Internet shutdown in Belarus

The report was prepared by experts from the Belarusian Internet Observatory with the support of the human rights organization Human Constanta.

Table of contents

Introduction and context

In this report, we plan to show the chronology of events related to the shutdown, blockages, and other incidents in the Internet environment of Belarus in August 2020. We also want to tell you about the technologies that were used to restrict Internet access and ways to circumvent censorship that were used during this period.

2020 election

On August 9, 2020, presidential election was held in Belarus, in which, according to official results, Lukashenko had got 80.1% of the vote, and Tikhanovskaya 10.1%. By the time of the election, Lukashenko had been President for 26 years. The election campaign was accompanied by massive violations of human rights, pressure on the media, alternative candidates and their team members, detentions and arrests of political activists, including two potential presidential candidates.

Despite numerous obstacles, the results of independent monitoring were collected, and those results recorded the facts of fraud and a significant discrepancy between the actual election results and the official ones. During the summer months, Belarus experienced unprecedented political activity, which affected all the spheres of life. The pre-election period was accompanied by an increase in politicization of citizens, holding mass election pickets and rallies.

Starting from June 2020, mobile Internet disconnections were periodically observed in Belarus, and external data transmission was disconnected several times at night. In the evening of August 8, the Internet stopped working almost completely for the majority of users from Belarus and this continued until the morning of August 12. Access was available only to those who set up block bypass services, which were used by every 4th belarusian Internet user.

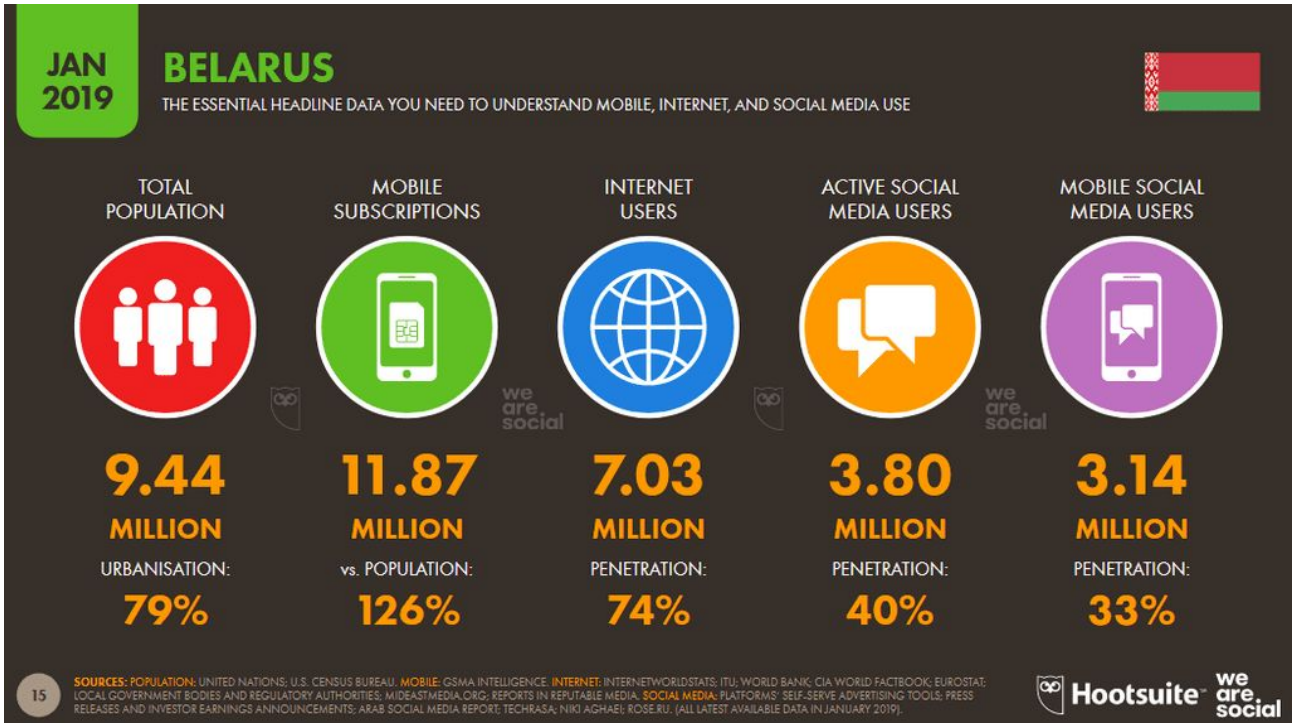
Internet in Belarus

The population of Belarus as of January 1, 2020 is[1] 9.4 million people. Internet penetration in the country is quite strong. According to the analysts' estimates[2], by January 2019, 9.44 million residents of Belarus accounted for 11.87 million mobile subscribers. The number of Internet users was 7.03 million, or 74 percent of the

[1] https://www.belstat.gov.by/ofitsialnaya-statistika/ssrd-mvf_2/natsionalnaya-stranitsa-svodnyh-dannyh/naselenie_6/chislennost-naseleniya1_yan_poobl/

[2] https://dev.by/news/digital-2019-belarus

population. The number of mobile Internet users is 5.8 million, it is 61 percent of the population.



Features of the Belarusian Internet segment

Russian is one of the official languages in Belarus. Because of this, and because of the small size of the local market, foreign traffic accounts for a significant share of what is consumed by belarusians.

In 2014, the consumption of internal belarusian traffic was no more than 6 % of the volume of the external gateway to the Internet. No more recent data is available.

How Belarus is connected to the rest of the world

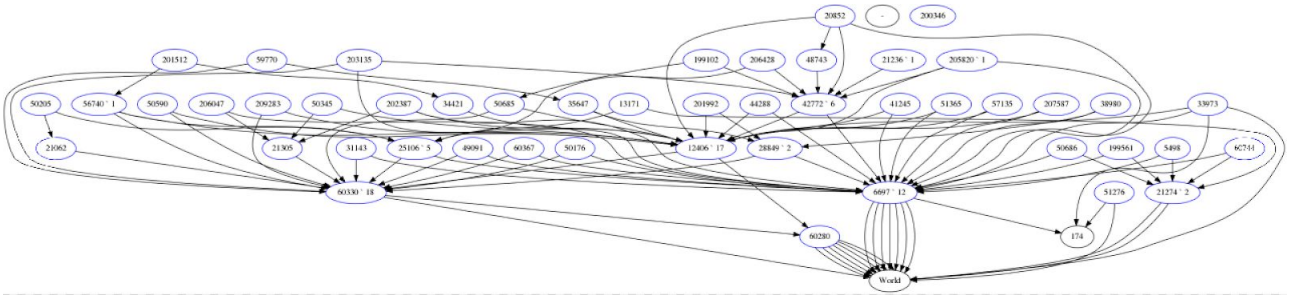
Belarus is connected to the Internet via two communication channels:

1. State organisation Beltelecom, AS6697. Prior to the creation of the National traffic exchange center (NTEC), Beltelecom had a monopoly in the organization of inter-network connections of providers within the country and providing access to international telecommunication lines to providers. Beltelecom is the largest Internet provider in the country and serves both individuals and legal entities.

2. State organization National traffic exchange center (NTEC), AS60280. It was established in 2010 to create and develop the unified republican data transmission network (hereinafter — URDTN), as well as to connect foreign countries to the Internet.

The diagram[3] below shows a logical connection between the autonomous networks of Belarusian providers and the outside world. The lower World element is Internet service providers outside of Belarus.

AS21274 is a network of the National Academy of Sciences of Belarus. It is not used for passing Internet traffic of commercial providers, so it is not considered in the analysis.



Events June 19-August 12

June 19, 2020, the last day for collecting signatures

On June 18, presidential candidate Viktor Babariko was detained. Mass protests were held in the capital and other cities of Belarus, which continued on June 19.

On June 19, after the end of the working day, numerous protests and solidarity actions with political prisoners were again held in Minsk, Gomel, Mogilev, Orsha, Pinsk and other cities. Around[4] 16:00 to 19:00 Minsk time, the A1 provider lost Internet access in the mobile network throughout Belarus, and the connection was fully restored around 22:00.

[3] https://radar.qrator.net/blog/what-happening-BY

[4] https://ioda.caida.org/ioda/dashboard#view=inspect&entity=asn/42772&lastView=overview&from=15925464 71&until=1592636471

The A1 press service [reported](#) that this is due to technical problems.

June 19, 2020, DPI testing in Belarus

On the night of June 19, from 01:23 to 03:00, Belarusian users recorded filtering of a number of protocols, including TLS, presumably on external channels of the NTEC and Beltelecom. Viber and Telegram stopped working (only via MTProxy). After establishing a TLS connection, the packet exchange stopped and the connection was terminated by a timeout. According to our information, many state and commercial providers have stopped working corporate VPN tunnels that provide communication between different offices and regions, such as large organizations such as (?) the Belarusian railway and Gazprom.

We assume that this was a test launch of DPI devices on the equipment of NTEC and Beltelecom.

July 16, 2020, DPI retesting in Belarus

From 01:15 to 02:00 on July 16, SSH, OpenVPN, and IPSEC protocols were blocked outside the country. Separately, it was reported that the Telegram service was blocked, it worked with MTProxy.

July 23, 2020

An online platform «Golos» was launched, through which it was proposed to count votes in the elections. Website belarus2020.org is hosted on Amazon servers, but bots in the Viber and Telegram messengers are used to register and identify users.

August 4 (Tuesday) - first day of early voting

According to the results of the first day of voting, independent observers record massive excess of the official turnout relative to real numbers. Independent observers are not allowed to work at the polling stations.

August 7 (Friday) - the last working day before the main election day

The «Golos» service is declared a "shadow Central election commission". The Prosecutor's office of Belarus released news that the «Golos» and «Zubr» platforms didn't receive accreditation for conducting sociological research and were reminded of administrative responsibility.

August 8, Saturday, one day before the main election day

On August 8 at 15.38, 1,000,000 users were registered on the «Golos» platform. Head of the Department of the General Prosecutor's office of Belarus Marina Popova suggests banning the platform.

According to some sources, on August 8, employees of hotels, businesses, and retail outlets received an unspoken warning that communications will be blocked throughout the city on the day of the presidential election: the Internet, mobile communication, and even landlines will not work.

Around 18:00 UTC on August 8, eight of eight Beltelecom's IPv6 uplinks and four of the five NTEC uplinks were disabled, as a result about 80% of IPv6 prefixes being unavailable for both providers.
https://radar.qrator.net/as6697/ipv6-providers#startDate=2020-08-05&endDate=2020-08-15&tab=current

https://radar.qrator.net/as60280/ipv6-providers#startDate=2020-08-05&endDate=2020-08-15&tab=current

This shutdown of IPv6 providers continued[5] until August 12.

August 9, 2020. Main election day. Shutdown

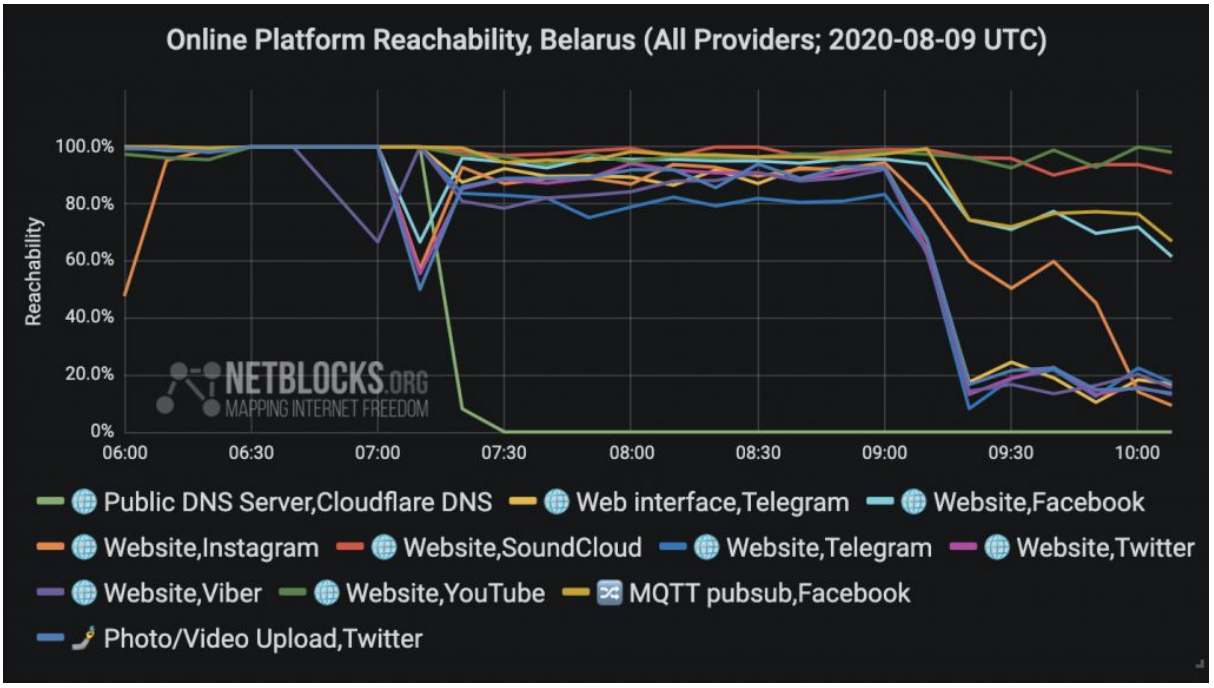
On the main day, polling stations are open from 8:00 to 20:00. According to the Belarusian legislation, after they are closed, the Commission opens the ballot boxes, counts the votes and posts the Protocol so that it is accessible for everyone. About 10,000 independent observers waited until 23-24 hours for the posted protocols at the polling stations.

Blocking foreign traffic on the Beltelecom and NTEC highways

Already at 8 am, multiple reports began to arrive that the Internet is unstable in Belarus:

- Web resources and many other services that use SSL/HTTPS for communication have become unavailable, and many foreign services such as Twitter, Facebook, and Instagram have actually stopped working,
- Telegram, Viber, and WhatsApp messengers have stopped working.
- Telegram worked when using MTProxy, but after some time, public proxies were also blocked.
- VPN services based on standard protocols (OpenVPN, PPTP, L2TP) hosted abroad are no longer available. TOR stopped working without enabling bridge mode.
- Lost SSH access to popular cloud hosting services: Digital Ocean, Amazon Cloud, and other mass services.
- The App Store and Google Play services have stopped working on mobile phones.

[5] https://radar.qrator.net/blog/what-happening-BY



Source https://netblocks.org/reports/internet-disruption-hits-belarus-on-election-day-YAE2jKB3

Google Transparency Report statistics says that visits to Google search and Gmail have been reduced several times. Youtube, Google Docs, Google Maps were completely unavailable. At the same time, disruptions for foreign users began to access resources located in Belarus.

DNS records spoofing of the website on the DNS servers of Belarusian providers and popular DNS services

On the morning of August 9, the users discovered that when entering the belarus2020.org portal a phishing website opened at the IP address 185.117.119.68 instead of the usual page for Belarusian users. It was designed in the colors of the original website and invited users to enter their phone number due to the inoperability of Viber and Telegram. The phishing site did not have the correct SSL certificate installed, which was reported by the browser when connecting to the phishing site.

The creators of the platform claim that users' phone numbers were collected only through bots in Viber and Telegram for security purposes. They also reported that even the development team does not have access to the phone numbers database. We assume that this is how the attackers tried to collect the platform's user database.

The fear is caused by the fact that the substitution of DNS addresses took place among the users of Belarusian providers, i.e. the substitution was carried out in networks belonging to providers and was carried out either with their participation or by hacking.

We possess no information on the cases initiated on this violation, although information about the substitution of records on DNS servers was widely covered by the press.

Belarusian IT specialists contacted a hosting company serving a fake website and succeeded in blocking a new resource at about 20:00 on August 9. Technical details

Using DPI (Deep Packet Inspection) solutions to block “unwanted” traffic

According to the information we have, both companies providing the connection of the Belarusian Internet with the outside world (Beltelecom and NTEC) have deployed DPI (deep packet inspection) software and hardware systems. Such solutions analyze the contents of traffic packets passing through them and, using a flexible set of rules, determine what to do with each of them.

There are several types of DPI usage:

1. Ensuring the quality of service. For example, you can increase the priority of VOIP voice traffic packets because when speaking by voice low latency is very important, and there is usually not much of such traffic. The http / https traffic has a medium priority to ensure comfortable browsing, and torrent traffic goes according to the leftover principle.
2. Blocking the activity of viruses, distribution of pirate and other illegal content.
3. Interception and transmission of traffic within the framework of operational-search measures based on its type.

DPI is also used by Belarusian mobile operators, for example, for prioritization and separate tariffication of traffic. With the growing popularity of unlimited tariffs, such solutions allow more efficient use of the radio resource without overloading it with heavy content. For example, on "unlimited" tariff plans operators can limit the transfer rate of heavy content, streaming video or torrents.

MTS announced the commercial launch of such a system on September 22, 2011.

A1 and life:) also use similar solutions for separate tariffication of traffic by its type, for example, providing unlimited access to the sites of certain social networks, music services and instant messengers.

According to information received from several sources, Beltelecom and NTEC use equipment from the following manufacturers to filter traffic:

1. Sandvine DPI at NTEC, [1] [2]
   According to Bloomberg, the equipment was demonstrated in May 2020 and delivered through the Russian distributor Jet Infosystems.

2. Huawei DPI at Beltelecom.

In 2018, a tender was announced for the purchase of DPI hardware and software complex by the National Traffic Exchange Center for $ 2.5M. According to the National Center for Marketing and Price Study, the purchase did not take place.

Official comments on the reason for the inaccessibility of foreign Internet on August 9-12

Neither in the days of the inaccessibility of the foreign segment of the Internet, nor in the following days, neither officials nor Belarusian state and private providers admitted that the reason for the lack of access to foreign resources was the deliberate actions on the part of special services and backbone providers. Commercial operators cited inappropriate service from higher-level providers as the reasons for the problems and did not comment on the details.

August 9, National Center for Response to Computer Incidents of the Republic of Belarus:

NTEC refers to DDos attacks:

“The National Center for Response to Computer Incidents of the Republic of Belarus (CERT.BY) on 08.08.2020 at about 22:00 recorded a large wave of DDoS attacks on the infrastructure of the BY-NET network. <...> It should be noted that the technical solutions for the protection (Anti-DDoS) of providers repelled these attacks, which however, according to our information, resulted with the equipment problems. "

August 9, the official commentary made by A1:

Mobile operator A1 shifts the responsibility to a superior provider (obviously, NTEC):

“Our network is working correctly. At the same time, we, like all other providers, get access to international Internet traffic from authorized operators - Beltelecom and the National Traffic Exchange Center.

As soon as our upstream provider continues the correct service, the access to services will be restored automatically. "

August 10, Beltelecom:

Beltelecom says that cyberattacks from abroad are the reason for the loss of access to foreign resources:

Since August 8 this year, Beltelecom has noted a significant increase in traffic coming from external IP networks from outside the Republic of Belarus. Over the past 24 hours, the company's systems have been recording multiple cyberattacks of varying intensity on the websites of government agencies and Beltelecom resources. This led to a significant overload of channels, malfunction and breakdown of telecommunication equipment and, as a result, difficulties with access for subscribers to certain resources and services of the Internet. "

August 10, Alexander Lukashenka

Lukashenka claims that the Internet is turned off not in Belarus:

“Someone calls people to go out to the streets. The Internet is turned off from abroad in order to displease the population. Now our specialists are figuring out where this blocking comes from. Therefore, if the Internet does not work well, this is not our initiative, it is from abroad "

August 12, NTEC

NTEC reports on the reduction of DDoS attacks on infrastructure and restoration of access to foreign networks:

“As of August 12 of this year, there has been a significant decrease in massive DDoS attacks on the infrastructure of Belarusian operators' networks and on the websites of government agencies and organizations. Emergency recovery work on the networks of partners located on the territory of neighboring states were completed.

The Republican Unitary Enterprise "National Traffic Exchange Center" managed to restore access to Internet resources almost in full measure.

NTEC specialists, together with other Belarusian telecommunication operators, continue to work on the restoration of equipment and the resumption of access to the Internet. These works will be completed in the nearest future.

We apologize for the inconvenience and hope for your understanding".

Opinions of specialists and experts from the Belarusian and international community:

August 10, commentary by Denis Otvalko, technical director of one of the largest non-state hosting providers in Belarus and the largest registrar and technical administrator of the national domain zones .BY /.BEL.
https://42.tut.by/696139

Netblocks team report on the situation on August 9-12 (Eng)
https://netblocks.org/reports/internet-disruption-hits-belarus-on-election-day-YAE2jKB3

August 11, Meduza's own investigation (Rus)
https://meduza.io/feature/2020/08/11/internet-v-belarusi-ne-rabotaet-treti-sutki

Appeal of international human rights organizations to the UN special rapporteurs on August 10, 2020 (Rus)
https://www.agora.legal/articles/Srochnoe-obrashenie-k-Specdokladchikam-OON-v-svyazi-s-shatdaunom-v-Belarusi/33

August 12, RIPE NCC analysis
ENG https://labs.ripe.net/Members/alun_davies/our-first-glance-at-the-belarus-outages
RUS
https://telegra.ph/Nash-pervyj-vzglyad-na-otklyuchenie-interneta-v-Belarusi-RIPE-NCC-08-12

August 11, Qrator Labs team analysis (Eng)
ENG https://radar.qrator.net/blog/what-happening-BY
RUS
https://telegra.ph/What-is-happening-with-the-BY-internet-segment-in-terms-of-BGP-and-IPv4IPv6-08-11

An article on vice.com commented by Alp Toker, director of the NetBlocks group, that DPI is the cause of what happened and not a glitch.
https://www.vice.com/en_us/article/z3e8v3/belarus-cut-off-the-internet-and-tried-to-make-it-look-like-an-accident

Interview with Tyoma Gavrichenkov from Qrator Labs, analysis of the situation around Internet blocking in Belarus on August 9-12.
https://www.youtube.com/watch?v=UONLll19TWk

August 20, Psiphon.ca bypass service report, August 20 (Eng)
https://blog-en.psiphon.ca/2020/08/amid-major-network-disruptions-176m.html

Information about the means of bypassing blocking on August 9-12

Starting from 8 a.m. on August 9th and until 7 a.m. on August 12th, VPN solutions based on standard protocols - OpenVPN, IPSEC, PPTP were blocked, which means that almost all commercial, corporate and personal VPN servers stopped working.

Solutions to bypass censorship

In the conditions of limited Internet operation, solutions were sought and found in a very short time using various telegram channels, specialists and providers. In the "Digital Observers" chat, created after the first case of inoperability of the mobile Internet network, working solutions were discussed and distributed. On its basis, on August 11 a telegram channel "For BYnet" was created, where we accumulated data on working solutions and wrote updates on what was happening with the Internet. Initially, both the chat and the channel were created to monitor the health of mobile networks and blocking with OONI and Network Cell Info Lite tools, but during August 9-11 it became popular precisely due to the dissemination of information about ways to bypass blocking and censorship.

We have tested and offered the following solutions to Belarusian users:

1. Psiphon, a specialized solution to circumvent censorship. According to the official information of the Psiphon team, between August 9-12 the application was used by 1.8 million users (users in this case are endpoint devices, i.e. mobile phones and PCs). The number of unique people who used the solution is slightly less, because the application could be simultaneously used by one person on a phone and a PC, in this case two different users were considered.
2. Tachyon, a distributed system, emulates 3 different protocols that allow DPI blocking.
3. X-VPN which has 9 different protocols, some of which continued to function during the blocking.
4. Lantern, a specialized tool for accessing blocked sites, one of the few solutions that had an installer for Mac OS.
5. HotSpot Shield which is built on Catapult Hydra's own proprietary protocol Catapult Hydra.
6. Betternet
7. Tor using Bridge mode

Among the alternative VPN solutions, Shadowsocks, Wireguard and SOCKS5 tunnels functioned via SSH (some users complained that the ip-address: the port bundle was blocked, so they had to be periodically changed), but due to the complexity of the configuration they were not widely used by the mass user. Also, MTProxy for Telegram was functioning until the proxy stopped working due to excessive load, or due to getting into the block list.

Alternative distribution methods for bypassing blocking applications

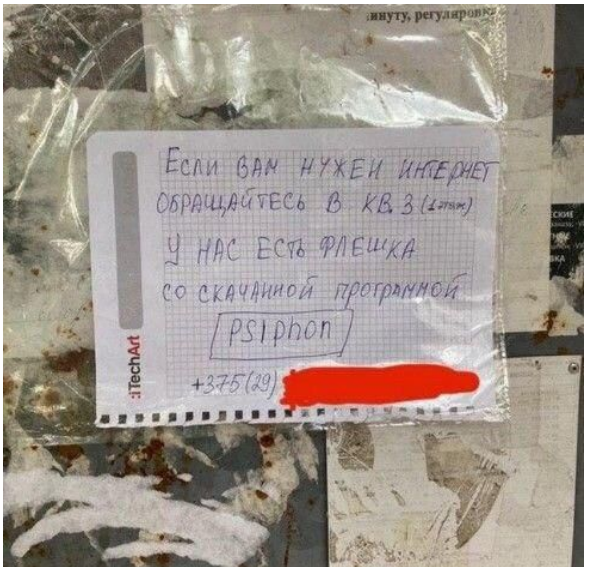
Due to the blocking of access to foreign resources, users were not able to use the standard method of obtaining applications from official sites, from the Apple App Store and Android Play Market.

1. Applications for bypassing blocking were distributed through the so-called file hosting - websites, which links were sent via SMS or dictated by voice over the phone. File sharing sites were created by advanced activists at home and abroad. As of August 12, the installation files from their servers were downloaded about 1.3 million times for 7.4 terabytes of traffic. 60% came from Android, 20% from Windows.

2. Our own telegram channel ZaBynet (https://t.me/zabynet) gained 3000 users on August 11 (the second day of existence), and on August 12 gained another 1000 of users. We published information about blocking and ways to restore the Internet.

3. Distribution of installers via Telegram. Telegram was functioning if the user could get a link to a functioning MTProxy. A number of users have subscribed to channels where new proxies were published, for example https://t.me/ProxyMTProto, or bots, for example https://mtpro.xyz

4. Files were distributed by users "from hand to hand" by rewriting them via USB flash drives and transferring via Bluetooth. This is a real ad at the building entrance in Minsk, it hit the Internet on August 12.



5. Due to the peculiarities of iOS, it was impossible to install the application from the App Store without Internet access, so users of Apple mobile phones first got access to the network on their computers, installed Proxy servers for PC, and having connected to them from their phones, they got access to the App Store, from which the apps were installed to bypass blocking.

Disabling Internet access at mobile operators' networks

In addition to permanent blocking of access to foreign resources at the level of trunk providers Beltelecom and NTEC, Belarusian users for the first time in history faced another type of blocking - a complete shutdown of the Internet in the mobile operators' networks. For three days in a row, from August 9 to 12, in the evening, subscribers of all three mobile operators - A1, MTS, life:) completely lost access to the network. As a result, mobile internet was not available:

20:45 August 9 - 5:00 August 10

19:30 August 10 - 06:00 August 11

18:00 August 11 - 07:00 August 12

Disconnections occurred synchronously for all 3 operators, which raises suspicions about the centralized nature of the actions. We assume that the operators' networks were disabled by their uplinks.

None of the operators, A1, MTS and life :) admitted that they cut off the Internet in connection with the instructions of law enforcement agencies.

On August 12 at 10:54 a.m. A1's official account at onliner.by posted a message about compensation for the inaccessibility of the Internet. In no statement A1 takes responsibility for disconnecting the mobile Internet in its network, pointing to the higher-level providers Beltelecom and NTEC as sources of interruptions.

Chronology of the events in the Belarusian segment of the Internet on August 16-20

August 16 (the Freedom March)

There were no Mobile Internet disconnections by operators themselves. Problems with mobile Internet occurred only at crowded places. At about 2 p.m., the protesters began to gather at the intersection near the stele of Minsk - the hero city, according to various estimates, between 200 and 500 thousand protesters gathered together and at about 6 p.m. moved to Independence Square.

Mobile Internet at cellular operators began to work when moving to the coverage area of other base stations that were not overloaded with an excessive number of subscribers, it was enough just to move behind the building or move away from the crowd of people by 300-400 meters.

This was the first large march, and, presumably, the special services were not ready for a massive shutdown of mobile networks, including the operators refused to turn off the network by verbal order and demanded a written order.

August 17

Complete short-term disconnection of the Internet throughout Belarus 11: 00-11: 10

https://ioda.caida.org/ioda/dashboard#view=inspect&entity=country/BY&lastView=overview&from=1597573860&until=1597746840

August 21

Based on the decision of the Ministry of Information of the Republic of Belarus, access is limited (in fact, blocked) to 72 sites, including Zubr.in (the platform for observers), Belarus2020.org (Golos), media sites and human rights organizations.

August 23, (Sunday, New Belarus March)

The speed of the mobile Internet network in A1 network decreased. Also, MTS (at 6:30 p.m.) and life :) cut off their mobile Internet in Minsk and other regions during the protests.

For the first time, an official A1 commentary was published where the operator reports that the Internet is blocked according to the requirements of government agencies. On August 24, MTS and life :) gave a similar official comment, also mentioning that due to a large number of people there were overloads in the network. The OAC also said that they were not aware of the blockages.

August 26

Despite the small number of protesters, A1 operator's access to the network was restricted again.

August 30 (Sunday)

The first time when BGP prefixes were gone. Mobile operators turned off data transmission again by the order of government agencies.

September 6 (Sunday)

Mobile internet was turned off for all three providers.

RU
https://www.a1.by/ru/company/news/rabota-mobilnogo-interneta-3g-minsk-0609/p/rabota-mobilnogo-interneta-3g-0609

EN
https://www.a1.by/en/company/news/rabota-mobilnogo-interneta-3g-minsk-0609/p/rabota-mobilnogo-interneta-3g-0609

Legal Comment On Shutdown

International law

In the moment, the right to connect to the Internet is not universally recognized. The right to the Internet to a certain extent exists in Costa Rica, Estonia, France, Greece, Spain, Finland and Mexico at the level of national legislation.

At the same time, international law reflects the concept that Internet connection in the modern information society is the key condition for the exercise of freedom of expression and the right to information. These rights are enshrined in Art. 19 of the International Covenant on Civil and Political Rights. It is worth dwelling on the ICCPR in detail, since the norms of this document are obligatory in Belarus.

Everyone has the right to freedom of expression; this right includes the freedom to seek, receive and impart all kinds of information and ideas, regardless of state borders,

orally, written or through the press or artistic forms of expression, or by other means of their choice. However, freedom of expression and the right to information are not absolute rights. As follows from the text of the Article, the use of these rights imposes special duties and responsibilities. It may therefore be subject to some restrictions. Finding out whether any restrictions do not violate the rights should be guided by the practice of the UN Human Rights Committee, which interprets and develops the norms of the Covenant in its decisions. In particular, a three-step test should be used:

1. Whether there are any legal restrictions. Restrictions must be formulated precisely so that a person can regulate his behavior accordingly. Ambiguous, vague or overly broad restrictions on freedom of expression and the right to information are inadmissible.

2. Whether the restrictions are pursuing a legitimate aim. Legitimate objectives are listed in Article 19 (3) (a) and (b) of the ICCPR and are limited to respecting the rights or reputation of others, protecting national security, public order, public health or morals.

3. Whether the restrictions are necessary and proportionate. Necessity requires that there should be an urgent social need for restriction. Proportionality requires that restrictions on freedom of expression should not be overly broad and consistent with its protective function. It is important that the restriction constitutes the smallest possible interference with the exercise of the law capable of protecting a legitimate aim.[6]

It should be noted that all three components of the test must be present to justify the legitimacy of the restrictions. Otherwise, we are dealing with a violation of rights.

The issues of norms that allow restricting the normal functioning of the Internet or its individual segments contained in the legislation of Belarus, as well as the goals of such restrictions will be considered below. Here we will consider the third component of the test, since the analysis of the necessity and proportionality of restrictions on the Internet has repeatedly become the subject of consideration in international bodies.

In 2011, UN Special Rapporteur on Freedom of Expression, Frank La Rue, in his report to the Human Rights Council noted that “disabling Internet access for users, regardless of the justification [...] given, is disproportionate and therefore violates Art. 19 (3) of the International Covenant on Civil and Political Rights”. The Special Rapporteur also called on states to maintain access to the Internet at all times, including political unrest.

In the joint declaration of the four thematic speakers on freedom of expression (2011), the experts[7] stated that shutting down the Internet for the entire population or its part

[6] Human Rights Committee, General Comment No. 34, UN Doc CCPR/C/GC/34, 12 September 2011
[7] Joint Declaration on Freedom of Expression and the Internet, UN Special Rapporteur on Freedom of Opinion and Expression (Special Rapporteur on FOE), the Organization for Security and Co-operation in Europe (OSCE) Representative on Freedom of the Media, the Organization of American States (OAS) Special Rapporteur on Freedom of Expression and the African Commission on Human and Peoples’ Rights (ACHPR) Special Rapporteur on Freedom of Expression and Access to Information, 1 June 2011, para. 1(a).

(shutting down the Internet) cannot be justified in any way, including the grounds of public policy or protecting national security.[8] In 2015, the same thematic speakers in the joint declaration “On freedom of expression and response to conflict situations” confirmed that filtering content on the Internet using communication “switches” (i.e. switching off telecommunication nodes), as well as physically taking over broadcasting stations, are measures that are unacceptable under International human rights law.[9]

In 2016, the UN General Assembly adopted a Resolution that “unreservedly condemns measures to deliberately prevent or disrupt access to information or its dissemination online, in violation of international human rights law, and calls on all states to refrain from such measures and stop using them”.

In a recent Resolution (A/HRC/44/L.11), the UN General Assembly, considering Internet restrictions in relation to peaceful protests, calls on states to refrain and stop measures that, in violation of international human rights law, are aimed at shutting down the Internet and telecommunications or otherwise blocking users' ability to access and distribute information; or gather in the online space.

Thus, the practice of deliberately disabling or restricting the Internet at the local or national level is now considered a violation of human rights, provided that such measures are intended to restrict the dissemination of information and to prevent free expression of opinions online. The massive and indiscriminate nature of the restrictions does not meet the criterion of necessity and proportionality, regardless of the declared legitimate aim.

Limiting And Shutdown Internet In National Legislation

Legislation on access to information in the Republic of Belarus

Belarusian legislation does not distinguish the right to access the Internet as a separate right of citizens. However, a number of national legal acts enshrine the right to access information (receive information), where access to the Internet can be considered one of the aspects.

The rules on the right to access information are contained in the following acts:

The Constitution of the Republic of Belarus;

Law “On Information, Informatization and Information Protection”;

Law "On the Mass Media", etc.

[8] Ibid., para. 6(b).
[9] Joint Declaration on Freedom of Expression and Responses to Conflict Situations, United Nations (UN) Special Rapporteur on Freedom of Opinion and Expression, the Organization for Security and Co-operation in Europe (OSCE) Representative on Freedom of the Media, the Organization of American States (OAS) Special Rapporteur on Freedom of Expression and the African Commission on Human and Peoples’ Rights (ACHPR) Special Rapporteur on Freedom of Expression and Access to Information, https://www.osce.org/fom/154846.

According to Art. 34 of the Constitution, citizens of the Republic of Belarus are guaranteed the right to receive, store and disseminate complete, reliable and timely information about the activities of state bodies, public associations, about political, economic, cultural and international life, and the state of the environment.

The use of information may be limited by legislation in order to protect the honor, dignity, personal and family life of citizens and the full exercise of their rights.

Thus, the Constitution contains criteria for restricting the right to use information:

by purpose (in order to protect the honor, dignity, personal and family life of citizens and the full exercise of their rights);

according to the procedure for establishing the restriction (should be provided for by law).

It is worth mentioning that, in comparison with international law, the Constitution does not contain such criteria as necessity and proportionality for limiting rights, what can be the basis for abuse of restrictions on the rights of citizens.

Limiting access to the internet

The issues related to access to the Internet in Belarus are regulated on the basis of:

Decree of the President of the Republic of Belarus from 01.02.2010 N 60 "On measures to improve the use of the national segment of the Internet";

The Law on Telecommunications;

Resolution of the Council of Ministers of the Republic of Belarus from August 17, 2006 N 1055 "On approval of the Rules for the provision of telecommunication services", etc.

Internet access services in Belarus are provided by Internet service providers.

The main state bodies regulating the functioning of the Internet in Belarus are the Operative Analytical Center under the President of the Republic of Belarus (OAC) and the Ministry of Communications and Informatization. At the same time, the OAC has much broader powers, including:

- determination of the list of telecommunication operators entitled to pass international traffic and connect to telecommunication networks of foreign states in agreement with the President of the Republic of Belarus;
- makes decisions obligatory for telecommunication operators and other participants in the telecommunication services market on the provision of data transmission services.

According to the Order of the OAC from 06.12.2012 N 91, the Republican Unitary Enterprise of Telecommunications Beltelecom and the Republican Unitary Enterprise

National Traffic Exchange Center (NTEC) are the only two telecom operators which have the right to pass international traffic and connect to telecommunication networks of foreign states.

It should be noted that the legislation establishes a special procedure for managing the public telecommunications network in the event of emergencies, the introduction of a state of emergency or martial law.

According to Art. 40 of this Law in the event of emergencies, the introduction of a state of emergency or martial law, authorized state bodies in the manner determined by the Council of Ministers of the Republic of Belarus have the right to priority use of any telecommunication networks and means, as well as to suspend or restrict the use of these networks and means.

The order of priority use, suspension, restriction of the use of networks and telecommunication means in the event of the above situations, is regulated by the Regulation approved by the Resolution of the Council of Ministers of the Republic of Belarus dated 04.08.2006 N 1010.

This regulation establishes state bodies that have the right to priority use, suspension, restriction of the use of networks and telecommunication facilities. These include the Ministry of Defense, the Ministry of Emergency Situations, the KGB, the Ministry of Internal Affairs, the State Border Committee, and the State Customs Committee.

In addition, the Regulation lists the purposes for which the specified telecommunication network management measures can be taken:

providing priority users with the opportunity to take urgent measures to prevent emergency situations and eliminate their consequences;

ensuring national security, defense and law enforcement in the event of emergencies, the introduction of a state of emergency or martial law.

In this case, the decision to suspend or restrict the use of networks and telecommunication facilities can be made only if the conditions stipulated in the Regulation (clause 10) are present. These conditions include:

lack of free telecommunication facilities to meet the needs of priority users;

the need to limit traffic in order to prevent congestion in telecommunication networks;

the need to ensure electromagnetic compatibility during the operation of radio-electronic devices involved in work in emergency zones.

Since the date of the presidential elections, neither a state of emergency nor martial law has been introduced on the territory of the Republic of Belarus. Thus, we can only talk about the suspension or restriction of the use of telecommunication networks in an emergency in order to ensure national security, defense and law enforcement.

At the same time, state bodies did not declare that the mass protests in the republic constituted an emergency.

The legislation of the Republic of Belarus does not establish other grounds for mass restriction of access to the Internet or other types of telecommunications.

It follows from the above that the restriction of access to the Internet is not sufficiently justified and can be considered as a restriction of the rights of citizens to access information.

A separate ground under which the legislation provides for the possibility of restricting access to various types of telecommunications is the interruption of connections in telecommunication networks (Article 31 of the Law of the Republic of Belarus "On Operational Investigative Activities"). However, this measure is specific and is applied only by the bodies of operational-search activities to establish subscriber numbers and (or) unique identification codes of subscribers (users of telecommunication services) and (or) their location in order to obtain information necessary to perform the tasks of operational-search activities ... At the same time, interruption of connections in telecommunication networks during control in telecommunication networks is allowed in the event of an immediate threat to the life or health of a citizen or the national security of the Republic of Belarus.

Limiting the availability of mobile internet in belarus

The provision of mobile Internet services is carried out by telecommunication operators.

Licenses for cellular mobile telecommunication services in Belarus are held by the A1 Unitary Enterprise, Mobile Telesystems JLLC, Belarusian Telecommunications Network CJSC, and Belarusian Cloud Technologies JLLC.

For a long time, telecommunication operators did not report on the reasons for restricting the availability of mobile Internet. However, by the end of August 2020 they began to notify users that such a restriction was made on the request of government bodies.

The Law of the Republic of Belarus "On Telecommunications" establishes the obligation for telecommunication operators to comply with the requirements for organizational and technical interaction with other telecommunication operators, transmission and routing of traffic, established by the Ministry of Communications and Informatization and (or) the Operational and Analytical Center under the President of the Republic of Belarus, as well as the requirements for the maintenance of mutual settlements between telecommunication operators.

We believe that the requirement to limit the availability of the mobile Internet could be sent to the operators on the basis of this rule.

However, the legislation does not contain grounds for restricting access to the mobile Internet during public events.

It is also worth noting that even the Law of the Republic of Belarus "On the State of Emergency" does not contain any rules regarding the restriction of access to the Internet and mobile Internet in a state of emergency introduced in case of riots.

Restricting access to certain internet resources and services

In addition to restricted access to the Internet, in the period after 9th of August the access to a significant number of Internet resources and services in Belarus was blocked. Among them:

- media websites (both regional and republican);
- websites of public movements and initiatives (Belarusian Association of Journalists, the unregistered human rights center “Viasna”, such platforms as “Golos” and “Zubr”, etc.);
- websites of various political movements;
- a range of VPN services.

Blocking of Internet resources in Belarus is carried out out of court on the basis of the Ministry of Information decision. The procedure is governed by the Law of the Republic of Belarus “On the Mass Media” and the Regulation on the Procedure for Restricting (Resuming) Access to an Internet Resource, approved by the resolution of the Operative Analytical Center under the President of the Republic of Belarus, the Ministry of Communications and Informatization of the Republic of Belarus, the Ministry of Information of the Republic of Belarus of 03.10.2018 N 8/10/6.
Aforementioned Internet resources and services were blocked on the basis provided by clause 1.2 of clause 1 of Art. 51-1 of the Law “On Mass Media” (dissemination through an Internet resource, online publication of information, the dissemination of which is prohibited in accordance with this law and other legislative acts of the Republic of Belarus or court decisions that have entered into legal force).
The Law refers to prohibited information, inter alia, information aimed at propaganda of war, extremist activity or containing calls for such an activity, pornography, violence and cruelty, including propagandizing or encouraging suicide, other information, the dissemination of which could harm national interests of the Republic of Belarus or prohibited by this law, other legislative acts of the Republic of Belarus

From the legal point of view the process of blocking an Internet resource is as follows:

1. The Ministry of Information sends a copy of the decision to the State Inspection of the Republic of Belarus for Telecommunications of the Ministry of Communications and Informatization to include the corresponding identifier of the Internet resource in the restricted access list, as well as to the owner of the Internet resource, access to which is limited (as long as this Internet resource is located in the national segment of the Internet) within 3 working days from the date of the restricted access decision.

2. On the day of receiving a copy of the decision of the Ministry of Information, the State Inspection includes the identifier of the Internet resource in the restricted access list.

3. Internet service providers are obliged to restrict access to the Internet resource within 24 hours since the moment of its inclusion in the list.

It should be noted that the decisions on blocking, sent by the Ministry of Information to the owners of Internet resources in August 2020, did not specify the grounds for blocking (such as specific publications, images, other information prohibited by law), which complicates the process of eliminating violations and appealing the decision about blocking.
Thus, we can say that the extrajudicial process of Internet resources blocking violates the rights of both the owners of Internet resources and services (the right to disseminate information) and the rights of users (the right to receive information).

The report was prepared by experts from the Belarusian Internet Observatory with the support of the human rights organization Human Constanta.
The Belarusian Internet Observatory is a project created to monitor blocking of sites in the Belarusian segment of the Internet.
Human Constanta is a human rights organization, one of the main areas of work of which is the protection of digital rights and freedoms.