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Mapping International Responses to the Political Crisis in Belarus

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In August 2020 protests erupted in Belarus, following an allegedly rigged presidential election. Police brutality and political persecution continue to date. International actors adopt various responses to the political and human rights crisis, including sanctions.

As representatives of civil society, we are deeply concerned with the current political crisis unfolding in Belarus. By mapping international responses to the crisis, we explore the toolbox used by various actors to ensure accountability and inspire change. **The project's goal** is to monitor, document, and analyse international responses, seeking to clarify their nature to the general public, as well as to provide an information base for human rights defenders and activists.



What is happening in Belarus?

Belarus has been under the rule of Alexander Lukashenko¹ since 1994. Originally authorised to serve for two presidential terms, Lukashenko initiated two referenda on amending the constitution in 1996 and 2004. The reliability of the referendum results remains controversial. Nevertheless, Lukashenko got the opportunity to hold the post of president an unlimited number of times, his powers expanded and Belarus turned into a presidential republic.² Lukashenko's presidency has been marked by authoritarianism and oppression. The allegations against the regime range from state-sponsored and politically motivated murders³ to routine election fraud.⁴ Although crackdowns on dissent and political persecution have been common during Lukashenko's rule,⁵ the regime's response to peaceful demonstrations has arguably been the most brutal in 2020.

The largest protests in Belarusian post-Soviet history erupted following the 2020 presidential election. The announcement of a landslide victory for Lukashenko contrasted with ample evidence of electoral fraud,⁶ that mobilised Belarusians to take their demands for free and fair elections to the streets. The continued violent crackdown on peaceful protesters, manifest in the first days of protests⁷ and still ongoing,⁸ transformed the agenda of the demonstrators, now demand-

1 Hereinafter, the names of key figures are transliterated from the Russian language. The reader may encounter other spellings of names in sources using Belarusian transliteration.

2 Artyom Shraibman, *'Belarusian Constitution: An Obituary on Democracy'*, BelarusDigest, 25 March 2013.

3 *'Belarus: How Death Squads Targeted Opposition Politicians'*, DW, 1 December 2019.

4 *OSCE/ODIHR Election Observation Mission Final Report*, Presidential Election in the Republic of Belarus, 11 October 2015; *OSCE/ODIHR Election Observation Mission Final Report*, Presidential Election in the Republic of Belarus, 19 December 2010; *OSCE/ODIHR Election Observation Mission Final Report*, Presidential Election in the Republic of Belarus, 19 March 2006; *OSCE/ODIHR Election Observation Mission Final Report*, Presidential Election in the Republic of Belarus, 9 September 2001.

5 C. J. Chivers, *'Belarus Protest Dispersed as Police Arrest Hundreds'*, *The New York Times*, 24 March 2006; Tom Parfitt, *'Belarus Protests: More than 600 Charged and Opposition Leaders in Jail'*, *The Guardian*, 21 December 2010; *'Belarus Protests: Hundreds Arrested after Defying Ban'*, *BBC News*, 25 March 2017.

6 *'Falsifications at Every Third Polling Station: "Golos" Questioned the Results of Election in Belarus, Announced by the Central Electoral Commission' / Фальсификации на трети участков: "Голос" поставил под сомнение результаты выборов в Беларуси, объявленные ЦИК*, *Current Time/ Настоящее Время*, 11 August 2020; Kostya Manenkov and Daria Litvinova, *'Belarus Poll Workers Describe Fraud in Aug. 9 Election'*, *The Washington Post*, 1 September 2020; OSCE, Wolfgang Benedek, *'OSCE Rapporteur's Report under the Moscow Mechanism on Alleged Human Rights Violations related to the Presidential Elections of 9 August 2020 in Belarus'*, 29 October 2020, p. 21.

7 *'Belarus: Police Unleash Appalling Violence on Peaceful Protesters'*, Amnesty International, 10 August 2020; *'Belarus: Violence, Abuse in Response to Election Protests'*, Human Rights Center Viasna, 12 August 2020; *'Second Night of Protests: Police Violence, More Injuries, Death Confirmed'*, Human Rights Center Viasna, 11 August 2020; *'They Did Not Allow Me To See My Son's Body. A 25-year Old Died Following Detention in Homel / 'Мне адмовіліся паказваць цела сына. У Гомлі пасья затрымання памёр 25-гадовы хлопец'*, RadioFreeEurope / Radioliberty, 12 August 2020; International Committee for the Investigation of Torture in Belarus, *Mass torture in Belarus 2020, 'First Interim Report: State Response and Measures Taken to Investigate Mass Torture on 9–13 August 2020'*.

8 *'The World Should Not Ignore Systematic Torture in Belarus'*, *The Economist*, 5 December 2020; *International Committee for the Investigation of Torture in Belarus, Mass torture in Belarus 2020, Second Interim Report: Detention, Conditions of Detention and Treatment of Detainees in September–November 2020'*.

ing not only a new election but also an end to killings, torture, and political persecution of peaceful protesters.

The demands of protesters have not been met so far. The human rights situation in Belarus continues to deteriorate, as demonstrated by data from local human rights defenders, as well as international bodies.

Belarusian Political Crisis in Numbers (as of January 2022) ⁹

People killed as a result of alleged state-sponsored violence	20 ¹⁰
People arrested since 9 August 2020	More than 40 000 ^{11 12}
Political prisoners	978 ¹³
Amount of criminal cases on politically motivated grounds:	
<ul style="list-style-type: none">• criminal cases related to “extremism and terrorism;”• criminal cases related to “protest actions, crimes against sovereignty and public security” were initiated, which can be considered <i>a priori</i> politically motivated	More than 4 200 ¹⁴ 4691 ¹⁵
People reporting torture	2000 ¹⁶

Arrest and detention are not the only instruments in the toolbox of repression.

⁹ The numbers are approximate and based on the information available as of 1 August 2021.

¹⁰ *Victims of the regime*, dissident.by, 19 November 2021.

¹¹ *‘Total Number of People Detained During Protests Exceeded 30 Thousand / Общее число задержанных за время протестов превысило 30 тысяч человек’*, *Nasha Niva*, 22 November 2020.

¹² *Statistics for the year 2021, Lists of detainees (RUVD + Courts + Zhodino + Akrestsina) — an independent volunteer initiative*, 01 January, 2022.

¹³ *‘List of Political Prisoners’*, Human Rights Center Viasna, 8 January 2020.

¹⁴ *Over 4,200 criminal cases opened in Belarus on extremism, terrorism charges*, BELTA 26 July 2021.

¹⁵ *The Investigative Committee at the meeting of the board summed up the results of work in the first half of 2021/ Следственным комитетом на заседании коллегии подведены итоги работы в первом полугодии 2021 года*, 30 July 2021.

¹⁶ *Belarus: the case of Raman Pratasevich illustrates the deepening human rights crisis in Belarus*, World Organisation Against Torture (OMCT), 31 May 2021.

There are also numerous cases of people fired from work,¹⁷ expelled from universities,¹⁸ or threatened with deprivation of parental rights.¹⁹ Lawyers' licenses and journalists' accreditations are revoked.²⁰ Businesses are forced to close or relocate.²¹

The crisis continues to worsen, and the pressure continues to mount. Belarusian citizens bear the cost of authoritarian political ambitions of the regime. Their life, liberty, and economic well-being are under constant threat. Political crackdown has not weakened or subsided since August 2020. Both close attention to the situation in Belarus as well as solidarity with Belarusian people are still sorely needed.

17 'After Yesterday's Protests Factory Workers are Fired in Belarus / После вчерашних протестов в Беларуси начали увольнять заводчан', *Onliner.by*, 27 October 2020; Tatsiana Nevedomskaya, 'Lukashenko's Revenge? Why Historians are Fired in Belarus?' / Лукашенко мстит? За что в Беларуси увольняют историков, *DW*, 21 November 2020; Denis Martinovich, 'Nesvizh Museum Director Fired. A White-red-white Flag was Raised on the Museum's Building in Summer' / Уволен директор Несвижского музея Сергей Климов. Летом на здании появился БЧБ-флаг, *TUT.by*, 9 December 2020.

18 'Belarusian Students Complain of Expulsions after Joining Opposition Strike', *Reuters*, 28 October 2020.

19 Tatsiana Nevedomskaya, 'Why Belarusians take Children to Protests Despite the Threats Parental Rights Deprivation' / Почему белорусы берут на протесты детей, несмотря на угрозы лишить их родительских прав, *DW*, 21 September 2020.

20 'Joint Letter on Revocation Licenses of Aliaksandr Pylchanka and Yulia Levanchuk', Lawyers for Lawyers and the Law Society of England and Wales, 3 November 2020; 'Belarus Cancels all Accreditation for Foreign Journalists', *DW*, 2 October 2020.

21 'At Least 12 IT Companies In Belarus Are Relocating, More Are Considering', *BelarusFeed*, 29 August 2020; Jurgita Lapienytė, 'Are Tech Companies Leaving Belarus?', *Cybernews*, 26 August 2020.

What is the project about?

As representatives of civil society, we are deeply concerned with the current political crisis unfolding in Belarus. By mapping international responses to the crisis, we explore the toolbox used by various actors to ensure accountability and inspire change. The project's goal is to monitor, document, and analyse international responses, seeking to clarify their nature to the general public, as well as to provide an information base for human rights defenders and activists.

We do not intend to rank international responses based on their effectiveness or formulate a 'one size fits all' strategy for handling the crisis. We welcome all steps taken by local and global actors to raise awareness about the dire human rights situation in Belarus. In the absence of a functioning domestic justice system to remedy violations, the response of the international community is especially important. We encourage dialogue and action that can help put an end to human rights abuses and political persecution in Belarus.

States and international organisations, unless neutral by their mandate (e.g., the International Committee of the Red Cross), tend to speak up on events of high international resonance. As numbers of the regime's victims continue to grow, actors on the international arena respond in a variety of ways, including but not limited to:

- ✕ issuing official statements condemning violence and electoral fraud;
- ✕ imposing travel bans and asset freezes on state officials;
- ✕ shrinking the size of diplomatic missions;
- ✕ withdrawing from joint economic projects;
- ✕ providing financial support to civil society, independent media, and victims;
- ✕ adopting resolutions and recommendations; and
- ✕ starting formal investigations.

The reactions of international actors vary in their framing and choice of rhetoric, as well as in their legal and political consequences.

Are actors reacting because they can or because they must?

Some actors react out of a sense of legal obligation. For instance, states that view the prohibition of torture as a *jus cogens* (peremptory) or *erga omnes* (towards all) rule of international law may treat instances of torture in Belarus as an affront to the rights and interests of all states and consider themselves legally obliged to react to the violation. States that cease the performance of their obligations in respect to Belarus may also frame such actions as countermeasures.²²

²² ILC, 'Articles on Responsibility of States for Internationally Wrongful Acts', with commentaries, adopted by the UNGA resolution 56/83 of 12 December 2001, Chapter II.

Other actors may frame their responses as something that they choose to do rather than must do. For instance, it is within states' discretion to condemn Belarusian *de facto* leadership because they are concerned by the implications of such leadership's harmful policies, without necessarily qualifying the policies in question as violations of *erga omnes* rules.

Are the responses binding?

Although states cannot unilaterally impose obligations on other states, international organisations do sometimes have the power to issue binding decisions. For instance, if the United Nations Security Council were to establish an existence of threat to international peace and security,²³ it could adopt a binding resolution adopting either peaceful or forceful measures against a state.

Responses to the situation in Belarus issued by third states and organisations that Belarus is not a member of are not binding in nature. However, just because such responses are not directly binding on Belarus, this does not mean that they do not have consequences on the ground. Discontinuation of joint projects or freezing of assets affect Belarusian authorities, immediately depriving them of tangible economic benefits. *Initiating criminal proceedings* against perpetrators of torture in foreign states may not prompt Belarus to cease torture, but may result in an actual criminal sentence should the perpetrator be caught and brought to justice.

Although the Belarusian state authorities may consider all adverse reactions to their actions as sanctions, not all retaliatory measures can be unequivocally attributed to this category. As discussed in a separate section, sanctions are typically characterised by taking away certain benefits — like unrestricted travel or unrestricted trade. Other measures (e.g., official statements, resolutions, formal and informal investigations, financial support to civil society) may lack the element of 'privilege deprivation', but exert pressure on the regime in other meaningful ways.

23 *United Nations Charter*, Chapter VII.

What are sanctions?

The term 'sanctions' is so frequently used in modern political and legal discourse that its meaning seems intuitively clear. In the most general sense, sanctions are measures taken against states that violate their obligations or behave in an undesirable or reprehensible manner. The context in which sanctions are brought up often involves violations of international law committed by one state, for which other states, groups of states, or international organisations respond by depriving the wrongdoer state (its state officials, citizens, or entities) of certain rights and privileges.

Sanctions are used as a preventive and deterrent measure in order to send a signal of what constitutes unacceptable behaviour on the international stage. They can be seen as one of the 'naming and shaming' tools used to induce compliance with international obligations. Although the desired compliance is not guaranteed, sanctions are often used to send a symbolic message, and show a commitment to fundamental values that have been disregarded.

There is no single definition of sanctions in international law. State-to-state sanctions are often referred to as '*unilateral coercive measures*'. Sanctions manifesting in non-performance of obligations in response to an internationally wrongful act may qualify as '*countermeasures*' under the law of state responsibility.²⁴ Diplomatic sanctions may go by the label of '*retorsions*'.²⁵ *Sanctions* taken by the United Nations Security Council against its member states are different from *sanctions* taken by the European Union (EU), which are used as a foreign policy tool against non-member states.

It is crucial to note that whenever we refer to 'sanctions', we do not refer to a single mechanism, but to multiple mechanisms, different in their scope and effect. These mechanisms may share the same general name and even have some common attributes but, upon closer analysis, they exhibit distinctive features. Sanctions adopted by the United Nations Security Council, Council of the European Union, the International Olympic Committee, and sovereign states individually will inevitably differ in their legal basis, scope, legitimacy, and impact. It is more practical to shift focus from an ambitious endeavour defining sanctions exhaustively to analysing them on a case-by-case basis.

There are some typical (but not necessarily universal) attributes of sanctions:

⌘ Sanctions are introduced by states or international organisations

Actions by individuals or companies are not typically characterised as sanctions. For instance, if a person is boycotting state media, it does not mean that he/she/they is thereby sanctioning the state. Likewise, the actions of private companies who choose to close their operations in a par-

²⁴ ILC, '*Articles on Responsibility of States for Internationally Wrongful Acts*', with commentaries, adopted by the UNGA resolution 56/83 of 12 December 2001, Chapter II.

²⁵ Tom Ruys, '*Sanctions, Retorsions and Countermeasures: Concepts and International Legal Framework*' (8 April 2016). In Larissa van den Herik (ed.), 2016, *Research Handbook on UN Sanctions and International Law*, (Edward Elgar Publishing).

ticular state are rarely framed as sanctions. However, private companies could be taking such measures in order to implement sanctions adopted by states or international organisations.

⌘ **Sanctions are introduced to induce compliance with international obligations**

Sanctions are not typically adopted on a whim. Whichever form sanctions may take, they are usually accompanied by the rationale for their adoption. Such rationale stems from breaches of certain international norms (e.g., the violations of human rights to be free from torture, freely assemble, elect, and be elected). Although it is possible to trace the source of the obligation to the legal instrument where it is contained (e.g., the *International Covenant on Civil and Political Rights*), actors adopting sanctions do not always cite specific legal norms. There is space for debate on whether outside actors have standing to essentially represent the people whose rights are violated and decide on their behalf on how their oppressor should be 'punished'.

Although sanctions, coming in many different shapes and forms, are not always equivalent to countermeasures under the law of state responsibility,²⁶ they are similarly aimed at inducing state compliance with the breached obligation. Sanctions are meant to be lifted when the sanctioned state starts complying with its obligations.

⌘ **Sanctions limit, pause, or stop the implementation of rights or granting of privileges**

Sanctions are meant to limit the sanctioned state's ability to enjoy the rights and privileges vis-à-vis the sanctioning state or organisation. Sanctioned state officials are often banned from entering certain states and territories, even though they are entitled to the *right* of free movement under international human rights law. The *privilege* of keeping financial assets in foreign banks may also be limited as a result of sanctions, even though there is no universal entitlement to keep one's financial assets in any bank of choice.

It is important to note just how multifaceted the discussion on sanctions is,²⁷ as sanctions remain a fact of political life and an instrument regularly used in international relations.

26 ILC, 'Articles on Responsibility of States for Internationally Wrongful Acts', with commentaries, adopted by the UNGA resolution 56/83 of 12 December 2001, Chapter II.

27 Ali Z. Marossi, Marisa R. Bassett, 2015, *Economic Sanctions under International Law: Unilateralism, Multilateralism, Legitimacy, and Consequences*, Asser Press: The Hague. See also the OHCHR Mandate of the *Special Rapporteur on the Negative Impact of the Unilateral Coercive Measures on the Enjoyment of Human Rights*.

What are the types of sanctions?

⌘ **Based on the actors adopting sanctions:**

States' sanctions (unilateral sanctions)

States' sanctions are measures adopted by a state vis-à-vis another state, its citizens, or entities.

Since states are equal in their sovereignty and are prohibited from interfering in one another's internal affairs, these types of sanctions often cause controversy and backlash. The sanctioned states tend to challenge the standing of other states to make outside determinations on the human rights situation on the ground, and even frame them as unlawful interventions in internal affairs.

Although the unilateral character of state-to-state sanctions may cause concern for some actors, there are factors that support the legitimacy of such sanctions:

- ▷ It is within a state's sovereignty to build economic, diplomatic, and cultural relations with other states in whichever way it pleases. It is within a sovereign state's discretion to stop or limit such relations by means of sanctions.
- ▷ Sanctions are often demanded by the population of the sanctioned state. The violations that trigger sanctions can be grave and substantial. The call to impose sanctions is often voiced and lobbied for by the sanctioned state's civil society, undermining the argument that outsiders do not represent the interests of the actual population.

Examples of such sanctions include the *United States' sanctions on Cuba* or *Switzerland's sanctions on Belarus*.

International organisations' sanctions (multilateral sanctions)

International organisations' sanctions are measures adopted by an international organisation vis-à-vis a state, its citizens, or entities. There are two subcategories of these types of sanctions:

- ▷ Measures international organisations impose on their member states.
- ▷ Measures international organisations impose on non-member states.

▷ **Member states**

When a state joins an international organisation, it transfers part of its sovereignty to the organisation.

The organisation's structure typically includes collective bodies, competent to make strategic decisions on behalf of the organisation. The rules and instruments of the organisation often stipulate situations in which

member states may be sanctioned and the procedure for such sanctioning. The sanctions against member states may include:

- Suspension of funding.
- Suspension of membership.
- Suspension of providing certain services.
- Limiting voting rights within the organisation.
- Termination of membership.

These types of sanctions cause little controversy. There is an assumption that states consent to being governed by the organisation's rules, being fully aware of the rules on sanctions. They may dispute the factual grounds for imposing sanctions, but rarely question the legality of the sanctions mechanism as a whole.

Examples of such sanctions include *the United Nations Security Council sanctions mechanism or the Council of Europe mechanism of limiting voting rights in the Parliamentary Assembly*. The EU typically does not label actions against its own member states as sanctions, understanding sanctions as a foreign policy tool. However, *Article 7 of the Treaty on European Union* provides for a mechanism of suspending certain rights of member states. This in effect may be characterised as an internal sanctions mechanism.

▷ Non-member states

Measures taken by international organisations against non-member states face the same criticism as unilateral state-to-state sanctions.

Since they are taken by an organisation against states that never subjected their policies to the scrutiny of such organisations, there is concern about the competence of such organisations to make any determination and 'punish' the wrongdoer.

The counterarguments about the legitimacy of unilateral state-to-state sanctions also apply to sanctions imposed by international organisations against non-members. Reputable international organisations are often called upon to react to human rights violations by imposing sanctions. The sanctions typically remain within the organisation's discretion of determining its cooperation strategies.

Examples of such sanctions include the EU's restrictive measures against *Russia, North Korea, Iran, Belarus, and other states*, as well as the United Nations Security Council sanctions against *North Korea*.

⊗ **Based on the nature of sanctions:**

Diplomatic

In a broad sense, sanctions include 'unfriendly acts' of calling back diplomats or closing diplomatic missions. Such measures are often mirrored by equivalent measures from the sanctioned state.

Financial

Financial sanctions may include freezing assets of individuals, terminating financial support to the sanctioned state, closing or pausing joint projects.

Economic

Economic sanctions may range from prohibitions on importing certain goods from the sanctioned state to complete trade embargoes and termination of economic cooperation.

Travel-related

Travel-related sanctions include travel bans and visa restrictions, effectively preventing sanctioned individuals from entering certain territories.

Military

Sanctions involving the use of force (*e.g.*, placement of armed forces) can only be adopted by a United Nations Security Council Resolution.²⁸ The only other permitted case of using force in international law is self-defence.²⁹

⌘ **Based on the scope of measures taken:**

Narrow (targeted)

Sanctions may be considered narrow if they target a limited number of individuals or entities, directly associated with alleged violations. There are no specific rules on how many targets sanctions should have to remain in the 'narrow' category.

The fact that sanctions may *target* a small group of individuals does not mean that their consequences do not *affect* a wider population.

▷ **Travel restrictions**

State officials and private individuals associated with human rights violations are often banned from entering countries that individually or collectively adopt sanctions.

Travel bans are not a blanket measure that apply to all state officials. As a rule, people who make it to the sanctions list are carefully reviewed. Travel bans that apply to the relatives and family members of people directly associated with violations may be more controversial.

▷ **Freezing of assets**

The assets of state officials, private individuals, and companies associated with human rights violations are often frozen as a result of sanctions.

Like travel bans, asset freezes are not intended to be introduced arbitrarily or in an overbroad manner. There may be difficulties in targeting the assets if such assets belong to the identified individuals but are not

28 *United Nations Charter*, Article 42.

29 *Ibid.*, Article 51.

formally held in their name.

Broad (sectoral)

Sanctions may be considered broad if they target economic sectors generally or limit the entire population (or a significant part) in their privileges and rights.

Even broad restrictions are, to an extent, targeted. It may be unrealistic or unreasonable to halt any and all cooperation with the sanctioned state. Although excessive impact of broad sectoral sanctions on the already repressed populations is not the end goal, it may be a negative consequence.

▷ Trade restrictions

Restricting trade or lifting trade preferences is a common strategy to induce state compliance with human rights obligations.

Trade restrictions range from bans on trading in certain goods or services (in many cases sanctions specifically prohibit trade in arms or dual-service goods) to complete trade embargoes.

Trade restrictions may affect one or many economic sectors of the sanctioned state. The stricter the character of trade restrictions, the likelier they are to affect broad groups of population.

▷ Termination of global services

Termination of international services, like SWIFT, is a measure that cannot be applied in a narrow manner.

Such measures necessarily affect large groups of people whose ability to benefit from a global and integrated service system is limited.

⊗ **Based on the grounds for adopting sanctions:**

Geographic

Some sanctions regimes are adopted in response to political crises in particular states. Such sanctions usually specify a series of events within the sanctioned state that have led to the adoption of restrictive measures and demand that state authorities change harmful state policies or practices. The 'usual suspects' for geographic sanctions include North Korea, Venezuela, Syria, Russia, and Belarus.

Thematic

Some sanctions are adopted in respect of specific types of violations or misconduct. For instance, the United States has sanctions regimes associated with *counter-terrorism*, *malicious cyber-enabled activities*, or *rough diamond trade*.

Magnitsky-style sanctions mechanisms, that originated in the *United States* and have recently been introduced at the *EU* level, allow sanctioning of specific individuals for serious human rights violations without assessing whether the regime as a whole is 'sanction-worthy'.

⌘ **Based on the object of sanctions:**

Affecting rights

Some sanctions, similar to countermeasures under international law,³⁰ introduce measures that would have been illegal if they were not adopted in response to a violation. Rights that sanctioned states and their citizens were entitled to pre-sanctions are no longer guaranteed under a sanctions regime.

Sanctions may contradict contractual obligations of the sanctioning state — for instance, if trade agreements are unilaterally terminated as a result of the newly introduced trade restrictions.

Assuming that the right to free movement³¹ applies extraterritorially,³² the imposition of travel bans effectively deprives sanctioned persons from the enjoyment of this right.

Affecting privileges

Some sanctions introduce measures that may be unfavourable to the sanctioned states and their citizens but remain within the lawful discretion of the sanctioning state.

Assuming that diplomatic measures fall under the broad umbrella of sanctions, calling back diplomatic missions or limiting the number of diplomats stationed in a particular state is within a sovereign state's discretion.

Choosing to limit the access of certain state officials to official events or sports competitions is also within the discretion of the sanctioning state or organisation. The sanctioned state cannot expect an invitation as a matter of right; it is only granted as a matter of privilege.

30 ILC, '*Articles on Responsibility of States for Internationally Wrongful Acts*', with commentaries, adopted by the United Nations General Assembly Resolution 56/83 of 12 December 2001, Chapter II.

31 *International Covenant on Civil and Political Rights*, Article 12.

32 See Marko Milanovic, 2011, *Extraterritorial Application of Human Rights Treaties: Law, Principles, and Policy*, Oxford University Press.

What sanctions against Belarus are currently in place?

This is not the first time international sanctions against Belarus have been adopted. The recent violations of human rights in Belarus have prompted several states and international organisations to impose more restrictive measures. In some cases, sanctions were not adopted anew, but rather re-imposed or extended. This section seeks to analyse the measures taken by the key international actors.

European Union

The EU boasts of a comprehensive and well-documented sanctions framework. It has formulated *basic principles, guidelines, and best practices* of applying restrictive measures. On 7 December 2020, it introduced the new EU Global Human Rights Sanctions Regime (EUGHRSR).³³ The new tool is projected to allow the EU 'to target serious human rights violations and abuses worldwide, irrespective of where they occur, whereas existing sanctions regimes focus on specific countries.'³⁴

Sanctions procedure

The procedure of imposing sanctions under the EUGHRSR remains similar to the original *country sanctions mechanism*. The EU High Representative for Foreign Affairs and Security Policy and EU member states can put forward proposals for listings. The Council [in its Common Foreign and Security Policy (CFSP) configuration] decides on the listings and imposes restrictive measures in its CFSP Decision. Measures such as arms embargoes or restrictions on admission are implemented directly by the member states, which are legally bound to act in conformity with CFSP Council Decisions. The Council then proceeds to adopt a regulation which contains the measures on interrupting or reducing, in part or completely, economic relations with a third country, including measures freezing funds and economic resources.

The imposition of sanctions requires a unanimous vote by the Council, which is often held hostage to intra-EU controversies. The European Parliament (EP) does not take part in the decision-making procedure on sanctions. However, as a norm entrepreneur, the EP actively advocates for human rights in the EU's foreign policy and is arguably the most vocal actor in calling for EU sanctions. In its September 2020 *resolution* on Belarus, the EP strongly supported (574 votes in favour) targeted EU sanctions against individuals responsible for the falsification

33 EEAS, *Questions and Answers: EU Global Human Rights Sanctions Regime*, 7 December 2020.

34 EEAS, *Questions and Answers: EU Global Human Rights Sanctions Regime*, 7 December 2020. See also Netherlands Helsinki Committee, *'One Step Closer to an EU Magnitsky Act'*, 10 November 2020: *'While the EU Global Human Rights Sanctions Regime would not replace existing EU geographic sanctions regimes (some of which already address human rights violations and abuses in for example Syria, Belarus or Venezuela), the new regime would enable the EU to impose asset freezes and travel bans on foreigners that are deemed to have violated fundamental rights: regardless of where they occur or who is responsible. The sanctions regime marks a great improvement for the protection of human rights, as it would replace the EU's current country-by-country system for imposing asset freezes and travel bans on foreigners with a single framework.'*

of the election results and the repression in Belarus. While this resolution is not binding, such broad support sends a strong political signal to other EU institutions.

Once sanctions are adopted, the Council notifies the sanctioned persons of the measures taken and provides them with an opportunity to present observations, upon which the measures may be reviewed.³⁵ The EU targeted sanctions must be based on evidence that links the sanctioned persons to the violations for which the sanctions are imposed. The EU sanctions can be appealed at the EU's Court of Justice. Once adopted by the Council, the responsibility to implement sanctions lies with the EU member states.

Sanctions on Belarus pre-2020

Belarus has been on the EU sanctions map since 2004, when four Belarusian officials (Yury Sivakov, Victor Sheiman, Dmitri Pavlichenko, and Vladimir Naumov) associated with the enforced disappearances of Yury Zakharenko, Viktor Gonchar, Anatoly Krasovskiy, and Dmitriy Zavadskiy were put under travel restrictions.

In 2006 sanctions were imposed in response to "violations of international electoral standards and international human rights law, as well as for the crackdown on civil society and democratic opposition".³⁶ The sanctions extended to 36 Belarusian officials, including Lukashenko. By 2012, the sanctions list had grown to include 243 Belarusian officials and 32 entities. The restrictive measures expanded from travel bans to asset freezes and prohibitions on exporting arms and equipment that may be used for internal repression.³⁷ In 2016, following the release of six political prisoners,³⁸ targeted sanctions were mostly lifted, with only the arms embargo and initial sanctions on four Belarusian officials remaining in force.³⁹

Sanctions on Belarus post-2020

Following the 2020 Belarusian presidential election and the brutal crackdown that ensued, the CFSP Council has yet again resorted to the sanctions mechanism. So far, four packages of sanctions have been adopted, targeting a total of 166 state officials⁴⁰ (170, counting the four officials from the 2004 sanctions list), including Lukashenko and 15 companies or state entities. The fourth package of sanctions also included broad sectoral sanctions,⁴¹ particularly those affecting the potash industry. Belarus is one of the world's largest producers of potash, a major fertilizer ingredient, exporting 12.046 million metric tonnes in

35 *Council Decision (CFSP) 2020/1999 of 7 December 2020 Concerning Restrictive Measures Against Serious Human Rights Violations and Abuses*, Article 5.

36 *Council Regulation (EC) No 765/2006 of 18 May 2006 Concerning Restrictive Measures in Respect of Belarus*, Preamble, para. (2).

37 *EU Sanctions Map, Belarus*.

38 Andrei Makhovsky, *'Belarus Leader Pardons Six Jailed Opposition Figures'*, Reuters, 23 August 2015.

39 *'Belarus: EU Prolongs Arms Embargo and Sanctions Against 4 Individuals for One Year'*, General Secretariat of the Council, 17 February 2020.

40 *'Europeans have 165 names on the table, including Karpenkov.'* *When will the EU adopt the fourth package of sanctions? / На столе у европейцев 165 имен, есть и Карпенков. Когда ЕС примет четвертый пакет санкций*, TUT.BY, 2 February 2021.

41 *'EU imposes sanctions on Belarusian economy'*, Council of the European Union, 24 June 2021.

2019.⁴² Revenue from the potash industry is the single largest source of funding in Minsk's annual budget. Most of the export potash passed through the Lithuanian (EU) port of Klaipeda; now it will need to be redirected, most likely through Russian ports.⁴³

Package 1 of targeted sanctions

Date of adoption: 2 October 2020

Conditionality: The sanctions were adopted in response to:

- ▷ violence;
- ▷ unjustified arrests;
- ▷ falsification of election results.

The measures are designed to remain in force for as long as the violations persist.

Scope: Targeted — travel bans and asset freezes in respect of 40 state officials associated with electoral fraud, repression and intimidation, arbitrary arrests, ill-treatment, and torture.

Package 2 of targeted sanctions

Date of adoption: 6 November 2020

Conditionality: The sanctions were adopted in response to:

- ▷ violence;
- ▷ unjustified arrests;
- ▷ falsification of election results;
- ▷ unlawful presidential inauguration;
- ▷ detention of political prisoners;
- ▷ repression and intimidation of peaceful demonstrators, opposition members, and journalists.

The measures are designed to be recited with electoral fraud, repression and intimidation, arbitrary arrests, ill-treatment, and torture.

Scope: Targeted — travel bans and asset freezes in respect of 15 state officials associated with electoral fraud, repression and intimidation, arbitrary arrests, ill-treatment, and torture.

Package 3 of targeted sanctions

Date of adoption: 17 December 2020

⁴² 'Potash Facts', Government of Canada: Natural Resources, 2 March 2021.

⁴³ 'EU sanctions damage lifeline transit of Belarus potash via Lithuania,' Reuters, 24 June 2021.

Conditionality: The sanctions were adopted in response to:

- ▷ violence;
- ▷ unjustified arrests;
- ▷ falsification of election results;
- ▷ unlawful presidential inauguration;
- ▷ detention of political prisoners;
- ▷ repression and intimidation of peaceful demonstrators, opposition members, and journalists;
- ▷ ongoing repression of civil society.

The measures are designed to remain in force for as long as the violations persist.

Scope: Targeted — travel bans and asset freezes in respect of 29 state officials and 7 companies associated with electoral fraud, repression and intimidation, arbitrary arrests, ill-treatment, and torture.

Package 4 of targeted sanctions

Date of adoption: 21 June 2021

Conditionality: The sanctions were adopted in response to:

- ▷ violent repression of civil society, democratic opposition and journalists;
- ▷ the violent repressions of persons belonging to national minorities;
- ▷ ongoing repression of civil society;
- ▷ the forced landing of a Ryanair flight in Minsk, Belarus, on 23 May 2021 endangering aviation safety, and the detention by Belarusian authorities of journalist Roman Pratasevich and Sofia Sapega.

The measures are designed to remain in force for as long as the violations persist.

Scope: Targeted — travel bans and asset freezes in respect of 77 Belarusian individuals and 8 entities which support and benefit from the Lukashenko regime, including 7 individuals and one entity (Belo aeronavigatsia) associated with the unlawful landing of RyanAir Flight 4978.

Package 1 of sectoral sanctions

Date of adoption: 24 June 2021

Conditionality: The sanctions were adopted in response to:

- ▷ repression and intimidation of peaceful demonstrators, opposition members, and journalists;
- ▷ the violent repressions of persons belonging to national minorities;

- ▷ ongoing repression of civil society;
- ▷ the forced landing of a Ryanair flight in Minsk, Belarus, on 23 May 2021 endangering aviation safety, and the detention by Belarusian authorities of journalist Raman Pratasevich and Sofia Sapega.

The measures are designed to remain in force for as long as the violations persist.

Scope: Sectoral — import bans and restricted access to EU capital markets. Exports to Belarus from the EU of technology or software used for interception of the internet and of telephone communications and dual-use goods and technologies for military use are prohibited; imports to the EU of petroleum products and potassium chloride ('potash') from Belarus are restricted; the provision of insurance and reinsurance to public bodies in Belarus is prohibited; European Investment Bank are to end payments under existing contracts to public bodies in Belarus; and member states are required to divest multilateral development bank funds from Belarus.

Package 5 of targeted sanctions

Date of adoption: 2 December 2021

Conditionality: The sanctions were adopted in response to:

- ▷ activities by the Lukashenka regime that facilitate the illegal crossing of the external borders of the Union or the transfer of prohibited goods and the illegal transfer of restricted goods, including hazardous goods, into the territory of a Member State.
- ▷ instrumentalising migrants for political purposes;
- ▷ ongoing hybrid attack launched by the Belarusian regime.

Scope: Targeted — travel bans and asset freezes in respect of 17 officials and 11 entities (including JSC 'Airline Belavia'), including companies from Belarus, Syria and Turkey, organising or contributing to the abovementioned activities by the Lukashenka regime.

United States of America

As a powerful actor on the international arena, the United States actively uses its sanctions mechanism against foreign states, businesses, and officials.⁴⁴ It regularly introduces and extends both thematic (*counter-terrorism sanctions, cyber-related sanctions, rough diamond trade control, global Magnitsky sanctions*) and country-specific (including *Belarus, Burundi, Cuba, North Korea, Syria*) sanctions.

Sanctions procedure

The procedures for adopting and implementing sanctions are distinct. The Office of Foreign Assets Control (OFAC) is a financial intelligence and enforcement agency of the US Treasury Department that administers and enforces sanctions programmes. The sanctions programmes that OFAC controls represent the implementation of multiple legal authorities. Some of these authorities are in the

⁴⁴ US Department of the Treasury, *Sanctions Programs and Country Information*.

form of *executive orders* issued by the president, others are public laws (statutes) passed by Congress, following the standard *legislative procedure*. These authorities are further codified by OFAC in its regulations, which are published in the Code of Federal Regulations. Modifications to these regulations are posted in the Federal Register.

Sanctions on Belarus pre-2020

The United States sanctions on Belarus stem from two key acts: the *Executive Order 13405* of 2006 and the Belarus Democracy Act of 2004 (as amended in 2006 and 2011).

Executive Order 13405 stipulates that all property and interests in property of the following persons⁴⁵ must be blocked:

- ▷ all persons listed in the Annex to the order (10 individuals at the time of the order's adoption, including Lukashenko);
- ▷ persons who have participated in actions or policies that undermine democratic processes or institutions in Belarus;
- ▷ persons responsible for human rights abuses related to political repression in Belarus;
- ▷ senior-level officials, their family members, or people closely linked to such officials who are responsible for public corruption related to Belarus;
- ▷ persons who have materially assisted, sponsored, or provided financial, material, or technological support for, or goods or services in support of, political repression;
- ▷ legal persons owned, controlled, acting for or on behalf of, directly or indirectly, any person listed in the order.

The Belarus Democracy Act is a United States' statute that has been transformed and amended as new violations of human rights in Belarus emerged. Originally adopted in 2004, it was amended in 2006 and 2011. The attempt to introduce amendments to the act in 2015 failed. Before the events of 2020, the act already stipulated a framework that would allow the United States to adopt both targeted and broad sanctions, including:

- ▷ travel bans for Belarusian senior leadership;
- ▷ freezing of individual or company funds affiliated with Belarusian senior leadership;
- ▷ prohibition on providing credit guarantees, insurance, financing, or other similar financial assistance to the Belarusian government;
- ▷ prohibition on using the funds of the *Trade and Development Agency* for the activities of the agency in or for Belarus.

⁴⁵ The exact list of persons is to be determined by the Secretary of the Treasury, after consultation with the Secretary of State.

The conditions for the lifting of sanctions under the act included:

- ▷ release of individuals in Belarus who have been jailed based on political or religious beliefs or expression;
- ▷ withdrawal of politically motivated legal charges against all opposition activists and independent journalists in Belarus;
- ▷ a full account of the disappearances of opposition leaders and journalists in Belarus, including Yury Zakharenko, Viktor Gonchar, Anatoly Krasovskiy, and Dmitriy Zavadskiy, and the prosecution of those individuals who are in any way responsible for their disappearances;
- ▷ cessation of all forms of harassment and repression against independent media, independent trade unions, nongovernmental organisations, youth groups, religious organisations (including their leadership and members), and the political opposition in Belarus;
- ▷ prosecution of senior leadership of the Government of Belarus responsible for the administration of fraudulent elections and violations of human rights;
- ▷ a full account of the embezzlement of state assets by senior leadership of the Government of Belarus, their family members, and other associates;
- ▷ holding of free, fair, and transparent presidential and parliamentary elections in Belarus consistent with Organization for Security and Co-operation in Europe (OSCE) standards and under the supervision of OSCE observers and independent domestic observers.

Sixteen individuals and nine state-controlled enterprises were subjected to sanctions before the 2020 crisis.⁴⁶

Sanctions on Belarus post-2020

As the situation in Belarus continues to deteriorate, new names have been added to the *sanctions list*. Eight state officials associated with human rights abuses and undermining democratic processes have been designated in October 2020.⁴⁷ More targets have been added to the sanctions list in December 2020⁴⁸ and June 2021,⁴⁹ now comprising 41 individuals, 9 enterprises, and 8 collective bodies (Central Commission of the Republic of Belarus on Elections and Holding Republican Referenda (Belarusian CEC); Directorate of Internal Affairs of the Brest Oblast Executive Committee (Brest UVD); Internal Troops of the Ministry of Internal Affairs; KGB Alpha; Main Directorate for Combating Organized Crime and Corruption (GUBOPiK); Main Internal Affairs Directorate of the Minsk City Executive Committee (Minsk GUVd); Minsk Special Purpose Police Unit (Minsk OMON); and State Security Committee), as well as the Akrestsina Detention Center in Minsk. Still others have been targeted by *visa restrictions*.

There is also a political will to push for more sanctions. The *Belarus Democracy*,

46 US Department of State, *U.S. Relations With Belarus*.

47 US Department of the Treasury, '*Treasury Sanctions Belarus Officials for Undermining Democracy*', 2 October 2020.

48 US Department of the Treasury, '*Treasury Sanctions Additional Belarusian Regime Actors for Undermining Democracy*', 23 December 2020.

49 US Department of the Treasury, '*Treasury and International Partners Condemn Ongoing Human Rights Abuses and Erosion of Democracy in Belarus*', 21 June 2021.

Human Rights, and Sovereignty Act of 2020 was *signed* into law by the president in December 2020. In addition to the aims pursued by the current version of the Belarus Democracy Act, it calls to widen and tighten the sanctions grip. The act seeks to expand the categories of persons targeted by sanctions by specifically adding:

- ▷ members of the Central Election Commission of Belarus or people assisting the Commission;
- ▷ members of any branch of the security or law enforcement services of Belarus, including the KGB, Interior Ministry, and OMON special police unit who participated in political repression;
- ▷ government officials, including at the Information Ministry, responsible for the crackdown on independent media, including revoking the accreditation of journalists, disrupting Internet access, and restricting online content;
- ▷ officials of the so-called 'Union State' between Russia and Belarus (regardless of nationality);
- ▷ Russian individuals who have significantly participated in the crackdown on independent press or human rights abuses related to political repression in Belarus, including Russian propagandists sent to replace local employees at Belarusian state media outlets.

Beyond reauthorising sanctions for those complicit in the crackdown on fundamental freedoms of Belarusians by Lukashenko during and after 9 August 2020, the act authorises assistance measures to, among other things, counter internet censorship; support the work of women activists; support political refugees fleeing Belarus; support the investigating of the human rights abuses in Belarus; and support the public health response to COVID-19.⁵⁰

On August 9, 2021, the United States significantly expanded its sanctions policy against the Belarusian de facto authorities on the eve of the anniversary of the Belarusian protests start. Thus, the *corresponding decree of President Joe Biden* extends sanctions to 23 individuals and 21 organizations. Energy, construction, transport and tobacco companies, including the largest enterprises 'Belaruskali' and 'Belneftegaz,' as well as the company 'New Oil Company Vostok' LLC, registered in the Russian Federation, fell under the sanctions regime. The Investigative Committee of Belarus, as well as the National Olympic Committee of Belarus, should also be mentioned separately in this list. A number of individuals who are associated (or were previously associated) with the above-mentioned companies and enterprises, members of parliament (Gennady Davydko and Oleg Gaidukevich), as well as senior employees of many law enforcement agencies (for example, the chairman of the Investigative Committee of Belarus Dmitry Gora and his deputies; KGB officers; the administration of the temporary detention center and the center for the isolation of offenders on Akrestina Street) also fell under the restrictions.

On December 2, 2021 the United States *imposed one more package of sanctions* against 20 individuals, 12 legal entities and even 3 aircraft. The package includes the leadership of the State Border Committee, including chairman Dmitry Lappo; Dmitry Lukashenko, son of A. Lukashenko and head of the 'President's Sports Club;' Dmitry Baskov, member of the Council of the Republic of the Na-

50 *Division-by-Division Summary of Authorizing Matters*, p. 68.

tional Assembly, suspected of killing a peaceful protester; a number of employees of the GUBOPiK, including the head of the department Andrey Parshin; heads of several other departments of the Ministry of Internal Affairs. The sanctions also included such industrial objects as the Belarusian Potash Company (BPC), 'Beltechexport,' 'Agat Electromechanical Plant,' 'Slavkali' (including an aircraft and a helicopter registered at Slavkali) and many other enterprises; a subsidiary trading enterprise of BPC in Ukraine 'Agrozokvit,' the airline Transaviaexport as well as the public association 'President's Sports Club' and one travel company. Unlike the sanctions of the European Union, the national air carrier Belavia was not included in the US sanctions list. In addition to targeted sanctions, the US Treasury Department has banned its citizens from transactions with new debt obligations of Belarus, issued after the imposition of sanctions for a period of more than 90 days.

On December 10, the US Secretary of State Anthony Blinken, in his statement, announced the introduction of personal sanctions against the heads of the Akrestina Detention Center Igor Kenyukh and Yevgeniy Shepetko 'for their involvement in gross violations of human rights, namely the torture and/or cruel, inhumane, or degrading treatment or punishment of detainees in the aftermath of the fraudulent August 9, 2020 presidential election.'

Sanctions of individual states (apart from the United States)

The United States may be one of the most noticeable individual actors when it comes to imposing sanctions on Belarus. However, many other states follow suit by using their national sanctions regimes in response to the Belarusian crisis. The EU member states are coming up with longer sanctions lists to complement the EU sanctions they are already obliged to implement. Non-EU states often base their sanctions on Magnitsky-style laws,⁵¹ specifically targeting the individuals associated with human rights abuses.

Some of the unilateral sanctions adopted in response to repressions in Belarus include:

➤ The United Kingdom had imposed financial sanctions on 115 Belarusian officials and 7 companies by December of 2020, followed by 11 more individuals and 2 entities in June 2021; Also, on July 21, 2021, the United Kingdom imposed sanctions against JSC 'Agat-Electromechanical Plant.' On August 9, the United Kingdom imposed sanctions on products that can be used for surveillance and interception of communications over the telephone and the Internet; restricted trade in dual-use technologies, petroleum products, potassium chloride; goods used for the production of tobacco products. Restrictions have also been imposed on the issuance of certain financial instruments and their trading; on the provision of loans and insurance services to the Belarusian government and state bodies. Moreover, the sanctions also affected the 'Belaeronavigation' enterprise. The peculiarity of the UK sanctions package is that Russian businessman Mikhail Gutseriev, known for his cooperation with the Lukashenka regime, also fell under the new package of sanctions. On December 2, 2021, the United Kingdom imposed sanctions against five employees of state propaganda, prosecutor Alina Kasyanchik, judge Natalya Buguk, head of GUBOPiK Andrei Parshin, and one legal entity — JSC 'Belaruskali.'

51 Marc Limon, 'Rapid Expansion of 'Magnitsky-style' Human Rights Sanctions Regimes Underlines Need for International Coordination and Norms,' Universal Rights Group, 27 August 2020; Hagar Hajjar Chemali, 'The European Magnitsky Law — A Milestone with a Lot of Potential,' Atlantic Council, 10 December 2020.

- ▷ Switzerland has introduced travel bans and asset freezes in respect of 90 Belarusian officials, 59 of whom (including Lukashenko) were sanctioned in or prior to December of 2020; On July 7 it became known that Switzerland has widened its sanctions against Belarus — the Swiss government has added 78 individuals and seven organisations to its sanctions list for Belarus. On August 11, Switzerland also noted the introduction of sanctions that are almost identical to those of the United Kingdom. On December 20, 2021, the state again expanded sanctions against Belarus: 17 individuals and 11 companies that were previously included in the fifth package of EU sanctions were included in the sanctions list.
- ▷ Canada has imposed travel bans, asset freezes, and financial prohibition on 72 persons in total, adding 11 Belarusian individuals to its sanctions list in September 2020, 31 in October 2020, 13 in November 2020, and 17 additional individuals and five entities in June 2021; On August 9, in coordination with the United States and the United Kingdom, Canada also expanded the sanctions regime against the mentioned individuals and legal entities; On December 2, 2021 Canada imposed sanctions against 24 more people and 7 legal entities.
- ▷ Estonia, Latvia, and Lithuania have compiled a joint list of 156 Belarusian officials subject to travel bans and asset freezes;
- ▷ Other European states, particularly non-member states of the EU, expressed their will to align themselves with the EU sanctions on Belarus. North Macedonia, Montenegro, Albania, Iceland, Liechtenstein, and Norway express their will to enforce the first, second, third, and fourth rounds of sanction packages; Ukraine announced an intent to ensure that its national policies conformed to the Council Decision on the first and second packages of EU sanctions; Serbia joined the other nations in their support of the fourth package of the EU sanctions.

International Olympic Committee

The International Olympic Committee's (IOC) sanctions are somewhat unique, as this organisation does not have the power to order travel bans and asset freezes in the traditional sense. However, driven by the concern over political discrimination of athletes and negative impact on the reputation of the Olympic Movement, it introduced several specific restrictive measures:

- ▷ ban on attending IOC-organised competitions for all members of the Belarusian National Olympic Committee (NOC);
- ▷ suspension of all payments to the Belarusian NOC, with the exception of those related directly to preparations of Belarusian athletes for the Tokyo 2020 and Beijing 2022 Olympics; and
- ▷ suspension of any discussions with the Belarusian NOC regarding the hosting of future IOC events.

The IOC tried to balance its restrictive measures with safeguarding athletes' rights. It requested the relevant international federations 'to make sure that all eligible Belarusian athletes can take part in qualification events for the upcoming Olympic Games without any political discrimination.' It also declared that all Olympic scholarships will be paid directly to athletes and no longer through the NOC.

What other international responses are in place, besides sanctions?

Not all international responses to the Belarusian political crisis qualify as sanctions. There are several international actors that have resorted to other measures of promoting compliance with fundamental rights. The non-exhaustive list of such measures is provided below.

Criminal proceedings based on universal jurisdiction

Some states initiate criminal proceedings and pre-trial investigations on torture and other human rights violations in Belarus. The move to prosecute the responsible Belarusian actors rests on the principle of *universal jurisdiction* — a rule that allows or requires states to initiate criminal proceedings in respect of certain crimes, irrespective of the location of the crime or the nationality of the perpetrator or the victim.⁵² In the context of torture, the rule stems from the obligations of states under the *International Convention against Torture* 1984 that demands states to investigate torture committed by its citizens against its citizens or in case an offender is in the territory of that state.

The Lithuanian Prosecutor General's Office has already opened a *pre-trial investigation* into *crimes against humanity* committed by Belarusian police against Belarusian citizen Maxim Khoroshin. The President of the Lithuanian Constitutional Court, Dainius Žalimas, described the potential of the principle in respect to the situation in Belarus in the following way:

*'The conditions must not be created for avoiding punishment for international crimes, including those currently committed in Belarus. I mean crimes against humanity, i.e. mass torture and mass persecution for political reasons against the Belarusian people who defend the rule of law and democracy. Universal jurisdiction is based on mandatory international legal norms defining international crimes as crimes against the entire international community and, thus, against the whole of humanity. Liability for them arises irrespective of whether the law of the state in which the crimes are committed provides for relevant criminal liability. The international community has assumed the obligation to persecute the persons who commit these crimes. Therefore, universal jurisdiction can be a viable and effective instrument to prevent impunity, as well as an instrument for the prevention of international crimes.'*⁵³

Other universal jurisdiction criminal cases have been initiated in *Poland* regarding the facts of detention and torture of the citizens of Poland in Belarus. Complaints are being prepared or have already been filed in Ukraine, Russia and other states. Svetlana Tikhanovskaya's Cabinet in its Telegram channel stated that there are 10 universal jurisdiction cases ready for submission in Poland and 10 in Czech Republic.⁵⁴ With the continuous human rights violations in Belarus, it is likely that more proceedings will follow.

52 Xavier Philippe, *'The Principles of Universal Jurisdiction and Complementarity: How do the Two Principles Intermesh?'*, *International Review of the Red Cross*, Volume 88, Number 862, June 2006.

53 *'Dainius Žalimas: There Can Be No Impunity for International Crimes'*, Constitutional Court of the Republic of Lithuania, 4 November 2020.

54 Svetlana Tikhanovskaya's Cabinet Telegram *channel*, 21 January 2021.

Moreover, about 10 individuals have tasked German lawyers with taking legal action against Belarus leader Alexander Lukashenko. They accuse him of having ordered his security forces to use brutal force to crack down on civilians. The lawyers argue that the 10 individuals were tortured during their arrest in Belarus. As no legal action has been taken inside Belarus against security personnel, or Lukashenko, the lawyers hope an independent court case could be launched in Germany.⁵⁵

There are famous examples of the effective use of universal jurisdiction. Some notable cases of its application include the prosecutions of *Eichmann* in Israel, *Pinochet* in the United Kingdom and Spain, *Taylor* in the United States, followed by the recent cases of prosecution of war criminals from Rwanda, Syria, Democratic Republic of Congo, Libya, and other conflict-affected areas. Other international criminal institutions, such as the International Criminal Court, are inaccessible to victims of the actions of the Belarusian leadership. In such a situation, the willingness of states to use the principles of universal jurisdiction to end human rights violations reflects their commitment to upholding the idea of international justice.

Organization for Security and Co-operation in Europe Moscow Mechanism

OSCE implements its mission of promoting peace, stability, and democracy in three main spheres, also called dimensions: politico-military; economic and environmental; and human. The OSCE Office for Democratic Institutions and Human Rights is responsible for the human dimension. It is within its mandate to monitor the implementation of commitments that participating states have undertaken in the field of human rights and democracy.

In the context of the Belarusian presidential election and its aftermath, 17 participating states invoked the *Moscow Mechanism* — a human dimension tool aimed at addressing human rights concerns. The mechanism entails creating an expert mission, tasked with establishing facts and providing advice on possible solutions to the questions raised.

Although Belarus had decided to refrain from participating in the implementation of the Moscow Mechanism in 2020, the *report* of the OSCE-appointed expert Professor Dr. Wolfgang Benedek was published on 29 October 2020. First, the rapporteur concluded that 'there were evident shortcomings of the presidential elections which did not meet the basic requirements established on the basis of previous election monitoring.' Second, the violations of human rights 'were found to be massive and systematic and proven beyond doubt.' The rapporteur also communicated its recommendations to Belarusian authorities.

Belarus is a participating state of the OSCE, and so the OSCE stance on events in Belarus does not go unnoticed by *de facto* authorities. By using a formal reporting and investigative mechanism, the OSCE shows that it is willing to use the instruments at its disposal to support democratic change and accountability.

OHCHR toolbox

There are several mechanisms within the United Nations human rights system that have been deployed:

⁵⁵ *Belarus torture survivors take legal action in Germany / Беларусь, пережившие пытки, подают в суд в Германии.*

Human Rights Council Resolutions

In September 2020, the Human Rights Council adopted *Resolution 45/1* on the situation of human rights in Belarus in the run-up to the 2020 presidential election and in its aftermath. The resolution condemns acts of torture, enforced disappearance, abduction, arbitrary detention, sexual and gender-based violence, arbitrary deprivation of life, and calls upon Belarusian authorities to fulfil their human rights obligations. The UN High Commissioner for Human Rights will present her report on the situation in Belarus in March 2021 on implementation of *Resolution 45/1*.

Although the resolutions of the Human Rights Council are not binding in nature, Belarus is a member of the United Nations and, at the very least, the adoption of the resolution entails reputational risks for the Belarusian leadership. Voting on the Human Rights Council resolution is preceded by a session where state representatives as well as outside experts can express their position, encouraging dialogue and keeping Belarusian events in the spotlight.

Special Rapporteurs

Special Procedures of the Human Rights Council refer to independent experts or working groups, tasked with studying human rights in a particular sphere (*thematic mandates*) or a particular country (*country-specific mandates*). The mandate of the *Special Rapporteur on the situation of human rights in Belarus* has been in existence since 2012.

Current Special Rapporteur Anaïs Marin has been active in responding to the post-election crisis and mobilising the international community to pay closer attention to human rights abuses in Belarus. Independently and jointly with other special rapporteurs, she has issued statements calling to stop attacks on peaceful protesters, acts of torture, and threats to women human rights defenders.⁵⁶ She spoke during the *45th session* of the Human Rights Council, where Resolution 45/1 was adopted, and *presented* at the informal *Arria Formula* meeting at the United Nations Security Council.

Special Rapporteur Marin also spoke regarding Belarus at the *75th General Assembly* of the United Nations in October 2020 and at the *46th session* of the Human Rights Council in February 2021. Her *report* to the 47th session of the Human Rights Council, hosted from 21 June to 9 July 2021, described the repression of protests which began in August 2020 in response to rampant election malpractices, noting that the government's reaction involved 'the torture of arbitrarily detained persons in a seemingly premeditated way by police and affiliated forces; intimidation based on administrative resources and judicial harassment to push dissenters to self-censorship or exile; and an increasing trend towards the criminalization of activities promoting internationally recognized human rights and fundamental freedoms.'

Human rights abuses included the arbitrary deprivation of life in at least four instances of lethal police brutality against protestors in 2020. As of August 2021 the Special Rapporteur has not been allowed to enter Belarus in order to collect data in-person; requests for the Belarusian government to allow her to engage with her mandate from the Human Rights Council have gone unanswered. The efforts to direct the attention of the international community to the dire human

⁵⁶ All Belarus-related statements are available [here](#).

rights situation in Belarus are important to keep Belarus a priority on the human rights agencies' agenda.

Universal Periodic Review

In March 2021, the Human Rights Council approved the Universal Periodic Review of Belarus.⁵⁷ The Permanent Representative of Belarus to the United Nations Office and other International Organizations in Geneva, Yuri Ambrazevich, noted that Belarus had accepted 266 recommendations covering more than 100 thematic issues for consideration, but other speakers at the meeting on the discussion of the Universal Periodic Review of Belarus expressed regret about the rejected recommendations related to the ongoing unprecedented human rights crisis and declared that impunity serves as a fertile ground for the further growth of violence and human rights violations.

The United Nations human rights body toolkit also extends to tracking States' human rights activities by rectifying and remediating violations through treaty body procedures (in this case, *the Human Rights Committee* and the *Committee on the Elimination of Discrimination against Women*) of individual complaints. We have yet to review their decisions in cases related to protests.

Official statements

Official statements condemning violence, repression, and electoral fraud in Belarus have undoubtedly been the most widespread response to the authorities' misconduct. The *United Nations High Commissioner for Human Rights*, the *United Nations Secretary-General*, the *Council of Europe* senior leadership, as well as many heads of state and senior officials have issued statements on the situation in Belarus. Rhetorical responses are a crucial first reaction that show solidarity with the people's struggle, and may serve as a foundation for more decisive next steps.

Following the May 23rd forced landing of a commercial Ryanair flight between Athens and Vilnius in Minsk, and the ensuing detention of Roman Protasevich and Sofia Sapega, the United States, Canada, United Kingdom, and the European External Action Service (representing the EU) released a statement expressing their 'deep concern regarding the Lukashenka regime's continuing attacks on human rights, fundamental freedoms, and international law.' The joint statement reiterated calls for the Lukashenko regime to 'end its repressive practices against its own people; immediately release all political prisoners; implement all the recommendations of the independent expert mission under the Organization for Security and Cooperation in Europe's (OSCE) Moscow Mechanism; and, enter into a comprehensive and genuine political dialogue between the authorities and representatives of the democratic opposition and civil society, facilitated by the OSCE.'⁵⁸

Airspace and travel restrictions

Following the forced landing of a commercial Ryanair flight on 23 May 2021 and the ensuing arrests of two passengers flying from Athens to Vilnius, Roman Protasevich and Sofia Sapega, most of Belarus' neighbors, excepting Russia, prohibited Belarusian commercial aircrafts from using their airspace. The US

⁵⁷ *Human Rights Council approved the Universal Periodic Review of Belarus.*

⁵⁸ *'Joint Statement on Belarus'*, US Department of State, 21 June 2021.

Department of State issued a Level 4 Do Not Travel warning for US citizens considering travel to Belarus and the Federal Aviation Administration issued a Notice to Airmen warning US passenger carriers against flying in Belarusian airspace.⁵⁹ EU countries and Ukraine imposed airspace restrictions preventing Belarusian commercial flights from crossing into their airspace (thus prohibiting most flight paths except those crossing over Russia). They also prohibited EU airlines from flying into Belarusian airspace.⁶⁰ While these restrictions certainly harmed Belarusian businesses and officials — Ukraine referred to them as ‘air sanctions’⁶¹ — their primary purpose was to protect citizens and residents of the US and EU from arbitrary detention (as had occurred with Protasevich and Sapega, both of whom resided in Lithuania) rather than to punish the Belarusian government outright.

Financial and other support measures

Allocating resources to the regime’s victims, civil society organisations, independent media, and solidarity initiatives is a response that is crucial for civil resistance to remain sustainable and strong, as repressions tighten. Support measures may include *financial assistance packages* distributed to trusted and effective actors, *easing visa restrictions* and asylum procedures, and long-term planning on alleviating the economic costs of democratic transition.

If international actors only use sanctions or other unfriendly acts as a ‘feel-good’ measure, without investing time and resources into helping civil society on the ground, it will be harder to spur meaningful change. International responses to the ongoing and painful crisis in Belarus should not be used to assert moral high ground but to support civil resistance and democratic transition. Complimenting sanctions with financial and institutional support shows the political will to continually support democratic transformation and respect for the rule of law in Belarus.

Diplomatic responses

Great Britain

In November 2020, Belarus *expelled two British diplomats*. According to Minsk, the diplomats ‘collected information about the internal political situation in Belarus.’ In November 2020, Belarus expelled two British diplomats. According to Minsk, the diplomats ‘collected information about the internal political situation in Belarus.’ The Ministry of Foreign Affairs of Belarus has declared two British diplomats — military attache Timothy White Boycott and Deputy Ambassador Lisa Tamwood persona non grata. The British Foreign Ministry, in its turn, *made a retaliatory decision to expel two Belarusian diplomats*.

United States of America

On June 3, Belarus, as a response to US sanctions against petrochemical enterprises, *took measures* to reduce the diplomatic and administrative-technical staff of the American diplomatic mission, tighten visa procedures, and restrict

59 ‘Statement by Press Secretary Jen Psaki on the United States Response to Belarus’s Forced Diversion of Ryanair Flight and Continuing Attack on Fundamental Freedoms’, The White House, 28 May 2021.

60 ‘The EU Bans Belarus Airlines And Reroutes Flights Around Its Airspace’, NPR, 4 June 2021.

61 ‘Ukraine will ban Belarus airlines from using its airspace from May 29’, Reuters, 28 May 2021.

the work of American specialists in Belarus on a temporary basis. The authorities also revoked the decision on the work of the US Agency for International Development (USAID) in Belarus.

On August 11, 2021, Belarus *withdrew its consent to the appointment* of Julie Fischer as the US Ambassador to Minsk. The Belarusian authorities suggested that the American diplomatic mission should reduce its number to five people. Belarus also stops approving all new projects, grants and programs through the US government. These measures were taken in response to new sanctions package adopted by the United States.

Poland

March 2021 was marked by a diplomatic conflict between Poland and the Belarusian authorities. Minsk started the conflict when on March 9 it announced the expulsion of the Consul of the Consulate General of the Republic of Poland in Brest, Jerzy Timofeyuk, for his participation in an event not approved by the official authorities. In response, Warsaw announced the expulsion of a diplomat from the Belarusian Embassy the next day. On March 11, the Charge d'affaires of Poland in Belarus Martin Wojciechowski was summoned to the Belarusian Foreign Ministry, after which the head and consul of the Polish Consulate General in Grodno was expelled from the country.⁶² Then, on March 12, Poland declared the consul of the Consulate General of Belarus in Bialystok, as well as the Belarusian Consul in Warsaw, *persona non grata*.⁶³

Latvia

On May 24, the Belarusian Foreign Minister announced the expulsion of all Latvian diplomats due to 'insulting the national flag of Belarus' in Riga, and representatives of Latvia took mirror measures in response.⁶⁴

Lithuania

On May 28, Lithuania *announced the expulsion of two representatives of the Belarusian embassy*, calling them intelligence agents under diplomatic cover. In response, *Belarus also expelled two Lithuanian diplomats* on the same day.

On July 5, Lithuanian Foreign Minister Gabrielius Landsbergis announced at a briefing with Svetlana Tikhanovskaya that her Office *was recognized as an official representative of the Belarusian democracy* (i.e., the Office received an official diplomatic status). In response, Belarus *reduced the Lithuanian diplomatic mission to a minimum* (one consular officer and three administrative and technical personnel remained) for the period until Vilnius canceled 'unfriendly initiatives that incite confrontation in relations with Belarus.' On July 7, Lithuanian Foreign Minister Gabrielius Landsbergis *said* that Lithuania is taking mirror measures: Belarus is allowed to leave one consular employee and three technical and administrative employees in the country.

62 *Дипломатический конфликт между Беларусью и Польшей разгорается / The diplomatic conflict between Belarus and Poland is heating up.*

63 *Польша высылает еще двух белорусских дипломатов / Poland expels two more Belarusian diplomats.*

64 *Беларусь и Латвия сообщили о взаимной высылке всех дипломатов / Belarus and Latvia reported on the mutual expulsion of all diplomats.*

Other cases

In response to the 4th package of sanctions, Belarus recommended the EU Ambassador in Minsk to leave Belarus for consultations. In response to the EU sanctions, Belarus also recalls its permanent representative for consultations.

On June 21, it became known that the Belarusian authorities suspended the work of an adviser to the office of the UN High Commissioner for Human Rights in Minsk.

Measures of private entities and regional authorities

Cooperation with companies

Swiss concern Nestle significantly reduced its advertising budget in Belarus.

The management of the Swedish company Scandia Steel announced that the company is terminating cooperation with the Belarusian Metallurgical Plant (BMZ). The reason for the breakdown in relations was the violation of workers' rights at BMZ. Also, the large Italian tire manufacturer Pirelli has also decided not to cooperate with BMZ anymore.

Rolls Royce and Cummins, one of the main engine suppliers, are ending their cooperation with BelAZ due to the recent EU sanctions.

The Norwegian company Yara plans to stop purchasing fertilizers from Belaruskali by April 1.

The management of Škoda and Nivea Men have pledged their commitment to human rights and refused to sponsor the 2021 Ice Hockey World Championship if held in Belarus. Liqui Moly has taken the same steps.

Large Ukrainian companies-buyers of bitumen have suspended relations with the Novopolotsk 'Naftan.'

German banks, including the Stadtparkasse Mönchengladbach bank, received the first refusals in transfers to Belarus with the note 'in connection with the current situation in Belarus.' The measure in the form of blocking any transactions is intended to prevent the flow of funds to economic sectors under sanctions. Also, the Austrian Raiffeisenbank decided not to act as an intermediary for international transfers to Belarusbank accounts.

Global companies Becker Group, Liebherr, Danfoss and Yokohama have refused to cooperate with BelAZ and the Belarusian Metallurgical Plant.

German company Helm AG has suspended the purchase of products of OJSC 'Grodno Azot.'

The following companies ceased cooperation with Naftan OJSC: Albemarle (USA), Axens SA (France), Hansen & Rosenthal (Germany), Haldor Topsoe (Denmark), SEW Eurodrive (Germany), Bopp & Reuther IMI (Germany), IMI Critical (USA), Sundyne (USA), Sundyne International SA (France), Bombas Ercole Marelli (Spain), Honeywell (USA), Fives ITAS (Italy), Severn Unival (UK), UOP UK (UK), Koch Glitch (Italy), Flowserve (USA), Emerson (USA), Baker Hughes (USA).

The American company GSD Venture Studios has ended its cooperation with Sy-

nesis, which is suspected of implementing the Kipod video surveillance platform, which could help the regime track down protesters.

British American Tobacco, the world's largest cigarette manufacturer, has ceased cooperation with the Grodno tobacco factory 'Neman'. The German company *Hauni Maschinenbau GmbH* also refused to supply spare parts, service and support its equipment at this factory.

Philip Morris has stopped supplying IQOS tobacco heating systems to Belarus, as the owner of Energo-OIL, which imported these products, Aleksey Oleksin, came under EU sanctions.

Also, restrictive measures have affected *the area of academic cooperation*. The University of Bremen stopped cooperation with BNTU and BSU, but expressed its readiness to support non-profit organizations, Belarusian scientists and students. The University of Tübingen plans to cut funding for projects with Belarusian universities as part of the Erasmus exchange program. Jena University froze partnership agreements with BSU.

Local government measures

The Polish city of *Bialystok* has suspended official partnership cooperation with Grodno due to the detentions of Polish activists in Belarus. This decision was made by the City Council of Bialystok.

The Ukrainian city of *Nikolaev* has suspended the purchase of 50 Belarusian trolleybuses.

Photos of Roman Protasevich with words of solidarity were posted in a number of airports, metro stations and other infrastructure facilities in Western European cities. For example, such measures were taken *in the Charles de Gaulle airport in Paris and in the metro in Warsaw*.

In *Bucharest*, the mayor of Sector 1, *Clotilde Armand*, initiated the process of renaming the street where the Belarusian Embassy is located in honor of Roman Protasevich — she has made a corresponding proposal to the mayor's office of the Romanian capital. In the European Parliament, representatives of Romania made such a proposal to their colleagues, citing Armand's actions as an example. If this measure is approved and adopted, Belarusian diplomats will have to put Protasevich's name on their 'business cards.'

Other measures

The Executive Committee of *the European Broadcasting Union* has decided to suspend the membership of the Beltelecom company (BTRK) in the organization. From 1 July 2021 BTRK will no longer be able to access the services of the European Broadcasting Union, including the exchange of news and music content, broadcasting rights for certain music and sports events, legal, technical and research expertise.

The European Bank for Reconstruction and Development (EBRD) stopped financing projects in Belarus, with the exception of initiatives by private structures, and also strengthened control over financing of private organizations in order to prevent the bank's funds from flowing to organizations associated with the Lukashenka regime.

What has been the response of the Belarusian *de facto* leadership?

Belarusian *de facto* authorities have consistently tried to convey a message that sanctions are not a constructive way to solve a crisis where the statehood of Belarus is at stake. In anticipation of the re-imposition of EU sanctions, Belarusian *de facto* Minister of Foreign Affairs Vladimir Makei asked the EU to be understanding of the 'painful stages of maturing as a nation,' which every country is bound to experience.⁶⁵ When re-imposition of sanctions followed, Makei continued to question the effectiveness of sanctions, stating that 'no matter how beautifully wrapped, sanctions have never led to positive change' and suggesting that Belarus will provide an 'adequate response.'⁶⁶ State-sponsored and state-controlled TV channels stated that sanctions will only strengthen the Belarusian 'immune system.'⁶⁷

In response to the third round of EU sanctions, Makei stated that Minsk categorically rejects the logic of and politics behind sanctions. Besides declaring that Belarus would proceed to impose travel bans on EU residents, Makei also mentioned that Belarusian authorities would 'limit the activities of certain political foundations in Belarus and reconsider the modality of implementing certain humanitarian, educational, and cultural programs, ... including those under the auspices of foreign embassies.'⁶⁸ Belarusian *de facto* Prime-Minister Roman Golovchenko has blamed the 'collective West' for slowing down the economic development of Belarus through sanctions.⁶⁹

In response to the extension of the United States' sanctions list, the Ministry of Foreign Affairs stated that such actions do not support Belarusian independence, and impose a 'human rights dictatorship.'⁷⁰ The higher chamber of the Belarusian parliament characterised the passing of the Belarus Democracy, Human Rights, and Sovereignty Act of 2020 as an interference in Belarusian internal affairs and a threat to international peace and security.⁷¹

65 Ministry of Foreign Affairs of the Republic of Belarus, '*Vladimir Makei's Statement to the Press During the General Discussion at 75th United Nations General Assembly*' / *Подход к прессе в рамках записи выступления Министра иностранных дел Беларуси В.Макея на общей дискуссии 75-й сессии ГА ООН*, 18 September 2020.

66 '*Makei: No Matter How Beautifully Wrapped, Sanctions Never Lead to Solving Problems*' / *Макей: в какой бы красивой обертке ни подавали санкции, они никогда не приводят к решению проблем*, BELTA, 10 December 2020; *Makei commented the meeting with foreign diplomats, calling their demands a "propaganda pitch"* / *Макей прокомментировал встречу с иностранными дипломатами и назвал их требования "агиткой"*, TUT.by, 10 December 2020.

67 *MZKT, Eismont's Husband, Kochanova — The List of Persons Included in the Third Round of Sanctions Became Publicized. State channels Said That It Will Improve Belarusian "Immune System"* / *МЗКТ, муж Эйсмонт, Кочанова — Стал известен список, кто попал в третий пакет санкций ЕС. На госТВ сказали, что их "иммунитет повысится"*, Telegraf.by, 17 December 2020.

68 '*Makei on Counter-sanctions on the EU: We Will Limit the Activities of Certain Political Foundations in Belarus Acting Under the Auspices of Foreign Embassies*' / *Макей об ответных санкциях ЕС: Ограничим деятельность ряда политических фондов, действующих и под эгидой посольств*, TUT.by, 22 December 2020.

69 *Will the Belarusian authorities manage to hide from the EU sanctions under the EEU "umbrella"?* / *Удастся ли белорусским властям спрятаться от европейских санкций под "зонтиком" ЕАЭС?*, Belrynok.by, 23 February 2021.

70 '*Belarusian MFA on the US Sanctions: The US Imposes a "Human Rights Dictatorship" in Belarus*' / *МИД Беларуси об американских санкциях: США насаждают в Беларуси "диктатуру прав человека"*, TUT.by, 24 December 2020.

71 '*Council of the Republic: Adopting a Law on Belarus in the US Creates a Threat to Interna-*

The Belarusian Federation of Labour Unions, notorious for its subordination to Belarusian authorities, appealed to the United Nations, asking the Human Rights Council to declare that unilateral restrictive measures adopted by the EU violate the labour rights of Belarusians.⁷² The Federation has also prepared an open letter to the International Labour Organization, criticizing sanctions as unfounded and harmful for the workers. Reportedly, many of the signees were forced to join the open letter by senior officials.⁷³ The Federation did not provide any commentary on the mass termination of labour contracts with the employees of Belarusian enterprises who spoke against election fraud and violence.⁷⁴ Moreover, the head of the Federation of Professional Unions, Mikhail Orda, said that the organization intends to initiate a lawsuit to the International Court of Justice of the United Nations in order to give a legal assessment of the legality of the documents fixing the sanctions regime against Belarus. Moreover, Orda announced his intention to file a lawsuit with the Supreme Court of the Republic of Belarus to assess the legality of actions by European countries against Belarusian workers.⁷⁵

The statement of the Belarusian Foreign Ministry dated 28 June 2021 says that in response to the 4th package of EU sanctions, the de facto authorities of Belarus suspended participation in the Eastern Partnership initiative and began implementing the procedure for suspending the Readmission Agreement with the EU. Moreover, the Permanent Representative of the Republic of Belarus to the EU is being recalled to Minsk for consultations, and the Head of the EU Delegation to the Republic of Belarus has also been invited to travel to Brussels for consultations in order to convey to his leadership the position of the Belarusian side on the unacceptability of pressure and sanctions. In addition, representatives of European structures and persons from European Union countries who contributed to the introduction of restrictive measures will be banned from entering Belarus in response. The statement also says that the Belarusian side continues to develop other response measures, including economic ones.

The response of the de facto authorities also affected educational initiatives. Germany's Goethe Institute and the German Academic Exchange Service (DAAD) have been told to suspend their Belarus activities.⁷⁶

Moreover, the Ministry of Foreign Affairs has resumed the practice of preparing reports on the most high-profile cases of human rights violations in certain Western countries. The *Report* describes the human rights situation in countries that have imposed sanctions against the de facto authorities of the Republic of Belarus.

On December 31, 2021, *amendments to the Criminal Code* came into force - Ar-

tional Security' / Принятие в США законопроекта по Беларуси создает угрозу международной безопасности — Совет Республики, BelTA, 24 December 2020.

72 *'Labor Unions Appealed to the UN Following the EU Sanctions. What do Salaries and Jobs Have To Do With it?'* / Профсоюзы пожаловались в ООН из-за санкций Евросоюза. При чем тут зарплаты и рабочие места?, TUT.by, 24 December 2020.

73 *"We can be deprived of pensions and allowances." Workers are being asked to sign the Labor Union letter on sanctions / "Можем остаться без пенсий, пособий." Работников просят подписать письмо профсоюзов по санкциям, TUT.BY, 26 January 2021.*

74 *'Large Enterprises Continue to Fire Workers. BelAZ Workers Have Stepped Up for their Colleagues' / На крупных предприятиях продолжают увольнять работников. На БелАЗе вышли отстаивать коллег, TUT.by, 30 October 2020.*

75 *To protect the interests of Belavia: the FPB initiates a lawsuit to the International Court of Justice of the United Nations / Защитить интересы Белавиа: ФПБ инициирует иск в Международный суд ООН.*

76 *Belarus tells Germany's Goethe Institute, DAAD to shut down.*

article 361 was changed, criminalizing calls for sanctions (in the new edition, this article is called "Calls for restrictive measures (sanctions), other actions aimed at causing harm to the national security of the Republic of Belarus"). The maximum sentence under this article has increased from 7 to 12 years of imprisonment.

On January 1, 2022, *the Resolution of the Council of Ministers of the Republic of Belarus of December 6, 2021 No. 700 "On the Application of Special Measures for Certain Types of Goods"* came into force, which introduces a ban on the import of a number of goods from the European Union and its member states, the United States America, Canada, Norway, Albania, Iceland, North Macedonia, the United Kingdom of Great Britain and Northern Ireland, Montenegro, Switzerland ('states carrying out unfriendly actions towards Belarus'). According to BelTA, the list of prohibited goods includes various types of meat, sausages, milk and dairy products, vegetables and fruits. The authorities also approved a provision on quotas for the import of certain types of goods into Belarus.⁷⁷

⁷⁷ *Беларусь с 1 января в ответ на санкции вводит продовольственное эмбарго на ряд товаров / Belarus introduces food embargo on a number of goods in response to sanctions from January 1*, BelTA, 7 December 2021

What was the reaction of civil society and alternative democratic forces?

Belarusian civil society has largely welcomed international responses sought to ensure accountability for human rights violations and political repressions in Belarus.

The office of Svetlana Tikhanovskaya — a perceived winner of Belarusian presidential election, forced into exile soon after the election's disputed results were announced, — has been especially active in advocating for sanctions. In the official statements, the office has consistently called for the imposition of sanctions, widening their scope and reach.⁷⁸ In the *interview* to the *New Yorker*, the national leader Svetlana Tikhanovskaya commented on the sanctions strategy in the following way:

"There should be a very broad list of people who face individual sanctions. For now, sanctions apply only to highly placed officials who've faced sanctions before and have parked their money elsewhere and are generally prepared. But people lower down — the principals of the schools where election results were falsified, the Interior Ministry troops whom we've been able to identify, heads of jails, hospital directors who fire doctors for speaking out — they've never faced sanctions before.

...we also need the E.U. to impose economic sanctions against major industrial enterprises, such as [the oil giant] Naftan, and [the fertilizer manufacturers] Belaruskali and Grodno Azot. We are asking for loans to these companies, purchases from them, and supplies of raw materials and spare parts to be temporarily suspended.

...They fear sanctions. Sanctions hurt. So we need to use them."

Another alternative political force — the National Anti-Crisis Management organization, led by former Belarusian diplomat Pavel Latushko, — is less vocal in calling for sanctions in the public realm, but active in commenting on the sanctions' rationale and results. For instance, the head of the organization Pavel Latushko stated that "the international community must react to mass human rights violations in Europe" and "it is only the illegitimate [Belarusian] leadership, unwilling to follow both international and national legal principles, that is to blame for the adverse reaction that ensued."⁷⁹

⁷⁸ *'Svetlana Tikhanovskaya Forwarded the Taraikovsky List to the EU and Called Upon Swedish Parliamentarians to Urgently Impose Sanctions' / Светлана Тихановская передала в ЕС Список Тарайковского и призвала шведских парламентариев к срочному введению санкций*, Office of Svetlana Tikhanovskaya, 18 November 2020; *'Svetlana Tikhanovskaya called upon Sweden to Support Economic Sanctions against Lukashenko's Regime' / Светлана Тихановская призвала Швецию поддержать экономические санкции против режима Лукашенко*, Office of Svetlana Tikhanovskaya, 18 November 2020; *Discussing new sanctions with ambassadors of foreign countries in response to the escalation of violence in Belarus*, Office of Svetlana Tikhanovskaya, 16 November 2020; *Sviatlana Tsikhanouskaya called on the international investigation of Raman Bandarenka's murder, economic sanctions and cancellation of Ice Hockey Championship in Minsk*, Office of Svetlana Tikhanovskaya, 14 November 2020; *Svetlana Tikhanovskaya spoke on the heroes of Belarusian protests and called to impose more sanctions on the regime / Светлана Тихановская рассказала о героях белорусских протестов и призвала к расширению санкций против режима*, Office of Svetlana Tikhanovskaya, 14 November 2020.

⁷⁹ Post on National Anti-Crisis Management Telegram *channel* (@nau_belarus), 13 December

Belarusian human rights defenders have consistently condemned violence and human rights violations pre-, mid-, and post-election in their joint statements.⁸⁰ Since civil society organizations address their statements primarily to Belarusian *de facto* authorities and not international actors, such statements do not typically refer to sanctions or other international responses directly. However, international non-profit actors have actively pushed for sanctions, including *Reporters Without Borders*.

Civil society organizations are actively involved in monitoring international responses to the situation in Belarus — for instance, Belarusian online portal *defenders.by* has a special *section* dedicated to expressions of international solidarity with lawyers and human rights defenders repressed by the regime. Overall, the goals of grassroots civil society actors and international players often coincide. Both aim to end human rights abuses and are willing to employ international mechanisms that will create meaningful change.

2020.

80 *Ice Hockey World Championship 2021: joint statement by human rights organizations*, World Organisation Against Torture, 12 November 2020; *Appeal to Business by Belarusian Human Rights Organizations in Connection with the Human Rights Crisis in Belarus*, Belarusian Helsinki Committee, 5 November 2020; *Заявление правозащитных организаций о недопустимости давления на белорусских правозащитников*, Human Constanta, 22 October 2020; *Statement of Belarusian Human Rights Defenders*, Human Rights Center Viasna, 10 August 2020; Marina Baranovskaya, *Belarusian human rights defenders accused authorities of repressing participants of election campaign / Правозащитники Беларуси обвинили власти в репрессиях участников избирательной кампании*, DW, 12 June 2020.