

18 August 2020

STATEMENT

Belarus: Brutal Post-Election Crackdown on Peaceful Protestors Must End

The Bar Human Rights Committee of England and Wales (“BHRC”) and Lawyers’ Rights Watch Canada (“LRWC”) condemn the mass arrests, violence and excessive use of force against peaceful protesters in Belarus following the contested preliminary results of the presidential election on Sunday 9 August 2020. The USA, UK and the EU have refused to accept the results as legitimate. Protests are expected to continue as President Lukashenko has refused the possibility of repeating the election. BHRC and LRWC call on the relevant Belarusian authorities to protect the rights of peaceful protesters, including their right to access lawyers, and to ensure proportionate and lawful responses to the continuing protests in accordance with international law.

Tens of thousands of protesters have gathered in the capital Minsk and other Belarusian cities in the days since the Central Election Commission claimed that incumbent President Lukashenko secured 80 per cent of the vote. News outlets and independent observers have reported that Belarus security forces have used rubber bullets and slugs, stun grenades and tear gas against protesters. Several videos shared on social media show excessive violence by police, including instances of groups of police kicking and beating persons who have been pinned to the ground on the head and upper body with batons. At least 200 protesters have been wounded, with some seriously injured, and at least two protesters have died.

It is estimated that at least 6,700 people have been arrested, and it has been widely reported that those arrested have been subjected to torture and ill-treatment while in detention. The Belarusian Journalists Association has documented the arrest and detention of at least 69 journalists since 9 August 2020. Testimony from those who have been released include widespread beatings while in detention, threats of rape, being held in overcrowded cells, being forced to kneel with their heads on the floor and not being allowed to eat or use the toilet for several hours, not being allowed access to lawyers or able to tell families of their location.

There are additional reports that authorities have severely restricted access to the internet since election day. Access to many independent news websites has been blocked and most online communications platforms have been disabled.

Belarus is party to the International Covenant on Civil and Political Rights (ICCPR) and the Convention against Torture and Other Cruel Inhuman or Degrading Treatment or Punishment (CAT). The ICCPR guarantees all the relevant rights alleged to have been violated in Belarus, including the rights to life, liberty and security of person, freedom from arbitrary arrest, freedom from torture and ill-treatment, and the right to freedom of expression and peaceful assembly.

The UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials ('the Basic Principles') require that law enforcement officials, in carrying out their duty to maintain public order and safety, shall, as far as possible, apply non-violent means before resorting to the use of force and firearms.

Furthermore, BHRC and LRWC are seriously concerned about the potential lack of access to justice for those arrested. This is particularly concerning amidst reports that temporary courts have been established in detention centres and that defence lawyers have been denied access to their clients. A 2018 report by the Observatory for the Protection of Human Rights Defenders found that lawyers who have taken on "sensitive" cases are subject to particularly severe pressure and retaliatory measures in a profession that is under the tight control of the Ministry of Justice in Belarus, in breach of the United Nations Basic Principles on the Role of Lawyers.

BHRC and LRWC urge the Government of Belarus and authorities to:

1. Immediately stop using excessive force and respect the fundamental rights of Belarusians, including the rights to life, liberty and security of person, freedom from arbitrary arrest, freedom from torture and ill-treatment, and the right to freedom of expression and peaceful assembly.
2. Ensure access to defence lawyers for those who have been arrested.
3. Immediately release all those who have been unlawfully detained.
4. Investigate promptly, effectively, thoroughly and independently all alleged human rights violations against protestors, with the aim of identifying state actors responsible for violations and ensuring that they are held accountable in proceedings that respect international fair trial standards.
5. Allow the United Nations Special Rapporteur on Belarus to urgently investigate post-election violence.
6. Remove all restrictions to the internet and allow for full communications access to the country.

ENDS.

NOTES FOR EDITORS

1. For an interview with our spokesperson, please contact Josie Fathers, Project Officer on coordination@barhumanrights.org.uk or +44 (0)7854 197862
2. For more information on the Bar Human Rights Committee (BHRC), visit our website at <http://www.barhumanrights.org.uk>
3. The Bar Human Rights Committee of England and Wales (BHRC) is the international human rights arm of the Bar of England and Wales, working to protect the rights of advocates, judges and human rights defenders around the world. BHRC is concerned with defending the rule of law and internationally recognised legal standards relating to human rights and the right to a fair trial. It is independent of the Bar Council.