



International Covenant on Civil and Political Rights

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Human Rights Committee

Views adopted by the Committee under the Optional Protocol, concerning communications No. 3128/2018, No. 3172/2018, No. 3231/2018, No. 3295/2019, No. 3299/2019, No. 3675/2019, No. 3676/2019, No. 3677/2019, No. 3680/2019, No. 3683/2019, No. 3687/2019, No. 3760/2020, No. 3777/2020, No. 3780/2020, No. 3789/2020 and No. 3902/2021^{*,**}

<i>Communications submitted by:</i>	Oleg Matskevich (communication No. 3128/2018), Alla Romanchik and Natalya Shchukina (communication No. 3172/2018), Pavel Levinov (communication No. 3231/2018), Vladimir Sekerko (communication No. 3295/2019), Valery Klimov (communication No. 3299/2019), Viktor Kozlov and Leonid Sudalenko (communication No. 3675/2019), Sergei Kosobutski (communication No. 3676/2019), Natalya Shchukina (communication No. 3677/2019), Aleksandr Protsko (communication No. 3680/2019), Tatyana Noskova (communication No. 3683/2019), Alla Romanchik (communication No. 3687/2019), Leonid Sudalenko and Andrei Strizhak (communication No. 3760/2020), Vadim Kolodenko, Viktor Kozlov and Leonid Sudalenko (communication No. 3777/2020), Vasily Kovtun (communication No. 3780/2020), Andrei Smolenchuk (communication No. 3789/2020) and Elena Maslyukova (communication No. 3902/2021) (see counsel representation in annex)
<i>Alleged victims:</i>	The authors
<i>State Party:</i>	Belarus
<i>Dates of communications:</i>	See annex

* Adopted by the Committee at its 143rd session (3–28 March 2025).

** Pursuant to rule 97 (3) of its rules of procedure and the strategy adopted at its 140th session (A/79/40, para. 22), the Committee decided to join the communications for examination. The following members of the Committee participated in the examination of the communication: Tania María Abdo Rocholl, Wafaa Ashraf Moharram Bassim, Rodrigo A. Carazo, Yvonne Donders, Mahjoub El Haiba, Carlos Ramón Fernández Liesa, Laurence R. Helfer, Konstantin Korkelia, Dalia Leinarte, Bacre Waly Ndiaye, Hernán Quezada Cabrera, Akmal Saidov, Ivan Šimonović, Soh Changrok, Teraya Koji, Hélène Tigroudja and Imeru Tamerat Yigezu.



<i>Document references:</i>	Decisions taken pursuant to rule 92 of the Committee's rules of procedure, transmitted to the State Party (see dates of transmission in annex) (not issued in document form)
<i>Date of adoption of Views:</i>	20 March 2025
<i>Subject matter:</i>	Refusal of authorization to hold a peaceful assembly
<i>Procedural issues:</i>	Exhaustion of domestic remedies; substantiation of claims
<i>Substantive issues:</i>	Freedom of expression; right to peaceful assembly
<i>Articles of the Covenant:</i>	19, in one case read in conjunction with articles 2 (1) and 5 (1); and 21, in 15 cases, read in conjunction with article 2 (2) and (3)
<i>Articles of the Optional Protocol:</i>	2, 3 and 5 (2) (b)

1.1 The authors of the communications are Oleg Matskevich, Alla Romanchik, Natalya Shchukina, Pavel Levinov, Vladimir Sekerko, Valery Klimov, Viktor Kozlov, Sergei Kosobutski, Aleksandr Protsko, Tatyana Noskova, Leonid Sudalenko, Andrei Strizhak, Vadim Kolodenko, Vasily Kovtun, Andrei Smolenchuk and Elena Maslyukova, all of whom are nationals of Belarus. They claim that the State Party has violated their rights under articles 2, 19 and 21 of the Covenant. The Optional Protocol entered into force for the State Party on 30 December 1992. The authors of communications No. 3172/2018, No. 3295/2019, No. 3299/2019, No. 3675/2019, No. 3760/2020 and No. 3777/2020 are represented by counsel, whereas the others are not represented.

1.2 The communications were submitted for consideration before the State Party's denunciation of the Optional Protocol became effective, on 8 February 2023. In accordance with article 12 (2) of the Optional Protocol and the Committee's previous jurisprudence,¹ the State Party continues to be subject to the application of the Optional Protocol with regard to the communications considered herein.

1.3 On 17 July 2024, the Committee, pursuant to rule 97 (3) of its rules of procedure and the strategy it adopted at its 140th session aimed at addressing the high number of communications pending consideration,² decided to join 16 communications (see annex) for consideration and the issuance of a joint decision thereon. Pursuant to the strategy, such decisions, to be adopted in a simplified format, relate to communications in which similar factual elements and claims are raised and for which the Committee has identified the structural nature and policy underlying the violations and has developed consistent jurisprudence over the years.

Factual background

2. Between 2014 and 2018, the authors applied to the local executive authorities with requests to hold public events in various cities in Belarus. The author of communication No. 3231/2018 requested permission to hold a one-person event. The applications were rejected on the grounds that other events would be taking place in the same location at the same time, or because the conditions for organizing public events, established in decisions of the respective local executive authorities, had not been met. In particular, the proposed locations were not among those designated in the respective administrative decisions and/or the organizers had failed to conclude contracts concerning security services, medical services and/or cleaning services as required by the Public Events Act. The authors unsuccessfully appealed the decisions of the executive authorities to courts. The authors of communications

¹ For example, *Sextus v. Trinidad and Tobago* (CCPR/C/72/D/818/1998), para. 10; *Lobban v. Jamaica* (CCPR/C/80/D/797/1998), para. 11; and *Shchiryakova et al. v. Belarus* (CCPR/C/137/D/2911/2016, 3081/2017, 3137/2018 and 3150/2018), para. 10.

² *A/79/40*, para. 22.

No. 3128/2018, No. 3295/2019, No. 3299/2019, No. 3675/2019, No. 3677/2019, No. 3680/2019, No. 3683/2019 and No. 3687/2019, 3777/2020, 3780/2020 and 3789/2020 lodged supervisory review appeals with the judicial and/or prosecutorial authorities.³ The authors who did not attempt to file supervisory review appeals refer to the ineffectiveness of those remedies, citing the Committee's established jurisprudence⁴ as their reason for not doing so.

Complaint

3. The author of communication No. 3231/2018 claims that the State Party has violated his rights under article 19, read in conjunction with articles 2 (1) and 5 (1), of the Covenant. All of the other authors claim that the State Party has violated their rights under articles 19 and 21, read in conjunction with article 2 (2) and (3), of the Covenant.

State Party's observations on admissibility and the merits

4.1 The State Party notes, in response to all of the communications, that domestic legislation provides for the possibility to appeal a court ruling concerning an administrative offence to the Chair of a higher court or a prosecutor through a supervisory review procedure. The State Party rejects the authors' assertion that the procedure of supervisory appeal in administrative cases can be considered an ineffective remedy. With regard to cases in which the authors appealed to the Chair of a higher court or a prosecutor through a supervisory review procedure, the State Party submits that there is a further possibility to file a supervisory review appeal to the Chair of the Supreme Court and the Prosecutor General and to their deputies.

4.2 The State Party submits that the provisions guaranteeing freedom of opinion and expression and freedom of assembly, when the exercise of those freedoms does not violate law and order and the rights of other citizens of Belarus, are enshrined in articles 33 and 35 of the Constitution. The organization and holding of public events are regulated by the Public Events Act, which includes provisions setting out the conditions for the exercise of the constitutional rights and freedoms of citizens when such events are held in public places, with a view to ensuring public safety and order. Therefore, the State Party concludes that the allegations put forward by the authors concerning violations of their rights under articles 19 and 21 of the Covenant are unsubstantiated.

Authors' comments on the State Party's observations on admissibility and the merits

5.1 The authors reject the State Party's assertion about the effectiveness of supervisory review appeals lodged before judicial and prosecutorial authorities. They note that such appeals depend on the discretionary power of a judge or prosecutor and cannot be considered an effective remedy for the purposes of the exhaustion of domestic remedies, as recognized by the Committee in its jurisprudence.

5.2 The authors reiterate their claims that their rights under articles 19 and 21 of the Covenant have been violated. They also note that the State Party has not complied with the Committee's recommendations to bring the Public Events Act into compliance with the State's obligations under international law.⁵

Issues and proceedings before the Committee

6.1 Before considering any claim contained in a communication, the Committee must decide, in accordance with rule 97 of its rules of procedure, whether the communication is admissible under the Optional Protocol. The Committee takes note of the State Party's argument that the authors have failed to seek a supervisory review by the prosecutorial and judicial authorities of the impugned decisions. The Committee recalls its jurisprudence,

³ For additional information on the exhaustion of domestic remedies, including the domestic court proceedings, see annex.

⁴ Reference is made to communication *Tulzhenkova v. Belarus* (CCPR/C/103/D/1838/2008).

⁵ Reference is made to, among others, *Evezov v. Belarus* (CCPR/C/114/D/1988/2010), *Sudalenko v. Belarus* (CCPR/C/113/D/1992/2010) and *Schumilin v. Belarus* (CCPR/C/105/D/1784/2008).

according to which a petition for supervisory review submitted to the chairperson of a court directed against court decisions that have entered into force,⁶ or to a prosecutor's office requesting a review of court decisions that have taken effect,⁷ constitutes an extraordinary remedy and that the State Party must show that there is a reasonable prospect that such requests would provide an effective remedy in the circumstances of the case. In the absence of any new information from the State Party that would allow the Committee to reach a different conclusion, and given its previous jurisprudence, the Committee considers that for the relevant communications (see para. 2 above), the authors have exhausted all available effective domestic remedies and that it is not precluded by article 5 (2) (b) of the Optional Protocol from examining the communications.

6.2 The Committee notes that the authors in 15 of the cases (see para. 3 above) claim that the State Party has violated their rights under articles 19 and 21, read in conjunction with article 2 (3), of the Covenant. In the absence of any further pertinent information on file, however, the Committee considers that the authors have failed to sufficiently substantiate those claims for the purposes of admissibility. Accordingly, it declares those claims inadmissible under article 2 of the Optional Protocol.

6.3 The Committee takes note of the claims made by one author (communication No. 3231/2018) that the State Party has violated his rights under article 19, in conjunction with articles 2 (1) and 5 (1), of the Covenant and the claims by all other authors that the State Party has violated their rights under articles 19 and 21, read in conjunction with article 2 (2), of the Covenant (see para. 3 above). The Committee notes that the authors have alleged a violation of their rights under articles 19 and 21 of the Covenant resulting from the interpretation and application of the existing laws of the State Party. The Committee does not consider the examination of whether the State Party has also violated its general obligations under article 2 (2), read in conjunction with articles 19 and 21, of the Covenant, or its general obligations under articles 2 (1) and 5 (1), read in conjunction with article 19, of the Covenant (communication No. 3231/2018), to be distinct from an examination of the violation of the authors' rights under articles 19 and 21,⁸ and considers that the authors' claims in this regard are incompatible with article 2 of the Covenant and therefore inadmissible under article 3 of the Optional Protocol.

6.4 The Committee finds the claims of all the authors under articles 19 and 21 of the Covenant to have been sufficiently substantiated, and it proceeds with its consideration of the merits.

7. The Committee has considered the communications in the light of all the information submitted to it by the parties, in accordance with article 5 (1) of the Optional Protocol. The Committee notes that it has found a violation of articles 19 and 21 of the Covenant in similar cases in respect of the same laws and practices of the State Party in several earlier communications.⁹ Having carefully examined the factual background and the legal claims of the 16 communications under consideration, and all of the information made available to it by the parties, the Committee concludes that its previous jurisprudence on the subject is fully applicable to the merits of these claims. In particular, the Committee considers that by refusing to authorize the authors to hold peaceful public events, without assessing the necessity and proportionality of the restrictive measures under the relevant provisions of the Covenant, the State Party has violated the rights under article 19 of the Covenant with respect to the author of communication No. 3231/2018, and the rights under articles 19 and 21 of the Covenant with respect to the remaining authors.

⁶ *Koreshkov v. Belarus* (CCPR/C/121/D/2168/2012), para. 7.3.

⁷ *Gryk v. Belarus* (CCPR/C/136/D/2961/2017), para. 6.3; *Tolchin v. Belarus* (CCPR/C/135/D/3241/2018), para. 6.3; *Shchukina v. Belarus* (CCPR/C/134/D/3242/2018), para. 6.3; and *Vasilevich et al. v. Belarus* (CCPR/C/137/D/2693/2015, 2898/2016, 3002/2017 and 3084/2017), para. 6.3.

⁸ See, for example, *Poliakov v. Belarus* (CCPR/C/111/D/2030/2011), para. 7.4; *Zhukovsky v. Belarus* (CCPR/C/127/D/2724/2016), para. 6.4; and *Vasilevich et al. v. Belarus*, para. 6.4.

⁹ *Evzrezov v. Belarus* (CCPR/C/117/D/2101/2011), para. 8.5; *Poliakov v. Belarus*, para. 8.3; and *Statkevich and Matskevich v. Belarus* (CCPR/C/115/D/2133/2012), paras. 9.5 and 9.6.

8. Pursuant to article 2 (3) (a) of the Covenant, the State Party is under an obligation to provide the authors with an effective remedy. This requires it to make full reparation to individuals whose Covenant rights have been violated. Accordingly, the State Party is obligated to take appropriate steps to reimburse the current value of the legal costs incurred by the authors in relation to the domestic proceedings against them (see annex). The State Party is also under an obligation to take all steps necessary to prevent similar violations from occurring in the future. The Committee therefore recommends that the State Party ensures that its normative framework, in particular the Public Events Act and the local administrative decisions on the organization of public events, as well as their application, are consistent with its obligations under article 2 (2) of the Covenant, with a view to ensuring that the rights under articles 19 and 21 may be fully enjoyed in the State Party.

9. On becoming a party to the Optional Protocol, the State Party recognized the competence of the Committee to determine whether there had been a violation of the Covenant. The communications considered in the present Views were submitted for consideration before the State Party's denunciation of the Optional Protocol became effective, on 8 February 2023. Given that, pursuant to article 2 of the Covenant, the State Party has undertaken to ensure to all individuals within its territory and subject to its jurisdiction the rights recognized in the Covenant and to provide an effective and enforceable remedy when it has been determined that a violation has occurred, the Committee wishes to receive from the State Party, within 180 days, information about the measures taken to give effect to the Committee's Views. The State Party is also requested to publish the present Views and to have them widely disseminated in the official languages of the State Party.

Annex

Key procedural information and additional details, by communication

<i>Author</i>	<i>Communication No.</i>	<i>Counsel representation</i>	<i>Date of communication (initial submission)</i>	<i>Date of transmission to the State Party</i>	<i>Relevant court decisions</i>	<i>Applicable domestic law and administrative decisions</i>
Oleg Matskevich	3128/2018	Not represented by counsel	26 January 2018	6 July 2018	<p>First instance: 10 March 2017, Borisov District Court</p> <p>Appeal: 13 April 2017, Minsk Regional Court</p> <p>Supervisory review appeal: 10 July 2017, Chair of the Minsk Regional Court 20 October 2017, Chair of the Supreme Court</p>	<p>Borisov District Executive Committee, decision No. 851 of 13 July 2010</p> <p>Public Events Act^a</p>
<p>Alla Romanchik and Natalya Shchukina</p> <p>(The authors filed four different requests to four District Executive Committees.)</p>	3172/2018	Represented by counsel, Leonid Sudalenko	24 December 2017	3 April 2018	<p>First instance: 25 September 2016, Zhlobin District Court 3 October 2016, Mozyr District Court 2 November 2016, Brahlin District Court 17 November 2016, Loyev District Court</p>	<p>Brahlin District Executive Committee, decision No. 1180 of 14 October 2014</p> <p>Loyev District Executive Committee, decision No. 844 of 20 October 2014</p> <p>Zhlobin District Executive Committee, decision No. 940 of 7 May 2008</p> <p>Mozyr District Executive Committee, decision No. 1202 of 15 September 2011</p> <p>Public Events Act</p>

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					Appeal: 2 November (Zhlobin), Gomel Regional Court 1 December (Bragin), Gomel Regional Court 5 December (Mozyr), Gomel Regional Court 20 December 2016 (Loyev), Gomel Regional Court	
Pavel Levinov	3231/2018	Not represented by counsel	7 April 2017	28 August 2018	First instance: 15 February 2017, Zheleznodorozhny District Court (Vitebsk) Appeal: 23 March 2017, Vitebsk Regional Court	Vitebsk Town Executive Committee, decision No. 881 of 10 July 2009 Public Events Act
Vladimir Sekerko	3295/2019	Represented by counsel, Leonid Sudalenko	28 July 2016	6 March 2019	First instance: 21 January 2015, Central District Court (Gomel) Appeal: 10 March 2015, Gomel Regional Court Supervisory review appeal: 16 December 2015, Chair of Gomel Regional Court 22 January 2016, Chair of the Supreme Court 30 March 2016, Gomel Regional Prosecutor 30 May 2016, Prosecutor General's Office	Gomel District Executive Committee, decision No. 775 of 15 August 2013 Public Events Act

<i>Author</i>	<i>Communication No.</i>	<i>Counsel representation</i>	<i>Date of communication (initial submission)</i>	<i>Date of transmission to the State Party</i>	<i>Relevant court decisions</i>	<i>Applicable domestic law and administrative decisions</i>
Valery Klimov	3299/2019	Represented by counsel, Leonid Sudalenko	19 April 2016	26 February 2019	First instance: 3 April 2015, Central District Court (Gomel) Appeal: 12 May 2015, Gomel Regional Court Supervisory review appeal: 17 September 2015, Chair of the Gomel Regional Court 29 October 2015, Chair of the Supreme Court 14 February 2016, Gomel Regional Prosecutor's Office	Gomel District Executive Committee, decision No. 775 of 15 August 2013 Public Events Act
Viktor Kozlov and Leonid Sudalenko	3675/2019	Represented by counsel, Leonid Sudalenko	2 November 2017	3 December 2019	First instance: 14 March 2018, Central District Court (Gomel) Appeal: 22 May 2018, Gomel Regional Court Supervisory review appeals: 13 August 2018, Chair of the Gomel Regional Court 24 September 2018, Chair of the Supreme Court	Gomel District Executive Committee, decision No. 775 of 15 August 2013 Public Events Act
Sergei Kosobutski (The author filed four different requests to four district executive committees.)	3676/2019	Not represented by counsel	2 November 2017	3 December 2019	First instance: 3 November 2016, Karma District Court 4 November 2016, Buda-Koshelev District Court 10 November 2016, Chechersk District Court 14 December 2016, Khoiniki District Court	Buda-Koshelev Executive Committee, decision No. 311 of 14 May 2012 Chechersk Executive Committee, decision No. 24 of 30 January 2015 Karma Executive Committee, decision No. 03-266 of 31 March 2008 Khoiniki Executive Committee, decision No. 1001 of 26 August 2014

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					Appeal: 6 December 2016 (Karma and Buda-Koshelev), Gomel Regional Court 10 January 2017 (Chechersk), Gomel Regional Court 2 February 2017 (Khoyniki), Gomel Regional Court	Public Events Act
Natalya Shchukina	3677/2019	Not represented by counsel	5 October 2018	3 December 2019	First instance: 12 April 2018, Dobrush District Court Appeal: 24 May 2018, Gomel Regional Court Supervisory review appeal: 19 July 2018, Chair of Gomel Regional Court 25 Sep 2018, Chair of the Supreme Court	Dobrush Executive Committee, decision No. 1321 of 8 September 2008 Public Events Act
Aleksandr Protsko	3680/2019	Not represented by counsel	23 December 2018	3 December 2019	First instance: 22 June 2018, Central District Court (Gomel) Appeal: 16 August 2018, Gomel Regional Court Supervisory review appeal: 11 Oct 2018, Chair of the Gomel Regional Court 29 Nov 2018, Chair of the Supreme Court	Gomel District Executive Committee, decision No. 775 of 15 August 2013 Public Events Act

<i>Author</i>	<i>Communication No.</i>	<i>Counsel representation</i>	<i>Date of communication (initial submission)</i>	<i>Date of transmission to the State Party</i>	<i>Relevant court decisions</i>	<i>Applicable domestic law and administrative decisions</i>
Tatyana Noskova (The author filed three different requests to the Svyetlahorsk Regional Executive Committee.)	3683/2019	Not represented by counsel	10 August 2019	23 December 2019	First instance: 15 and 30 November 2018, Svyetlahorsk District Court Appeal: 26 February 2019, Gomel Regional Court Supervisory review appeal: 6 and 26 April 2019, Chair of the Gomel Regional Court 10 July 2019, Chair of the Supreme Court	Svyetlahorsk Regional Executive Committee, decision No. 50 of 16 January 2015 Public Events Act
Alla Romanchik	3687/2019	Not represented by counsel	25 March 2019	23 December 2019	First instance: 18 April 2018, Zhlobin District Court Appeal: 5 June 2018, Gomel Regional Court Supervisory review appeal: 23 November 2018, Chair of the Gomel Regional Court 14 March 2019, Chair of the Supreme Court	Zhlobin Regional Executive Committee, decision No. 940 of 7 May 2008 Public Events Act
Leonid Sudalenko and Andrei Strizhak (The authors filed two different requests to the Gomel City Executive Committee.)	3760/2020	Represented by counsel, Andrei Strizhak	20 December 2018	5 June 2020	First instance: 13 April and 13 September 2018, Central District Court (Gomel) Appeal: 12 June and 20 November 2018, Gomel Regional Court	Gomel City Executive Committee, decision No. 775 of 15 August 2013 Public Events Act

<i>Author</i>	<i>Communication No.</i>	<i>Counsel representation</i>	<i>Date of communication (initial submission)</i>	<i>Date of transmission to the State Party</i>	<i>Relevant court decisions</i>	<i>Applicable domestic law and administrative decisions</i>
Vadim Kolodenko, Viktor Kozlov and Leonid Sudalenko	3777/2020	Represented by counsel, Viktor Kozlov	19 September 2017	2 July 2020	<p>First instance: 26 October 2016, Central District Court (Gomel)</p> <p>Appeal: 13 December 2016, Gomel Regional Court</p> <p>Supervisory review appeal: 1 March 2017, Chair of the Gomel Regional Court 15 May 2017, Chair of the Supreme Court 28 June 2017, Gomel Regional Prosecutor's Office 6 September 2017, Prosecutor General's Office</p>	<p>Gomel City Executive Committee, decision No. 775 of 15 August 2013</p> <p>Public Events Act</p>
Vasily Kovtun	3780/2020	Not represented by counsel	7 March 2018	6 July 2020	<p>First instance: 18 July 2017, Moscow District Court (Minsk)</p> <p>Appeal: 14 September 2017, Minsk City Court</p> <p>Supervisory review appeal: 26 December 2017, Presidium of the Minsk City Court</p>	Public Events Act ^b
Andrei Smolenchuk	3789/2020	Not represented by counsel	17 September 2019	14 July 2020	<p>First instance: 29 November 2018, Svyetlahorsk District Court</p> <p>Appeal: 28 February 2019, Gomel Regional Court</p> <p>Supervisory review appeal: 29 April 2019, Gomel Regional Court 27 August 2019, Supreme Court</p>	Public Events Act

<i>Author</i>	<i>Communication No.</i>	<i>Counsel representation</i>	<i>Date of communication (initial submission)</i>	<i>Date of transmission to the State Party</i>	<i>Relevant court decisions</i>	<i>Applicable domestic law and administrative decisions</i>
Elena Maslyukova	3902/2021	Not represented by counsel	4 February 2019	12 March 2021	First instance: 6 July 2018, Svyetlahorsk District Court Appeal: 16 August 2018, Gomel City Court	Public Events Act

^a The third paragraph of article 6 of the Public Events Act states that the decision of the head of the local executive and administrative authority or their deputy authorizing or prohibiting the holding of a public event shall be taken with due regard for the date, place and time of holding of the event, the number of participants, weather conditions, payment for services to uphold public order provided by internal affairs authorities, expenses linked to medical services and the cleaning of the area following the public event, and other circumstances with implications for the guarantee of public security, in agreement with the republic-level State administration authorities/their territorial branches responsible for ensuring public order and safety.

^b Article 9 of the Public Events Act prohibits the holding of more than one public event at the same location simultaneously.