

Press Release

'The Situation in Belarus: Crimes Against Humanity of Deportation and Persecution'

19 May 2021

"Accountability for the violence and ruthlessness we have witnessed over the last nine months is long overdue. We call on the ICC to initiate an investigation with a view to ensuring justice for the many deserving victims whose human rights have been trampled underfoot by officials serving the Lukashenka regime". Brigitte Dufour, IPHR Director

Today, International Partnership for Human Rights (IPHR), Norwegian Helsinki Committee, Global Diligence LPP and Truth Hounds (the Filing Parties) filed a Communication under Article 15(2) of the Rome Statute to the International Criminal Court (ICC) on 'The Situation in Belarus/Lithuania/Poland/Latvia and Ukraine: Crimes Against Humanity of Deportation and Persecution'.

The Communication requests the ICC Prosecutor to launch an investigation into the situation in Belarus. Since June 2020, Belarusian law enforcement and state security have arrested an estimated 33 000 persons, subjecting thousands to violence, torture, ill-treatment and arbitrary detention. Opposition leaders, activists, journalists, bloggers, independent trade unionists, protesters and other actual or perceived opponents of the regime have been harassed, intimidated, abused, detained and prosecuted by the authorities in a bid to silence their dissent. The Filing Parties aver that this campaign of repression, unleashed by the Lukashenko regime on the Belarusian population since June 2020, amounts to a widespread and systematic attack on the civilian population – in other words – crimes against humanity.

As part of this attack, the regime has forcibly displaced thousands of civilians beyond its borders, through violence, intimidation and other forms of coercion. An estimated 14,000 Belarusians have fled to neighbouring countries, most notably Lithuania, Poland, Latvia and Ukraine. At least six opposition leaders were physically taken to the border and expelled by the Belarussian authorities. Others fled imminent arrest, prosecution, threats of losing their children and/or the increasingly violent and coercive environment created by the regime. In the context of the campaign of repression, the forced displacement of civilians amounts to the crimes against humanity of deportation and persecution.

Whilst Belarus is not a state party to the ICC, the ICC has jurisdiction over Rome Statute crimes that take place – at least in part – on the territory of its neighbours: Lithuania, Latvia, Poland and Ukraine. Following the precedent set by the ICC in the situation in Myanmar/Bangladesh, the ICC is able to

investigate and prosecute the crimes against humanity of deportation and persecution, where civilians are forced to flee to the territory of a State Party.

Under Article 15(2) of the Rome Statute, non-governmental organisations may provide the Prosecutor with additional information in order to deepen his or her analysis of the seriousness of the information received. Communications under this Article can also relate to situations that are not yet under examination by the Office of the Prosecutor to trigger further attention to a situation, as in this case.

For these reasons, IPHR, Norwegian Helsinki Committee, Global Diligence LLP and Truth Hounds request the ICC Prosecutor to open a preliminary examination into the situation in Belarus (and Lithuania, Poland, Latvia, Ukraine) with a view to investigating and prosecuting the alleged crimes. In the absence of a fair and independent judiciary in Belarus, the ICC represents the victim's best and only chance of obtaining justice and accountability.