

## **Act on Exemption from Liability and Restoration of the Rights of Persons Persecuted on Political Grounds**

### **Article 1.**

1. To exempt from criminal liability persons convicted under articles 130, 191, 200, 293, 309, 310, 342, 356, 357, 361, 361-1, 361-2, 363, 364, 365, 366, 367, 368, 369, 369-1, 369-2, 369-3, 370, 391 of the Criminal Code of the Republic of Belarus, in respect of which proceedings have been instituted since May 8, 2020.
2. To terminate criminal proceedings instituted as from May 8, 2020, under the articles of the Criminal Code of the Republic of Belarus referred to in paragraph 1 of this article, for which no sentences had been handed down as of the date of entry into force of this Act.
3. Persons who are serving a sentence, detained or detained in connection with the cases referred to in paragraphs 1 and 2 of this article shall be released from their places of detention within two days of the entry into force of this Act.

### **Article 2.**

1. Persons convicted under articles 147, 188, 190, 209, 210, 218, 235, 243, 285, 289, 290, 290-1, 290-2, 290-3, 290-4, 290-5, 295, 295-1, 339, 341, 349, 362, 371, 407, 430, 434, 435, 436, 437 of the Criminal Code of the Republic of Belarus, cases on which were initiated starting from May 8, 2020, are subject to release from criminal liability by the sentencing authority if the prosecution was politically motivated. The procedure for reviewing such cases is regulated by a separate law.
2. Criminal cases initiated starting from May 8, 2020, under the articles of the Criminal Code of the Republic of Belarus specified in paragraph 1 of this article, the sentences on which were not passed on the date of entry into force of this Act, shall be terminated if the initiation of this case was politically motivated.

3. The enforcement of sentence in relation to persons convicted in the cases specified in paragraph 1 of this article, with their consent, shall be subject to a postponement until the entry into force of the decision made as a result of the review of such a case. For the period of the postponement of the enforcement of the sentence, such persons are not subject to the restrictions provided for by the current legislation for persons held criminally liable.

A preventive measure in respect of persons who are detained in connection with the cases referred to in paragraph 1 of this article shall be replaced with a recognizance not to leave the place and proper behavior.

The persons specified in parts 1 and 2 of this paragraph are subject to release from their places of detention no later than 2 days from the date of entry into force of this Act.

### **Article 3.**

1. To exempt from administrative liability persons against whom orders have been issued under article 23.4., 23.34. of the Code of Administrative Offenses of the Republic of Belarus of April 21, 2003, and articles 24.3., 24.23 of the Code of Administrative Offenses of the Republic of Belarus of January 6, 2021, on which proceedings were instituted since May 8, 2020.

2. To terminate cases of administrative offenses initiated since May 8, 2020, under the articles of the Codes of the Republic of Belarus on administrative offenses referred to in paragraph 1 of this article, orders on which were not issued as of the date of entry into force of this Act.

3. Persons who are serving a sentence or who are detained in connection with the cases referred to in paragraphs 1 and 2 of this article shall be released from their places of detention no later than the day following the date of entry into force of this Act.

4. Fines paid in the cases referred to in paragraph 1 of this article shall be refunded from the budget in the procedure prescribed by a separate law.

#### **Article 4.**

1. Persons convicted under articles 17.1., 18.1., 18.14. of the Code of Administrative Offenses of the Republic of Belarus of April 21, 2003, and articles 18.1., 18.13., 19.1. of the Code of Administrative Offenses of the Republic of Belarus of January 6, 2021, on which proceedings were instituted since May 8, 2020, are subject to release from administrative liability by the sentencing authority if the prosecution was politically motivated. The procedure for reviewing such cases is regulated by a separate law.

2. Cases initiated starting from May 8, 2020, under the articles of Codes of Administrative Offenses of the Republic of Belarus specified in paragraph 1 of this article, the sentences on which were not passed on the date of entry into force of this Act shall be terminated if the initiation of this case was politically motivated.

3. The enforcement of sentence in relation to persons convicted in the cases specified in paragraph 1 of this article, with their consent, shall be subject to a postponement until the entry into force of the decision made as a result of the review of such a case. For the period of the postponement of the enforcement of the sentence, such persons are not subject to the restrictions provided for by the current legislation for persons held administratively liable.

The measure to ensure the administrative process in the form of administrative detention applied to individuals in connection with the cases referred to in paragraph 1 of this article shall be canceled.

The persons specified in parts 1 and 2 of this clause are subject to release from their places of detention no later than the day following the day of entry into force of this act.

#### **Article 5.**

1. Employees dismissed starting from May 8, 2020, are subject to reinstatement if their dismissal was politically motivated, regardless of the official reason for

dismissal.

Citizens and organizations whose rights have been violated by decisions of state bodies and other organizations starting from May 8, 2020, have the right to review and cancel such decisions if such decisions were politically motivated.

2. The procedure for the reinstatement of dismissed workers at work, revision, and cancellation of decisions of state bodies, organizations specified in paragraph 1 of this article shall be regulated by a separate law.

## **Article 6.**

For the purposes of Articles 2, 4, and 5 of this Act, a sentence (ruling, decision) imposed on or affecting a particular person is recognized as politically motivated for the purposes of Articles 2, 4, and 5 of this Act, under which at least one of the following conditions took place:

a) sentence (ruling, decision) was delivered solely because of the person's political, religious, or other beliefs, as well as the non-violent exercise of freedom of thought, conscience and religion, freedom of expression and information, freedom of peaceful assembly, and association, other rights and freedoms guaranteed by Constitution, International Covenant on Civil and Political Rights;

b) sentence (ruling, decision) was delivered solely because of non-violent activities aimed at the protection of human rights and fundamental freedoms;

c) sentence (ruling, decision) was delivered solely on the grounds of sex, race, colour, language, religion, national, ethnic, social or ancestry, birth, nationality, sexual orientation and gender identity, property status or other attributes, or on the basis of a sustainable relationship with communities linked by such attributes;

d) sentence (ruling, decision) was delivered on the basis of political motives for persecuting such a person, and there was a violation of the right to a fair trial; other rights and freedoms guaranteed by Constitution, International Covenant on Civil and Political Rights;

e) sentence (ruling, decision) was delivered when there were political motives to prosecute such a person, and evidence was falsified;

f) sentence (ruling, decision) was delivered on the grounds of political motives for persecuting such a person, and sanctions (negative consequences) applied are manifestly disproportionate (inadequate) to the legal basis for the sentence (ruling, decision);

g) sanctions (negative consequences) for the sentence (ruling, decision) were delivered selectively in comparison with other persons.

## **Article 7.**

Persons released from liability in the procedure specified in articles 1-4 of this Act, workers reinstated at work, citizens and organizations, decisions on whose cases were canceled in accordance with article 5 of this Act, have the right for compensation, which is payable in accordance with the procedure, determined by a separate law.

## **Article 8.**

This Act shall enter into force on the date of its official publication.