Much More Decisive Actions by the International Community to Stop Repression and Support a Democratic Transition in Belarus Are Necessary

Statement by members of the Civic Solidarity Platform, participants of the OSCE Parallel Civil Society Conference in Stockholm, and other NGOs

1 December 2021

Much more decisive international actions to stop brutal repression by the Lukashenka regime and support Belarus on its path to democratic transition are needed. We are disappointed by the too slow and too timid reaction by the international community to the most brutal and large-scale repression in the recent European history which continues non-stop since last August and has recently spiralled up.

The total number of people affected by repression in Belarus is truly shocking. As of 26 November, 888 political prisoners are in custody. Dozens of opposition and civil society leaders have been arrested, charged with heavy crimes against the state. Some have already been sentenced to long terms. Not a single member of the permanent composition of the Coordination Council of the opposition remains free inside the country. Seven members of the Human Rights Centre “Viasna” continue to be held in pre-trial detention on arbitrary criminal charges. At least 29 journalists and media workers are in detention centres and penal colonies. Over 35,000 people have been detained since August last year for trying to exert their right to freedom of peaceful assembly, including women and children arrested for peacefully demonstrating solidarity with victims of police violence. At least 1500 people remain behind bars and thousands are under investigation under politically motivated charges. Official data from the authorities state that almost 4700 criminal cases have been opened on charges of extremism and terrorism, “illegal mass gatherings”, mass riots, and public security threats.

Human rights defenders continue to document numerous cases of ill-treatment of political prisoners and persons serving terms of administrative imprisonment for participating in peaceful assemblies. The inhumane conditions of detention for them are described by human rights defenders as torture.

1 The statement was signed by Civic Solidarity Platform members and other NGOs and presented to the OSCE leadership at the Parallel OSCE Civil Society Conference in Stockholm on 1 December 2021.
4 The Viasna case. [https://freeviasna.org/en](https://freeviasna.org/en)
Unprecedented police violence during the dispersal of protests, including the use of weapons against peaceful protestors, arbitrary mass detention, enforced disappearances, and torture of thousands of detainees shocked the Belarusian society8. Evidence of extreme violence, including heavy injuries from the use of truncheons and other special equipment, rubber bullets, stun grenades and tear gas, documented by civil society groups9, convincingly demonstrates that the use of force was disproportionate, systematic, and illegal. Hundreds of people sought medical help in the first days of the crackdown. Photos and videos of their scars and injuries10 have caused outrage around the world. Numerous testimonies of victims and witnesses and NGO reports show horrific pictures of sadistic violence by riot police and special units to combat organized crime. Detainees were subjected to degrading treatment and inhumane conditions11.

As part of this attack, the regime has forcibly displaced thousands of civilians beyond its borders, through violence, intimidation, forced eviction, and other forms of coercion. By May 2020, an estimated number of 14,000 Belarusians had fled to neighbouring countries12. Since then many more thousands have fled the country. At least six opposition leaders were physically taken to the border and forcibly expelled.

In a communication to the International Criminal Court in May 2021, a group of international human rights NGOs and lawyers claimed that the “campaign of repression, unleashed by the Lukashenko regime on the Belarusian population since June 2020, amounts to a widespread and systematic attack on the civilian population – in other words – crimes against humanity”, and asked the ICC Prosecutor to launch an investigation into the situation in Belarus13. The forced displacement of civilians amounts to the crimes against humanity of deportation and persecution, conclude experts in international law.

While thousands peaceful civilians have been subjected to criminal persecution, not a single case on allegations of torture or use of force by law enforcement officers has been opened. Moreover, the Investigation Committee announced that after reviewing over 700 complaints about violence and torture by law enforcement officers during apprehension at the protests and in the detention centre at Akrestina street in August 2020, it had found no grounds for opening criminal investigation as “the use of force and special equipment was lawful and proportionate”, and that the submission of complaints “was orchestrated”14.

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13 Ibid.

Massive assault by the de facto Belarusian authorities on democratically-minded persons, pro-democracy groups, independent media and journalists\textsuperscript{15}, social media and online activists\textsuperscript{16}, NGOs\textsuperscript{17}, and human rights lawyers\textsuperscript{18} has intensified since July 2021, aiming at complete elimination of civil society in the country and shutting up any and all critical voices.

Most recently, the emboldened dictator extended this major human rights and political crisis in Belarus into a serious security crisis at the EU borders by cynically instrumentalising and abusing irregular migrants from the Middle East who were brought in thousands to the border at once with covert assistance of the Belarusian authorities and sometimes overt support of their law enforcement bodies. They have become new hostages of the criminal regime. Human suffering of these people has been added to the pain of hundreds of thousands of Belarusians who have been persecuted, forced to flee, put in jail, tortured, and killed.

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Unprecedented crackdown requires unprecedented response – a strong, timely, comprehensive, sustained over time, and well-coordinated reaction from states that care for democracy and human rights. It should combine political pressure, use of legal tools at international and national level, progressive application of effective economic sanctions, preparing a major package of assistance for the transitional period, and scaling up support to pro-democracy forces, civil society, independent media, victims of repression, and Belarusians in exile. Too many words and too little action is what we observe. Elements of a strategy of a comprehensive international response are already at work but every week of delay in taking truly effective multilateral action costs enormous suffering of Belarusians and makes the transition in the future more challenging.

In particular, concerned states should take the following steps without delay:


\textsuperscript{16} 174 телеграм-каналы і чаты признаны ў Беларусі "экстремісцкімі". Website of the Belarusian Association of Journalists, 21.08.2021 \url{https://baj.by/be/content/174-telegram-kanaly-i-chaty-pryznanyya-u-belarusi-ektremisckimi}.

\textsuperscript{17} Since mid-July 2021, 284 NGOs have been liquidated by the authorities or are in the process of liquidation. See “The list of Belarusian CSOs that are in the process of forced liquidation”. Lawtrend and OEEC.” \url{https://bit.ly/3HXSfFc}. In addition, at least 160 more NGOs have taken a decision to self-liquidate under pressure from authorities. See “The list of Belarusian NGOs which have taken a decision to self-liquidate”. Lawtrend and OEEC.” \url{https://bit.ly/311lTrL}. Accessed on 25 November 2021. No business as usual possible with the Lukashenko regime: International community should immediately and strongly react to a new massive wave of repression against civil society in Belarus. Statement by the Civic Solidarity Platform, 15.07.2021. \url{https://www.civicsolidarity.org/article/1820/no-business-usual-possible-lukashenko-regime-international-community-should-immediately}.

Ensure a meaningful follow-up to the 2020 OSCE Moscow Mechanism report on the situation in Belarus\textsuperscript{19}, including by visible public activities. These could include but not be limited to regularly making strong joint and individual statements; commissioning a new report or an update to the 2020 report to assess the implementation of the recommendations in the 2020 Moscow Mechanism report; reviewing progress in the implementation of the 2020 civil society recommendations “Agenda for International Support of a Human Rights and Democracy Transition in Belarus”\textsuperscript{20}, etc.

Stimulate presence of the voice of credible and widely recognised representatives of Belarusian civil society and opposition at OSCE events.

Follow the advice of credible civil society and opposition voices on the constitutional reform process, set up monitoring of the referendum process, even from outside Belarus.

Continue the non-recognition of Lukashenka as president and reiterate it. Do not recognise legitimacy of the Belarusian government, as it was appointed by the illegitimate ruler. While accepting the necessity of communication with the government, treat it as a de-facto authority which has power and responsibility but no legitimacy. Acknowledge Sviatlana Tsikhanouskaya as a legitimate democratic transit leader.

Establish an informal group on the situation in Belarus, comprised of representatives of concerned states (“friends of Belarus”) for better coordination among delegations in Vienna and capitals and for regular and systematic contacts with relevant NGOs, Belarusian pro-democracy forces, and other actors.

Hold meetings, sessions and activities with the focus on Belarus during relevant international events on torture prevention, rule of law, media freedom, situation of human rights defenders, elections, etc.

Scale up support to pro-democracy forces and victims of repression. Governments, parliaments, media, civil society and others in democratic countries should use various ways of expressing their solidarity, including increasing their support for civil society and independent media, accommodating Belarusians who have been forced to in exile, “adopting” political prisoners, etc. People fleeing the repression should be supported in obtaining legal status. Diaspora groups should be recognised as valuable interlocutors.

Prohibit or strongly advice against cooperation of civil society organisations, including professional, sports, academic associations, with Belarusian counterparts that are dominated by Lukashenka aligned forces and have thrown out members that support a democratic future. This also applies to international cooperation in the law enforcement and judicial sector.

Support active application of legal tools at international and national level to end impunity and deter repression. Legal framework is available in the UN and the OSCE reports, resolutions of the UN Human Rights Council, European Parliament, PACE, and OSCE PA. Follow up on them more boldly. Paving the way to ending impunity through documentation by the UN Expert Mechanism on Belarus and the International Accountability Platform for Belarus is very important. However, due to budget cuts the


start of their work has been slow. States should support them more actively, including by demanding allocation of the requested budget at the UN and extending the mandate of the UN Mechanism.

- Strong evidence collected by the two mechanisms and professionally compiled case files are not enough: prosecution needs to follow. For universal jurisdiction to bring perpetrators to justice in different states, governments need to prioritise this work, provide it with political backing and invest resources.

- Crimes of the Lukashenka regime against civilians should be acknowledged as crimes against humanity. State parties to the Rome Statute should make referrals to the ICC Prosecutor, arguing that crimes had several elements, starting in Belarus and continuing in other countries which ratified the Statute where victims of crimes were forcibly expelled to or had to flee. States should support the NGO submission to the ICC in May 2021. Moreover, states should treat Lukashenka and his close associates as criminals who have brazenly violated international human rights law and committed crimes against humanity. Discussions about the establishment of an international tribunal should be started without delay, as unrealistic as it may seem now, given the composition of the UN Security Council. Putting things in the right perspective and making public statements is a very important element of pressure.

- Economic basis of the regime should be undermined further by strictly applying economic sanctions that have already been imposed and by regularly adding new packages, including further sectoral and financial sanctions. Sanctions should be built up consistently and progressively, at more regular intervals and maintained until a legitimate government is in place that is democratically accountable for economic and financial policy, including the management of state owned enterprises. That means free and fair elections should be held under international control and with prior release of all political prisoners and the ending of repression. Concerned states should use their investigative capacity to cut off grey schemes used by Lukashenka and his proxies to circumvent sanctions, and update designations for sanctions immediately once an evasion scheme is detected. Companies should not cooperate with counterparts that are state owned or only nominally independent and that severely violate international labour rights standards.

Signatures:

1. Centre for the Development of Democracy and Human Rights (Russia)
2. Freedom Files (Poland)
3. Netherlands Helsinki Committee (Netherlands)
4. Libereco Partnership for Human Rights (Germany/Switzerland)
5. Center for Civil Liberties (Ukraine)
6. Human Rights Movement “Bir Duino” (Kyrgyzstan)
7. Public Association “Kadir-Kasiet”/ “Dignity” (Kazakhstan)
8. Citizens’ Watch (Russia)
10. Promo LEX (Moldova)
11. Human Rights Center (Georgia)
12. Bulgarian Helsinki Committee (Bulgaria)
13. Truth Hounds (Ukraine/Georgia)
14. Human Rights in Mental Health-FGIP (international)
15. ZMINA Human Rights Center (Ukraine)
16. Center for Participation and Development (Georgia)
17. Norwegian Helsinki Committee (Norway)
18. World Organisation against Torture (OMCT) (international)
19. The International Rehabilitation Council for Torture Victims (IRCT) (international)
20. Kharkiv Regional Foundation “Public Alternative” (Ukraine)
21. Helsinki Foundation for Human Rights (Poland)
22. Albanian Helsinki Committee (Albania)
23. Association of Ukrainian Human Rights Monitors on Law Enforcement (Association UMDPL) (Ukraine)
24. United for Intercultural Action (international)
25. Macedonian Helsinki Committee (North Macedonia)
26. Georgian Centre for Psychosocial and Medical Rehabilitation of Torture Victims – GCRT (Georgia)
27. Helsinki Citizens’ Assembly – Vanadzor (Armenia)
28. The Barys Zvozskau Belarusian Human Rights House (Lithuania)
29. Swiss Helsinki Committee (Switzerland)
30. Human Rights Club (Azerbaijan)
31. Crude Accountability (USA)
32. Human Rights Monitoring Institute (Lithuania)
33. Association humanrights.ch (Switzerland)
34. Swedish OSCE Network (Sweden)
35. Public Verdict Foundation (Russia)
36. Human Rights Centre “Memorial” (Russia)
37. Public Foundation Notabene (Tajikistan)
38. IDP Women Association "Consent" (Georgia)
39. German-Russian Exchange – DRA (Germany)
40. Centre de la Protection Internationale (France)
41. Human Rights Matter e.V. (Germany)
42. Freedom Now (USA)
43. Human Rights Center of Azerbaijan (Azerbaijan)
44. Belarus Free Theatre (the UK/Belarus)
45. Creative Politics Hub (the UK)
46. “Women of the Don” (Russia)
47. Center for Belarusian Solidarity (Poland)
48. Free Press Unlimited (Netherlands)
49. Free Press for Eastern Europe (Czechia)
50. Östgruppen – Swedish Initiative for Democracy and Human Rights (Sweden)
51. Moscow Helsinki Group (Russia)