

## **The OSCE Moscow Mechanism report in respect of Belarus: The international community should undertake effective and coordinated actions to implement its recommendations**

### **Statement by the Civic Solidarity Platform**

5 November 2020

The report “On Alleged Human Rights Violations Related to the Presidential Elections of 9 August 2020 in Belarus”, produced by the OSCE rapporteur appointed by 17 states under the OSCE Moscow Mechanism, provides a thoroughly documented account of direct and brazen violations by the government of Belarus of its OSCE commitments and international obligations. The report’s findings convincingly demonstrate that the presidential elections were not transparent, free or fair, and that violations of fundamental human rights have been massive and systematic.

The ongoing crackdown is the most severe, large-scale and continuous throughout the 26 years of history of Alexander Lukashenko’s rule. Dozens of thousands of people have been subjected to cruel abuse, including arbitrary detention, politically motivated criminal persecution, massive torture, enforced disappearances and killings. Use of brutal force and intimidation have been the government’s only response to nation-wide peaceful protest against electoral fraud and usurpation of power. It is particularly worrying, stresses the report, that “the well-documented cases of torture and ill-treatment in the crackdown by the security forces on political dissent have not ... resulted in anybody being held accountable, which confirms allegations of general impunity.”

With the release of the Moscow Mechanism report on the situation in Belarus, we have the most comprehensive and detailed documentation of the current full-blown human rights crisis in Belarus, analysed within the framework of OSCE human dimension commitments and UN human rights norms. From the past experience of the application of the Moscow Mechanism we know that the value of this important OSCE instrument depends on an effective follow-up to a report. It is the responsibility of participating States, OSCE executive bodies and institutions and the larger international community to make the best use of conclusions and recommendations in the report and undertake follow-up actions to make sure that problems identified in the document are effectively addressed and the non-compliance with OSCE commitments is rectified.

There are 65 recommendations addressed to the government of Belarus in the report. Making the recommendations work will be not easy, given the Belarusian government’s refusal to cooperate with the OSCE rapporteur and its long record of violations. This means that all OSCE participating States concerned, especially the 17 invoking States, should embed implementation of the report’s conclusions and recommendations in their policies in respect of Belarus and consider applying a wide array of political and economic tools in their bilateral relations to compel the government

of Belarus to cooperate in the implementation of the recommendations.

OSCE institutions should include a follow-up to the report in their programmes, including monitoring of trials, prison conditions and assemblies, legislative reform assistance, and capacity building. In its turn, OSCE Parliamentary Assembly needs to find an effective way to contribute to the process. Finally, OSCE Chairmanship and OSCE Troika have a particular role to play as they have the biggest political and diplomatic weight and responsibility. We hope that the Albanian Chairmanship and the incoming Swedish Chairmanship will continue their efforts to push for the organisation of a broad national dialogue between the authorities, the opposition, and civil society.

Multilateral cooperation and coordination are essential. All participating States concerned and OSCE bodies need to actively engage with actors outside the OSCE such as the UN bodies, the Council of Europe and its Venice Commission, the EU and its institutions, international financial institutions, and other international bodies such as, for example, sports, culture, trade union and professional associations. All international relations with Belarus should be treated through the lens of the conclusions and recommendations of the OSCE report.

Substantive goals of follow-up actions are clearly and convincingly spelled out in the report. The most immediate actions called for include an end to repression, the release of all political prisoners, the cancellation of the August 9 election results and the organisation of a fresh vote in accordance with international standards. OSCE and its participating states should see these goals as priorities. Not recognising the results of the elections, as many states have done, is not enough. The OSCE, with its outstanding experience of election observation and assistance, is placed the best in the world to assist Belarus in organising fresh elections in accordance with OSCE standards. Belarus would need to overhaul its electoral legislation and the system of electoral commissions as being totally discredited. Necessary changes in the electoral system are already available in the reports by several previous OSCE election observation missions in Belarus. Assistance by the OSCE/ODIHR is essential in implementing them in laws and practice and in training members of election commissions.

Another key and very strong recommendation in the report is the establishment of an independent international body for the in-depth investigation of human rights violations in the context of the presidential elections with the help of forensic experts. Belarusian and international human rights groups have accumulated a large number of data and testimonies on cases of torture and other human rights crimes. The lack of domestic investigation of these crimes in the Belarusian justice system makes establishment of an international body crucial. Without such help, it would be impossible to restore justice for victims of abuse and ensure accountability.

This is directly linked to the next key recommendation in the OSCE report: “bringing perpetrators

of torture and inhuman treatment and their responsible superiors to justice wherever possible”. The problem of impunity for the crimes perpetrated in Belarus is central to the current crisis. Impunity encourages members of law enforcement bodies to commit new crimes. Those participating States that have embedded the mechanism of universal jurisdiction in their justice systems would make a great service to Belarusian people by opening criminal cases in their countries on international human rights crimes committed in Belarus. Many Belarusians who fled the country after suffering torture and persecution would be available to testify in such cases.

Equally important are longer term goals to support the transition process. These include assistance in preparing and holding new presidential elections, overhauling the electoral system, assistance in implementing legal reforms and reforms of the law enforcement bodies and the judiciary.

The current government of Belarus will likely resist implementation of the recommendations in the OSCE report. Consistent, coordinated and multilateral pressure by all international actors will be needed to compel the government to accept and follow the recommendations. Reinforcing the pressure from within applied by the courageous Belarusian people, strong international pressure and assistance may help bringing the country to the road of democracy, rule of law and human rights, in line with Helsinki principles and OSCE commitments. Prospects of such transformation are more realistic today than ever. This excellent OSCE report should not be seen as an end product but as a beginning of the road.

### Signatures:

- Centre for the Development of Democracy and Human Rights (Russia)
- Netherlands Helsinki Committee
- Freedom Files (Poland)
- Human Rights Movement “Bir Duino-Kyrgyzstan”
- Human Rights Center of Azerbaijan
- Public Verdict Foundation (Russia)
- German-Russian Exchange (DRA)
- Center for Participation and Development (Georgia)
- International Rehabilitation Council for Torture Victims (IRCT)
- Georgian Centre for Psychosocial and Medical Rehabilitation of Torture Victims – GCRT
- Women of the Don (Russia)
- Promo LEX (Moldova)
- Libereco Partnership for Human Rights e.V. (Germany)
- Human Rights Center (Georgia)

- International Partnership for Human Rights (IPHR) (Belgium)
- World Organisation Against Torture (OMCT)
- Association UMDPL (Ukraine)
- Citizens' Watch (Russia)
- Kazakhstan International Bureau on Human Rights and the Rule of Law
- KRF "Public Alternative" (Ukraine)
- Human Rights Monitoring Institute (Lithuania)
- Swedish OSCE-Network
- Public Association "Dignity" (Kazakhstan)
- Norwegian Helsinki Committee
- Public Foundation "Notabene" (Tajikistan)
- Bulgarian Helsinki Committee
- Helsinki Foundation for Human Rights (Poland)
- Human Rights Center "Viasna" (Belarus)
- Human Constanta (Belarus)
- Helsinki Citizens' Assembly – Vanadzor (Armenia)
- Belarusian Association of Journalists
- Swiss Helsinki Committee
- Legal Transformation Center (Belarus)
- Human Rights Center ZMINA (Ukraine)
- The Barys Zvozkau Belarusian Human Rights House (Lithuania – Belarus)
- humanrights.ch (Switzerland)
- Women's International League for Peace and Freedom/WILPF (Germany)
- Moscow Helsinki Group (Russia)
- Human Rights House Foundation (HRHF) (Norway)
- Human Rights Center "Memorial" (Russia)
- Crude Accountability (USA)
- Belarusian Helsinki Committee
- Freedom Now (USA)
- IDP Women Association "Consent" (Georgia)

*The Civic Solidarity Platform is a network of independent civic groups from across the OSCE region, bringing together non-governmental organisations, activists and experts committed to improving the situation with human rights, rule of law, and democratic institutions in Europe, Eurasia and North America. Its aim is to serve as a conduit through which civic activists can build alliances, strengthen mutual support and solidarity, and improve their influence on national and international human rights policy. For more information, please visit <https://civicsolidarity.org>*