Nations Plan of Action to Prevent Violent Extremism.