



**UNIVERSAL PERIODIC REVIEW
Russian Federation, 4th Cycle**

REPORT

on the persecution of Belarusian citizens in the Russian Federation in connection with crackdown on opposition and civil society in Belarus: official and secret extraditions, deportations, abductions

Issues:

arbitrary detentions, involuntary and enforced disappearances, fair trial, politically motivated persecutions, rights of refugees

Outline:

1. About the organisations and their sources.....	1
2. General overview.....	2
3. Official extraditions.....	2
4. Secret extraditions via deportations.....	7
5. Abductions and secret operations.....	9
6. Deportations and other removals for political statements, actions and affiliations.....	10
7. Recommendations.....	12

1. About the organisations and their sources.

The Moscow Helsinki Group (hereinafter ‘the MHG’) is the oldest existing human rights organisation in Russia, founded in 1976. MHG’s mission is to promote respect for human rights, protect from human rights abuses, build and develop democratic institutions in Russia. To achieve this goal, the MHG conducts constant monitoring and documentation of human rights violations, provides expert analysis for the Government and civil society, organises public campaigns, and participates in legislative processes.

The Civic Assistance Committee (hereinafter ‘the CAC’) is a Russian non-governmental charitable organisation founded in 1990. It was the first organisation in the former Soviet Union space specialised at protection of the rights of refugees and internally displaced persons. To date, the scope of the organisation has extended to other categories of migrants. The Committee is a longstanding executive partner of the Office of the United Nations High Commissioner for Refugees.

In January 2021, the MHG and the CAC instituted a project aimed at protection of Belarus citizens seeking refuge in Russia. Within the framework of this project, organisations provide legal and humanitarian assistance to Belarusians who are persecuted in Russia for their

participation or support of the protests in Belarus, either by means of official mechanisms or unofficial ones.

2. General overview.

Since 2020 Belarusian citizens temporarily or permanently residing in Russia have become especially vulnerable to enforced disappearances and arbitrary detention. Massive crackdown on peaceful protesters and opposition activists that started in August 2020 did not limit itself to the territory of Belarus. Close relations and long-standing political ties between Belarus and Russia allowed the Belarusian government to hunt down political adversaries in the neighbouring country as well both via official and unofficial routes. In the following years it has become apparent that Russia is willing to closely cooperate with Belarus, when it comes to persecution of political opponents, and that it actively utilises alternative mechanisms and extrajudicial means in order to circumvent limitations of official procedures and satisfy requests of its Belarusian counterparts.

Between 2020 and 2023 we managed to track down and document at least **31 cases of politically motivated persecution of Belarusian citizens in Russia**: 9 individuals were extradited to Belarus under political charges, 5 individuals were secretly extradited via deportation procedure and prosecuted upon delivery, 5 individuals were forcefully abducted by agents of the secret service of Belarus and prosecuted upon delivery, 11 individuals were subjected to deportation due to their political statements, actions and affiliation but were allowed to leave Russia for a third country.

3. Official extraditions.

Official procedure of extradition does not provide effective protection to those fleeing from political persecution in Belarus. **There are at least 20 documented cases, when Belarusian citizens, facing criminal charges on political grounds at home, were subjected to extradition procedures in Russia.** In all these cases people were deprived of their liberty and taken into custody for the duration of the extradition check and subsequent legal proceedings for a duration of up to 6-18 months (depending on the charges).

The most common accusations levelled against those individuals were: Article 130 of the Criminal Code of the Republic of Belarus (hereinafter – ‘CCRB’) – inciting racial, national, religious or other social hatred or discord (2 cases); Article 293 – mass riots (2); Article 340 (Knowingly false danger message); Article 343 – organisation and preparation of actions that grossly violate public order, or active participation in them (2); Article 361 – calls for restrictive measures (sanctions) (2); Article 361.1 – creation of an extremist formation or participation in it (2); Article 363 – resistance to an employee of the internal affairs bodies or another person protecting public order (4); Article 364 – violence or the threat of violence against an employee of the internal affairs bodies (3).

In 7 cases the extradition requests were dismissed on the grounds of absent legal prerequisites for extradition. Acts imputed to these people were not considered crimes in Russia or the punishment for these acts did not provide for a sufficient term of imprisonment (more than 1 year). **Nevertheless, in 3 out of these 7 cases people were arrested again** after release from detention, charged with breach of migration rules and 2 out of these 3

individuals were **subjected to administrative expulsion to Belarus**, which resulted in their handover to Belarusian law-enforcement agents (*see section 4*). The third individual, **Nikolai Davidchik**, Belarusian political activist from Lida, who resided in Moscow and was arrested under charges of teaching or otherwise preparing individuals to participate in group activities that grossly violate public order (para. 2 of Article 342 of the CCRB) for moderating a Telegram-channel “Lida for life”, was sentenced to a fine and released, which allowed him to flee the country together with his family.

In 4 cases extradition requests were granted but individuals were released due to the expiration of the maximum period of detention during the extradition check (from 6 months to 1 year). In all of these cases consideration of appeals along with consideration of applications for international protection dragged on and that allowed them to wait for the expiration of the terms of detention, flee Russia for another country. In 2 out these 4 cases proceedings were finalised but extradition was postponed due to interim measures enacted by the European Court of Human Rights.

In 9 cases extradition requests were granted and people were extradited to Belarus. There was not a single case when the Office of the Prosecutor General of Russia or the court dismissed the extradition request on the grounds of serious personal risks posed by the extradition. All evidences provided by defence counsels and human rights defender that indicated validity of claims about wide-spread politically motivated persecution, existence of more than a thousand political prisoners, mass torture and violence against random protesters and people expressing dissent and unprecedented crackdown on independent civil society organisations and bar associations that leave no room for effective defence and transparency of justice, were left without attention by the competent authorities. On the contrary, it is clear that the authorities were willing to fully cooperate with regards to such requests.

The case of **Aleksei Kudin** is exemplary in this regard. Aleksei Kudin, a famous Belarusian mixed martial arts fighter from Minsk, was arrested in Moscow Oblast on 21 January 2021, under the charges of resistance to a police officer with the use of violence (para. 2 of Article 363 of CCRB). After the elections he participated in peaceful protests. On August 10, 2020, in the city of Molodechno, during a protest march he and other protesters were attacked by police, using traumatic weapons, stun grenades and gas. Aleksei Kudin had to use force in self-defence in order to protect other protesters. In the evening of the same day he was arrested by special police force SOBR. In detention he was tortured and ill-treated, resulting in multiple injuries. After 12 days of detention he was put under house arrest, which allowed him to flee the country to Russia. On 22 April 2021 the Prosecutor General’s Office of Russia decided to grant the extradition request. It was appealed to the courts.

On 25 June the Moscow Oblast Court refused to satisfy the complaint. During the hearings the defence provided the court with photographs of serious injuries that Aleksei sustained during his detention in Belarus, with pleas from Russian, Belarusian and international human rights defenders¹ that summarised the human rights situation in Belarus and confirmed

¹ The petition calling for moratorium on extraditions and expulsions of Belarusians from Russia signed by 25 famous Russian human rights defenders, the letter of recognition of Aleksei Kudin as a political prisoner signed by 8 Belarusian human rights NGOs, the letter of support signed by Amnesty International, the overview of human rights situation in Belarus by the MHG and the CAC.

dangers of his return to Belarus, as well as with reports of authoritative international organisations. Among them was the report of the OSCE Moscow Mechanism, the report of the UN High Commissioner for Human Rights and the resolution of the UN Human Rights Council that instituted a mission to investigate massive human rights violations in Belarus.

In addition to that, the court was informed that the materials of the case constrained an **official letter from Belarusian authorities that requested Russian officials to deport him to Belarus if the extradition will not be allowed.**

The photos that confirmed that Aleksei Kudin has already experienced torture were dismissed on the grounds that Belarus has provided a diplomatic guarantee that he will not be tortured again. The reports of human rights defenders and international organisations were dismissed on the grounds that the Ministry of Foreign Affairs of Russia assured the court of their biased, anti-Russian and anti-Belarusian nature.

On 21 July the First Appeal Court in Moscow finally approved the extradition request, despite the fact that he was still in the process of appeal over the refusal to be granted asylum and early in the morning of the same day **the ECtHR had indicated interim measures temporarily prohibiting the extradition.** But in the evening of the same day he was secretly extradited without notification of his family or lawyer, who were patrolling the entrance to his detention facility in hopes of preventing the removal. Already on 11 August he was sentenced to 2,5 years of imprisonment.

All in all, in 5 out of these 9 cases extradition took place despite interim measures enacted by the European Court of Human Rights or the United Nations Human Rights Committee. The situation with execution of interim measures of the European Court of Human Rights substantially worsened after 16 March 2022, when Russia was expelled from the Council of Europe. Even though treaty obligations with regards to compliance with interim measures were in force at least until 16 September 2022, Russia stopped execution of all interim measures on extraditions already in April 2022. This development forced human rights defenders involved in cases of extraditions of Belarusian citizens to seek protection in the United Nations Human Rights Committee, whose rules and established practice also provided for a binding system of interim measures. Nevertheless, Russia refused to respect and follow them as well, stating that they have no binding meaning and are simple recommendations.

In 2022 **Russia twice violated its obligation to respect interim measures issued by the United Nations Human Rights Committee** that requested to refrain from extradition of Belarusian citizens. **Yana Pinchuk** (suspected of being an administrator of one of telegram-groups that was recognised as an extremist organisation in Belarus) received interim measures on 12 July 2022 but was extradited on 1 September 2022. **Andrei Russkikh** (suspected of posting a comment that incited social hatred or discord) received interim measures on 16 December 2022 but was extradited approximately on 5 January 2023.

It is also worth noting that due to the existing opacity and non-publicity of the extradition system in Russia this review is not exhaustive. Many cases remain unknown, and the victims remain without proper assistance from specialised human rights defenders and protective

public attention. Throughout the reporting period our team worked with 17 cases, where the official procedure of extradition was applied. In order to find these cases we constantly monitored public sources of information and were in regular communication with various local Belarusian communities and human rights NGOs all across Russia. But the scope of our network is limited. Even when news of a new arrest breaks out, it may be impossible to find the individuals and provide help if their names or exact circumstances of arrest (time and place) are unknown. Currently, we know of at least **3 cases when the public had no knowledge about, where human rights defenders were not involved or got involved too late.**

One of them is **Dzimtry Padlobnikau**, who was arrested in the Moscow region in July 2021. In Belarus he was charged with of committing crimes related to his participation in protests in Zhlobin, Belarus, on 9-10 August 2020 (Article 342 of CCRB – organisation and preparation of actions that grossly violate public order, or active participation in them; Article 364 – violence or threat of violence against an employee of the internal affairs bodies). The public was not notified about this arrest and human rights defenders that are specialised in such cases had no knowledge of his detention, therefore, he was assigned a state lawyer. As a result, even though Mr. Padlobnikau claimed the risks associated with his return to Belarus during the extradition procedure, his lawyer provided by the state failed to help him in exercising his defence effectively. The information about the case was not communicated to the press, specialised human rights NGOs were not notified, international protection mechanisms were not utilised and the court judgement on extradition was not appealed, despite an expressed intention of Mr. Padlobnikau, confirmed by his written agreement to be brought from pretrial detainment centre to the court hearing on his appeal. We received information about the case on 19 December 2021, already at a stage when the decision on extradition entered into force and the victim was moved into an unknown facility for a potential transfer. We tried to reinstate the missed deadline, filed the appeal, and even persuaded ECtHR to grant interim measures on 31 December 2021 at 9:30 PM. Nevertheless, the Government ignored these pleas and, according to its official statement provided to the ECtHR in mid January 2022, extradited him to Belarus on 31 December 2021 at around 5 PM.

It is also noteworthy that the Government showed no interest in the attempts of human rights defenders to stop the extradition. Padlobnikau's attorney, who appealed the decision and requested the interim measures, has never been contacted by the Prosecution, or anybody else, about the fate of her client. Nor was his mother, who was indicated as Mr. Padlobnikau's principal relative to contact at the beginning of the proceedings. Since the last call of Padlobnikau to his mother on 28 December 2021, there was zero official information about his whereabouts till the moment Belarusian Human rights centre "Vyasna" found him in detention in Gomel, Belarus, on 10 January 2022.

Arthur Yakubov and Aleksei Titovets, were arrested in Moscow in January 2021. Back in Belarus they were both charged with offences that are regularly used in political cases. Yakubov was charged with violence or threat of violence against an employee of the internal affairs bodies (Article 364 of CCRB). Titovets was charged with violent hooliganism (Article 339 of CCRB). The Belarusian Ministry of Internal Affairs considered a metal box that

Titovets allegedly threw at a police officer during the protests but hit the official car as a weapon, “damaging the glass and the roof for a total of 42 rubles 55 kopecks” (about \$ 17). He himself was beaten and ended up in hospital. We managed to get the information about these cases only due to investigative work of BBC journalists but it was already too late and both of them were extradited to Belarus. Their current status and whereabouts are unknown. Neither Russian nor Belarusian human rights defenders can clarify the details of their charges, describe the whole story or even confirm their safety.

Without public declarations of Russian authorities about such arrests, it is impossible for civil society to exercise effective control over the situation, to assess the scale of the problem, and, therefore, to provide qualified help and influence the outcomes. Moreover, given the absence of knowledge about these people in public, after their extradition to Belarus, Belarusian human rights defenders have serious problems with finding these people. The examples above are speaking for themselves. Given the current state of legal institutions in Belarus, liquidation of the independent legal profession and judicial system, absolute closure of detention facilities and court hearings from the public and widespread practice of giving non-disclosure demands to lawyers working with political cases, Russian, Belarusian and international societies will not know any details about these cases till the moment these people will be released from prison.

On 25 December 2022 the Prosecutor General of Belarus claimed in an interview that in 2022 alone **Russia issued 25 decisions on extradition of Belarusian citizens charged with extremism** – the most common political charge in Belarus after August 2020. In 16 out of these 25 cases extradition has already taken place.²

Knowing from our experience the existent presumption against political refugees from Belarus in Russia, we are adamantly sure that these people had no chance to protect themselves without public scrutiny and professional work of human rights defenders specialised in this field. Attorneys appointed by the state usually have no incentive to effectively help these people, have little knowledge of the current situation in Belarus, risks associated with it, legal frameworks for refugees protection in Russia, and have no skills that would allow them to utilise international mechanisms of human rights protection that may be effective in such circumstances (e.g. ECtHR, UN Human Rights Committee and Special Procedures). Furthermore, the state of isolation and abandonment creates fertile ground for successful pressure on behalf of the state agents and makes them extremely vulnerable to possible acts of arbitrary detention and even enforced disappearance.

4. Secret extraditions via deportations.

There are at least **5 known cases when a *de facto* secret extradition took place under cover of an official deportation procedure** (administrative expulsion).

In 2 out of these 5 cases individuals were previously subjected to extradition procedures, later released due to absence of legal grounds for extradition but arrested again after release from detention and subjected to administrative expulsion to Belarus, which

² Source: <<https://ctv.by/esli-li-dlya-beglyh-doroga-obratno-i-kak-nachat-zhizn-na-rodine-s-chistogo-lista-intervyu-s->>.

resulted in their handover to Belarusian law-enforcement agents. It is known that in some cases

Yuri Kastsiuk, Belarusian opposition activists from Brest, was arrested in Belarus in September 2020 for removing the national flag from a flagpole and later sentenced to 1 year of imprisonment under Article Article 370 of CCRB (desecration of state symbols). In February 2022, two months after his release, a new criminal proceeding against him was initiated – for participation in a Telegram-chat “Weekend Volleyball” which was recognised as an extremist organisation. Fearing another politically motivated persecution Yuri Kastsiuk decided to flee Belarus to Georgia through Russia. On 15 May 2022 he was arrested in the international airport of the city of Sochi, Krasnodar Krai and subjected to extradition procedure. On 23 September 2022 the Prosecutor General’s Office of Russia found no legal grounds for extradition and on 26 September released him but he was arrested again at the entrance of the Detention Centre and already the next day sentenced to administrative expulsion for violation under .1 of Article 18.8 of the Code on Administrative Offences of the Russian Federation (violation of migration legislation). The decision of the court was appealed but before the court of appeals could hear the case, on 16 October 2022, Mr Kastsiuk was taken to the border with Belarus and handed over to Belarusian law-enforcement agents. On 13 January 2023 he was found guilty and sentenced to four years in prison.

Vyacheslav Lapa, resided in Moscow, Russia, with his family since 2019. On 31 March 2022 he was arrested on request of Belarusian authorities for writing comments in social networks with regards to the repressive conduct of police officer which arrested Belarusian citizens for waving Belarusian national white-red-white flag. Unbeknownst to him, in Belarus he was charged under Article 364 of CCRB (violence or the threat of violence against an employee of the internal affairs bodies or his relatives) and Article 369 of CCRB (insulting a representative of the authorities or his relatives in connection with the performance of his official duties). The Prosecutor General’s Office of Russia found no legal grounds for extradition and on 7 April 2022 the applicant was released. But in one hour after release he was arrested again for violation of Article 18.8 of the Code on Administrative Offences of Russia (violation of migration legislation). He was sentenced to administrative expulsion to Belarus and deported on 4 June 2022 (the same day, when ECtHR granted interim measures). Later his wife, who filled the authority form in the application to ECtHR for interim measures was summoned to the Federal Security Service (hereinafter – ‘FSB’) along with her residence permit. Not wishing to share her husband's fate, she fled the country.

In 3 out of these 5 cases the deportations took place in full knowledge of criminal proceedings against these individuals in Belarus and in close cooperation with Belarusian law-enforcement agents.

Dmitry Sushchyk, Belarusian opposition activist, was charged in Belarus under Articles 368 (insult to the President of Belarus) and 370 (insult to state symbols) of CCRB. He was forcefully taken to a forest and forced to record a self-incriminating video under severe psychological and physical pressure. After his release on bail he fled the country to Russia in hope of escaping to Ukraine. On 23 January 2022 he was arrested at the Russo-Ukrainian border crossing “Troebortnoye” and sentenced to deportation for violation of part 2 of Article

18.1 of the Code of Administrative Offences (violation of the regime of the state border). On 17 February 2022 he was handed over to Belarusian law enforcement officers in a pre-arranged manner. It appeared that Russian officers knew about the fact that he was wanted under criminal charges and arranged the transfer with their Belarusian counterparts outside of a regular extradition procedure. On 2 February 2022 he was granted the status of a political prisoner by Belarusian human rights organisations. On 2 March the Court of Novogrudok district found him guilty and sentenced him to 1.5 years in prison.

Two other Belarusians, **Vitaly Huzau and Aliaksei Korshun**, were delivered to Belarusian law-enforcement agents in a similar fashion. Back in Belarus they were both charged under Article 130 of CCRB (inciting racial, national, religious or other social hatred or discord) for publications in social networks. Vitaly Huzau was arrested on the Russo-Ukrainian border for violation of the regime of the state border and deported to Belarus between 28 January and 1 February 2022. On 11 August 2022 he was sentenced to 2 years and 6 months of imprisonment. Aliaksei Korshun was arrested on 24 June 2022 in Voronezh Oblast for violation of migration legislation and deported to Belarus on 26 October 2022. He is currently awaiting judicial proceedings.

It is also worth underscoring that even an unfinished attempt of such violation may produce a necessary result. **Sergei Nepogoda**, a political activist from Molodechno, who was arrested in St. Petersburg under charges of assault on a police officer (Article 364 of the Criminal Code of Belarus) for protecting a demonstrator from a police attack, was initially released due to expiration of the maximum period of detention during the extradition check. But he was arrested again and sentenced to deportation. Given that the Russian legislation allows to keep people awaiting deportation under custody for up to two years, he decided to drop his defence in the ECtHR and accepted extradition to Belarus. On 15 December 2021 he was sentenced to 3 years of imprisonment.

5. Abductions and secret operations.

There are known at least **5 cases when the extradition procedure was entirely circumvented** and Belarusian citizens were forcefully abducted and delivered to Belarus in secret.

Alexander Feduta and Yuri Zyankovich, two famous Belarusian opposition politicians, were abducted on 10 April 2021 in Moscow during a joint operation of KGB (State Security Committee) of Belarus and FSB of Russia. Bypassing statutory extradition procedures of Russia, two Belarusian citizens were arrested and taken to Belarus in just one day. They were not provided with professional legal aid, while their detention and subsequent extradition were left without judicial scrutiny. Currently, they are held in detention in the KGB Detention Centre in Minsk, Belarus, and facing charges of an attempted coup (Article 357 of CCRB). On 17 April 2021 FSB of Russia published a press release, where it confirmed that such operation took place.³ In subsequent our subsequent correspondence with the Prosecutor General's Office and FSB **it was uncovered that the operation was conducted under a secret treaty between Russian and Belarusian security services – Agreement on**

³ Source: <<http://www.fsb.ru/fsb/press/message/single.htm%21id%3D10439220%40fsbMessage.html>>.

cooperation and interaction between the Ministry of Security of Russia and the State Security Committee of Belarus dated 13 May 1992⁴. FSB claimed that this agreement has the status of an international treaty, which according to the Constitution is an integral part of the Russian legal system, and therefore it can institute a procedure that overrides regular extradition procedure and guarantees provided by the Constitution, other Russian legislation and international treaties. Nevertheless, this “treaty” was never published, nor are there any records of its ratification and subsequent adoption in the form of a Federal law, which is prescribed by the Constitution in order for it to have normative and generally binding status. FSB refused to provide the MHG with a copy of this treaty indicating that it contains state secrets. The Prosecutor General’s Office refused to examine the lawfulness of the case claiming the full competency of FSB.

Alexander Kapshul, a member of the trade union “Rabochy Rukh”, was abducted on the night of 23-24 September 2021 on the Russo-Ukrainian border. On 21 September started a crackdown on the trade union “Rabochy Rukh”. Many members of this organisation were arrested by Belarusian authorities. Fearing persecution Alexander fled Belarus to Russia in hopes of safe passage to Ukraine. During the border crossing on the Russo-Ukrainian checkpoint “Troebortnoe” he was detained. His lawyer, who escorted him during the crossing, was withdrawn from the premises. The connection with Alexander was lost and he disappeared. On 25 September trade union, “Rabochy Rukh”, published information that Aleksandr Kapshul was handed over to employees of KGB and placed in custody in the KGB Detention Center in Minsk. Currently, he’s facing charges of treason to the state (Article 356 of CCRB). This time Russia did not claim any involvement. We requested the Prosecutor General’s Office of Russia to investigate the circumstances and instigate a criminal case if the abduction was confirmed but it denied any knowledge of this situation and no criminal case on abduction was initiated.

Gennady Mozheiko, a journalist of the Belarusian branch of the Russian newspaper “Komsomolskaya Pravda”, was abducted on 1 October 2021 in Moscow airport “Sheremetyevo”. On 28 September he published a news article about a shootout in Minsk during apartment searches of opposition activists, as a result of which 2 people were killed, including a KGB officer. The Government retaliated with repression. The website of the newspaper was blocked for violations of the law that created a threat to national security. On 30 September Gennady went on a train to Moscow, from where he was supposed to go on a planned vacation to Ukraine with transit through Warsaw. At midday on 1 October, when he was at the border check-in “Sheremetyevo” airport, communication with him was lost. The same day his mother’s house in Minsk was searched by the KGB. On 2 October, a KGB officer called his mother and notified her that Gennady was arrested and delivered to the famous temporary detention centre “Okrestina”. Currently, he is facing charges of insulting a government official (Article 369 of CCRB) and incitement of hatred (Article 130 of CCRB). Russia did not claim any involvement. We requested the Prosecutor General’s Office of Russia to investigate the circumstances and instigate a criminal case if the abduction was confirmed but it denied any knowledge of this situation and no criminal case on abduction

⁴ Russian version of the title: “Соглашение о сотрудничестве и взаимодействии между Министерством безопасности Российской Федерации и Комитетом государственной безопасности Республики Беларусь от 13 мая 1992 года.”

was initiated.

The latest instance occurred on 9 March 2023 – **D.S.** was abducted in Moscow while leaving his office in the evening at the city centre. The next day his father was notified that he had been delivered to KGB Detention Centre in Minsk. The exact charges are yet unknown. There are reasons to believe that this instance was connected with sweeping arrests and searches in Belarus that took place a week prior to the incident.

6. Deportations and other removals for political statements, actions and affiliations.

Due to the fact that Russia officially did not recognise the existence of a massive human rights crisis in Belarus, migration services refused to provide Belarusians with temporary asylum or refugee status. And even though there exists formal equality of the legal status of Belarusian and Russian citizens in the space of the Union State of Russia and Belarus that provides citizens of both countries with freedom of movement, residence and employment across the Union State, this situation placed Belarusians in a vulnerable position that allowed potential persecution and harassment via migration mechanisms.

Starting from 2021 Russian state agents, either on their own volition or on requests of their Belarusian counterparts, actively utilised these mechanism against Belarusian citizens, who participated in protests in Belarus and then continued advocacy or political activities on the Russian territory: participated in public events, assemblies, made public statements, fundraising campaigns and openly criticised Belarusian or Russian governments.

Their applications for residence permits were denied and existent residence permits were retracted for reasons of national security, resulting in prohibition from entry to the country for many years (up to 40 years). Some of them were subjected to administrative expulsion from Russia for fabricated or formal minor violations (e.g. absent or overdue registration, non-residence at the place of registration, participation in unauthorised rallies). In total there are at least **11 known cases, when Belarusian citizens were rapidly and unduly removed from the country – either via deportation procedure or by ban on entry issued by the FSB.**

Fortunately, in such cases, individuals were allowed to leave the country on their own, which enabled them to leave for a third country where they were not in immediate danger of being persecuted.

Lana Savanovich and Ruslan Khazin were the central figures in Belarusian diasporas in Moscow and St. Petersburg respectively. They were organisers of manifold events in support of the protests in Belarus and release of political prisoners, coordinated systems of support and adaptation of incoming political migrants from Belarus, provided them with shelter and job opportunities. After the first arrests of Belarusian citizens in Russia on requests of Belarusian authorities, they were the ones who provided them with first aid in forms of financial support and information dissemination. In February 2021 both Lana and Ruslan were refused permanent residence permits on unspecified grounds of national security. According to the law, the refusal implies an obligation to leave the country in the course of 15 days. Agents of the FSB began harassing them with interrogations, constant calls and surveillance, threatening them with different legal repercussions and forceful expulsion directly to Belarus into the hands of Belarusian security forces. Left with no options, they had

to leave the country, despite prolonged stay of families in Russia.

Vladimir D., Egor M., Zhanna G., Yulia S. and Pavel S., a group of Belarusian activists from St. Petersburg, were arrested on 23 March 2021 and accused of staging an unauthorised assembly by filming a video in support of Belarusian protests in open-air, found guilty and sentenced up to 7 days of administrative detention. On their release they were all, except for one, who was released the last, arrested again and accused of violation of various migration rules (residence without registration or residence not in accommodations of registration). Police were pushing for deportation but defence counsellors managed to limit sentences to administrative fines. On 22 July 2021 **Zhanna G.** was arrested again. It was revealed that the FSB unbeknownst to her banned her from entering the country and she has to urgently leave it, despite having property in Russia, a job, residence permit and a close relative with a residence permit. **Egor M., Yulia S. and Pavel S.** were also banned from entering the country and were forced to leave Russia.

Similarly, in March 2022, a 19 years old **S.M.**, who was born in Moscow and lived there her whole life, was arrested during a peaceful rally in support of Aleksei Navalny in the centre of Moscow. Even though she was just a bystander and did not participate herself, she was sentenced to an administrative fine. A couple of days later she was notified by the Ministry of Internal Affairs that she posed a threat to national security and banned from entering Russia for 40 years. She was given 5 days to leave the country.

7. Recommendations.

Given the situation described above, the MHG recommends to the Russian Federation the following:

1. Abolish secret treaties and agreements that provide for alternative procedures for the detention and extradition of foreign citizens in the Russian Federation, depriving people of the legal guarantees laid down in international human rights law.⁵
2. Investigate cases of abductions and illegal extraditions and forceful expulsions of Belarusian citizens, remedy violations that have already taken place, guarantee that such situations will not recur in the future, and provide protection to those seeking refuge on its territory from political persecution in Belarus.
3. Provide access to information about new arrests under extradition requests and deportation procedures against Belarusian citizens in order to allow human rights defenders to provide professional legal and humanitarian aid.
4. Refrain altogether from carrying out extraditions and risky deportations to Belarus until there are sufficient grounds to believe that politically motivated violence in Belarus has ceased and that legal institutions have ceased to be an instrument of repression.
5. Abide by and execute interim measures issued by the United Nations Human Rights Committee, especially, in cases of extraditions and deportations.

⁵ Namely, Agreement on cooperation and interaction between the Ministry of Security of the Russian Federation and the State Security Committee of the Republic of Belarus dated 13 May 1992.

Contacts:

Roman Kiselyov,

Head of Legal Programmes

at Moscow Helsinki Group

rkiselyov@mhg.ru // r.d.kiselev@gmail.com

+7 (968) 950 5748 (tel, tg, whatsapp)