

JOINT STATEMENT
Moscow Mechanism
On Threats to the Fulfilment of the Provisions of the Human Dimension Posed by Human Rights Violations and Abuses in the Republic of Belarus

23 March 2023

I am delivering this statement on behalf of the following delegations: Albania, Austria, Belgium, Bulgaria, Canada, Croatia, Republic of Cyprus, Czech Republic, Denmark, Estonia, Finland, Germany, Greece, Iceland, Ireland, Italy, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Moldova, Montenegro, Netherlands, North Macedonia, Norway, Poland, Portugal, Romania, Serbia, Slovakia, Slovenia, Spain, Sweden, Switzerland, Ukraine, the United Kingdom, and the United States.

We have read with great concern the report by the United Nations High Commissioner for Human Rights presented on 22 March 2023, once again documenting the dire and continuous deterioration of the human rights situation in Belarus. The 1975 Helsinki Final Act recognizes respect for human rights and fundamental freedoms as one of its ten guiding principles, integrating human rights in a regional security framework and placing their protection on the same par as politico-military and economic issues. As such, the protection and promotion of human rights in Belarus continues to be of our direct and legitimate concern as a vital basis for the overall security in the OSCE region.

The report of the Moscow Mechanism Mission released on 5 November 2020 concluded that there were systematic human rights violations and abuses committed with impunity and on a massive scale by Belarusian authorities before, during and following the fraudulent 9 August 2020 presidential election. The Moscow Mechanism report made a number of recommendations, including the calling of new, genuine presidential elections based on international standards, putting an end to violence against the people of Belarus, ensuring accountability for victims of abuses, the release of those unjustly detained, engagement and dialogue with representatives of political opposition and civil society, and establishing an OSCE/ODIHR observation mission.

In the two years that have passed since the publication of that report, the Belarusian authorities have failed to address the serious allegations of violations and abuses identified in it and have wholly disregarded its recommendations. Moreover, the Belarusian authorities have taken further actions that both deepen and expand our concerns about Belarus' fulfilment of OSCE human dimension commitments, including through the continued enabling of the Russian Federation's war of aggression against Ukraine.

We have repeatedly raised our concerns in the Permanent Council and other OSCE fora, including under the OSCE Vienna Mechanism, but the Belarusian Delegation's replies have continuously ignored our legitimate concerns. These include, but are not limited to:

- detention of nearly 1,500 political prisoners, with numbers continuing to rise;
- intimidation, harassment, arbitrary or unlawful arrest, detention, and imprisonment of human rights defenders, members of the political opposition, journalists and other media actors, lawyers, labour activists, persons belonging to national minorities, and civil society groups;

- labelling of thousands of citizens and organisations as extremist and the shutdown of nearly all independent non-governmental organisations;
- insufficient access to legal and medical assistance for those arrested and/or detained;
- lack of due process and respect for the right to a fair trial as provided for under the International Covenant on Civil and Political Rights. This includes retroactive application of law, and instituting special criminal proceedings (in absentia) against persons who are outside Belarus;
- torture, and other cruel, inhuman or degrading treatment or punishment of persons in custody, including sexual and gender-based violence;
- excessive use of force against peaceful protesters, including those protesting Belarus's support for Russia's war of aggression against Ukraine;
- eradication of independent labour unions;
- efforts to silence independent media and enact severe restrictions on access to information, including through internet surveillance, and censorship;
- systematically tightened legislation limiting political freedoms and imposition of sentences which contravene rule of law standards and are intended to deter and punish dissent;
- extension of the death penalty to vaguely defined "attempts to carry out acts of terrorism and murders of government officials or public figures"; and
- impunity for the human rights violations and abuses described above.

The above policies and actions of the Belarusian authorities continue to give rise to a particularly serious threat to the fulfilment of OSCE human dimension commitments, including those on participating States meeting their obligations under international law. To underscore our concerns about the continued deterioration of the internal human rights situation in Belarus and to explore more recent development of serious abuses linked to Russia's war of aggression in Ukraine, we invoke paragraph 12 of the 1991 Document of the Moscow meeting of the Conference on the Human Dimension of the (then) CSCE in order to establish a fact-finding mission of experts to examine the human dimension issues identified above, with a particular emphasis on developments since the conclusion of the 5 November 2020 Moscow Mechanism report, especially the circumstances surrounding the growing number of persons detained for politically motivated reasons, as well as recent legislative amendments to inter alia the Criminal Code and the Law on Countering Extremism.

With a view to contributing to current and any future efforts to promote accountability for human rights violations in Belarus, including by civil society and the United Nations, we encourage the mission of experts to establish the facts and report on them, and to advise the Republic of Belarus, the OSCE, and the international community, on possible solutions to the issues raised.

We remind Belarusian authorities that, in accordance with paragraph 10 of the Moscow Document, an expert mission, one member of which may be chosen by the Republic of Belarus, should be able to give an objective and unbiased report and recommendations on these issues.

We urge the Belarusian authorities to cooperate fully and facilitate the work of the mission of experts, as per paragraph 6 of the OSCE's Moscow Document.

Thank you, Mr Chairman.