

## HUMAN RIGHTS COUNCIL – 57th SESSION

### Interactive dialogue with the Group of Independent Experts on the Human Rights Situation in Belarus

23 September 2024

Pursuant to Human Rights Council resolution 55/27, **Ms. Karinna Moskalenko, Chair of the Group of Independent Experts on the Human Rights Situation in Belarus**, presented the most recent developments on human rights violations of relevance to the mandate that had been committed in the country since May 2020. Such violations included arbitrary deprivation of the rights to life and liberty; torture and ill-treatment, including sexual and gender-based violence; denial of the rights to due process and fair trial; arbitrary denial of the right to enter one's own country; violations of the rights to freedom of expression, peaceful assembly, and association and to equal protection of the law. While sexual and gender-based violence remained underreported, credible information revealed that some women and men in detention had been threatened with rape and subjected to forced nudity and body cavity searches.

President Lukashenko had recently pardoned dozens of persons convicted for participating in the 2020 protests. While welcoming the announced release of these individuals, the Group of Experts noted that they represented only a small fraction of those who had been arrested. The Government was urged to release all those arbitrarily detained and politically motivated charges promptly; cease the judicial harassment of victims and their families; and provide them with redress, truth, justice and reparations. Despite the announced release of those prisoners by the Government, **measures of repression and intimidation** aimed at suppressing dissent continued unabated in Belarus, particularly in the lead-up to the presidential election scheduled in 2025. The Group of Experts continued to observe a **misuse of national security and criminal laws** to silence any dissent. Individuals perceived as political opponents continued to be charged and arrested under the criminal code for exercising their legitimate rights to freedom of expression and association. Detentions continued under administrative and criminal charges.

Furthermore, **torture and ill-treatment** remained widely used by law enforcement agents against individuals who were arrested in relation to their participation in the 2020 protests. Belarusians forced into exile continued to be harassed, including through trials in absentia, the seizure of their assets and properties, and acts of intimidation against their relatives who remained in Belarus. The Group of Experts was also increasingly concerned about the **targeting of Belarusians in exile** for organizing or participating in peaceful demonstrations or gatherings abroad. In May 2024, the Investigative Committee charged exiled Belarusians with vague extremism-related offenses that did not comply with international human rights standards for marking the Belarusian Independence Day in various cities abroad on the 25th of March 2024. Their trial rights were systematically violated. The investigation conducted by the Group of Experts established a pattern of **instrumentalization of the judicial system** to suppress dissent.

The **free exercise of the legal profession** further continued to be under severe threat. Punitive prosecution, convictions, disbarment, or revocation of lawyer's licenses, particularly those representing prominent opposition leaders and anti-government activists, were on the rise. Decisions about the practice of the legal profession were not made by an independent entity, but rather by the Minister of Justice. This severely affected the rights of political prisoners to have a legal counsel of their own choice and a genuine defense.

The Government continued to instill a **pervasive climate of fear** by quelling all avenues of dissent, including in the digital space. New electronic intelligence equipment appeared to have been pursued to increase the monitoring of online activities ahead of the presidential elections. President Lukashenko's Government was responsible for the quasi-total **destruction of the civic space and fundamental freedoms** in Belarus. With most of the opposition either imprisoned or forced into exile since the 2020 elections, the State of Belarus was creating a chilling effect on any participation in activities perceived as critical of the Government. This context suffocated any political debate in Belarus ahead of the presidential election in 2025, which the Group of Experts would closely monitor.

The primary responsibility and duty to investigate human rights violations lay with the State of Belarus. The Group of Experts was not yet aware of a single case where perpetrators had been held accountable for their possible involvement in gross human rights violations since 2020. Instead, Belarusian authorities continued to uphold the **vicious cycle of impunity** prevailing in the country by silencing all forms of dissent and criminalizing those who exercised their fundamental right to freedom of expression.

The Group of Experts would continue to investigate human rights violations and collect information for accountability purposes, including for **universal and extraterritorial jurisdiction**. The Group of Experts would present a comprehensive report on its findings in March 2025. To ensure the highest standards of objectivity, independence, and impartiality all along the drafting process, the Group of Experts urged Belarusian authorities to cooperate with the mandate. Such a balanced approach would be in the interests of Belarus and UN member states as a whole and would help establish an environment of trust and understanding within the Human Rights Council.

In her **concluding remarks**, **Ms. Karinna Moskalenko** pointed out that there were reasonable grounds to believe that some violations of international human rights law committed in Belarus may amount to **crimes against humanity**. Within the framework of their investigations, the Group of Experts would analyze possible violations of international criminal law and work to ensure that perpetrators of serious violations were held accountable. States could work towards **accountability through national proceedings** in line with international human rights standards and by resorting to applicable principles of extraterritorial and universal jurisdiction. Countries should coordinate with other states and engage with civil society organizations in pursuing accountability efforts. Against a somber national backdrop, Ms. Moskalenko regretted that accountability could not be achieved in Belarus due to the **lack of effective domestic remedies**. Other obstacles at the domestic level included the lack of an independent judiciary and the denial of fair trial rights. In fact, there was a complete lack of political will to bring perpetrators to account.

Fair trial rights could not be respected **without independent legal representation**. The free exercise of the legal profession continued to be under severe threat in Belarus. State authorities continued to pressure independent lawyers and block access to the profession, which particularly affected those representing prominent opposition leaders and anti-government activists. As a result, political prisoners had no proper legal representation. Lawyers could not perform their professional functions without intimidation, hindrance, harassment, or improper interference and fear of being disbarred and even arrested, as happened to **Maxim Znak** and other prominent Belarusian lawyers. The Group of Experts reiterated that persons deprived of their liberty had the right to legal assistance by a counsel of their own choice at any time during their detention, including immediately after their apprehension, as well as throughout their detention. Such access should be provided without any delay or interference.

In reply to **questions and declarations** by delegations and NGOs, **Ms. Susan Bazilli**, a **member of the Group of Experts**, acknowledged the critical role played by civil society and human rights defenders in ensuring accountability for human rights violations in Belarus. The Group of Experts acknowledged that they took enormous risks in such a repressive environment but felt encouraged by their continued efforts to monitor human rights violations and requested them to present these cases to the Group of Experts by answering their call for submissions. The Group of Experts encouraged all countries to support civil society engaged in accountability efforts. For instance, **supportive measures** could take the form of information sharing, the provision of mutual legal assistance, and technical support. It further encouraged countries to support victims in exile - in addition to legal assistance - with psychosocial support, financial support, travel documents and the granting of asylum upon request. With regard to the **detention of political prisoners**, the Group of Experts had grounds to believe that conditions of detention amounted to cruel, inhuman and degrading treatment and in some cases torture.

**Belarus (country concerned)** described the use of Human Rights Council resolutions under agenda item 4 as an instrument for pursuing geopolitical and domestic goals. Belarus had always followed its own national economic, political, and social interests, and would not try to fit into an imposed model of domestic or foreign policies geared towards the geopolitical ambitions of the West. The latter was trying to meddle in Belarus' domestic affairs by using a wide range of instruments, including unlawful economic sanctions, media technologies for manipulating public opinion, and disinformation on the situation inside the country. The West further actively funded and promoted extremist structures devoted to anti-government activities, thereby undermining the country's development and influencing its foreign policy. The 2025 presidential election was a domestic affair of a sovereign State and would be carried out in strict compliance with both national legislation and relevant international standards. Reports such as the one presented on this day served to justify interferences in Belarus' domestic affairs and impaired its constructive cooperation with human rights mechanisms.

### Interactive dialogue

During the interactive dialogue, **39 country delegations** took the floor by making declarations and raising questions. Most of the delegations reiterated their utmost reprobation for the continuous violation of the rights to freedom of expression and association, which led to the forced closure of civil society organizations and the annihilation of any civic space. They further expressed alarm at the misuse of legislation aimed at creating a climate of fear and repression where human rights defenders, journalists, and lawyers faced arbitrary arrest, detention, and denial of fair trial guarantees. While taking note of the recent release of some political prisoners, many countries remained extremely worried about the situation of over 1,300 political prisoners kept in appalling conditions of detention, aggravated by numerous reports of torture, ill-treatment, and deprivation of healthcare, amidst a climate of institutionalized impunity. Several countries called for the release and rehabilitation of all those arbitrarily detained for exercising their rights and urged Belarus to cooperate with UN mechanisms.

Taking the floor on behalf of Nordic-Baltic countries, **H.E. Ms. Elina Valtonen, Minister of Foreign Affairs of Finland**, strongly condemned the persecution and intimidation of all segments of the Belarusian society and vocally reaffirmed her support to the people of Belarus in their demand for democracy. The Nordic-Baltic countries further expressed support for the resolute and courageous work carried out by *Viasna* and other civil society organizations. The Nordic-Baltic countries urged Belarus to immediately cease its systemic oppression and called for the immediate release and effective rehabilitation of political prisoners. Strong condemnation was expressed with regard to Belarus' support to Russia in its war of aggression against Ukraine. The Minister concluded its

statement by calling on Belarus to put an end to its complicity in the illegal deportation of Ukrainian children.

The **European Union (EU)** depicted the human rights situation in the country as dire, marred by an increasingly shrinking civic space and brutal repression of independent voices. In a climate of systematic impunity, those responsible for gross human rights violations continued to evade accountability. While positively noting the release of some political prisoners, the EU remained deeply concerned over the ongoing detention of over 1,300 political prisoners in appalling conditions and expressed alarm at reports of deaths, torture and ill-treatment in detention. It reiterated its call upon the Belarusian authorities to immediately and unconditionally release and effectively rehabilitate all political prisoners, among whom **Maria Kaleniskava, Viktor Babaryka, and Mikalai Statkevich**. It further asked any UN member state to duly take into account the deteriorating human rights situation in the country when considering the extradition of any Belarusian citizens and opponents. The latter was further requested to put an immediate halt to its support of Russia's war on Ukraine and to ensure the safe return of all unlawfully deported Ukrainian children to their home country.

While reaffirming the absolute prohibition of torture and ill-treatment, **Switzerland** expressed alarm at the conditions of detention, including the extension of punitive isolation and the denial of medical care for detainees with critical health issues; and called for pardon, remission of sentences or alternatives to detention for those suffering from serious or incurable diseases. Worried about dire situation of political prisoners and vulnerable groups including migrants and minorities, **Liechtenstein** called upon Belarus to stop labeling human rights organizations such as the Viasna Human Rights Centre as extremists and refrain from retaliation for cooperation with UN mechanisms. **Poland** denounced those Belarusian authorities who continued to crush dissent and peaceful demonstrations; to repress independent media, political opponents, and civil society; and persecute minorities, including the Polish minority. **Czechia** called for the immediate release and rehabilitation of all political prisoners, in particular journalist **Igor Losik** and political activists **Maria Kalesnikava** and **Palina Sharenda-Panasiuk**, who remained in prison despite their alarming health conditions. **Moldova** appealed to the Belarusian authorities to put a moratorium on capital punishment to abolish it. **Moldova, Bulgaria, and Montenegro** reiterated their call on Belarus to stop any support to Russia's war of aggression against Ukraine. The **United Kingdom** announced new sanctions in response to human rights violations in the election run-up and earmarked £ 2.5 million in support to Belarusian human rights defenders and civil society. **Ukraine** strongly condemned the recent military drills conducted near the Ukrainian border, in the proximity of the Chornobyl nuclear power plant. **Ukraine** remained deeply concerned about the fate of Ukrainian children unlawfully deported to Belarus and encouraged the Group of Experts to address this issue in their next report. In view of the upcoming presidential election, **Slovakia** appealed to the Government of Belarus to invite renowned international electoral observers such as ODHIR.

**Sri Lanka, the DPRK, Eritrea, Zimbabwe, Venezuela, Syria** and **Cuba** consistently reiterated their opposition to the creation of politically motivated country-specific mandates without the consent of the country concerned. **Sri Lanka, Zimbabwe, Venezuela, China, Syria** and **Iran** voiced criticism over the imposition of unilateral coercive measures which affected the well-being of the population. **China** and **Syria** placed emphasis on the duty to respect each people's sovereign choice in relation to its preferred path towards development and opposed any interference in domestic affairs.

While taking positive note of the release of some politically detained persons, **NGOs** called for the release of over 1,300 political prisoners. Voicing extreme concern over the crackdown on dissenting voices, judicial persecution, and harsh conditions of detention, NGOs called upon Belarus to immediately put an end to political persecution, harassment, arbitrary detention, torture, and ill-

treatment of human rights defenders, political opponents, independent media and lawyers ensuring their legal defense.

Recalling that prominent human rights defender **Nasta Loika** - sentenced to seven years in prison for merely performing his human rights work - continued to remain behind bars, **Article 19** urged both the Group of Experts and countries to scale up their call for his immediate and unconditional release alongside other political prisoners. Article 19 believed that the systematic use of anti-extremism laws for political repression may amount to crimes against humanity. **Human Rights House Foundation** declared that human rights defenders such as Andrei Chapyuk, Martha Rupkova, and Lasta Loika continued to suffer in prison, often without access to adequate legal representation or medical care. These cases were emblematic of the wider oppression that Belarusian civil society faced on a daily basis. **Conscience and Peace Tax International** and **War Resisters' International** called upon countries to grant asylum to Belarusian conscientious objectors, thereby emphasizing that one should face refoulement to Belarus, which should be declared as an unsafe country. In a joint statement, the **International Bar Association** strongly condemned reprisals against lawyers representing political opposition and protesters, the systematic use of torture, and the abolition of the prohibition for the security forces to indiscriminately use weapons against crowds. The **International Federation for Human Rights, OMCT**, and the **Viasna Human Rights Centre** stated that grave human rights violations committed in Belarus since May 2020 - including acts of persecution against Belarusians abroad - amounted to crimes against humanity.

Delegations that took the floor during the Interactive dialogue (39 country delegations):

*Belarus, Finland (on behalf of Nordic-Baltic countries), European Union, Luxembourg (on behalf of the Benelux countries), Switzerland, Liechtenstein, Poland, Czechia, Germany, Ireland, United States, Austria, Sri Lanka, France, DPRK, Moldova, Spain, United Kingdom, Romania, Eritrea, Albania, Belarus, Russian Federation, DPR Lao, Zimbabwe, Venezuela, China, Montenegro, Nicaragua, Greece, Syria, Ukraine, Cuba, Slovakia, Sudan, Azerbaijan, Kirghizstan, Iran, Egypt.*

NHRIs and NGOs that took the floor during the Interactive dialogue (10):

Human Rights Civic Association, Article 19, Human Rights House Foundation, Conscience and Peace Tax International, International Bar Association (joint statement), War Resisters' International (joint statement), Right Livelihood Award Foundation, United Nations Watch, International Federation for Human Rights (joint statement), Institute for Reporters' Freedom and Safety.

To watch the full meeting refer to UN Web TV [Part 1](#) and [Part 2](#)