

**ECBA HUMAN RIGHTS COMMITTEE STATEMENT REGARDING
CRACKDOWN ON PROTESTERS IN BELARUS.**

Throughout Belarus, citizens have gathered in mainly peaceful protest against the preliminary election results, leading to a violent response from security services to quell the protests.

Police were reported to have used unnecessary and excessive force against the protestors. According to official information from the Ministry of Health, 158 people were injured during the protests, and remain in hospital in Belarus. Three of them are in a serious condition. Moreover, information from the Investigative Committee of the Republic of Belarus indicates that 600 people wish to press charges over the injuries they received while they were detained by security services, and 100 people wish to do so on the basis that they were tortured in temporary detention facilities.

The official information tells us that two protestors have died. One of them is Alexander Taraikovskiy from Minsk. A video on the Internet shows that he was shot by security services as he approached them with his hands up and without any weapon. The second one is Alexander Vihor from Homel. A statement from his parents claims he died because he was beaten by security services and medical assistance was not provided to him.

Reports indicate that nearly 7,000 people have been arrested en masse and detained in the last few days, including bystanders and minors. There is evidence that police officers beat protestors, including during their detention. Credible sources state that the prosecutor refuses to accept complaints about alleged abuses or to refer victims to state forensic doctors for documentation of injuries.

Most people released from the temporary detention facility report that they were subjected to torture and inhumane and degrading treatment. Some have stated that they were threatened with rape or were raped (including women and minors).

According to reports, in many cases of detention, relatives and lawyers have no information about the locations and conditions of the detainees. The information from the Belarusian mass media shows 76 people are missing. Lawyers cannot provide legal assistance if they cannot access their clients.

There have been various reported attempts by the leadership of the Belarusian Republican Bar Association to influence or exercise pressure on defence lawyers, in the course of their duties to represent arrested protestors.

There are also reports that more than 100 lawyers signed complaints about violation of the rights of their clients for access to lawyers.

The ECBA draws attention to the fact that State authorities must allow and facilitate the exercise of the rights to freedom of expression and of peaceful assembly and not repress those rights. The use of force during protests should always be exceptional and a measure of last resort, clearly distinguishing violent individuals from peaceful protesters, against whom force should not be used.

We urge the authorities to fully comply with the principles enshrined in the European Convention of Human Rights and the International Covenant on Civil and Political Rights, regarding the fair character of the arrests and judicial processes against the protesters. The absolute prohibition on torture and other ill-treatment of detainees must be upheld.

We call for the immediate release of all those who have been unlawfully detained, and for prompt, thorough, independent and impartial investigations into all allegations of human rights violations. We also urge the Belarusian authorities to accept and record victims' complaints, and implement efficient documentation procedures to secure effective accountability, remedy and redress.

The authorities must ensure that efficient procedures and responsive mechanisms for effective, timely and equal access to lawyers are provided for all people without discrimination of any kind, political or other. It is the duty of the competent authorities to ensure lawyers have access to appropriate information, files and documents in their possession or control in sufficient time to enable lawyers to provide effective legal assistance to their clients. Such access should be provided at the earliest appropriate time.

All arrested, detained or imprisoned people must be provided with adequate opportunities, time and facilities to be visited by and to communicate and consult with a lawyer, without delay, interception or censorship and in full confidentiality.

We also urge the authorities to fully respect the lawyer's role, according to the Basic Principles on the Role of Lawyers, adopted by the Eighth United Nations Congress.

Moreover, we call on Mr Chaichits, as the head of the Belarusian Republican Bar Association, to ensure the independence of the members of the Bar and refrain from any relevant statement or action that undermines the lawyers' independence and exercises pressure on their members.

The Government must ensure that lawyers:

(a) are able to perform all of their professional functions without intimidation, hindrance, harassment or improper interference;

(b) are able to travel and to consult with their clients freely both within their own country and abroad; and

(c) shall not suffer, or be threatened with, prosecution or administrative, economic or other sanctions for any action taken in accordance with recognized professional duties, standards and ethics.

Lawyers shall not be identified with their clients or their clients' causes as a result of discharging their functions.