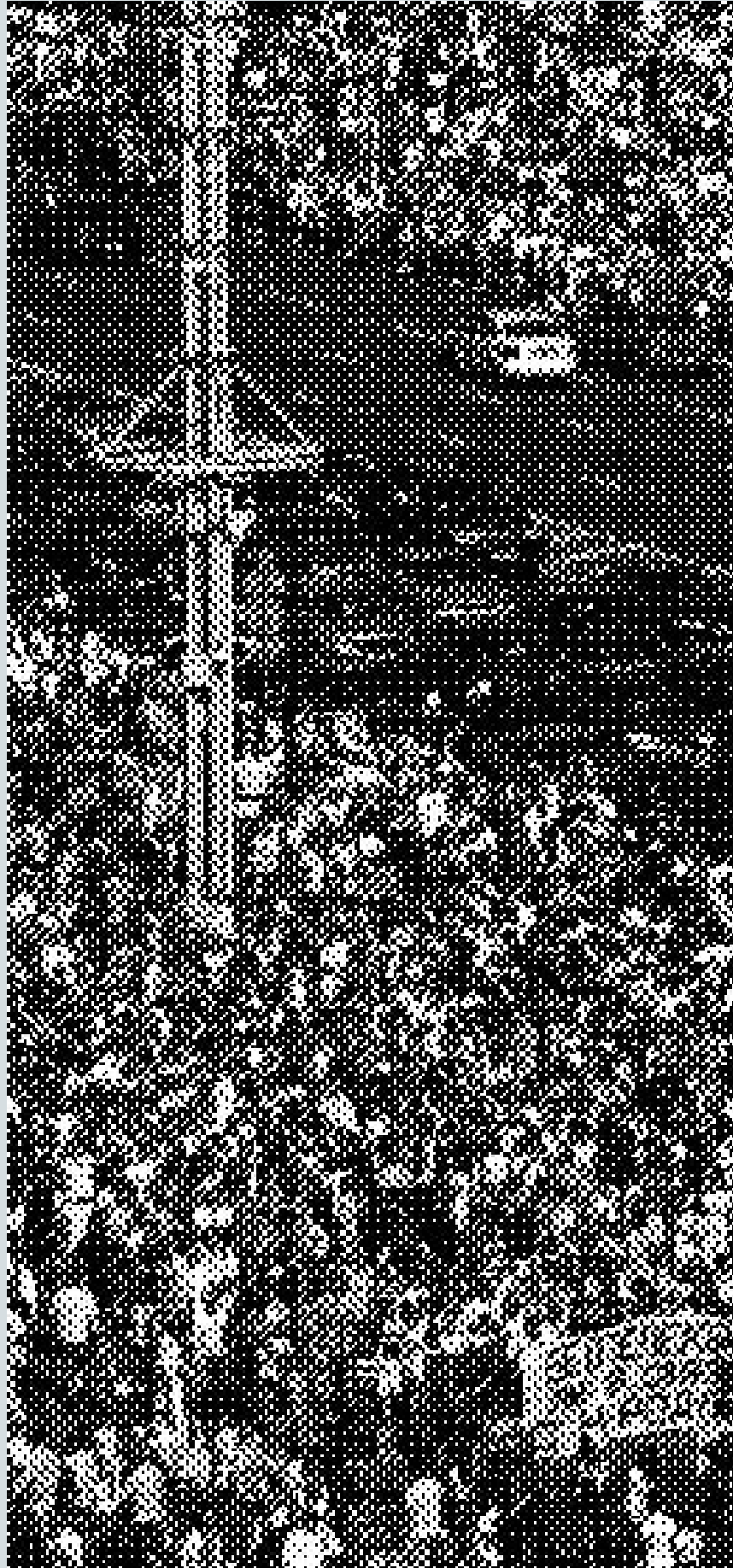


First Progress Report
01/09/21



Introduction

The International Accountability Platform for Belarus (the Platform) hereby submits its first six-months report. The Platform was launched on 24 March 2021 as an NGO-consortium with support from a group of States, and was created to collect, consolidate, verify, and preserve information, documentation, and evidence of gross human rights violations, constituting crimes under international law committed in Belarus since 9 August 2020. This is being undertaken with the view to facilitating criminal investigations and criminal proceedings in accordance with international law standards, in national, regional, or international courts or tribunals that have or may have in the future jurisdiction over those crimes, in accordance with international law.

The Platform is supported by a wide range of states, notably Austria, Belgium, Canada, Czech Republic, Denmark, Estonia, Finland, Germany, Iceland, Latvia, Lithuania, the Netherlands, Norway, Poland, Romania, Slovakia, Switzerland, Lichtenstein, the United Kingdom, and the United States of America as well as the European Union. The support was expressed in a joint statement issued on 24 March 2021.

The situation on the ground

One year after the presidential elections and the outbreak of state violence, the human rights situation in Belarus continues to deteriorate, particularly with respect to the escalation of repressions against the perceived political opposition, including human rights defenders, independent journalists, and civil society organizations. According to reports by human rights organisations, Belarus' law enforcement officials have arbitrarily arrested and detained human rights defenders, searched homes and offices, and revoked the registration of dozens of civil society organizations and independent media. A summary of some information such reports is set out below.

On 14 July 2021, Belarusian authorities carried out large scale arrests and detentions of a wide range of civil society organizations and raids of private apartments of individual human rights defenders and journalists. . As of the end of August 2021, about 200 non-profit organizations¹ had either been liquidated by the authorities, including the writers' organization PEN Belarus and the Belarusian Association of Journalists (BAJ) or are on trial for state-ordered dissolution. Human Constanta, and Her Rights and Zveno, member organisations of the International Committee for the Investigation of Torture, have already been liquidated, while a court hearing on liquidation of Legal Initiative is scheduled for 5 October 2021. Lawyers representing many of these journalists and human rights defenders have been forced to sign non-disclosure agreements that restrict the sharing of any information about their clients' cases. The ones who refused to sign it faced the risk of disbarment².

The authorities continued arbitrarily detaining persons who in their view pose a threat to the government, including by merely displaying the white-red-white flag, stickers, and other symbols of opposition on their windows and inside their apartments, as well as for other forms of protest or expression of opinion. According to Viasna, 327 persons were detained in July 2021³ and 395 persons were detained in August 2021⁴. Since August 2020, more than 35,000 persons have been reportedly subjected to arrests and detention⁵.

Since the presidential elections, the Belarusian authorities have received numerous complaints of human rights violations and international crimes, including torture. By 9 September 2020, the Investigative Committee of the Republic of Belarus had

reportedly received over 1,800 complaints of “bodily injuries” resulting from ill-treatment and torture by law enforcement agents⁶. However, they have failed to effectively investigate these complaints and to prosecute the alleged perpetrators. As of 31 December 2020, not a single investigation had been opened into those allegations⁷. Alleged crimes under international law thus continue to be perpetrated with impunity.

Furthermore, on 26 August 2021, a statement issued by the Investigative Committee of Belarus announced that allegations of torture and other crimes under international law, including severe deprivation of liberty and sexual violence, would not result in the initiation of criminal investigations or prosecutions by the competent State authorities. According to the statement, complaints submitted to the Investigative Committee of Belarus by 680 persons detained between early August 2020 and August 2021 formed the basis of this decision. The Committee further concluded that all use of physical force in this context by State authorities was in accordance with Belarusian law⁸.

The repression exercised by the Belarusian regime has meant that some of the founders, directors, and staff of the Platform’s leading Belarusian partner organizations, notably VIASNA, have been arbitrarily arrested and detained under fabricated charges. Other staff have been forced to leave the country and operate remotely. Whereas such developments increased the risk of the monitoring and documentation work more difficult and dangerous, it has, however, not led to the discontinuation of such work. New information and evidence about torture and ill-treatment by State authorities continues to be collected. Since 1 April 2021, more than 300 statements, alleging crimes under international law have been collected by the Belarusian members of the Platform.

Organisation and partnerships

The Platform comprises a Steering Committee and an Advisory Council. In addition, the Platform has engaged in several partnerships and other types of engagements and exchanges that are in furtherance of the IAPB’s objectives.

The Steering Committee comprises DIGNITY (lead) and three co-leads, namely VIASNA, International Committee for the Investigation of Torture in Belarus and REDRESS. The Steering Committee is the main decision-making body of the Platform. The Advisory Council comprises 8 international and 6 Belarusian organizations, all with specialized expertise in fields relevant to the work of the Platform. Other expert organizations are contributing to the work of the Platform by means of providing data, advice, or training.

Collaboration with the United Nations

Platform is engaging with the OHCHR Examination. The Platform and the Examination have met several times and discussed status and procedures. Further, the Platform has also engaged with other UN actors to elicit advice on various operational issues. The Platform is grateful for all the assistance that has been extended to it by UN mechanisms and staff.

Data

The IAPB initiated a process of collection, consolidation, verification, and preservation of data that will serve as evidence of grave human rights violations and international

crimes that were committed in Belarus since August 2020. The aims of this process are (i) to create and maintain a coherent database of available documentation; (ii) to verify and analyse available data with a view to identifying what information can serve any future independent criminal investigations and criminal proceedings, in accordance with international law and standards, in national, regional or international courts or tribunals that have or may in the future have jurisdiction over those crimes, and (iii) to identify gaps in the existing data and undertake efforts to fill these gaps by collecting additional information and evidence with a view to consolidating an evidentiary base that would comply with international standards governing criminal investigations and criminal proceedings.

The information and evidence that the IAPB is collecting, includes crime-base evidence (evidence of the crime itself, such as witness testimony), linkage evidence (evidence allowing to establish a clear link between the perpetrator of the crime and the crime itself) and contextual evidence (evidence allowing to establish the context in which the crime was committed).

The sources of information and evidence that have been identified, considered and analysed by the IAPB so far include data from Belarusian human rights organizations, international organizations and international mechanisms, sanction lists, media and other open-source information.

Belarusian human rights organizations and initiatives have documented human rights violations and international crimes committed since August 2020. Numerous victims of arbitrary arrests and detention, torture, ill-treatment and sexual violence have been interviewed by those organizations for the purposes of documentation. Along with testimonies, the organizations gathered medical reports and additional supporting information. Procedures for informed consent, which allows for the sharing of data with the Platform, have consistently been implemented.

At the same time, Belarusian human rights organizations have closely monitored the overall human rights situation with a view to documenting the context of those crimes under international law. These efforts have resulted in the publication of numerous analytical reports that provide information on the modus operandi of the state apparatus vis-à-vis the civilian population perceived as opposition. The reports document patterns of mass arbitrary arrests, detention, torture and other forms of ill-treatment, and shed light on the alleged responsible state security forces.

International organizations have also contributed to documentation efforts by collecting testimonies of survivors of human rights violations and international crimes. In November 2020, Professor Wolfgang Benedek, the OSCE rapporteur with the Moscow Mechanism (launched in September 2020), presented his report to the OSCE Permanent Council where he identified “massive and systematic” human rights abuses, including the widespread use of torture and ill-treatment by security forces. Similar reports have been issued by a number of international non-governmental organizations. This material will be included and analysed carefully.

In response to the deteriorating human rights situation in Belarus, a number of states have adopted lists of sanctions that provide further information on state officials allegedly responsible for the crimes under international law.

Since the outbreak of state violence in August 2020, human rights violations and international crimes have been also documented by international and national journalists as well as by “citizen journalists” by means of audio-visual recordings. These efforts have resulted in publication of numerous photographs and video recordings providing information on the committed crimes, sites of crimes, responsible state forces and individuals as well as on the context in which the crimes under international law

were committed. Given the nature of open-source information, this type of data will undergo meticulous authentication and verification processes before being included in the database.

The Platform's Secretariat has planned and carried out the first preliminary analysis of the collected evidence. A batch of witness statements and medical reports were analyzed thoroughly by a multidisciplinary team with legal and medical backgrounds and the analysis of a new batch of testimonies is planned to be carried out in the nearest future. The analytical results are and will continue to feed into the Platform's work, hereunder the planning and preparation of new phases of the investigation.

Information Technology and Security

Considering the previously described situation in Belarus, personal and data security issues are pertinent. The Platform gives the top priority to upholding the highest security standards. Preventing the leak of sensitive data is considered the most important measure to protect persons, including those who provided their data to the Platform, and those engaged in the work of the Platform. Hence, standard operating procedures on digital security ensuring secure communication, secure storage of data and secure management of information have been established and are consistently implemented.

All data is handled according to GDPR and is stored in a secure cloud environment.

Standard Operating Procedures

The Platform has by now developed its most substantial Standard Operating Procedures that will align the methods used by the Platform's multidisciplinary team in the collaboration between the Secretariat and our partners. The Secretariat's drafting team has used the results of its first analysis of already collected evidence from Belarus in the drafting process and taken a survivor and context-centered approach. The most substantial Standard Operating Procedures that have been developed include guidelines for reviewing and supplementing evidence already collected and for collecting new evidence. The procedures have been drafted by the Platform's secretariat in collaboration with international experts and approved by the Steering Committee.

All staff collecting information and evidence for the Platform will be trained in the Standard Operating Procedures that will form the core guidelines of the Platform's work. This will ensure consistent application of the procedures.

Recognizing the gendered harm and differentiated impacts of serious human rights violations, the Standard Operating Procedures developed by the Platform are survivor-centered, trauma-informed and gender-sensitive in nature. Such standards will apply to all contact and interaction with survivor-witnesses, and are centered around informed consent, and duly sensitive to considerations of gender, sexual orientation and gender identity, economic or social status, age, disability, religion, and ethnicity.

In developing its procedures and methods of work for investigation and case-building, the Platform draws upon best practices of international accountability mechanisms and international institutes specialized in criminal investigation, such as UNITAD, the Institute for International Criminal Investigations (IICI), the Office of the Prosecutor of the International Criminal Court (OTP), and the Office of the UN High Commissioner for Human Rights.

Training and capacity building

The Platform staff will receive training and capacity building in areas needed for

the Platform to operate optimally. Both staff of the Belarusian partners, staff in The Secretariat and in the Steering Committee will receive the training. The unique situation with close collaboration between staff in the Platforms Secretariat and Belarusian partners gives a possibility to exchange knowledge and identify needs or gaps in capacity. More specifically, the Platform's Belarusian partners provide the Secretariat with a unique contextual insight.

Trainings that have already been delivered to the Platform's local partners include capacity building in the collection of medical evidence. The training has been delivered by international experts and the Platform is planning an ongoing supervision of our local partners in collecting medical evidence. Staff in the Platform's Secretariat have started a training series on International Criminal Investigations to align the knowledge and experience of each team member.

Training in the Standard Operating Procedures for all staff is planned and will be carried out in the near future.

The platform has in collaboration with psychologists from a rehabilitation clinic carried out a needs assessment on supervision and prevention of burn out among the Platforms local partners. As a result, a supervision mechanism has been set up and is fully running.

Public relations

The Platform maintains a cautious policy for public communication of its activities and results. This is to further the security of people involved in the work as well as people who gave their testimony to the Platform. Also, considering the objectives of the Platform, that is, promoting accountability of perpetrators of human rights violations by collecting and consolidating evidence, many activities and analytic results need to be kept confidential to prevent acts that might reduce or counteract the evidentiary value of the work. At the same time, it is necessary to keep a certain public profile to ensure that relevant data will be submitted to the Platform. Finally, such policy is also necessary in order to preserve the independence and the perceived independence of the Platform.

The Platform has established a website, www.iapbelarus.org, where limited information about the Platform and its organizational setup is communicated. The website also contains the public statements that the Platform has issued. These include a statement in connection with the arrest and detention of Belarusian human rights defenders, including the vice-president of Viasna, Valiantsin Stefanovic, and a statement in connection with the aforementioned decision of the Belarusian government's Investigative Committee not to initiate criminal investigations of the 680 complaints over torture and ill-treatment submitted to it.

The cautious policy for public communication has also implied that the Platform has declined most of the media requests for interviews and only accepted interviews in writing. One interview with the Head of Platform was brought in Deutsche Welle on 1 May 2021⁹.

A cautious line has also been upheld with presentations on the setup and work of the Platform. The Head of Platform has presented basic facts about the Platform on the following occasions: (i) Panel discussion organized by the American University, Washington College of Law: Current Trends in Human Rights Fact-Finding and Cooperation Mechanisms on June 8, 2021, and (ii) Meeting of the EU Parliament Platform on the fight against impunity in Belarus on 12 July 2021.

Planning ahead

The Platform intends to promote that survivors receive survivor-centered access to accountability processes as well as psychosocial and medical support. The Platform pays specific attention to mitigating the risks of the re-traumatization of survivors of crimes under international law, notably sexual and gender-based violence. The trauma-informed techniques for investigation will be tailored and applied with particular care to survivors of sexual and gender-based violence.

Further, the Platform intends to (1) establish an effective, gender-sensitive referral mechanism free from discrimination and obstacles; (2) identify tailored psycho-social support for survivors; and (3) adopt Standard Operational Procedures and guarantee the coherent implementation through conducting capacity building in order to minimize psychosocial risk and impact while adhering to international criminal investigative standards.

The focused analyses of the case material will guide case building, which will take place in consultation with prosecutorial authorities that have already opened an investigation into the situation in Belarus or are willing and able to do so given their legal framework.

Endnotes

1 Viasna, Human Rights Situation in Belarus: August 2021: <http://spring96.org/en/news/104840>

2 Human Rights Watch, Belarus: Crackdown on Independent Journalism: <https://www.hrw.org/news/2021/03/29/belarus-crackdown-independent-journalism>

3 Viasna, Human Rights Situation in Belarus: July 2021: <http://spring96.org/en/news/104538>.

4 Viasna, Human Rights Situation in Belarus: August 2021: <http://spring96.org/en/news/104840>

5 More than 33,000 peaceful protesters (including minors) have been arbitrarily arrested and detained by the authorities between August and December 2020 - Viasna, Human Rights Situation in Belarus in 2020: http://spring96.org/files/reviews/en/review_2020_en.pdf. Further arrests that were documented by Viasna are reported here: <http://spring96.org/en/publications>.

6 OMCT, Belarus: new report exposes denial of justice for victims of torture and police violence: <https://www.omct.org/en/resources/news-releases/belarus-new-report-exposes-denial-of-justice-for-victims-of-torture-and-police-violence>

7 OMCT, Belarus: new report exposes denial of justice for victims of torture and police violence: <https://www.omct.org/en/resources/news-releases/belarus-new-report-exposes-denial-of-justice-for-victims-of-torture-and-police-violence>

8 Statement by the International Accountability Platform for Belarus (IAPB): <https://iapbelarus.org/>

9 Torture in Belarus: How Security Forces Will Be Brought to Justice | Belarus: A View from Europe - DW | Special Project DW | 01.05.2021