**Human rights and countering extremism**

Combating violent extremism and radicalism leading to terrorism is one of the obligations of the state to ensure national and public security, public order, life and health of citizens, which follows from article 20 of the International Covenant on Civil and Political Rights. Any propaganda for war, any advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence, shall be prohibited by law.

However, in recent years, human rights defenders have increasingly documented cases of unlawful use of anti-extremist legislation by unreasonable bringing people to responsibility for disseminating extremist informational materials, or materials previously recognized as such and included in the lists of extremist content, including reposts of such materials and images in social networks. In some cases, the situation is brought to the point of absurdity, when authors are brought to administrative responsibility for the public display of Nazi symbols in anti-Nazi caricatures. Thus, anti-extremist legislation is used by the authorities to combat dissent and unacceptably restricts freedom of expression.

On the other hand, government bodies do not take proper measures to prevent and combat violent extremism in society, as illegal actions committed against vulnerable groups motivated by hatred are not properly qualified by law enforcement agencies and courts as crimes committed on grounds of hatred, rather than just hooliganism and other motives.

In order to study and analyze the national anti-extremist legislation and the practice of its application in terms of their compliance with international human rights standards, representatives of the leading Belarusian human rights organizations (BAJ, BHC, HRC “Viasna” and Human Constanta) prepared an analytical report.[[1]](#footnote-1)

The human rights defenders critically assessed the definition of extremism in national law, the procedure of formation and activity of the commissions, which are entrusted with expert functions, the state of civil procedural legislation, as well as legislation regulating the activity of the Internet. The report describes cases of the use of anti-extremist legislation (recognition as extremist and prohibiting the circulation of information products, bringing people to criminal and administrative responsibility) since the beginning of the 2000s.

In the past two years, the following cases were the most significant in order to assess the situation in the studied area:

On August 30, 2018, the court of the Orša district and the city of Orša, Viciebsk region, recognized, in a closed court session, following a request by the bodies of the Ministry of Internal Affairs, the information products, as extremist content the acronyms “ACAB” and “SLON”, either with inscriptions or without them, regardless of the media (flags, banners, pennants, emblems, chevrons, stripes, stickers, badges, clothing items, household items, etc.), as well as created and posted as a product for the media (in any events, scenes, episodes and frames, electronic and print media), as well as the very sound vehicle of the text pronounced by the author in the form of words, which can simultaneously be accompanied by actions or events, as well as translation of the spoken text.

Aliaksandr Sukorski, from whom the stripes with the words “ACAB” and “SLON” had been previously seized, spoke as an interested party at the court hearing and unsuccessfully appealed the court’s decision. In the future, a similar decision to recognize the ACAB acronym as extremist was unsuccessfully appealed by Mikalai Dziadok, who was repeatedly fined heavy sums for posting on social networks as part of a flash mob “as an active protest and direct action against infringement on freedom of speech in Belarus.”

Mikalai Dziadok was also fined 245 rubles (more than 100 euros) in July 2018 for publishing on a social network of a photo of a newspaper page with a combined image of a swastika and a sickle with a hammer. The image was used by the author as an illustration to an article condemning Nazism and communism.[[2]](#footnote-2)

On October 20, 2018, the court of the Kastryčnicki district of Hrodna fined Aliaksandr Horbach 122.5 rubles (more than 50 euros) for “posting on a social network images of Nazi symbols and paraphernalia.” At the court hearing, Aliaksandr Horbach admitted that he “personally posted images of Nazi symbols and paraphernalia, because he is negative towards Nazism and fascism,” while the images clearly condemned the ideology of Nazism.[[3]](#footnote-3)

At the time of the preparation of the report, the human rights defenders were aware of at least six facts of administrative prosecution in the form of large fines for posts on social networks featuring photographs of persons wearing headwear with the words “Class War” and “Class War Terror Machine” on them. On July 12, 2018, Maryia Rabkova was fined 269.5 rubles by the court of the Frunzienski district of the city of Minsk for a photo in a publication in a social network featuring a cap with the words “CLASS WAR”. On November 1, 2018, Viachaslau Kasinerau and his wife, Maryna Kasinerava, were fined the total amount of 1,837.5 rubles by the court of the Maskoŭski district of Minsk for posting and reposting on a social network of a picture displaying them wearing hats with the inscription “CLASS WAR TERRORMACHINE”.[[4]](#footnote-4) On January 31, 2019, anarchist Dzmitry Paliyenka was fined 1,275 rubles by the court of the Zavodski district of Minsk for a photograph of a group of people, including one person wearing a hat with an inscription “CLASS WAR”. On January 25, 2019, the court of the Maskoŭski district of Minsk again fined Viachaslau Kasinerau and Maryna Kasinerava a total of 2,205 rubles (more than 900 euros) for posting a photo with an inscription “CLASS WAR TERRORMACHINE” on a hat.

On November 2, 2018, the court of the Kastryčnicki district of Hrodna fined Aliaksandr Dzianisau 612 rubles for posting on a social network content (videos of mass protests) from the community vk.com/rdbelarus, which was blacklisted as extremist materials. On March 22, 2019, Ihar Chub was fined by the court of the Čyhunačny district of Homieĺ for posting on his page on a social network links to content from the community facebook.com/pramenofanarchy about a strike of agricultural workers and a case of family violence involving a police officer.

In total, in 2018-2019, human rights activists documented 22 cases of groundless administrative prosecution for disseminating prohibited content; the courts imposed fines amounting to 18,767 rubles (more than 8,000 euros).

The report also contains recommendations to national authorities and international organizations aimed at improving the anti-extremist legislation and its practice.

1. <http://spring96.org/files/book/ru/2019_extremism_ru.pdf> [↑](#footnote-ref-1)
2. Annex 1 [↑](#footnote-ref-2)
3. Annex 2 [↑](#footnote-ref-3)
4. Annex 3 [↑](#footnote-ref-4)